

Management Committee

6th March 2018

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 Kate Wheller

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 report progress of the work plan scheduled in the Higher Level Stewardship Scheme for this land and related budgetary expenditures and requirements.
- 1.2 To consider extending the Management Contract with the Dorset Wildlife Trust through to 2020.
- 1.3 To inform members of options for possible medium term land transfer and/or management of this property.

Officer Recommendations

- 2.1 That members note progress of the work plan scheduled in the Higher Level Stewardship Scheme.
- 2.2 That Members confirm that the Council should continue to manage the Reserve under the auspices of the HLS Agreement beyond 2019 break opportunity and if the rotational grazing plan is successful then contract with Dorset Wildlife Trust to extend their Management Agreement until the end of 2020.
- 2.3 That Members provisionally approve a future budget of £5,000 plus VAT plus costs arising from vandalism (if any) for 2020 for works at the Verne Common Nature Reserve and High Angle Battery and that these are funded from existing property revenue budgets.
- 2.4 That Members approve the concept of a management partnering agreement with the National Trust, Dorset Wildlife Trust and other local

landowners and authorise officers to progress negotiations relating to possible future land transfers and/or management arrangements potentially as part of a wider land management proposal for Portland working in partnership with other landowners and the Portland Town Council.

Reason for Decision

- 3.1 The Council has an ongoing commitment to undertake land management of the Verne Common and Old Hill Local Nature Reserve and High Angle Battery in accordance with an Environmental Stewardship Agreement 2014-2024 that is enforceable by Natural England. The ongoing work will achieve compliance with its requirements and arrest further decline in condition.
- 3.2 The risk of not undertaking the works under the HLS Agreement in future years 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 and reimburse Dorset Wildlife Trust for services they are providing free of charge.
- 3.3 The Council should consider alternative sustainable means of managing the Nature Reserve and potentially partnering with organisations with a national profile and wide range of appropriate expertise and resources has the best prospect of delivering this outcome. The particular advantage here is inclusion in the wider Portland Quarries Nature Parks initiative and the tourism and economy benefits that could derive from such an arrangement.

Background and Reason Decision Needed

- 4.1 Members approved a Report on the Management of the Verne Common Nature Reserve and High Angle Battery, Portland in September 2016.
- 4.2 In 2017 the officers and representatives of Natural England and Dorset Wildlife Trust jointly hosted a Drop-In Day at the Brackenbury Centre in Fortuneswell where plans for the future management of the reserve were exhibited. The day was well attended and the proposals widely supported. The public were invited to join a community shepherding scheme and 12 visitors signed up to do so.

The Reserve

- 4.3 The HLS Agreement work plan proposes that scrub clearance is primarily addressed by grazing animals and initially requires the erection of stock fencing and water troughs before rotational goat and horse grazing 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 a bird survey has informed this process.

- 4.4 The Council can terminate the HLS Agreement in 2019 on giving one months' notice without penalty from Natural England but plainly the grazing routine must continue beyond 2019 to improve the reserve habitat. So unless the grazing routine is ineffective officers would expect the Council to commit to the delivery of the HLS Agreement until 2024.
- 4.5 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 Dorset Wildlife Trust (DWT) have already worked on behalf of the Council to achieve work listed in the work programme and in December 2017 signed an Agreement to manage the works listed in the HLS Agreement for 2018 and 2019. They have recently initiated the fence line scrub clearance and installation of 1.75 miles of fencing that will cost around £80,500.
- 4.6 The rollout of this work was delayed in 2017 because part of the reserve is registered as common land and the Council had to obtain consent to enclose these areas from the Planning Inspectorate. This was a lengthy and complex procedure requiring consultation with a wide range of stakeholders and statutory consultees. The Council obtained common land enclosure consent in February 2018. NE have extended budgetary and delivery timelines within the HLS Agreement to accommodate the delay.
- 4.7 Officers have agreed terms with the proprietor of Fancy's Farm to licence the enclosures for rotational grazing in accordance with the HLS Agreement requirements.
- 4.8 The HLS Agreements commits the Council to undertake annual maintenance works and to make provision for educational visits. Part of the costs are recoverable from grant payments and the officers currently assess the 2020 budgetary requirements for reserve management to be in the region of £5,000 plus VAT plus costs arising from vandalism (if any). This should be fundable from the current revenue budgets providing these are maintained post any future Local Government reorganisation. Officers believe that contracting with the DWT now to cover 2020 will give some continuity from that perspective and therefore make the recommendations above.

High Angle Battery

- 4.9 The Dorset Wildlife Trust have drafted a new High Angle Battery Management Plan in consultation with Natural England and Historic England for the Council. The new draft plan is reproduced in Appendix 1. Type in italics is still to be approved by partner organisations. It informs the work plan required to restore the monument. The agreed works plan will cost in the region of £35,000 to deliver and is scheduled for completion by 31st March 2018. Part of the costs will be recovered by grant payments potentially totalling £8,800 if works are completed on time.

Future Management

- 4.10 Preliminary discussions held jointly with the National Trust and Dorset Wildlife Trust indicate that they may be willing to work in partnership with other landowners and organisations to deliver effective management of this site as part of a wider land management proposal for Portland based loosely on the Portland Quarries Nature Park identified in the adopted Weymouth and Portland Local Plan. 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.
- 4.11 Officers have informed Portland Town Council of this approach and advised that if approved by members the potential partners will make a presentation to the Town Council and other landowners. A Working Group may then be formed to oversee progress.

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 2018 will be around £85,000 plus VAT for works to the Reserve and £35,000 for works to the HAB but this is offset by grants of potentially £20,000. There are some costs still to be determined including water supply for watering the animals and removal of graffiti. A budget of £95,000 was set from Reserves by members in September 2016. Any shortfall will be met from current revenue budgets.
- 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 but we provisionally estimate that costs excluding vandalism are likely to be around £6,000 pa.
- 6.3 Regardless of the HLS Agreement, failure to implement the required works could result in action by NE, because the Council has statutory responsibilities to manage the reserve as stated in the Statutory Authority above.

Environmental

- 7.1 As detailed in the report.
- 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.
- 9.2 There are 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 Addressed in the report.

Appendices

- 12.1 Appendix 1: Draft High Angle Battery Management Plan

Background Papers

- 13.1 Higher Level Stewardship Agreement: Verne Common and Old Hill Nature Reserve Portland.
- 13.2 Dorset Wildlife Trust Management Agreement 2017

13.3 Report on the Management of the Verne Common Nature Reserve and High Angle Battery, Portland in September 2016.

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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