

**MIDDLESBROUGH COUNCIL**

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|-----------------------------------|----------------------------------|
| <b>Report of:</b>                 | Director of Regeneration         |
| <b>Relevant Executive Member:</b> | Executive Member for Development |
| <b>Submitted to:</b>              | Council                          |
| <b>Date:</b>                      | 5 March 2025                     |
| <b>Title:</b>                     | Publication Local Plan           |
| <b>Report for:</b>                | Decision                         |
| <b>Status:</b>                    | Public                           |
| <b>Council Plan priority:</b>     | A successful and ambitious town  |
| <b>Key decision:</b>              | No                               |
| <b>Why:</b>                       | Not applicable                   |
| <b>Subject to call in?:</b>       | No                               |
| <b>Why:</b>                       | Council Decision                 |

### **Executive summary**

This report seeks approval of the Publication Local Plan, which sets out the Council's emerging planning policy framework that will guide development and decisions on planning applications and covers the period 2022 – 2041. Critically, it sets out the housing allocations where new housing development is proposed to take place, alongside other planning policies for: housing; economic growth; green and blue infrastructure; physical, social and environmental infrastructure; the historic environment; and design/placemaking.

Once agreed, the Publication Local Plan will be subject to a statutory period of public consultation, following which the plan will be submitted to the Government for Independent Examination ahead of its adoption.

There is a statutory duty for the Council to prepare a Local Plan for its area. The Publication Local Plan has been prepared in accordance with national policy and legislation, taking into account other Council plans and strategies. This includes being based on a robust evidence base. It has been informed by two earlier public consultation exercises.

The implications of the recommendations have been considered by the appropriate officers of the Council and are set out in the main body of the report.

## **1. Purpose**

- 1.1 To seek approval of the Publication Local Plan and its subsequent submission to the Secretary of State for Independent Examination.

## **2. Recommendations**

### 2.1 That the Council

- approves the Publication Local Plan its subsequent submission to the Secretary of State for Independent Examination; and
- recommends that the Council delegates authority to the Director of Regeneration, in consultation with the Executive Member for Development, to agree minor changes to the plan during the Independent Examination.

## **3. Rationale for the recommended decision(s)**

- 3.1 It is a statutory requirement to prepare a Local Plan that identifies land for development and can be used as a basis for determining planning applications. The Local Plan is critical for delivering some of the Council's key strategic objectives, in particular population retention, increasing the housing supply and supporting economic growth. The development it will help secure will make a positive contribution to the financial sustainability of the Council.
- 3.2 Following earlier stages of plan preparation, including two separate periods of public consultation, the Local Plan has now been finalised for 'Publication' stage. This is a statutory stage, the purpose of which is to make the Local Plan available for inspection and invite formal representations upon it. It provides the opportunity for interested parties and stakeholders to make formal representations, which must relate only to matters of soundness or legal compliance.
- 3.3 Once the representations period has closed for the Publication Local Plan, it will need to be submitted to the Secretary of State for Independent Examination. Following this, the Local Plan will be brought back to a future meeting of the Council for adoption.

## **4. Background and relevant information**

- 4.1 Under the provisions of the Planning and Compulsory Purchase Act 2004, the Council is required to prepare a statutory development plan, otherwise known as a Local Plan, for the borough that sets out the policies and land allocations to guide development in the area. The Local Plan is a strategic document that will help facilitate the right type of development the Council wishes to deliver to achieve its ambitions and support the long-term financial sustainability of the borough.

