

**LOCAL NATURE RESERVES IN SCOTLAND:  
A Guide to their Selection and Declaration**

**Scottish Natural Heritage  
July 2000**

## **Contents**

### **1. Introduction**

### **2. What are Local Nature Reserves?**

- 2.1 Definition of a Local Nature Reserve
- 2.2 Historical Background

### **3. The Distinctive Qualities of Local Nature Reserves**

- 3.1 The Contribution of LNRs to Environmental Education
- 3.2 The Contribution of LNRs to Biodiversity
- 3.3 The Contribution of LNRs to Sustainable Development
- 3.4 The Contribution of LNRs to the Designations System

### **4. Policy Objectives for Local Nature Reserves**

### **5. Site Selection**

- 5.1 Legislative Requirements
- 5.2 Recommended Additional Selection Criteria
- 5.3 Choosing the LNR Boundary

### **6. Consultation with Scottish Natural Heritage**

### **7. Procedures for Local Nature Reserve Declaration**

- 7.1 Steps to establish an LNR
- 7.2 Securing Local Authority Legal Interest in the Land
  - 7.2.1 Agreements and Leases
  - 7.2.2 Compulsory Purchase
- 7.3 Forming a Local Management Group
- 7.4 Declaration
- 7.5 Alteration of Boundaries
  - 7.5.1 Extensions
  - 7.5.2 De-declaration
  - 7.5.3 Local Authority Boundary Changes
- 7.6 Byelaws and Management Rules
  - 7.6.1 Byelaws
  - 7.6.2 Management Rules

### **8. A Vision for the Future of Local Nature Reserves in Scotland**

- 8.1 Vision
- 8.2 Profile of an Ideal LNR

### **9. SNH's Strategy for Local Nature Reserves**

- 9.1 Statutory Consultation
- 9.2 Advice and Guidance
- 9.3 Funding
- 9.4 Promotion
- 9.5 Monitoring
- 9.6 LNRs Run by Non-governmental Organisations

### **Appendices**

- 1. Example of an Agreement
- 2. Example of a Declaration
- 3. Example of a Public Notice
- 4. Some Useful Local Nature Reserve References

### **Index**

## **1. INTRODUCTION**

Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended) gives Scottish local authorities the power to acquire, declare and manage nature reserves. The term “Local Nature Reserve” (LNR) is not used in the Act; rather, this title has become attributed by custom to nature reserves managed by local authorities exercising their functions under this Act.

The responsibility for selecting, acquiring and making arrangements for management of these nature reserves lies with local authorities. However, under Section 21(6) of the Act, Scottish Natural Heritage (SNH) must be consulted by the local authority when carrying out these functions. This document is intended to encourage local authorities to establish more LNRs in Scotland and to help achieve a consistent approach by SNH across Scotland in responding to LNR consultations.

This guidance outlines the purpose, selection, establishment and declaration of LNRs and places them in the current wider policy framework. It should be seen as a working document principally for both SNH and local authority staff, although it may be of interest to others such as land-holding non-governmental organisations or community groups. Good practice is illustrated through boxed examples from LNRs in Scotland.

The views in this document have been developed in association with, and are endorsed by, the Convention of Scottish Local Authorities (COSLA).

## 2. WHAT ARE LOCAL NATURE RESERVES?

### 2.1 Definition of a Local Nature Reserve

A Local Nature Reserve (LNR) is a protected area of land designated by a local authority because of its local special natural interest and/or educational value. Section 15 of the National Parks and Access to the Countryside Act 1949 describes a “nature reserve” as:

*“land managed for the purpose:*

- *of providing under suitable conditions and control, 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,*

or

- *of preserving flora, fauna or geological or physiographical features of special interest in the area,*
- *or for both purposes.”*

Section 21 of the Act gives local authorities the power to establish nature reserves:

*“The council of a county or county borough shall have power to provide, or secure the provision of, nature reserves on any land in their area ... as to which it appears to the council expedient that it should be managed as a nature reserve.”*

“County or county borough” should be read as local authority<sup>1</sup> in Scotland and “in their area” is taken as the local authority area. The power rests with local authorities alone, and currently cannot be delegated to Community Councils (unlike in England, where delegation to Parish Councils is possible). Thus, local authorities can acquire, declare, manage and make byelaws over nature reserves by agreement with owners, occupiers or lessees, or by compulsory purchase.

### 2.2 Historical Background

The origins of LNRs lie mainly with the Royal Society for the Protection of Birds. In 1929, they proposed that local authorities be given powers to establish bird sanctuaries on the outskirts of towns and cities in order both to sustain bird populations and stimulate public interest in wildlife preservation.

During and after World War II, the Ritchie Committee looking at wildlife conservation in Scotland reached an almost parallel conclusion (Cmnd 7814), but for educational reasons, ie: local nature reserves should provide opportunities for school study in particular. However, a specific proposal for Local Educational Reserves was not taken forward for financial reasons. In England and Wales, the Huxley Committee sought a much increased involvement of local authorities in nature reserve provision,

---

<sup>1</sup> Section 21(1) of the 1949 Act and Section 10 of the Local Government and Planning (Scotland) Act 1982 as amended by Schedule 14 of the Local Government (Scotland) Act 1994 gives the power to establish LNRs to unitary planning authorities in Scotland (referred to as “local authorities” in this document).

to stimulate local interest and effort in wildlife conservation, for public enjoyment and education, and to give opportunities for local scientific and natural history investigation - where people with no special interest in natural history could “derive great pleasure from the peaceful contemplation of nature”. The Huxley Committee recommended that local authorities should be empowered to acquire, manage and maintain Local Nature Reserves, and make byelaws.

In 1947, the Ramsay Wild Life Conservation Special Committee argued for sound management of nature to reflect and enhance its educational, recreational and scientific value. It stressed the role to be played by local designations including LNRs. The Committee outlined a hierarchical framework of designations for nature conservation, which was reflected in subsequent legislative and policy measures in the UK, including the National Parks and Access to the Countryside Act, 1949.

“Nature reserves”, as set out in the Act, were conceived as the main legislative tool to protect both nationally and locally important natural sites. Areas of special scientific interest also originated in the 1949 Act as a requirement to identify other sites that were not managed as a nature reserve. These were developed into Sites of Special Scientific Interest (SSSIs) through the Wildlife and Countryside Act (WCA) 1981, to become the main national nature conservation protection mechanism. Based largely on a system of regulation and incentives, SSSIs have superseded one of the main roles originally envisaged for nature reserves.

The UK’s first LNR was declared in 1952 at Aberlady Bay in East Lothian. Since then, numbers have only very slowly increased in Scotland to reach 34 by mid-2000, compared to over 600 in the rest of the UK. Of the 34, the majority have been declared in the last five years. The slow build up is attributed to a lack of Scottish guidance on the role of LNRs and how to declare them; inconsistent advice from SNH and its predecessors; a lack of active promotion and associated incentives; and a lack of impetus from within local authorities.

In Scotland, the early LNRs were declared mainly to resolve conflicts between competing land users, eg: wildfowling and bird watching, or to give protection to a site’s special interest, for example by enabling the introduction of byelaws. In time, however, local authorities have increasingly identified and declared LNRs as places where people can quietly enjoy the natural heritage, where there are opportunities for environmental education and where people can become involved in nature conservation activities. Most recent LNRs have been declared in or near settlements.

In 1994, the importance of LNRs was strengthened by their inclusion in Objective 16 of the UK Biodiversity Action Plan, and by the recognition of their role in protecting local natural heritage interests within National Planning Policy Guideline 14 - Natural Heritage (Scottish Office, 1999).

#### **UK’s First Local Nature Reserve - Aberlady Bay LNR, East Lothian**

Aberlady Bay is the oldest LNR in the UK. It was declared in response to the indiscriminate shooting of wildfowl. From the start and to this day, the LNR’s purpose has emphasised the scientific aspects of the nature conservation interest - its important bird, plant, geological and geomorphological interest. A larger area than the LNR was subsequently notified as a Site of Special Scientific Interest, and the site was even considered for declaration as a National Nature Reserve.

The management framework for the LNR includes an Advisory Group, a management plan with five year revisions, an annual reporting system, establishment of a management agreement, a full-time dedicated reserve warden, and byelaws.

Although the educational and recreational importance is acknowledged, the local authorities' strategy promotes educational and recreational visitor use at sites elsewhere in East Lothian with a greater capacity. The objective is to keep educational and recreational use of Aberlady LNR at such a level and in such areas that the nature conservation objectives are not prejudiced. This is done through limiting the car park size (21 cars), clear path networks and signage. With this careful visitor management, Aberlady Bay accommodated 46,000 people in 1998 (cf: 300,000+ at most comparable East Lothian sites) including local residents and day visitors from further afield, especially Edinburgh. An Interpretative Plan is being prepared to help visitors understand and enjoy the LNR.

