

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 7 <sup>th</sup> October 2003	<b>MEETING NAME</b> Executive
<b>Report title:</b>		LOCAL NATURE RESERVE – All Saints Cemetery	
<b>Ward(s) or groups affected:</b>		Nunhead	
<b>From:</b>		Gill Davies – Director of Environment & Leisure	

### **RECOMMENDATIONS**

- 1 That Executive:
  - i. Agrees final approval and enacts the statutory designation of All Saints Cemetery, Nunhead as a 'Local Nature Reserve' (LNR).
  - ii. Gives evidence of LNR designation by the signing of a formal declaration at the end of this report upon which the Council seal is to be applied.

### **BACKGROUND INFORMATION**

- 2 The Cemetery of All Saints, Nunhead was created by the London Cemetery Company and the Bishop of Winchester consecrated the greater part on 29<sup>th</sup> July 1840. James Bunstone Bunning designed the monumental entrance and lodges, while Thomas Little built the chapels in 1844. The Anglican Chapel stands in ruin at the top of the Main Avenue.
- 3 By the late 1950s the cemetery's great days were over and it was a target for vandalism. In 1969 the owners abandoned it and there was a gradual change from carefully tended cemetery into woodland rich in wildlife. In 1976 the Council purchased the site for £1. Friends of Nunhead Cemetery formed in 1981 and since 1984 have carried out maintenance work in the cemetery.
- 4 In November 1998 the Heritage Lottery Fund agreed to provide funding for restoration works to the cemetery. The works were predominantly concerned with the restoration of the heritage core and comprised; the consolidation of the Chapel as a preserved ruin, the restoration of fifty of the monuments, selected by the 'Friends' on the basis of position, architectural importance and notoriety of the interred; hard and soft landscaping and the reinstatement of some of the Bunning designed layout, including the opening up of views to St Pauls Cathedral and the North Downs; and the replacement or repair of gates, walls and railings around the perimeter of the cemetery. These works commenced on site in March 2000 and were substantially completed by May 2001.
- 5 A meeting was conducted between London Borough of Southwark (LBS) and English Nature (EN) on 3<sup>rd</sup> July 2000 to discuss its declaration as a LNR. A letter of intent, management plan and synopsis were issued to EN for consideration. By correspondence to LBS dated 9<sup>th</sup> August 2000, EN formally acknowledged and welcomed the proposal.

## **KEY ISSUES FOR CONSIDERATION**

### **Criteria for Selection**

- 6 The statutory definition of “Nature Reserve” is given in Section 15 of the National Parks and Access to the Countryside Act 1949. It is land managed:
  - i. for the preservation of “flora, fauna or geological or physiographical features of special interest in the area”; or
  - ii. for the provision “under suitable conditions and control, of special opportunities for the study of and research into, matters relating to the fauna and flora of Great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest”.
- 7 This would allow a LNR to be declared on a wide range of grounds such as educational value, natural history or social importance to the local community. Anyone of these or similar grounds is sufficient in itself to enable LNR designation. It is more important for a site to have an identified local value, than any particularly rare or unusual species.

### **Procedures**

- 8 The power to select and designate LNRs lies firmly and solely with members of the Executive. However, under Section 21 of the 1949 Act, the Executive must first discuss the proposal with the Nature Conservation Council (NCC). Members should take into account any views expressed by the NCCs Regional Committee although there is no requirement to heed such advice. In the case of this proposal to designate All Saints Cemetery, NCCs Regional Committee has been consulted and welcome the proposal without reservation.

### **Policy Issues**

- 9 LNRs give local authorities a chance to flag up their commitment to nature conservation and the importance they attach to their own part in it; as seen by LBS Policy E3.11 (MSSLP):

“ The Council will encourage the conservation of existing areas of natural woodland and ecological interest and will seek to create new areas where there are deficiencies. It will also do so by:

  - i. Identifying sites of local nature interests. Local Nature Reserves, ecology corridors, natural habitats which are for the enjoyment and protection of nature...”

