

South Tees Regeneration Programme Ground Preparation Works

Planning Statement

South Tees Development Corporation

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1.0 Introduction

1.1 This Planning Statement has been prepared by Lichfields on behalf of the South Tees Development Corporation (“STDC”). It accompanies a detailed planning application in relation to engineering operations to be carried out on land controlled by STDC within its constitutional boundary.

1.2 The application seeks planning permission for the following:

“Demolition of structures and engineering operations associated with ground preparation and the temporary storage of soils and its final use in the remediation and preparation of land for regeneration and development.”

1.3 The purpose of this statement is to assess the application proposals against the development plan for Redcar and Cleveland as well as other material considerations, including relevant national planning policy, which establishes a presumption in favour of sustainable development.

1.4 This Planning Statement should be read in conjunction with the other documents which accompany this application, comprising:

- Existing and proposed plans (prepared by STDC);
- Flood Risk Assessment and Drainage Strategy (prepared by Wood plc);
- Ecology Report (prepared by INCA);
- Outline Remediation Strategy (prepared by Wood plc); and
- Technical note: South Tees Development Corporation – Stockpiling of Imported Soils for Land Remediation (prepared by Wood plc).

1.5 The structure of the statement is as follows:

- Section 2.0 summarises the background to the application proposals, including details of STDC and the South Tees Regeneration Master Plan;
- Section 3.0 provides a summary of the application site and surroundings;
- Section 4.0 provides a summary of the application proposals;
- Section 5.0 sets out relevant national and local planning policy;
- Section 6.0 assesses the conformity of the proposed development with the development plan and national planning policy;
- Section 7.0 sets out draft wording of planning conditions;
- Section 8.0 provides a Community Consultation Statement and
- Section 9.0 provides conclusions on all of the above.

2.0 **Background**

The South Tees Development Corporation (STDC)

2.1 STDC is only the third ever Mayoral Development Corporation to be established, and the first outside of London. It was created in August 2017 by the then Secretary of State for Communities and Local Government pursuant to section 198 of the Localism Act 2011 at the request of the Tees Valley Combined Authority ("TVCA") and was established by The South Tees Development Corporation (Establishment) Order 2017 (SI2017/718).

2.2 STDC was established as the special purpose public sector vehicle for delivering area-wide, transformational economic regeneration on South Tees, to augment the wider economic growth plans of the Tees Valley. Its primary objective is to secure the regeneration of its constitutional area, through delivery of its South Tees Regeneration Programme as broadly defined in its published Master Plan (see below); by converting assets in the STDC area into opportunities for business investment and economic growth.

South Tees Regeneration Master Plan

2.3 The South Tees Regeneration Master Plan ("the Master Plan") was prepared in 2017 as a supporting visioning and development strategy document to inform the preparation of local planning policy documents. It was subject to public consultation in October/November 2017.

2.4 Alongside its Local Plan, Redcar and Cleveland Borough Council ("RCBC") prepared the South Tees Area SPD to support the economic and physical regeneration of the South Tees area and provide guidance on the interpretation of planning policies. The SPD was informed, and is supported, by the Master Plan and was adopted by RCBC in May 2018; section 5 of this statement explains the SPD in more detail. An updated version of the Master Plan was published in March 2019. It sets out the vision for transforming the STDC area into a world-class example of a modern, large-scale industrial business park by providing a flexible development framework where land plots can be established in a variety of sizes to meet different occupier needs in the most efficient manner possible. Of equal importance to realisation of the Plan is the delivery of an area-wide infrastructure system to both service occupier requirements and to provide optimum connectivity across the STDC area.

2.5 The STDC area is an international level opportunity to grow the economy of the Tees Valley by creating large, well-serviced areas to accommodate appropriate major space users and/or clusters of similarly themed uses. Comprehensive development in a manner set out in the Master Plan will ensure that the area has a "unique selling point" ("USP"), centred upon its proximity to water and providing access to excellent port facilities, as well as being able to accommodate Tier 2 support industries close-by to Tier 1 primary uses.

2.6 High impact and low cost innovative solutions to site preparation and infrastructure needs, particularly in the early phases of development, are crucial to delivering the Regeneration Programme in an efficient and viable manner, in line with the Master Plan. The ability to phase, prioritise and also flex development is essential to realising a regeneration undertaking on this scale, and influential in determining how to deliver ground remediation and site preparation in the most optimal manner.

The Opportunity

2.7 An opportunity has arisen that, if realised, will give STDC a considerable head-start in the implementation of its Regeneration Programme, in line with its published Master Plan. The opportunity relates to the receipt and utilisation of significant quantities of residual clean soil

(Redcar Mudstone) arisings from the excavation of the tunnels forming the conduit for the Sirius Material Transport System, connected with the Woodsmith Polyhalite Mine project. The material would be used in the remediation and preparation of land for redevelopment within the STDC area.

- 2.8 It is proposed that STDC will store the soils received in storage mounds for a temporary period of up to 10 years (from the grant of the planning permission) in locations identified on the plans accompanying the application. Throughout this ten-year period, soils will be taken from the temporary storage areas and used in the remediation and preparation of land within STDC ownership identified for redevelopment across the wider estate, as and when required.
- 2.9 There are a range of circumstances which have aligned to present the opportunity currently open to STDC to make use of the soils as explained below.

Acquisition of former Tata land by STDC

- 2.10 Tata Steel owned the freehold interest of large parts of the land within STDC's constitutional boundary. Pursuant to its intention to deliver large scale regeneration of its area in line with the Master Plan, in late 2016, STDC commenced discussions with Tata Steel with a view to acquiring their land. In February 2019, STDC acquired Tata Steel's land; land which is now vested in STDC's wholly owned subsidiary company, South Tees Developments Limited.
- 2.11 The total land acquired, amounts to an area of circa 600 hectares and affords close to 364 hectares of development opportunity. It thereby represents a significant portion of the overall developable area identified in the Master Plan. This land acquisition is a strong signal of STDC's intention to deliver the regeneration proposed in the Master Plan and its early completion is considered critical to realisation of a successful redevelopment, where the ability to secure near term investment in new developments is key. Around half of the acquired area is included within the boundary of this planning application.

Sirius Tunnel Arisings

- 2.12 Sirius Minerals Plc ('Sirius') has secured the necessary planning permissions and development consent to win, work, process and export large quantities of polyhalite to market.
- 2.13 Collectively, these permissions/consent allow for the:
- winning and working of polyhalite from a new underground mine (known as Woodsmith Mine) to the south of Whitby;
 - the provision of a new 37km underground tunnel between Woodsmith Mine and the Wilton International Complex;
 - the construction of a new Material Handling Facility at Wilton International Complex which will be used to process the material;
 - the provision of a new overhead conveyor between Wilton and Bran Sands which will be used to transport the processed material to a new storage facility at Bran Sands; and
 - the provision of a new Harbour facility that will be used to export the material to the international market.
- 2.14 Embedded within Sirius' permissions is the ability to deposit large quantities of tunnel arisings (soils) at Wilton. Whilst Sirius intends to re-use a proportion of these soils on its own sites in either the form of either new landscaping (at Wilton) or the creation of a new development pad (at Bran Sands), significant volumes will not be needed and will, therefore, be deemed residual and available for potential re-use elsewhere, subject to material suitability.

