

Agenda item:

**Decision maker:** Cabinet Member for Planning, Regeneration and Economic Development, 21<sup>st</sup> July 2015  
**Subject:** Milton Common Local Nature Reserve Restoration and Management Framework  
**Report by:** City Development Manager  
**Wards affected:** Baffins & Milton  
**Key decision (over £250k):** No

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## 1. Purpose of report

- 1.1 The purpose of this report is to approve the Milton Common Local Nature Reserve Restoration and Management Framework.

## 2. Recommendations

**The Cabinet Member is recommended to:**

- 1. Adopt the Milton Common Local Nature Reserve Restoration and Management Framework (attached as appendix A)**
- 2. Authorise the City Development Manager to proceed with the designation of Milton Common as a Local Nature Reserve including the submission of the Local Nature Reserve declaration to Natural England (attached at appendix C)**
- 3. Authorise the City Development Manager to make editorial amendments to the Restoration and Management Framework, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development. These changes will not alter the meaning of the document and will be restricted to grammatical and typographical errors**

## 3. Background

- 3.1 Milton Common is one of the most valued open spaces in Portsmouth and is one of very few semi-natural areas on Portsea Island. Reclaimed from the sea in the 1960s, it has changed significantly over the past 60 years and is now one of the few places in Portsmouth where it is truly possible to escape the built up nature of city life to a more wild place. The Common also contains a vast array of wildlife, which not only makes the site intrinsically valuable in its own right but is yet another reason why it is highly regarded by local residents.

- 3.2 However due to its complex history, the Common is a more difficult site to manage than most semi-natural spaces. The bramble and scrub cover which characterises large parts of the site has spread steadily westwards over the past decade and this trend will continue unless the site is more actively managed. Furthermore, a lot of the infrastructure which was put in place when the site was originally restored in the 1960s is now nearing the end of its life.
- 3.3 New development which is being proposed in the Milton area needs to address the impact which it will have on nearby Special Protection Areas (SPAs) due to the increased recreational pressure that would be caused. One way in which to do this is to enhance nearby green infrastructure in order to divert recreational pressure away from the coast and towards inland sites. Milton Common represents an ideal site to put this into practice and will ensure that a more intensive management regime is possible, the site can be restored and enhanced so that it can reach its full potential and no harm takes place to the SPAs.
- 3.4 The proposed management framework (attached at Appendix A) will set out how the city council intends to restore Milton Common and then continue managing the site in the future.
- 3.5 It should be noted that the first application within the potential development sites is currently under consideration<sup>1</sup>. Setting out the full scale of improvements and the ongoing management that will be needed will also enable the framework to function as a mitigation framework for the current application at the Light Villa & Gleave Villa site together with the rest of the schemes that are proposed in the Milton area.
- 3.6 Natural England, as the Government's statutory advisor on nature conservation, have been closely involved in the development of the management framework. This was considered essential given the proposal to use it in development management decisions. They have provided a letter of support (attached at Appendix D) which sets out that *"Natural England's advice is that the delivery of this management and restoration framework, in addition to contributions towards the Solent Recreation Mitigation Partnership, is sufficient to mitigate the recreational disturbance impacts of the SPA, of up to 897 new residents at Milton."* The contributions towards the Solent Recreation and Mitigation Partnership are set out in detail in the Solent Special Protection Areas Supplementary Planning Document.

#### **Local Nature Reserve designation**

- 3.7 As part of the framework, it is proposed that formal designation as a Local Nature Reserve (LNR) is pursued for Milton Common. The site is already designated as a

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<sup>1</sup> 14/01664/FUL - Land At St James Hospital (formerly Light Villa And Gleave Villa) - Construction of two-and three-storey dwellings comprising 14no 4-bed houses, 12no 3-bed houses, 2no 2-bed houses and 2no 1-bed flats with associated access roads, parking, cycles stores, open space and landscaping works

local wildlife site, however that does not really recognise its subsidiary role for leisure and recreation alongside its primary purpose as a nature conservation site.

- 3.8 Under Section 21 of the National Parks and Access to the Countryside Act 1949, a local authority may declare an LNR where it considers it expedient to do so after consultation with Natural England. The preliminary work has taken place and Natural England have noted within their letter of support for the framework that their view is that there is no foreseeable reason why Milton Common would not meet the requirements for designation.
- 3.9 Designation carries with it a legal duty to manage the land for the purpose of nature conservation. Nature conservation is defined as:
- (a) Providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the flora and fauna of Great Britain, and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area, or
  - (b) Preserving flora, fauna or geological or physiographical features of special interest in the area, or for both of these purposes
- 3.10 Natural England states that *"when local authorities declare an LNR they take on the duty of care to manage and look after the site"*. If the sites become unmanaged then LNR status could be removed. The city council has managed Milton Common for many years and the management framework considered here would continue at least a business as usual approach.

#### **4. Reasons for recommendations**

- 4.1 It is essential to formally adopt the Restoration and Management framework before it can be used to inform the management of the site.
- 4.2 Implementation of the Restoration and Management framework as well as designation of Milton Common as an LNR will also help the city council to comply with the requirements of Section 40 of the Natural Environment and Rural Communities Act which sets out that *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*.

#### **5. Equality impact assessment (EIA)**

- 5.1 A preliminary EIA has been completed which concluded that a full EIA is not necessary.

#### **6. Legal comments**

- 6.1 Legal comments are contained within the body of the report.

**7. Head of Finance's comments**

- 7.1 A summary of the costs associated with the adoption of the Milton Common Local Nature Reserve Restoration and Management Framework are shown at Appendix B This is based on a full cost recovery model for both the capital and revenue elements of the mitigation package proposed for potential future development in the Milton area.
- 7.2 The formal designation of Milton Common as a Local Nature Reserve will cost £1,000. This cost is included in the cost schedule detailed in Appendix B.
- 7.3 Funding for these works will be recovered from developers through a Section 106 Agreement, indexation will apply to future proof the contributions against inflation. The charge for the works to be levied on developers will be based on the number of houses proposed for the potential development sites in the area at a cost per home
- 7.4 The adoption of the Milton Common Local Nature Reserve Restoration and Management Framework will be cost neutral for the council as the full cost of the development mitigation will be met from developers.

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Signed by City Development Manager:

**Appendices**

- Appendix A** Milton Common Local Nature Reserve Restoration and Management Framework
- Appendix B** Summary of costs
- Appendix C** Milton Common Local Nature Reserve declaration
- Appendix D** Letter of support from Natural England

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
HBIC Survey Report of Milton Common (2007)	City Development
Milton Common visitor tallies	City Development

The recommendation(s) set out above were approved/ approved as amended/ deferred/

rejected by ..... on .....

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Signed by:

