1. **Purpose of Report**

1.1 To consider arrangements for community based management and activities at 2 key natural greenspace sites.

2. **Recommendations**

2.1 That Cabinet agree:

(a) to renew the lease with Lancashire Wildlife Trust (LWT) for the management of Foxhill Bank Local Nature Reserve subject to advertising the council’s intention to dispose of this Public Open Space in accordance with S123(2a) of the Local Government Act 1972.

(b) to grant a licence to Sure Start Hyndburn in respect of the proposed Forest School site at Rothwell Avenue, Accrington subject to advertising the council’s intention to dispose of this Public Open Space in accordance with S123(2a) of the Local Government Act 1972.

(c) to delegate authority to the Head of Regeneration and Housing, in consultation with the Council Leader, to consider any objections received and to agree detailed terms for each transaction accordingly.

(d) to commit £10,000 from the first Oswaldtwistle Windfarm section 106 agreement (biodiversity clause) to be paid as a grant to Lancashire Wildlife Trust for the purposes referred to in paragraph 4.3 and to delegate authority to the Executive Director (Legal & Democratic Services) to agree the detailed terms of the grant agreement.

3. **Reasons for Recommendations and Background**

3.1 To support opportunities for community based management and activities which are complementary to Council initiatives and aspirations.
4. **Foxhill Bank, Oswaldtwistle. See plan 1**

4.1 Foxhill bank, Oswaldtwistle is the only designated Local Nature Reserve in Hyndburn. It has been successfully managed by the Lancashire Wildlife Trust for 25 years. There are three current leases which expire in October 2015. LWT is willing to continue the management of the reserve with support from HBC, as proposed in paragraph 4.3 below.

4.2 It is proposed that a single new lease would be preferred to unify the management arrangement for the whole reserve. It is proposed that this would be on similar terms to the existing leases, at a peppercorn rent, for a term of 20 years. Any other requirements that may be identified by a check of the Council’s title would also be included in the lease.

4.3 Similar to other sites, a £10,000 contribution from the first Oswaldtwistle wind farm section 106 agreement (biodiversity clause) is proposed. This money would be paid to LWT as a grant and would enable LWT to implement a package of site enhancements including hedgerow management, woodland management, meadow management, and access/entrance improvements. These works would be carried out over a period of 2–3 years, with LWT providing an annual progress report to the Council.

5. **Forest School area, Rothwell Heights, Accrington See plan 2**

5.1 The Council is implementing a significant woodland improvement scheme in the area of Woodnook Vale and Bullough Park, including this site. This is funded by a £110,000 Forestry Commission grant, together with a contribution of £10,000 from the first Oswaldtwistle wind farm S106 agreement. The Forestry Commission has been consulted on the following proposal, the details of which will be subject to their response.

5.2 Complementary to the main scheme, Sure Start Hyndburn wishes to create a Forest School area at Rothwell Heights, off Willows Lane on the wooded hillside above Bullough Park. This would create a space for local schools and families to enjoy outdoor learning. Taster activities have been very popular.

5.3 It is proposed that a licence of the site is granted to Sure Start Hyndburn. This licence would aim to retain general public access to the site at times when children’s activities are not taking place. The proposed term is 5 years at a peppercorn licence fee.

5.4 This will be a significant enhancement of the overall public use of the space and there has been strong support from local people for this proposal. At certain times during children’s activities it would be necessary to exclude general public access and this has been informally advertised through site notices for a number of months. However, under the provisions of S123(2A) of the Local Government Act 1972 there is a requirement to publically advertise the proposal (as it technically constitutes a disposal of public open space) and to consider any objections received prior to entering into any such licence.

5.5 The Council would retain its existing responsibility for the ongoing management of the trees and would remain responsible for the existing Forestry Commission grant terms and conditions applicable to that area.

6. **Disposal considerations**

6.1 When granting leases the Council has a statutory duty under section 123 LGA 1972 to obtain best consideration for the disposal. However, there is a General Disposal Consent (informally known as the Well-being test) that permits the Council to grant...
leases at less than best value if the Council is satisfied that the proposed lease promotes the social, economic or environmental wellbeing of the Borough and/or its residents.

6.2 The proposed new lease for Foxhill Bank would satisfy the well-being tests as follows:

- **Environmental** - enabling the specialist expertise of the Lancashire Wildlife Trust to continue positive biodiversity management of the mosaic of habitats within the reserve
- **Social** - continuing to welcome people to enjoy the reserve and to get involved in activities.
- **Economic** - the Wildlife Trust would be able to access grant support not available to the Council directly.

6.3 The proposed licence for Sure Start Hyndburn would satisfy the well-being tests as follows:

- **Social** - enabling children and young people to benefit from outdoor learning activities improving educational attainment, socialising, physical skills and abilities.
- **Environmental** - increasing understanding of the natural environment and encouraging local children and families to enjoy and respect the woodland areas and wider landscape. This will contribute to the Council’s woodland improvement scheme in this area and the aspiration for Local Nature Reserve status.
- **Economic** - Sure Start Hyndburn Trust would be able to access grant support not available to the Council directly.

7 **Alternative Options considered and Reasons for Rejection**

7.1 These proposals contribute to the Council’s woodland improvement schemes and long-standing aspirations for Local Nature Reserves to enhance public use and enjoyment of key natural greenspaces. No alternative arrangements are suggested but Cabinet could decide not to proceed with either proposal.

