

## **Report to Council**

**Subject: Netherfield Lagoons LNR Application for Byelaws**

**Date: 23 March 2012**

**Author: Service Manager, Parks & Street Care**

### **1. Purpose of the Report**

This report seeks Council approval for the final version of the draft Netherfield Lagoon LNR Byelaws 2012.

### **Background**

Netherfield Lagoons is situated in the south of Gedling Borough on land adjacent to the car auction buildings on the Victoria Retail Park site off Victoria Way, Netherfield.

The site covers a total area of approximately 53 hectares and is bordered by the River Trent to the south and to the south west by a disused railway embankment. The land to the north and east is presently agricultural land. The site has been used for gravel extraction in the past. More recently it was owned by UK Coal and used for slurry discharge from Gedling Colliery. However, industrial use of the site ceased since the closure of Gedling Colliery in 1991.

There are three main bodies of water on the site, known as Slurry Lagoon, Deep Pit and Large Gravel Pit. (See appendix B). These lagoons are circumnavigated by a network of paths, largely set on embankments around the perimeter of the lagoons. (See appendix C). Since the closure of Gedling Colliery the site has become a valuable habitat for wildlife, especially the bodies of water, which are home to a large variety of wetland birds.

In June 2006 the ownership of the site transferred from UK Coal to Gedling Conservation Trust, an organisation set up specifically to manage the site in a way that protects and encourages the wildlife. In partnership with the Trust, Netherfield Wildlife Group was created to monitor and promote the LNR as a wildlife refuge, to develop associated educational opportunities and to encourage sympathetic public use of the site.

As Gedling Borough Council has a responsibility for the provision of recreational facilities in the borough, it has entered into an agreement with Gedling Conservation Trust to provide some initial Capital funding, and revenue funding towards the cost of managing and developing the site, and ensuring that the site is safe for public access.

A management plan for Netherfield Lagoons was written by Nottinghamshire Wildlife Trust in 2004. Since then the management plan has been updated annually and adopted by Gedling Conservation Trust. This plan sets out the importance of habitat management and tackling detrimental human activities, in order to maximise the value of the site to improve wildlife diversity.

The management plan details the importance of Netherfield Lagoons for birds: it comprises of a range of wetland and other habitats that are relatively undisturbed, and it is located on the Trent Valley migration route. The Slurry Lagoon provides a very unusual vegetation free waterside habitat that attracts large numbers of wintering gulls, lapwing and golden plover and the area has a long list of breeding birds. In addition four species of bat have been noted: Whiskered, Daubenton's and both species of Pipistrelle. It is a 'Site of Importance for Nature Conservation' (SINC). This designation is applied to all wildlife and geological sites of importance in Nottinghamshire.

Netherfield Lagoons Local Nature Reserve (LNR) was declared an 'LNR' in 2007, following the required consultation with Natural England.

The Borough Council following a request from Gedling Conservation Trust propose to apply for Byelaws to help manage the LNR site to conserve its wildlife and help increase its biodiversity by controlling detrimental human activities that might otherwise impact upon it. (See Byelaws - appendix A).

## **2. Proposal**

The drafting of the Byelaws reflects the need to respond to changing visitor pressures and threats facing the Nature Reserve today. To be effective and easily understood by the public the Byelaws should be reasonable and realistic, comprehensive, entirely relevant to the reserve, to the point and unambiguous, while remaining within the new guidelines and format set out by DEFRA (Sept 2010).

The provision of up to date Byelaws demonstrates the seriousness by which GBC takes its responsibility in protecting the locally important site as a refuge for wildlife and people, and the willingness and readiness to enforce the Byelaws if necessary.

Council is asked to approve the final version of the draft Netherfield Lagoon LNR Byelaws 2012.

## **3. Resources Implications**

Preparation of the Byelaws has already been taken into account in terms of business and resource planning. Implementation costs are based on existing levels of core and external funding.

