



Cabinet meeting,
22nd March 2023

Item

Public



Local Nature Reserve at Windmill Hill- delegation to Much Wenlock Town Council

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Cabinet Member (Portfolio Holder):	Cllr Rob Gittins		

1. Synopsis

1.1 Much Wenlock Town Council has requested delegated authority from Shropshire Council to dedicate Windmill Hill as a Local Nature Reserve (LNR). The designation will provide environmental and recreational benefits. It is recommended that cabinet grant delegated authority.

2. Executive Summary

2.1 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 function¹ and accordingly can be delegated to another local authority by Cabinet². As Windmill Hill is not owned or managed by Shropshire Council, it cannot designate the land but can delegate the ability to designate the land to Much Wenlock Town Council. Much Wenlock Town Council is required to formally accept the delegation.

¹ Local Government Act 2000 and Local Authorities (Functions and Responsibilities) (England) Regulations 2000

² Sections 13 and 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012.

2.2 Windmill Hill is a very significant environmental resource within the administrative area of Much Wenlock Town Council. It is a superb and highly visible natural feature on the northern edge of Much Wenlock. Windmill Hill and the adjacent Gaskell Recreation Ground form a large and significant green space on the northern edge of Much Wenlock. Much Wenlock Town Council are in the process of agreeing a nature reserve agreement with the owner and the tenant (Much Wenlock Windmill Trust) of Windmill Hill in order to give the Town Council the necessary legal interest in Windmill Hill for the purpose of declaring a Local Nature Reserve. The Town Council have given their support for the designation as a Local Nature Reserve.

2.3 Environmental designation raises the profile with the public and can increase visitor usage and the health and wellbeing benefits this provides. LNR designation also provides protection for the nature conservation and recreation interest of Windmill Hill. Declaring Windmill Hill as an LNR will offer the following benefits:

- Improving local quality of life, health and wellbeing.
- Creating opportunities for education, enjoyment and recreation, helping attract visitors and preserves links with the local community's past.
- Safeguarding 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.
- Raising 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.

2.4 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 Windmill Hill to Much Wenlock Town Council.

2.5 Much Wenlock Town Council will therefore also be responsible for undertaking the necessary formalities to give effect to the dedication.

3. Recommendations

3.1 That the Council delegates power to Much Wenlock Town Council to enable the designation of Windmill Hill as a Local Nature Reserve.

Report

4. Risk Assessment and Opportunities Appraisal

4.1 Along with the benefits identified above, LNR designation meets the following Shropshire Council strategic outcomes set out in the following Strategies:

- Shropshire Plan - helping deliver across the board: healthy people, healthy economy and healthy environment.
- Vibrant Shropshire - Cultural Strategy for Shropshire 2021-31
- Shropshire's Great Outdoors 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.

4.2 There are no discernible risks to Shropshire Council of making this delegation.

4.3 The designation of Windmill Hill as 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. The resolution by Much Wenlock Town Council to request delegated powers to designate Windmill Hill as a Local Nature Reserve is attached separately in Appendix 1. The location plan of Windmill Hill and the Local Nature Reserve boundary are below in Appendices 2 & 3.

4.4 Other opportunities and impacts:

- Impact on Looked After Children – No negative impacts are identified
- Impact on Vulnerable Children, Young People and Adults – No negative impacts are identified. There are likely to be enhanced opportunities for experiencing Shropshire's great outdoors contributing to physical and mental well-being.
- Supports family approach and community resilience. Likely impacts are enhanced community cohesion and opportunities for experiencing Shropshire's great outdoors, contributing to physical and mental well-being.
- Human rights – No issues are identified.
- Equalities – No issues are 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.

4.5 Natural England will be formally consulted in respect of the Local Nature Reserve by Much Wenlock Town Council once the Town Council can demonstrate that they have received delegated powers from Shropshire Council.

5. Financial Implications

5.1 There are no financial implications of the delegation following on from this report. Much Wenlock Town 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 to give effect to the dedication.

6. Climate Change Appraisal

6.1 Energy and fuel consumption – there may be a slight negative effect if more people visit the site by car as a result of the designation.

6.2 Carbon offsetting and mitigation – this will be positive. Local Nature Reserves are important habitats, offering carbon storage and biodiversity gains helping to mitigate the impact of climate change. More proactive management of the site as a LNR is likely to result in better habitat management.