STDC's need for the soils

- 2.15 In delivering its Regeneration Programme, STDC has a requirement for significant quantities of clean earthworks materials, of varying typologies, potentially amounting, in total, to some 10 million cubic metres or more. The availability of large quantities of free supply/low cost soils in the early stages of the programme is a major benefit. The land potentially available for redevelopment within the STDC area approximates to 930 hectares and all of this land will require remediation/ground preparation treatment, to some degree, prior to new any development taking place.
- 2.16 As explained in section 4.0, the proposed storage mounds and the extent of the application boundary would be capable of storing and using around 1,130,000m³ of compacted soils. It is expected that STDC will receive around 1,140,000m³ of uncompacted soils which will reduce to approximately 910,000m³ when compacted into the mounds¹.
- 2.17 The Master Plan references a site remediation strategy which will need to be geared to address differing site conditions in different parts of the estate, in line with previous site uses, ground conditions information and the proposed end use typology. It aims to achieve '*earliest possible response times on the release of land with firm developer interest*', whilst not creating a '*blank canvas for development*'. This means that STDC needs to be able to respond to market demand for individual sites at short notice and be flexible to occupier needs with regard to delivering site remediation and preparation in an efficient and cost-effective manner.
- 2.18 Having significant quantities of suitable earthworks materials (soils) stored on its land, ready to use in site remediation and site preparation works, is crucial to STDC being able to bring forward sites for redevelopment in an expeditious manner, and in enabling it to act 'fleet of foot' in responding to developer needs, so that investment opportunities in new, job-creating industries are not lost to other locations.

Semcorb private road network

- 2.19 The STDC area benefits from an extensive and established internal road network, which is not part of the public highway network. Part of this internal road network is known as the 'Semcorb corridor' and this carries all of the main utilities from Wilton to Seal sands and the wider area. The presence of the Semcorb corridor means that the soils emanating from the Wilton tunnel head can be transported from the Sirius site on the Wilton International complex without giving rise to any traffic movements on the public highway network.
- 2.20 The soils emanating from the Wilton tunnel head would be transported approximately 3km along private roads to reach the location of the temporary storage mounds at the Warrenby Landfill Area and approximately 5km to reach the temporary storage mounds at the Grangetown Prairie area (see section 3).

¹ The volume of soils expected to be received is 800,000m³ unbulked (as it comes out of the ground). A bulking factor of 1.42 has been applied which translates to a bulked volume of 1,136,000m³. The soils will be compacted when placed into the mounds at an estimated 80% of its original volume, equating to around 908,000m³. Theoretically, spread across all of the land identified for final use (site area = 2,860,464m²), all of the material could be used with no more than a 0.5m increase: 1,136,000/2860464 = 0.4.

3.0 The Site and Surroundings

- 3.1 The application site comprises a series of land parcels, which have recently been acquired by STDC from Tata Steel, and which total around 286 ha of the overall circa 600ha acquired from Tata Steel. The condition of the land varies across the site. The majority of the area has been previously developed with uses almost extensively aligned to integrated iron and steelmaking.
- 3.2 The proposed use of the application site is two-fold; in certain locations, areas are identified to be used for the temporary stockpiling of soils, whilst across the whole application site the soils could potentially be used as part of ground remediation and preparation works; this is described in more detail in section 4.0.

Areas proposed for temporary stockpiling of soils

Grangetown Prairie

- 3.3 The Grangetown Prairie site is the south western most land parcel of the application site and is bounded by the Darlington to Saltburn Railway line to the north, and by Tees Dock Road to the east. Immediately to the south of the Grangetown Prairie site is a parcel of land containing buildings that were part of the SSI operational steelworks, and to the south of this is the Bolckow Industrial Estate. To the west of the site is the South Tees Freight Park.
- 3.4 Three storage mounds are proposed on the Grangetown Prairie site as shown on the plan 'Grangetown Prairie Proposed Material Storage Site Plan' (Drawing number STDC-SIZ-GP-PLA-0007).

Metals Recovery Area

- 3.5 The Metals Recovery area site is centrally located with the STDC area and within the application site. It has previously been used for heavy industrial uses relating to the recovery of metals from the by-products of iron and steel making, and the topography is variable across the site. It is bounded to the east by the Main Lackenby outfall, to the south by the Cleveland Channel and to the north and east by internal roads.
- 3.6 A single storage mound is proposed on the Metals Recovery Area as shown on the plan 'Metals Recovery Proposed Material Storage Site Plan' (Drawing number STDC-SIZ-MR-PLA-0004).

Warrenby Landfill Area

- 3.7 The Warrenby landfill area is the north eastern most parcel of the application site and was used for many years as a licenced landfill for the disposal of by-products from iron and steel making, principally slag. The site is bounded to the west by the former Hot Metal Transfer Railway line and to the south by the Darlington to Saltburn Railway line, and it is bisected by Fleet Beck watercourse. Immediately to the north and east of the site is undeveloped scrub grassland.
- 3.8 Two storage mounds are proposed on the Warrenby landfill area site as shown on the plan 'Warrenby CLE 31 Area Proposed Material Storage Site Plan' (Drawing number STDC-NEZ-WA-PLA-0006).

Areas of potential end use

Grangetown Prairie (55.1 ha)

- 3.9 The Grangetown Prairie site is described at para 3.2. A site plan is provided which shows the existing ground spot levels (m AOD) for the whole Grangetown Prairie site over which the stored soils may subsequently be utilised in preparing land for redevelopment: 'Final Remediation Use Grangetown Prairie Typical Spot Levels' (Drawing number STDC-SIZ-GP-PLA-006)

Warrenby Area (86.4 ha)

- 3.10 The Warrenby area encompasses the Warrenby landfill area described in para 3.6; its full extent is shown on the site plan displaying the existing ground spot levels (m AOD) for the area over which the stored soils may subsequently be utilised in preparing land for redevelopment: 'Final Remediation Use Warrenby Area Typical Spot Levels' (Drawing number STDC-NEZ-WA-PLA-005).
- 3.11 The Warrenby area extends to the south and west of the Warrenby landfill area and is bisected north-east to south-west by the Darlington to Saltburn Railway line, and north to south by the former Hot Metal Transfer Railway line. Although the site is clear of built development, it contains a number of internal roads and railway lines, and has previously been partially occupied by the Warrenby iron and steel works.

Lackenby Area (24.7 ha)

- 3.12 The Lackenby area is the south eastern most parcel on the Site Location Plan, and is shown on the site plan displaying the existing ground spot levels (m AOD) for the area over which the stored soils may subsequently be utilised in preparing land for redevelopment: 'Final Remediation Use Lackenby Area Typical Spot Levels' (Drawing number STDC-SIZ-LA-PLA-0001).
- 3.13 The Lackenby area is part of a wider area occupied by the former SSI BOS and CONCAST steelmaking facilities and STDC's vacant coil plate mill. The south western part of the site is bounded by Tees Dock Road and the A1053. More generally, to the south east of the site is the Wilton International Complex, which is industrial in use and character. To the south west of the site is the residential area of Grangetown, however, this is separated by the A1053 and a distance of over 100m at its closest point, although the majority of the residential area is well over 200m from the edge of the Lackenby area.

