

DELEGATION OF POWERS TO CHURCH WHIXALL PARISH COUNCIL TO DESIGNATE THE MARL ALLOTMENT AS A LOCAL NATURE RESERVE

Responsible Officer Clare Featherstone, Culture, Leisure and Tourism Manager
Email: Clare.featherstone@shropshire.gov.uk Tel: 01743 255067

1. Summary

- 1.1 The Marl Allotment is a 2.5ha area of greenspace in the parish of Whixall. It lies adjacent to Whixall Moss and provides a safe stepping stone into the wilder meres and mosses landscape. The area is owned by Whixall Parish Council for quiet recreation and features footpaths, benches and managed habitats for people to enjoy the great outdoors near to where they live.
- 1.2 Shropshire Council has the power under the 1949 National Parks and Access to the Countryside Act 1949 to dedicate land as a Local Nature Reserve (LNR). This is an executive function for the purposes of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and accordingly can be delegated to another local authority by Cabinet. Sections 13 and 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Whixall Parish Council is also required to formally accept the delegation.
- 1.3 Environmental designation raises the profile with the public and can increase visitor usage and the health and wellbeing benefits this provides. LNR designations also provides some protection for the site's nature conservation and recreation interest. Declaring The Marl Allotment as an LNR will:
 - improving local quality of life, health and wellbeing.
 - Create opportunities for education, enjoyment and recreation, helping attract visitors and preserves links with the local community's past.
 - Safeguards local ecosystem services – the benefits nature provides for people – such as reducing carbon in the atmosphere or absorbing surface water.
 - Protecting and enhancing the natural heritage as a key part of building sustainable communities.
 - Raises the nature conservation and recreation interest.
 - Recognition of the site's wildlife value
 - Recognition of local community involvement
 - Protection within the planning system from future development.
- 1.4 The anticipated benefits of a Local Nature Reserve dedication in this location lead to the conclusion that it would be appropriate to formally delegate the Council's power to make a

Local Nature Reserve dedication in accordance with section 21 of the National Parks and Access to the Countryside Act in respect of the land known as The Marl Allotment, to Whixall Parish Council.

- 1.5 Whixall Parish Council will therefore also be responsible for undertaking the necessary formalities to give effect to the dedication.

2. Recommendations

- 2.1 That the Council delegates power to Whixall Parish Council to enable the designation of The Marl Allotment as a Local Nature Reserve.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 Along with the benefits identified above, LNR designation meets the following Shropshire Council strategic outcomes set out in the following Strategies:
- Vibrant Shropshire- Cultural Strategy for Shropshire (draft) 2021-31
 - Shropshire's Great Outdoor Strategy 2018-2028
 - Shropshire's Economic Growth Strategy- developing the visitor economy, agricultural support post- Brexit, developing skills, improving Quality of Life and ensuring attractive environments.
 - Shropshire's Local Plan- Better planning of meaningful greenspace and non-motorised access, new destination country parks, protecting environmentally-sensitive sites.
 - Shropshire's Health and Wellbeing Strategy- harnessing the power of the outdoors to increase physical activity, address mental health issues and help people stay independent for longer.
 - Local Transport Plan for Shropshire- encouraging walking and cycling.
 - Shropshire Council Corporate Plan- helping deliver across the board: resilient communities, healthy people and prosperous economy.
- 3.2 There are no discernible risks to Shropshire Council of making this delegation.
- 3.3 The designation of The Marl Allotment to a Local Nature Reserve will enhance the site status giving greater emphasis on community involvement and giving rise to enhanced opportunities for external funding and support. LNR designation will safeguard the site into the future. It will encourage stronger community benefit and support the local volunteer group, together with the Parish Council of Whixall. The process of designating The Marl Allotment as an LNR has full Natural England backing. Letters of support is attached separately in appendix 1.
- 3.5 Other opportunities and impacts:
- Impact on Looked After Children – No negative impacts identified
 - Impact on Vulnerable Children, Young People and Adults – No negative impacts identified – Enhanced opportunities for experiencing Shropshire's great outdoors contributing to physical and mental well-being.
 - Supports family approach, community resilience. - Enhanced community cohesion and opportunities for experiencing Shropshire's great outdoors contributing to physical and mental well-being.

