



Mayor and Cabinet

Report title: Declaration of Grove Park Local Nature Reserve

Date: 16 September, 2020

Key decision: No

Class: Part 1

Ward(s) affected: Grove Park

Contributors: Nature Conservation Team (Eszter Wainwright-Deri, Jessica Kyle, Nicholas Pond), Legal Department (Katherine Kazantzis), Finance Department (Shola Ojo), Head of Green Scene (Vince Buchanan), Director of Communities, Partnerships and Leisure (James Lee), Executive Director for Community Services (Tom Brown)

Outline and recommendations

This report provides a summary of the relevant information required by Natural England for consultation as required by Section 21 (6) of the National Parks and Access to the Countryside Act 1949. The report also sets out other relevant information so the Council can designate Grove Park Nature Reserve (GPNR) as a Local Nature Reserve (LNR).

The Mayor and Cabinet is recommended to

1. Note the contents of this report and the formal response from Natural England's Local Team.
2. Declare Grove Park a Local Nature Reserve and authorise the Director of Legal, Governance and HR to proceed with the making of the necessary declaration and the insertion of a public notice in appropriate local press and on the Council's website.

Timeline of engagement and decision-making

29th January 2020: Friends of Grove Park meeting

- A vote was taken to formally agree the Friends Group's support for the designation of GPNR as a LNR
- Cllr Mark Ingleby agreed to write a letter of support on behalf of the group for the designation to London Borough of Lewisham.

11th February 2020: Email from Cllr Mark Ingleby to Kevin Sheehan declaring Friend's support of designation.

12th February 2020: Agreement from the Nature Conservation team in Green Scene to seek relevant permissions.

15th June 2020: Required consultation materials sent to Natural England.

8th July 2020: Approval by Natural England to go ahead with the declaration (see Appendix).

17th July 2020: Draft Corporate Report circulated for information and comments to Sustainable Development Scrutiny Committee members.

3rd August 2020: Email from Cllr Liam Curran, Chair of the Sustainable Development Scrutiny Committee to formally endorse the proposal.

1. Summary

- 1.1. Grove Park Nature Reserve is a **Borough Grade I Site of Importance for Nature Conservation (SINC)**. It is also important to recognise the site's value in the wider context as a **Metropolitan Open Land**, part of the **South East London Green Chain Walk** and the regional **Capital Ring**. There has been a long term aspiration to declare the site as a Local Nature Reserve to enhance the site's protection.
- 1.2. In line with legislation we have formally consulted with **Natural England** about our intention to declare GPNR as a Local Nature Reserve which Natural England approved (see Appendix).
- 1.3. The reserve contains many habitats, including **the only substantial area of calcareous grassland in the borough**. Calcareous grasslands are **London Biodiversity Action Plan** priority habitats. The management of the site is aimed at maintaining the mosaic of different habitats that the site contains (i.e. woodland, grassland, scrub, orchard and a pond). These habitats support a wide diversity of plants and animals, including a number of **species for conservation interest** (e.g. Slow Worm, Common Lizard, Stag Beetle).
- 1.4. The reserve is also greatly appreciated by the local community including an active 'Friends of' group and many local schools. The reserve has held a **Green Flag Community Award** since 2009 which further proves the involvement and appreciation of local residents.
- 1.5. The site is of sufficient size to be viable conservation unit in its own right. However, it is also an integral part of a wider network of green spaces that are part of the plans to create the **Railway Children Urban National Park** proposed by the Grove Park Neighbourhood Forum and supported in principle by local councillors and Mayor and Cabinet.

- 1.6. We are asking Mayor and Cabinet to **declare GPNR as a Local Nature Reserve**. We believe this status is vital to ensure the continued protection of the site and its surroundings.

2. Recommendations

- 2.1. Note the contents of this report and the formal response from Natural England's Local Team that consultation is complete (see Appendix).
- 2.2. Declare Grove Park a Local Nature Reserve and authorise the Director of Legal, Governance and HR to proceed with the making of the necessary declaration and the insertion of a public notice in appropriate local press and on the Council's website.