- 4.2 Currently, the statutory development plan for Middlesbrough comprises a number of documents:
- the Housing Local Plan 2014;
  - the Joint Tees Valley Minerals and Waste Core Strategy Development Plan Document (DPD) 2011;
  - the Joint Tees Valley Minerals and Waste Policies & Sites DPD 2011;
  - part of the Middlesbrough LDF Core Strategy 2008 (policies that that haven't been replaced or deleted);
  - part of the Regeneration DPD 2009 (policies that that haven't been replaced or deleted);
  - part of the Local Plan 1999 (policies that that haven't been replaced or deleted); and
  - adopted Neighbourhood Plans for Stainton and Thornton, and Marton West.
- 4.3 In September 2022, the Council agreed to commence work on a new Local Plan for the borough. The purpose of the review is to ensure all of the Council's planning policies are up-to-date, and to bring them together into a single document. The review excludes Minerals and Waste policies, which were adopted jointly across the Tees Valley in 2011 and will be reviewed jointly by the Tees Valley Authorities separately to the Local Plan review. The review also excludes the adopted Neighbourhood Plans, which are prepared at the neighbourhood level and remain the responsibility of their respective Neighbourhood Forums or Parish Councils.
- 4.4 In November 2022, the Council approved the Local Plan Scoping Report. This enabled the local planning authority to meet Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 by notifying each of the specified bodies and persons of the subject of the Local Plan and inviting them to make representations on what the Local Plan ought to contain. The Scoping Report was subject to public consultation between 5<sup>th</sup> December 2022 and 31<sup>st</sup> January 2023.
- 4.5 In January 2024, the Executive approved the Draft Local Plan. This was a non-statutory stage that enabled community engagement on the plan between 1<sup>st</sup> February and 15<sup>th</sup> March 2024. The Draft Local Plan was made available online and in various Council buildings and libraries, and there was a series of 17 drop in events held across Middlesbrough.
- 4.6 Prior to the start of the consultation, an all-Member briefing was held on 8<sup>th</sup> January 2024. All Members were also invited to Ward Member workshops with the Executive Member for Regeneration and planning officers. These enabled a series of discussions about the impact of the Local Plan in their areas, and the opportunities for addressing planning issues through the Local Plan. It also allowed Ward Members to be fully briefed on the public consultation and how their constituents could get involved.
- 4.7 During the consultation, over 2000 responses were received on the Draft Local Plan, along with 4 petition-style responses, all of which have been considered in preparing the Publication Local Plan. The Report of Consultation on the Draft Local Plan is attached as Appendix 2 to this report.

## Publication Local Plan

- 4.8 The Publication Local Plan is attached as Appendix 3 to this report. It is based upon a robust and credible evidence base and has been prepared in accordance with legislation and national planning policy. It takes into consideration the wider policies, plans and strategies of the Council and sets out a positive framework to support their delivery.
- 4.9 All the comments received during the public consultation have been taken into consideration in preparing the Publication Local Plan. The Local Plan Member Working Group has led both the consideration of these comments and changes to the draft policies. The main issues arising and the changes to the Local Plan are summarised as follows:

| <b>Issue Raised/Identified</b>   | <b>Response/Change to the Local Plan</b>  |
|--|---|
| Objections to the identification of a new Gypsy & Traveller Site at Teessaurus Park.   | <p>Consultants were commissioned to look in detail at alternative site options. As no private land had been promoted, this focused on Council-owned land.</p> <p>An alternative site has been identified at Cannon Park Way to meet future Gypsy &amp; Traveller needs.</p>   |
| The approach to identifying sites in the Middlesbrough Development Corporation (MDC) area lacked the detail necessary for site allocations.  | Council officers have continued to work collaboratively with representatives of the MDC to seek the most up-to-date information regarding the key development sites in this area. The policy approach has been strengthened with new site allocation policies included in the Housing and Economic Growth chapters.   |
| Statutory consultees identified that some of the policies in the Green and Blue Infrastructure chapter lacked focus and detail. This includes the policy approach to Climate Change and Biodiversity Net Gain (BNG). | <p>Officers met with Natural England to discuss these issues.</p> <p>In addition to revising policy wording, a new separate Climate Change policy has been included (having previously been included with Flood Risk). A new BNG policy has also been included.</p> <p>The Chapter has also been renamed 'Natural Environment' to reflect that the policies are broader than 'Green and Blue Infrastructure'.</p> |
| Historic England recommended rewording policies, so they better reflected our strategic priorities. They also recommended restructuring the policies to deal with archaeology separately.                            | Policies have been reworded with more detail on our priorities and a new, separate Archaeology policy has been included.  |

