
ECONOMIC DEVELOPMENT, ENVIRONMENT AND INFRASTRUCTURE SCRUTINY PANEL

A meeting of the Economic Development, Environment and Infrastructure Scrutiny Panel was held on Wednesday 1 December 2021.

PRESENT: Councillors S Walker (Chair), R Arundale (Vice-Chair), D Branson, D Coupe, T Furness, B Hubbard, T Mawston, M Saunders and M Storey

OFFICERS: S Bonner, P Clarke, G Field, R Horniman and S Lightwing

APOLOGIES FOR ABSENCE: None

21/39 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

21/40 **MINUTES - ECONOMIC DEVELOPMENT, ENVIRONMENT AND INFRASTRUCTURE SCRUTINY PANEL - 3 NOVEMBER 2021**

The minutes of the meeting of the Economic Development, Environment and Infrastructure Scrutiny Panel meeting held on 3 November 2021 were taken as read and approved as a correct record.

21/41 **SUSPENSION OF COUNCIL PROCEDURE RULE NO. 5 - ORDER OF BUSINESS**

ORDERED that, in accordance with Council Procedure Rule No. 5, the Panel agreed to vary the order of business. The remaining agenda items would be considered as follows: Agenda Items 5, 4, 6, 7 and 8.

21/42 **THE GREEN STRATEGY REVIEW - LAND USE AND WILDLIFE**

The Head of Planning provided an overview of the Middlesbrough Council's Land Use and Wildlife/Sustainable Water Action Group.

The key areas of The Green Strategy for this Action Group were:

- Improving the quality and increasing the amount of green space
- Increasing tree cover.
- Planting trees along road corridors to increase pollution absorption.
- Providing greater levels of carbon capture through increased tree cover.
- Increase the amount of land given over to wildflowers.
- Become a more bee-friendly town.

A Green Blue Infrastructure Strategy (GBIS) had been produced to give the Council a better understanding of the green and blue elements of Middlesbrough and assist in the development of the Local Plan.

There were six themes in the GBIS:

- Regeneration, Heritage and Sense of Place.
- Biodiversity and Geodiversity.
- Reconnecting Communities with Nature.
- A Resilient Landscape.
- The Blue Network and Waterfronts.
- Walking and Cycling.

The GBIS was critical in delivering the key elements of The Green Strategy.

The key themes for the Land Use and Wildlife/Sustainable Water Action Group included:

- Expanding the urban tree network.
- Laying the foundations for the nature recovery network.
- Blue corridors: enhancing the beck valleys.
- Development a network of multifunctional SuDS.
- Rethinking urban grasslands.
- Embedding the principles of the Green Strategy/GBIS into policy and new developments.

In terms of expanding the urban tree network, it was recognised that Middlesbrough had quite a low coverage of trees, reflecting in part the fact that it was the most urbanised of the Tees Valley Authority areas. The Mayor had set out a plan to plant 10,000 trees per annum and this was currently on track and would continue across the Borough. In terms of planning, the Council was seeking to encourage planting through development schemes. A programme for implementing micro forests was being developed and all Members were invited to submit suitable locations within their Wards for consideration. The Council had applied to Tree Cities of the World and successfully achieved Tree City status. It was important to ensure that the correct type of trees were planted and appropriate management arrangements were in place. Middlesbrough Council's Tree Policy was in place and would be monitored and amended if necessary.

The heart of the Nature Recovery Network was biodiversity. There had been changes to the National Planning Policy Framework and national Biodiversity Net Gain and the Environment Act was currently passing through Parliament. The key actions identified by the Action Group in terms of achieving biodiversity were:

- To continue to seek options for new nature reserves in Middlesbrough, working with the Tees Valley Nature Partnership.
- Green Shoots Project – looking at local wildlife sites and how they could be restored and managed. The three sites that had been selected and prioritised were: Middlebeck, Ormesby Beck and Marton West Beck. This was a one year programme.
- The Tees Valley Nature Partnership represented nature forums across the Tees Valley and identified and recommended wildlife sites. Three sites identified in Middlesbrough included: Middle Marsh, St Joseph's Cemetery and Stainton Way. Wildlife sites needed to be designated through the planning process and the Local Plan.
- The Council was considering developing a Local Nature Recovery Strategy which included all the local wildlife sites, so that document would be available until the Local Plan review was completed.
- Management Plans for wildlife sites would also be put in place.
- Stainsby Country Park was identified in the Local Plan as part of the Stainsby development. Discussions were ongoing with Developers regarding bringing sites forward and a key element was how the Country Park could be developed. This was a long term project.
- Biodiversity Net Gain – a requirement of the Environment Act would be that it would deliver 15% biodiversity net gain. The Department for Environment and Rural Affairs (DEFRA) had produced a number of tools for measuring biodiversity levels. The proposal for Middlesbrough would be to deliver biodiversity gain on site in the first instance, or if that was not possible, on other sites in Middlesbrough. If delivering that net gain was not possible in Middlesbrough, then it would be delivered within the Tees Valley or further afield. Middlesbrough Council was working with the other Tees Valley Authorities to achieve a strategic and consistent approach across the area on delivering this aim. It was potentially a mechanism for taking money from development and putting it into local wildlife sites to enhance them, manage them better and increase biodiversity.
- Local Nature Recovery Strategy – potentially this would be at Tees Valley level rather than Middlesbrough although the details had not yet been decided.

Often when thinking about green infrastructure, the blue elements were overlooked. Middlesbrough had a series of beck valleys running north and south that created green corridors feeding into the River Tees. These were an important resources not only for biodiversity but also for recreational facilities as well and providing key links. Although tasks

had not yet been set for this element, it would be developed to improve the quality of water courses and seek opportunities to develop greater access and interpretation.

Middlesbrough Council would prepare and adopt a Sustainable Urban Drainage System (SuDS) Guide to ensure that SuDs were incorporated as integral elements in development proposals that were natural looking.

Re-thinking urban grasslands was primarily about considering whether grasslands and highway verges could be turned over to wildflowers and rewilding. One of the objectives in the Green Strategy was to make Middlesbrough more bee friendly. Cutting back on the mowing regimes and allowing more wildflower meadows would increase pollinator trails for bees. This work was already underway and the Council had adopted a regime that included cutting less often and putting in more wildflower meadows.

The Green Blue Infrastructure Strategy (GBIS) had already been adopted by the Council and was a critical element for the Local Plan review. The Urban Design Framework had also been updated. A Green Blue Infrastructure checklist was also being developed to ensure that green and blue infrastructure and the Green Strategy were at the forefront of any new developments.

A Panel Member highlighted that whilst it was important to plant new trees, the Council needed to have a robust plan and regime for maintenance. The Officer commented that it was vital to ensure the right trees were planted in the right place and making sure resources were available to manage and maintain them for the future.

It was noted that a Neighbourhood Plan was being drawn up in Coulby Newham and there would be an emphasis on green space and having a country park incorporated into it. It was highlighted that green spaces that were designated within a Neighbourhood Plan were afforded a significant degree of protection to prevent inappropriate development.

In response to a query regarding microforests and tree planting at the flood facility location at Sandy Flatts, the Officer confirmed that he was awaiting a response from the Environment Agency as to when this would be undertaken.

In relation to local wildlife sites it was explained that they had to meet certain criteria before they could be designated as such. Generally, Tees Valley Nature Partnership would assess all applications and make recommendations to the relevant planning authority as to whether a site should be designated or not. Once designated, the site would be incorporated into the Local Plan at the first opportunity.

With regard to the pond area in Centre Square, it was explained that as part of a Reserved Matters planning application an ecological assessment was carried out by the applicants. Cleveland Wildlife Trust advised the Council that the ecological value of the pond was not that high. However, the Planning Committee recognised that in addition to the ecological value of the pond, it was also an important amenity space. Therefore, one of the conditions attached to the outline planning application was in relation to biodiversity net gain. So when the development came forward, the Council would expect to see an enhancement of the biodiversity over and above what already existed and how amenity space of equivalent value would be incorporated into the development if the pond was removed.

AGREED that the information provided was received and noted.

21/43

EYESORE/EMPTY/DERELICT COMMERCIAL PROPERTIES

The Director of Regeneration provided an update on Eyesore/Empty/Derelict Commercial Properties in Middlesbrough.

£2 million had been allocated to this issue: £1 million to eyesore sites and £1 million for eyesore properties. The money would be focussed on those properties that were causing problems within communities. Unfortunately there were too many eyesore sites and properties throughout the town and the Council did not have the resources to deal with all of them and therefore the available funding had to be targeted. The Council had set out a flow chart setting out what needed to be done to try and get buildings or sites back into productive use, with the last step being applying some of that funding. Virtually all of the eyesore sites

and properties in the town were in private ownership. The Council would regularly remind owners of their responsibilities and try to enforce them as the first step. Purchasing the site or investing in the site was further down the list of potential action the Council could take. The Council always tried to achieve any kind of purchase through negotiation but ultimately could potentially pursue a Compulsory Purchase Order.