3. Policy Context

- 3.1. **National Parks and Access to the Countryside Act 1949, Section 21** gives local authorities the power to establish and manage nature reserves on any land in their area. Section 21(6) of the Act says that a local authority can only declare an LNR after consultation with Natural England.
- 3.2. **Revised National Planning Policy Framework (NPPF) 2019**, promotes the protection and improvement of green open spaces. It encourages the strategic protection of green infrastructure to create high quality environments, enhance local landscape character and contribute to a sense of place. Policy also recognises that nature reserves and access to green spaces plays an important role in encouraging biodiversity and promoting healthy communities by providing access to nature.
- 3.3. **London Plan 2016, 7.59:** London contains numerous sites of importance for nature conservation. The Mayor expects London's biodiversity and natural heritage to be conserved and enhanced for the benefit of current and future Londoners.
- 3.4. **Lewisham Parks and Open Spaces strategy 2020-2025**
 - 3.4.1. **Strategic Social Aims** – Goal 7: To protect, develop and enhance the nature conservation and wildlife habitats, where appropriate, in parks by supporting nature conservation volunteering initiatives and environmental education
 - 3.4.2. **Strategic Economic Aims** – Priority 1: To protect parks and open spaces
- 3.5. **Lewisham's Corporate Strategy** sets out seven corporate priorities and the adoption of this proposal contributes to the fifth: Making Lewisham greener – to preserve and enhance the borough's award winning green spaces, increase the use of environmentally friendly transport options, and lead by example to promote better care for our local environment and the planet.

4. Background

- 4.1. The site first became a reserve in **1984** when the Council agreed to manage it under licence from British Rail, however it had been used for informal recreation by local people for many years before this. The Council acquired the freehold of the land in 1987 following a Public Inquiry in 1986 which allowed planning permission for housing on land just to the north of the reserve.

- 4.2. Grove Park Nature Reserve is a **Borough Grade I Site of Importance for Nature Conservation (SINC)**. It is also important to recognise the site's value in the wider context as a **Metropolitan Open Land**, part of the **South East London Green Chain Walk** and the regional **Capital Ring**. The reserve is also a [Dark Sky Discovery Site](#) (Milky Way Class). There has been a long term aspiration to declare the site as a Local Nature Reserve to enhance the site's protection.
- 4.3. Grove Park Nature Reserve is also an instrumental part of the plans to create the '**Railway Children Urban National Park**' proposed by the local Neighbourhood Forum.
- 4.4. The general long term aims are to conserve the existing nature conservation interest of the site and to enhance or restore this where appropriate. The management of the site is aimed at maintaining the mosaic of different habitats that the site contains. These aims incorporate the following ideal management objectives:
- 4.4.1. **To conserve the existing biodiversity of the reserve, and enhance it where appropriate.**
- To manage the habitats present to conserve and improve their value for biodiversity
 - To monitor populations of the reserve's biodiversity to assess impacts of conservation management.
- 4.4.2. **To maintain the reserve for the quiet enjoyment and education of people.**
- To maintain pedestrian access through the reserve in good order.
 - To provide information on the ecological value of the reserve.
 - To promote the reserve as an educational resource for people of all ages.

Natural England advises that sites proposed for declaration as LNRs should be:

- A. Of high natural interest in the local context (SSSI or near equivalent);
- OR**
- B. Of some reasonable natural interest and of high value in the Parish/District/Borough/County context for environmental education or research;
- OR**
- C. Of some reasonable natural interest and of high value in the Parish/District/Borough/County context for the informal enjoyment of nature by the public;
- OR**
- D. Any combination of 1-3;
- AND**
- E. Capable of being managed with the conservation of nature and/or the maintenance of special opportunities for study or research as a priority concern.

We detail in Section 5. below how Grove Park Nature Reserve fulfils all the criteria advised by Natural England.

5. History and Ecology

- 5.1. **A. Site of high natural interest in the local context (SSSI or near equivalent)**
- 5.1.1. The land that is now the reserve has had an interesting history. The

woodland at the southern end was once the garden of a large house. Most of the rest of the reserve was allotments, at least until the '**Dig for Victory**' campaign in the Second World War, and parts were allotments before then. The western edge of the reserve lies on the shallow bank of a cutting which has remained more or less undisturbed since the railway was built.

