

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Countryside and Regulatory Services
<b>Date:</b>	31 July 2023
<b>Title:</b>	Titchfield Haven National Nature Reserve Future Management and Haven House
<b>Report From:</b>	Director of Universal Services

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### Purpose of this Report

1. The purpose of this report is to present a summary of proposals received in relation to Titchfield Haven National Nature Reserve, to set out the assessment analysis against key criteria and present recommendations seeking Executive Member decisions in response to these proposals.
2. The two proposals received on 13 June 2023 are:
  - a bid to transfer Haven House (former Visitor Centre for Titchfield Haven National Nature Reserve), under its listing as an Asset of Community Value received from Titchfield Haven Community Hub (THCH); and, separately,
  - a request for a 3-year formal partnership agreement with Hampshire County Council from Hampshire and Isle of Wight Wildlife Trust (HIWWT) to explore an alternative future vision for the management and ownership of Titchfield Haven National Nature Reserve (THNNR).

### Recommendations

3. That the Executive Member for Countryside and Regulatory Services declines the bid for Haven House received from Titchfield Haven Community Hub (THCH), for the reasons set out in the report.
4. That the Executive Member for Countryside and Regulatory Services declines the proposal received from Hampshire and Isle of Wight Wildlife Trust (HIWWT) to enter into a 3-year partnership agreement, for the reasons set out in the report.
5. That the County Council works with HIWWT to develop a stronger working relationship for the benefit of future land management and nature recovery in the wider Titchfield area.
6. That the Executive Member for Countryside and Regulatory Services notes that the existing decisions made by the Executive Member for Policy, Resources and Economic Development at the Decision Day on 8 December 2022 will now be implemented.

7. That the Executive Member for Countryside and Regulatory Services notes the hard work that has been done by both THCH and HIWWT in exploring options and in the development of the proposals submitted.

### **Executive Summary**

8. Titchfield Haven National Nature Reserve, comprising Haven House, Haven Cottage and 135 Hectares of National Nature Reserve is owned and managed by Hampshire County Council for the benefit of local residents and wider visitors. Proposals which set out to increase investment and protection for this internationally important National Nature Reserve were considered and approved by the Executive Member for Countryside, Culture and Communities at the Decision Day on 8 December 2022 and by the Executive Member for Policy, Resources and Economic Development at the Decision Day on the same day.
9. Following this decision, a 6 month moratorium was imposed on implementing this decision to allow the local community to submit proposals regarding the future management of Haven House as an Asset of Community Value and the National Nature Reserve.
10. Hampshire County Council has received two separate proposals in relation to Titchfield Haven, one bid from the Titchfield Haven Community Hub (THCH), a Community Benefit Society, solely for Haven House, and a second proposal from HIWWT that only refers to the National Nature Reserve. HIWWT concluded that they are not interested in taking over Haven House.
11. The THCH bid assumes a transfer of Haven House at nil consideration to provide community facilities alongside holiday accommodation. The business plan relies on ambitious income targets to meet revenue costs with no guarantee of a contribution to the running of the National Nature Reserve. Whilst funding has been secured to meet the capital requirements identified, this equates to less than 50% of what is required to achieve the THCH business plan.
12. HIWWT's proposal presents a high-level vision which sets out a wider landscape scale approach in the Titchfield and Meon Valley area. It does not provide any financial details as to how the NNR would be managed nor their intentions for investment in the Reserve. HIWWT acknowledge that the proposal requires further work and consideration.
13. It is recognised that both THCH and HIWWT have put considerable effort into developing the proposals submitted to Hampshire County Council and these have been carefully considered by the County Council against the published criteria. However, neither submission meets the criterion of being viable and fully costed, they do not meet the financial sustainability objectives of the THNNR, they are not cost neutral for Hampshire County Council and do not represent the best use of public resources as set out in this report and therefore the recommendation is to decline both proposals and proceed with the decision made at the Decision Days on 8 December 2022.