South Bank Area (119.8 ha)

- 3.14 The South Bank area refers to the area within the red line boundary to the north of the Darlington to Saltburn Railway line and incorporates the Metals Recovery area. It is shown on the site plan displaying the existing ground spot levels (m AOD) for the area over which the stored soils may subsequently be utilised in preparing land for redevelopment: 'Final Remediation Use South Bank Typical Existing Spot Levels' (Drawing number STDC-SIZ-SB-PLA-0001).
- 3.15 The area is bounded to the north by the River Tees (albeit, the boundary of the site is set back from the river by 20 metres). To the south is the Darlington to Saltburn Railway line and to the west is public highway (e.g., Smith's Dock Road). The areas included within the application site boundary are largely free of active use and built development, however, it is interspersed by some active industrial uses.

- 3.16 To the east of the site is Teesport, operated by PD Ports, and, beyond the boundary, to the west, is the PD Ports' Teesport Commerce Park which contains commercial and industrial uses associated with the port. To the further south of the area is the Grangetown Prairie site, the South Tees Freight Park and an area used for landfill and waste management.

The Surrounding Area

- 3.17 The majority of land surrounding the application boundary is within the STDC area, and most of this is planned for industrial redevelopment as part of the proposed Regeneration Programme. Some of the land within the STDC area, to the north and east of the application site (South Gare, Coatham Sands and Coatham Marsh) is not planned for built development, but rather is identified in the Master Plan as a Coastal Community Zone. Much of this land is subject to various environmental designations and the focus will be on preserving and enhancing the environmental habitats, whilst improving public access to the beach area and preserving the existing fishing community.
- 3.18 Given the nature of the STDC are, and its immediate surroundings, the application site is some distance from sensitive receptors such as residential properties and protected habitat locations on the estuary and coastal areas. This is explained further in Section 6.0.

4.0 The Proposed Development

4.1 The application seeks detailed planning permission for the engineering operations associated with two distinct elements of the ground preparations works. Firstly, for engineering operations associated with the temporary storage of soils in mounds, and secondly for its final use in the remediation and preparation of land for redevelopment in line with the Master Plan.

Temporary Storage Mounds

4.2 It is proposed that the soils will be stored in mounds until they can be used in the remediation and preparation of proposed development sites. The plans accompanying the application identify three broad locations where the soils will be stored in 6 mounds as detailed below.

Interpreting the plans

4.3 The plans accompanying the application show the location of the proposed mounds, surface water run-off ditches and settling ponds, with cross-sections showing the existing site levels and the proposed maximum levels (heights) of the mounds. When reading these plans, the cross-sections should be considered alongside the tables beneath. The section lines on the layouts are labelled as either 'long section' or with letters, and these are cross-referenced underneath the relevant table.

4.4 When reading the tables, the term 'chainage' refers to distance (in metres) along the section lines. The figures in the row 'existing G.L mAOD' refers to the existing ground level height (in metres AOD) at the point on the section line corresponding to the chainage distance. The figures in the bottom row refer to the maximum height of the temporary storage mound at the point on the section line corresponding to the chainage distance.

4.5 The plans of the proposed temporary storage mounds 1A and 1B on the Grangetown Prairie site include two additional rows of figures which relate to the overhead power lines which run above the proposed mounds, and are the line of the long sections. National Grid has statutory safety clearance distances under its power lines, which must be maintained at all times. The figures in the row '7.6m clearance below OH line mAOD' are the heights (at metres AOD) of the statutory clearance distance from the overhead line at the point on the section line corresponding to the chainage distance. The figures in the row 'Level difference m (OH Clearance – G.L)' refer to the difference between ground level and the statutory clearance distance height.

Grangetown Prairie site

4.6 Three mounds are proposed on the Grangetown Prairie site as shown on the plan 'Grangetown Prairie Proposed Material Storage Site Plan' (Drawing number STDC-SIZ-GP-PLA-0007).

4.7 **Mound 1A** is detailed on the plan 'Material Storage Stockpile 1A Details and Sections' (drawing number STDC-SIZ-GP-PLA-0003). It is rectangular in shape and runs along part of the northern edge of the Grangetown Prairie site, parallel to the Darlington to Saltburn Railway line, underneath the National Grid Overhead Line and between two electricity pylons.

4.8 The mound will be a maximum of 280m in length and 46m in width, giving a maximum area of approx. 12,700 m², and a potential storage capacity of around 39,300m³.

4.9 The existing ground level is 7.74m AOD at its lowest point and 8.13m AOD at its highest point. The top of the mound will be flat with a height of 13.0m AOD, leading to an average increase in height of 5.3m from existing ground level with a maximum increase of 5.5m.

4.10 **Mound 1B** is detailed on the plan ‘Material Storage Stockpile 1B Details & Sections’ (drawing number STDC-SIZ-GP-PLA-0004). It is rectangular in shape and runs along part of the northern edge of the Grangetown Prairie site, parallel to the Darlington to Saltburn Railway line, underneath the National Grid Overhead Line and between two electricity pylons.

4.11 The mound will be a maximum of 220m in length and 54m in width, giving a maximum area of 11,140 m², and a potential storage capacity of around 39,000m³.

4.12 The existing ground level is 6.36m AOD at its lowest point and 7.97m AOD at its highest point. The top of the mound will be flat with a height of 13.5m AOD, leading to an average increase in height of 5.8m, with a maximum increase of 7m.

4.13 **Mound 1C** is detailed on the plan ‘Material Storage Stockpile 1C Details & Sections’ (drawing number STDC-SIZ-GP-PLA-0005). It is triangular in shape and is located in the eastern part of the Grangetown Prairie site, with its eastern edge running parallel to Tees Dock Road, underneath the National Grid Overhead Line and between two electricity pylons.

4.14 The mound will be a maximum of 371m in length along its longest edge and 181m in width along its widest edge, with a maximum area of 45,140m², and a potential storage capacity of around 259,000m³.

4.15 The existing ground level is 8.75m AOD at its lowest point and 9.5m AOD at its highest point. The top of the mound will be flat with a height of 17.55m AOD, leading to an average increase in height of 8.8m, with a maximum increase of 9m.

Surface Water Flows

4.16 The proposed infrastructure for the management of surface water flows from the storage mounds 1A, 1B and 1C comprise the provision of a drainage ditch around the perimeter of each mound. These will gravitate flows westward for collection within a single attenuation pond located directly north of storage mound 1C as shown on the plan ‘Material Storage Stockpile 1C Details & Sections’ (drawing number STDC-SIZ-GP-PLA-0005). Discharge from the pond will be into the Knitting Wife Culvert as detailed in the Flood Risk Assessment and Drainage Strategy.

Metals Recovery Site

4.17 The metals recovery site is fairly centrally located with the STDC area and within the application site; existing site levels are shown on the plan ‘Metals Recovery Existing Sites Levels Contours and Long Section’ (Drawing number STDC-SIZ-MR-PLA-0001).

4.18 The proposed mound is detailed on the plan ‘Metal Recovery Proposed Stockpile 2 Contours and Sections’ (Drawing number STDC-SIZ-MR-PLA-0003). It is roughly semi-circular in shape and is located to the north of the Cleveland Channel watercourse.

