

# **Management Committee**

## **20<sup>th</sup> September 2016**

### **Management of the Verne Common Nature Reserve and High Angle Battery, Portland**

#### **For Decision**

#### **Brief holders**

Finance and Assets Councillor Jeff Cant  
Community Facilities Councillor Andy Blackwood

#### **Senior Leadership Team Contact:**

M Hamilton, Strategic Director

#### **Report Author:**

G Northcote Estate Manager

#### **Statutory Authority**

Wildlife and Countryside Act 1981, as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and inserted by section 55 of the Natural Environment and Rural Communities Act 2006.

#### **Purpose of Report**

- 1.1 To agree adoption of the work plan scheduled in the current Higher Level Stewardship Scheme for this land and related budgetary requirements.
- 1.2 To identify current management issues.
- 1.3 To identify and consider potential options for the future land management of this 50 acre nature reserve site.
- 1.4 To request the assistance of Portland Town Council in liaising with the public and consultation on these proposals.

#### **Officer Recommendations**

- 2.1 That the Council approves the continued implementation of the Higher Level Stewardship Agreement for the Verne Common Nature Reserve and High Angle Battery for the years 2016 to 2019 inclusive.
- 2.2 That Members approve an initial budget of £95,000 to be funded from general reserves to address the investment required this year for fencing and scrub clearance.
- 2.3 That officers investigate costs of future land management and options for possible land transfer and/or management of this property and report back with recommendations.

## **Reason for Decision**

- 3.1 The site is significant and the Council has legal obligations to manage this area in accordance with the requirements contained in the Environmental Stewardship Agreement 2014-2024 that enforceable by Natural England and are described in the background below. These decisions are the first steps towards achieving compliance with these requirements. The works proposed will arrest further decline in condition and utilise current resource opportunities effectively.
- 3.2 At present the adherence to the Higher Level Stewardship (HLS) Agreement gives the Council the best available access to grant funding. The Higher Level Stewardship Agreement relates to the Verne Common and Old Hill Local Nature Reserve that includes the High Angle Battery.
- 3.3 The risk of not undertaking the works under the HLS Agreement is that the council will still legally be required to do the works but will not have the ability to obtain grant funding. There is a further risk that if the Council withdraw from the HLS Agreement in the future, the Council would be required to repay any monies received.
- 3.4 In future the Council will consider alternative means of managing the Nature Reserve. This may be preferable to the Council's continuing management of this land which imposes significant financial and technical demands on the Council's resources that could potentially be addressed as effectively by others with more appropriate knowledge and resources.

## **Background and Reason Decision Needed**

- 4.1 The Council own the Verne Common and Old Hill Nature Reserve area on Portland that includes the High Angle Battery. The Verne Common Nature Reserve was approved by the Council in 2007. The area includes land designated as Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Sites of National Conservation Interest (SNCI). The High Angle Battery is a Scheduled Ancient Monument and the area also falls within the Isle of Portland Regionally Important Geographical Site (RIGS). Plant species that are nationally scarce exist on the site, as well as others that the removal of scrub will allow to flourish and expand.

### **The Reserve**

- 4.2 The Council has statutory responsibilities to manage the Reserve as stated in the Statutory Authority above. The Council does not have any direct staff with the relevant special skills, experience and knowledge to deal with this very specialist area of work. The costs of employing consultants and direct staff would be very high and this has been avoided to date by liaising and relying on outside voluntary organisations and individuals. The information in this report is the current initial estimation of the likely level of costs and works but is subject to final requirements.
- 4.3 Some work has been undertaken under the guidance of the Portland Ranger Service to address scrub management over the years. However the Council was notified in 2014 by Natural England (NE) that it was not

addressing its statutory management duties. Four parcels of land within the Isle of Portland SSSI are described as being in unfavourable recovering position due to continuing high levels of scrub and a lack of grassland management. Some areas were described as being in unfavourable condition altogether. NE threatened its use of Management Schemes and Notices to impose this management on the Council.

- 4.4 The limestone grassland under threat is a Biodiversity Action Plan habitat and Portland is one of only two places in Dorset where it occurs. It is internationally renowned and officers are informed that as much as 97% of similar grassland has now been lost across the United Kingdom. The land is also an important open space adjacent to where people live and provides an ideal opportunity for people to appreciate and get involved with wildlife on their doorstep.
- 4.5 The Natural Environment and Rural Communities Act 2006 imposes obligations on Councils to restore or enhance biodiversity. Councils should be able to demonstrate a commitment and contribution to Biodiversity Action Plans, where appropriate, and be able to demonstrate progress against key biodiversity indicators and targets. This can be achieved by implementing Environmental Stewardship programmes.
- 4.6 The Portland Ranger, while working under the Wild about Weymouth and Portland Project (part funded by the Council), liaised with NE and proposed that the Council considered entering into an Environmental Stewardship Agreement to access grant funding to support a programme of grassland management through grazing and scrub and tree reduction. This was commended because of the perceived higher long term cost of regular grassland cutting and scrub clearance.
- 4.7 In consequence and because of the availability of partial funding, the Council applied for and obtained Higher Level Stewardship funding through the Rural Payments Agency (RPA) and signed a Higher Level Stewardship (HLS) Agreement with NE on 1<sup>st</sup> December 2014. The Agreement is available as a Background Document. The area covered by the Agreement accords with the Reserve and is shown in Appendix 1. This legal agreement identified a range of partially grant funded works over a 10 year programme. However the Council can terminate the Agreement in 2019 on giving one month's notice without penalty. The targets set for recovery are reasonable and extend over the whole 10 year period and beyond. The Agreement also imposes works partially grant funded in respect of the High Angle Battery where stonework and concrete walls are eroded. Regardless of the HLS Agreement, failure to implement the required works could result in action by NE, as stated in para 4.3.
- 4.8 Works have already commenced, shared between the Parks and Open Spaces team in respect of land management, and the Estates Team in respect of maintenance of the High Angle Battery. In 2015 works undertaken included the completion of a Scrub Management Plan by Dorset Wildlife Trust and a Breeding Birds Survey by the Portland Bird Observatory as well as some targeted scrub clearance along lines of planned fencing, to enable site enclosure and the future use of grazing animals to naturally contain grass and scrub growth. Payments have been received towards the cost of these works from the RPA.

- 4.9 This year there is an essential need for investment required to achieve the fencing and water supplies required to safely enclose and support the stock. The stock of primarily goats is the most cost effective method of achieving scrub reduction and control. The alternative is to clear this by hand with intensive labour costs, but in reality in a less effective way since clearing repetition is required on a regular basis.
- 4.10 The work plan envisages rotational goat and horse grazing hereafter and this will be achieved by implementing controlled grazing regimes that leave all access routes through the land open at all times but impose some rotational limitations on access to grassland. The work plan also envisages some invasive tree and shrub reduction in selected areas but this should not impact on breeding or indeed sheltering birds because the bird survey has informed this process.
- 4.11 Importantly NE have allocated funds to consult locally with residents and landowners to ensure that the proposals are fully explained and their impact managed in advance of their implementation this year. If Members approve the recommendations above then this consultation will be scheduled this autumn and will be jointly supported by Natural England and our principle potential delivery partner, Dorset Wildlife Trust. Officers propose to seek the assistance of Portland Town Council in liaising with the public and consultation on these proposals.
- 4.12 The Dorset Wildlife Trust (DWT) have already worked on behalf of the Council to achieve the works programme this year and have procured quotations competitively for the fence line scrub clearance and 1.75 miles of fencing that will cost around £70,000 to clear, supply and install.
- 4.13 The DWT are willing to undertake all relevant organisational liaisons and supervise work contracts directly at no cost to the Council providing the Council continue to fully implement the HLS programme. However, in the event that the council do not implement all, they would charge the Council a day rate of £250 per day and potentially a total fee to date of £13,000.
- 4.14 A shared stock grazing scheme needs to be established as it will reduce future scrub clearance liabilities and is the only way to secure the condition of the site in terms of scrub control into the future. At a recent meeting with DWT it was clearly stated that the Council need to implement this. Failure to do so will result in significantly increased ongoing annual maintenance costs.

#### High Angle Battery

- 4.15 Discussions are ongoing with Historic England with regard to works required to the High Angle Battery and a new Management Plan. Some funding has been promised in the sum of £5,000 but the quantum and cost of the final Management Plan is not known. This is being prepared and until such time as the costs and requirements are known then no further action will be taken beyond the funds provided. A further report will be made to committee once the new plan and costs are available.

## Future Management

- 4.16 The Council has no ongoing budget for this Nature Reserve management and our staff do not possess the skill set required to manage these specialist habitats. Officers are investigating partner and sharing opportunities to assist the ongoing issues and will report back to a future committee.

## Implications

### Corporate Plan

- 5.1 Protecting and enhancing the built and natural environment  
5.2 Working with partners to improve public health and well being

### Financial

- 6.1 The total costs of works in 2016 could be around £125,000 plus VAT but this is offset by grants of potentially £20,000. There are unknown costs still to be determined including water supply for watering the animals and other elements. At present a conservative request for a budget of £95,000 is sought but it is possible that additional funding will be required, and if so a report will be brought back to committee requesting this.
- 6.2 The HLS Agreement offers further opportunity for revenue grants, which are in the region of £3,000 pa for the duration of the agreement. There could be some shortfall on the revenue costs dependant on the success of the ground clearance and other proposals. At present this element is uncertain and again a report on that element will be made to committee moving forward.

### Environmental

- 7.1 As detailed in the report, if funds are approved, work could be carried out between 1st October and 28th February, outside the bird-nesting season.
- 7.2 Failure by the Council to undertake the work agreed in the HLS Agreement is a failure to apply the Natural Environment and Rural Communities Act 2006.

### Economic Development

- 8.1 The planned stock grazing scheme may help support the existing local community farm and tourist attraction and will promote public access to the High Angle Battery.

### Risk Management (including Health & Safety)

- 9.1 It is believed that by working with partner organisations the Council will be best able to mitigate the risks associated with its management liabilities. The grazing proposal has emerged from lengthy consideration of management issues and is supported by NE and DWT who have experience of similar schemes. However there will be risks in maintaining

goat, sheep or horse grazing across the reserve and if fencing is not robust or the stock is disturbed by dogs, dispersed or not supported locally by residents, then the scheme will be at risk of failure despite the significant expenditure required. It is hoped to establish a community shepherd scheme that will assist maintenance reporting.

## **Human Resources**

- 10.1 Continuing support from Estates and Open Spaces Teams to manage these assets and Legal Team to create appropriate future lease or service level agreements.

## **Consultation and Engagement**

- 11.1 The HLS Scheme work plan allows for public consultation ahead of its implementation. This will follow a decision to adopt the work plan. The consultation will be shared with our partner organisations NE, EH and DWT.

## **Appendices**

- 12.1 Appendix 1: HLS Agreement Site Plan

## **Background Papers**

- 13.1 Proposed declaration of the Verne Yeates and Old Hill Local Nature Reserve, Portland – Management Committee Report 5<sup>th</sup> June 2007
- 13.2 High Angle Battery Draft Management Plan 2011-2014
- 13.3 Higher Level Stewardship Agreement: Verne Common and Old Hill Nature Reserve Portland.

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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