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| There was lack of clarity over how development sites have been prioritised/selected for inclusion in the Local Plan. | A new ‘Spatial Strategy’ policy has been included to set out the approach to selecting sites in the plan and for other development proposals, focusing on the most sustainable locations, and making effective and efficient use of land.  |
| The proposed employment allocation at Cargo Fleet has been identified as being at a high risk of flooding.           | Site allocation has been removed. It is considered that there is sufficient land identified elsewhere to meet identified needs.  |
| The Objectives didn’t always reflect the key aims of the plan.   | 3 of the Objectives have been reworded to better reflect the aims of the plan.   |
| Some parts of the evidence base were considered to be insufficient to properly evidence the plan.                    | Additional work has been completed in house or commissioned to address this, including: <ul style="list-style-type: none"> <li>• Transport Assessment</li> <li>• Strategic Flood Risk Assessment</li> <li>• Viability Assessment</li> <li>• Gypsy &amp; Traveller Site Assessment</li> <li>• Habitats Regulation Assessment</li> <li>• Heritage Impact Assessment</li> <li>• Infrastructure Delivery Plan</li> </ul> |

4.10 Whilst a significant number of other comments were received on our policies, including many objections to the approach to housing development and specific housing allocations, these have not resulted in significant changes to the plan. The overall approach is considered to be the correct one to meet Middlesbrough’s needs and aspirations. Some minor wording changes have been made throughout the plan to address specific points raised.

4.11 The structure of the Publication Local Plan follows that of the Draft Local Plan:

| Chapter                    | Strategic Objective   | Summary of Policy Approach   |
|----------------------------|---|--|
| 1. Introduction            |   |  |
| 2. Strategy and Vision     |   | Sets out the Vision to 2041, overall development and spatial strategy, and policy on the Middlesbrough Development Corporation area. |
| 3. Creating Quality Places | <ul style="list-style-type: none"> <li>• <b>Objective A</b> To deliver new high quality, well-designed and energy efficient development that is resilient to the effects of climate change and meets the</li> </ul> | Includes design and generic development control policies to ensure development is of high quality and helps create quality places.   |

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|  | needs and aspirations of our current and future residents <b>Objective H</b><br>To achieve healthy and safe communities   |  |
| 4. Economic Growth                                   | <ul style="list-style-type: none"> <li>• <b>Objective B</b> To revitalise Middlesbrough Town Centre through diversifying our retail and leisure offer, and attracting new urban dwellers, supported by a strong network of district and local centres</li> <li>• <b>Objective C</b> To strengthen our local economy by supporting existing businesses and attracting new employers</li> </ul> | Sets out the economic growth policies for regeneration sites, industrial and employment areas, and the Town Centre. Helps to create an environment conducive to securing investment.   |
| 5. Housing   | <ul style="list-style-type: none"> <li>• <b>Objective D</b> To build high quality homes that help strengthen our communities</li> </ul>   | Includes policies determining the overall housing requirement, the type and mix of housing that will be required, site allocations, affordable housing, the approach to Gypsies, Travellers and Travelling Showpeople, and policies for guiding conversions and changes of use to Houses in Multiple Occupation. |
| 6. The Natural Environment                           | <ul style="list-style-type: none"> <li>• <b>Objective E</b> To protect and enhance our Natural Environment</li> </ul>   | Sets out our approach to protecting existing open spaces and securing new ones as part of new development.   |
| 7. Physical, Social and Environmental Infrastructure | <ul style="list-style-type: none"> <li>• <b>Objective F</b> To ensure that new development is properly served by, and sustainably connected to, new and improved physical, social and environmental infrastructure</li> <li>• <b>Objective H</b> To achieve healthy and safe communities</li> </ul>   | Includes policies that set out our approach to securing infrastructure that supports new development, including transport, community facilities, education, health, communications and burial grounds.   |
| 8. Historic Environment                              | <ul style="list-style-type: none"> <li>• <b>Objective G</b> To conserve and where</li> </ul>  | Sets out polices to manage listed buildings, conservation area and   |

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|  | appropriate enhance our historic environment and cultural heritage | other designated & non-designated heritage assets. |
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4.12 The Publication Local Plan has been subject to Sustainability Appraisal (SA), which is a legal requirement of plan preparation. The SA has assessed the policies against the Council’s sustainability framework, along with alternative site options, to ensure that the preferred approach promotes a sustainable pattern of development. Similarly, the Publication Local Plan has been subject to a Habitats Regulations Assessment (HRA). This legal requirement considers the impact that the Local Plan will have on important nature conservation designations including the Teesmouth and Cleveland Coast Special Protection Area, and the North York Moors. Both the SA and HRA are independent assessments, having been prepared by consultants, and will be made available alongside the Publication Local Plan.