14. Hampshire County Council is committed to meeting its obligations in managing Titchfield Haven National Nature Reserve and taking forward plans that will enable investment in the National Nature Reserve ensuring its long-term sustainability. The County Council is keen to work with HIWWT and other organisations for the benefit of future land management and nature recovery in the lower Meon Valley area.

## **Background**

15. Titchfield Haven National Nature Reserve (THNNR) is one of five National Nature Reserves currently managed by Hampshire County Council, which has been owned and managed by Hampshire County Council since 1972. It is an internationally important site for wildlife and along with the National Nature Reserve status it is designated a Site of Special Scientific Interest and is part of the Solent and Southampton Water Special Protection Area.
16. Proposals for the future management of Titchfield Haven National Nature Reserve which set out to increase investment and protection for this internationally important National Nature Reserve were considered and approved by the [Executive Member for Countryside, Culture and Communities at the Decision Day on 8 December 2022](#) and by the [Executive Member for Policy, Resources and Economic Development at the Decision Day](#) on the same day.
17. An analysis of the site's financial position, including Haven Cottage, Haven House, and the National Nature Reserve, estimated that over the next 3 years the site would cost the County Council an additional £1.8m if no changes were made. This included increased running costs, the projected investment required for the ageing buildings, and funding required for investment in the National Nature Reserve itself. This investment is designed to meet the County Council obligations and expectations outlined in the Natural England Standard: National Nature Reserve Management Standards (NESTND029).
18. These proposals were the subject of a public consultation and during this time, Haven House was listed as an Asset of Community Value, meaning any third party or community interest group would be entitled to register an expression of interest to submit a bid for Haven House.
19. At the 8 December Decision Days, recommendations were approved to close the visitor centre, café and shop located in Haven House, to sell the building and thus removing the liabilities from the County Council. The management of the National Nature Reserve would be retained and the capital receipt from the sale ring fenced for investment in the Reserve. The report also sets out plans for the development of a longer-term strategy for land management in the wider Titchfield area to prioritise nature and the long-term financial sustainability of the Reserve. It was acknowledged that the primary aim must be to prioritise limited funds into the conservation of the National Nature Reserve, to meet statutory obligations rather than maintaining the facilities at Haven House.
20. A further recommendation was approved that the County Council would consider carefully any viable and fully costed proposals for the future ownership of Haven House and the Titchfield Haven National Nature Reserve during any period when

Haven House cannot be sold due to the moratorium period imposed by the Asset of Community Value legislation. Any proposal would need to meet the objectives of THNMR (set out in the Decision Report), be cost-neutral for the County Council and transfer the statutory responsibilities to the recipient.

21. HIWWT submitted an expression of interest on 19 December 2022 under the Asset of Community Value process, which triggered a six-month moratorium on the sale of the building. Since this date, Hampshire County Council officers have supported both HIWWT and THCH with a wide range of detailed information and data to enable them to assess potential options and develop their proposals.
22. On 13 June 2023, Hampshire County Council received two separate proposals in relation to Titchfield Haven. One bid from the THCH, a Community Benefit Society, solely for Haven House, which as it does not include a proposal to transfer the reserve or propose a formal partnership with HIWWT, must be assessed as a standalone bid for an Asset of Community Value and a second proposal from HIWWT that does not involve an immediate transfer of the National Nature Reserve but instead presents a vision for the future management of the National Nature Reserve at Titchfield. HIWWT have concluded that they are not interested in taking over Haven House.