4.19 The mound will be a maximum of 158m in length and 192m in width giving a maximum area of 23,700 m², and a potential storage capacity of around 175,300m³.

4.20 The existing ground level is 7.0m AOD at its lowest point and 19.0m AOD at its highest point. The top of the mound will be broadly flat with a maximum height 19.0m AOD at its highest point, leading to an average increase in height of 11m, with a maximum increase of 12m.

Surface Water Flows

4.21 The proposed infrastructure for the management of surface water flows from the storage mound on the Metals Recovery Site comprises the provision of a drainage ditch around the perimeter of the mound. These will gravitate flows to the southeast corner of the mound for collection within

a single attenuation pond as shown on the plan 'Metal Recovery Proposed Stockpile 2 Contours and Sections' (Drawing number STDC-SIZ-MR-PLA-0003). Discharge from the pond will be into the Lackenby Channel as detailed in the Flood Risk Assessment and Drainage Strategy.

Warrenby landfill area

4.22 **Mound 3A** is detailed on the plan 'Material Storage Stockpile 3A Details and Sections' (drawing number STDC-NEZ-WA-PLA-0003). It is triangular in shape and is located between the former Hot Metal Transfer Railway line and The Fleet watercourse.

4.23 The mound will be a maximum of 500m in length along its longest edge and 400m in width along its widest edge, giving a maximum area of 48,370 m², and a potential storage capacity of around 167,000m³.

4.24 The existing ground level is 5.71m AOD at its lowest point and increases to 20.3m AOD at its highest point and the area is effectively already a small hill. The top of the proposed mound will be broadly flat with a maximum height of 24.4m AOD, leading to an average increase in height of 5m from existing ground level, with a maximum increase of 6m.

Surface Water Flows

4.25 The proposed infrastructure for the management of surface water flows from storage mound 3A comprises the provision of a drainage ditch around the perimeter of the mound. Due to local levels it is necessary to have two outlets from the ditch, one in the south-eastern corner and the other is in the south-western corner, each with its own attenuation pond as shown on the plan 'Material Storage Stockpile 3A Details and Sections' (drawing number STDC-NEZ-WA-PLA-0003). Discharge from the ponds will be into the Fleet Watercourse as detailed in the Flood Risk Assessment and Drainage Strategy.

4.26 **Mound 3B** is detailed on the plan 'Material Storage Stockpile 3B Details & Sections' (drawing number STDC-NEZ-WA-PLA-0004). It is roughly triangular in shape and is located between the Darlington to Saltburn Railway and The Fleet watercourse.

4.27 The mound will be a maximum of 395m in length at its longest point and 200m in width at its widest point, giving a maximum area of 52,780m², and a potential storage capacity of around 446,300m³.

4.28 The existing ground level is 2.79m AOD at its lowest point and 8.61m AOD at its highest point. The top of the mound will be broadly flat with a maximum height of 20.5m AOD, leading to an average increase in height of 14m from existing ground level, with a maximum increase of 15m.

Surface Water Flows

4.29 The proposed infrastructure for the management of surface water flows from storage mound 3B comprises the provision of a drainage ditch around the perimeter of the mound. This will gravitate flows to the southwest corner of the site for collection within a single attenuation pond as shown on the plan 'Material Storage Stockpile 3B Details & Sections' (drawing number STDC-NEZ-WA-PLA-0004). Discharge from the ponds will be into the Fleet Watercourse as detailed in the Flood Risk Assessment and Drainage Strategy.

Final Use Remediation and Site Preparation

4.30 Planning permission is sought to allow the soils to be taken from the temporary storage mounds and used in the remediation and preparation of land for development. In order to ensure that the soils are put into productive use to regenerate land and are not stored in perpetuity, RCBC may consider it necessary and appropriate to attach a condition to any permission granted

which limits the length of time that the soils can be stored in the mounds. In this regard, a draft condition is included at section 7.0.

- 4.31 The volume of soil that will be stored in temporary mounds is capable of being put into final use within the extent of the application site boundary and, in so doing would not lead to an increase in ground levels of typically more than 500mm over existing AOD levels, subject to local variations and low spots. The assessments that accompany the planning application have been carried out on this basis.
- 4.32 It is likely that a proportion of the soils will be used as part of development projects for which planning permissions will be sought and, therefore, the cumulative impacts of using the soils as part of wider development activities (i.e. the construction of roads and buildings) will be assessed as part of those planning applications.
- 4.33 It is also to be expected that a proportion of the soils will be used in the preparation and remediation of land beyond the application boundary, as and when STDC acquire further land and prepare it for development. Any such use of the soils in development projects outwith this application boundary will be assessed as part of the planning applications that will be sought for those development projects.
- 4.34 Notwithstanding the above, the volume of soils being received and stored, which is expected to be approximately 1,140,000m³, is capable of being used in its entirety for the preparation of the land within the red line boundary.
- 4.35 Site plans are provided which show, for each land parcel within the red line boundary, the existing ground spot levels (m AOD). These plans are as follows:
- Final Remediation Use Grangetown Prairie Typical Existing Spot Levels (Drawing number STDC-SIZ-GP-PLA-006);
 - Final Remediation Use Warrenby Area Typical Existing Spot Levels (Drawing number STDC-NEZ-WA-PLA-005);
 - Final Remediation Use Lackenby Area Typical Existing Spot Levels (Drawing number STDC-SIZ-LA-PLA-001); and
 - Final Remediation Use South Bank Typical Existing Spot Levels (Drawing number STDC-SIZ-SB-PLA-001).

² The volume expected to be received is 800,000m³ unbulked (as it comes out of the ground). A bulking factor of 1.42 has been applied which translates to a bulked volume of 1,136,000m³.

5.0 Planning Policy Context

National Planning Policy

5.1 An amended National Planning Policy Framework ('NPPF') was published in February 2019. It sets out the Government's planning policies for England and how they are expected to be applied by Local Planning Authorities (LPAs). The policies contained within the NPPF are a material consideration in the determination of planning applications.

5.2 At the heart of the NPPF is a presumption in favour of sustainable development which gives rise to three interdependent overarching objectives of the planning system. An economic objective – to help build a strong, responsive and competitive economy; a social objective – to support strong, vibrant and healthy communities; and an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment.

5.3 When determining planning applications, paragraph 11 of the NPPF is clear that LPAs should apply a presumption in favour of sustainable development, and states that:

'For decision-taking this means:

- *approving development proposals that accord with an up-to-date development plan without delay;'*

Building a strong, competitive economy

5.4 The NPPF provides a positive approach to economic development and, through paragraph 80, requires that "*significant weight is placed on the need to support economic growth and productivity*". Further, it states that *Planning "...decisions should help create the conditions in which businesses can invest, expand and adapt."*

Meeting the challenge of climate change, flooding and coastal change

5.5 The NPPF strongly encourages the transition to a low carbon future, and, at paragraph 148, states that the planning system should, amongst other things, "*encourage the reuse of existing resources*" and that new development should be planned in ways "*that can help reduce greenhouse gas emissions*". (paragraph 150)

5.6 With regards to flood risk, the NPPF requires a site-specific flood risk assessment for proposals involving sites of one hectare or more and the inclusion of sustainable drainage systems on all major developments.