**Recent Changes to the National Planning Policy Framework**

4.13 In December 2024, the Government published changes to the National Planning Policy Framework (NPPF). Most of the proposals either don’t affect Middlesbrough or are relatively minor in terms of impacting on the Local Plan. However, the change to calculating the housing requirement has a significant, material impact on the plan, raising the level of housing required from the level consulted in the Draft local Plan (400 dwellings per annum) to 522 dwellings per annum.

4.14 The NPPF does, however, also include some transitional arrangements that would allow the Local Plan to progress and be examined under the previous NPPF. The key proviso is that the housing requirement would need to meet at least 80% of the new housing requirement, which for Middlesbrough means at least 418 dwellings per annum throughout the plan period. Therefore, the Publication Local Plan has been prepared to reflect this revised requirement.

**Next Steps**

4.15 Following approval by the Council, it will be subject to a statutory period of consultation.

4.16 The Publication period is programmed to take place between 11<sup>th</sup> March and 23<sup>rd</sup> April 2025. Various awareness raising and engagement methods will be used including direct communication with Local Plan consultees, site notices at proposed allocations, a press release and promotion through social media. A number of consultation drop in sessions will be arranged to raise awareness and advise on how people can make representations to the plan.

4.17 Once the Publication period closes all the representations received will be logged and submitted, alongside the Publication Local Plan, to the Secretary of State for Independent Examination. Following the approval of the Publication Local Plan it will only be possible to make changes to the Plan during the Independent Examination, and with the approval of the appointed Planning Inspector.

## 5. Other potential alternative(s) and why these have not been recommended

- 5.1 **Not to approve the Publication Local Plan.** This will mean that we will no longer progress the Local Plan as agreed previously by the Council and will retain existing out-of-date policies for longer. This will, in turn, present more challenges in achieving the type and quality of development that will help the Council realise its ambitions. It will also mean that the next Local Plan will need to be prepared under the new NPPF. This will need to accommodate the higher housing requirement of 522 dwellings per annum.