### 3. THE DISTINCTIVE QUALITIES OF LOCAL NATURE RESERVES

It is more than 50 years since the passage of the National Parks and Access to the Countryside Act, 1949. There, the purpose of LNRs was set out as being threefold - study and research, or preservation, or both. Over the years, peoples' general awareness and expectations of the environment and the natural heritage have changed as indeed have the mechanisms to deliver these expectations and integrate them with social and economic priorities. Some of the Act's wording therefore is worthy of examination in a contemporary context and the role of LNRs set out afresh in relation to other, newer, designations and government policy.

This section addresses four aspects of the role of LNRs - the contribution of LNRs to environmental education, biodiversity, sustainable development and the designations system.

#### 3.1 The Contribution of LNRs to Environmental Education

Section 15 of the 1949 Act sets out the first purpose of LNRs as being *“providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the flora and fauna...”*. *“Study of, and research into”*, can imply:

1. scientific, “under-the-microscope” use involving a process of formal study;  
or
2. a more general, casual, “experiencing nature” use in which people might engage while visiting a site.

Government policy recognises that society needs to act more sustainably. To do this, people must first understand and appreciate more fully the way that the environment works, and the role of natural heritage as part of this. In Scotland, this thinking was enshrined in “Learning for Life” (Scottish Office, 1993). It indicated the contexts within which people can learn about their environment - at home, at work, at leisure, etc - and how learning takes place in different ways throughout our lives, not just in schools. People are more likely to be aware of, value and enjoy the natural heritage when they are able not just to hear or read about it, but to experience it at first hand. Only once people value the natural heritage are they likely to make behavioural changes necessary to safeguard and enhance it.

As one type of place amongst many for providing outdoor experiences, an LNR is a special opportunity for people to experience, understand and learn to value their natural heritage. That special opportunity may be as simple as providing somewhere for people to enjoy and appreciate nature. Some people may wish to become more actively involved with their LNR, either as individuals or in community groups. Such commitment is worthy of encouragement, as it is likely to lead to even deeper levels of respect, understanding and care.

Therefore, SNH supports a broad interpretation of the *“study of, and research into”* purpose for LNRs, ie: that they should provide special opportunities for environmental education in its widest sense. This places LNRs squarely in support of SNH's approach to environmental education.

**Environmental Education on Local Nature Reserves - Balquhiddelock Wood LNR, Stirling**

In 1997, Stirling Council Ranger Service co-ordinated the production of a leaflet about Balquhiddelock Wood LNR (also known locally as Bluebell Wood). The leaflet was unusual in that it was written and illustrated by local children from Braehead Primary School after visiting the LNR. They used their own words to give a child's eye perspective on the wood and its inhabitants. It explained why the LNR was important for children and adults, as well as for nature conservation.

"Bluebell Wood has lived for hundreds of years, and everyone can enjoy the animals and the birds singing. It is very important that we don't catch the animals and take them home, because we don't know how to take care of them or what they eat. Please take care of the wood and all its nature." *Jacqueline Irvine, Primary 5.*

"When I went to Bluebell Wood I saw lots of snails. I caught one in my magnifying glass but I had to put it back. It was very slippery and it had a hard shell." *David McLean, Primary 5.*

The leaflet was produced for local people but especially for residents in the new housing estates that were being built next to the LNR, to encourage their interest in, and respect for, the LNR. Using the children's observations and words was a deliberate strategy used by the Ranger Service to make the messages more meaningful and perhaps more relevant than some traditional interpretation methods. The leaflet was also distributed through local schools, libraries, community centres, shops, etc. Some of the children involved are now at the High School that backs on to the LNR and still remember their visit!

### **3.2 The Contribution of LNRs to Biodiversity**

"Preserving" a site's special interest is also a priority purpose for LNRs. The 1949 Act directs that land be "*managed*" and "*under special conditions and control*". However, "preserving" the site's interest also implies that its special interest is protected from destruction, eg: from development or inappropriate uses.

As described above, because of the development of the SSSI system, LNRs no longer have the importance they once were intended to have for protecting sites. For locally important sites there may be other ways - such as development plan policies - to afford protection from inappropriate development. However, declaration as an LNR enables a site to be safeguarded through the active management of its habitats, or through establishing byelaws governing the use of the site.

The UK Biodiversity Action Plan (UKBAP) stresses the importance of safeguarding not only rare species and habitats, but also more common, locally valued ones. LNRs, as special local natural places, offer opportunities for this. National rarities may be included, but the emphasis would usually be on safeguarding diverse, distinctive and representative local natural heritage interest. Therefore, the establishment and management of LNRs can be an integral part of any Local Biodiversity Action Plan - raising public awareness as well as meeting biodiversity objectives - and linking through that to Local Agenda 21. For this reason, Objective 16 of the UKBAP specifically highlights encouraging LNRs - "*Encourage local... authorities to make reasonable provision for Local Nature Reserves and natural green spaces in local plans ...*".

"*Preservation*" is interpreted as meaning not just the retention of the special interest at the point of declaration, but also enhancing and nurturing that interest. This may include creating habitats to expand or complement the existing interest of a site.

Thus, LNRs can be seen as a means of enhancing biodiversity and geological interest.

#### **Links with Local Biodiversity Action Plans - Kincorth Hill LNR, Aberdeen and Hogganfield Park LNR, Glasgow**

Most Scottish local authorities are preparing and beginning to implement Local Biodiversity Action Plans (LBAPs). Creation of LNRs can be a useful tool for authorities to bear in mind for securing and enhancing biodiversity objectives.

For example, the North East Scotland LBAP highlights the contribution of Kincorth Hill LNR (which is owned and managed by Aberdeen City Council), towards maintaining and increasing the city's biodiversity. Partially surrounded by housing and industry, the 41ha LNR is made up of a diverse range of habitats including heathland, scrub, grassland, broadleaved and coniferous woodland, and a pond. The biodiversity objective is to increase the range and extent of the habitats, especially the heathland, through scrub control and habitat creation. The LNR is also a valuable amenity for local people and a resource for environmental education. Reflecting this, the Management Advisory Committee is well supported by local people; the educational profile is being increased through a teachers' pack; and a network of paths is helping to channel increased informal recreation usage whilst minimising the impact on wildlife. Designating the site as an LNR in 1997 was one way of ensuring appropriate management to accommodate the nature conservation interest and human requirements.

In Glasgow, a pilot project at Hogganfield Park LNR aimed to improve "priority" LBAP habitats - wetlands and grasslands - whilst also improving conditions for Reed Buntings and Water Voles. Working with the Kelvin Valley Countryside Project, the City Council created pools of open water within an existing marsh and is managing much of the LNR's grassland for wildlife. Numbers of Reed Buntings have increased and Water Voles have been recorded for the first time. Other species to benefit include birds such as Grey Partridge, Skylark and Whinchat, and butterflies such as Meadow Brown. Following on from these successes, a new reedbed is being created at the park's loch which should add to the biodiversity and educational value of the LNR.

#### **Species Conservation - Mute Swan Management at Montrose Basin LNR, Angus**

Montrose Basin, as well as being an LNR, is also a Special Protection Area under the European Birds Directive. Partnership is key to managing the site, as many individuals and organisations have an interest in the LNR. Around 300 Mute Swans overwinter on the Basin. The swans used to cause significant damage to local farmers' crops. To overcome this, a demonstration project was set up using a "sacrificial" field of oil seed rape, grown by one of the farmers. In 1998, a swan scarer was employed for six weeks to encourage the swans onto the sacrificial crop. This was successful, with around half the flock moving onto this area, thereby significantly reducing damage elsewhere.

### **3.3 The Contribution of LNRs to Sustainable Development**

Central to sustainable development initiatives such as Local Agenda 21 is the need for economic and social development to be accommodated within the capacity of our underpinning environmental systems. Protecting and enhancing the natural heritage

is a vital part of this. There is particular value in enhancing the natural heritage in and around the settlements where some 80% of Scotland's people live, to help make towns and cities more attractive and enrich quality of life. It means that people can enjoy, use and learn about their natural heritage locally while reducing requirements for travel to out-of-town countryside or seaside. LNRs can contribute in many ways:

- semi-natural or natural green space There is a wide spectrum of types of green space, with the degree of naturalness varying from totally manicured, to semi-natural or natural habitat. Because of the need for LNRs to be of special interest in the local authority area, they are a means of ensuring that green space is provided at the latter end of this spectrum.
- access, informal recreation and enjoyment of nature There is also a wide spectrum of access to green spaces - from public parks close to people and open for use 24 hours a day, to fenced off development sites, private gardens or agricultural fields. LNRs can offer access opportunities for the informal enjoyment of nature. In most circumstances, such access may be unrestricted and available to all, although arrangements will have to be made to ensure that the special interest of the site is maintained. The public access opportunities offered by LNRs may form part of a strategic access network in an area. They may also be a focus for support from Ranger Services, provision of interpretation, or the organisation of special events.