- Human rights – No issues identified.
- Equalities – No issues identified.
- Environmental consequences of the proposal – Enhanced protection of the site and access to additional external funding allowing greater protection of habitat and species in the long-term.

4. Financial Implications

- 4.1 There are no financial implications of the delegation beyond staff time to create this report. Whixall Parish Council will be responsible for making a formal resolution to accept the delegation from Shropshire Council and a separate resolution to make the dedication. They will then be responsible for undertaking all relevant procedures with Natural England etc to give effect to the dedication.

5. Climate Change Appraisal

- 5.1 Local Nature Reserves are important habitats, offering carbon storage and biodiversity gains helping to mitigate the impact of climate change and aid nature recovery.

6. Background

- 6.1 The six-acre Marl Allotment, also known as the Marlot, is a surviving example of 'common land'. In the early 1800s the majority of land in England was enclosed by wealthy landowners, but the Marl Allotment survived intact as common land. The Common Registration Act of 1965 placed any remaining areas of common land under the protection of local authorities. In April 1975 two Whixall Parish Councillors were summoned to Shrewsbury to sign for legal ownership of the Marl Allotment on behalf of the Parish Council and the parishioners. Up to World War II it was used for rough grazing of stock and for digging up the agriculturally valuable mineral resource of marl, a crumbly limestone clay which would have been left behind by retreating ice-age glaciers. Marl was spread as a fertiliser on poor ground on the edge of Whixall Moss. The clay may also have been used to line the canal, which may explain why there are so many ponds on the common.
- 6.2 The use of marl as a fertiliser was no longer practised in the area; the common had become over-grown, neglected and sadly afflicted by the dumping of metal drums, old cars and tyres. Countryside Stewardship funding, post 2000, enabled Natural England staff and the Parish Council to undertake clearance work to remove dumped rubbish, manage the trees and undergrowth, clear pathways and provide picnic tables. In addition, the circular Whixall Mosses Trails have been established and the Marl Allotment has been incorporated as a valuable element of those routes. In 2006, the Whixall Environmental Group was created to continue the work and manage the site for the enhancement of biodiversity and the enjoyment of the local community.

7. Legal requirements and other criteria to consider

- 7.1 Schedule 11 (12) of the Natural Environment and Rural Communities Act 2006, which replaced Section 15 of the National Parks and Access to the Countryside Act 1949 (1949 Act), describes a 'nature reserve' as:
- land managed solely for a conservation purpose, or

- land managed not only for a conservation purpose but also for a recreational purpose, if the management of the land for the recreational purpose does not compromise its management for the conservation purpose.

7.2 Land is managed for a conservation purpose if it is managed for:

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

7.3 Land is managed for a recreational purpose if it is managed for the purpose of providing opportunities for the enjoyment of nature or for open-air recreation.

7.4 The power to dedicate a Local Nature Reserve rests with Shropshire Council as the principal authority under the 1949 Act. However, under that 1949 Act, the local authority must first have or acquire a legal interest in the land in question through ownership, lease or an agreement with the owners and occupiers involved. Shropshire Council does not have a legal interest in the The Marl Allotment, and therefore cannot dedicate it as a Local Nature Reserve.

7.5 Shropshire Council does have powers under Sections 13 and 19 of the Local Government Act 2000 and the Local Authorities and (Arrangements for the Discharge of Functions) (England) Regulations 2012 to delegate its functions in this regard to a parish, town or community council. The Council's Constitution allows Cabinet to delegate Cabinet functions to another local authority or Cabinet of another local authority. Declaration of a Local Nature Reserve is an executive function and accordingly can be delegated to another local authority by Cabinet.

7.6 The Council receiving the delegation will need to formally resolve to accept the delegation and then make the dedication and undertake the necessary formalities with Natural England.

7.7 Natural England believes LNRs should be of high value locally for environmental education and/or research. People are more likely to be aware of and value the natural environment when they can experience it at first hand in places such as LNRs. LNRs can help safeguard not just rare but also more common, locally valued species, habitat and geodiversity. They can play an important part in Local Biodiversity Action Plans and Local Geodiversity Action Plans.

