

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Streets and Open Spaces
TO: Civic Affairs Committee 20/03/2013
WARDS: All Wards

THE INTRODUCTION OF BYELAWS ON CHERRY HINTON CHALK PIT LOCAL NATURE RESERVE.

1 INTRODUCTION

- 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 and 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 (LNR) within the Cambridge City Council administrative boundary. The site consists of three adjacent dry 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 Committee is recommended:

1. To approve the adoption of byelaws under section 21 of the National Parks and Access to the Countryside Act 1949.
2. To approve the sealing with the Council's Common Seal.
3. To approve the advertising of the byelaws allowing for an inspection period of 6 weeks.

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

Model byelaws

- 3.3 Model LNR byelaws have been created by Defra to speed up the process of creating byelaws. This limits amendments to the sections contained within the byelaws. Sections can be removed where not required. For example exclusion of water sports on sites with no areas of open water.

The Process for byelaws

- 3.4 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 been sent to the Department for Environment, Food and Rural Affairs for informal consultation and those comments have been incorporated into the proposed bylaws.
- 3.5 The byelaws are required to be advertised for a period of 6 weeks. Written 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.
- 3.6 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.

Usage

- 3.7 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

- 3.8 Any enforcement will be considered as a matter of last resort and will be undertaken by existing enforcement officers within the City Council.

4. CONSULTATIONS

Defra, 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 the bylaws.

The process of adopting the bylaws has been approved by the Executive Councillor for Arts, Sport and Public Places: Councillor Rod Cantrill at Community Services Committee on the 14th March 2013.

The process of adopting the bylaws will include a 6 week public consultation.

5. CONCLUSIONS

The bylaws that will be introduced will enable enhanced protection of Cherry Hinton Chalk Pits Local Nature Reserve and SSSI within the Cambridge City Council administrative boundary.

6. 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.

(c) Equal Opportunities Implications

An Equality Impact Assessment has not been conducted because 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**

Please refer to section 5

(g) **Community Safety**

There are no community safety implications.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- National Parks and Access to the Countryside Act 1949

To inspect these documents contact Guy Belcher, Nature Conservation Officer Ext. 8532.

Report file:

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