



ENVIRONMENT SCRUTINY PANEL'S FINAL REPORT ON COUNTRYSIDE MATTERS

PURPOSE OF THE REPORT

1. To present the Environment Scrutiny Panel's findings, conclusions and recommendations following its investigation of countryside matters within the control of the Council.

BACKGROUND/AIMS OF THE SCRUTINY INVESTIGATION

2. The countryside - whether it be swathes of open space and fields in a rural setting, or pockets of green space in a more urban setting - provides invaluable opportunities for people. This can be through fostering happier, healthier lifestyles by providing leisure opportunities, or by promoting a greater appreciation and understanding of the countryside and local heritage.
3. Although Middlesbrough is predominantly urban in character, with limited countryside within its boundary, it has good quality green space including four Green Flag parks which provide wildlife habitats, opportunities for play and leisure activity, environmental education and social interaction. The countryside in the southern part of Middlesbrough provides a link to the wider country environment, including the North York Moors National Park and Cleveland Hills.
4. The scrutiny panel sought to investigate this very broad topic by investigating countryside matters as they affect Middlesbrough, in particular those areas within the control of the local authority. This included existing countryside provision and associated facilities, existing proposals for improvement and possible future improvements.

TERMS OF REFERENCE OF THE SCRUTINY INVESTIGATION

5. The terms of reference of the scrutiny investigation were as follows:

To investigate the Council's general involvement in countryside matters, including:

- *Existing provision at Newham Grange Leisure Farm and Lingfield Countryside Centre and also plans relating to these.*

- *Tree management arrangements - to include legal responsibilities and policies relating to highway trees and open spaces.*
 - *The Council's involvement in bio-diversity issues - including legal duties and work being undertaken in respect of beck valleys.*
 - *Community and partner involvement - to include external funding opportunities and the role of community development initiatives such as Friends Groups.*
 - *To update the position on allotments following earlier scrutiny panel recommendations on the subject and to examine the Council's legal responsibilities and schemes to encourage allotment usage.*
6. The scrutiny panel undertook an in-depth investigation and met formally on seven occasions between 30 June and 15 December 2008. In addition, panel members visited the Lingfield Countryside Centre, Newham Grange Leisure Farm, Whitehouse Allotments, North Ormesby; Bradhope Road Allotments, Berwick Hills; and Cargo Fleet Allotments. Information was submitted by Council officers and Tees Valley Wildlife Trust.
 7. A Scrutiny Support Officer from Legal and Democratic Services co-ordinated and arranged the submission of written and oral evidence and arranged witnesses for the review. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from Legal and Democratic Services.
 8. A detailed record of the topics discussed at Panel meetings, including agenda, minutes and reports, is available from the Council's Committee Management System (COMMIS), which can be accessed via the Council's website at www.middlesbrough.gov.uk.
 9. A summary of the methods of investigation is outlined below:
 - (a) Detailed officer presentations and reports, supplemented by oral evidence.
 - (b) Visits to Lingfield Countryside Centre, Newham Grange Leisure Farm, three allotments sites and Berwick Hills Local Nature Reserve.
 - (c) Consideration of relevant documentation in respect of Government policy, national guidance etc.
 10. This report has been compiled on the basis of evidence gathered at the scrutiny panel meetings and from the site visits outlined above.

MEMBERSHIP OF THE PANEL

11. The membership of the scrutiny panel was as follows:

Councillors JA Walker (Chair); Davison (Vice-Chair), Clark, Hubbard, Jones, Khan, Lancaster, McTigue and G Rogers.

THE PANEL'S FINDINGS

12. The scrutiny panel's findings in respect of each of the terms of reference investigated are set out below. It should be noted that for the purposes of the scrutiny review, the panel agreed that although the Council's parks are managed by the Countryside Team in Environment, they would not be covered by the panel's investigations.

TERM OF REFERENCE: "To investigate existing provision at Newham Grange Leisure Farm and Lingfield Countryside Centre and also plans relating to these."

13. The scrutiny panel visited both of the above facilities and also considered written information. Information was sought on facilities available, existing and future plans, visitor levels and usage. The panel's findings were as follows:

NEWHAM GRANGE LEISURE FARM:

14. The panel visited the leisure farm on 18 July 2008, viewed the facilities and spoke to staff. Information was considered from the site visit and in subsequent panel meetings in respect of the following:

- General background
- Management and staffing
- Visitor numbers/income
- Future proposals
- Development of the farmhouse project
- Financial appraisal, budgets and financial projections

General Background

15. The leisure farm was created from the remnants of Newham Grange Farm in the 1970s when Middlesbrough's southern suburb of Coulby Newham was developed.
16. The farm comprises various buildings and animal pens as well as an outdoor play area, fields containing livestock, picnic areas, a tea room and shop. It offers the opportunity to give people close up contact with farm animals, including several rare breeds of cattle, sheep and pigs, and to discover more about agriculture, food production and how a working farm operates. Various educational events and activities are also held at the farm. Children's birthday parties are also very popular and include catering plus activities such as pony rides and face painting.
17. The original intention for the farm was to provide a living museum experience similar to that provided at Beamish in County Durham, although financial pressures over the last thirty years have resulted in a slow decline of the facility and to outdated exhibits and worn exhibition areas. Exhibits are virtually unchanged from 1976.
18. The leisure farm provides an easily accessible link between the urban population and the countryside. It also provides an educational function for visitors about agricultural heritage and provides information and interpretation of food production and animal husbandry through displays and exhibits. The biggest attraction, however, is the close contact visitors can have with farm animals. This contributes to the popularity of the farm as an attraction for families with young children. Educational events and activities are also very popular with the public.

19. Newham Grange Leisure Farm is a significant resource not only for the facilities and opportunities it offers but also due to its historical significance as an example of a working farm. The original Georgian farmhouse was built in 1786 but has fallen into a poor condition requiring extensive structural repair, refitting and refurbishment. It is currently the most vulnerable building on the site, is in a derelict state and has been uninhabited since 1986. Major structural works are required to return the building to a useable condition and, without intervention, the building will be lost through demolition. The Council has, however drawn up plans to refurbish the farmhouse and bring it back into use as a visitor resource.
20. The farm is also a community resource and is used as a meeting place by the "Friends of Fairy Dell" group. Nature's World has also expressed an interest in developing links with the farm.

Management and Staffing

21. Overall responsibility for the management of the leisure farm lies with the Parks and Countryside Section of Middlesbrough Council's Streetscene Service. Responsibility for the day to day operation and management of the farm lies with the Farm Manager. Animal welfare and general maintenance duties are carried out by a team of two full time and two part time Stockpersons, who are also responsible for the supervision of volunteers and work placements and for running the Junior Farmers youth group. The events and activities programme for the farm is organised by two part time casual staff. Ticket sales and the retail operation run from the shop is staffed by three part time farm attendants who are employed through the Council's Strategic Partnership with Mouchel.
22. There is also a small group of established volunteers who mainly carry out work with animals under the supervision of the Farm Manager and Stock people. Work and educational placements are also provided for a local college and Middlesbrough schools. In addition, Newham Grange Leisure Farm Friends Group also plays an active role at the farm. The group has also been involved in submitting bids for funding that is not available directly to the Council. This aspect of this topic is covered in more detail in the section of the report relating to community and partner involvement in countryside matters.
23. In terms of future staffing, the appointment of a full time Education Officer/Horticulturist is planned. This will enable links to be developed with local Primary and Secondary schools which do not currently use the farm. It is also anticipated that the activities offered will lead to increased use of the farm as a learning resource.

Income and expenditure

24. There are currently approximately 40,000 visitors per year to the leisure farm. Although the farm is open all year, the majority of visits, as would be expected, take place in the summer. Other popular times of year include spring during the lambing period.
25. In terms of visitor profile, the majority are families with children of primary school and nursery age. In terms of organised group visits, the farm currently attracts between 30 and 35 groups per year from primary and nursery schools from the Middlesbrough area and throughout the north east. Organised school visits are from primary schools (23%) and nurseries (77%).