The Development Plan

5.7 The statutory Development Plan comprises:

- The Redcar & Cleveland Local Plan (adopted May 2018);
- The Tees Valley Joint Minerals and Waste Development Plan Documents, comprising:
 - (a) Minerals and Waste Core Strategy DPD (adopted September 2011); and
 - (b) Minerals and Waste Policies and Sites DPD (adopted September 2011).

R&CBC Local Plan

5.8 The Redcar & Cleveland Local Plan was adopted in May 2018. The Plan sets out the vision and overall development strategy for RCBC's area and how it will be achieved for the period to 2032.

5.9 The Local Plan recognises and aims to address the relatively recent steep decline of the area's traditional employment base of manufacturing based on steel, chemicals and heavy engineering, and the impact this has had upon many communities in the borough in terms of increased deprivation and decline in population. Accordingly, sustainable economic growth and regeneration are at the heart of the Local Plan.

5.10 Local Plan policies with particular relevance to this application are:

- **Policy SD1 Sustainable Development** which commits the Council to take a positive approach reflective of the presumption in favour of sustainable development contained in the NPPF.
- **Policy SD3 Development Limits** which takes a positive different approach to development proposals within the 'development limits' (as defined on the Policies Map) and aims to restrict certain development outside of the 'development limits'.
- **Policy SD4 General Development Principles** which provides a set of general criteria that development proposals will be expected to meet to ensure that their likely effects are acceptable. The impacts specified in the policy relate to amenity, open space, heritage assets, environmental and human health and safety, flood risk, adequacy of supporting infrastructure and the integrity of Natura 2000 sites.
- **Policy SD 7 Flood and Water Management** which aims to ensure that flood risk is taken into account at all stages of the planning process to and requires all development proposals to be designed to mitigate and adapt to climate change, taking into account flood risk. For development proposals of over 1 hectare in Flood Zone 1, a site specific flood risk assessment is required to demonstrate that development is not at risk from flooding and that it does not increase flood risk elsewhere. For major developments a drainage plan is required to show that site drainage can be adequately dealt with. Surface water runoff not collected should discharge in order of priority into the ground (infiltration), a surface water body, a surface water sewer and a combined sewer.
- **Policy LS4 South Tees Spatial Strategy** which supports the regeneration of the STDC area, and states the Council's aim to deliver significant economic growth and job opportunities, make the area attractive to inward investment, secure the decontamination and redevelopment of potentially contaminated land, protect European sites, and safeguard and improve sites of biodiversity interest.
- **Policy ED6 Promoting Economic Growth** which safeguards designated land within existing industrial estates and business parks for employment uses. In particular, it designates 'Land at South Tees' for heavy processing industries and port logistics, and for proposals falling within Use Classes B1, B2, B8 and suitable employment related sui generis. The policy specifically provides support for proposals within the STDC area which positively contribute towards growth and regeneration, and expects that they will have regard to the South Tees Area Supplementary Planning Document (SPD). It also requires that where appropriate, proposals will need to demonstrate that there will be no adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European designated nature conservation sites either alone or in combination with other plans and programmes.
- **Policy N1 Landscape** which aims to protect and enhance the borough's landscapes. It states that, in Restoration Landscape Areas (as defined on the Policies Map), opportunities should be taken to repair or reinstate the landscape structure as part of development.
- **Policy N2 Green Infrastructure** which aims to protect and enhance the green infrastructure network. It provides a restrictive approach to development within 'green wedges' as defined on the Policies Map, which it describes as '*open areas within the main*

built-up area, but outside of development limits...and are valuable for local amenity, recreation and wildlife’. It states that development within green wedges will only be allowed where it complies with a set of criteria.

- **Policy N4 Biodiversity and Geological Conservation** which aims to protect and enhance the borough’s biodiversity and geological resources. It prioritises the protection of internationally and nationally important sites such as the SPAs and SSSIs respectively.
- **Policy HE2 Heritage Assets** which resists development likely to affect the setting of a designated heritage asset.
- **Policy TA1 Transport and New Development** which aims to ensure that the transport requirements of new developments are taken into account. It requires applicants to demonstrate that existing or proposed public transport services can accommodate development proposals.

Tees Valley Joint Minerals and Waste Development Plan Documents

- 5.11 The Tees Valley Joint Minerals and Waste Development Plan Documents (DPDs) provide the local planning policies in relation to minerals and waste for the five local authorities in the Tees Valley. The two DPDs, which were both adopted in September 2011, are the Minerals and Waste Core Strategy DPD and the Minerals and Waste Policies and Sites DPD.
- 5.12 The Minerals and Waste Core Strategy contains a policy and designations which safeguard the borough’s minerals resources from sterilisation through other forms of development. Resources are identified across the whole borough, however, the designation does not prevent development, and together with the policies in the RCBC Local Plan, the Core Strategy promotes the delivery of development in appropriate places.

Other Material Considerations

Supplementary Planning Document

- 5.13 The Redcar & Cleveland South Tees Area Supplementary Planning Document (Adopted May 2018) supports the policies in the Redcar & Cleveland Local Plan and is informed by the South Tees Regeneration Master Plan.
- 5.14 It supports the economic and physical regeneration of the STDC area setting out the vision and core objectives for the area providing greater detail on how planning policies will be interpreted.
- 5.15 The SPD includes a number of Strategic Development Principles which will be used to guide planning applications associated with the redevelopment of the STDC area. They have been developed in response to the relevant planning policies in the RCBC Local Plan and the development opportunities and constraints facing the STDC area.
- 5.16 The development principles with particular relevance to this application are:
- **Development Principle STDC1: Regeneration Priorities** identifies a range of high-level priorities for the STDC area in line with the SPDs vision and objectives.
 - **Development Principle STDC2: Land Assembly and Delivery** aims to maximise the development and regeneration potential of the STDC area. It encourages the creation of sites capable of meeting demand for inward investment and states that *‘The Council will, in partnership with STDC, promote a comprehensive approach to development within the South Tees Area.’*

- **Development Principle STDC4: Economic Development Strategy** sets out that the Council will support the economic development of the South Tees area in accordance with Local Plan Policies LS4 and ED6. In particular, support is given to development proposals which increase the attraction of the South Tees area for new users, as well as those that support the growth and expansion of existing users.
- **Development Principle STDC5: Transport Infrastructure** seeks to improve and enhance the transport infrastructure serving the South Tees Area. It supports the regeneration of the South Tees area based on the development of the Infrastructure Corridor.
- **Development Principle STDC7: Natural Environmental Protection and Enhancement** aims to protect and, where appropriate, enhance designated and non-designated sites of biodiversity and geodiversity value and interest within the South Tees area. It states that *'The need to remediate known contamination, including to reduce environmental harm, and to redevelop the South Tees Area for productive uses is fully recognised and supported by the Council.'* It is expected that all development proposals will be in accordance with the requirements of STDC7, mindful of their environmental setting and to protect biodiversity interests.
- **Development Principles STDC12: North East Industrial Zone and STDC14: South Industrial Zone** set out the approach to development proposals in each of the zones. Development proposals are expected to be in accordance with Local Plan Policy N4 (Biodiversity and Geological Conservation) and Development Principle STDC7, take account of flood risk and any risks associate with the former landfill operations on the site.
- **Development Principle STDC14:** sets out the approach to development proposals in the North East Industrial Zone. Development proposals are expected to be in accordance with Local Plan Policy N4 (Biodiversity and Geological Conservation) and Development Principle STDC7, take account of flood risk and any risks associate with the former landfill operations.