#### **Management of Access, Informal Recreation and Enjoyment of Nature - Mull Head LNR, Orkney**

Mull Head in Orkney was originally considered for designation as a Country Park, principally to encourage visitors away from more sensitive local sites. However, as it has a high natural interest as well as recreational and educational value, it was deemed to be a closer fit to the legislative intentions of an LNR than a Country Park. Therefore, in 1992, Orkney Islands Council declared the 244 ha site as an LNR, signalling their positive commitment to nature conservation.

Managing visitors is done in a number of different ways. A car park and network of sign-posted paths were created to guide visitors away from particularly sensitive areas, some of which are also fenced off as a safeguard. A vernacular barn was refurbished as an interpretation centre, providing low key information about the natural heritage and geological interest of the site. A wildlife garden adjacent to the centre encourages people to linger in that area. Byelaws were deemed unnecessary.

Mull Head LNR is now one of Orkney's most visited natural heritage sites. A key aim of the Council's strategy is to minimise the impact of tourism on the most sensitive wildlife sites in the archipelago.

- local distinctiveness LNRs can be a valuable part of local landscape character and give somewhere its "sense of place". Indeed, it may be the LNR habitat and/or landform, alongside cultural attributes, that gives a local landscape its distinctive qualities. Therefore, protecting and managing a site as an LNR may have the added benefit of safeguarding and enhancing distinctive local landscapes.
- quality of life and sustainable communities LNRs can help both to enrich individuals' quality of life and to build more sustainable communities in a

number of ways. They offer benefits for people's health, both physically as somewhere to walk or play, and mentally as somewhere to unwind and enjoy the quietness of nature. Through involvement in the development and management of LNRs, local communities can be helped to shape their own local natural heritage. LNRs can also bring small-scale employment and economic benefits.

#### **Economic Contribution of Local Nature Reserves - Eden Estuary LNR, Fife**

Supported by a dedicated Ranger, Eden Estuary LNR in Fife is noted for its considerable ornithological and botanical interest. The LNR is regarded as an important and popular green space by the local community, and is also appreciated by its many visitors from further afield. A visitor centre is a focus for providing low key information on the LNR's natural interest. This is supplemented by leaflets and a newsletter prepared 2-3 times a month, which is also reported in the local newspaper.

In order to provide an economic spin-off for the local community, local businesses such as shops, B&Bs and pubs are welcome to advertise in the visitor centre. Most businesses are located within 1km of the LNR, although a few are more distant. By encouraging visitors to linger slightly longer in the area, the LNR makes an economic as well as an environmental contribution to the locality.

### **3.4. The Contribution of LNRs to the Designation System**

LNRs are set amidst a suite of natural heritage designations with complementary purposes, and a variety of supporting mechanisms. The following sets out the most relevant of these, and compares the attributes of LNRs:

- Natura 2000 sites are protected areas identified for their European-wide nature conservation importance through the European Union's Habitats and Species, and Birds Directives. Such sites are normally also designated as Sites of Special Scientific Interest which provides the necessary mechanisms for their protection. LNRs can also be designated on Natura 2000 sites, eg: Montrose Basin LNR and Inner Tay LNR.
- National Nature Reserves (NNRs) are derived from the same part of the 1949 Act as LNRs. Primarily, NNRs are identified by their national nature conservation importance, but with the same purposes of preservation and/or study and research. They are often some distance from population centres. SNH is now the designating authority. Through Section 35c of the Wildlife and Countryside Act 1981 "approved bodies" - usually environmental non-government organisations - can own and manage NNRs. There are no provisions for "approved bodies" to own and manage LNRs, though any organisation can enter into any agreement (under Section 16 of the 1949 Act) with a local authority to manage a reserve as an LNR, achieving the same result.
- Sites of Special Scientific Interest (SSSI), designated by SNH, are a national suite of important nature conservation, geological or geomorphological sites. SSSIs are mostly in private ownership and management, and are not usually promoted for informal public enjoyment. LNRs can be (and around 45% by number are) also SSSIs, but this is not a prerequisite.

- Regional Parks are areas designated primarily for informal recreation and enjoyment alongside traditional land uses across extensive areas of attractive countryside. Although the primary purpose of LNRs is for nature conservation or environmental education, they can have a valuable role within Regional Parks in providing access to natural places.
- Country Parks are areas designated primarily for countryside access, informal recreation and enjoyment close to centres of population. With their distinct purposes, the designations of Country Park and LNR can, and do, complement each other. Some Country Parks include areas set aside as *de facto* nature reserve.

#### **Complementary Designations - Gartmorn Dam LNR, Clackmannanshire**

Gartmorn Dam is an important over-wintering wildfowl site with associated botanical and aquatic interests, and is owned by East of Scotland Water. The local authority leased the site for the creation of a Country Park, and anticipated that once the recreational and educational value of the site was recognised and promoted, that the natural interest might suffer from the increased visitor pressure. Therefore, an LNR was declared within the part of the Country Park where the interest was the most sensitive, in order to safeguard it within the wider informal recreational setting.

- Other areas may be identified in a local authority's development plans where special policies are applied, but where protection is only exerted through the planning process and there are no positive management powers, eg: Areas of Great Landscape Value, Green Belts, sites of local wildlife or geological interest.
- Wildlife reserves may be managed by voluntary non-government organisations (NGOs), eg: Royal Society for the Protection of Birds or the Scottish Wildlife Trust. Voluntary sector reserves need not be designated at all and are subject to the current aims and resources of their managing organisations.

The above suite of designations were developed as tools for different purposes. Complementing them, LNRs provide a means of both protecting and managing special local natural interest, and enabling people to understand and enjoy it. Thus, the LNR designation fills a niche because it:

- already exists in statute and provides protection independently of the development plan process;
- encourages local responsibility and accountability for natural heritage management;
- enables both positive management and regulation of impacts through byelaws, and enables the deployment of a ranger service if appropriate;
- provides opportunities for greater awareness, understanding, enjoyment and commitment to the natural heritage.

If there were no LNR designation, various alternative mechanisms could go some way towards achieving the purpose of LNRs, eg: management agreements between local authorities and landowners. It is unlikely, however, that such mechanisms would be used with the same concerted and comprehensive purpose as the single LNR designation. It is also unlikely that the public would come to identify sites

protected through a variety of mechanisms as clearly as if they carried the LNR name. Thus, the LNR, as a site based designation, enables a suite of locally important sites to be clearly recognised and managed as a component of our natural heritage.

However, the existence of other designations or mechanisms implies that local authorities should be clear about whether LNR declaration is the most appropriate action for sites, justifying the administrative procedures required. As a statutory local designation, LNRs are independent of the development plan process, although development plans can help to protect such designated sites. There are also types of development that are outwith the scope of the planning system or deemed to be permitted development. Thus, protection through the planning system is not able to provide a level of safeguard equivalent to that of an LNR designation.

#### 4. POLICY OBJECTIVES FOR LOCAL NATURE RESERVES

The preceding discussion highlights the positive attributes of LNRs as statutory local sites where local authorities can manage land for public benefit, to protect and enhance biodiversity and/or provide special opportunities to enable public education, enjoyment and access. LNRs have the potential to deliver benefits for both people and the natural heritage. SNH considers that the maximum benefit can be achieved when *both* the natural heritage preservation and environmental education purposes are met. These twin objectives should be pursued in a way that does not exceed the carrying capacity of the site.

Thus, SNH has two broad policy objectives for LNRs. It is recommended that they should:

*(i) increase awareness of, understanding of, and personal commitment to the natural heritage, ie:*

- provide special opportunities to appreciate, understand and value the natural heritage for local people, visitors and tourists alike;
- enable reasonably quiet enjoyment of the natural heritage for the public;
- be somewhere that people can become involved in improving their local natural heritage;
- provide a symbol of community pride;
- be, or have the potential to be, widely accessible, both physically and socially.

*(ii) enable protection and enhancement of the natural heritage in special locally important places, ie:*

- ensure good management;
- provide a firm basis for protection by virtue of being a *statutory local* designation;
- be identified in Local Plans with appropriate policies to safeguard the site through planning control and to encourage public use of the site in an appropriate way;
- allow a local authority to impose byelaws to help enforce protection of the special interests;
- target appropriate measures to enhance biodiversity.

LNRs also can provide further local added value, by contributing to:

- strategic biodiversity objectives, eg: ecological networks such as Forest Habitat Networks, Local Biodiversity Action Plans, etc;
- wider landscape objectives, eg: green networks;
- wider recreation and access objectives, eg: Paths for All;
- sustainable development initiatives, eg: Local Agenda 21;
- small scale employment and training;
- wider social benefits for local people, eg: improving health;
- economic benefits, eg: by attracting tourists;
- wider environmental benefits, eg: absorbing pollution, filtering dust, reducing noise;
- conservation of historic features and sites of cultural importance.