8. **Consultations**

8.1 Consultations have included direct discussions with Lancashire Wildlife Trust and Sure Start Hyndburn.

8.2 There has been informal consultation with the general public in relation to the proposed Forest School area at Rothwell Heights, showing a high level of public support. This was carried out in the early stages of the woodland improvement scheme in February 2015. 65% of responses showed strong support for the proposed Forest Schools area. Informative site notices were placed around the site in June 2015. Taster activities were held in July and were well attended by a primary school and local families who enjoyed the activities and were keen for ongoing activities for schools and also for families to enjoy more generally. Local schools contacted by Sure Start Hyndburn are keen to get involved as these activities are well recognised to be beneficial for the holistic development of children and young people.

8.3 Sure Start Hyndburn also organised a Welly Walk in February 2015 followed by a consultation with the families exploring their thoughts about Forest School. 30 people from the Scaitcliffe and Ferngore areas attended the walk – 20 children and 10 parents. Of these, all said they would want to attend Forest School sessions.

8.4 The Forestry Commission has been consulted in relation to the proposed licence with Sure Start Hyndburn as the proposed Forest School area falls within the area of a woodland improvement grant to the Council. Their response will need be taken into account in the detail of the proposed licence arrangement.
9. **Implications**

| Financial implications (including any future financial commitments for the Council) | It is proposed that £10,000 from the first Oswaldtwistle wind farm section 106 agreement (the biodiversity clause) is used to support the cost of improvement works at Foxhill Bank. The monies would be paid to LWT as a grant and it is anticipated that the Wildlife Trust will make additional grant bids to support the ongoing maintenance and management of the nature reserve. A similar amount has already been committed to improvement works at Woodnook and Jackhouse. Sure Start Hyndburn has successfully bid for a Windfall grant (£6,873) towards the initial works to create the Forest School space and have also committed £2,000 of their own funds. Elements of the existing FC grant are also complementary to the proposal. |
| Legal and human rights implications | Local Authorities have a “biodiversity duty” under the Natural Environment & Rural Communities (NERC) Act 2006. Any lease granted for a term or seven years or more must be at full market value in order to comply with section 123(2a) Local Government Act 1972. The exception to this is where the proposed use falls within one of the Wellbeing grounds (economic, social and environmental benefits) referred to in Circular 06/03 Local Government Act Local Government Act 1972 General Disposal Consent (England) 2003. This is provided that the opportunity cost (loss) is less than £2 million. In addition section 123(2a) Local Government Act 1972 imposes a requirement to advertise the disposal of Public Open Space. No licence should be granted in respect of Rothwell Heights without confirmation from the Forestry Commission that there is no conflict with the grant terms and conditions with them. Any lease granted in respect of Foxhill Bank Nature Reserve must take account of anything that comes to light as a result of a check of the Council’s title which is to be undertaken. |
| Assessment of risk | The Cabinet will need to consider whether it wishes to proceed with the proposal for the Forest School in the event of any public objections being received. |
| Equality and diversity implications | Please see Appendix 1 |

10. **Local Government (Access to Information) Act 1985:**
   - **List of Background Papers** None

11. **Freedom of Information**
   11.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
Customer First Analysis

1. Purpose

1.1 The purpose of the report is to authorise arrangements for community based management and activities at 2 key natural greenspace sites.

1.2 A key purpose of both proposals is to encourage more people to use and enjoy these natural resources more often.

1.3 The relevant equality characteristics have been identified as the following:-
   - Age, with consideration of older age groups and younger people
   - Disability
   - Pregnancy and maternity, in relation to suitability of site conditions

2. Evidence

2.1 For Foxhill Bank, community management arrangements have already successfully managed the nature reserve for 25 years. Improvements have progressively been made, particularly to enable accessibility by wider range of people including people with mobility needs. Regular volunteer activities enable people to get more actively involved.

2.2 For the Forest School area, a variety of public consultation activities have been carried out, involving a wide range of people from the local community, including children and families from the BME community. These have identified a high level of support and interest in getting involved in activities. It also identified some matters that people would like to see being improved, including the condition of paths, dog fouling, and anti-social activities.

3. Impact

3.1 Both proposals will bring community based management and activities that will enable more people to enjoy these natural greenspaces. In particular, as a new proposal, the Forest School area would bring this new opportunity close to the neighbourhoods of Scaitcliffe and Fern Gore. For example, primary schools from these neighbourhoods currently have to arrange bus transport for children to attend Forest School sessions at other venues. This proposal will enable those children to walk to the site and experience outdoor learning in their own local woodland. This increases the likelihood of these children and families exploring further around this attractive area.
3.2 The Forest School area sits within a wider woodland improvement scheme. Overall accessibility improvements have been advised by a Disability Audit. The main entrance to this area has been designed to enable ‘access for all’ including wheelchair users, mobility scooters and tramper vehicles, families with pushchairs, pedestrians and horse-riders, while deterring the potential nuisance of motorbikes, quads etc.

3.3 Both proposals will include direct community involvement in improvements on site, including activities for school children, young people and families as well as more general activities for everyone’s involvement.

4. Actions

4.1 These proposals are inherently intended to improve and manage public resources for the benefit of all.

Name: A Hourican Signed: Office copy signed

Service Area: Planning and Transportation Dated: 20th August 2015
Title - Forest School area, Rothwell Heights, Willows Lane, Accrington