6.0 **Conformity with the Development Plan**

Principle of Use

- 6.1 The application proposals comprise engineering operations in association with the temporary storage of soils and its final use in the remediation and preparation of sites for regeneration and development in accordance with the South Tees Regeneration Master Plan.
- 6.2 Over 90% of the application site area is allocated under Local Plan Policy ED 6 (Promoting Economic Growth) for employment uses and suitable employment related sui generis uses, with specific policy support for proposals which positively contribute towards growth and regeneration. The storage and use of soils in these parts of the application site area would contribute to industrial development and the fulfilment of the Policy ED6 land use allocation. As such, the proposals in this part of the application site conform with overarching policy objectives of the Local Plan.
- 6.3 Part of the north eastern most parcel, which contains the temporary storage mound areas 3A and 3B, is not included in the Policy ED 6 allocation. Instead, this part of the application site (less than 10% of the overall site area) is designated as a 'Green Wedge' and lies outside of the development limits, as defined on the Local Plan proposals map. As such, it is necessary to consider this aspect of the application proposal against policies SD3 (Development Limits) and N2 (Green Infrastructure) of the Local Plan.
- 6.4 Policy SD 3 restricts development to a list of specified exceptions though does not include activities related to industrial development. The supporting text explains that the purpose of defining development limits is *'to contain future development and to make a clear distinction between the urban area and the countryside'*. The aim of the approach is to prevent uncontrolled urban sprawl and deliver sustainable development.
- 6.5 Given the nature of the proposed works and the fact that this particular area beyond the limits to development is characterised by the former industrial and landfill uses that have taken place there, the proposals would not undermine the general objective of keeping separate the urban area from countryside.
- 6.6 The remainder of the Green Wedge allocation to the east of the application site, together with the adjacent area designated as Primary Open Space will continue to serve to prevent new development coming forward that may have the potential to result in urban sprawl.
- 6.7 It is, therefore, considered that the proposed development in this specific area beyond the defined limits to development will not undermine the overall purpose and objectives of Policy SD3 for defining 'development limits'.
- 6.8 Policy N2 describes green wedges as *'...open areas within the main built-up area, but outside of development limits, which provide buffers between different uses and delineate distinct communities; are valuable for local amenity, recreation and wildlife.'* In this context, it is not considered that the proposed development would significantly undermine the green wedge allocation.
- 6.9 Policy N2 states that *"Development within green wedges will only be allowed where:*
- i *it would not result in physical or visual coalescence of built-up areas;*
 - ii *it would not adversely impact on local character or the separate identity of communities;*
 - iii *it would not adversely impact on recreational opportunities;*

- iv *it would not adversely impact on biodiversity; and*
- v *proposals are in accordance with Policy SD3.”*

- 6.10 The application proposals amount to works associated with industrial activities in a location that has historically been characterised by industrial operations. The application does not propose any form of development that would change this character. The area will remain inaccessible to the general public and therefore, does not contribute to recreational opportunities. Impacts upon biodiversity are addressed in the accompanying documentation. As such, the proposed development satisfies all criteria of the policy with the exception of criterion (v). However, as discussed above, the proposed development will not undermine the purpose of development limits, and thus the weight that should be placed on any failure to meet this criterion is diminished.
- 6.11 It should also be noted that the size of the overall Green Wedge allocation is 217ha, and the part of the application site which encroaches into it is circa 27.8 ha, which is in the order of 13% of the total area.
- 6.12 The development proposal is wholly in accordance with South Tees SPD and it represents the delivery of significant investment in the economy of the borough, which meets the vision and policy objectives of the Local Plan. The vision of the Local Plan aspires to
‘...grow a successful and resilient economy, ...strengthen our economic assets by building economic capacity...and enhancing the borough as a place of choice...’
- 6.13 Outcome 1 of the Local Plan is to grow the borough’s economy and to create more jobs, with one of the associated Local Plan priorities being to *‘secure inward investment’*.
- 6.14 Regarding the provisions of Local Plan Policy LS4 (South Tees Spatial Strategy) the application proposals would contribute directly to a number of the key economic objectives including:
- *delivering significant economic growth...through the South Tees Development Corporation...;*
 - *supporting the regeneration of the South Tees Development Corporation area through implementing the South Tees Area Supplementary Planning Document;*
 - *improve existing employment areas...;*
 - *giving the area an identity and making it attractive to inward investment; and*
 - *supporting the future regeneration of former steel sites as part of the South Tees Development Corporation;...’*
- 6.15 When considering a planning application’s conformity with the development plan, it is necessary to determine whether the proposal accords with the development plan on the whole and not each and every policy within it. A breach of one policy does not necessarily result in a proposal failing to accord with the plan. It is a planning judgement as to whether, on balance, the proposal conforms with the development plan on the whole and whether any policy failure would undermine the overall development plan strategy.
- 6.16 In this regard, given the industrial characteristics of the application site in the area beyond the limits to development and in the Green Wedge, the proposals would not undermine the objectives and purposes of these designations and, therefore, the proposal’s conformity with wider policies of the Local Plan should be afforded greater weight and lead to the conclusion that, on balance, the application proposals accord with the development plan on the whole.

Flood Risk and Surface Water Management

- 6.17 A Flood Risk Assessment (FRA) and Drainage Strategy (DS) has been prepared by Wood plc to assess the impact of the proposals on Flood Risk and Surface Water Management. It includes a brief summary of consultation undertaken with the Lead Local Flood Authority (LLFA) and the Environment Agency. The FRA and DS confirms that all the temporary storage mounds are located within Flood Zone 1, and that small elements of the area where the soils may be put to final use are in Flood Zone 2.
- 6.18 The FRA and DS includes a flood risk appraisal for all potential sources of flooding and identifies flood risk mitigation measures. The assessment found that the presence of the mounds could increase surface water runoff rates, potentially increasing downstream flood risk, and drainage strategies are proposed to address this.
- 6.19 The drainage strategy to deal with the runoff from the storage mounds is based on runoff rates and other modelling assumptions already agreed with the LLFA. The drainage strategy comprises drainage ditches around the storage mounds and attenuation ponds which will discharge into existing watercourses at restricted rates. Details of the infrastructure for the management of surface water runoff is described in section 4 of this report, and shown on the accompanying plans.
- 6.20 It is considered that both the activities involved in placing the soils into the mounds, and the runoff from the mounds could result in elevated levels of suspended sediment. A number of working practices and techniques are suggested to minimise and mitigate the effects of sediment pollution into the nearby watercourses arising from the activities associated with the placement of soils into the mounds. Measures for dealing with the management of sediment in the drainage ditches and attenuation ponds are set out, with secondary measures identified for removing sediment from surface water runoff.
- 6.21 The FRA and DS provide the Council with sufficient evidence regarding flood risk and surface water management, and the appropriate mitigation measures built into the design of the scheme, to enable the impacts of the application proposals to be fully assessed.