7.8 Natural England recommends that everyone should have an accessible greenspace of 2 ha within 300m of home; at least one accessible 20 ha site within 2km of home; at least one accessible 100ha site within 5km of home; and at least one 500ha site within 10km of home. LNR's can contribute to these targets and the ANGSt standard of a minimum of 1ha of LNR per 1000 head of population.

7.9 The Natural England LNR Visitor Standards set out what an LNR should offer to provide a quality experience for visitors.

8. Consequences of designation as a Local Nature Reserve

- 8.1 In terms of the management of The Marl Allotment, there will be no change. The site will continue to be managed by Whixall Parish Council as an area of public open space for quiet recreation and for the enhancement and protection of flora and fauna together with cultural and historic access.
- 8.2 Designation will benefit the site in terms of recognition by local residents and visitors, offering encouragement to enable continued positive input by the community.

9. Procedure to declare a local nature reserve

- 9.0 The site needs to be identified *as suitable for an LNR*. Natural England have confirmed suitability following correspondence and a site visit with an LNR Officer. The Management Plan has been accepted by Natural England with a review due to take it to 2029. Interested parties must be informed of the intent to proceed to declaration. In this case Shropshire Council departments, Estates, Property Services and Outdoor Recreation have been informed of this declaration.
- 9.1 Once a decision is approved, as a result of this report, Shropshire Council must then write formally to the Natural England regional team to the effect that it intends to delegate power to Whixall Parish Council.

10. Conclusions

- 10.0 It is considered that designation of The Marl Allotment as a Local Nature Reserve will enhance the sites status within Shropshire as an area for quiet recreation, nature conservation and heritage interpretation, along with offering Climate Change mitigation. . In order for this to take place it is therefore considered appropriate to delegate the power to designate the land as a LNR to Whixall Parish Council.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):
Key Decision:
Included within Forward Plan:
Name and Portfolio of Executive Member responsible for this area of responsibility: Cllr Cecilia Motley Portfolio Holder for Communities, Place, Tourism & Transport
Local Member: Cllr Peter Broomhall Cllr Edward Towers
Appendices:

1. Letter of support from Whixall Parish Council. Attached separately.
2. Location Map
3. Site Maps
4. Criteria for designation

Appendix 1- Letter of support from Whixall Parish Council. Attached separately.

Appendix 2. Location Map



Appendix 3. Site Maps



Appendix 4- Criteria for designation

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?

Yes

Will interested communities be involved in steering the site's development, management and monitoring?

Yes, via regular volunteer work parties coordinated by Whixall Parish Council

Is the site reasonably close to schools, community education centres and/or field study centres? Will there be opportunities for local schools to get involved and for schemes such as the Forest School programme or a Watch group to be set up?

Yes

Are there areas where children are welcome to play?

Yes, informally.

Is the site in an area generally lacking in publicly accessible natural heritage?

No

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?

Yes

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?

Yes

Can people enjoy the access rights and feel comfortable about using the site, for example without fear of crime?

Yes

Can people get to the site by active and public transport? Does the site have, or could it have, car parking, and provision for safe delivery and pick-up for educational visits?

There are informal laybys adjacent to site entrances.

Does the site lend itself to being a safe educational resource, for example with good site interpretation, without adversely affecting its special interest?

Yes

Is the site safeguarded, notably through the development plan process, or can safeguarding be included in the next Local Plan revision?

The Marl Allotment is designated Open Access Land and registered common land but has no other safeguards.

Has the site been (or is it likely to be) identified of local importance in the Local Biodiversity Action Plan or Local Geodiversity Action Plan?

The site is adjacent to Whixall Moss, an internationally important SSSI and wetland Ramsar site and as such has great potential to mirror these habitats through appropriate management.

Are there any implications for neighbouring areas, or other sites or facilities?

No

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.

Yes

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 an overall public benefit?

The Marl Allotment is currently used for quiet recreation and is managed to enhance local biodiversity with community involvement and interpretation for a wider audience. This will continue and be enhanced once LNR designation is granted.

Is the site a viable management unit with appropriate access for management, etc?

Yes

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?

Costs are on-going and unaffected by LNR designation