LNR development is also a way of encouraging beneficial partnership working between the local authority, government, local communities, the voluntary sector, and owners and occupiers.

## 5. SITE SELECTION

As the LNR is a local authority designation, it is the responsibility of the local authority to select and justify potential LNRs. Clearly, a potential LNR must meet the few essential requirements that are laid out in the 1949 Act and these are summarised in section 5.1 below. In addition, SNH recommends that in the future, LNRs should address the policy objectives set out in the preceding discussion. To meet these objectives implies commitments to encouraging public access and providing opportunities for awareness raising which are not specifically described as objectives in the 1949 Act. These recommended criteria are set out in section 5.2 below.

### 5.1 Legislative Requirements

In order to meet the legislative requirements of the 1949 Act, it is essential that the proposed LNR should:

1. consist of land (generally interpreted to include the foreshore above low water mark of ordinary spring tides or inland waters);
2. be managed;
3. provide special opportunities for study and research of the flora and fauna of Great Britain and the conditions in which they live, and for study of earth sciences of special interest in the area; and/or preserve the special natural or earth science interest in the area; or for both of those purposes<sup>2</sup>;
4. consist predominantly of flora or fauna of Great Britain;
5. have the study and research into, or preservation of, nature or the earth sciences as a priority objective and not as an incidental land management consideration;
6. lie within the jurisdiction of the local authority concerned (or local authorities, where an LNR is declared by more than one authority acting jointly)<sup>3</sup>;
7. be owned or leased by the local authority, or be under an agreement from the owner or tenant;
8. be the subject of consultation with Scottish Natural Heritage.

### 5.2 Recommended Additional Selection Criteria

Given that these legislative considerations are complied with, SNH considers that sites most appropriate for LNR status are those where both sets of policy objectives outlined in section 4 above are met. Thus, SNH recommends that sites should be selected which:

- 1) *provide accessible, positive, current (or potential) informal opportunities for raising people's awareness, understanding and enjoyment of, and involvement with, their local natural heritage;*

**AND**

- 2) *be (or have the potential to be) of special natural heritage interest in the area, through good management and safeguarding of the site.*

---

<sup>2</sup> If the purpose of the LNR is purely to provide opportunities for study or research (ie educational) then strictly there is no legal need for the flora and fauna to be of 'special' interest in the area.

<sup>3</sup> See section 7.1 for guidance on dual declarations and delegations to other authorities.

At the point of declaration, few LNRs have reached their full potential in terms either of their special natural interest or their opportunities for education. If the local authority can demonstrate the site's potential to develop a special natural interest and be the focus for special educational opportunities within a reasonable period of time, then it may be considered for selection.

The following questions expand on the issues behind the two recommended selection criteria above. It is not suggested that all of these are relevant to every proposed LNR, however, applied with common sense, they should help to identify the strengths and weaknesses of the LNR proposal. A local authority should consider:

- Is the site the focus of local community interest and concern, or does it have the potential to capture people's imagination? Have local people (both those living and working nearby, and interested groups and users) been involved in the selection process?
- Will interested communities be involved in steering the site's development, management and monitoring?
- Is the site in an area generally lacking in publicly accessible natural heritage - the fewer the current opportunities, the greater the value of new LNRs?
- Is there some public access - rights of approach, entry or use that are legally defined or established through long-standing use? Is the site linked to wider public access networks, green networks, other open spaces, etc?
- Is it safe and physically easy to get into and around the site, accepting that access to highly sensitive areas may need to be restricted wholly or periodically?
- Can people enjoy the access rights and feel comfortable about using the site, for example without fear of crime? This may involve design modifications or inclusion of the site in educational outreach programmes to encourage use by all.
- Can people get to the site by public transport?
- Does the site have, or could it have, car parking, and provision for safe delivery and pick-up for educational visits?
- Does the site lend itself to being a safe educational resource, for example with good site interpretation, without adversely affecting its special interest?
- Is the site reasonably close to schools, community education centres and/or field study centres?
- Is the site safeguarded, notably through the development plan process, or can safeguarding be included in the next Local Plan revision?
- Has the site been (or is it likely to be) identified of local importance in the Local Biodiversity Action Plan?
- Is the site of a minimum size to support a viable ecological interest and have the capacity to support public use? (Geological sites are generally less size-critical.)

- Are there any implications for neighbouring areas, or other sites or facilities - see 5.3 below?
- Is the site's future secured for some time? There is limited benefit in investing resources in an LNR that will be de-declared and subsumed into the development cycle in the short, or perhaps even medium-term.
- What is the existing use of the site and how can this be taken into account when planning the LNR development? Will alternative provision have to be made, and will there be a net public benefit?
- Is the site a viable management unit with appropriate access for management, etc?
- What are the likely costs to be incurred during the life-cycle of the LNR (including initial developmental, establishment, staffing costs, etc), and has provision been made for these?

It would be preferable if LNRs were selected as a result of a survey, evaluation and strategic overview of the natural heritage of the whole local authority area. However, SNH recognises that this is not always possible, and a lack of a local authority nature conservation or other type of strategy should not be an impediment to LNRs being identified and declared. Rather, if there is community enthusiasm for a site to be declared as an LNR, and if the necessary conditions are met, this should be supported and community commitment encouraged.

#### **Strategic Context for Local Nature Reserve Selection - City of Edinburgh Council**

In 1988/89, Edinburgh District Council carried out a city-wide wildlife survey. This provided a baseline for identifying areas of biological importance, and was used to underpin the Edinburgh Urban Nature Conservation Strategy, adopted in 1992.

In 1997, the City of Edinburgh Council Planning Committee approved a report which set out a policy justifying the selection of future LNRs. As the local authority is responsible for identifying and evaluating a site's special natural interest and special opportunities for education, sites were assessed on three factors:

- natural interest (using a system adapted from the Nature Conservation Review);
- scope for environmental education; and
- ability to manage the site for nature conservation.

A potential LNR had to qualify on all three counts.

Using this policy, the City of Edinburgh Council now has a further four potential LNRs in the pipeline, to complement its existing two at Corstorphine Hill and Blackford Hill/Hermitage of Braid.

### **5.3 Choosing the LNR Boundary**

One additional consideration when deciding the LNR boundary, is the inclusion of buffer zones. These are areas of lower value than the main special interest of a site, but the management of which is linked to maintaining the special interest. A buffer zone can lie:

1. Within the LNR Boundary If an area of land, the management of which is closely associated with maintaining the special interest of the LNR, even although that land may not itself be of special interest, then it could be included within the boundary. The whole site may then be protected and managed as a unit, and byelaws applied accordingly. Buffer zones can be managed primarily for other purposes, so long as that management is compatible with, and supports the interest of, the LNR. Examples may include land necessary for managing access to, or within, the LNR, eg: for car parks, storage sheds or a reserve centre; or agricultural land that supports species that are of special interest in the reserve.
2. Adjacent to the Boundary Adjacent areas may also be important, eg: to absorb potentially damaging recreation pressures, wildlife corridors connecting LNRs to green networks, or agricultural land. If these are not crucial to the management of the special interest of the site, but flexibility or restrictions in their future management is sought, such areas can simply be managed in a complementary manner, eg: through zoning as public open space in a local plan, or through negotiating restrictions as part of an agreement with the local authority. The application of byelaws is restricted to within the boundary of the LNR except for byelaws which “prohibit or restrict the shooting of birds or of birds of any description within such area *surrounding or adjoining* a nature reserve as appears ... requisite for the protection of the reserve”<sup>4</sup>. Such a byelaw could create a de facto buffer zone for birds.

It is SNH policy to prefer the first option. Inclusion of a buffer zone within the LNR boundary more clearly identifies the land necessary (within reason) to support and maintain the site’s special interest. Thus, a single LNR unit can be identified for protection in development plans, and coherent management detailed in a single management plan. Buffer zones outside boundaries are more likely to be managed in disparate ways. A local authority should satisfy itself, in respect of any land that is proposed to be incorporated in an LNR as a buffer zone, that the current occupiers’ use and management are compatible with the objectives of the LNR.

There can also be implications for land well outwith the LNR boundary. For example, a water catchment may require to be managed to ensure that an essential supply of water to a wetland in a LNR is conserved. In such circumstances, negotiating special sympathetic management arrangements would be more appropriate than altering the LNR boundary to include the catchment.

If possible, the need for buffer zones should be considered before declaration, and boundaries adjusted, or complementary management arrangements developed accordingly. The LNR’s links with, and dependencies on, adjacent land uses, should desirably be identified within local authority strategies and plans.

---

<sup>4</sup> Section 21(4) as it relates to Section 20(2c) of the 1949 Act.

## 6. CONSULTATION WITH SCOTTISH NATURAL HERITAGE

Under Section 21(6) of the 1949 Act a local authority may only declare an LNR after “*consultation with*” SNH. The Act does not specify when or what form the consultation should take. SNH recognises the importance of this consultation in order to ensure, in so far as is reasonably possible, that:

- there is a consistent approach between local authorities across Scotland;
- the local authority is aware of the legal requirements for site selection outlined in section 5.1 above;
- SNH’s policy on recommended selection criteria in 5.2 is considered;
- the site’s potential for biodiversity, environmental education, recreation and access, and community participation is explored.

Local authority consultation with SNH should be both formal and informal. Informal discussion should sit within established working relationships between SNH locally and local authorities. The possibility of a site being considered as an LNR should be discussed as early as possible, when SNH staff could offer advice on the natural heritage interest of the site, if desired. It would be helpful for informal consultation to continue throughout the declaration and at key stages in the subsequent operational period.

When being formally consulted over a proposed LNR, SNH requests the following information, in order that consistent and meaningful advice can be offered:

- a statement outlining why the site was selected;
- a map;
- tenure details;
- a reserve management statement setting out a brief description of the site aims and objectives - including actual or potential biodiversity management, opportunities to be realised for environmental education and community participation, arrangements for access and visitor management - and setting out the management arrangements and initial management priorities;
- outline costs and funding arrangements.

As good practice, SNH would ideally wish to comment on a basic management plan. However, production of a plan prior to declaration (or indeed after declaration) is not an essential legislative requirement. Therefore, SNH recommends that within three years of declaration a reasonably comprehensive management plan should be prepared, with a subsequent monitoring and review programme. SNH Area staff are able to advise on suitable formats for management plans, bearing in mind that whilst being rigorous, the format should not be so complex or onerous that it discourages action.

In the formal consultation, SNH’s policy will be to endorse proposals that it feels meet the appropriate objectives, criteria and management provision. SNH cannot approve or disapprove proposed LNRs, it can only advise. Therefore, comment will be given as advice to the local authority. In giving advice, SNH’s aim will be to be constructive and offer support to local authorities that are seeking to implement the policy on LNRs set out in this document. Consultation should be directed through the local SNH Area Officer. Responsibility for endorsement of LNRs rests with the relevant SNH Area Manager who should formally respond to the consultation. Each SNH response letter will be different, but should contain wording to indicate that SNH

considers that the requirement for consultation, contained in Section 21(6) of the National Parks and Access to the Countryside Act 1949, has been met.

Under the 1949 Act, there is no obligation on a local authority to heed SNH's advice in such a consultation. However, SNH will not normally offer funding support or engage in partnership projects where it has not endorsed the proposal to declare. If SNH is not formally consulted, or if insufficient information is provided to enable advice to be given, the Act's requirements will not have been met and it is possible that any declaration and associated byelaws could be declared invalid.

If the LNR is also an SSSI it is recommended that the local SNH Area Officer is involved from the start. This should make statutory consultation over SSSI management simpler.

SNH Area staff should ask to be informed once the LNR has been declared and ask to receive a complete set of declaration papers and map. This is so that up-to-date records can be included within SNH's central database of all Scottish site designations. This information is also needed for SNH's Annual Report, other documents and SNH's Website.

To be helpful, SNH may offer to hold and make publicly available the LNR declaration papers at the local SNH Area Office, in addition to wherever else a local authority chooses to publicise the information.

## **7. PROCEDURES FOR LOCAL NATURE RESERVE DECLARATION**

### **7.1 Steps to establish an LNR**

This section describes some of the actions typically required by a local authority in establishing an LNR, including acquiring a legal interest in the land, involving the local community, declaration, alteration of boundaries, and establishing byelaws. Within the constraints of legislative requirements, many variations are possible, particularly over the involvement of the local community and the preparation of a management plan. A common-sense approach should be adopted, taking account of the needs of each particular LNR.

### **7.2 Securing Local Authority Legal Interest in the Land**

Under the 1949 Act, prior to declaration of an LNR a local authority is required to have a legal interest in the land in question through ownership, lease, or an agreement with the owners and occupiers involved.

The declaring local authority must also have jurisdiction over the area in which the proposed LNR lies. For sites which extend across a local authority boundary, a joint declaration could be made by the two local authorities acting jointly.

A local authority cannot declare a reserve on land which is already declared as a National Nature Reserve by SNH, but it can declare an LNR on land notified as a Site of Special Scientific Interest.

#### *7.2.1 Agreements and Leases*

Section 16 of the 1949 Act sets out the basis for securing agreements to ensure the management of land as a nature reserve. Agreements may have restrictive and positive elements, and may also allow for payments to be made. Local authorities can make such agreements in respect of Crown Land, statutory bodies and with non-governmental organisations wishing to see their reserves officially recognised as LNRs. If the land is subject to an owner-tenant arrangement then, depending on the nature and extent of the tenant's occupancy, it may be essential that both owner and tenant enter into an agreement.

An agreement may take a variety of forms but must as a minimum give the local authority a legal interest in the land, set out who is responsible for doing what, and be clear about what is being agreed to the satisfaction of the legal advisors on all sides. Two examples of reserve agreements are contained in Appendix 1.

#### **Legal Agreement - Paisley Moss LNR, Renfrewshire**

Paisley Moss LNR in Renfrewshire is an important wetland area with a variety of breeding and migratory birds. It is owned by Glasgow Airport Ltd. A legal agreement was drawn up between the airport and Renfrewshire Council, securing for the Council a legal interest in the land - an essential requirement for the declaration of an LNR (see Section 5.1 above). The legal agreement stipulates membership of the LNR Management Committee, gives a let-out clause, and allows the airport to apply appropriate measures for internal security. The LNR is managed in partnership by Glasgow Airport, Renfrewshire Council, Scottish Natural Heritage and the Scottish Wildlife Trust.

A local authority may also wish to consider securing public access to or through a reserve under Countryside (Scotland) Act 1967 (as amended) powers. These can enable a wider range of byelaws to be used in support of management of the LNR.

### *7.2.2 Compulsory Purchase*

Section 17(1) as applied through Section 21(4) of the 1949 Act gives powers of compulsory purchase to local authorities to enable the establishment of LNRs. However, compulsory purchase is exercisable only where the authority is satisfied that they cannot conclude an adequate agreement on reasonable terms, and has exhausted all reasonable other measures to secure a reserve. Compulsory purchase is also one remedy available to the local authority if, having entered into an agreement in respect of an LNR, a breach of the agreement occurs which prevents or impairs the satisfactory management of the LNR. This power is subject to normal limitations and dispute procedures that apply to any local authority compulsory purchase.

#### **Compulsory Purchase - Straiton Pond LNR, Midlothian**

To date, Straiton Pond is the only LNR in Scotland to be acquired through compulsory purchase. In 1982, Edinburgh District Council instigated the action for the site which suffered from landfill impacts, pollution, dereliction and neglect, with the intention of rehabilitating the land and creating an LNR for both its natural and educational interest. After exhausting ways of securing its future protection in the face of the owner's unwillingness to sell, the local authority opted for compulsory purchase of the 5.2 ha site, and after a public inquiry, had the Compulsory Purchase Order confirmed in 1985. Subsequent remedial works included pollution control, landscaping, woodland and pond creation, footpath building and site interpretation, increasing the wildlife and community value of the site to the extent that it received a British Association for Nature Conservation award in 1989. Straiton Pond was further identified in the Edinburgh Nature Conservation Survey and Strategy for its wildlife value and opportunities for habitat creation, and the Council pressed ahead with its intention to declare an LNR in May 1991 - Edinburgh's first LNR.

In the 1993 local authority boundary changes, the LNR transferred to Midlothian Council, where it is now managed by the Ranger Service.

### **7.3 Forming a Local Management Group**

The parties involved in identifying, evaluating, declaring and managing the LNR may form a group to help steer the process, which is often termed the Local Management Group (LMG). An LMG could typically be composed of representatives of the local authority, the local community, and potential users of the LNR which may include environmental or other local interest groups. Ideally an LMG should be established early on in the process. However, it is recognised that there may be instances where local authority commitment to LNR establishment is required before an LMG can be formed. Indeed it may not be appropriate to involve a wider group of interests in the sometimes lengthy process of fulfilling basic legal requirements. Therefore, the timing of the establishment of an LMG will vary. However, as a matter of good practice, preliminary steps to establish such a group should have been taken by the time of the formal consultation with SNH.

LMGs tend to be established and serviced by the local authority. Experience has shown that LMGs can become involved in a wide range of activities. Key among these

should be establishing the purpose and management objectives for the LNR at least in outline prior to declaration; and the preparation and monitoring of the LNR management plan. An LMG can also have an important role in the active management or day to day running of a LNR. For example, local representatives may be able to provide a formal or informal method of policing for litter, vandalism and other anti-social activities.

Where an LNR has close links with schools, it may be worth considering setting up a Junior Management Sub-group made up of young people elected by their schools. This has the potential to ensure that their needs and ideas are fed into the management structures of the reserve. There are good examples of this practice in England.