Ground Conditions and Contamination

- 6.22 An Outline Remediation Strategy (RS) has been prepared by Wood plc in line with good practice and signed off by a suitably qualified and experienced person registered under the National Quality Mark Scheme for Land Contamination Management (NQMS), namely Ian Evans (SQP0041). A declaration form has been completed and the RS has therefore been authenticated through the NQMS (Reference 0619-C0008) with a copy of the declaration attached to this application and also sent under separate cover to Michael Gent (EHO) of RCBC.
- 6.23 The RS considers the ground contamination present throughout the application site through a provision of a Phase 1b Desk Study which included a review of ground investigation reports, a review of environmental factors and historical development and uses of the site. This identified key pollutant linkages of concern with regard to industrial development of the application site.
- 6.24 The RS incorporates a conceptual model and environmental risk assessment to evaluate the level of risk, and typical exposure pathways, that may affect potential future receptors arising from the development of the site for industrial uses. The evaluation identifies the presence of contaminants at concentrations which may pose potentially significant risks associated with the future site development and hence a need to remediate the site to render it suitable for use.
- 6.25 The RS considers a range of options for remediating the site through a remediations options appraisal and provides a 'proposed outline remediation strategy' which is essentially the

formation of a capping layer across the site, in the absence of hardstanding. The report considers that this strategy is compatible with the phased remediation strategy envisaged in the Master Plan.

- 6.26 The proposed storage and use of imported soils will, therefore, form part of a suitable remediation process to render the site suitable for use.
- 6.27 Initial testing of the soils to assess its suitability for use as a capping material has been undertaken as reported in the Technical note '*Stockpiling of Imported Soils for Land Remediation*', prepared by Wood plc. The note states that the testing "*confirms that the material can be classified as inert and suitable for use within the development. There is potential for some leaching of aluminium, manganese chloride and sodium from the mudstone [material] and this should be considered within the environmental risk assessment.*"
- 6.28 A Materials Management Plan (MMP) will be produced, following the grant of planning permission, in accordance with the CL:AIRE Definition of Waste Code of Practice. This will require that the material brought to the site is subject to regular testing to ensure its suitability for use as a capping material. The RS states that chemical analysis of capping materials will be required before placement commences and it should be monitored throughout the works. The MMP and associated Remediation Verification Plan (on a phase by phase basis) will ensure this analysis is undertaken. The RS and Technical Note provide the Council with sufficient evidence regarding existing ground conditions, appropriate remediation techniques and the suitability of the soils to enable them to consider the impacts of the application proposals on likely future users of the site from a ground contamination perspective.
- 6.29 The MMP is regulated by the Environment Agency and is a legal requirement, with the onus being upon the developer to adhere to. As such, and as is accepted practice, the planning system should not seek to control matters covered by other environmental regulations. In this regard, the requirement to satisfy CL:AIRE through the operation of a MMP, avoids the need for any duplicate controls and requirements to be imposed upon any grant of planning permission (by way of planning condition).
- 6.30 Future phases of development associated with regeneration of the STDC area, for which planning permission would be required, may lead to a requirement to amend the RS taking account of the form of development and any site additional ground investigation works undertaken to better define and update the conceptual model. All phases of remediation works will be subject to verification, with a verification report produced and issued to the Council to confirm the remediation works have been completed in compliance with the RS.

Transport

- 6.31 As set out in section 2.0, all soils emanating from the Sirius tunnel head at Wilton to the temporary storage mound locations will be transported without reliance on the public road network. Accordingly, the proposal does not give rise to any transport assessment or other requirements under policy TA1 (Transport and New Development).
- 6.32 In order to ensure that the proposals do not give rise to impacts on the highway network without having first been assessed, a draft condition is provided at section 7.0 that will restrict vehicle movements to the private road network.

Amenity

- 6.33 The application site is surrounded almost entirely by existing industrial land, much of which is vacant, and is likely to remain so for the medium term. Therefore, there are limited receptors whose amenity might be affected by the proposed development.

Residential Amenity

- 6.34 The potential for the proposed development to have an impact on amenity has been considered from the perspective of the temporary storage mounds 3A and 3B as these are considered the only temporary storage mounds with potential receptors in their vicinity. The nearest residential receptor is an isolated dwelling approximately 200m north east of site 3A and 330m north east of site 3B.
- 6.35 With regards to residential amenity, the potential for the mounds to have an effect upon receptors is considered in terms of sunlight and overshadowing, privacy and change in view.
- 6.36 Given the distance between the dwelling and the mounds, and that the proposed mounds will be a maximum of 6m (site 3A) and 15m (site 3B) above existing ground level, there will be no material effects in terms of loss of sunlight or overshadowing onto that property.
- 6.37 Similarly, it is not anticipated that there will be any impact on the residential receptor's privacy as the 3A and 3B sites have historically been a privately-operated landfill that is not accessible by the general public. The site would remain inaccessible to the public with the implementation of the proposals.
- 6.38 With regards to the potential of the mounds to have a material effect on views from residential receptors, the following observations are noted. Firstly, the visual effect of the mounds has to be considered in the context of the surrounding area which is industrial in nature with large scale structures associated with the former steelworks and existing mounds of earth punctuating the view. Whilst the introduction of the temporary storage mounds at sites 3A and 3B may lead to some change in outlook from residential properties, it won't introduce anything incongruous in scale or nature into the existing industrial landscape. Secondly, the proposed mounds are a significant distance from the nearest residential property and thus any change they create in the views from the properties should be considered in the context of these distances and against the existing industrial landscape. Thirdly, whilst it is not considered that the proposal would lead to the loss of a private view, it is noted that this would, in any case, not be a material consideration in the determination of a planning application.
- 6.39 In accordance with Local Plan Policy SD4 (General Development Principles), it is considered that the proposal will not have a significant adverse impact on the amenities of occupiers of existing or proposed nearby land and buildings.

Heritage Impact

- 6.40 With regards to the potential for the proposed mounds to affect the significance of Heritage Assets, three Grade II listed buildings have been identified in the wider vicinity of the sites, which are just over 250m north east of the proposed mounds at Warrenby Landfill Area. These are:
- Marsh Farmhouse and Farm Cottage;
 - Barn and Stable north west of Marsh Farmhouse; and
 - Garden Wall south of Marsh Farmhouse.
- 6.41 'Marsh House' is shown on the c.1898 map below, overlaid with a modern aerial. It may have historically been associated with the land to the south but hasn't been for at least 120 years.



6.42 It is considered that the proposal will not affect the significance of these heritage assets given the distance between the proposed sites of the temporary storage mounds and the heritage assets, that the heritage assets have not been associated with the land for at least 120 years (if at all), and that the immediate and surrounding area is industrial in character. Further, the proposed mounds are not in an intermediate location between heritage assets in a way that could be considered to affect setting (in so far as inter-relationship of heritage assets features as part of the consideration of setting).

6.43 It is therefore considered that the proposals are in line with Policy HE2 (Heritage Assets).

Ecology

6.44 An Ecological Assessment has been undertaken by the Industry Nature Conservation Association (INCA) in respect of all of the land within the application boundary. It considers the potential effects of the works, both the temporary storage and final use of the soils, on habitat value and on protected and priority species. The majority of the application site area is Open Mosaic Habitat (OMH) which is a priority habitat. OMH varies in quality across the application boundary and its value changes over time, typically becoming less valuable without intervention.