26. Net income (including income from admission charges, the sale of animal stock and grants) has increased steadily from £19,593 in 1998-99 to £95,502 in 2007-8. Even without making allowances for the closure of the farm in 2001-02 due to foot and mouth disease restrictions, there has been an average yearly increase in total net income of approximately 7.5%. When the period 2004-2008 is examined, total income has increased by approximately 2.9% which still compares well with the rate of inflation of approximately 3%.
27. Income from sales of animal stock and from grants varies considerably from year to year. The majority of the Leisure Farm's income (including admissions) is taken through the shop on site. A breakdown of income between 2004 and 2008 shows an annual increase of approximately 5%. The existing income streams that are most likely to increase through the restoration of the Georgian farmhouse are admissions and schools income, which have increased an average of 5% and 4.1% respectively on a year by year basis since 2004.
28. Current costs of operating the leisure farm were submitted to the scrutiny panel, as follows:

2008-09 BUDGET	£
Income	(95,193)
Salaries	101,346
Expenditure	<u>83,640</u>
TOTAL	89,793

STAFFING*	Hrs per wk.
Farm Manager	37
Stockperson	37
Stockperson	18.5
Stockperson	18.5
Assistant Stockperson	20
Casual hrs	13.3

* NB does not include budget or staff hours for Mouchel staff in the farm shop.

Future Proposals

29. Consultation was carried out with the local community to draw up an outline master plan for the medium to long term overall development of the leisure farm. The "Newham Grange Master Plan" has identified actions that will improve the visitor experience at the farm with potential to improve accessibility, increase income and broaden the appeal of the facility. In addition to the much needed refurbishment of the farm buildings, development proposals include the demolition of some of the more modern agricultural buildings, the relocation of the shop and tearoom to the entrance to the site to rationalise and improve access to facilities and increase commercial sales.
30. The farm entrance is separate from where visitors pay to enter. Current arrangements rely on visitors going into the shop adjacent to the car park in order to buy entry tickets. While it is believed that the majority of visitors do pay to enter the facility, the existing system means that it is impossible to ensure that all visitors do so, in essence, people can walk into the farm without paying.

31. Revising entry arrangements, and relocating the farm shop so that all visitors have to pass through the shop to gain entry to the farm, would have a two-fold benefit - namely that it would be much more difficult to enter the farm without paying and that shop turnover would be likely to increase.
32. In addition, it is not currently possible for anyone to visit the tea room (which is currently let on a contract basis) without paying to enter the farm. Relocating the facility so that visitors could purchase refreshments without entering the farm site would increase the tea room's turnover and its attractiveness to potential operators. At the time of the panel's visit to the farm, the tea room operator confirmed that he would not be seeking to extend the contract beyond its current length as it had not proved to be sufficiently financially viable.
33. In the shorter term, it had been decided to adopt a phased approach to improvements, beginning with refurbishing the farmhouse. The decision to take this approach was guided by the potential availability of external funding due to the heritage value of the property. Although consideration was given to making a large capital bid to renovate the leisure farm throughout, it was felt that initially improving the farmhouse would be the most manageable approach. It is likely that such funding would require match funding from the Council.
34. This decision also reflected proposals to assist with the establishment of a Friends of Newham Grange Leisure Farm group, as it was considered that the farmhouse project would be more manageable and achievable for the fledgling group - which has now been established. It is hoped that the successful regeneration of the farmhouse will act as a catalyst to kick-start the improvement the rest of the Leisure Farm.
35. A survey was also undertaken to ascertain visitors' views of facilities and attractions. The results of that exercise will be used to identify and prioritise future improvements - such as better education facilities, a larger and better shop and improved tea room.

Development of the Farmhouse Project

36. Details of proposals relating to the farmhouse redevelopment were submitted to the scrutiny panel in the form of the "Newham Grange Leisure Farm - Farmhouse Business Plan." This details proposals to formulate short to medium term sustainable uses for the farmhouse in keeping with the service provided by the rest of the Leisure Farm and which will provide added value to the visitor experience.
37. Main proposals relate to the development of the first floor of the farmhouse into a classroom and kitchen area, with the ground floor being used for period exhibits. It is also hoped to run a social enterprise catering business for people with learning difficulties and mental health issues who wish to get into employment. Use of the facilities by local businesses eg for team building/professional development days will also be encouraged. Funding options are being explored and will include the Heritage Lottery Fund, the Northern Rock Foundation and landfill tax donations from private companies.
38. Objectives highlighted in the farmhouse business plan relate to:

- Heritage - by recreating elements of a Georgian farmhouse with educational and interpretative material
- Education - by providing an educational resource in the form of interactive information technology and by creating facilities for demonstration cookery for use by schools and community groups.
- Promotion of gardening/allotments and healthy eating.
- Social enterprise - by creating an opportunity for people with learning difficulties and mental health problems to acquire skills and experience which may eventually lead to employment.
- Community - by creating a resource for recreation and informal education for visitors to the Leisure Farm and providing a focal point for the sustainable development and support of the Newham Grange Leisure Farm Friends Group.

39. The business plan details how each of the above elements will be developed and outlines the delivery structure that will be needed for the various strands of the project. It also includes an audit and appraisal which identifies the environmental, financial and other factors which may have a negative effect on the redevelopment, and puts in place contingencies to control and minimise or remove the risks. The Strategic Support section of the business plan outlines how policy documents such as the Green Space Strategy and Local Plan link with the redevelopment of the farm and farmhouse.
40. As part of the redevelopment proposals, an exercise has also been undertaken to identify potential markets, including comparison with other farm attractions in the north east. This has included consideration of how a marketing strategy can be best developed, together with marketing aims. It has been estimated that successful redevelopment of the Georgian farmhouse, and the complimentary educational activities on offer, will increase visitor levels by approximately 10%.

Financial appraisal, budgets and financial projections

41. Potential sources of income following the farmhouse redevelopment have been identified as an increase in organised visits to the Leisure Farm by schools, with an optional charge being made for use of education facilities. The availability of the classroom area will add capacity for increased revenue through room hire for parties etc. There is also potential for the development of direct sale of produce from the garden on site as well as the commercial sale of catering products to internal markets within Middlesbrough Council through the possible social enterprise catering operation.
42. Anticipated expenditure from 2010-11 to 2013-14 is subject to confirmation and agreement by all parties and is shown in the business plan. Reporting mechanisms will be put in place to ensure that monitoring and evaluation and performance reviews are undertaken. This will include visitor numbers and income from visitors/shop sales, expenditure against budget, number of school visits etc.

LINGFIELD COUNTRYSIDE CENTRE

43. The scrutiny panel visited the Lingfield Countryside Centre in Coulby Newham on 18 July 2008 to view the facilities and speak to staff. Information was gathered from the site visit and in subsequent panel meetings in relation to:
- Site history
 - Current usage and activities
 - Operating costs and staffing

Site history

44. The Countryside Centre was originally planned to be the gateway to a proposed country park. The panel was shown a plan detailing the site and the areas which had been identified a number of years ago for designation as a country park. Approximately five years ago, however, the Council decided not to proceed with developing the country park. This is unlikely to happen in the future as there is now insufficient land available surrounding the site to provide facilities on the scale originally envisaged and the Countryside Team's focus is now on developing existing sites, such as becks and nature reserves, rather than new facilities. The site measures approximately three acres and comprises the centre's buildings, a football pitch and play area and areas of land which contain an allotment, pond, wildlife areas and a small amphitheatre.
45. The Lingfield facility is Middlesbrough's only dedicated countryside centre, although there are countryside-related sites and activities in fairly close proximity, including Larchfield, Fairy Dell, Hemlington Lake, Newham Grange Leisure Farm and Nature's World. The countryside centre's main focus is to promote all kinds of environmental issues from creating new wildlife habitats to recycling. The centre is mainly used by school groups, who carry out various environmental education and practical conservation work. Various community groups are also involved in the site. Although the centre is open daily to the public, its focus is on organised group activities. As such, there is little to occupy any casual visitor to the site and visitors generally attend only for pre-arranged activities.
46. The centre's main building is an old farmhouse building, dating back to the 1700s, which has been restored. Other buildings on the site were used for residential purposes as tied accommodation until approximately ten years ago. When the site was re-developed as a countryside centre the residential lettings had ceased, although recent problems of damage and vandalism have led to consideration being given to re-introducing some element of residential provision to act as a possible deterrent. There are various outbuildings on the site, some of which are in a state of disrepair and some of which are in use and rented by a theatre group and by the Council's Children, Families and Learning Department as a pupil referral unit.