## 6. Impact(s) of the recommended decision(s)

| Topic   | Impact   |   |                     |  |  |  |                       |                       |                     |      |       |       |       |                    |  |  |  |         |       |       |       |         |       |       |       |                                |              |              |              |                                    |              |              |              |
|---|--|---|---------------------|--|--|--|-----------------------|-----------------------|---------------------|------|-------|-------|-------|--------------------|--|--|--|---------|-------|-------|-------|---------|-------|-------|-------|--------------------------------|--------------|--------------|--------------|------------------------------------|--------------|--------------|--------------|
| Financial (including procurement and Social Value)          | <p>The costs associated with this stage and future stages of the Local Plan through to adoption are likely to be in the region of £0.200m. This comprises £0.135m associated with plan preparation and evidence base in 2024/25, with £0.065m of examination costs in 2025/26.</p> <p>The annual Planning Policy revenue budget includes £0.086m for professional and hired &amp; contracted services. Additionally, the confirmed Council capital programme includes the Capitalisation of Planning Surveys scheme. The anticipated costs and available funding for the adoption of the Local Plan are stated within the table below. The costs will be attributed to each of the budgets available as applicable. The remaining available budgets will be utilised on other Planning Services initiatives.</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="4"><b>Anticipated Costs/Funding for Adoption of Local Plan</b></th> </tr> <tr> <th></th> <th><b>2024/25<br/>£m</b></th> <th><b>2025/26<br/>£m</b></th> <th><b>Total<br/>£m</b></th> </tr> </thead> <tbody> <tr> <td>Cost</td> <td>0.135</td> <td>0.065</td> <td>0.200</td> </tr> <tr> <td>Available Budgets:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Capital</td> <td>0.084</td> <td>0.076</td> <td>0.160</td> </tr> <tr> <td>Revenue</td> <td>0.086</td> <td>0.086</td> <td>0.172</td> </tr> <tr> <td><b>Total Available Budgets</b></td> <td><b>0.170</b></td> <td><b>0.162</b></td> <td><b>0.332</b></td> </tr> <tr> <td><b>Remaining Available Budgets</b></td> <td><b>0.035</b></td> <td><b>0.097</b></td> <td><b>0.132</b></td> </tr> </tbody> </table> <p>The Local Plan will be critical in providing the certainty that investors require in making their decisions to invest in Middlesbrough, and in achieving the quality of development to support the needs and aspirations of our population.</p> | <b>Anticipated Costs/Funding for Adoption of Local Plan</b> |                     |  |  |  | <b>2024/25<br/>£m</b> | <b>2025/26<br/>£m</b> | <b>Total<br/>£m</b> | Cost | 0.135 | 0.065 | 0.200 | Available Budgets: |  |  |  | Capital | 0.084 | 0.076 | 0.160 | Revenue | 0.086 | 0.086 | 0.172 | <b>Total Available Budgets</b> | <b>0.170</b> | <b>0.162</b> | <b>0.332</b> | <b>Remaining Available Budgets</b> | <b>0.035</b> | <b>0.097</b> | <b>0.132</b> |
| <b>Anticipated Costs/Funding for Adoption of Local Plan</b> |  |   |                     |  |  |  |                       |                       |                     |      |       |       |       |                    |  |  |  |         |       |       |       |         |       |       |       |                                |              |              |              |                                    |              |              |              |
|   | <b>2024/25<br/>£m</b>  | <b>2025/26<br/>£m</b>                                       | <b>Total<br/>£m</b> |  |  |  |                       |                       |                     |      |       |       |       |                    |  |  |  |         |       |       |       |         |       |       |       |                                |              |              |              |                                    |              |              |              |
| Cost  | 0.135  | 0.065   | 0.200               |  |  |  |                       |                       |                     |      |       |       |       |                    |  |  |  |         |       |       |       |         |       |       |       |                                |              |              |              |                                    |              |              |              |
| Available Budgets:  |  |   |                     |  |  |  |                       |                       |                     |      |       |       |       |                    |  |  |  |         |       |       |       |         |       |       |       |                                |              |              |              |                                    |              |              |              |
| Capital   | 0.084  | 0.076   | 0.160               |  |  |  |                       |                       |                     |      |       |       |       |                    |  |  |  |         |       |       |       |         |       |       |       |                                |              |              |              |                                    |              |              |              |
| Revenue   | 0.086  | 0.086   | 0.172               |  |  |  |                       |                       |                     |      |       |       |       |                    |  |  |  |         |       |       |       |         |       |       |       |                                |              |              |              |                                    |              |              |              |
| <b>Total Available Budgets</b>                              | <b>0.170</b>   | <b>0.162</b>  | <b>0.332</b>        |  |  |  |                       |                       |                     |      |       |       |       |                    |  |  |  |         |       |       |       |         |       |       |       |                                |              |              |              |                                    |              |              |              |
| <b>Remaining Available Budgets</b>                          | <b>0.035</b>   | <b>0.097</b>  | <b>0.132</b>        |  |  |  |                       |                       |                     |      |       |       |       |                    |  |  |  |         |       |       |       |         |       |       |       |                                |              |              |              |                                    |              |              |              |



