

<b>Report of:</b>	Director of Environment and Community Services: Geoff Field Executive Member for Environment : Cllr Dennis McCabe
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<b>Submitted to:</b>	Executive - 22 December 2020
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<b>Subject:</b>	Lower Ormesby Beck Nature Reserve
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**Summary**

<b>Proposed decision(s)</b>
That Executive approve the designation of Lower Ormesby Beck as a Local Wildlife Site

Report for:	Key decision:	Confidential:	Is the report urgent? <sup>1</sup>
Decision	Yes, impacts two or more wards	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
People	Places	Business
The proposal supports the councils Strategic Plan (2020-2023) priorities in leading on Environmental issues.	The Strategy delivers against priorities set out in the Councils 3 year Strategic Plan particularly under 'Place', concerning protecting our Green spaces.	The strategy has implications for the councils Physical Regeneration strategic objectives in proposing the adoption of sustainable development principles.

<b>Ward(s) affected</b>
The proposal impacts on two wards - North Ormesby & Central

**What is the purpose of this report?**

1. The purpose of this report is to consider the approval of a new nature reserve for Middlesbrough and to designate it a new Local Wildlife Site (LWS): The Lower Ormesby Beck Nature Reserve (LOBNR).

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## Why does this report require a Member decision?

2. This proposal would align with the Mayors ambitions and the Councils Strategic Plan to make Middlesbrough a greener place to live and support the town in becoming a leader on environmental issues and protect green spaces.
3. The designation of this site also supports the councils emerging Green Strategy in two main areas:
  - **Sustainably manage and develop green spaces** - to increase and improve biodiversity by creating rich and diverse habitats.
  - **Land and Nature:** *To protect and restore land for the benefit of people and wildlife*
4. The reason for the designation is due to its rich biodiversity with habitat of urban grassland, reed bed and stream margins with 170 plant species recorded, including three species of orchid. 45 bird species have been seen/heard on-site and 13 species of butterfly to be found including the increasingly rare Dingy Skipper butterfly, (a UK Biodiversity Action Plan Priority Species). Also the presence of water voles in the beck corridor and two species of bats have been recorded making this a highly diverse site and qualifying it for designation as a Local Wildlife Site.
5. The site has been proposed as part of a wider application for a Local Wildlife Site (LWS) by the Tees Valley Nature Partnership (TVNP) which has been submitted to the Councils planning section and is awaiting a decision. Which if approved would give it protection in the planning system. (plan attached)
6. There is also a proposal for a nature reserve from a local ecologist for the same site but with differing boundaries. (plan attached)
7. The site is split in two with Site 1 closest to the Chemoxy plant, the larger site at six acres as opposed to site 2 at two acres. Site 1 offers the greatest diversity and opportunity for wildlife due to its size and given the inclusion of Ormesby beck with its boundary and the presence of extensive reed bed and associated species. This makes it favourable for selection as an LWS and more preferable over site 2, also designation will result in an important visible green wedge from the A66 and approach to Shepherdson way and the Riverside being retained and protected.
8. The site currently is classed as having commercial value and is on the open market reserved for office, storage or garage showroom type development. (EG2.5 – Employment Land in the Local Plan). The development area has been cited for funding support as part of the council's submission to the Towns Fund.
9. The site sits close to a major highway (A66) and within the Chemoxy blast zone which poses restrictions on the developable area and the type of development permitted under what is termed the HSE Consultation Area.
10. The proposal affects more than two wards (Central and North Ormesby) and is therefore considered a key decision requiring approval by the Executive.
11. Options available are as follows:

a) **Option 1:**

Designate the whole site as a Local Wildlife Site and nature reserve to include both development Sites 1. & 2. as proposed by the Tees Valley Nature Partnership (see Site Option plan attached to the report).

b) **Option2**

Designate only Site 1.as a Local Wildlife Site and retain Site 2. for commercial development whilst retaining the beck corridor with the option to designate this separately as a Local Nature Reserve (LNR).