## **4. Consultation**

In recognising the need to draft Byelaws to meet changing patterns of visitor use and recreational pressures the following bodies were consulted for comment, amendment and redrafting. DEFRA, Natural England, Nottinghamshire Police Force, Nottinghamshire County Council, Gedling Wildlife Trust, GBC Neighbourhoods

Team, GBC Portfolio Holder - Environment and Sustainability. GBC Legal Section, GBC Finance Section, GBC Planning Section and GBC Senior Leadership Team.

DEFRA has given provisional advance approval of the Byelaws prior to Council resolution.

The procedure for confirmation of the Byelaws by Secretary of State requires the Byelaws to be sealed by the Borough Council. A notice of the Borough Council's intention to apply for confirmation must then be advertised in one or more newspapers circulating in the area. The Byelaws also have to be kept on public deposit for a period of one calendar month, during which time representations may be made to DEFRA and which will be forwarded to the Council for comment.

If the Council may wish to consider amending the byelaws in the light of objections received, the Council will be required to start the process again and inform DEFRA that the original byelaws have been withdrawn. If the Council decides not to amend the byelaws in spite of representations received, then the original byelaws are submitted for confirmation. The Secretary of State will take into account any representations received when deciding whether to confirm the Byelaws. At the time of confirmation the Secretary of State has power to fix the date on which the Byelaws come into operation. If no date is fixed the Byelaws will come into operation one month after confirmation.

## **5. Recommendation**

1. To approve the making of Byelaws for Netherfield Lagoons Local Nature Reserve in the form set out in Appendix A to this report
2. To authorise the affixing of the common seal to the Byelaws
3. To authorise the Council's Solicitor and Monitoring Officer to carry out the necessary procedures and apply to the Secretary of State for confirmation of the Byelaws
4. In the event of any representations being received, the Corporate Director in consultation with the Council's Solicitor and Monitoring Officer be authorised to decide whether to proceed with the application for confirmation

## **6. Wards Affected**

Burton Joyce & Stoke Bardolph and Netherfield

## **7. Equality Impact Assessment**

See attached

## **8. Background Papers**

None

**9. Appendices.**

- A. Netherfield Lagoons LNR draft Byelaws.
- B. Detailed map of the lagoons showing relevant features.
- C. Map of the surrounding area showing public rights of way.

## STANDARD BACKGROUND DOCUMENT

### CONSULTATION

**Finance**

**Legal**

**Personnel**

**Property Management  
Group**

### CONSIDERATION

#### **Children**

The objectives of the Gedling Conservation Trust and Netherfield Wildlife Group is to create, monitor and promote the LNR as a wildlife refuge, and to develop associated educational opportunities for children and to encourage sympathetic public use of the site.

#### **Crime and Disorder**

There are no foreseeable crime or disorder implications associated with provision of the Byelaws.

#### **Risk Management**

If core funding is reduced or there is a reduction in the number of officers on the ground then enforcement of the Byelaws and protection of the site will be limited, and legal obligations may not be met. A lack of officer visibility on site may undermine public confidence in GBC as a local authority and Gedling Wildlife trust as managers of the reserve.



## EQUALITY IMPACT NEEDS ASSESSMENT

<b>Policy/Service/Procedure to be assessed</b>	Application for Byelaws for Netherfield Lagoons Nature Reserve, Netherfield.	
<b>Assessment completed by:</b>	<b>Melvyn Cryer</b>	<b>Date: 23/3/12</b>
<b>Aims/objectives of the Event</b> To approve the making of the Byelaws for Netherfield Lagoons Nature Reserve,		
<b>Key Performance Indicator</b>	<b>Current Performance</b>	<b>Target</b>
To improve Satisfaction Levels with Parks and Open Spaces within the Borough.	72%	74%
To assist the Conservation Trust with their objectives as set out in their management plan for the site.	N/A	To strengthen links with the community and promote community involvement.
To conserve and improve the Biodiversity of the site.	N/A	N/A
<b>Who are the customers and stakeholders of this service?</b>		
The local community, borough residents and residents from further afield.		
<b>Detail below what information you already have about the impact this project has on the following groups including results from consultation, complaints, census:</b>		
The Council operates a comments and complaints system. The council analyses compliments and complaints annually. There have been no complaints in relation to any of the equality strands in relation to parks, open spaces and LNR's in Gedling.		
<b>Black and minority ethnic people</b>	The site is currently accessible to all Borough residents on foot. Parking is available locally.	91.8% white British – no other significant groups
<b>Men/women and trans</b>	As above	
<b>Disabled people</b>	As above.	
<b>Gay/Lesbian/bisexual People</b>	As above	