- 5.1.2. The site first became a reserve in 1984 as **Hither Green Nature Reserve** when the Council agreed to manage it under licence from British Rail, however it had been used for informal recreation by local people for many years before this. The Council acquired the freehold of the land in 1987 following a Public Inquiry in 1986 which allowed planning permission for housing on land just to the north of the reserve. The name was changed from Hither Green Nature Reserve to **Grove Park Nature Reserve in 2007**.
- 5.1.3. Grove Park Nature Reserve is a **Site of Importance for Nature Conservation (SINC) Borough Grade I**. The reserve is an important wildlife site and it also makes up part of the **South East London Green Chain Walk** and the regional **Capital Ring**. It is also the only **Dark Sky Discovery Site** in Lewisham.
- 5.1.4. The reserve contains many habitats, including **the only substantial area of calcareous grassland in the borough**. Calcareous grasslands are **London Biodiversity Action Plan** priority habitats. The management of the site is aimed at maintaining the mosaic of different habitats that the site contains (i.e. woodland, grassland, scrub, orchard and a pond). These habitats support a wide diversity of plants and animals, including a number of **species for conservation interest** such as
 - Slow Worm (*Anguis fragilis*) and Common Lizard (*Zootoca vivipara*), Stag Beetle (*Lucanus cervus*) – rare, **legally protected** and priority species
 - Cinnabar (*Tyria jacobaeae*) and Blood Vein (*Timandra comae*) moths – **UK BAP** priority species
 - Long-winged Cone-head (*Conocephalus fuscus*) grasshopper – **London Species of Conservation Concern (LSOCC)**
- 5.1.5. There are a number of **other uncommon invertebrates** recorded from the reserve, including blackneck moth (*Lygephila pastinum*); the ant *Stenama westwoodii*; and the beetle *Bruchela rufipes*. Several other uncommon or rare invertebrates have been recorded during an invertebrate survey in the past - 1 Red data Book 1 (Endangered), 3 Red data Book 1 (Rare), 6 Notable.
- 5.1.6. The nature reserve supports a good range of common **birds**, including Great Spotted Woodpecker (*Dendrocopos major*), Blackcap (*Sylvia atricapilla*) and Willow Warbler (*Phylloscopus trochilus*). Chaffinch (*Fringilla coelebs*) also breeds here, where it is absent in other reserves further north in the Borough.
- 5.1.7. The Nature Conservation Department has a policy of **not removing any dead wood** from their sites. Dead wood is extremely important to the health of woodlands, and it provides fantastic habitats for invertebrates. Standing dead wood is also an important habitat for feeding and nesting birds. The aim is to leave as much dead wood as feasible, lying, standing and hanging without compromising safety or other management aims.

5.1.8. There is a **small stream** running along the southern side of the wood towards the railway into a restored **pond**.

5.2. **B. Site of some reasonable natural interest and of high value in the Parish/ District/Borough/County context for environmental education or research.**

5.2.1. There is a strong and active '**Friends of Grove Park**' group. They hold regular meetings and attend and help organise **volunteer days**. They had an active role in the development of the management plan and help ensure that the management objectives are fulfilled. The 'Friends of' group meet when they can to carry out work including litter picks, and general maintenance.

5.2.2. Community events, such as '**Open Days**' provide a platform for the Borough's nature conservation staff **to engage with the local community** and enthuse about the site including what birds have been recorded and highlight the importance of hedgerows/shrubs in supporting bird populations.

5.2.3. **Coopers Lane Primary School** were involved early on in with the reserve and has helped in many ways, from designing the new sign to building bird and bat boxes. They along with **Baring Primary School** have been involved in a number of education activities on the reserve led by Lewisham's Nature Conservation Officer.

5.2.4. **Nature's Gym volunteers** have also taken an active interest in the site and have done several volunteer sessions there. They carried out a number of improvements including, building woodpiles for wildlife, building a dead hedge, clearing invasive species and ensuring the paths are clear.

5.2.5. The **Orchard Project** has also held a training session on site which had the added benefit of helping the Friends and volunteers to maintain the meadow.

