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Redcar & Cleveland Borough Council  
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TS10 1RT

**Our ref:** NA/2019/114630/01-L01  
**Your ref:** R/2019/0427/FFM  
**Date:** 8 August 2019

Dear David

**DEMOLITION OF STRUCTURES AND ENGINEERING OPERATIONS ASSOCIATED WITH GROUND PREPARATION AND TEMPORARY STORAGE OF SOILS AND ITS FINAL USE IN THE REMEDIATION AND PREPARATION OF LAND FOR REGENERATION AND DEVELOPMENT LAND AT FORMER SOUTH BANK WORKS; GRANGETOWN PRAIRIE; BRITISH STEEL AND WARRENBY AREA**

Thank you for referring this application which we received on 10 July 2019. We have reviewed the documentation and have the following comments to make.

**Environment Agency Position**

**Flood Risk**

The proposed application will only meet the National Planning Policy Framework's requirements if the following planning **condition** is included.

**Condition**

The work will be carried out in accordance with the submitted flood risk assessment and drainage strategy (June 2019, wood) and consistent with the layout identified in *STDC-SCW-XX-PLA-0002 Materials Storage Site Location Plan with mounds*.

- The storage mounds must be sited exclusively in Flood Zone 1

**Reason**

To prevent flood flows from being displaced and prevent increased risk of flooding elsewhere.

**Environmental Permitting Regulations Permits - informative**

**Temporary Storage**

**Grangetown Prairie:** The proposed mounds in this area are outside of the boundary of existing EPR permits regulated by the installations team.

**Metal Recovery Site:** The proposed mound is within the permitted area of EPR permit PP3338MT. The permit issued to Harsco Metals Group Limited is still live and there are some operations relating to slag and metal recovery still being undertaken by Harsco and their subcontractors. These operations are helping to reduce the amount of waste left on site following closure of steel making operations and should be allowed to continue.

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Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
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**Warrenby Landfill Area:** The proposed mounds in this area are outside of the boundary of existing EPR permits regulated by the installations team.

### Permanent restoration

**Warrenby and Grangetown Prairie:** These are outside of areas with EPR permits regulated by the installations team.

**South Bank:** Some of this area is within the area covered by EPR permit JP3638HM held by SSI UK Ltd (in liquidation). Parts of this area are also within a COMAH upper tier establishment. The operator of the COMAH establishment is South Tees Site Company Ltd. They are about to begin a phased decontamination project with the aim of removing contaminated residues in pipes, vessels, sumps and other structures with the aim of being able to demonstrate that the site is no longer subject to the COMAH regulations. These decontamination operations should be completed prior to any demolition or longer term restoration of the site.

**Lackenby:** The restoration area proposed is assumed to be shown by Drawing STDC-SIZ-LA-PLA-001. Within this area there are two small areas which are within the boundary of EPR permits held by Harsco Metals Group Ltd (FP3338MT) and British Steel UK Ltd (in administration) (FP3436AT).

See generic note relating to **Restoration of land subject to EPR permit:**

Prior to commencement of any operation to store or permanently use soil for restoration on any part of the site covered by an EPR permit the Environment Agency will need to be satisfied that the necessary measures referred to in paragraph 14 of Schedule 5 of the Environmental Permitting (England and Wales) Regulations 2016 have been taken.

#### Surrender applications

14.—(1) The regulator must accept an application for the surrender of an environmental permit in whole or in part under regulation 25(2) if it is satisfied that the necessary measures have been taken—

(a) to avoid a pollution risk resulting from the operation of the regulated facility and, in the case of a permit authorising the carrying on of a flood risk activity (in whole or in part), to avoid any of the risks specified in sub-paragraph (3), and  
(b) to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.

(2) Sub-paragraph (1) does not apply to an application for the surrender of any part of an environmental permit (or if applicable, the whole permit) that authorises the carrying on of a radioactive substances activity at a nuclear site.

(3) The risks specified in this sub-paragraph are—

- (a) risk of flooding;
- (b) risk of harm to the environment;
- (c) risk of detrimental impact on drainage.



### **Land & Water - informative**

*The Flood Risk Assessment and Drainage strategy, Section 5 Sediment Management*, states the contractor will be required to follow a Construction Environment Management Plan. It also states that a discharge of contaminated surface water may need a discharge permit. The stockpiles of soil are to be imported and be used for land remediation, and therefore we would not expect any contamination. Any contaminated soils identified on site as part of the works should be removed off site for appropriate disposal. If the applicant intends to treat contaminated soils on site that is likely to be a waste permitted activity. It is not clear if the imported soil is classed as clean or contaminated.

*Section 5* states that if a permit is required, it will take up to 20 days to be approved. We advise that it will take much longer than that for any permit required, and the applicant should therefore be aware of this.

*Section 5.2* also states that secondary methods to minimise silt loss, such as covering the storage mounds and using geotextile silt fencing at the toe of storage slopes, could be used. These options should be encouraged as best practice to minimise silt loss at source, rather than reliance on methods to remove silt loss from the surface water.

### **Groundwater & Contaminated Land - Advice to LPA**

This development site will have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters.

We recommend that the applicant refers to our published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that the applicant consult with Environmental Health / Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 170 of the National Planning Policy Framework.

### **Waste – informative to applicant**

We would advise the applicant to consult the local area office to discuss the implications of the proposed temporary storage of materials on Warrenby Landfill Site. No material must be stored on the landfill site until approval is granted by the Environment Agency. Please contact the local area officer: [NE-Waste@environment-agency.gov.uk](mailto:NE-Waste@environment-agency.gov.uk)

The Technical Note - *Storage of imported soils for land remediation* further mentions the variation of the landfill permit from the current permit holder Tata to STDC. This would not be a variation but would require a transfer permit application. The applicant may consider seeking pre application advice from the Environment Agency concerning this proposed transfer and potential permitting implications across the **whole** proposed scheme.



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Please be aware as of the 1<sup>st</sup> April 2018 the pre application process has changed. Any pre application queries are now coordinated by the Permitting and Support Centre (P&SC) for both simple and complex applications.

The basic level of pre application advice is free. If you require more in depth advice, an enhanced pre application service is available. The enhanced service costs £100 an hour plus VAT.

Please follow the link on the gov.uk website to the relevant pre application page and pre app form: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

The webpage further explains the basic and enhanced pre app and any associated costs. If you cannot access the form, please contact the Environment Agency and they will send a paper copy. Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk); Telephone 03708 506 506 (call charges).

Please contact me if you have any questions regarding this response.

Yours sincerely

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Planning Advisor

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