<b>People from different faiths</b>	As above	71.8% Christian 18.7% no religion No other significant groups
<b>People of different ages</b>	As above. Children and adults of all ages within the groups will be encouraged to use the site.	

<b>How will this event impact on the following groups:</b>			
	<b>Positive impact</b>	<b>Negative impact</b>	
<b>Different racial groups</b>	No evidence of a positive or negative impact	No evidence of a positive or negative impact	
<b>Men/women and trans</b>	No evidence of a positive or negative impact.	See above	
<b>Disabled people</b>	No evidence of a positive or negative impact.	None identified	
<b>Gay/Lesbian/bi-sexual people</b>	No evidence of a positive or negative impact	No evidence of a positive or negative impact	
<b>People from different faiths</b>	No evidence of a positive or negative impact	No evidence of a positive or negative impact	
<b>People of different ages</b>	All ages within the community are encouraged to use the site.	None	
<b>What changes could be made to the policy/service/procedure to address any negative impacts?</b>			
No negative impact evident.			
<b>What monitoring will be carried out to ensure this policy/service/procedure meets diverse needs</b>			
None required			
<b>What actions will be included in your service plan arising from this assessment?</b>			
<b>Action</b>	<b>Outcome</b>	<b>Date?</b>	<b>Who?</b>
<b>None</b>			



<b>Are you satisfied that all aspects of this policy/service/procedure have been thoroughly assessed for all the strands of diversity and that no further investigation is required?      Y</b> <b>If no then a fuller impact assessment is required.</b>			

**Signed..... (Service Manager)**

**Signed.....(Corporate Equality Representative)**

# Gedling Borough Council

## Netherfield Lagoons Local Nature Reserve

The Gedling Borough Council in exercise of the powers conferred upon them by sections 20<sup>1</sup> 21(4)<sup>2</sup> and 106<sup>3</sup> of the National Parks and Access to the Countryside Act 1949 in accordance with section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Local Nature Reserve at the Netherfield Lagoons in the Parish of Stoke Bardolph in the County of Nottinghamshire.

### 1. In these byelaws

a. "The Reserve" shall mean the pieces or parcels of land containing in the whole 51 hectares or thereabouts and situated in the Parish of Stoke Bardolph in the County of Nottinghamshire declared to be managed as a Nature Reserve by the declaration dated the 15th day of February 2007 made by the Gedling Borough Council in pursuance of section 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged red

b. "The Council" shall mean Gedling Borough Council.

c. "Firearm" shall have the same meaning as in section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 4, or are necessary to the proper execution of his duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

### Restriction of Access

(i) Entering at any time those parts of the Reserve coloured green on the attached map; or where notice to keep out has been posted by order of the Council.

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1 Amended by Natural Environment and Rural Communities(NERC) Act 2006  
Telecommunications Act 1984, Water Act 1988 and Communications Act 2003

2 Amended by the (NERC) Act 2006

3 Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990

### **Damage to or disturbance of things in the Reserve**

(ii) Spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.

(iii) Taking, molesting or intentionally disturbing, injuring or killing any living creature.

(iv) Taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for the shelter or protection of any living creature.

(v) Intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.

(vi) Climbing or ascending any tree or climbing or placing a ladder or steps against any tree.

### **Bringing Animals into the Reserve**

(vii) Intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or any other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.

(viii) Bringing into, or permitting to remain within, the Reserve any animal other than a dog unless it is kept on a lead and under proper control and is prevented from worrying or disturbing any animal or bird

(ix) Permitting a dog to disturb or worry any animal or bird

(x) Riding, leading or driving any horse or pony

(xi) Turning out any animal or poultry to feed or graze.