5.3. **C. Of some reasonable natural interest and of high value in the Parish/ District/Borough/County context for the informal enjoyment of nature by the public;**

5.3.1. The 'Friends of' group is committed to the principle of **environmental sustainability and informal learning** as can be seen from the objectives on their Constitution, *"To promote, maintain and enhance the indigenous wildlife and botanical value of Grove Park Nature Reserve and its educational use by the public."*

5.3.2. The Nature Reserve has held a **Green Flag Community Award** since 2009. The Friends of Grove Park administers the Award with the support of Lewisham's Nature Conservation Officer.

5.3.3. The **Orchard** managed by the Friends group and Nature's Gym volunteers also contributes to the informal enjoyment of the reserve as fruits are appreciated by both wildlife and local people.

5.3.4. Adding to the cultural relevance of the reserve, a **peace pole** rises up in the centre of the main grassland. Constructed by local sculptor, Heather Burrell, the pole features the word 'peace', carved into its metal leaves, in languages spoken by youngsters in nearby Baring School, whose choir sang at the unveiling of the pole in 2009, to celebrate the visit of

former local resident, **Archbishop Desmond Tutu**.

5.4. **E. Capable of being managed with the conservation of nature and/or the maintenance of special opportunities for study or research as a priority concern.**

5.4.1. The reserve is under **positive conservation management** which aims to achieve two main objectives:

- to conserve and enhance biodiversity, and
- to provide a place for quiet enjoyment and environmental education for the local community.

5.4.2. The nature reserve has an up to date management plan and the Nature Conservation department (part of Green Scene) currently spends **approximately £3,520** annually on the maintenance of GPNR. We do not foresee any major financial implications in this declaration and the site will continue to be managed as per the current management plan.

5.4.3. **Conservation management** at GPNR consists of maintaining the grasslands, preventing scrub encroachment to grasslands, controlling invasive species, maintaining the pond, keeping the paths and access clear around the site, clearing litter and ensuring the safety of the trees.

5.4.4. The **mowing regime** consists of cutting approximately 75% of the grassland areas twice a year. Once in early August and once in September/October. The cuttings are raked off after the cuts to prevent nutrient build-up in the soil and stacked at the bottom of the embankment (leaving at least 1m between the piles and the boundary fence). The resulting piles of cuttings provide good habitat for over-wintering wildlife.

5.4.5. The central **bramble/scrub area** is managed by cutting 50% and stacking the arisings on site as habitat piles. This will retain cover for invertebrates, reptiles etc. over winter.

5.4.6. Some **coppicing** takes place around the edges of the glades in October to reduce shading of the grassland and prevent scrub encroachment. In addition coppicing also takes place around the footpaths at the same time to create and maintain open areas adjacent to the paths.

5.5. **Options Appraisal**

A) Grant Permission: The site is declared as LNR, giving it a statutory designation under Section 21 of the National Parks and Access to the Countryside Act 1949. This will grant GPNR greater protection from development on and around it. Declaration would also provide momentum to the plans to create the Railway Children Urban National Park with the potential for the neighbourhood to become a tourist destination.

B) Do Nothing: Failure to respond positively to the request of the Friends Group and Neighbourhood Forum may lead to a loss of trust between these groups, the local community and the Council. Also failure to recognise the inherent importance of this site within the context of the Metropolitan Open Space.

6. Financial implications

- 6.1. This report is asking the Mayor to agree to declare Grove Park Nature Reserve a Local Nature Reserve by the sealing of a legal document and the insertion of a public notice in appropriate local press.
- 6.2. The nature reserve has an up to date management plan and the site is managed according to this at costs of £3,520 per year.
- 6.3. No further significant costs have been identified in relation to this proposal. There may be some small additional costs as a result of producing outreach/educational materials, however these will be contained within existing budgets.