- 10 There are two cross cutting interests/issues involved. The first is evidenced by the values that LNRs have in conserving the biodiversity and full range of natural features in England. Secondly, the values which LNRs hold for society in terms of improving the local quality of life, their uses in education, for enjoyment and recreation, in attracting visitors and in their links with the local communities past.
- 11 A mechanism for drawing these two interests together is through Local Agenda 21 which can involve local people in defining and delivering gains for wildlife and geology on LNRs, amongst other places, while at the same time serving a wider suite of community needs.

### **Planning Issues**

- 12 A LNR does not enjoy immunity from possible future development or planning 'applications'. However, as the land is Council owned and its past use has been a burial ground, it is unlikely that there will be any applications forthcoming for alternative uses in the foreseeable future. This is evidenced by its planning designation as Metropolitan Open Land, under the Unitary Development Plan adopted in July 1995. Were there any such applications to be considered by the Planning Committee, members would have to take into account the LNR designation as a material factor.
- 13 The existence of an LNR should be taken into account when planning applications are made for adjacent developments. Declaration of an LNR also enables Members to call for a full Environmental Impact Assessment (EIA) should a road proposal be within a specified distance from the LNR boundary. These powers were detailed in the 1985 Council of Europe Directive "On the assessment of the Effects of Certain Public and Private Projects on the Environment". However, the use of these powers is subject to DOE approval and the DOE has in practice limited EIA application.

### **Financial and Budget Issues**

- 14 Money is available from the Nature Conservancy Council for the management of sites that have been designated as LNRs. NCC attaches a priority to LNRs and is currently raising the profile of its concern to encourage LNR designations; it has expressed dismay that there are so few in London. However, the NCCs grant budget is limited and there is no guarantee of any funding.
- 15 LNR designation does not commit Members to finance any revenue or capital costs. However, where money is available, LNR status should be taken into account by Officers in making recommendations on future grant applications.

## Consultation

- 16 Formal consultation and submissions were made by LBS to the NCC in July 2000. LNR status was welcomed on 9<sup>th</sup> August 2000. The Ranger staff on site, together with the Friends of Nunhead Cemetery acknowledge and welcome LNR status at Nunhead Cemetery.

## Legal Implications

- 17 There are no further legal implications other than those expressed in the item generally.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
LNR Proposal to NCC 03/07/2000	Parks Department 15 Spa Road London SE16 3QW	Ben Olsen 020 7525 1562
NCC Approved of LNR 09/08/2000	Parks Department 15 Spa Road London SE16 3QW	Ben Olsen 020 7525 1562
Local Nature Reserves: A Guide to their Selection and Declaration by George Barker	Parks Department 15 Spa Road London SE16 3QW	Ben Olsen 020 7525 1562

## APPENDIX A

### Audit Trail

<b>Lead Officer</b>	Jon Sheaff	
<b>Report Author</b>	Ben Olsen	
<b>Version</b>	Final	
<b>Dated</b>	9 <sup>th</sup> September 2003	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Borough Solicitor & Secretary	No	No
Chief Finance Officer	No	No
<b>Executive Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Support Services</b>		

THE NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949

**A Declaration Establishing A Nature Reserve In The London Borough Of Southwark**

That in accordance with its statutory functions and powers pursuant to Section 19 and Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended) and following consultations with the Nature Conservancy Council, the Mayor and Burgesses of the London Borough of Southwark of the Town Hall, Peckham Road, London SE5 8UB, hereby declare that all the area of land delineated and edged red for identification purposes and known as All Saints Cemetery, Nunhead (hereinafter called "the land") hereby annexed to this declaration to be designated and held for the purposes of a nature reserve pursuant to the provisions of Section 15 of the 1949 Act and that a true copy of this declaration be made under the Council seal and a notice be published of the making of the said declaration in accordance with the 1949 Act.

Given under the Common  
Seal of the London  
Borough of Southwark this  
day of Two  
thousand and three

(Signed).....

(Signed).....

SEAL