In relation to properties, the Council was working through Middlesbrough Development Company (MDC). MDC were hoping to work with a number of partners, and this currently included the Ethical Lettings company. Some of the available funding would be spent purchasing properties, and some on refurbishing those properties. The properties would then be let. The focus was on the TS1 and TS3 postcode areas specifically. Each purchase would be based on a business case.

In relation to sites, again the Council might work with MDC or on its own. The aim was to identify those sites where enforcement was not working but a viable future for the site had been identified. The site could be purchased and sold straight on to a third party such as a registered provider or social landlord and could be anywhere within the town.

Any sites that were suggested would be looked at. However there was no categorisation or list of sites that would be dealt with. In reality the funding available could be used on maybe one or two sites. The circumstances around ownership of sites and negotiations around the sale of them often changed which could move a site closer too or further away from being purchased at a reasonable price.

Enforcement was difficult as there were a lot of legal aspects and certain criteria had to be met in order to serve various notices on owners. This included evidence on the site of certain things, particularly in terms of security and danger to the public. Often serving a notice could be tokenistic if there was not sufficient evidence behind it and the connection to the owner to force it through. The Council would often take action and do some of the work and then bill the owner, although the expenditure could not always be recovered.

Compulsory Purchase Order (CPO) was not an easy option but it was available in the longer term if the Council was unable to work with the owner to find a solution. The Council would always pursue enforcement and if necessary would pursue a CPO and had in fact done so on occasions.

There were a number of large, currently unoccupied buildings in the town including Centre North East, Gurney House, Church House, and The Crown. The Council was engaged in active discussions with the owners and always looking for something to be done but the solutions were always going to be very expensive. Ultimately a finance package would have to be put in and sometimes the Council would get involved and sometimes it would not.

The development at Tollesby shops was highlighted as an example of a site bought, cleared and developed by MDC. A development of twenty four apartments and five retail sites was due to be completed by summer 2022. This development would make a huge difference to the community and this positive impact on the community justified the expenditure and investment. It was noted that whilst some schemes would return a profit others might return a loss.

Whilst the Council had set out some criteria for what exactly constituted an eyesore property there were no hard and fast rules. Essentially it was those properties that the Council received a lot of complaints about and were a visual scar on the community.

In relation to insurance and whether owners were liable if anyone trespassing was injured, it depended on what steps had been taken to secure the site. The Council was able to do enforcement were it was possible to access a site and there were potential dangers on site. At the very least the Council was usually able to make owners fence the area off securely. Members also voiced concern around the potential danger to members of the public of injury from falling masonry or such, from unmaintained buildings in areas where they could not be fenced off.

An issue was raised around listed buildings and it was highlighted that there was a lot of legislation in relation to such buildings and again it was usually a matter of lack of resources to

deal with them. The Officer acknowledged the frustration that even though a building might look in a terrible state but was secure, there was little the Council could do in terms of compelling an owner to improve it. The Council was willing to contact anybody that owned a site or a property to ask them to take action. If a building was not costing the owner money, they were usually prepared to keep them until the market changed and they were able to sell it on.

A Member commented that with property prices currently rising it was probably not in the interests of some owners to do anything as they might just be hoping to realise a profit in the future. It was suggested that the Local Authority should try putting pressure on Central Government to address this issue.

It was highlighted that work was ongoing within the Council as to how the various departments that had responsibility for enforcement could work together to provide a more effective service.

AGREED that the information provided was received and noted.

21/44 **DATE OF NEXT MEETING - 12 JANUARY 2022**

It was confirmed that the next meeting of the Economic Development, Environment and Infrastructure Scrutiny Panel would take place at 10.30 am on Wednesday 12 January 2022. At the next meeting Panel would continue with its current review of The Green Strategy and also discuss Bus Services. The Chair asked Members to submit suggestions of any witnesses they would like to hear from.

NOTED

21/45 **OVERVIEW AND SCRUTINY BOARD UPDATE**

The Chair provided a verbal update on the Overview and Scrutiny Board meeting held on 9 November 2021.

NOTED

21/46 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED**

None.