The beck corridor on its own does not have the required presence of qualifying species to meet the criteria of LWS but its habitat value (presence of water voles) justifies LNR designation separately.

LNR's require formal designation by planning committee and consultation and will provide protection for a minimum period of twenty one years.

**What decision(s) are being asked for?**

12. That Executive agrees to the designation of Lower Ormesby Beck nature reserve as shown in **Option 2** only, as a Local Wildlife Site.

**Why is this being recommended?**

13. It will provide protection to a valuable new nature reserve for the town which will act as a vibrant and visible area of green space and richly diverse habitat adjacent to the A66 corridor and Shepherdson way on the approach to the Riverside stadium.
14. This will meet the aspirations of the councils Green Strategy and demonstrate that the councils takes it obligations under NERC (Natural Environment and Rural Communities) Act 2006 to protecting biodiversity seriously. Section 40 of the NERC Act places a duty to conserve biodiversity on public authorities in England. It requires local authorities and government departments to have regard to the purposes of conserving biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making. 'Conserving biodiversity' may include enhancing, restoring or protecting a population or a habitat
15. There is interest in the site from local individuals and partners such as the Environment Agency, Tees Valley Nature partnership and Thirteen Group who are all keen to see this site progress and develop as a nature reserve.

**Other potential decisions and why these have not been recommended**

16. To not approve the site in whole or in part as a nature reserve, could potentially lead to the site being used for development, which in turn could result in permanent loss of a valuable habitat. In either case the council has a duty to protect valuable habitat and put in place appropriate measures to do so. This could be by providing mitigation, compensation or nett gain in improving habitat in another location. The authority does have an obligation to show due regard to protecting biodiversity as part of its duty

under the NERC Act. It can accept the proposal as submitted or modify the boundaries as it sees fit.

17. There is a current proposal for an electric re-fuelling station on Site 2, which would be not only be a first for Middlesbrough but a valuable asset for the town as a whole.
18. Any development on either site would have to give due regard for biodiversity and provide a degree of protection for any valuable habitat, and also seek to offset any loss so that this would lead to an overall net gain in biodiversity.

### **Impact(s) of recommended decision(s)**

#### **Legal**

19. There are no legal implications.

#### **Financial**

20. The financial implications are in the lost development value of the land if approved as the land was originally purchased from the Homes and Community Agency. The management and development of the site will be delivered through a combination of government grant funding and public/ private partnerships along with voluntary input in conjunction with the council. The Environment Agency have a desire to link the site to the Tees catchment AONB (Area of Outstanding Natural Beauty) and de-channelise the beck corridor.
21. The costs for the land purchased from the Homes and Communities Agency was as follows:

<b>SITE Index</b>	<b>Land Size</b>	<b>Land Size</b>	<b>Amount Paid</b>	<b>Price Per Acre</b>	<b>MC break even</b>	<b>Break-even price per acre</b>
	Hectares	Acres				
Site 1	2.44	6.03	£260,000	£43,123	£274,814	£45,580

#### **Policy Framework**

22. The report sets out a proposal in accordance with the Council's approach to the delivery of efficient services. It delivers on priorities set out in the councils Strategic Plan.

#### **Equality and Diversity**

23. An Impact Assessment has been carried out and there are no initial concerns.

#### **Risk**

24. The risk is that it could expose the council to undue publicity if the site is not protected and subsequently developed upon.

## **Environmental**

25. If the proposal is agreed the environmental benefits will be multi-fold:

- It will create a new Nature Reserve to compliment the current list of existing Local Wildlife Sites
- It will meet a key principle of One Planet Living framework.
- It will provide better quality, more accessible green spaces with improved biodiversity as set out in the Green Strategy.
- It will contribute to the protection of valuable habitat from development

### **Actions to be taken to implement the decision(s)**

26. Adoption and designation of the site as Local Wildlife Site will provide legal protection against future development.

### **Appendices**

27. Equality impact assessment.

### **Background papers**

No back ground papers were used in respect of this report.

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