### **The Proposals**

23. The bid received from the THCH is for a freehold, nil value asset transfer of Haven House to operate a Community Hub, including café, exhibition space, educational activities, activity hire space for community groups, and two holiday flats. (An outline of the proposal is in Appendix 1)
24. The HIWWT did not submit a fully costed business plan, rather a proposal that sets out a vision for a longer-term sustainable approach for Titchfield Haven and the lower Meon Valley and requests a formal 3-year partnership agreement with Hampshire County Council in order to develop this and assess its feasibility. This vision is also contingent on an additional 168 hectares of Hampshire County Council land and buildings being transferred to HIWWT, along with the NNR at Titchfield. (An outline of the proposal is in Appendix 2)

### **Assessment of Proposals**

25. Both submissions were considered separately against the criteria set out in Decision Day report, 8 December 2022, which were developed within the context of Hampshire County Council strategic priorities, statutory responsibilities, and the sustainability of the reserve in the long term. This includes the criterion that the proposals are:
  - viable and fully costed;
  - meet the objectives of THNMR:
    - a. Financially sustainable
    - b. Environmentally sustainable
    - c. Community focused
    - d. Visitor experience;
  - cost neutral to the County Council; and
  - able to transfer the statutory responsibilities of the reserve.

26. THCH's standalone bid for Haven House (as an Asset of Community Value) contains an assessment of its proposals against what is termed as "HCC's key criteria". Officers have recognised that the criteria were developed in anticipation of proposals for the future ownership of Haven House together with the National Nature Reserve and, therefore, some amendment has been required, and due consideration given, to ensure that THCH's bid is not disadvantaged by the application of some of the criteria that relate largely to the National Nature Reserve.
27. In respect of any proposal that involves the transfer of an asset at under market value, the County Council must consider the contents of The Local Government Act 1972: General Disposal Consent (England) 2003. The terms of the Consent mean that, where the undervalue does not exceed £2,000,000 specific consent from the Secretary of State is not required for the disposal of any interest in land which the authority considers will help it to secure the promotion or improvement of the economic, social, or environmental well-being of its area. Where the undervalue exceeds £2,000,000, specific consent to the disposal would be required from the Secretary of State.
28. A formal assessment has been conducted by a panel of County Council Officers with specific expertise in key areas, including Countryside, Legal, Finance and Estates which has evaluated each submission against the criteria. Further information regarding the assessments can be found in Appendices 1 and 2.

#### THCH Bid

29. The benefits of the proposal are that it would provide the local community with a café, community and exhibition space and education activities programme. It is clear that Haven House is highly valued by local residents specifically in the Titchfield area and the proposals have generated significant interest and support from people keen to re-establish the facilities for the future. The level of response clearly shows the strength of feeling and sense of importance of these facilities within Haven House to the local community and its wellbeing.
30. In this way, the THCH bid provides a community offer, promoting social well-being in the local area, and the revenue forecasts as set out in the bid show a modest surplus. However, the business plan is not without risks, and it is heavily dependent on new income streams not yet tested, with ambitious income targets, and with no evidence on how any shortfalls in revenue would be met and therefore does not demonstrate a secure financial future for Haven House. In addition, the cost of ongoing maintenance as set out in the bid is significantly less than the current spend by the County Council and are deemed to be unrealistic. There is an assumption that third party operators will contribute to operating expenditure and therefore some costs have been omitted from the business plan financial forecast.
31. There is an estimated condition liability for Haven House costed at £411k referenced in the 8 December Decision Day Report. THCH have identified that £345k is required for condition liability repairs and additional works including conversion of the accommodation. Whilst funding has been secured from the Community Ownership Fund, this equates to less than 50% of what is required to

achieve the THCH business plan. There is no evidence provided in the submission to support how this shortfall will be met.