#### **Public Participation in Local Management Groups - Scotstown Moor LNR, Aberdeen**

Scotstown Moor is designated as an LNR primarily for its social value - the proximity of schools to the site and the accessibility for educational purposes for the public were considered paramount. Part of the site is also designated as an SSSI. An Advisory Group including representatives of users and the local community was established early in the declaration process. A number of local groups expressed an interest in the LNR including the Old Machar Action Committee, Scottish Wildlife Trust, Aberdeen Urban Wildlife Group, residents associations, community councils, RSPB, SNH, community education officers and schools. There is a high priority placed on the use of the LNR by local communities and every effort has been made to ensure their full participation in the Advisory Committee through appropriate representatives.

#### **7.4 Declaration**

Section 19 of the 1949 Act sets out the procedures for declaration (and de-declaration) of nature reserves. Declaration provides the public with formal notification of the existence of an LNR. The local authority makes a declaration that:

1. the land is subject to an agreement entered into with them or has been acquired and is held by the authority; and
2. the land is being managed as a nature reserve.

An example of a declaration is included at Appendix 2.

The declaration document may be executed by the local authority in the same manner in which it executes legal documents. It is strongly recommended that a map with precise boundary details is appended to the declaration, in order to avoid confusion, though this is not a legal requirement. The declaration can also take the form of a minuted formal Council resolution, eg: at Montrose Basin LNR.

Notice of the declaration should be published in a way that best informs relevant and local people. For example, certified copies of any declaration may be kept for public inspection in appropriate local authority offices and public libraries. This fact is usually advertised by a public notice in local and (where appropriate) national newspapers and the Edinburgh Gazette. Other publicity could include involving local councillors, sponsors, residents and users. Local publicity such as events or declaration ceremonies could be supplemented by producing information sheets and brochures that can be made available through tourist information offices and other

visitor facilities. An example of a public notice is included in Appendix 3, although this (and the declaration notice at Appendix 2) can be varied to suit the circumstances.

Once declared, it does not matter who is the LNR managing body, as long as the site is managed as a nature reserve. Therefore, the local authority could hand over LNR management to others on whatever terms may be agreed. Some voluntary organisations may be able to contribute to the costs of a reserve.

Local authority staff time is likely to be concentrated during the earlier stages of negotiation and consultation with interested parties and in the preparation of a management plan, costings and search for funds. These critical stages often rely on the motivation of individual officers in various departments.

## **7.5 Alteration of Boundaries**

### *7.5.1 Extensions*

Where a local authority proposes to extend an LNR it should also follow the above guidance, from site selection through to declaration, making suitable management arrangements and consulting with SNH. Only the extension to the LNR need be formally declared (rather than the whole thing). However, it may be useful for the local authority to remind the public of the full extent of the reserve in any public announcements. If byelaws apply to the existing LNR and it is intended to extend them to cover the whole new site, they should be revoked in entirety and reapplied to the whole site (even if the actual byelaws remain the same).

### *7.5.2 De-declaration*

There may be circumstances where a LNR declaration is no longer appropriate for all or part of the site. Reasons could include:

- irresolvable management problems and conflicts at the site;
- ownership changes;
- the land to which the declaration relates ceases to be held by the local authority;
- the non-renewal of a management agreement; or
- a change in the site arrangements so that the purpose for which the site was declared is no longer a priority purpose.

In such cases, the local authority can de-declare the LNR, thus removing the status of the site as an LNR. Formal consultation on de-declaration should take place with SNH. Notice of the de-declaration should be published in a way best suited to informing local people and relevant interests in the same way as the LNR was declared in the first place.

A de-declaration can vary in scale from minor alterations of a site boundary, to de-declaration of a whole LNR. It should be borne in mind that such an action could be seen negatively by the public and local media. A de-declared LNR could still be managed for natural heritage conservation if the local authority seeks alternative management arrangements for the site.

If only part of a site is de-declared, any byelaws applying will need to be revoked and re-applied to the remaining area of land.

<b>De-declaration of a Local Nature Reserve - Munloch Bay, Highland</b>
---

Munlochy Bay LNR was the first Scottish LNR to be de-declared and underlines the relative insecurity of LNRs declared by use of management agreement. The impetus for LNR status came from a local demand to control wildfowling and was fulfilled by the completion in 1975 of an agreement (with associated byelaws) between Highland Regional Council and the landowners. In 1985, the Council sought to widen the operation of the reserve to include opportunities for walking and site interpretation. Although a number of visitor improvements were made outwith the shooting area, the landowners were unwilling to vary the existing arrangements and so the local authority suspended the agreement. In short, “*the LNR was set up as a wildfowling device to control incoming shooting parties and never had any intention or remit to appeal to a wider public*” (Jamieson, 1995). This highlights the importance of clearly identifying the purpose of the LNR at the outset of the declaration process.

### 7.5.3 Local Authority Boundary Changes

LNRs can be affected by changes in local authority boundaries suggested by the Boundary Commission. Normally matters of this kind are dealt with in documents formalising alterations to boundaries. In order to make sure that the formal LNR declaration is transferred with the land, some exchange of letters may be necessary, as an addendum to boundary change documents. Where land is held under lease or agreement, these will also need to be transferred to the new authority.

## 7.6 Byelaws and Management Rules

### 7.6.1 Byelaws

Local authorities have powers under Section 20 of the 1949 Act to make byelaws to control third party activities. The making of byelaws on Scottish LNRs is governed by procedures laid down by Sections 202 to 204 of the Local Government (Scotland) Act 1973 (as amended), and requires the formal confirmation of the byelaws by Scotland's First Minister.

The byelaws must not interfere with the exercise by any person of a right vested in him as owner, lessee or occupier of the land in a nature reserve (1949 Act, Section 20 (2)). Where such interference has occurred, that person shall be entitled to compensation from the local authority under Section 20(3) of the Act.

Byelaws can be made at the same time as the LNR declaration, or follow thereafter. To avoid confusion, it is recommended that only one set of byelaws be applied to any piece of land. Therefore if introducing new byelaws, any existing ones need to be revoked and the new set applied to all of the land concerned. In view of the time and effort required in establishing byelaws it is worth weighing very carefully any existing byelaws against the proposed ones and seeking composite new byelaws only if really necessary.

When preparing byelaws, it should be anticipated how they will be enforced. It is important to be realistic, or the enforcer's job will be impossible. Local authorities can work in partnership with voluntary organisations over the implementation of byelaws, but formal authority to do this and the procedures for involving the police and initiating prosecutions should be worked out at the outset.

In summary, considerations about the use of byelaws should be:

1. Byelaws are not a prerequisite for the management of all LNRs.
2. Byelaws may be used as an LNR management tool, as a means of last resort.
3. Do not confuse what can be done by byelaw implementation with what should be done by good reserve management and planning.
4. Consider carefully the policy required and actions to be taken in issuing permits.
5. Develop guidelines for staff for the enforcement of the byelaws.

### *7.6.2 Management Rules*

As an alternative to, or in addition to, byelaws local authorities can also exercise control through management rules. These are made under Section 112 of the Civic Government (Scotland) Act 1982 and enable local authorities to regulate the “use of” and “conduct of persons while in or on” land owned, occupied, managed or controlled by them to which the public have access. However, they cannot apply to the foreshore below high water mark of ordinary spring tides.

The procedures for making management rules are similar to those for making byelaws but they do not have to be confirmed by the First Minister. Unless revoked, they remain in force for 10 years.

Unlike byelaws, fines cannot be levied for the contravention of management rules but a person can be expelled from the land and fined if they refuse to leave. Management rules can also be used pre-emptively to exclude someone where there are reasonable grounds for believing that they are about to contravene the rules and a fine levied if they enter or attempt to enter.

#### **Byelaws for Scottish LNRs**

Byelaws have been introduced for many Scottish LNRs to regulate the use of the reserve, particularly where conflicting interests are potentially significant. For instance, Aberlady Bay LNR used byelaws to minimise parking impacts; Eden Estuary LNR to promote responsible wildfowling; and Montrose Basin LNR to control wildfowling, sailing, angling and scientific research. Other local authorities have considered the use of byelaws unnecessary, particularly where general Management Rules may be easily applied, eg: Corstorphine Hill LNR.

## **8. A VISION FOR THE FUTURE OF LOCAL NATURE RESERVES IN SCOTLAND**

### **8.1 Vision**

LNRs should be a local natural resource meeting the needs of communities and visitors alike. They should be accessible to people throughout Scotland, both in and around settlements, in the countryside or on the coast. In short, LNRs should be “special local natural places”.

Historically, varied use of the designation has led to an uneven geographical spread and huge disparity of size. To meet the objectives set out in this document, how can this legacy be usefully supplemented? Although LNRs can be a valuable resource for visitors and tourists, they are best placed to serve local people, who are usually based in settlements, in both urban and rural areas. The specific location of LNRs will always depend on the quality of the natural heritage and how well the site meets the selection criteria.