6.3 Renewable energy generation - no effect is anticipated.

6.4 Climate change adaptation – this will be positive. Management as a LNR should aid nature recovery.

7. Background

7.1 Windmill Hill is a Local Wildlife Site, one of 700 in Shropshire. The main habitat is limestone grassland with small patches of ash woodland and scrub. Windmill Hill is shown as 'Lowland calcareous grassland priority habitat' on the official Multi-Agency Geographical Information for the Countryside. Windmill Hill has one of the best limestone grasslands in Shropshire with 41 axiophytes (notable habitat indicator species of plant) recorded since 2000. The pyramidal orchids are one of the biggest populations in Shropshire (5,700 orchid spikes counted in 2022). The disused quarry at the foot of Windmill Hill is a Regionally Important Geological and Geomorphological Site (RIGS). The 17th Century windmill tower on the top of Windmill Hill is Grade II listed.

7.2 Windmill Hill is considered to be of high value for educational purposes and is used by students at the William Brookes School that is adjacent to Windmill Hill. Local groups for adult learners with additional needs visit Windmill Hill for

social, emotional, physical and environmental education and well-being (for example, the Broseley Life Skills). The public has unrestricted access to Windmill Hill. The views from Windmill Hill and the windmill over Much Wenlock and the local countryside are a wonderful reward from walking up the hill. The numbers of people to be seen on the hill every day demonstrate the powerful attraction of this very important local feature for residents of Much Wenlock and visitors and tourists. Windmill Hill is used regularly by the 1st Much Wenlock Scout Group, the local Tai Chi group and local walking groups.

- 7.3 Windmill Hill was grazed by sheep and a few young cattle from around 1950 onwards and no fertilisers were used. Ponies were used to graze the Hill from 2000 until 2016. The current grassland management is for cutting and baling in late August followed by harrowing to remove dead vegetation and open up bare ground for colonisation by wildflowers.
- 7.4 In terms of the management of Windmill Hill there will be no change following the dedication. The site will continue to be managed by the Much Wenlock Windmill Trust who have a lease on Windmill Hill until 2100. Windmill Hill will be managed 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. Management of Windmill Hill will follow the management plan which will be reviewed on a 10-year basis
- 7.5 Designation will benefit the site in terms of recognition by local residents and visitors, offering encouragement to enable continued positive input by the community.
- 7.6 Windmill Hill has been identified as suitable for an LNR (Appendix 4). Natural England will be formally consulted by Much Wenlock Town Council once the Town Council can demonstrate that they have received delegated powers from Shropshire Council.
- 7.7 Once a decision is approved as a result of this report, Shropshire Council must then write formally to Much Wenlock Town Council to the effect that the appropriate powers have been delegated to Much Wenlock Town Council.
- 7.8 The following steps should then be taken:
- a formal declaration document should be drawn up which accurately shows the LNR boundary.
 - a public notice announcing the declaration should be placed in a local paper and copies of the declaration and map made available for the public to inspect free of charge.
 - Much Wenlock Town Council should formally notify the Natural England regional team of the LNR declaration in writing and send them a copy of the declaration, together with maps and any other details required about the reserve.

8. Additional Information

- 8.1 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.

8.2 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.

8.3 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.

8.4 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 Windmill Hill, and therefore cannot dedicate it as a Local Nature Reserve.

8.5 Shropshire Council has 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.

8.6 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.

8.7 Windmill Hill contributes to the local delivery of the national Access to Natural Greenspace Standards (Natural England, 2010, Nature Nearby: Accessible Natural Greenspace Guidance). Windmill Hill provides an accessible natural greenspace of at least 2 ha within 300 m (5 minutes walk) of the William Brookes School and of homes in the vicinity of this school along Farley Road. The population of Much Wenlock parish was 2,155 at the 2021 Census and the proposed Windmill Hill LNR of 2.8 ha would provide 1.3 ha of LNR for every 1,000 residents which is greater than the minimum greenspace standard of 1 ha of Local Nature Reserve for every 1,000 population.

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

9. Conclusions

9.1 It is considered that designation of Windmill Hill as a Local Nature Reserve will enhance the status of the site within Shropshire as an area for quiet recreation, nature conservation and heritage interpretation, along with offering Climate Change mitigation. Management of Windmill Hill in future will follow the management plan which will be reviewed on a 10-year basis. Community involvement with Windmill Hill will be encouraged through the Much Wenlock Windmill Trust in liaison with Much Wenlock Town Council. Therefore, it is recommended that Shropshire Council grant the necessary delegated power to Much Wenlock Town Council.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Member: *Cllr Dan Thomas (has been fully briefed)*

Appendices

Appendix 1. Resolution by Much Wenlock Town Council to request delegated powers to designate Windmill Hill as a Local Nature Reserve (Draft minutes Feb 23)

Appendix 2. Windmill Hill location

Appendix 3. Windmill Hill LNR plan

Appendix 4. Criteria for designation

Appendix 5. Draft formal declaration