

BOSTON BOROUGH COUNCIL

**REPORT TO FULL COUNCIL
9TH November 2009**

**SUBJECT: WITHAM WAY COUNTRY PARK – DESIGNATION AS
A LOCAL NATURE RESERVE**

**PORTFOLIO HOLDER: COUNCILLOR JIM BLAYLOCK - PARKS, AMENITIES
AND RURAL COMMUNITIES**

REPORT BY: ASSISTANT CHIEF EXECUTIVE

Reason For Report:

To consider a request from Friends of Witham Way community group for Witham Way Country Park to be designated as a Local Nature Reserve. This designation requires full Council approval.

Summary:

The Council has received a request from Friends of Witham Way community group for Witham Way Country Park, at Tattershall Road, Boston, to be designated as a Local Nature Reserve (LNR). The Friends Group are a group of about 40 volunteers who help the Council to maintain and enhance the Park. They are registered as a voluntary group with South Lincolnshire CVS and have helped to create new features like the picnic area, butterfly garden and a wildflower area. Natural England has given permission for the Park to be declared an LNR as it meets all the specific criteria for designation. Lincolnshire County Council's conservation team is also supportive of the proposal. The Group feel that an LNR would provide enhanced status and profile for a facility that benefits both wildlife and people. The area is used extensively by schools and different groups and has grown in popularity since its inclusion in the "Go Walking in Boston" booklet. A management plan was produced in 2008 and this will be updated if LNR status is granted. Declaring an area as an LNR is a commitment by the local authority to manage the land for conservation purposes and to protect it from inappropriate uses or development. The LNR can be managed for recreational purpose providing that use does not compromise the conservation use. Byelaws can be introduced to protect the LNR, if required. At this stage, there are no plans to introduce any specific bye-laws, but this will be kept under review.

Recommendation(s):

That full Council approves the designation of Witham Way Country Park as a Local Nature Reserve and the updating of the management plan to reflect this.

Reasons for Recommendations:

1. Designation recognises the hard work, dedication and commitment shown by the Friends of Witham Way community group
2. Designation may assist in securing additional funding.
3. Designation demonstrates the Council's active commitment to the Lincolnshire Wildlife Biodiversity Action Plan.

Alternative Options:

Not to designate Witham Way Country Park as a Local Nature Reserve.








Background Papers:

Witham Way Country Park Management Plan 2008-18

Relevant correspondence

Local Wildlife Sites Appraisal

Implications:

Relationship to Community Plan The proposal contributes to the greener and sustainable future ambition within the Boston Community Plan by helping to conserve and enhance the natural heritage. It also helps communities to take greater pride and ownership of local facilities, which is in line with the Government's new "duty to involve".	
Financial There is no additional cost to the Council – the site is already being managed with the help of the "Friends Group" to improve wildlife interest. The added status may help the Friends Group to secure additional external funding.	
Impact on Performance Witham Way is also designated a Local Wildlife Site. NI 197 (improved local biodiversity) measures the proportion of Local Sites where positive management has been or is being implemented. The Council has to report annually to the Government on progress.	
Human Resources The Council's Environment and Sustainability Officer and the Grounds Maintenance team work closely with the Friends Group to manage the site and encourage public use.	
Equality Impact Assessment It is not envisaged that the LNR designation will have any negative impact. The site is used regularly by the Council's health walks groups which include people with disabilities. Pupils from Park Primary School are currently designing interpretation boards to be used at the site.	
Risk Management Although LNR designation would sterilize the site from inappropriate development, the Park is already afforded a high degree of protection as recreational open space within the Council's adopted Local Plan (1999). Furthermore, the park has already been designated, in a separate process, as a Local Wildlife Site using the county criteria applied by the Lincolnshire Biodiversity Partnership.	
Legal Local Nature Reserve (LNR) is a statutory designation. Declaring an area an LNR may include appropriate bye-laws to protect the LNR. There are no plans for specific byelaws at this stage, although Witham Way is one of a number of Council green spaces where it is	

intended to prohibit camping and the lighting of fires.

There are restrictions on what the LNR can be used for. It has to be managed for conservation purposes e.g. providing for the opportunities to study flora and fauna and their habitats and/or preserving the flora and fauna. In addition the LNR can be managed for recreational purpose – i.e. for the enjoyment of nature and open air recreation, if that recreational use does not compromise the conservation use.

Under the Natural Environment and Rural Communities Act 2006, local authorities are required to have regard to the conservation of biodiversity in exercising their functions.

Environmental

The designation should be beneficial as it will help to increase biodiversity. The Local Wildlife Sites appraisal highlights the grassland flora as particularly important but goes on to say that the woodland habitat is also comparatively rich for a new plantation and it is likely that over time with appropriate management it may also achieve the required score.



Wards

The site lies in the Witham Ward of the Borough, but is used more widely by Boston residents and visitors accessing the cycle route, marina and waterway.