32. Although transferring Haven House to THCH at nil consideration would transfer all liabilities of this asset, it would not release capital for the much needed investment in the NNR and there is no commitment from THCH to provide any ongoing revenue to support for the NNR.
33. Notwithstanding the identified community benefit which could be delivered by the bid, when assessed as a standalone bid for an Asset of Community Value, the THCH bid does not meet the test of ensuring best use of public resources as the identified community benefits do not outweigh the previously identified need to invest in the reserve, which is an asset of national importance.
34. It also needs to be considered within the context of the extremely challenging financial position for the County Council overall and the ongoing county-wide budget consultation. A transfer of Haven House at nil consideration would remove from the County Council the ability to make the previously identified and necessary capital investment in the National Nature Reserve (NNR), for which any capital receipt from the sale of Haven House has been ring-fenced. In addition, the bid does not provide any guarantee of a contribution to the running of the National Nature Reserve. Therefore, this bid does not satisfy the criterion of being viable and fully costed, it does not meet the financial sustainability objectives of the THNNR, it is not cost neutral for Hampshire County Council and does not represent the best use of public resources.
35. It is therefore recommended that the Executive Member declines THCH's bid. If the Executive Member were minded to accept the bid, further consideration would need to be given to the Subsidy Control Act 2022. A transfer of Haven House in accordance with THCH's bid would be likely to fall within the definition of a subsidy under the Act and consideration would need to be given to whether the subsidy is consistent with the subsidy control principles.

#### HIWWT Proposal

36. HIWWT's proposal presents a high-level vision which sets out a wider landscape scale approach in the Titchfield and Meon Valley area. It does not set out any financial details as to how the NNR would be managed nor their intentions for investment in the Reserve. HIWWT acknowledge that the proposal requires further work and consideration.
37. The HIWWT proposal has the potential to divest the NNR asset and associated statutory liabilities but only in the longer-term and this is dependent on further feasibility work over the next three years with no guarantee of asset transfer at the end of it. The 3-year delay required to undertake this work would extend the period of uncertainty for staff, volunteers, and visitors.
38. HIWWT is seeking some guarantees from the County Council that they can enforce as their proposal states that:

“The Trust will also need some guarantees to protect our investment of time, expertise, and resource into developing [their preferred option]. A partnership agreement will be required to set this out and protect both parties.”

39. HIWWT’s proposal is dependent upon securing additional land holdings, which is an important strategic asset for HCC which currently fulfill another statutory purpose. This additional asset has a value of not less than £6m in current use, potentially much more given other possible income generating opportunities. There is also a suggestion of HCC purchasing other land which could of course involve substantial further cost. Any transfer of this land would reduce the portfolio held by HCC, reduce the income currently generated and might involve additional expenditure for HCC.
40. HIWWT’s proposal does not involve an immediate transfer of the NNR and Haven House as envisaged by the Decision of the Executive Member for Policy, Resources and Economic Development on 8 December 2022. Instead, HIWWT have submitted a long-term proposal. At this early stage in the County Council’s considerations of a wider strategic landscape-scale approach to THNNR, it is not possible to confirm what HCC’s longer-term approach would be and the likely cost of this.
41. In addition, it would be likely that HIWWT’s long-term proposal would involve a disposal of land requiring specific consent from the Secretary of State but the County Council is unable at this stage to assess whether the disposal would be likely to help the County Council to secure the promotion or improvement of the economic, social or environmental well-being of its area. Also, consideration would need to be given to the impact of the Subsidy Control Act 2022.
42. It is considered that, in the absence of a detailed cost comparison and other due diligence, the County Council would risk failing in its fiduciary duty and failing to take account of relevant considerations if it were to enter into an agreement at this stage that included guarantees for HIWWT which could result in financial disadvantage or have legal implications for HCC.
43. Therefore, for the reasons set out above, it is recommended that the Executive Member declines HIWWT’s proposal to enter into a 3-year partnership agreement.
44. However, the vision presented by HIWWT which sets out a wider landscape scale approach in the Titchfield and Meon Valley area aligns with the County Council’s developing plans for more collaborative strategic land management in the area. It is recommended that the County Council works with HIWWT to develop a stronger working relationship for the benefit of future land management and nature recovery in the wider Titchfield area.
45. It is recognised that both THCH and HIWWT have put considerable effort into developing the proposals submitted to Hampshire County Council and these have been carefully considered by the County Council against the published criteria. Analysis of the submissions have concluded neither submission meets the criteria as set out in paragraph 25 and therefore the recommendation is to decline both proposals.

