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# Chelmsford City Council Overview and Scrutiny Committee

**4<sup>th</sup> November 2024**

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## **Call-In Decision: Declaration of John Shennan Field as a Local Nature Reserve**

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### Report by:

Director for Connected Chelmsford

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### Officer Contact:

Jan Decena, Democratic Services Officer, email: [jan.decena@chelmsford.gov.uk](mailto:jan.decena@chelmsford.gov.uk), tel: 01245 606480

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### Purpose:

- For members of Overview and Scrutiny Committee to consider the call-in request of the decision taken by Cabinet on 8<sup>th</sup> October 2024 regarding the declaration of John Shennan Field as a Local Nature Reserve.

### Options

- Members of Overview and Scrutiny Committee to decide whether:
    1. To support the Cabinet decision;
    2. Decide that the decision or part of it was unreasonable, or based on incorrect information or did not take into account information which should have been considered, or faulty in some other way and refer the decision back to the Cabinet for reconsideration.
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## 1. Background

- 1.1. The Overview and Scrutiny Committee is responsible for dealing with call in requests of Cabinet decisions. The call-in arrangements are highlighted at 4.5.11 of the Constitution and can be seen at **Appendix 1**.

## 2. Call-In Decision of Declaration of John Shennan Field as a Local Nature Reserve

- 2.1. Five Members of the Overview and Scrutiny Committee – Councillor Jeapes, Councillor Canning, Councillor Dobson, Councillor Steel, and Councillor Wilson –requested the decision made by Cabinet on 8<sup>th</sup> October 2024 regarding the declaration of John Shennan Field as a Local Nature Reserve to be called in.
- 2.2. The declaration of John Shennan Field as a Local Nature Reserve would prompt the necessary arrangements for a formal declaration and the site would be registered with National England on the national register of Local National Reserves. The Cabinet report in relation is attached as **Appendix 2**.
- 2.3. A formal written request was received by the Directed of Connected Chelmsford on 10<sup>th</sup> October 2024 and the rationale for the call-in is set out below:

*The rationale for this 'Call In' is the strategic context of the proposal which seeks to change a 'Designated Brown Field Site' (a site favoured for development) into a Nature reserve. Without appropriate reassurances about the impact on Council budgets and other urgent priorities, such as affordable housing.*

*Prior to this proposal on the 8.10.24. Cabinet was made aware of the significant issues facing Chelmsford City Council and its ability to balance future budgets. ( Item 6.1 )Much of the increase in spend was attributed to the lack of affordable Housing and the need for the council to subsidise accommodation for the Homeless. There is a gap between Government Grant provision and the increases in rents and demand for housing. This was described as a 'Housing Crisis'. It was made clear that the City Council needed to urgently address this shortfall.*

*The predictions were of a budget gap of an estimated 4 million in 2025/26 rising to a shortfall of 13.3 million across a five year period.*

*It was also made clear that the budget situation could result in increased charges and the potential for a reduction in Council services for all residents.*

*In effect any decision making that impacts on the core issues will have a direct impact on all our residents and how their money is being spent.*

*Several questions were asked to clarify the position and to establish the considerations that had taken place to support the proposal. (7.1)*

*Many of these questions were not answered, nor were they part of the options provided.*

*These were;*

*1. Declare John Shennan Field a Local Nature Reserve and Register with Natural England on the national register of LNR'S*

*2. Not make such a declaration.*

*Given the financial situation and the declared 'Housing Crisis', it is felt other options should be available for consideration particularly as it has much wider implications for all of the Chelmsford City residents.*

Democratic Services notified Members of the Council and relevant officers of the call-in on 10<sup>th</sup> October 2024 and notified the Cabinet Member for a Greener Chelmsford, Councillor Rose Moore, of their requirement to attend.

2.4. On 14<sup>th</sup> October 2024, further detailed questions were received in consideration for the call-in:

#### *Strategic Issues*

*It was very clearly set out at Cabinet on the 8.10.24. that Chelmsford City Council faces serious financial difficulties. A shortfall of 4million in 25/26 rising to over 13 million in the next five years.*

*This will inevitably result in increased council taxes and a reduction in the City Councils services for ALL residents.*

*The need to continue to protect the environment and the questions below are put forward to both continue this aim but also to tackle what is both a social and financial problem for the City Council, as outlined at Cabinet.*

*1. Social impact was sighted as part of the rationale for the change in use. Where is the evidence to support this? Was an impact assessment done and if so, why was it not included in the papers?*

*2. Why are there no options in the proposal other than designate the area as a Nature Reserve or not? Has the option to build housing and retain some of the land as a nature reserve been considered? If yes, why was this idea rejected?*