It is difficult to be prescriptive about the number or size of LNRs. As a priority, LNRs should permeate settlements as a recognised quality component of accessible public open space provision. Thus, because the pockets of land in and around settlements are generally smaller, the average LNR size is likely to fall in comparison with the average size of LNRs to date, as this has been dominated by large rural sites. New LNRs should be created to respond to the aspirations of local communities to have access to their special local natural place.

### **8.2 Profile of an Ideal LNR**

Local Nature Reserves should be special local natural places. They are special for many things. An ideal LNR might have the characteristics set out below. Not every LNR will conform to this list of ideals, but most LNRs should be able to offer most of these things. They should be places that local people in particular value and would want to support, and that are viewed positively and are not thought of as left over places. They should have a natural heritage interest that is locally important, and could even be of national importance. They can be found near city centres, at the seaside, in woodlands, in fact anywhere that there is sufficient special natural heritage interest and the legal requirements are met.

An LNR might be somewhere:

- which is a bit of the countryside or seaside near to where you live or work;
- where you know that you will see some different nature from that in parks or gardens;
- where there might be interesting rocks or landforms;
- where often you can find out more about nature because there are leaflets, or interpretation boards, or a ranger to talk to, or occasional special events;
- if you have learnt a bit more about nature and want to do something practical to help, where you can get involved in aspects of the reserve’s management;
- where you would take a visitor, or recommend to a tourist;
- where you could expect physically to be able to get into and around most of the reserve, unless there are good reasons as to why this is not possible;
- where all sorts of people would feel comfortable using it;
- where it would be reasonable to feel safe, as long as you act responsibly;

- where you can unwind from pressures of daily living by appreciating growing things;
- where you would not necessarily expect a tea-room, but where you could bring your own picnic to enable you to spend some time enjoying the natural heritage;
- where you would only expect to find informal facilities, although occasionally you might find formal facilities like visitor centres, etc;
- that you can get to without too much difficulty, preferably having the choice of going by public transport;
- that will change from season to season with interesting different things to see which would make you want to keep going back;
- where schools or community groups could be catered for;
- that is a symbol of community pride;
- where you can breathe fresh air and hear natural sounds;
- that could be treasured and is seen as an asset for your children's generation;
- that you would have heard of, sounds interesting, and would make you want to visit.

## **9. SNH's STRATEGY FOR LOCAL NATURE RESERVES**

To assist local authorities in establishing new LNRs and in improving the quality of existing ones, SNH will adopt a 13 point support strategy, which is ordered under 6 headings:

### **9.1 Statutory Consultation**

1. SNH will allocate sufficient staff time to act as a statutory consultee over new LNR proposals, to make sure that consultations are meaningful, that the policies set out in this document are considered and that a consistent approach is adopted across Scotland.
2. SNH will offer guidance on the natural heritage context of proposed new LNRs in order to verify the local authority's evaluation of the site's special natural interest and educational opportunities. However, the task of documenting the natural heritage interest of the site, and identifying and evaluating its opportunities for access, environmental education and community involvement should be instigated by the local authority.

### **9.2 Advice and Guidance**

3. SNH will support appropriate provision for LNRs within development plans, in keeping with NPPG 14 on the Natural Heritage.
4. SNH will publish national guidance, principally for SNH and local authority staff, on SNH policy and strategy towards LNRs, and on procedures and practice; and will develop briefing for SNH's staff on its approach.
5. SNH will incorporate all LNRs within its database of special natural heritage sites (Management Information on Designated Areas and Sites - MIDAS), making the information publicly available if requested, and publishing new LNRs in SNH's Annual Report and Website
6. SNH will encourage innovation, the adoption of good practice and high standards.

### **9.3 Funding**

7. SNH will support the development of LNRs through locally available grant, by funding activities such as:
  - positive management agreements;
  - land purchase;
  - development of management plans;
  - site development;
  - development of access facilities;
  - enhancement of biodiversity;
  - environmental education and interpretation;
  - activities which involve local communities in LNR management.

However, SNH will not offer grant support for site maintenance. Grant will be discretionary and will depend on the priority identified locally for the development of an LNR, and on the extent to which the development of an LNR may contribute to

Local Biodiversity Action Plans, local access network objectives and environmental education programmes. Grant will not normally exceed 50%. Applications for grant should demonstrate value for money and should maximise opportunities for leverage using other funding sources.

1. SNH review this grants strategy once the number and quality of LNRs in existence is significantly increased.
2. SNH will investigate ways to increase support funding, to match and enhance the funding available from SNH grant, from alternative funding sources such as the National Lottery.

#### **European Funding - Jenny's Well LNR, Renfrewshire**

In 1996, Jenny's Well in Paisley was declared as an LNR. The site was recognised as already holding significant local natural interest at the time of declaration. It is anticipated that this interest will increase again as recently established habitats mature. The official declaration marked the culmination of three years planning and hard work including site clearance, earth moving, footpath creation, construction of seating and tree planting. The improvements cost some £240,000 principally from Renfrewshire Council and the European Regional Development Fund.

#### **Corporate Sponsorship - Aberdeen LNRs**

Aberdeen is in the fortunate position of being well endowed with oil companies with corporate sponsorship budgets. Recognising this, the local authority was quick to seek corporate sponsorship for its ambitious programme of LNR declaration and management.

To this end, Texaco contributed £30,000 to establish and develop the initial three Aberdeen LNRs - Den of Maidencraig, Donmouth and Scotstown Moor. This helped towards building footpaths, purchase of interpretation material, facilities, etc. UNOCAL also contributed £8,000 towards Kincorth Hill LNR, which assisted with interpretation boards, leaflets, education packs for schools and gorse clearance.

#### **9.4 Promotion**

3. SNH will publish a general promotional leaflet describing the benefits of LNRs, for local authority personnel and elected members, interested communities and non-governmental organisations.
4. SNH, with COSLA, will launch this guidance and SNH policy on LNRs.

#### **9.5 Monitoring**

5. SNH will develop, with COSLA, a basis for monitoring the value and effectiveness of the suite of LNRs.

#### **9.6 LNRs run by Non-Government Organisations**

6. SNH will support the development of partnerships between local authorities and environmental non-government organisations for LNRs run by the latter where this is appropriate.

Thus, this strategy offers 13 ways in which SNH will take corporate and specific action in support of LNRs, including measures which will promote them, guide their development, make funding available and encourage their monitoring. However, SNH recognises that it will be for local authorities to lead the way in making Local Nature Reserves more widely available to Scotland's people and ensuring that they really are special local natural places.

## APPENDIX 1: EXAMPLE OF AN AGREEMENT

The following is an example of an agreement between a local authority and site owners. Local details may be substituted for the words indicated in italics.

An AGREEMENT between

*...(NAME OF ORGANISATION and Act under which incorporated, registration number and registered offices - if appropriate)...* (hereinafter called "the owners" {or "proprietors"})

of the First Part

and

*...(NAME OF LOCAL AUTHORITY and address) constituted under the ...(name of Act).* (hereinafter called "the Council")

of the Second Part

WHEREAS:

(FIRSTLY) The owners are heritable proprietors of that area of ground lying *...(location)...* extending to *...(acreage in words)...* or thereby and shown delineated and outlined in red on the plan annexed and executed as relative hereto (which area of ground is hereinafter called "the Reserve").

(SECONDLY) The Council intends to secure the provision of a local nature reserve on the Reserve in terms of Section 21 (1) of the National Parks and Access to the Countryside Act, 1949 ("the Act").

(THIRDLY) The Owners and the Council have mutually agreed to enter into this Agreement in accordance with the provisions of Part III of the Act as amended.

(FOURTHLY) The Council have consulted Scottish Natural Heritage over the establishment of the Reserve as a Nature Reserve.

NOW THEREFORE IT IS HEREBY AGREED between the parties hereto as follows:

(ONE) The Council shall, under the provisions of Section 19 of the Act, declare the Reserve as a Nature Reserve.

(TWO) The Reserve shall be managed by the Management Committee referred to in clause (THREE) hereof as a Nature Reserve within the meaning of Section 15 (a) and (b) of the Act.

(THREE) The Council will set up a Management Committee ("the Management Committee") for the purpose of managing the nature reserve. The Management Committee will manage the nature reserve in accordance with the objectives and management policies stated in the Management Plan (to be agreed by the Management Committee). The Management Committee will regularly review and update the Management Plan, and report progress to the Council.

(FOUR) A The Owners shall allow the Council, its employees, contractors and others authorised by them (i) pedestrian access to the Reserve

over ...(*access details if appropriate*)... for the purposes of (a) carrying out work in connection with the management of the nature reserve and/or (b) study and research; and (ii) subject to obtaining prior approval of the Owners, vehicular access to the Reserve, over the land lying ...(*details of access route*)... along a route to be specified for the time being by the owners for the said purposes.

B The owners shall be entitled at any time to restrict the foregoing rights of pedestrians and vehicular access on safety and/or security grounds.