46. Hampshire County Council is committed to meeting its obligations in managing Titchfield Haven National Nature Reserve and taking forward plans that will enable investment in the National Nature Reserve ensuring its long-term sustainability. The County Council is keen to work with HIWWT and other organisations for the benefit of future land management and nature recovery in the lower Meon Valley area.

### **Consultation and Equalities**

47. Consultation has not been carried out by Hampshire County Council in relation to this report.
48. Both THCH and HIWWT have provided Equal Opportunities Policies as part of their submission.
49. The recommendations in this report are to decline the Titchfield Haven Community Hub (THCH) bid, and the proposal received by Hampshire and Isle of Wight Wildlife Trust (HIWWT), and, if approved, the existing decisions made by the Executive Member for Policy, Resources and Economic Development at the Decision Day on 8 December 2022 will be implemented.
50. The Equalities Impact Assessment provided as part of the reports considered at the Countryside, Culture and Communities Executive Member Decision Day and Executive Member for Policy, Resources and Economic Development Decision Day on 8 December 2022 have been reviewed and the impacts of the previously agreed approach remain as outlined. Therefore, it has not been necessary to update the existing Equalities Impact Assessment, and the impact of the current recommendation has been assessed as neutral.
51. However, it is acknowledged that, by declining the bid submitted by THCH and proposal from HIWWT, there would be a loss of opportunity to generate a positive impact on protected characteristics, that would otherwise be created if the proposals were accepted. Restoring a café provision would provide community benefits to those with protected characteristics, such as providing more facilities for people with disabilities, families and children, those in the higher age brackets, and those who may be more isolated due to the rural nature of the area.
52. However, as set out in this report, on balance, it is recommended that the Council must prioritise the need to invest in the NNR and satisfy its statutory responsibilities and does not financially disadvantage Hampshire County Council.

### **Climate Change Impact Assessments**

53. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures climate change considerations are built into everything the Authority does.
54. The recommendations set out in this report are to proceed as planned with the decisions approved at the 8 December 2022 Countryside, Culture and Communities Executive Member Decision Day and Executive Member for Policy,



Resources and Economic Development and therefore there is no change to the Climate Impact Assessment as detailed in the report.

### **Appendices**

- 1) THCH Outline of Proposal and Assessment Outcome
- 2) HIWWT Outline of Proposal and Assessment Outcome
- 3) THCH Full Proposal Submission, including additional clarification information provided (EXEMPT)
- 4) HIWWT Full Proposal Submission, including additional clarification information provided (EXEMPT)
- 5) Assessment of THCH Proposal (EXEMPT)
- 6) Assessment of HIWWT Proposal (EXEMPT)

## **APPENDIX 1 – THCH Outline of Proposal and Assessment Outcome**

### **Titchfield Haven Community Hub (THCH) – Proposal for Haven House**

THCH, is a new Community Benefit Society (CBS) established by members of the Hill Head Residents Association (HHRA) in order to provide the governance required to be able to submit a proposal under the ACV process for the future management and ownership of Haven House.

As part of their work to develop a proposal, THCH submitted a planning application to Fareham Borough Council for conversion of the first floor of Haven House into two holiday let flats, which was approved by Fareham Borough Council on 23 May 2023.

They have also been successful in securing a grant of £155,549 capital and £30,428 revenue from the Department for Levelling Up, Housing and Communities through the Community Ownership Fund (COF) in support of their proposal, subject to match funding.

The submission from THCH included a covering letter, detailed business plan for the acquisition of Haven House to operate the building as a Community Hub, Café and holiday flats and details of the organisational governance. Following an initial review by HCC Officers, THCH provided further information for clarification including the detailed financial modelling included in the business plan.