*3. Why is there no option to defer the decision until the budget situation is clearer been included?*

*4. It appears from the information available the Southern and Western sections of the site require little to no remediation. Could this be developed for the much needed housing and or temporary accommodation?*

*5. The site is already protected by being in the ownership of the City Council. At this time with a looming budget crisis why are we restricting the City Councils ability to respond and the options available to them?*

*6. Has the fact that designation will reduce the land value and it being included in any future need to borrow money been taken into consideration?*

*7. The agenda item did not include the costs to date of establishing the Nature Reserve, what has been the investment so far?*

*8. The proposal did not include the ongoing maintenance cost. All costs should include actual and opportunity costs. What are they?*

*9. Designation will restrict the sites use. Will it preclude other valuable green development such as solar panels?*

*10. There is a concern the designation could be used as an offset to compensate for other schemes leading to an ultimate loss of green space in Chelmsford as a whole. Would the proposal present the potential for this threat to green space elsewhere? Are Green Field sites at risk by utilising this brown field site.*

*11. The area of designation includes the car park and play equipment. Will this limit the opportunity for local residents to propose changes or improvements such as new play equipment and or additional facilities?*

*12. We currently have 3 other local nature reserves within the immediate Chelmsford area. Galleywood Common, Chelmer Valley Riverside and Marconi ponds.*

*These really tick the Local Nature Reserve boxes, particularly due to their connectivity to significant wildlife corridors as well as distance from sub-urban housing pressures such as pets.*

*Unfortunately, the proposed site is considerably isolated and pressured in comparison. The site also has underlying issues. The site looks green and has undergone some remediation. However, the site is an old Quarry and Landfill, that was backfilled with material, that to the standards of today many would describe as sub-optimal. Is it the best area for designation? What other areas have been considered?*

2.5. The Chair of the Overview and Scrutiny Committee also required the Director for Public Places, Keith Nicholson, and Jeremy Potter, Spatial Planning

Services Manager, to attend the call-in. It was advised further that Paul Van Damme, Parks and Green Spaces Services Manager, would be best suited to attend the call in rather than Jeremy Potter. Officers have provided a supplementary report, attached as **Appendix 3**, to provide the further information requested. Officers will provide further clarification on some financial queries at the meeting.

Councillor Moore has also requested for contributors to support them in the call-in. The details of Councillor Moore's contributors will be added here once confirmed.

### 3. Call-In Procedures

3.1. The order of business during the call-in, as highlighted at 4.5.11.10 of the Constitution, are as follows:

- a) The Chair will provide an explanation of the reasons for the call-in;
- b) The Cabinet Member with the responsibility for the matter called-in will provide an explanation of the decision made at the Cabinet;
- c) Contributors/officers called by the Chair to be invited to present further information asked;
- d) Contributors called by the Cabinet Member to be invited to present information to support the decision;
- e) Committee members to ask question to the contributors and officers;
- f) Committee members to ask questions to Cabinet Member;
- g) A general discussion between the Committee members;
- h) Committee members to make the decision.

### 4. Conclusion

4.1. As per 4.5.11 of the Constitution, the Overview and Scrutiny Committee have the opportunity to decide whether to:

- 4.1.1. support the decision made by the Cabinet;
- 4.1.2. refer the decision back to Cabinet under the following grounds:
  - 4.1.2.1. that it is unreasonable;
  - 4.1.2.2. based on incorrect information or that it did not take into account information that should have been considered;
  - 4.1.2.3. faulty in some other way.

#### List of appendices:

Appendix 1 – 4.5.11 of the Council Constitution

Appendix 2 – 8<sup>th</sup> October Cabinet Report – Declaration of John Shennan Field as Local Nature Reserve

Appendix 3 – Supplementary Report

**Background papers:**

None

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**Corporate Implications**

**Legal/Constitutional:**

Overview and Scrutiny Committees have statutory powers to scrutinise executive decisions and the Council's arrangements for calling in such decisions is set out in the Council's Constitution. In reaching any decision the Overview and Scrutiny Committee will have regard to the statutory guidance issued in 2019.

Overview and Scrutiny Committee do not have a power to call in decisions made by Full Council. Overview and Scrutiny Committee also do not have jurisdiction to review the decision made by Full Council in 2019 not to include John Shennan Field in the Local Plan nor would the Committee be able to do so in relation to forthcoming decisions yet to be taken by Full Council about the Local Plan. Recommendation made by the Cabinet are also not subject to be called in.

In relation to the scope of some of the questions raised within the report these will be dealt with during the call in process to the extent that is relevant and within the scope of the call in.

**Financial:**

None

**Potential impact on climate change and the environment:**

None

**Contribution toward achieving a net zero carbon position by 2030:**

None

**Personnel:**

None

**Risk Management:**

None

**Equality and Diversity:**

Impact assessment not required

**Health and Safety:**

None

Digital:

None

Other:

None

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Consultees:

As detailed in the report

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Relevant Policies and Strategies:

None

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**EXTRACT FROM CONSTITUTION: 4.5.11, CALL-IN ARRANGEMENTS****4.5.11. CALL-IN ARRANGEMENTS****Procedure for scrutinising executive decisions**

- 4.5.11.1 A summary of any executive decision (i.e. a decision taken by the Cabinet, a Cabinet committee or a Cabinet Member or officer under delegation) shall be notified to all councillors within two days of being taken. An executive decision that constitutes a recommendation to the Council shall not be subject to call in.
- 4.5.11.2 Executive decisions may be called-in by members of the Overview and Scrutiny Committee. The call-in will only be valid if:
- a) it is requested by at least five members of the Overview and Scrutiny Committee;
  - b) the request is in writing or by email and includes the names of all the councillors requesting the call-in;
  - c) the request sets out the reason for the call-in; and
  - d) it is received by the Designated Officer by the expiry of the call-in period, i.e. 5pm on the fourth working day after the decision has been taken.
- 4.5.11.3 No decision may be called-in more than once.
- 4.5.11.4 On being informed of a call-in, the Designated Officer shall notify all members of the Council and relevant officers. No decision that has been called-in, with the exception of an urgent decision, shall be implemented before the Overview and Scrutiny Committee has considered it.
- 4.5.11.5 **Period within which decision must be scrutinised**  
Where an executive decision has been called-in, the meeting of the Committee to scrutinise it will be held as soon as practicable after the decision to do so was taken. This will normally be within 15 working days after receipt by the Designated Officer of the request to call it in.
- 4.5.11.6 **Advance notification of arrangements**  
In advance of a meeting of the Committee at which an executive decision is due to be scrutinised, the chair of the Committee may:
- a) require from Cabinet Members and/or officers further written information on the decision to be scrutinised;
  - b) invite persons from outside the Council ("contributors") who have a particular knowledge of or expertise in the subject matter of the decision to be scrutinised to attend the meeting. Contributors may be reimbursed for travelling and subsistence costs reasonably incurred by them in attending the meeting;
  - c) require the attendance at the meeting of the Cabinet member with responsibility for the matter to be scrutinised (or another Cabinet Member agreed by the Leader if they are unable to attend) to explain the decision. In the case of an executive decision taken by the Leader, Cabinet, committee or an officer, the Cabinet member with responsibility for the function shall be required to attend, even though they may not have actually taken the decision; and
  - d) require the attendance at the meeting of such officers (or their substitutes if they are unable to attend) as the Chair thinks appropriate to provide information on the decision to be scrutinised.



**EXTRACT FROM CONSTITUTION: 4.5.11, CALL-IN ARRANGEMENTS**

- 4.5.11.7 The Designated Officer will make the necessary arrangements on behalf of the Chair no later than five days before the meeting.
- 4.5.11.8 The Cabinet member(s) will also have the opportunity to call up to two contributors or officers to present information in support of the decision. The names and, if appropriate, the positions of those persons will be notified to the Designated Officer at least two days before the meeting, who will in turn notify the chair.
- Advance notification of information**
- 4.5.11.9 At least five working days before the meeting of the Committee the Designated Officer will give to the Cabinet Member(s) invited to attend, in writing:
- a) the specified reasons for the call-in;
  - b) the names and, if appropriate, the positions held by any contributors who have been invited by the Chair to attend the meeting in connection with the matter to be scrutinised and the purpose for which they have been invited; and
  - c) the subject matter of any additional written information requested by the chair.
- Call-in procedure at the Overview and Scrutiny Committee meeting**
- 4.5.11.10 Unless the chair decides otherwise, the following order of business (insofar as it is applicable) will generally be observed in the Committee's scrutiny of an executive decision:
- a) an explanation by the chair of the reasons for the call-in;
  - b) an explanation by the Cabinet member with responsibility for the matter called-in of the reasons behind the decision;
  - c) an invitation to contributors called by the Chair to comment on the decision; questions to the chair's contributors by the Cabinet Member(s);
  - d) an invitation to contributors and/or officers called by the Cabinet Member to present information in support of the decision;
  - e) questions to the Cabinet's contributors and/or officers by Committee members;
  - f) questions to the Cabinet Member(s) by the Committee;
  - g) general discussion by the Committee;
  - h) the decision.

**EXTRACT FROM CONSTITUTION: 4.5.11, CALL-IN ARRANGEMENTS**

- Options for decisions**
- 4.5.11.11 The Committee may:
- a) conclude that it supports the executive decision and does not wish it to be amended (in which case the decision may be implemented immediately);
  - b) decide that the decision or part of it was
    - i. unreasonable, or
    - ii. based on incorrect information or did not take into account information which should have been considered, or
    - iii. faulty in some other way,and refer the decision to the Cabinet for reconsideration; or
  - c) come to the view that the decision is contrary to or not wholly consistent with a budget or a policy agreed by the Council. In coming to any such view the Committee will take into account the advice of the Director of Financial Services and/or the Monitoring Officer, as appropriate.
- 4.5.11.12 If the Committee conclude that the decision is contrary to a budget or a policy agreed by the Council, it must in the first instance refer the decision to the Cabinet. The Cabinet must decide whether to amend the called-in decision to satisfy the concerns of the Overview and Scrutiny Committee or, if it does not wish to do so, refer the matter to the Full Council. If the latter course is chosen, the Full Council may either confirm or amend the decision.



## Chelmsford City Council Cabinet

8 October 2024

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### Declaration of John Shennan Field as a Local Nature Reserve

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#### Report by:

Cabinet Member for a Greener Chelmsford

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#### Officer Contact:

Paul Van Damme, [paul.vandamme@chelmsford.gov.uk](mailto:paul.vandamme@chelmsford.gov.uk) 01245 606606

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#### Purpose

To help meet the objectives and targets set in the Climate and Ecological Emergency Action Plan and the Green Infrastructure Plan, it is intended to make a Local Nature Reserve declaration for John Shennan Field.

This report invites Chelmsford City Council to declare John Shennan Field a Local Nature Reserve [LNR] and register the LNR with Natural England.

#### Options

1. Declare John Shennan Field a Local Nature Reserve and register the LNR with Natural England on the national register of LNR's.
2. Not make such a declaration.

#### Preferred Option and Reasons

The preferred option is to make the declaration and complete the registration process in pursuit of the City Council's Climate and Ecological Emergency Action Plan and the Green Infrastructure Plan adopted as part of the Local Plan. This also accords with the Our Chelmsford Our Plan priority to implement measures to protect and expand natural green spaces, improve habitat value and increase biodiversity.

## Recommendations

That Cabinet support the declaration of John Shennan Field as a Local Nature Reserve and request that this site is listed on the Natural England register of Local Nature Reserves.

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### 1. Background

- 1.1 In accordance with the Climate and Ecological Emergency Action Plan and the Policy for Creating and Managing Species-Rich Grassland, the City Council has prepared and made an application to Natural England to make an LNR declaration for John Shennan Field.
- 1.2 John Shennan Field has been managed and maintained in accordance with an appropriate management plan since 2016 and this plan was approved and validated by Natural England in May 2024 to support this declaration. Appendix 1 shows the defined area for the proposed LNR outlined in red.
- 1.3 The site is 6.5 hectares in area and consists of a patchwork of habitats falling into 2 broad categories; woodland/scrubland habitat and species rich grassland [part fenced off to protect the habitat for ground nesting birds]. Access is available from Gloucester Avenue and Princes Road with hard surfaced access and car parking located near the Gloucester Road entrance. A network of regular mown walkways and informal recreation areas are also provided.
- 1.4 In accordance with the Natural England's validation process, a public consultation was arranged from the 8 July 2024 to the 26 July 2024. The consultation was published using informational signage within JSF at all pedestrian entrances and on the City Council's 'Love Your Chelmsford' website.
- 1.5 In addition, all City Council Councillors, interested bodies such as Essex Wildlife Trust & Essex Bird Watching Association, the adjacent allotment site association and parks volunteers who participated in past volunteering activities, were contacted and consulted.
- 1.6 The reasons for the designation were set out and explained, inviting the public, park visitors and local residents to make their comments via a designated email address.

- 1.7 A total of 27 responses were received and all were all positive and supportive of the proposed LNR designation.
- 1.8 On 22 May 2024, Natural England confirmed that it has been consulted on the City Council's proposal to declare John Shennan Field a nature reserve under the provisions of Sections 19 and 21 of the National Parks and Access to the Countryside Act 1949 (as amended). The requirements for consultation contained in Section 21(6) of that Act have therefore been met. Natural England's West Anglia Area Team have formally welcomed these proposals on behalf of Natural England. [see Appendix 2].
- 1.9 There are no additional financial implications to this declaration in that the current management and maintenance standards, processes and procedures are already adopted in preparation of the LNR declaration.
- 1.10 Subject to approval by Cabinet to make the proposed declaration, a Mayoral dedication ceremony will be arranged to publicly mark the new status for the area.

[List of appendices:](#)

Appendix 1 – Map of defined area for the proposed John Shennan Field LNR shown outlined in red

Appendix 2 – Letter from Natural England dated 22nd May 2024 inviting the City Council to make a declaration of a Local Nature Reserve

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[Corporate Implications:](#)

Legal/Constitutional:

As part of the City Council's Climate and Ecological Action Plan and the Green Infrastructure Plan, approval is sought to make a Local Nature Reserve Declaration for John Shennan Field. This decision falls to Cabinet to determine.

The Council's legal power to establish a nature reserve by way of a declaration is set out in the report. All other legal requirements relating to the making and publication of an LNR will be met should the declaration be approved.

Financial:

There are no additional financial implications to this declaration in that the current management and maintenance standards, processes and procedures are already adopted in preparation of the LNR declaration

Potential impact on climate change and the environment:

The current management and maintenance arrangements and the declaration confirm the positive impact on the local environment and habitats and seek to enhance and preserve these for the future.

Contribution toward achieving a net zero carbon position by 2030:

Declaring John Shennan Field as a Local nature Reserve does not make a direct contribution to achieving a net zero carbon position for the Council's activities and operations, but the site will continue to provide a 'carbon sink' for the local area.

Personnel:

None

Risk Management:

None

Equality and Diversity:

None

Health and Safety:

None

Digital:

None

Other:

None

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**Consultees:**


Natural England

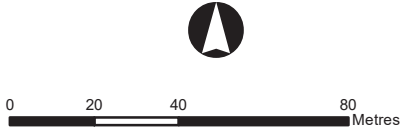
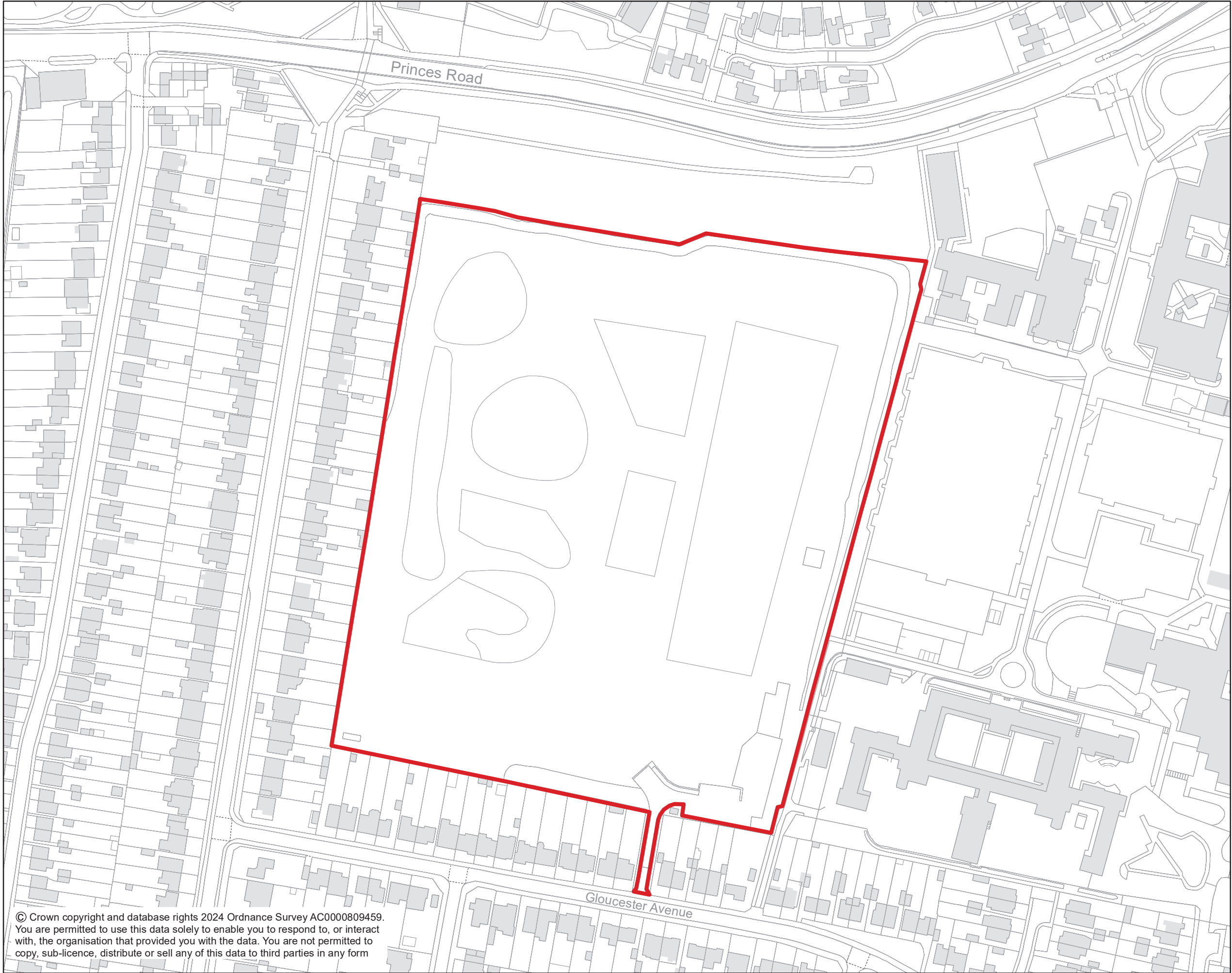
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**Relevant Policies and Strategies:**

The declaration of a Local Nature Reserve for John Shennan Field is included in the City Council's Climate and Ecological Emergency Action Plan and the Green Infrastructure Plan adopted as part of the Local Plan. The declaration will also contribute to achieving the Our Chelmsford Our Plan priority to implement measures to protect and expand natural green spaces, improve habitat value and increase biodiversity.

**John Shennan Field**  
Proposed Local  
Nature Reserve

 Area of Draft Local  
Nature Reserve



**Directorate for Sustainable Communities**  
Civic Centre, Duke Street,  
Chelmsford, CM1 1JE  
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Date: 22<sup>nd</sup> May 2024

Your ref: John Shennan Field LNR Designation



Lyn McLay Kidd  
Senior Parks Officer  
Parks and Green Spaces  
Chelmsford City Council

West Anglia Area  
Team  
Eastbrook  
Shaftesbury Road  
Cambridge  
CB2 8DR  
Tel:0300 060 3900

Dear Lyn,

## **PROPOSAL TO DECLARE JOHN SHENNAN FIELD AS A LOCAL NATURE RESERVE**

I am writing regarding the proposal to declare John Shennan Field a Local Nature Reserve (LNR) under the National Parks and Access to the Countryside Act 1949 (as amended).

Natural England's purpose is to conserve and enhance the natural environment for its intrinsic value, the wellbeing and enjoyment of people and the economic prosperity that it brings. John Shennan Field, managed according to the management plan is of value to both local wildlife and the local community. As such, Natural England is delighted to support the declaration of the site as a Local Nature Reserve. Protecting this site and its habitats will allow it to continue to be used and valued by local people for recreation and enjoyment of the natural environment.

Natural England confirms that it has been consulted on your proposal to declare John Shennan Field a nature reserve under the provisions of Sections 19 and 21 of the National Parks and Access to the Countryside Act 1949 (as amended). The requirements for consultation contained in Section 21(6) of that Act have therefore been met. As a member of the West Anglia Area Team, I would like to formally welcome these proposals on behalf of Natural England.

The next step is for Chelmsford City Council to make the necessary arrangements for the formal declaration of the reserve. This can be limited to the issuing of public notices or can be extended to include an event to celebrate the declaration.

Once the declaration is complete, we will need confirmation of the declaration date, and a copy of the declaration papers and a map showing the exact boundaries of the declared area. The site will also be promoted through Natural England's internet site finder.

If you are unsure about any part of the declaration process, please refer to the guidance booklet from our website (<http://publications.naturalengland.org.uk/publication/31039?category=15005>) or contact me using the details below.

Yours sincerely

Phil Holton  
Team Leader West Anglia Area Team (Essex)  
[Phil.holton@naturalengland.org.uk](mailto:Phil.holton@naturalengland.org.uk)



## Appendix 3

### John Shennan Field Public Open Space

#### Site description

1. The site is 6.5 hectares in area, previously used for landfill of waste, now consisting of a patchwork of habitats mainly woodland / scrubland in combination with species-rich grassland. Part of the site is fenced off to restrict access to protect the habitat for ground nesting birds.
2. Vehicular access is from Gloucester Avenue, where there is limited car parking. There is 'walk-through' access from Princes Road. A network of grass walkways exist around the site, together with some more closely mown informal recreation areas. There is an equipped play area and basketball hoop. There are no other services on site.
3. Data from Place Informatics [specialists in GPS-based footfall analysis] suggest that the monthly footfall on and across the site is between 13,826 and 16,112 visitors, indicating that this is frequently visited and well-used natural green space. Generally, it serves the local community rather than a wider catchment area.

#### Site history

4. The site was purchased by the then Chelmsford District Council in 1954. It was used as a municipal refuse tip until around 1960, which at the time was unregulated [that is landfill types were unrecorded].
5. Whilst being used as a refuse tip, the landholding was held by the Council's Public Health Committee, but following its closure was transferred on 31 March 1966 to the jurisdiction of the Parks Committee for the 'provision of playing fields'.
6. Consequently, the site was adopted as 'public open space' and set out by the Council as a sports and recreation area with the provision of football pitches, small changing pavilion, play area and car park and was named John Shennan Playing Field.
7. However, the area proved unusable as a formal sports area due to land settlement and methane gas seepage from the landfill deposits. Settlement occurs over approximately 85% of the site mostly located in the central part, where the more substantial landfill took place.
8. Since then, the site has been subject to further remediation works to try to address ground settlement and extensive tree and whip planting has been undertaken to stabilise soil conditions. Minor ground settlement continues which periodically requires some mitigation with imported topsoil. A more 'naturalistic' approach to the management and maintenance of the site has been in place for almost 30 years

restoring the landfill, establishing woodland areas and creating a variety of habitats. There is an active 'parks volunteer group' at the site.

9. Methane gas emissions were monitored up to 10 November 2010, when it was confirmed that methane gas emissions had largely ceased [or reached acceptable levels] so that monitoring was no longer required.
10. The site has remained in continued use for informal recreation and is an important green space, serving an area where there is a significant shortfall in public open space provision. Other informal recreation facilities such as the half-basketball court, youth shelter and expanded play area were added during the late 1990s / early 2000s. These facilities are located around the perimeter headland of the former waste tip.

### **Policy context**

11. John Shennan Field is designated as public open space in the adopted [2020] Local Plan.
12. As part of the preparation of the Local Plan, the previous political administration promoted the site to be allocated as a Strategic Growth Site for housing.
13. This proposal was subsequently withdrawn by the Council and was removed from the Local Plan at the Examination stage in 2019. The Inspector agreed that this change be treated as a 'main modification' to the Local Plan and the housing allocation was removed. John Shennan Field, therefore, remains designated as public open space. There are no proposals to change this designation in the Local Plan review, currently in the final consultation stage prior to submission for examination in 2025.
14. The Local Plan is informed by a comprehensive evidence base including an independently commissioned Open Space, Sports and Recreational Facilities Study. A key part of this study is a public open space assessment which examines local need for a wide range of different types of open space and compares these to the level of existing provision. This informs local plan policies, the overall spatial strategy and specific site allocations.
15. The open space assessment that supported the adopted Local Plan reveals that Moulsham Lodge is one the areas of Chelmsford where there is significant shortfall of public open space, natural and semi-natural open space. A new open space assessment has just been completed which will support the Local Plan review currently underway. This updated assessment confirms a significant shortfall of public open space in the area and the Local Plan review will seek to continue to protect John Shennan Field as green space.
16. The Council adopted a Public Open Spaces Policy on 25 January 2022. Public open space is generally considered to be land of public value and can take many forms such as parks and communal green spaces, sports pitches and recreational areas,

common land, woodlands, nature reserves, green corridors, country parks, play areas, residential open spaces, verges, and allotments.

17. The Policy recognises that access to an inter-connected network of high quality, well maintained and safe spaces, providing opportunities to take part in sport, recreation, and physical activity and to experience nature and the benefits of green spaces, is important for the physical and mental health and well-being of communities.
18. The key principle driving the Public Open Space Policy is that the City Council will not dispose of land designated as public open space for any other purpose. The Policy also sets out the approach for the acquisition of land for public open space purposes, the adoption of land as public open space, arrangements for the transfer of public open space and the limited circumstances and conditions that may allow the disposal of public open space.
19. On 16 July 2019, recognising the increasingly detrimental impact locally from changes in climate and extreme weather events, Chelmsford City Council declared a Climate and Ecological Emergency requiring that urgent action be taken to make the Council's activities and operations net-zero carbon by 2030. A Climate and Ecological Emergency Action Plan was then agreed focusing on:
  - Fundamentally changing policies and the Council's approach toward reducing carbon emissions, lowering energy consumption and reducing waste and pollution, thereby helping to create a more sustainable future for Chelmsford and the surrounding areas
  - Improving the habitat value of green spaces and promoting greater biodiversity across the area, creating bigger, better connected and sensitively managed habitats and natural spaces
  - Promoting projects and activities that enhance the habitat, ecological and biodiversity value of river corridors
  - Creating new, easily accessible natural green spaces to serve increased demand generated by housing growth and to ensure 'biodiversity net gain' for all new developments
20. 'Our Chelmsford, Our Plan', the latest version agreed at Council on 6 December 2023 is geared towards helping to create a 'safer, greener, fairer and more-connected place, a vibrant and appealing place where people want to live, work, study and visit.
21. An underlying principle of the Plan is to promote sustainable and environmentally responsible growth, creating a distinctive sense of place with a priority to protect, expand and improve the quality, accessibility and attractiveness of green areas, natural spaces, rivers and waterways; to improve habitat value and increase biodiversity.

22. One of the strategic actions included in Our Chelmsford Our Plan is to develop policies and implement measures to protect and expand natural habitats and increase biodiversity and, more specifically, to identify sites with underlying habitat potential and adjust management practices with a view to declaring [sites] as local nature reserves.
23. The Environment Act 2021 imposes a 'biodiversity duty' on all public authorities to 'conserve and enhance biodiversity in England'. This means that the City Council must:
  - Consider what can be done to conserve and enhance biodiversity
  - Agree policies and specific objectives based on this consideration
  - Act to deliver these policies and achieve the objectives set
24. The provisions of the Act require that the City Council report on the policies adopted, and the actions taken to fulfil its biodiversity duty no later than 1 January 2026.
25. The broader social, economic and environmental value of parks and green spaces is now widely recognised and extensively evidenced – summarised in the publication in 2019 of 'Space to Thrive' which comprehensively reviews the evidence base identifying the various benefits of parks and green spaces to individuals, communities and to society generally.
26. The City Council's Parks, Green Spaces and Waterways Strategy, implemented in 2022, exemplifies these values; highlighting parks and green spaces as a core community asset, access to which is now considered to be a 'fundamental human right'. Physical health, mental wellbeing and life satisfaction are all enhanced through access to and the use of parks, green spaces and waterways. These social, environmental and economic benefits drive the Council's policies for the protection, creation, and the approach to the effective management, of a network of high-quality green spaces.

### **Declaration of local nature reserves**

27. The process for declaring a local nature reserve is set out by the Government and is overseen by Natural England. All principal local authorities have the power to create local nature reserves. Town and parish councils also can create local nature reserves if the district council has given them the power to do this. Local authorities select and designate local nature reserves under the provisions of Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended).
28. The local authority must control the land proposed for declaration as a local nature reserve, either through ownership, a lease or an agreement with the owner. It isn't a requirement that the is open to the public but at least part of the site should be accessible for any visitors.

29. Five areas have already been declared as local nature reserves – Galleywood Common, Chelmer Valley, Admirals Park, Marconi Ponds and Frankland Fields in South Woodham Ferrers.
30. As set out in the report to Cabinet on 8th October 2024 the declaration of John Shennan Field as a Local Nature Reserve followed the prescribed process.
31. The site has been managed and maintained in accordance with the current management plan since 2016. This plan was updated and was approved and validated by Natural England in May 2024 to support the declaration of local nature reserve status.
32. On 22 May 2024, Natural England confirmed that it has been consulted on the proposal to declare John Shennan Field a nature reserve under the provisions of Sections 19 and 21 of the National Parks and Access to the Countryside Act 1949 (as amended). The requirements for consultation contained in Section 21(6) of that Act having been met. Natural England's West Anglia Area Team have formally welcomed these proposals on behalf of Natural England.
33. The proposal to declare a local nature reserve at John Shennan Field was subject to public consultation from the 8 July 2024 to the 26 July 2024. The reasons for the designation were set out and explained, inviting the public, park visitors, local residents and other interested parties to make their comments via a designated email address.
34. All City Council Councillors, interested bodies such as Essex Wildlife Trust & Essex Bird Watching Association, the adjacent allotment site association and parks volunteers who participated in past volunteering activities, were also contacted and consulted.
35. A total of 27 responses were received and all were all positive and supportive of the proposed local nature reserve designation. Four councillors commented positively on the proposed designation reflecting local interest in the proposal.
36. As indicated in the report to Cabinet on 8 October 2024 'there are no additional financial implications to this declaration in that the current management and maintenance standards, processes and procedures are already adopted in preparation of the LNR declaration'. i.e. the costs of inspection, maintenance and management of the land is already included in the Council's base budget.
37. Providing informal recreational opportunities on site – such as the existing equipped play area and half-basketball court – are entirely complementary to the areas status as a local nature reserve. Both the equipped play area and the basketball court are scheduled for further improvement works to enhance their appeal.