



Welsh Harp Joint Consultative Committee
06 March 2019

Report from the Strategic Director of Regeneration & Environment

WELSH HARP MANAGEMENT PLAN

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	1
Background Papers:	▪
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1.0 Purpose of the Report

- 1.1 This report presents progress on the Brent Reservoir / Welsh Harp Management Plan since the last meeting of the Committee and during the 2018/19 year to date. The Management Plan is jointly managed by the three main land-holding organisations: Brent Council, the London Borough of Barnet, and the Canal & River Trust.

2.0 Recommendation(s)

- 2.1 Members are asked to note the Report.

3.0 Detail

- 3.1 The current version of the Welsh Harp / Brent Reservoir Management Plan (dated 15 March 2016) is available on the Brent Council website at <https://www.brent.gov.uk/services-for-residents/sport-leisure-and-parks/parks/park-finder/welsh-harp-reservoir/>
- 3.2 The Welsh Harp / Brent Reservoir Management Plan includes an Action Plan which lists current year progress and actions that may require a longer time-frame and/or for the resources to be identified to undertake the action. For

this committee the Action Plan is updated as Appendix A. The ‘Progress’ column summarises current progress.

- 3.3 Brent Council has been contacted by the Welsh Harp Sailing Association and the Canal & River Trust who are organising a trial of the management of shoreline willow and other scrub growing in the marshland alongside the Welsh Harp Open Space. The trees are mainly on Canal & River Trust land but some trees, and some of the work is on the Welsh Harp Open Space. An initial project has been planned for February 2019 (to be completed by 28 February 2019). Larger trees and examples of a variety of different species and different structures (for example, trees, scrub) would be retained. The cut material will be stacked upslope, away from the water line, in reasonably neat stacks. Benefits of the work will include improving views by visitors across the reservoir, reduction of the wind shadow into the water and hence benefiting water sports, and reducing shade over the marshland to benefit marshland flora and wildlife. Consent for the work within the Site of Special Scientific Interest has been obtained from Natural England.

This is a trial before considering further work, in the autumn / winter and after the bird breeding season. In particular on the southern shoreline, alongside Neasden Recreation Ground scrub has in recent years grown to cover a high proportion of the shoreline. The Management Plan aim is to retain both areas of open marshland and areas of scrub and trees.

- 3.4 Public Spaces Protection Order. A Public Spaces Protection Order will become effective in all of Brent’s parks, open spaces and cemeteries from 3rd April 2019. At the Brent Reservoir this will include Neasden Recreation Ground, and the Welsh Harp Open Space. The Public Spaces Protection Order will prohibit a range of anti-social behaviour.

4.0 Financial Implications

- 4.1 The Brent Reservoir / Welsh Harp Management Plan provides recommendations for works to be undertaken. Works are only undertaken when approved by the service responsible for delivering the works within existing approved budgets.

5.0 Legal Implications

- 5.1 Brent Reservoir / Welsh Harp is a designated ‘Site of Special Scientific Interest (‘SSSI’). Section 28E of the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 (‘CROW’) and the Natural Environment and Rural Communities Act 2006 (NERC) sets out the duties in relation to SSSIs. Land owners or occupiers, and also public bodies, are required to give notice to and consult with Natural England where they wish to carry out, or cause or permit to be carried out any operation in an area of land that is of special interest by reason of any of its flora, fauna, or geological or physiographical features (this requirement applies to operations within a SSSI, and to operations outside the SSSI that may affect the features of interest). Natural England will issue consent, which may have conditions or refuse consent. It is a criminal offence to carry out a listed operation without Natural England’s consent or to ignore any conditions of a consent which may result in an unlimited fine and a restoration order. CROW (and section 28G of

the Wildlife and Countryside Act 1981) places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of a SSSI. When advice is obtained from Natural England prior to carrying out the works, an explanation of how the Council has taken into account any advice Natural England has given should be provided –

The Council must be able to show that it considered alternatives that could reduce the impact on the SSSI and the methods being used are those that cause as little damage as practicable to the land:-

The Council should demonstrate how it has assessed differing interests (including the special interests of the SSSI) before deciding to go ahead with the works.

- 5.2 It is good practice for land owners or occupiers to produce Management Plans for the SSSI, which when approved by Natural England, enable the carrying out of the works specified in the Management Plan. This can reduce the administrative work inherent in obtaining consent for individual items of management work.
- 5.3 The Natural Environment and Rural Communities Act 2006 requires that all public authorities in England and Wales, when exercising their statutory functions, must have regard to the conservation of biodiversity, so far as is consistent with the proper exercise of their functions.
- 5.4 Section 28Q of the Wildlife and Countryside Act 1981 requires the owner of land included in a SSSI to inform Natural England within 28 days of any changes in ownership or occupation of the site, including leases, easements and rights.

6.0 Equality Implications

- 6.1 Decision makers must have due regard to the public sector equality duty in making their decisions. Consideration of the duties must precede the decision. It is important that regard is had to the statutory grounds in the light of all available material. The public sector equality duty is set out at section 149 of the Equality Act 2010 and is as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) Tackle prejudice, and
- (b) Promote understanding.

The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race,
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil partnership

- 6.2 No potential adverse impact arising from the recommendations in this report has been identified at this stage. However, the equalities implications identified in the Equality Analysis will continue to be considered and assessed as further data / information is obtained or becomes available during the implementation process.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 None specific.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 None specific.

AMAR DAVE

Strategic Director of Regeneration & Environment