The key points from the proposal are:

- The request is for a freehold, nil value asset transfer of Haven House for THCH to operate a Community Hub, including café, exhibition space, educational activities, and activity hire space for community groups.
- The café will be rented to a catering contractor chosen by competitive tender.
- A wholly owned trading subsidiary will also be established to appoint a letting agent to manage two holiday let flats on the first floor, with taxable profits covenanted to THCH.
- Other key income sources include donations, community shares, grants, and café rental.
- Revenue forecasts show a modest surplus as set out in the bid. THCH have indicated profit/surplus could be donated to HIWWT if they manage the reserve but there is no commitment to do so. THCH's bid states that its charitable status precludes any commitment to donating funds in support of the National Nature Reserve on an on-going, open-ended basis to HCC, a non-charity.
- Capital investment needed for immediate repairs and refurbishment of the flats for rental has been identified in the business plan. Just under half of this capital has been secured from the COF towards these costs, subject to match funding. Further grant funding opportunities will be applied for if their bid to Hampshire County Council is accepted.

In summary, we need to balance the level of community benefit offered by the proposal, the viability of the business plan and the investment needed for the reserve to meet Hampshire County Council's statutory obligations. The County Council must ensure the best use of public resources.

The benefits of the proposal are that it would provide the local community with a café, community and exhibition space and education activities programme. It is clear that Haven House is highly valued by local residents specifically in the Titchfield area and the proposals have generated significant interest and support from people keen to re-establish the facilities for the future. The level of response clearly shows the strength of feeling and sense of importance of these facilities within Haven House to the local community and its wellbeing.

In addition, the reopening of Haven House in the manner proposed would reverse the negative equality impacts that Hampshire County Council acknowledged in the Equalities Impact Assessment set out in the [8 December 2022](#) decision report.

The transfer of Haven House would relieve Hampshire County Council of all ongoing liabilities in relation to the building and THCH has an 'asset lock' in place to ensure the asset remains for charitable purposes.

The financial position forecast by THCH projects a modest revenue surplus, however, it is heavily dependent on two key income streams; café rental and holiday let trading, which have some associated dependencies and risks. Longer-term maintenance costs have been included however, the budget is significantly less than HCC have spent on average over the past 5 years. The business plan does not include any specific mitigation measures for underachieving key income streams, which is likely to be a risk, particularly in the early years.

For capital works, THCH have identified a need for condition liability repairs and works to convert the two flats, of which just under half has been secured from Community Ownership Fund. Whilst additional funding sources have been identified, including grants and a community shares scheme, funding has not yet been secured for the remainder.

However, by transferring at nil consideration, capital would not be released from the sale of Haven House, and this would remove from the County Council the ability to make the previously identified and necessary capital investment in the NNR. Also, there is no commitment to provide an alternative ongoing revenue to support the NNR either for Hampshire County Council or Hampshire & Isle of Wight Wildlife Trust. Therefore, whilst the proposal provides a community benefit to the local area, it does not satisfy the criterion of being viable and fully costed, it does not meet the financial sustainability objectives of the THNNR, it is not cost neutral for Hampshire County Council and, when balanced against the County Council's statutory responsibilities for the NNR, does not represent the best use of public resources.

## **APPENDIX 2 - HIWWT Outline of Proposal and Assessment Outcome**

### **Hampshire and Isle of Wight Wildlife Trust – Proposal**

HIWWT is a registered charity and a company limited by guarantee. It is a member of the Royal Society of Wildlife Trusts, one of 46 Wildlife Trust members throughout the UK, collectively known as the Wildlife Trusts. The Trust was established in 1960 and currently manages 5,000 hectares of land for nature conservation (60 nature reserves, 2 farms, rewilding sites along with land managed for others, across Hampshire and the Isle of Wight).

As part of their work to explore options for Titchfield Haven, they established an online donations page which raised £15,000 towards costs of developing their proposal, which included asset assessments, building condition and nature reserve infrastructure surveys. They also ran a public survey to seek feedback on priorities for visitors to the reserve and undertook wider discussions with key stakeholders.

