



To: Executive Councillor for Arts, Sport and Public Places: Councillor Rod Cantrill
Report by: Head of Streets and Open Spaces
Relevant scrutiny committee: Community Services Committee 14th March 2013
Wards affected: Cherry Hinton

The introduction of byelaws on Cherry Hinton Chalk Pit Local Nature Reserve.

Not a Key Decision

1. Executive summary

- 1.1 Byelaws are laws of local or limited application that local authorities can make under an Act of Parliament. They are generally based on centrally approved model byelaws that refine and add detail to the existing Acts of Parliament which enable their creation.
- 1.2 It is proposed that byelaws will be introduced that will enable enhanced protection of Cherry Hinton Chalk Pits Local Nature Reserve. The site consists of three adjacent chalk pits designated for their ecological value. In addition to LNR status, two of the Pits (East Pit and West Pit) are also nationally designated as Sites of Special Scientific Interest (SSSIs). The Wildlife Trust own and manage East Pit and lease the other two pits from the City Council.
- 1.3 Since the Trust purchased the largest of the Pits (East pit) the site has been subject to extensive habitat restoration and opened for public enjoyment. Wildlife Trust staff have requested the adoption of byelaws following concerns over certain undesirable activities, including large all night parties that are occurring on the site and threaten to disturb or destroy the rare flora and fauna for which the site was designated.

2. Recommendations

The Executive Councillor is recommended:

To approve the process of adopting byelaws under section 21 of the National Parks and Access to the Countryside Act 1949 and section 66, Land Drainage Act 1991.

Note: the legal adoption of byelaws is subject to approval by the Civic Affairs Committee.

3. Background

Local Nature Reserves byelaws

- 3.1 The National Parks and Access to the Countryside Act 1949 provided the framework for the creation of National Parks and Areas of Outstanding Natural Beauty, Local Nature Reserves in England and Wales, and also addressed public rights of way and access to open land. Section 21 allows byelaws to be created to protect any created Local Nature Reserve.
- 3.2 To enable further protection of Local Nature Reserves, local authorities have powers to create byelaws. The Wildlife Trust manages the reserve and have suggested the adoption of byelaws based on the Department for Environment, Food and Rural Affairs (Defra) model for byelaws.

These byelaws seek to prevent potentially harmful activities being undertaken on the Cherry Hinton Chalk Pits Reserve. They do not restrict access for quiet enjoyment of the site or the walking of dogs under appropriate control. These byelaws include sections dealing with the following issues:

- Restriction of access to certain areas at certain times e.g. to protect sensitive wildlife when breeding
- Deliberate damage to or disturbance of things in the Reserve
- Bringing animals into the reserve that may have a negative impact e.g. Falconry. Please note that well controlled dogs are welcome in the Reserve
- Use of vehicles such as motorbikes that might damage the reserve and disturb the wildlife
- Use of certain equipment such as radios that might disturb wildlife.
- Use of firearms
- Use of fire
- Interference with duly authorised Officers

The Process for byelaws

- 3.8 Consultation has been undertaken with Natural England and The Wildlife Trust as to which sections are appropriate and to ensure no conflict with existing byelaws. A draft has also been sent to the Department for Environment, Food and Rural Affairs for informal consultation. All of the consulted professional partners have indicated they have no comments to make or are satisfied with the proposed wording.
- 3.9 The Civic Affairs Committee will then be asked to approve the sealing with the Council's Common Seal and approve the advertising of the byelaws allowing for an inspection period of 6 weeks.
- 3.10 Written public representations will then be received and due consideration will be undertaken and written responses will be provided to any objectors with the aim of resolving any objections and having them withdrawn. Any significant or substantive change would mean the re-advertising of the byelaws.
- 3.11 Application for confirmation would then be sent to the relevant department of the Department for Environment, Food and Rural Affairs together with the following documents:
1. two sealed and signed copies of the byelaws;
 2. statement as to deposit (where deposited, dates and times, copy of the newspaper page(s) and website pages where advertised);
 3. copies of any objections that may have been sent to the local authority and the local authority's response.
 4. statement that local and other public authorities (naming them) were notified and when.

Local Government Act

- 3.12 Section 238 of the Local Government Act 1972 and evidence of byelaws is satisfied if the statement regarding confirmation of the byelaws, and these being true copies, are normally effected by reproducing, either at the beginning or end of the printed byelaws, the confirmation certificate to the byelaws returned to the local authority by the appropriate department of the Department for Environment, Food and Rural Affairs.

Usage

- 3.13 It is not intended that the byelaws be formally used on a day-to-day basis, but more as an aid to negotiations with individuals that may be undertaking undesirable actions concerning Cherry Hinton Chalk Pits Local Nature Reserve. On the Local Nature Reserve a notice board

displaying the bylaws will allow City Council, Wildlife Trust (owners of East Pit) and police officers to easily point out the relevant bylaws to individuals who may be in contravention.

Enforcement

3.14 Any enforcement will follow the Council's Enforcement Policy Guidelines and will be undertaken by existing officers within the City Council, the Wildlife Trust and the Police.

4. Implications

(a) Financial Implications

There are no financial implications relating to the introduction of bylaws as all work will be undertaken by existing officers.

(b) Staffing Implications

There are no staffing implications other than potential training of existing officers to deal with enforcement.

(c) Equal Opportunities Implications

An Equality Impact Assessment has been conducted and because bylaws apply to all groups regardless of their age, sex, gender or gender assignment, race, religion, ability, marital status, sexual orientation there are no impacts associated with adopting bylaws.

(d) Environmental Implications

Nil: the proposal has no climate change impact.

(e) Procurement

There are no procurement implications

(f) Consultation and communication

Natural England and the Wildlife Trust have been consulted and their views have been incorporated into the bylaws. Legal services have been involved in the drafting of both sets of bylaws.

The process of adopting the bylaws will include a 6 week public consultation period that will include ward councillors, local community groups and residents associations.

(g) Community Safety

There are no negative community safety implications; the introduction of byelaws will have a positive effect on community safety with the prohibition of fires, firearms and vehicles in inappropriate places.

5. Background papers

These background papers were used in the preparation of this report:

- National Parks and Access to the Countryside Act 1949

6. Appendices

Appendix A: Local Nature Reserves Byelaws

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

Author's Name: Guy Belcher
Author's Phone Number: 01223 458532
Author's Email: guy.belcher@cambridge.gov.uk