Current usage and activities

47. Various local groups - including the local Community Council, Royal Society for the Protection of Birds (RSPB), a bee keepers group, a junior football club, the youth service and a group for people with learning difficulties - currently use the Countryside Centre and site facilities. Although the football club trains at the centre they currently play their matches elsewhere as the playing field adjacent to the centre is not of a sufficiently high standard to stage matches. The club has indicated, however, that it would be interested in playing its matches at the centre if the football pitches were brought up to the required standard. The club has also discussed building a clubhouse on the site, subject to obtaining funding and planning approval.
48. The Council's website highlights the following activities as being available for schools at the centre:
 - Earth Walk - A combination of activities and games to interact with the environment and to develop observation skills.

- Mini-beast Hunting - Searching for mini-beasts among the long grass and woodland. A good introduction to food chains, habitats, adaptation and life cycles.
- Orienteering - A permanent orienteering trail has recently been installed. This will help develop map reading skills and teamwork.
- Pond Dipping - A close look at the pond near the centre. The emphasis can be on life cycles or food chains.
- Conservation Work - An opportunity to actively improve the environment and to learn about the importance of nature conservation. Tasks include tree planting, hedgerow planting, bulb planting, cutting back vegetation and seed collecting.

49. Most of the above activities occupy a full day's visit, with the main activity in the morning and a related craft activity in the afternoon. However the centre staff aim to be as flexible as possible in meeting the needs of teachers and their pupils. Therefore, wherever possible, different combinations of these activities can also be tailored to meet the needs of different sections of the National Curriculum to include for example, literacy and numeracy, science and geography. The charge for a full day's visit is £1.00 per child. Many of the activities are suitable for other children and youth groups and are available out of school hours.

50. Approximately 30 school visits take place each year, with the centre being busiest between February and July. Schools receive two newsletters each year to advertise and promote activities. Leaflets are also available in libraries and events and activities are also publicised via the Council's website and in the "Primary Times" newsletter for schools. Local schools have also been involved in various projects at the Countryside Centre - for example pupils from Kings Manor School have assisted by building raised beds to grow herbs and wild flowers.

51. In addition to the school and educational activities, various events are organised which are aimed at the local community. These have included family craft days, dog days, Easter and Christmas activities, healthy living promotions, coffee mornings and nature projects such as tree planting. Environmental holiday play schemes, involving a mixture of outdoor activities and crafts have also proved to be very popular. The following community activities are held on a regular basis:

- Walking Group - this runs at least four local walks a year, with assistance given on basic map skills and route planning.
- Wildlife Club - for children aged 7 to 12. Activities include pond creation, minibeast safaris, nature trips, special guest visits, wildlife gardening and crafts.
- Health Walks - weekly walks of approximately one hour.
- Wildlife Watch Club

Operating costs and staffing

52. Current operational costs for the Countryside Centre were submitted as follows:

2008-09 BUDGET**£**

Income	(2,269)
Salaries	103,115
Expenditure	<u>35,237</u>
TOTAL	136,083

STAFFING**hrs per wk.**

Centre Manager	22.5
Project Assistant	37
Project Assistant	37
Assistant Project Officer	37

53. Although officers from Environment confirmed that there are no firm proposals relating to the future of the countryside centre, it was indicated that the scrutiny panel's views would be welcomed in helping to shape future service provision. The panel agreed to consult the Executive Member for Environment and local ward Councillors in this regard. Views expressed by those Members were as follows:
- The centre is the only public building in the immediate vicinity and should be retained for community use.
 - The centre could be used more effectively - though revitalising community involvement would be central to achieving this. This could possibly be done by re-establishing the centre's management committee.
 - A number of centre users have expressed an interest in working with the Council to further develop the centre for community uses.
 - All activities provided at the centre are highly beneficial and should continue to be available - though provision could be made elsewhere, for example at the Newham Grange Leisure Farm which is fairly close by.
 - A number of potential uses and activities at the centre have been explored over recent years but have not come to fruition. These have included various outdoor pursuits, the development of footpaths and bridleways etc.
54. Examination of this term of reference highlighted the facilities which are available at Lingfield Countryside Centre and Newham Grange Leisure Farm and gave the scrutiny panel the opportunity to consider future service provision.

TERM OF REFERENCE: “*To investigate the Council’s involvement in bio-diversity issues - including legal duties and work being undertaken in respect of beck valleys.*”

55. In investigating this term of reference the scrutiny panel heard information from the Tees Valley Biodiversity Partnership, as well as Council officers. Information was submitted in respect of the following:
- Biodiversity and its importance
 - The national and local positions
 - Biodiversity partner organisations and local structure
 - The Council’s involvement and biodiversity duties
 - Local Wildlife Sites and Indicator 197

Biodiversity and its importance

56. The word 'biodiversity' comes from the term '*biological diversity*' and simply means all living plants and animals on earth and the natural systems that they support. This includes everything from plankton to puffins, weasels to willows and back gardens to rain forest. Biodiversity is the thing that feeds us, gives us the air that we breathe, provides the natural resources that we use and shapes our world and our society. It is to humanity what the sea is to fish - it is the thing that supports and sustains us.
57. Biodiversity influences all aspects of the quality of our lives. From it we obtain our food, fuel, medicines, cosmetics and construction materials. Shorelines, floodplains and wetlands help alleviate the effects of storms and floods and act as natural filters for pollutants, improving water quality. Biodiversity also provides and enhances the places where we live, relax and exercise in both the countryside and the city.

The national and local positions

58. The UK Biodiversity Action Plan (BAP) was published in response to Article 6 of the Biodiversity Convention, to develop national strategies for the conservation of biological diversity and the sustainable use of biological resources. It highlights action plans for conserving priority habitats and species.
59. Local Biodiversity Action Plans (LBAPs) are documents which identify local priorities for biodiversity conservation and work to deliver agreed actions and targets for specific habitats and species. LBAPs are delivered through wide local partnerships that involve wildlife organisations, local authorities, businesses and other interested parties.
60. Locally, the Tees Valley Biodiversity Partnership is responsible for the Tees Valley Biodiversity Action Plan. The partnership embraces a wide range of organisations - local authorities, statutory conservation agencies, voluntary bodies, representatives of landowners and others - all working together for nature conservation. The group has a steering group and three action groups that work to implement the Tees Valley BAP.

Biodiversity partner organisations and local structure

61. Successful implementation of the Tees Valley BAP can only be achieved with the active participation of all partners across the local area. The collaboration and support of these partners enables the important work of protecting species and habitats throughout the Tees valley to be carried out. Current and previous partners of the Tees Valley Biodiversity Project include the following organisations:
 - Groundwork South Tees
 - National Farmers Union
 - Hardwick Dene Valley Group
 - Northumbrian Water
 - Redcar and Cleveland Borough Council
 - Stockton Borough Council
 - RSPB
 - Tees Forest
 - St Cuthbert's Church Ormesby
 - Teesmouth Bird Club

- Tees Valley Joint Strategy Unit
- Tyne Tees FWAG
- Wildflower Ark
- Acklam 20:20
- Hartlepool Borough Council
- BASF
- Hartlepool Natural History Society
- DEFRA
- Hartlepool Wildspace
- Environment Agency
- Huntsman Tioxide
- English Nature
- Industry Nature Conservation Association
- Friends of Spion Kop Cemetery
- Middlesbrough Environment City
- Friends of Linthorpe Cemetery
- Middlesbrough Council
- Friends of Errington Woods
- Middlesbrough Wildspace!