Main Report:

1. What are Local Nature Reserves?

- 1.1 Local Nature Reserves (or LNRs) are for both people and wildlife. They are places with wildlife features that are of special interest locally, and which give people special opportunities to study and learn about them or to enjoy and have contact with nature.
- 1.2 Section 21 of the National Parks and Access to the Countryside Act 1949 gives principal local authorities the power to acquire, declare and manage nature reserves; however, English Nature must be consulted in the use of the powers given under Section 21.
- 1.3 English Nature (now known as Natural England) recommends that LNRs should be:
 - Normally greater than 2ha in size; and
 - Capable of being managed primarily for nature conservation, and so that the special opportunities for study, research or enjoyment of nature are maintained.And one or more of the following:
 - Of high natural interest locally;
 - Of some reasonable natural interest and of high value locally for formal education or research;
 - Of some reasonable natural interest and of high value locally for the informal enjoyment of nature by the public.
- 1.4 Declaring an area as an LNR is a commitment by the local authority to manage the land for conservation purposes and to protect it from inappropriate uses or development. This may include applying appropriate bye-laws to protect the LNR. In addition the LNR can be managed for recreational use provided this use does not compromise the conservation use (this would be the case for Witham Way which performs a dual purpose).

The Council already has one LNR at Havenside, which was designated in 2005.

2. Witham Way Country Park

- 2.1 Witham Way Country Park is situated, as the name suggests, alongside the River Witham. It is approximately one mile from the town centre of Boston. The main entrance is next to Boston Town Football Club, but access can also be gained via foot by the Boston Marina or at Anton's Gowt Lock. A cycle path, Sustrans Route 1, passes through the park and runs along the bank top on the disused Boston to Lincoln railway line. The park is not only used by residents, but also visitors accessing the cycle route, marina and waterway.
- 2.2 The park covers 38 acres once used as allotments. It is a mosaic of newly planted native woodland, drains, natural/amenity grassland, shrubs and a butterfly garden. The site is owned by Boston Borough Council, which worked with Groundwork Lincolnshire to access funding to initially develop the site. The funding enabled all-weather hard paths to be laid that are accessible to all abilities, along with softer landscaping and tree planting.
- 2.3 Public consultation was undertaken to develop the park in 2001, from which a 'user group' was established to manage the park in partnership with the Council. The role of the user group (now Friends of Witham Way) is to ensure that the local community have a say in the development of the park and play an active part in the maintenance of the site. Friends of Witham Way community group now number about 40 volunteers. The Group provides a local

presence that involves caring for the park, monitoring usage and identifying problems or issues that occur. They have created new features like a picnic area, butterfly garden and wildflower area and received support from the Medlock Trust, business sponsors and Boston Town Amenity Committee. They have also worked closely with the Council to promote the site and develop the "Go Walking in Boston" booklet

- 2.4 Friends of Witham Way strongly support LNR designation as they feel it would provide enhanced status and profile for a facility that benefits both wildlife and people. They have met with the portfolio holder and requested that the issue be put before Council so that the site can be considered for designation. This would bring the site into line with Havenside Country Park on the salt water stretch of the Witham, which was declared an LNR by the Borough Council in 2005. The additional designation may assist in securing extra funding and also demonstrates the Council's commitment to the Lincolnshire Biodiversity Action Plan as well as the duty under the Natural Environment and Rural Communities Act 2006 to have regard to the conservation of biodiversity.
- 2.5 An initial management plan for the site was prepared by Groundwork Lincolnshire at the development stage. In 2008, this was updated by Lincolnshire County Council Conservation Services to create a new management plan, which included three objectives – to maximize the wildlife value, ensure safe and easy access for all and encourage community involvement (a copy is available in the Members' Room, which includes a plan showing the park boundaries). Should the Council agree to LNR status, the management plan will be refined further to reflect latest advice and to ensure positive management in accordance with the objectives of NI 197 (improved local biodiversity). There will also be a greater focus on involving young people in park management, an approach which is already being taken forward through joint working with Park Community School.
- 2.6 Within its relatively short period of development, the park has quickly become established as a haven for local wildlife, attracting birds, butterflies and dragonflies to the scrub and wild flower grassland. Witham Way Country Park clearly meets the LNR criteria defined by English Nature. It has been used as a key venue for the Council's health walks programme and as an environmental resource by several local schools, providing a valuable location to learn about nature and preserving the environment.
- 2.7 For planning purposes, Witham Way Country Park is allocated as recreational open space within the Council's adopted 1999 Local Plan. The park is classed as Natural and Semi Natural Green Space and provides over half the current urban allocation (10.06 hectares out of an urban total of 19.53 hectares).
- 2.8 Under a separate process, the park has recently been designated as a Local Wildlife Site because it meets countywide criteria. The appraisal states:-

"At present the site qualifies for designation as a Local Wildlife Site due to its grassland flora. The woodland habitat is also comparatively rich for a new plantation and it is likely that over time and with appropriate management it may also achieve the required score. Careful management will be required to maintain the conservation value of this site balanced with the high level of public access. The presence of yellow loosestrife is significant in a local context."

Review Date:

Not applicable.