(FIVE) A The owners shall not carry out or permit any works on the Reserve (including, without prejudice to the foregoing, installation of service tracks through the Reserve) without prior written consent of the Management Committee, which consent shall not be unreasonably withheld.

B Any damage to the Reserve resulting from work carried out or permitted by the owners will be made good by the owners in accordance with the requirements set out in the Management Committee's consent to the work taking place.

(SIX) Where the owners own land adjoining the Reserve, they will consult the Management Committee with regard to any proposed work or development on this land which could have an impact on the Reserve, and the owners will take any reasonable protective action deemed necessary by the Management Committee.

(SEVEN) The Council and/or the Management Committee shall be entitled after consultation with the owners to execute all works within the Reserve which they consider to be necessary for the proper management of the Reserve.

(EIGHT) The Council shall not be liable for the maintenance, repair or renewal of any boundary fences.

(NINE) Where the Council propose to make byelaws for the protection of the Reserve, the Council shall submit a draft of any such proposed byelaws to the owners and the Management Committee and shall consider any representation made in relation to such draft byelaws.

(TEN) Either party shall be entitled to terminate this Agreement by giving to the other twelve months notice in writing to that effect.

IN WITNESS WHEREOF these presents typewritten on this and the preceding X pages, together with the plan annexed, are executed as follows: they are executed for and on behalf of .....

OR

IN WITNESS WHEREOF the Common Seals of the parties hereto have been hereunto affixed on this ...(*date in words*)...

## APPENDIX 2: EXAMPLE OF A DECLARATION

The following is the suggested wording for an LNR declaration. The local authority should complete local details for the words indicated in italics.

### LOCAL NATURE RESERVE DECLARATION

...*(name)*... COUNCIL  
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949  
...*(name)*... LOCAL NATURE RESERVE  
NO. 1 ...*(or other)*... DECLARATION ...*(year)*...

IN pursuance of Sections 19 and 21 of the abovementioned Act ("the Act"), and all other powers enabling them in that behalf, ...*(local authority name)*... (hereinafter referred to as "the Council") hereby declares that the land extending to ...*(figure)*... hectares or thereby, situated at ...*(LNR location or record delineating features)*... in the ...*(local authority name)*... and shown delineated in red (but excluding those areas hatched in black) on the plan annexed hereto has been acquired by the Council/is the subject of Agreement between the Council and ...*(name of party in Agreement)*... under Section 16 of the abovementioned Act. (*delete options as appropriate*)

AND in pursuance of Section 19 (2) of the abovementioned Act and all other powers aforesaid the Council further declare that the said land is being managed as a Nature Reserve.

This declaration may be referred to as the ...*(name)*... Local Nature Reserve ...*(local authority name)* No. 1 (*or more if applicable*) Declaration ...*(year)*.

These presents are subscribed on behalf of the Council in accordance with the provisions of ...*(name and date of Council Confirmation Order)*... by ...*(name of Councillor)*... and ...*(name of officer)*... of the Proper Officers of the Council, both at ...*(location)*... on the ...*(date in words)*.

*(signature)* Councillor  
(optional second Councillor)  
*(signature)* Officer

ALTERNATIVELY

Given under the Common Seal  
of the ...*(local authority name)*...  
this ...*(date in words)*...

AND

SEAL

OR

In handwriting ...*(place, date)*... certified a true copy. ...*(Solicitor, location)*... signature.

### APPENDIX 3: EXAMPLE OF A PUBLIC NOTICE

An LNR Public Notice might take the following form, with local details for the words indicated in italics.

*...(name)...* COUNCIL  
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949  
*...(name)...* LOCAL NATURE RESERVE  
NO. 1 (*or otherwise*) DECLARATION *...(year)...*

NOTICE IS HEREBY GIVEN in pursuance of Section 19, as read in conjunction with Section 21, of the National Parks and Access to the Countryside Act 1949 that the *...(name)...* Council intend to manage land having a total area of *...(figure)...* hectares or thereby, situated at *...(LNR name/location)...* in the *...( location of local authority)...* and shown delineated in red (*but excluding those areas hatched in black - option*) on the plan attached to the Declaration, as a Local Nature Reserve.

Certified copies of the said Declaration with plan attached have been deposited for public inspection without payment during normal office and library hours for a period of thirty (*or otherwise*) days from the date of this Notice, in the office of the Director of Planning, *...(address)...* and *...(library near the LNR)...*(*and SNH Area Office if so desired*).

Dated this *...(date)...* day of *...(year)...*

signed.....

*(name)*

on behalf of the *...(name)...* Council

*(Council Address)*

#### **APPENDIX 4: SOME USEFUL LOCAL NATURE RESERVE REFERENCES**

- Barker, G. M. A.**, 1994. Local Nature Reserves programme in urban areas in England. Paper to INTERCOL, English Nature, Peterborough.
- Barker, G.M.A.**, 1995. Urban local nature reserves in England. In I.Kowarik, U.Starfinger and L.Trepl (eds). Dynamik and Konstanz: Festschrift fur Herbert Sukopp, Schriftenreihe fur Vegetationskunde Heft 27, Bonn-Bad Godesberg, Bundesamt fur Naturschutz.
- Barker, G.M.A.**, 1997. A framework for the future: green networks with multiple uses in and around towns and cities. English Nature Research Report No. 256, English Nature, Peterborough
- Barker, G.M.A., and Box, J.D.**, 1998. Statutory Local Nature Reserves in the United Kingdom. Journal of Environmental Planning and Management. 41(5), 629 - 642.
- Barker, G. & Curry, D.**, 1989. Local reserves for local people. Natural World, 25, 14-15.
- Box, J. D.**, 1991. Local Nature Reserves: nature conservation and public enjoyment. The Planner, 77(25), 5-7.
- Box, J.D.**, 1991. Forty years of Local Nature Reserves. ECOS, 12(3), 40 - 43.
- Box, J. D. & Harrison, C.**, 1993. Natural spaces in urban places. Town and Country Planning, 62, 231-235.
- Countryside Council for Wales**. 1996. Acting Locally on Behalf of the Environment: the Role of Local Nature Reserves. Countryside Council for Wales, Bangor.
- English Nature**. 1992. Nature is your Neighbour: Local Nature Reserves for Local People. English Nature, Peterborough.
- English Nature**. 1994. Managing Local Nature Reserves. English Nature, Peterborough.
- English Nature**. 1996. A Space for Nature: Nature is Good for You. English Nature, Peterborough.
- English Nature**. 1999. Local Nature Reserves in England: A Guide to their Selection and Declaration. English Nature, Peterborough.
- Harrison, C.**, et al. 1995. Accessible natural greenspace in towns and cities: a review of appropriate size and distance criteria. English Nature Research Report No.153. English Nature, Peterborough.
- Jamieson, D.**, 1995. Local Nature Reserves in Scotland: status, function and potential. Heriot Watt University. Unpublished Diploma thesis.
- Joint Nature Conservation Committee**. 1995. Conserving Britain's Biodiversity: A Report of the Statutory Nature Conservation Agencies' Contribution Under the UK Biodiversity Action Plan. Peterborough.

**Larwood, J.**, 1997. Windows in Time: Earth Heritage and Local Nature Reserves. English Nature, Peterborough.

**Scottish Natural Heritage.** 1995. Natural Heritage in and around settlements: a framework for action. Battleby.

**Scottish Office.** 1993. Learning for life: a national strategy for environmental education in Scotland. Edinburgh.

**Scottish Office.** 1996. Planning Advice Note 47: Community Councils and Planning. HMSO, Edinburgh.

**Scottish Office.** 1999. National Planning Policy Guideline 14: Natural Heritage. HMSO, Edinburgh

**UK Government** 1994 Biodiversity: The UK Action Plan. Cmd 2428, London, HMSO.

**Wild Life Conservation Special Committee.** 1947. Conservation of Nature in England and Wales. Cmd 7122, HMSO, London.

## **Working with Scotland's people to care for our natural heritage**

### **Scottish Natural Heritage**

is a government body responsible to the Scottish Executive and Scottish Parliament.

### **Our mission statement is:**

Working with Scotland's people to care for our natural heritage.

### **Our aim is:**

Scotland's natural heritage is a local, national and global asset. We promote its care and improvement, its responsible enjoyment, its greater understanding and appreciation, and its sustainable use now and for future generations.

### **Our operating principles are:**

We work in partnership, by co-operation, negotiation and consensus, where possible, with all relevant interests in Scotland: public, private and voluntary organisations, and individuals.

We operate in a devolved manner, delegating decision-making to the local level within the organisation to encourage and assist SNH to be accessible, sensitive and responsive to local needs and circumstances.

We operate in an open and accountable manner in all our activities.

For further information on SNH, please visit our website: [www.snh.org.uk](http://www.snh.org.uk)

The views in this document have been developed in association with, and are endorsed by, the Convention of Scottish Local Authorities.