### **Areas of Water**

(xii) Committing any act which pollutes or is likely to cause pollution of any water.

(xiii) Bathing or wading in any water in contravention of a notice exhibited beside that water by order of the Council.

(xiv) Water skiing, or other water based activities or ice skating.

(xv) Sailing model boats. or other water based activities or sports

(xvi) Propelling (by any means whatever) any boat on an area or stretch of water other than a public waterway in contravention of a notice exhibited beside that water by the Council.

(xvii) Mooring or leaving or launching any boat elsewhere than on a beach or mooring site indicated by a notice exhibited by the Council as being available for this purpose.

(xviii) Obstructing the flow of any drain or watercourse.

### **Use of Vehicles**

(xix) Driving, riding, propelling or leaving any mechanically propelled vehicle (including hovercraft), cycle or trailer elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose.

(xx) Landing any aircraft except in case of emergency.

(xxi) Launching or landing except in an emergency a hang glider.

(xxii) Operating any aircraft, including hang glider, motorised glider or microlite craft, at such a height that persons on the ground or in buildings may be inconvenienced or annoyed or animals may be disturbed

### **Use of Certain Equipment**

(xxiii) Using any apparatus for the transmission, reception, reproduction, or amplification of sound, speech or images by electrical or mechanical means, except mobile phones and apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.

(xxiv) Using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

### **Use of Firearms Etc.**

(xxv) Being in possession of a firearm (with ammunition suitable for use in that firearm) otherwise than on a public paved road, or discharging a firearm or lighting a firework.

(xxvi) Projecting any missile manually or by artificial means.

### **General Prohibitions**

(xxvii) Erecting, occupying or using any tent, shed, caravan or other structure

(xxviii) Flying any kite or model aircraft (including by means of crossbow or catapult).

(xxix) Erecting any post, rail, fence, pole, booth, stand, building or other structure.

(xxx) Neglecting to shut any gate or to fasten it if any means of doing so are provided.

(xxxii) Posting or placing any notice or advertisement.

(xxxiii) Selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.

(xxxiv) (a) Engaging in any activity or behaviour which is causing or likely to cause a disturbance, causing or permitting to be made any noise which is causing or likely to cause annoyance to other persons in the Reserve or in the vicinity thereof

(b) Holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.

(xxxv) Intentionally or recklessly removing or displacing, any notice board, notice exhibited by order of the Council, apparatus, wall, boundary bank, fence, barrier, railing, post or hide.

(xxxvi) Roller skating, skiing, tobogganing, or skate-boarding.

(xxxvii) Lighting any fire, stove, heater or other appliance capable of causing a fire

(xxxviii) Letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire.

(xxxix) Intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

### **3. INTERFERENCE WITH DULY AUTHORISED OFFICER**

Intentionally obstructing any officer of the Council or any person, or the servant of any person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

#### **4.PERMITS**

(1) The Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.

(2) Any such permit shall be issued subject to the following conditions:

(a) That it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and

(b) that it may be revoked by the Council at any time.

#### **5.BYELAWS**

These byelaws shall not operate so as to interfere with the exercise –

(a) by a person of -

(i) a right vested in him/her as owner, lessee or occupier of land in the Reserve;

(ii) any easement or profit a prendre to which he is entitled, and

(iii) any public right of way.

(b) of any functions of a local authority, statutory undertaker or drainage authority; and

(c) by a constable or a member of the armed forces or of any fire brigade or ambulance service in the performance of his duty.

