

WEST NORTHAMPTONSHIRE COUNCIL CABINET

9TH NOVEMBER 2021

CABINET MEMBER WITH RESPONSIBILITY FOR FINANCE – COUNCILLOR MALCOLM LONGLEY

Report Title	Grant of Long Lease to the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire of Barnes Meadows Nature Reserve, Northampton
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Contributors/Checkers/Approvers

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List of Appendices

Appendix 1 – Site Plan

1. Purpose of Report

- 1.1 To seek authority to grant a 99-year lease on the Barnes Meadow Nature Reserve, Northampton to the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire (WT) at a peppercorn rent.

2. Executive Summary

- 2.1 Barnes Meadow is a nature reserve in Northampton. It comprises three meadows on either side of the River Nene. It is at high risk of flooding. The land is subject to planning policies (and proposed planning policies) which seek to protect it for public use and biodiversity benefits.
- 2.2 The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire (WT) is currently managing the land under licenses granted by the then Northamptonshire County Council (NCC) and Northampton Borough Council (NBC).
- 2.3 NCC previously granted 99 Year leases to WT on similar sites but for various reasons, the lease on this property did not complete prior to vesting day (1st April 2021).
- 2.4 Granting a similar lease to the WT over Barnes Meadow is considered the best option given the nature and role of the site, and the practical benefits to WNC.
- 2.5 Cabinet authority is required to grant the proposed lease, due to its length and the fact that it is at less than best consideration.

3. Recommendations

- 3.1 That the grant of a 99-year lease to The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire of Barnes Meadows, Northampton at a peppercorn rent is authorised.
- 3.2 That this authorisation is subject to the conduct of public notification for disposal of open space as required by Section 123(2A) of the Local Government Act 1972 and no material and substantive objections being received (and not withdrawn).

4. Reasons for Recommendations

- 4.1 The WT managing the Barnes Meadow nature reserve would help to ensure it is managed in a fashion which maximises the benefits for people and the environment.
- 4.2 This course of action would also be the most cost-effective as would remove a management and maintenance liability from the Council.
- 4.3 There would also be consistency with previous decisions if this to land was to be managed by the WT.

5. Report Background

- 5.1 Barnes Meadow is a nature reserve in Northampton. It comprises three meadows on either side of the River Nene which encompass a wide range of grassland and wetland habitats. These include a redundant arm of the Nene, the river itself, Hardingstone Dyke and a variety of recently created ditches and shallow scrapes. It is an important site for biodiversity and is in flood zone 3 (the most likely to be flooded) although partially protected by flood defences. Part of the site is the flood plain of the River Nene.
- 5.2 The land is subject to planning policies (and proposed planning policies in the Northampton Local Plan Part 2) which seek to protect it for public use and biodiversity benefits.
- 5.3 Along with other nature reserves, the former Northamptonshire County Council (NCC) agreed in 2011 to lease Barnes Meadow to the WT on a peppercorn basis. The other sites included:
- Abington Meadows Nature Reserve
 - Farthinghoe Nature Reserve
 - Rothwell Ironstone Gullet Nature Reserve
 - Higham Ferrers Nature Reserve
- 5.4 The leases were generally granted. However, the Barnes Meadow lease was difficult to arrange because the access was over land then owned by Northampton Borough Council (NBC). NCC and NBC had respectively granted the WT licenses to use the land in question in 2012, and it has managed it since then.
- 5.5 WNC now owns both pieces of land and it is suggested it would be sensible for a lease of the site to be granted to the WT. The WT has the competence and organisation to manage nature reserves well, and (as a result of previous decisions) already manages similar sites on behalf of the Council. Having the WT manage the sites would also mean the Council did not need to put resources into doing so.
- 5.6 Heads of terms were previously agreed with the WT. The key points of these are that:
- a) The lease would run for 99 years, but after year 30 the Council would have an option to break the lease every 5 years.
 - b) The public would have general access, subject to restrictions to protect public safety or to protect sensitive or protected habitats and species.
 - c) The WT would be responsible for maintenance and outgoings.
 - d) The WT would receive any payments for environmental land management related to the site.
 - e) Peppercorn rent (no real rent).
- 5.7 It is unlikely given the nature of the site that the Council would wish to exercise the break option, but its presence means if there was a profound change in circumstances which meant the site was appropriate for some other use or management, it would be possible to do so.
- 5.8 Given the physical and planning constraints on the site, it has little or no monetary value. The terms of the lease would not allow the WT to make any significant income without the Council's consent. The only income of any consequence is likely to be the land management payment from

the Department of the Environment, Food and Rural Affairs (DEFRA). Given the burdens the WT would be taking on, a peppercorn rent is likely to be the best price (see 7.2.1).

6. Issues and Choices

- 6.1 Barnes Meadow is a large area of public open space and nature reserve. As such the management of this land is an important consideration for the future, especially given the environmental issues involved.
- 6.2 The Council could:
- a) Grant the proposed lease.
 - b) Manage the land in house.
 - c) Seek to dispose of the land entirely.
 - d) Seek to put the land to some other use, such as development.
- 6.3 Managing the land in house would involve the Council needing to deploy resources it does not currently have and expertise it would need to develop. There seems little merit in it doing this when a suitable alternative is available.
- 6.4 The Council could offer the land to third parties (potentially including the WT) for freehold disposal. Whilst potentially removing all future liabilities in relation to the land, it would also remove any ability for the Council to use the land differently in the future.
- 6.5 It is highly unlikely that the land would be found suitable for any other materially different use. In particular, development would be unlikely to be viable given the flooding risks on the site, or acceptable in planning terms. Nor is the Council likely to wish to damage the biodiversity value of the site.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 The land has significant amenity and policy value which the proposed course of action should preserve. It has no or very limited financial value.
- 7.1.2 The Council's legal costs are likely to be in the region of £1,000

7.2 Legal

- 7.2.1 Generally, the disposal would be authorised under Section 123 of the Local Government Act 1972. This requires that freehold disposals and all leasehold disposals of seven or more years in length must be on the best consideration reasonably obtainable (referred to this in this report as "best price"). However, there is an exemption where the Secretary of State otherwise approves. Sometimes specific consent is needed, but often the necessary consent is given by the General Disposal Consent (England) 2003. This gives consent for disposals at up to £2 million less than the

best price where the Council considers that the disposal will advance the economic, social or environmental well-being of the area or people in it.

7.2.2 In this case, for the reasons given above, the disposal is probably a best price or if not, is close to it. If there is a need to rely on the General Consent is reasonable for the Council to consider that the proposed use of the property would contribute to the environmental and social wellbeing of both the immediate environs of Barnes Meadow and also the wider area.

7.2.3 The Council must also comply with the subsidy control provisions of the UK – EU Trade and Cooperation Agreement, as applied into UK law by Section 29 of the European Union (Future Relationship) Act 2020. Disposing of assets at less than best price is a form of subsidy. However, it is considered that this case is not the kind or scale of subsidy likely to fall under the controls of the Agreement.

7.3 **Consultation**

7.3.1 There has been no specific consultation undertaken in relation to this proposal.

7.4 **Climate Impact**

7.4.1 Management of the land by the WT should help ensure it remains in a healthy state, helping to retain carbon currently locked up in the soils on the site.

7.5 **Community Impact**

7.5.1 The land would remain usable by the community for the term of the lease, with the minor restrictions noted above.

APPENDIX 1 – SITE PLAN