7. Legal implications

- 7.1 The Council has power to declare a Local Nature Reserve (LNR) on its land under the National Parks and Access to the Countryside Act 1949. A LNR is a declaration that can be made by the Council after liaising with Natural England and consulting the local community and interest groups. A LNR is defined as 'land managed as a nature reserve or for a conservation purpose'. This means that the LNR needs to be actively managed to care for the natural features which make the site special. A management plan therefore needs to be kept in place and maintained.
- 7.2 Once the declaration has been made, the 1949 Act requires the Council to publish notice of it in order to inform persons concerned. The notice will therefore be published in the appropriate local press and on the Council's website.
- 7.3 The protection of the LNR is by way of prosecution under Byelaws relating to the LNR which can be made under the 1949 Act which relates specifically to Nature Reserves.
- 7.4 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.5 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
 - 7.5.1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - 7.5.2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - 7.5.3. Foster good relations between people who share a protected characteristic and those who do not.
- 7.6 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 10.4 above.
- 7.7 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the

decision maker, bearing in mind the issues of relevance and proportionality. The decision maker must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

- 7.8 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 7.9 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- 7.9.1. The essential guide to the public sector equality duty
 - 7.9.2. Meeting the equality duty in policy and decision-making
 - 7.9.3. Engagement and the equality duty: A guide for public authorities
 - 7.9.4. Objectives and the equality duty. A guide for public authorities
 - 7.9.5. Equality Information and the Equality Duty: A Guide for Public Authorities
- 7.10 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

8. Equalities implications

- 8.1. Lewisham is a diverse community made up of many different groups and individuals. We value and celebrate diversity and believe it essential to try to understand the different contributions, perspectives and experience that people in our community have.
- 8.2. Lewisham’s Parks and Open Spaces including GPNR are places that all residents can enjoy. We do not foresee any negative equalities implications with this designation.

9. Climate change and environmental implications

- 9.1. Green spaces are proven to **reduce the urban heat island effect** and lower the temperature by 2–8°C. Declaration of this site to LNR will provide enhanced protection of the reserve and will ensure long-term mitigation of climate change impacts on a local level.
- 9.2. No material resources are required to deliver this proposal.
- 9.3. No electricity or fossil fuels are required to deliver this proposal.

10. Crime and disorder implications

- 10.1. There are no crime and disorder implications with this proposal.

11. Health and wellbeing implications

- 11.1. The designation would have a **positive impact on people's the health and wellbeing**. Being in the outdoors has proven benefits to people's health and wellbeing. As a landlocked site, hemmed in by the busy Baring Road and railway line this is a vital green space for local people.
- 11.2. Declaration of this site to LNR will provide enhanced protection of the reserve and will ensure long-term access for local communities.

12. Background papers

- 12.1. Grove Park Management Plan
- 12.2. Minutes from Grove Park Friends meeting 29th January 2020
- 12.3. Email from Cllr Mark Ingleby declaring the Friends of Grove Park support in persuing the designation
- 12.4. Title deeds
- 12.5. Green Flag Community Award application
- 12.6. [Grove Park Nature Reserve leaflet](#)

13. Glossary

Term	Definition
GPNR	Grove Park Nature Reserve
Green Flag	The Green Flag Award® scheme recognises and rewards well managed parks and green spaces, setting the benchmark standard for the management of recreational outdoor spaces across the United Kingdom and around the world.
LNR	Local Nature Reserve
LSOCC	London Species of Conservation Concern
SINC	Site of Importance for Nature Conservation

14. Report author and contact

Eszter Wainwright-Deri eszter.wainwright-deri@lewisham.gov.uk 020 8314 6208

Jessica Kyle jessica.kyle@lewisham.gov.uk 020 8314 2119

APPENDIX

Approval by Natural England following consultation to declare Grove Park NR as Local Nature Reserve

From: XXXX@naturalengland.org.uk

Sent: 08 July 2020 16:08

To: Wainwright-Deri, Eszter

Subject: RE: URGENT - FW: Consultation on declaring Grove Park NR as a LNR - London Borough of Lewisham

Hi Eszter

Thanks for your email.

Just to clarify, the decision to declare a site an LNR rests ultimately with the Local Authority. But the site meets the criteria for an LNR, being of high value locally for environmental education and of high local natural interest (as evidenced by its current SINC status and the presence of a number of invertebrates as well as common lizards and slow worms). The presence of an active Friends group is also indicative of its significance to local people as a place for the enjoyment of nature.

Best wishes

Nicola