

Felling licence application 022/89/08-09 Site 44, Coulby Newham, Middlesbrough

On 17th June 2009, the North East England Regional Advisory Committee (RAC) considered the above felling licence application with a view to advising the Forestry Commission whether a felling licence should be granted for felling of 1.2ha of woodland on site 44 with replanting on an alternative site at Newham Grange Leisure Farm.

The RAC considered a background paper and recommendation from the Forestry Commission and received presentations from teams representing the applicant, Middlesbrough Borough Council (the Council), represented by Mr Kevin Parkes, Acting Director of Regeneration, and from the objectors, led by Councillor Chris Hobson. The RAC also carried out site visits of both the application site and the proposed replanting site.

In considering the application, the RAC was bound by the Forestry Act 1967, which provides that a felling licence may only be refused where granting the licence would not be:

- in the interests of good forestry or agriculture; or
- in the interests of the amenities of the district; or
- in the interests of maintaining an adequate reserve of growing trees.

In discussion of the application, the RAC considered the following issues:

- the development position of the site
- the loss of amenity for residents
- the proposed alternative provision
- local mitigation measures
- the timing of site clearance
- the handling of the application

The RAC accepted that the site, on which farming had ceased in 1995, had been allocated for housing in the Coulby Newham masterplan of 1976 and in local

planning designations thereafter. Its development had been hindered by electricity pylons, which were eventually removed in 2005; meanwhile, some tree planting was carried out and the Committee saw naturally regenerating trees, shrub and scrub within the plantations and in the recently cleared areas. The site has been used as open space by local residents since farming ceased. The local community attempted in 2007 to have the site designated as a village green, but their application was rejected, after appeal, in 2008.

From the site visit it appeared to the Committee that a substantial proportion of the trees on site 44 had probably originally been planted and also fenced for protection – possibly with a view to establishing woodland in the medium term until the site could be prepared for development. The Council's representatives were not able to confirm when the trees were planted or how the original planting was funded. There was no formal maintenance regime for the site, although it was evident that the grass paths were cut.

The RAC noted the conclusion of the Inspector's report on the examination into the Middlesbrough Local Development Framework Regeneration Development Plan Document, dated 10th February 2009, in which the Inspector concluded (para. 4.15) "the landscape and ecological merits of this site are of insufficient quality to override the need for a high quality site such as this".

The RAC accepted that clearance of the site would undoubtedly result in loss of an amenity which is valued by local residents. While the replacement planting would satisfy statutory requirements, its location and distance from site 44 suggests that it would not provide the same ease of access to open space currently enjoyed by local residents. It would not, in the view of the RAC, compensate local residents for the loss of amenity in relation to site 44.

The RAC understands that the development brief for the site was prepared some time ago and would need to be recast. The Committee believes that, in the event that a felling licence is granted, this would provide an opportunity to consider the potential for mitigating the loss of local amenity at site 44, possibly by keeping the mown paths and hedgerow and providing adequate and safe links to other amenity

areas close by. The RAC hopes that, when the development brief is prepared, local residents will be given an opportunity to explore with the Council whether some elements of the open space that they value could be retained.

The RAC accepts that proposals such as this are likely to be unwelcome to local residents but that the Council has a duty to weigh this against its other policy priorities. Nevertheless, the RAC feels bound to observe that the Council's approach to this application process – and in particular its approach to the partial clearance carried out in December 2008 falls some way short of good community consultation. The RAC was pleased to note that the Council's representatives acknowledged this during the presentations. Engaging the community in the preparation of the development brief might go some way to repairing some of the damage that appears to have been done to community relations over this application.

The RAC recognizes the importance that the Council attaches to being able to offer a cleared site to developers but hopes that, in the event that a felling licence is granted, the Council will not feel the need for further clearance to be carried out until a revised development brief has been prepared and development is becoming a realistic option.

Recommendation

The Regional Advisory Committee concludes that, while the felling which is the subject of this application would lead to a loss of amenity for local residents, this is not sufficient to justify refusal of the felling licence. In reaching this conclusion, the Committee is mindful of the long-standing designation of this site for housing and the conclusions of the Inspector's report on the examination into the Middlesbrough Local Development Framework Regeneration Development Plan Document. The Regional Advisory Committee therefore recommends that the felling licence be granted.