62. The Tees Valley Biodiversity Action Plan (BAP) covers the Boroughs of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees. The action plan is the local response to the national biodiversity planning process.
63. The Tees Valley BAP was produced in 1999 and consists of a series of Species and Habitat Action Plans setting out the current status, targets for protection and enhancement plus the actions to be taken by each partner organisation. This document takes the objectives and targets of the UK Biodiversity Action Plan and translates and amplifies them into a Tees Valley context. Focusing on the most significant elements of the Tees Valley's environment, it sets out the actions needed to achieve those objectives and targets.
64. Biodiversity Action Plans are living documents, regularly reviewed and updated, with targets changed and new ones added in response to the reality of changing conditions on the ground. A summary of the current local biodiversity plan is published online at the Tees Valley Biodiversity Partnership's website - www.teesvalleybiodiversity.org.uk.
65. A steering group, made up of representatives of the partnership, has been established to promote and implement biodiversity measures in the Tees Valley. The group also steers the work of the Biodiversity Co-ordinator. Meetings are held at least three times a year and chaired by the Tees Valley Strategy Unit.
66. In the Tees Valley BAP partnership there are also three action groups:
- Rural Action Group
 - Urban Action Group
 - Wetland and Coastal Action Group

67. The three groups work to ensure that the Tees Valley BAP is translated into practical action. Each group meets regularly to plan, set targets and monitor progress of work to conserving habitats and species. The groups are also a valuable networking forum where partners share knowledge, experience, and examples of best practice

The Council's involvement and biodiversity duties

68. Middlesbrough Council is represented On the Tees Valley Biodiversity Partnership by having two officers (one from Countryside and one from Planning) on the Steering group and an officer at two of the three action groups. Middlesbrough Council officers currently play an active role in the partnership, helping to shape policies and progressing actions and targets on species and habitat action plans.
69. Apart from the legal responsibilities on protected species and the Wildlife and Countryside Act all local authorities have a biodiversity duty under the 2006 Natural Environment and Rural Communities Act (NERC). The duty makes biodiversity an essential consideration in the policy forming and decision making processes of public bodies. It stresses the need to put biodiversity as a core component of sustainable development, where it underpins economic development and prosperity and offers a range of quality of life benefits. Middlesbrough's biodiversity duty in relation to countryside and open spaces includes the provision of local nature reserves, the management of all open spaces, schools, cemeteries, golf courses and parks. The duty also covers environmental education and awareness raising, support for community groups, supporting the local BAP, maintenance of biodiversity data and management of local wildlife sites.
70. Playing an active role in the Tees Valley Biodiversity Action Plan is one way that Middlesbrough Council can demonstrate that it is delivering its duties under the Act. Another of the most direct ways in which local and public authorities can positively influence biodiversity is by sensitively managing their land and buildings. This does not only include designated wildlife sites but, as indicated above, includes the whole spectrum of green infrastructure, such as public open spaces, sports pitches and roadside verges.
71. The Council is already carrying out many good examples of practical biodiversity action in the in the borough - though Tees Valley Wildlife Trust has expressed the view that there is a need to link up these activities and to ensure that their value is more widely recognised and reported on within the Council. Every Council Member and Officer should be aware of the authority's biodiversity duty. Streetscene Services within Environment are currently involved in establishing processes and guidance for use throughout the authority. This will ensure that the Council's biodiversity duty is recognised and taken into account by all service areas.

Local Wildlife Sites and Indicator 197

72. One of the priorities of the Government's Department for Environment Food and Rural Affairs (DEFRA) is to secure a healthy, resilient, productive and diverse natural environment. This is enshrined in the Government's Natural Environment Public Service Agreement (PSA) to "secure a healthy environment for today and the future." The Government wants to see biodiversity valued, safeguarded and enhanced. Biodiversity benefits are highly dependent on local action because biodiversity is ultimately lost or conserved at the local level.

73. Local Authorities have a key role to play in conserving biodiversity. DEFRA uses a performance indicator ('Indicator 197 - Improved Local Biodiversity') as part of the local government performance network to measure the proportion of local sites where active conservation management is being achieved.
74. The Tees Valley has always been at the forefront of systems to identify and conserve its non-statutory wildlife sites. Non-statutory wildlife sites systems have evolved across the UK as an important means of identifying and protecting our biodiversity and geological heritage. In the Tees Valley, conservationists listed the area's most important ecological sites in the 1970s. These were subsequently described and recorded by the County Council in the Cleveland Wildlife Strategy (1989) and designated by the district planning authorities as Sites of Nature Conservation Importance in their Local Plans in the 1990's. Government guidance has moved forward quite rapidly in recent years with the publication of DEFRA's Local Sites Guidance and the development of National Indicator 197. DEFRA published national guidance on the identification, selection and management of Local Sites in April 2006. This indicated how sites should be identified, recorded, designated and managed.
75. National Indicator 197 "Improved Local Biodiversity" has been established to measure performance for biodiversity by assessing the implementation of positive conservation for Local Sites. Essentially it records the percentage of sites in a local authority area where positive conservation management has taken place during the five years prior to the reporting date. All Local Authorities will be expected to report on their performance against National Indicator 197 annually, on 31st March.
76. DEFRA has identified Local Sites as being an efficient way for Local Authorities to show that they are taking biodiversity into consideration and delivering their obligations under Section 40 of the Natural Environment and Rural Communities Act 2006. Defra will be reviewing the impact of the biodiversity duty in 2009.
77. There are 17 Local Sites in Middlesbrough, which are selected using rigorous DEFRA guidance. The majority of sites are Council owned, which facilitates easier management. Locally, the Tees Valley Biodiversity Partnership also acts as the Local Wildlife Sites Partnership. The Tees Valley, and in particular Middlesbrough Council, is leading the way in reviewing Local Wildlife Sites based on the rigorous DEFRA selection criteria. The challenge is for Middlesbrough to look at how it can manage its Local Wildlife Sites to meet the requirements of the indicator. By managing these sites for both the needs of wildlife and local people, these sites will be able to provide an opportunity for local people to enjoy the cared for wildlife sites on their doorstep.
78. Numerous wildlife projects are being developed locally, both at designated Local Wildlife Sites and also in other locations. These provide opportunities for all types of people to get involved - from conservation professionals, community groups, schools, businesses, farmers, anglers and gardeners, through to local residents with an interest in wildlife in their area.
79. Sites which are designated as Local Wildlife Sites in Middlesbrough are:
- Berwick Hills and Ormesby Beck Complex
 - Bluebell Beck Complex
 - Maltby Beck

- Three sites along Marton West Beck including Fairy Dell, Anderson's Field and Bonny Grove.
- Marton West Beck/Newham Beck
- Maze Beck
- Middlebeck
- Newham Beck Complex
- Old River Tees
- Plum Tree Pasture
- Poole Hospital
- Stainsby Wood
- Teessaurus Park
- Thornton Wood and Pond
- Whinney Banks Pond

Beck Valleys

80. The Environment Scrutiny Panel undertook a review of becks and beck valleys during 2006/07 which considered, amongst other things, the environmental benefits of the beck valleys and their value as a wildlife habitat. The panel heard that, at that time the Council was involved in working with bodies such as the Environment Agency and Tees Valley Wildlife Trust to develop and enhance the beck valleys as a local wildlife resource. Recommendations contained in the scrutiny panel's final report (and which were subsequently approved by The Executive) included the following:

- *That the Environment Agency's commitment to enhancing environmental aspects of becks and beck valleys be welcomed and liaison arrangements be continued to ensure that the Council and local communities are actively involved in the process.*
- *That arrangements are put in place to strengthen links between all bodies and parties with an interest in Middlesbrough's becks and to ensure that a co-ordinated approach is developed in relation to all becks issues.*

81. The updated position in respect of beck valleys is highlighted in the Countryside section of the Council's website, and includes the following information.

Wildlife of the Becks

82. Middlesbrough has five becks that flow into the River Tees. These are Marton West Beck, Ormesby Beck, Newham Beck, Bluebell Beck and Spencer Beck. In addition there are several more streams and tributaries which feed into the main water courses.

83. Middlesbrough's becks are important wildlife corridors. The water vole, which is a protected species and declining nationally, is thriving in urban Middlesbrough. Kingfishers and herons can be regularly seen on all becks. The Council is working with the Tees Valley Wildlife Trust and the environment Agency to ensure that becks are managed to encourage water voles and other wildlife. The beck valleys contain some attractive and valuable wildlife habitats - examples include the reedbeds at Berwick Hills local nature reserve and the steep wooded valleys along Marton West Beck in Coulby Newham.

84. The Three Becks Project, which is an initiative run by Tees Valley Wildlife Trust, covers Ormesby, Spencer and Newham Beck. The project includes practical conservation projects and events and school and community projects, which are aimed at improving the environment of the becks for wildlife and people.

Who looks after the becks?

85. From April 2007 the Environment Agency have had responsibility for managing the flood risk of Marton West beck, Newham beck, Ormesby beck and Middle beck, which are classed as 'critical ordinary watercourses'. The Council is, however still classed as the responsible landowner. The remainder of Middlesbrough's becks are solely managed by the local authority.

Public Survey - Marton West, Middle, Newham and Ormesby Becks

86. A public perception survey was conducted, on behalf of the Environment Agency in May 2007, involving 1005 Middlesbrough residents who live close to the above becks above. The Environment Agency wanted to find out residents' views on the becks, what issues were most important to them regarding the becks and whether they would like to see them improved. This report details all the key findings. The Environment Agency allowed the Council full access to the very detailed report, which ran to over 50 pages. A summary of the Environment Agency's report, including suggestions for improvements by local residents, was considered by the scrutiny panel.

Focus Group's Report on Marton West, Middle, Newham and Ormesby becks

87. Following the survey (above) the Environment Agency commissioned a further stage of research to explore the changes and improvements that residents would like to see on the becks in more detail. This involved a number of activities including work with local school children, interviews with key people in the community and workshops with local residents. Focus groups were established with residents who had expressed an interest in taking part in further research. Five groups were established - two for Ormesby beck and one group for each of Newham, Middle and Marton West becks.
88. At Hemlington Lake, which is a man-made flood storage reservoir connected to Bluebell Beck on the outskirts of Middlesbrough, the Environment Agency is working with partners and the local community to improve and promote fishing facilities and access and also to protect wildlife. Funding from the Environment Agency, Groundwork South Tees, Middlesbrough Council and the Government's Neighbourhood Renewal Public Spaces Fund has enabled the installation of 17 fishing platforms made from recycled plastic and increased access to the lake for all, including disabled and wheelchair-bound visitors.

The Clean Becks Campaign

89. This is a partnership project involving the Environment Agency, Middlesbrough Council and the Tees Valley Wildlife Trust. It aims to tackle littering and fly-tipping in the town's becks. The Environment Agency recently took over responsibility for reducing flood risk from the becks and established that the vast amount of rubbish being dumped in them - up to 30 tonnes of waste every month - was one of the main causes of potential flooding. As part of the scheme, sections of the becks have been re-shaped and landscaped, allowing the water to flow more freely to reduce risk of flooding and to improve habitats. This was using local authority money that is managed by the Environment Agency and earmarked for flood-related projects across the north east that do not qualify for national funding.

90. Examination of this term of reference highlighted the Council's relatively new duty concerning biodiversity, how the authority is involved in the topic in the wider context and work which is ongoing in respect of Middlesbrough's becks with various partners.

TERM OF REFERENCE: "To update the position on allotments following earlier scrutiny panel recommendations on the subject and to examine the Council's legal responsibilities and schemes to encourage allotment usage."

Background

91. Local Authorities have a statutory duty to provide sufficient allotments if they believe that there is demand. Allotment sites owned by local authorities can be designated as 'statutory' or 'temporary.' Statutory sites are subject to some protection under the Allotments Act 1925 whereas temporary sites have no security beyond the usual planning system requirements.
92. The Council has a statutory duty to provide allotments if there is unmet demand under the Allotments Acts 1908-1950. The Council also has to get consent from the Secretary of State if it wishes to dispose of statutory allotments. The majority of Middlesbrough's allotment sites are designated as 'statutory' allotments.

2004/05 Review of Allotments

93. The Environment Scrutiny Panel undertook a detailed review of allotments in 2004/05 and made 10 recommendations on the subject. The key recommendation related to the production of an Allotments Strategy, which was to be used as the basis for implementing the remaining recommendations.
94. The recommendations were approved by the Executive on 8 February 2005, together with an additional recommendation that "The Executive receives a report within six months outlining a 5 year strategy for the allotment service."
95. In the service response submitted to the Executive at that time, the Executive Director of Environment confirmed that the department would wish to continue to engage with scrutiny on the development of the strategy, which was seen as an important piece of work to move the allotments service forward. The scrutiny panel's recommendations, together with the service response submitted to the Executive by the Executive Director for Environment, are attached at **Appendix 1**.
96. The allotments strategy was to cover the following range of issues:
- Level of demand for allotments in Middlesbrough
 - Infrastructure condition of allotment sites
 - Security of the allotment service
 - Staff Functions and allotment administration
 - Management of the allotment sites
 - Ground maintenance requirements of each individual site
 - Funding of the Allotment Service
97. The Executive Director also indicated to the Executive that the complexity of the review meant that the consultation process that was fundamental to a successful review would take time to complete. This would impact on funding in that the strategy was unlikely to be completed in time to influence the 2005/06 budget process.

98. On 1 December 2006 the scrutiny panel considered an update on the implementation of its earlier recommendations and the development of the allotments strategy. At that time it was noted that the service had not been able to secure the funding of £50,000 which was necessary to implement the strategy - as bids submitted as part of the 2005/06 and 2006/07 budget processes had been unsuccessful - and that the strategy had not yet been submitted to the Executive.
99. The panel was, however, informed that despite the failure to secure any new funding from the centralised budget, a number of the points included in the service response to the Executive had been implemented using funding of £75,000 from other sources. This had been used for a number of improvements, including:
- Asbestos removal, fencing and the purchase of specialist machinery.
 - The installation of CCTV at some sites.
 - The use of £3,000 to remove waste from Saltersgill allotments.
100. In addition, it was anticipated at that time that the introduction of Area Care arrangements within the Environment service would impact positively on the allotments service.
101. Following the update considered by the Environment Scrutiny Panel in December 2006, the Allotments Strategy was finally considered and approved by the Executive Member for Environment (single member decision) on 17 January 2007.
102. In compiling the terms of reference for the current scrutiny review, the panel agreed to re-visit the topic of allotments, which is an important aspect of the work of the Council's Countryside Team. It was agreed that, as part of this process, two Members of the scrutiny panel (Councillors Clark and Rogers) would meet with officers from Environment to discuss progress to date and highlight outstanding issues. This meeting took place on 8 September 2008, following which Councillor Rogers reported back to the panel. The main points arising from the meeting are shown below.

Main points arising from the meeting between Councillors Clark and Rogers and officers from Environment:

Development of an allotments strategy

(i). This was a key recommendation from the scrutiny panel and was agreed by the Executive, thereby becoming Council policy. In addition, most of the actions in the department's service response were linked to development of the Allotments Strategy. The draft strategy, which contained 25 planned actions, was submitted to the scrutiny panel in September 2005. However, officers confirmed that it has not been possible to implement the strategy in full due to a lack of resources. Progress has been made, however, in implementing the scrutiny panel's recommendations in part - such as by establishing an Allotments Forum and improving administration support for allotments.

(ii). In terms of overall resources, there has been a recent increase in resources for Environment's Countryside team, which will improve the overall situation concerning allotments.

Length of waiting list and waiting time

(iii).Members queried the current position regarding the size of the waiting list and were advised that this fluctuates. There are currently approximately 270 people waiting for an allotment. Length of waiting time varies. This can be a number of years in the case of the most popular sites but is typically one to two years.

(iv).The increasing popularity of organic food and people growing their own foodstuffs is likely to result in allotments becoming even more popular - for example for families and younger people. As this is likely to impact on waiting lists/times, the Council's involvement in this may be something that can be considered further.

Number of vacant plots

(v).At any one time, approximately 15-20% of the Council's 700 (approx.) allotment plots are vacant or have been abandoned by a tenant. Members noted that this level of empty plots (which does not include plots which are still tenanted but which are not in use or are neglected) would be sufficient to significantly reduce the waiting list. This cannot be readily achieved, however, due to resource issues and also administration issues, such as the need to serve notice on tenants etc.

Length of time to make an empty plot ready for a new tenant

(vi).Prior to a new tenant taking over, all plots are made ready by clearing any weeds and rubbish and by rotovating the site. This can sometimes take up to three or four months for a particular plot due to resource constraints, although the time taken to do the work can be one or two days. Environment has recently started offering unprepared plots for a rent-free period on the basis that the new tenant prepares the site. Reference was also made to the Council making a site ready but it then not being taken on by a new tenant. In some such cases, allotments have then become overgrown again - which negates the earlier work done to prepare a site.

(vii).The possibility of a rent-free probation period for new tenants was discussed. This could be used to check that they were able to manage the site, and also to provide advice, information and guidance for new tenants. Other means could also be explored of enhancing the service - for example by offering smaller plot sizes for people who do not want a full size allotment.

(viii). A related issue is that of action taken concerning overgrown or unsightly plots. Historically, the Council has been very lenient with allotment holders, although there have been efforts to encourage tenants to keep allotments tidy.

The existing approach

(ix). It was suggested that the existing Council approach to allotments was outdated, having remained unchanged for decades. It may therefore be timely to review administration arrangements to ascertain whether some of the issues identified can be addressed.

Updated Position

103. The Environment Department acknowledges that outstanding issues in respect of allotments, including implementation of the agreed Allotments Strategy, relate to resources - in particular the fact that budget funding of £50,000 which was recommended by the scrutiny panel in its 2004 recommendations, was never secured. It is further acknowledged that the allotments service had fallen short in terms of service delivery - for example resources have previously been

concentrated on issues such as compulsory competitive tendering (CCT) for grounds maintenance contracts.

104. The panel was advised, however, that there is a commitment to improve the allotments service and that steps have recently been taken to address some of the issues raised. This includes:

- Investing heavily in the Countryside Team within Environment - This will mean an increased input on allotments. The team has effectively four times the resource (to cover all countryside services) than at September 2007, with a budget of £100k for 2008/09. Although this figure principally covers staffing costs, the employees concerned are involved in providing frontline support for work on allotments and have been involved with recent improvement works.
- The introduction of a performance indicator relating to clearing overgrown allotments - the initial target was to clear six plots a month but this was running at 18 plots per month at September 2008.
- General tidying works - such as cutting back overgrown hedges.
- Establishing an officer working group to examine and take forward the issues identified by the scrutiny panel - including tenancy rules, possible rent-free probation periods, plot sizes, waiting lists etc.

Site Visits

105. Arrangements were made for the scrutiny panel to visit Whitehouse Allotments, North Ormesby; Bradhope Road Allotments, Berwick Hills; and Cargo Fleet Allotments. The visits took place on 27 November 2008, when the scrutiny panel found that:

- clearing of fly tipped rubbish is a constant strain on a very limited budget - a total of £11,000 was spent during the last financial year at the Saltersgill and North Ormesby allotments alone.
- individual plots vary considerably in standard - some are very well looked after and well kept, others less so and some are especially badly neglected and completely overgrown,
- some access roads are in poor repair, while others have been surfaced.
- some sites suffer badly from flooding - some plots were under standing water at the time of the site visits.
- standard plots are of a quite large size - which may be daunting to some prospective tenants.
- the scale of the task of allotments site management was recognised - particularly when viewing the area of land at Berwick Hills. This area originally comprised approximately 600 allotments which gradually fell into disuse over a period of years. The majority of the site has now been cleared and is in the process of being turned into a Local Nature Reserve by being seeded with wild flowers etc (see the following section of the report re. Local Nature Reserves). Some new allotments are being created on the Berwick Hills Site with new fencing works in the process of being undertaken. A communal allotment garden is also proposed so that the community can make use of it without having to take on individual plots.
- Labour for some of the allotment clearance works has been provided by the Probation Service and also by the local Primary Care Trust's Mental Health section.

- The **STEM allotments site at Cargo Fleet is in the process of development and is an excellent example of a worthwhile community initiative. Plots there are of a smaller and more workable size.

**STEM stands for Stronger Together in East Middlesbrough. This is a Government-funded project which will last until 2010. The project aims to work with the local community and partners such as the Council, Police, Health Services and Schools to bring about change in crime and anti-social behaviour, the appearance of estates, health, unemployment and the achievements of young people.

106. Examination of this term of reference highlighted developments since the panel's 2004-05 review of allotments and areas where further work is needed.

TERM OF REFERENCE: “*To investigate community and partner involvement - to include external funding opportunities and the role of community development initiatives such as Friends Groups.*”

107. The Council works in partnership with other agencies, organisations and community groups to conserve and enhance Middlesbrough's natural assets. The previous section of the report highlights work which is undertaken with Tees Valley Biodiversity Partnership to as part of the Council's biodiversity duty in law and also progress which has been made with partners in respect of Middlesbrough's beck valleys.
108. Middlesbrough has three Local Nature Reserves (at Berwick Hills, Stainton Quarry and Linthorpe Cemetery) and 17 sites of nature conservation importance, including beck valleys, where work is continuing in conjunction with partners. Information on the sites of nature conservation importance is included earlier in this report in the section relating to biodiversity issues. Local Nature Reserves are special places for both people and wildlife. They provide opportunities for people to experience the natural world and learn more about wildlife.
109. In England there are currently over 1,000 local nature reserves. Middlesbrough designated its three local nature reserves through its Wildspace Project, which has now been completed. This project was involved in organising community events and school projects.
110. The scrutiny panel had the opportunity to visit the Berwick Hills site - which is located on a former allotments site - as part of its site visits to allotments. Middlesbrough Wildspace has created wildflower meadows, new woodlands, and ponds on former derelict allotment land. The site is in the process of being transformed from dereliction to a green oasis with the help of grants from English Nature, the Countryside Agency and the Neighbourhood Renewal Fund. Trainees and local school children have helped to clear rubbish, plant trees and dig ponds to create the nature reserve.
111. Ormesby Beck runs through the nature reserve on its way to join the River Tees and is flanked by tall reeds. These waterlogged roadbeds are a rare habitat in England, but are expanding at Berwick Hills. Water voles burrow in the beck banks and feed on waterside plants. New ponds have also been created to provide a home to frogs, toads and newts.

112. During 2006/07 the scrutiny panel undertook a scrutiny investigation in respect of Middlesbrough's Becks. Information provided at that time indicated that the Council would continue to work in partnership with the Environment Agency and Tees Valley Wildlife Trust to improve the environment of the becks, particularly in relation to the habitat of the water vole. The water vole, which is in decline nationally, is thriving in Middlesbrough's becks. The shy and secretive creature is expanding its range in Middlesbrough due to sensitive beck management carried out by Middlesbrough Council, the Tees Valley Wildlife Trust and the Environment Agency.
113. The Council also has links with Middlesbrough Environment City, which is involved in providing educational activities in relation to countryside issues - for example at Linthorpe Cemetery in conjunction with the friends of the cemetery group.
114. Friends Groups consist of people with an interest in their local area and who may help to manage and/or improve a facility. For example, Fairy Dell is a wooded beck and Park in Marton on the southern edge of Middlesbrough and the Friends Group helps to manage the woodland and make it more accessible to the public. It has been involved in a number of projects, such as public art, wood sculptures, footpath works and nature watches. Similarly, the Friends of Linthorpe Cemetery is an active community group that works to promote the history, wildlife and recreational value of the cemetery. The group organises events and walks and meets regularly throughout the year.
115. While there is no definitive list of Friends Groups held by the Council, there are a number of such groups in operation in Middlesbrough. These relate to a number of sites - such as parks, cemeteries, lakes and beck valley s. These include Friends of Linthorpe Cemetery, Friends of Fairy Dell, the fledgling Friends of Newham Grange Leisure Farm, Friends of Stewart Park and Friends of Hemlington Lake.
116. The scrutiny panel also heard from the Council's Voluntary Sector Liaison and Grants Manager, who is involved in assisting community groups and organisations to access funding sources.
117. The Panel was advised that the Council administers a range of grant programmes aimed at supporting community activity, including the work of 'Friends Groups.' Many of the funding sources/grants are not available to local authorities.
118. Information was provided to the scrutiny panel on the Council's Community Chest Fund and other possible funding sources. Friends Groups and community organisations are eligible to apply for grant funding from the Community Chest Fund if they are a properly constituted body. The organisation is expected to have certain policies and procedures in place eg to have its own bank account, constitution etc. Checks are also made if the applicant organisation is involved in working with children, young people or vulnerable adults. Financial monitoring is also carried out after grants are awarded.
119. The panel heard that over the last two years, a number of Community Chest grants, of up to £1,000 each, have been awarded. Some of these - eg Whitehouse Farm Allotments and the Community Campus allotment scheme - have been used to fund or promote countryside related matters.

120. The Council also administers the Youth Opportunities Fund, which provides grants of up to £10,000. This is a Government scheme which allows young people to allocate grants to other young people. Therefore, if a Friends Group works with young people, the young people involved can apply to this funding source. Assistance is also given by the Voluntary Sector Liaison and Grants Team to organisations to access the numerous sources of external funding which are available and which can be subject to widely varying qualifying criteria - for example relating to applicant organisations and the purpose of the funding.
121. The Voluntary Sector Liaison Team is the main point of contact between the Voluntary and Community Sector and the Council and is responsible for:
- Providing overall co-ordination of the Council's relationship with the Voluntary and Community Sector.
 - Providing advice and support to the Voluntary and Community Sector.
 - Managing the corporate grant giving function of Middlesbrough Council, including individual bursaries for young people in sports, arts, personal development and education.
 - Managing the Youth Opportunities Fund and Youth Capital Fund.
 - Developing policies and procedures relating to the Voluntary and Community Sector.
122. The availability of voluntary sector and community grants is published on the Council's web site and via posters in public libraries, an annual mail shot to all Councillors at the start of the financial year and via community councils. Assistance is given to applicants in completing the necessary application forms.
123. In addition to the above, Middlesbrough Voluntary Development Agency - which is the main infrastructure organisation for the voluntary and community sector - also offers advice and guidance to applicant organisations seeking grant funding.
124. Examination of this term of reference highlighted the range of activities and organisations involved in partnership working on countryside matters.

TERM OF REFERENCE: *“To investigate tree management arrangements - including legal responsibilities and policies relating to highway trees and open spaces.”*

125. The scrutiny panel considered information in relation to a number of areas relating to tree management - namely inspection, intervention, maintenance and other issues - which are the responsibility of the Council.
126. Information was considered in respect of:
- The current position in Middlesbrough.
 - The tree inspection regime.
 - Planning and other issues.

Current position

127. The percentage of tree cover in Middlesbrough is not presently known. Although anecdotal past evidence had suggested that tree cover could be around 1% of the Borough, officers are confident that the current figure would be in excess of that amount.

128. Tees Forest (a partnership which was established to use forestry to improve the countryside around Teesside) had been engaged in working with the Council in surveying Middlesbrough to establish tree cover. However, the organisation went into administration in December 2008 and tree data which it had gathered cannot be retrieved or accessed by the Council. It is therefore planned to undertake further work during 2009 to calculate tree cover in Middlesbrough. This will be done through an aerial photographic survey when the trees are in leaf - the calculation used is the percentage of ground covered by tree canopies.

Tree inspection regime

129. There are a large number of trees across Middlesbrough, in a wide variety of locations, for which the Council has responsibility. In terms of an inspection regime, these can be grouped into three broad areas:

- **Trees on the adopted highway** - the environment department is currently undertaking a survey of all trees that are either on the public adopted highway, or are on public open space but within falling distance of an adopted highway. This can include trees in streets, as well as those in parks and open spaces. The survey work, which is currently ongoing and is near to completion, will establish the condition of all trees inspected and determine whether any require urgent remedial action or treatment. Following this, a five year rolling programme of inspections is to be introduced.
- **Trees on public open spaces and play areas** - where such trees are not within falling distance of an adopted highway or footpath there is no formal inspection regime - although trees in well used public areas are visually inspected by Area Care staff.
- **Trees in parks, cemeteries and woodland areas** - the Council is responsible for some large and extensive parks, cemeteries and woodland areas. The scale and nature of these areas, and the large number of trees, means that it would not be feasible, desirable or necessary to implement a detailed inspection regime for every tree in every area. Outside of parks and cemeteries, many of the trees in these areas are in wild areas not easily accessed by the public. Officers consider that, in such cases, and in areas where applicable, increased risk should be both understood by users and accepted by the authority and a general visual inspection of these trees would suffice.

130. In addition to the Council's responsibilities relating to the management of trees on areas of land within its control, the authority's Planning Service is involved in the issue of trees. The following are the main tree-related requirements relating to planning processes:

- The Council's Landscape Service is a consultee in respect of **planning applications** and provides technical advice in cases where a planning application may have implications for trees.
- Trees within **conservation areas**, or covered by a **tree preservation order** (TPO) are protected in law. Applications for work on such trees are initially considered by the Council's Development Control Service. In such cases, the planning service consults an arboriculturalist within area care. Arboriculturalists are involved in surveying and re-surveying work relating to TPOs, for providing advice on appropriate works for tree management purposes, or for tree removal and replacement, and for enforcement action in cases of unauthorised works on trees.

- Tree protection on **development sites** is also overseen by the Landscape Service - in instances where building works could lead to damage to trees, specialist advice is provided and remedial action taken as necessary. This tends to happen on an irregular basis.
- Enforcement of **high hedges legislation** is also the responsibility of the Planning service. The Anti-social Behaviour Act 2003 (effective since 2005) gives local authorities powers to deal with complaints about high hedges (ie over 2 metres in height). The role of the local authority is not to mediate or negotiate between the complainant and the hedge owner but to adjudicate on whether - in the words of the Act - the hedge is adversely affecting the complainant's reasonable enjoyment of their property. The authority may issue a formal notice to the hedge owner which sets out what they must do to remedy the problem. To date, this issue has not led to a significant demand on staff resources but has the potential to do so.
- Further issues relate to **right to light and right to satellite signal** where these are affected by trees. The Council does not currently have policies covering these areas so does not take any action. However, as complaints in both areas are rising in number, officers consider that such policies will need to be developed in the future to ensure that a robust and consistent approach can be adopted. Such policies could also cover related issues such as encroachment of hedges, wayward growth or use of inappropriate hedging. The panel considers that, if such policies are to be developed, they should also consider the suitability of tree types for areas such as housing estates and open spaces. Action could then be taken where types were found to be unsuitable or where tree growth was causing problems - for example in cases of damage to footpaths by root growth, or hazards caused by overhanging branches.

131. The scrutiny panel was advised that the Environment Department proposes to undertake the following actions during 2009 to address the issues highlighted above
- a. To identify and map areas of tree coverage in Middlesbrough.
 - b. To calculate the amount of tree coverage.
 - c. To map the Council's tree responsibility.
 - d. To adopt a five year rolling programme of inspections for all relevant trees.
 - e. To develop policies to formalise right to light, satellite and other tree-related issues.
132. Two additional officers, who have been appointed in the Countryside Team in Environment, will assist in progressing these issues as well as other matters such as allotments.
133. Consideration of this term of reference highlighted the Council's tree management responsibilities and the current position in respect of the development of associated policies and the necessary inspection regime.

CONCLUSIONS

134. Based on the evidence gathered throughout the scrutiny investigation the panel concluded that:
- 1) The Council has a key role to play in ensuring that the countryside of Middlesbrough is accessible and enjoyable. This can be achieved through the Council's own work and work undertaken in partnership with others, such as external agencies, friends groups etc. The Council's legal duty concerning biodiversity is also an important element.
 - 2) While Newham Grange Leisure Farm attracts a significant number of visitors annually, it has suffered from a long term lack of investment. This has led to a worn and tired-looking visitor experience which is in need of revitalisation. The master plan which outlines possible improvements is therefore welcomed, although it is acknowledged that a decision is required as to how, or whether, these improvements can or should be funded over the longer term. The proposals to seek grant funding to bring the Georgian farmhouse back into use as a learning/teaching resource are also welcomed.
 - 3) The majority of visitors to the leisure farm are from Middlesbrough or the immediate area. As such the farm is currently a very local attraction. However, as an urban farm offering visitors a self-guided visit and inter-action with animals, it is a unique facility in the wider area and the opportunity exists to develop and promote it more widely, subject to the caveat at 2. above concerning future funding and investment.
 - 4) The Lingfield Countryside Centre is a valuable resource which provides excellent educational opportunities for schools together with a range of activities and events for the local community. However, the facility has not been developed as was originally envisaged, is under-used and costly. The opportunity exists to consolidate activities at Newham Grange Leisure Farm.
 - 5) Current waiting lists demonstrate public demand for, and interest in allotments. The Allotments Strategy approved by the Executive Member for Environment in February 2007 has not been implemented due to a lack of resources/budget provision and remains an aspirational document. The scrutiny panel is of the view that some aspects of the strategy could have been actioned at minimal cost, such as the introduction of smaller plot sizes, improved administration and better enforcement. The panel heard that since it began its investigations, improvements have now been made in some of these areas.
 - 6) Work undertaken in conjunction with agencies such as the Tees Valley, Wildlife Trust, The Tees Valley Biodiversity Partnership, the Environment Agency, STEM and Friends Groups highlights that partnership working is a very useful way of maximising resources to protect, enhance and manage the countryside.
 - 7) Plans to introduce policies in respect of tree management issues are welcomed. The scrutiny panel regrets that work undertaken by Tees Forest in respect of tree mapping in the Borough cannot be obtained/used. There is therefore no current record of tree cover in the borough, though a mapping exercise is planned.

RECOMMENDATIONS:

135. Following the submitted evidence, and based on the conclusions above, the scrutiny panel's recommendations for consideration by the Overview and Scrutiny board and the Executive are as follows:

- 1) That the allotments strategy is revisited and re-drafted as an achievable and deliverable document and that a timescale is identified for implementation.
- 2) That a decision is taken on the long term feasibility of implementing the Newham Grange Master Plan to develop Newham Grange Leisure Farm - particularly whether resources can be made available/obtained and whether the farm could be developed as a tourist attraction for the wider area. In the shorter term, steps should be taken to improve access arrangements at the farm to deter non-payment for entry - for example through improved signage and checking of tickets.
- 3) That activities currently taking place at Lingfield Countryside Centre are transferred to Newham Grange Leisure Farm, with the Countryside Centre being developed as a community facility, to involve all interested parties.
- 4) That the Council's biodiversity duties are publicised to ensure that all Council departments and services are working towards achieving these.
- 5) That with regard to the trees issues examined by the scrutiny panel:
 - a) Following completion of the planned tree mapping survey, the results are made available to the scrutiny panel together with information on whether action or improvement is needed.
 - b) That the scrutiny panel is consulted on the development of possible tree management policies relating to right to light, right to TV/radio/satellite signal and high hedges. This should consider whether such policies should be introduced and, if so, take into account development control and legal considerations.
 - c) That the planned rolling programme of inspection for relevant trees also takes into account the suitability of tree types for areas such as housing estates and open spaces, with action taken where types are found to be unsuitable or where tree growth is causing problems.
 - d) That work is continued in partnership with relevant organisations and groups to ensure that Middlesbrough's countryside facilities remain accessible and enjoyable. This should include:
 - (i). Helping Friends Groups to access funding by publicising assistance that can be provided.
 - (ii). Exploring the possibility of developing links between various countryside-related attractions such as Nature's World and Newham Grange Leisure Farm, for example by introducing a joint admission ticket.

ACKNOWLEDGEMENTS

136. The Panel is grateful to all those who have presented evidence during the course of this investigation, and who have assisted in its work, and would like to place on record its thanks for the willingness and co-operation of the following:

Middlesbrough Council Officers:

R Dawson - Group Engineer, Environment

R Buckley - Lingfield Countryside Centre, Middlesbrough Council

G Field - Business Development Manager, Environment

A Gladwin - Countryside Officer, Environment

S Johnson - Lingfield Countryside Centre, Environment

E Jones - Assistant Parks and Countryside Manager, Environment

J Moody - Parks and Countryside Manager, Environment

T Punton - Head of Streetscene, Environment
M Saunders - Manager, Newham Grange Leisure Farm, Environment
E Small - Landscape Development Manager, Environment
W Kelly - Voluntary Sector Liaison and Grants Manager, Education and Leisure
and:
Dr S Antrobus - Tees Valley Biodiversity Partnership

BACKGROUND AND REFERENCE MATERIAL

137. The following sources were consulted or referred to in preparing this report:

- Minutes of Environment Scrutiny Panel Meetings - 18 July, 11 and 29 August, 22 September, 10 October, 3 and 21 November and 15 December 2008; and 5 January 2009.
- Notes of site visits: 18 July and 27 November 2008.
- The following websites:
Middlesbrough Council - www.middlesbrough.gov.uk;
Tees Valley Wildlife Trust - www.teeswildlife.org;
UK Biodiversity Action Plan - www.ukbap.org;
Tees Valley Biodiversity Partnership - www.teesvalleybiodiversity.org.uk;
Department of Environment Food and Rural Affairs - www.defra.gov.uk;

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**COUNCILLOR JEANETTE WALKER
CHAIR OF THE ENVIRONMENT SCRUTINY PANEL**

9 January 2009

**ACTION PLAN - INVESTIGATION INTO MIDDLESBROUGH COUNCIL'S ALLOTMENTS
SERVICE PROVISION**

Recommendations approved by the Executive on 8 February 2005

SCRUTINY RECOMMENDATION	PROPOSED ACTION	BY WHOM	BUDGET COST	TIMESCALE
(a) That a Strategy for all of the Allotment Sites within Middlesbrough be developed to cover the next 5 years commencing in 2005.	An Allotments Strategy will be developed.	M. Wood	N/A	July 2005
(b) That Members are involved in the creation of the proposed Middlesbrough Allotment Strategy.	Agreed as part of above through the use of the executive member and the Scrutiny process.	M. Wood	N/A	On going
(c) That within the proposed Middlesbrough Allotment Strategy, an Improvement Plan be compiled to include:- (i) A review which identifies the level of demand (ii) The improvement of allotment administration i.e. enforcement, site inspections, terminations and appeals procedures; (iii) Review of security on sites; (iv) Ground maintenance requirements of each individual site; (v) Rationalisation of under-utilisation of sites/provision of smaller sites; and (vi) Review of livestock/non-livestock sites.	Agreed as part of the Strategy development outlined above.	M Wood	N/A	July 2005
(d) That an Allotment Steering Group that represents stakeholder interests be established	Structure to be considered as part of the Allotment Strategy development process.	M Wood	N/A	July 2005

and accept responsibility for taking forward the proposed Allotment Strategy;				
(e) That the possibility of establishing a dedicated 'Allotment Officer' post and appropriate sources of funding be explored ;	Agreed through reviewing Management functions within Streetscene Services.	M Wood	N/A	June 2005
(f) That the possibility of developing self-managed sites at Beechwood, Berwick Hills, Letitia Street and Whitehouse Farm be explored;	Agreed as part of the Allotment Strategy process.	M Wood	N/A	July 2005
(g) That appropriate support, assistance and financial resources be provided to those sites that wish to move towards self-managed sites;	Agreed as part of the Allotment Strategy process.	M Wood	Unknown until Allotment Strategy complete.	July 2005
(h) That to assist in raising the profile of Allotments within Middlesbrough, publicity be undertaken on a regular basis;	Agreed through use of web site and other Council publications.	E Jones	N/A	Ongoing
(i) That the revenue budget provision for the Authority's Allotment Service be reviewed during the 2005/06 budget setting process; and	Given that the allotment strategy is will not be complete until July it will not be able to influence the budget for 2005/6. However, it will be able to influence the 2006/7 budget process. An bid of £50K will be submitted to the 2005/6 in order to improve present service provision.	M Wood	Unknown.	July 2005
(j) That consideration be given to re-establishing a forum where key Officers, Members and Allotment holders can effectively communicate with each other on a regular basis.	Structure to be considered as part of the Allotment Strategy development process.	M Wood	N/A	July 2005