6.45 Other than nesting birds, no protected species were observed in the surveys carried out as part of the Assessment, however it is known that there is a very low population of reptiles in one small, discrete part of the application site and it is possible that there are similarly small populations in two further small discrete areas on the northern boundary of the application site. Both nesting birds and reptiles can be dealt with by suitable worded conditions. There are locally significant populations of priority species of butterflies.

- 6.46 No impacts on internationally and nationally designated sites are predicted due to the distances involved and the nature of the application proposals.
- 6.47 In theory, the final use of the soils could result in loss of OMH and habitat for priority species of butterflies though the Ecological Assessment confirms how both features can be compensated for, thus enabling the works to be implemented.
- 6.48 The Ecological Assessment provides sufficient analysis to enable RCBC to consider the impacts of the application proposals on habitat value. However, it is acknowledged that OMH value changes over time. In this regard, should RCBC consider it necessary, a condition is provided in Section 7.0 that would ensure the habitat value is reassessed prior to the final use of the soils over the coming years and appropriate mitigation and / or compensation secured at that time.

Summary

- 6.49 The majority of the application site is allocated at Local Plan Policy E6 (Promoting Economic Growth) for employment uses and suitable employment related sui generis uses, with specific policy support for proposals which positively contribute towards growth and regeneration. The development proposal is wholly in accordance with South Tees SPD and it represents the delivery of significant investment in the economy of the borough, which meets the vision and policy objectives of the Local Plan.
- 6.50 The application proposal is assessed and found to be acceptable from the perspective of flood risk and surface water management, ground conditions and contamination, highways, residential amenity, heritage and ecology.
- 6.51 The proposal conforms with the wider policies, and policy objectives of the Local Plan, and on balance, accord with the development plan as a whole.

7.0 **Planning Conditions**

7.1 It is suggested that the following conditions are attached to any grant of planning permission for the proposed development.

Condition 1:

With the exception of soils used to level ground required to host the temporary storage mounds hereby approved, all soils placed into the temporary storage mounds shall be used in operations associated with ground preparation and remediation works within 10 years of the date of planning permission.

Reason: In the interests of amenity

Condition 2:

None of the soils placed into the temporary storage mounds hereby approved shall be transported upon the public highway network unless an assessment of the impacts of transporting soils upon the public highway network is prepared, submitted to and approved by the Local Planning Authority. Any such assessment shall include a transportation management scheme that identifies mitigation measures required to manage the movement of soils on the public highway network. Thereafter, any such transportation on the public highway shall be carried out in accordance with the approved transport management scheme.

Reason: In order to ensure no adverse impacts arise on local amenity or the safe and effective operation of the public highway.

Condition 3:

Prior to the final use of the soils in the implementation of this planning permission, further Ecological Assessment(s) shall be carried out and submitted to the Local Planning Authority in respect of those areas where the soils are to be used for ground preparation and remediation works. The Assessment(s) shall include up-to-date surveys that identify any priority habitats, ecological networks or protected and priority species. If significant harm to biodiversity cannot be avoided as a result of the final use of the soils, appropriate mitigation including by way of on or off-site compensatory provision, shall be identified in the Ecological Assessment and carried out within the timescales set out in the approved Assessment.

Reason: In the interests of conserving biodiversity.

Condition 4:

Prior to the deposition of earth in any area that has been identified in the Ecology report (ID: INCA 201920) as supporting or potentially supporting reptiles, a reptile mitigation strategy should be prepared, submitted to and approved by the local planning authority and any necessary actions resulting from that implemented in accordance with the strategy.

Reason: In the interests of preventing harm to protected species

8.0 **Community Consultation Statement**

- 8.1 The RCBC Statement of Community Involvement (SCI) sets out the Council's commitment to undertake consultation with the local community regarding planning issues, and its expectation that developers will consult the community regarding their proposals. In particular, it outlines the expectation that where a major development is proposed, the developer will carry out meaningful consultation with local residents, interest groups and statutory consultees at an early stage.
- 8.2 Pre-application engagement with the appropriate RCBC officers has taken place regarding planning, ground conditions/environmental health and surface water management. Informal pre-application engagement has also taken place with the Environment Agency and Natural England who are statutory consultees for the application. Pre-application consultation with the community has not been undertaken for a number of reasons.
- 8.3 First and foremost, the proposals are considered to form an early part of the delivery of the South Tees Regeneration Programme in line with the published Master Plan, which was itself subject to extensive public consultation in 2017 alongside the first draft of the South Tees Area SPD³. The consultation was carried out by RCBC, who directly notified the 2,700 contacts on their consultation database, advertised the consultation in the local press and held a series of public exhibitions were also held in the local area and beyond. A total of 54 responses were received to the consultation and changes were made to SPD accordingly.
- 8.4 Furthermore, and as set out in section 6, the areas identified for the temporary storage mounds are remote from local communities and the nature of the proposals means that they are unlikely to give rise to any adverse effects on amenity.
- 8.5 In any event, the application will be subject to statutory publicity and consultation procedures associated with the consideration of planning applications as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. As such, it is considered that the community will have had satisfactory notification of the proposals and opportunity to comment to the Local Planning Authority.

³ At the time of consultation the SPD was known as the South Tees Master Plan SPD

9.0 Conclusions

9.1 The application proposes engineering works associated with ground preparation for redevelopment of land within South Tees Development Corporation's constitutional boundary. The application seeks permission for operations associated with two distinct elements of the ground preparation works. Firstly, for the temporary storage of suitable soils in mounds, and secondly for their final use in the remediation and preparation of land for redevelopment in line with the published South Tees Regeneration Master Plan.

9.2 The soils arise from the excavation of the tunnels forming the conduit for the Sirius Material Transport System, connected with the Woodsmith Polyhalite Mine project. Soils emanating from tunnel head located on the Sirius site at the Wilton International Complex will be transported to the application site entirely off the public road network and, therefore, such a proposal will have no direct impacts on public highways.

9.3 In summary:

- the majority of the application site is allocated, in the Local Plan, for employment uses and suitable employment related sui generis uses, with specific policy support for proposals which positively contribute towards growth and regeneration;
- the application site and its surroundings have historically been in heavy industrial use, and remain industrial in character;
- the introduction of soil storage mounds, and the subsequent use of the stored soils in ground remediation and preparation will not introduce anything incongruous in scale or nature into the existing industrial landscape;
- the soils, emanating from the nearby Sirius tunnel head located at the Wilton International Complex, will be transported to the application site entirely off the public road network and, therefore, the proposal will not affect any public highways;
- the proposed operations would not adversely impact upon international and national habitat designations due to the distances involved and the nature of the application proposals; and
- flood risk/surface water management and ground conditions/contamination have been appropriately assessed and mitigation identified where necessary.

9.4 This statement has demonstrated that the proposal is in accordance with the policy aims and objectives of the Development Plan as a whole. It would pave the way for STDC to implement the regeneration they are committed to in the published Master Plan, which is supported by the South Tees SPD and the Redcar and Cleveland Local Plan.

9.5 It has also been shown that, overall, the proposals constitute sustainable development in the context of the NPPF and will enable the delivery of much need economic regeneration and employment development in the South Tees area.

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