#### **6.PENALTY**

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine on level 2 as laid down in the Criminal Justice Act 1982 and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

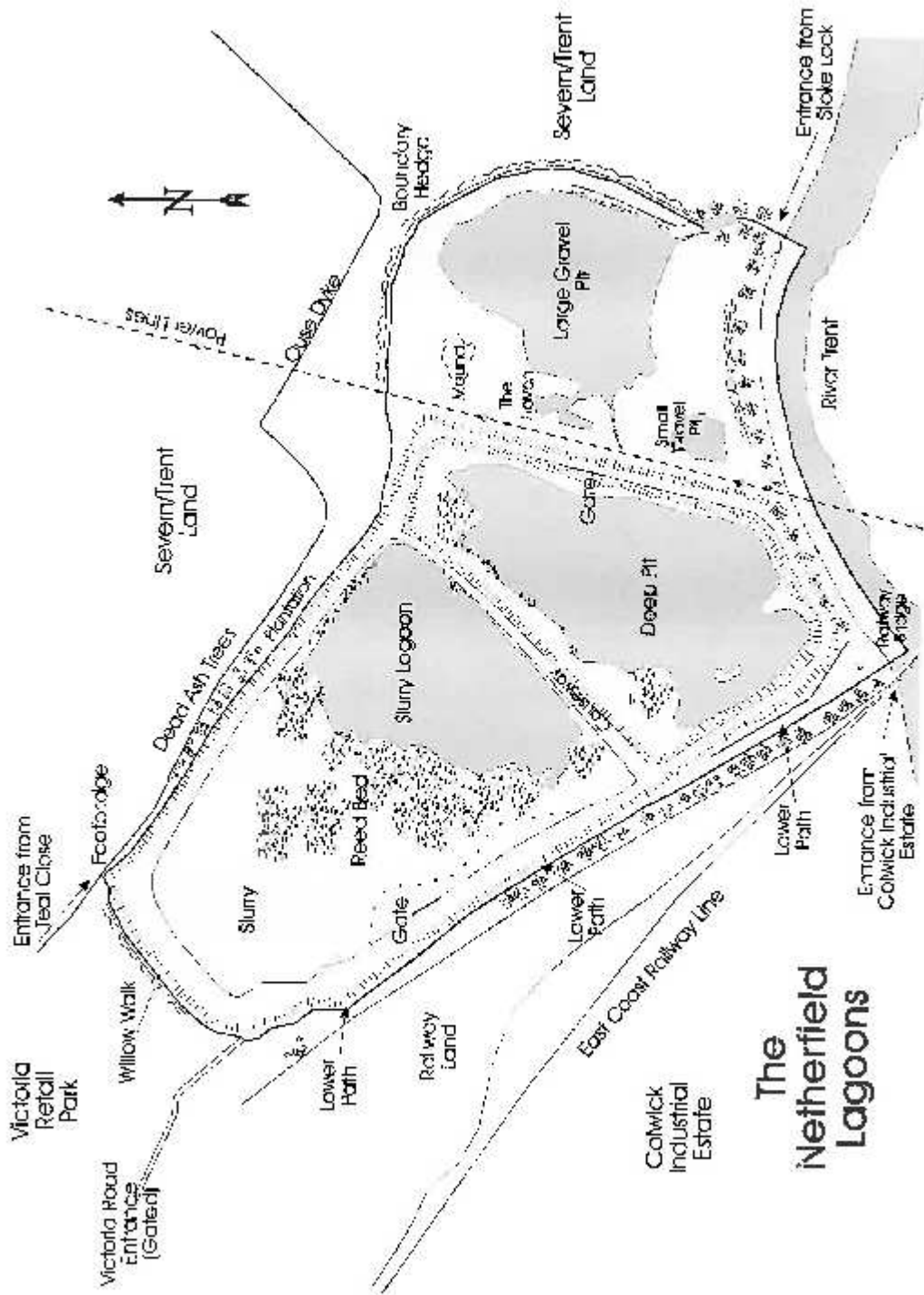
**THE COMMON SEAL of  
GEDLING BOROUGH COUNCIL  
was hereunto affixed in the presence of:**