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|              | <p>Over the lifetime of the Local Plan, it is anticipated that it will help secure new housing development that will have the potential to substantially broaden the Council Tax base (both in terms of overall number of chargeable dwellings and the proportion of those dwellings at Band D and above) and support business rates growth. Subject to the continuation of the grant, which remains uncertain, increasing the net number of housing dwellings will attract additional funding via the New Homes Bonus. Increasing the Council Tax base will improve the financial sustainability of the Council given that it currently has a low taxbase with around 85% of households in Bands A to C.</p> <p>Housing growth may also increase the demand for Council services and potentially local infrastructure. The Local Plan will be accompanied by an Infrastructure Delivery Plan (IDP), which will set out the high level requirements and costs that are likely to support the development in the plan. Detailed costs can only be ascertained at the planning application stage. The costs associated with any increase in demand for Council services will be met through the uplift in Council Tax arising from the new homes.</p>   |
| <p>Legal</p> | <p>There is a statutory duty to prepare a Local Plan in accordance with the Planning and Compulsory Purchase Act 2004. Failure to have an up-to-date Local Plan will result in the Council, as local planning authority, losing some control over the decision-making process for planning applications.</p> <p>The Publication Local Plan covers the whole of the borough of Middlesbrough, including the part that is covered by the Middlesbrough Development Corporation (MDC). Whilst the MDC is the planning authority for making decisions on planning applications in that area of the town, Middlesbrough Council remains the plan-making authority. Once adopted, the Council and the MDC will both be required to make decisions in accordance with the Local Plan unless material considerations indicate otherwise.</p> <p>The Localism Act 2011 includes the 'Duty to Cooperate', which places a duty on the Council to cooperate with other, specified organisations to ensure strategic and cross-boundary issues are properly considered in the plan making process.</p> <p>The Local Planning Regulations 2012 set out, in further detail, the process that must be followed in preparing a Local Plan.</p> <p>The Publication Local Plan is a statutory plan making stage. The consultation must, be undertaken in accordance with the Regulations and Council's adopted Statement of Community Involvement.</p> |

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| <p>Risk</p>   | <p>O8-055 - If the Council doesn't respond effectively and efficiently to legislative changes it could be in breach of statutory duties in relation to service delivery and fail to make the most of opportunities.</p> <p>The Draft Local Plan has been prepared in accordance the legislation and latest Government guidance. This will provide the opportunity to best ensure legislative requirements will be satisfied, so this will have a positive impact on this risk.</p> <p>O1-005 - If poor economic growth occurs, then this will reduce public and private sector investment in the town, including town centre retail, housing development and business.</p> <p>The development of a new local plan will support the revitalisation of the town with urban housing etc. so will have a positive impact on this risk.</p> <p>O1-051 - A major downturn in housing growth that results in a significant decline in new housebuilding in Middlesbrough, resulting in lower house building rates lower Council Tax receipts and thereby increasing the risk of impact on successful delivery of the MTFP.</p> <p>By producing a new local plan with revised base data this will ensure that the correct data is being utilised and that any links with the MTFP will be more accurate so this will have a positive impact on this risk.</p> <p>O1-052 - Substantial areas of the town have high residential voids/low sales values and high population churn, effectively creating market failure resulting in significant social consequences which in turn have implications for Council resources and service delivery. Such an approach is unsustainable and will result in the need for significant market invention at great cost to the Council.</p> <p>By reviewing the local plan it will create a positive planning framework for areas across the Borough but with the new strategic direction this will look at the revitalisation of the town centre so this would have a positive impact on this risk.</p> |
| <p>Human Rights, Public Sector Equality Duty and Community Cohesion</p> | <p>An impact assessment has been completed on the Publication Local Plan and is attached to this report at Appendix 1. This concluded that the Publication Local Plan will not have an adverse impact on individual human rights.</p>  |
| <p>Climate Change / Environmental</p>                                   | <p>The Publication Local Plan sets out a policy framework to deliver sustainable development, including policies that will help minimise the impact of development on climate change,</p>  |

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|   | and help mitigate the impact of climate change on our communities. This includes specific policies on Climate Change and Flood Risk.   |
| Children and Young People Cared for by the Authority and Care Leavers | The Publication Local Plan does not impact on Children and Young People Cared for by the Authority and Care Leavers.   |
| Data Protection   | The public engagement associated with the Publication Local Plan will involve the collection and processing of personal data, in accordance with the statutory requirements associated with plan preparation. Given this statutory basis, there are no concerns that the Publication Local Plan could impact adversely on data protection or GDPR. |

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

| Action                | Responsible Officer | Deadline                   |
|-----------------------|---------------------|----------------------------|
| Seek Council approval | Alex Conti          | 5 <sup>th</sup> March 2025 |

**Appendices**

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| 1 | Initial Impact Assessment                      |
| 2 | Report of Consultation on the Draft Local Plan |
| 3 | Publication Local Plan                         |

**Background papers**

| Body                  | Report title              | Date          |
|-----------------------|---------------------------|---------------|
| Middlesbrough Council | Local Plan Scoping Report | November 2022 |
| Middlesbrough Council | Draft Local Plan          | January 2024  |

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