The key points from the proposal are:

- Rather than a fully costed and detailed transfer proposal, HIWWT have set out a vision for a longer-term sustainable approach for Titchfield Haven and the lower Meon Valley.
- The proposal requests a 3-year partnership agreement with Hampshire County Council, containing some guarantees from the County Council to protect their investment of time, expertise, and resource in developing their vision and assessing its feasibility.
- This vision relies on an additional 168 hectares of HCC land and buildings being transferred to HIWWT, along with the NNR at Titchfield, to broaden income generating potential across a larger site, develop new visitor facilities, create new access, and improve long term environmental sustainability, climate resilience and wildlife outcomes.
- They have concluded they are not interested in taking over Haven House.

The proposal is a vision rather than a detailed business plan, and HIWWT acknowledge that the proposal requires further work and consideration but aims to maximise opportunities against the County Council's original assessment criteria and the future need to adapt to climate change.

The benefits of this proposal are that it has the potential to divest the NNR asset and associated statutory liabilities in the longer-term. However, there is no guarantee of asset transfer at the end of this period, it is dependent on the outcome of further feasibility work. A 3-year delay would also extend the period of uncertainty for staff, volunteers, visitors, and other stakeholders.

The vision presented is also dependent on the freehold transfer to the Trust of Titchfield Haven NNR along with 168 hectares of Hampshire County Council land in the wider area. This would reduce the estate held by Hampshire County Council, reduce income currently received in relation to this land and limit future opportunities for Hampshire County Council to consider wider strategic land use.

As detailed in the 8 December 2022 decision day report, Hampshire County Council are in the process of developing a landscape scale strategy for the wider coastal area at Titchfield. As a result, Hampshire County Council have not yet established the longer-term priorities for land holdings in the area and are therefore not yet in a position to commit to any transfer of land outside of the NNR until the long-term strategic approach has been established.

Therefore, on balance, whilst this proposal provides a potential longer-term vision for sustainability of THNNR and the wider area, this is still subject to further feasibility work and an asset transfer is not guaranteed. Also, the proposal involves the transfer of a much larger land holding. It is considered that, in the absence of a detailed cost comparison and other due diligence, the County Council would risk failing in its fiduciary duty and failing to take account of relevant considerations if it were to enter into a legally binding agreement at this stage that included guarantees for HIWWT which could result in financial disadvantage or have legal implications for HCC.

However, Hampshire County Council would benefit from the opportunity to build a stronger working relationship with HIWWT and, as Hampshire County Council's future approach and plans to strategic land management and nature recovery develop, there may be opportunities for more formal partnership arrangements in the future.

## REQUIRED CORPORATE AND LEGAL INFORMATION:

### Links to the Strategic Plan

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	Yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	Yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes

### Other Significant Links

<b>Links to previous Member decisions:</b>	
<u>Title</u>	
<a href="#">Titchfield Haven National Nature Reserve - Future Proposals</a>	08/12/22
<b>Direct links to specific legislation or Government Directives</b>	
<u>Titchfield Haven National Nature Reserve</u>	
<p>Titchfield Haven sits within a SPA (Special Protection Area) and a RAMSAR and is a SSSI (Site of Special Scientific Interest), LNR (Local Nature Reserve) and NNR (National Nature Reserve) NNRs are designated under sections 16-29 of the National Parks and Access to the Countryside Act 1949 and then strengthened under the Wildlife and Countryside Act 1981. NNRs have the highest level of designation under UK legislation (as opposed to European designations).</p>	

### **Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

[Business Plan Now Submitted to Hampshire County Council \(thcommunityhub.org.uk\)](#)

[Natural England Standard: National Nature Reserve Management Standards \(NESTND029\)](#)

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

3. No new Equality Impact Assessment has been done for this report for the reasons set out in the report.