**MAYOR**

**MONITORING OFFICER**

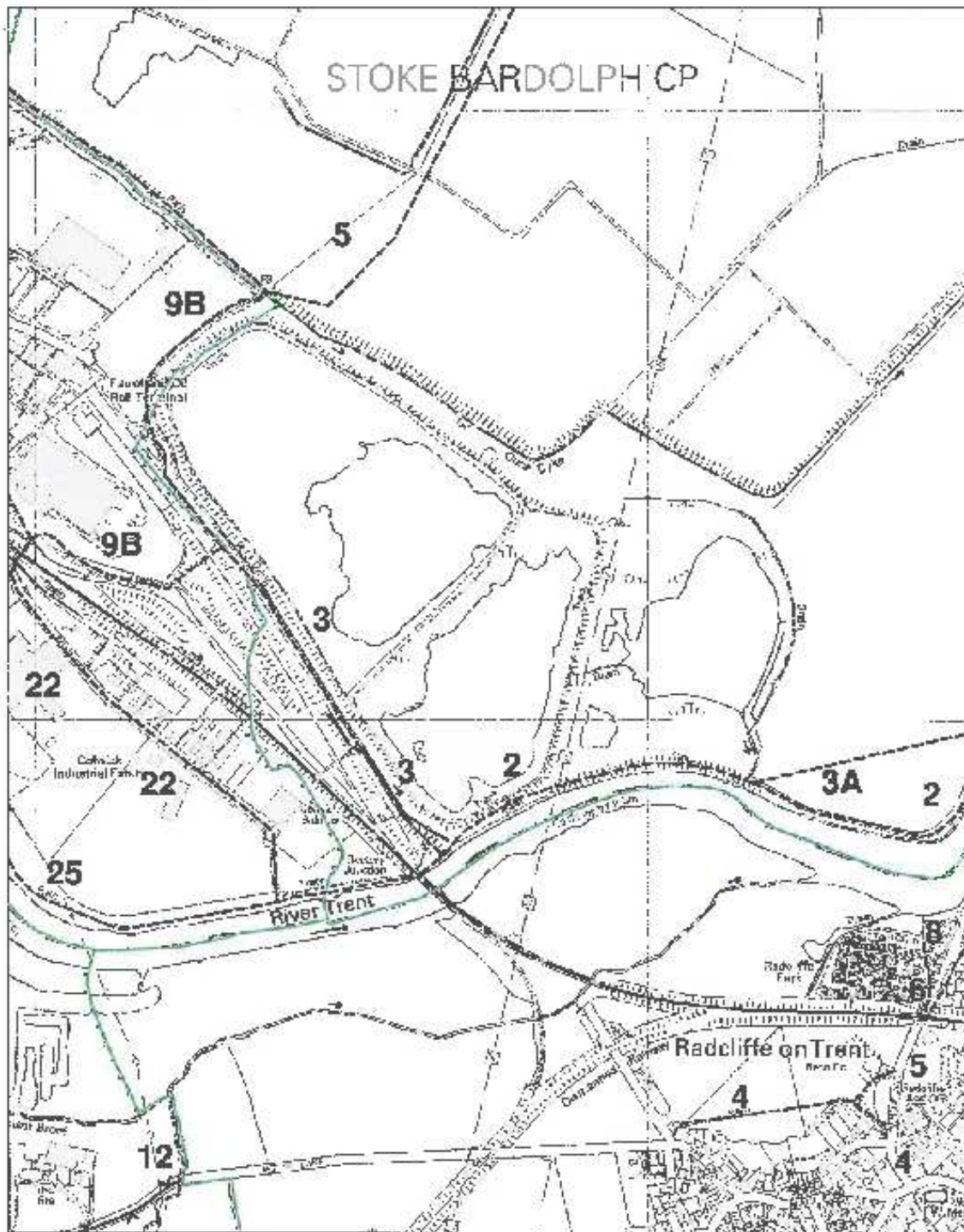
**Detailed map of the lagoons showing relevant features.**

**Appendix B**



**Map of the lagoons showing public rights of way.**

**Appendix C**



Compiled by: jromans  
1 April 2010  
Scale 1:8000  
N21 E: 1048197  
Quirks the appearance  
of public roads to the 2010  
Map Edition 5115 877 2010

**Netherfield Lagoons**

**Public rights of way**

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- Public Rights of Way:**
- Footpath
  - Highway
  - Byway Open to All Traffic
  - Restricted Byway