

# P-05-1079 Safeguard Kenfig Nature Reserve using compulsory purchase powers

Y Pwyllgor Deisebau | 26 Ionawr 2021  
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Reference: RS20/14837-3

**Petition Number:** P-05-1079

**Petition title:** Safeguard Kenfig Nature Reserve using compulsory purchase powers

**Text of petition:**

One of the finest nature reserves in Wales is under threat.

The internationally important sand-dune habitats at Kenfig need to be managed, otherwise they will lose their exceptional value. Bridgend council carried out this work for many years but has had to withdraw due to financial pressures.

The site's owner, a secretive and unaccountable body called the Kenfig Corporation, has not been prepared to agree any future plans. Compulsory purchase may be the only option left.

Kenfig's sand-dunes are recognised as a Special Area of Conservation, Europe's highest nature conservation designation.



The Kenfig Corporation has charitable status and so is required by law to take decisions in the public interest. Natural Resources Wales, the country's public nature conservation agency, has been trying to negotiate with the corporation to secure the site's future but these discussions have reached an impasse. The corporation has not been willing to agree to any of the proposed options, for reasons that are unclear. It is time for the decision to be taken out of their hands.

In exceptional cases, where there is a clear public interest, the Welsh Government has the power to undertake compulsory purchase to protect a site like Kenfig. Compulsory purchase need not be costly: the site has no commercial value and so there is no reason why the Kenfig Corporation could not sell it to the Welsh Government for a nominal sum.

## 1. Background

Kenfig Nature Reserve is a designated Site of Special Scientific Interest (SSSI). Natural Resources Wales (NRW) states that SSSIs are "the most important sites for Wales' natural heritage".

The sand dunes located on the site are also designated as a Special Area of Conservation (SAC).

Bridgend County Borough Council's website highlights that:

...the area is managed to ensure the dunes aren't overcome by dense grassland and scrub woodland losing important and diverse wildlife.

It also states that the site is no longer managed by the Council, and is instead managed by Kenfig Corporation Trust (the Trust), which owns the land.

The petitioners argue that the Trust has not been forthcoming in its plans for the future management of the site and are calling for the Welsh Government to compulsorily purchase the land.

### Site management

NRW publishes information concerning [the responsibilities of owners and occupiers of SSSIs](#).

Each SSSI has a site management statement which sets out why a site is special and how it should be managed. The [site management statement](#) (PDF, 24KB) for Kenfig Nature Reserve was published in 2003 by the then Countryside Council for Wales. This sets out an “opinion of the way in which the SSSI should be managed in order to maintain its special interest”.

An [statement published on the Trust’s website](#) says that the Trust and NRW had been in “in negotiations about the potential of NRW taking on the long-term lease” of the site, however both parties agreed this could not proceed.

On 24 October 2020 the Trust [published a statement](#) outlining that:

To support the delivery of conservation work required at the reserve Kenfig Corporation Trust have decided to employ the services of a specialist who can manage the reserve with NRW providing help and support in recruiting the right candidate to the post.

NRW will work with the Trust to have a management agreement in place that will direct the working practices to support the rich variety of wildlife at Kenfig Nature Reserve.

At the time of preparing this briefing a [job advert](#) for a warden for the site was live.

## Compulsory Purchase Orders

A Compulsory Purchase Order (CPO) allows certain bodies, ‘the acquiring authority’, which need to obtain land or property, to do so without the consent of the owner. The acquiring authority must be able to demonstrate that taking the land is necessary and that there is a ‘compelling case in the public interest’. The acquiring authority does not have the powers to compulsorily acquire land until the ‘confirming authority’ approves the CPO. In Wales the confirming authority is the Welsh Government.

Compulsory purchase powers exist in many different pieces of legislation and are often specialised to the purpose for which an authority is seeking to acquire land. NRW has certain CPO powers, as does the Welsh Government. The Welsh Government has recently updated its [guidance on CPOs](#) (PDF, 2MB) which includes a table (page 24) showing the various powers bodies such as NRW hold.

The Research Service has produced a quick guide which provides more [background on the CPO process](#).

## 2. Welsh Government action

In her letter to the Chair, dated 23 December 2020, the Minister for Environment, Energy and Rural Affairs, Lesley Griffiths MS, provides more information regarding the issues of land management at the site. The Minister states that:

The greatest risk for degradation to this site is likely to be inappropriate (over or under) grazing, therefore the management of the site is intrinsically linked to the control of the grazing rights.

The letter highlights that a resolution between the Trust and NRW over the grazing rights could not be found, and is the reason why a lease between the parties could not be agreed.

However, as per the statement made by the Trust outlined earlier in this brief, NRW will help the Trust appoint a warden and then issue an annual management agreement to the Trust to undertake specific management activities in return for payment.

The Minister states that the Welsh Government

... can be reasonably confident that by the New Year we will have a solution in place negating the need to consider the compulsory purchase of the site.

## 3. Welsh Parliament action

In October 2020, Dai Lloyd MS [tabled a written question](#) asking what action the Welsh Government was taking to ensure the nature reserve is managed. The Minister's response highlighted that discussions were ongoing between the Trust and NRW. The response also suggested that Welsh Government funded projects taking place at Kenfig would help ensure its National Nature Reserve status is maintained.

Also in October 2020, Suzy Davies MS [tabled a written question](#) asking whether the Welsh Government "has powers to compel landowners to preserve significant national landscapes and engage with the relevant authorities". The Minister responded saying that:

... although the Welsh Government does not have direct powers to compel landowners to preserve such landscapes it does, through NRW, have powers with regard to the enforcement of the UK and EU designations afforded to the site.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.