

Mr Adrian Miller  
Redcar and Cleveland Borough Council  
Development Management  
Redcar and Cleveland House  
Kirkleatham Street  
Redcar  
TS10 1RT

**Our ref:** NA/2020/114841/01-L01  
**Your ref:** R/2019/0767/OOM  
**Date:** 29 January 2020

Dear Adrian,

**OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE CONSTRUCTION OF AN ENERGY RECOVERY FACILITIES (ERF) AND ASSOCIATED DEVELOPMENT, GRANGETOWN PRAIRIE, LAND EAST OF JOHN BOYLE ROAD AND WEST OF TEES DOCK ROAD, GRANGETOWN.**

Thank you for referring the above planning application which we received 2 January 2020.

**Environment Agency position**

Having reviewed the details of this outline application we are satisfied that the development is acceptable in principle, subject to the submission and review of reserved matters, and have **NO OBJECTION**.

Beyond this, I have the following advisory comments to make:

**Requirement for an Environmental Permit – Advice to Applicant**

The proposed incinerator will require a permit under Schedule 5.1 Part A(1) of the Environmental Permitting Regulations (England and Wales) 2016. We will consider the following areas of potential harm when assessing the permit:

- Management - including accident management, energy efficiency, efficient use of raw materials and avoidance, recovery and disposal of wastes,
- Operations - including incoming waste and raw material management, waste charging, furnace types and requirements, validation of combustion conditions, combined incineration, flue gas recirculation, dump stacks and bypasses, cooling systems and boiler design,
- Emissions - to surface water, sewer and air, odour, noise and vibration, monitoring and reporting of emissions

Receiving pre-application advice will help the Applicant submit a good quality application that can be processed (determined) smoothly and quickly. If the Applicant wishes to request either basic (free), or enhanced (chargeable) pre-application advice, they should [complete the pre-application advice form](#).

**Movement of Waste Offsite – Advice to Applicant**

The application notes that there will be some waste that cannot be used after the energy recovery process.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste  
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materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England and Wales.

The law required anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found [here](#).

In order to meet the objectives of the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may with be hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

If you require any local advice or guidance please contact your local Environment Agency office.

### **Best Available Techniques (BAT) – Advice to Applicant**

Whilst the Environment Agency has no objections to this application based on the information available, we would like to draw the Applicant's attention to the following informative comments:

- The latest Waste Incineration Best Available Techniques Reference (BREF) document and inclusive BAT Conclusions (BATC's) will be published before the date of permit issue for the proposed development. Therefore the permit for the proposed development will be written with the latest BATC's and revised emission limits, which the development will need to comply with from the date of permit issue.
- The Environment Agency require all new proposed incineration facilities to be built Combined Heat and Power (CHP)-ready by imposing specific permit conditions. Environmental permit applications for these types of plants will therefore need to include a Best Available Technique (BAT) assessment for CHP-readiness. Permits for these plants are also likely to contain conditions that state opportunities to realise CHP should be reviewed from time to time. These opportunities may be created by building new heat loads near the plant, or be due to changes in policy and financial incentives that make it more economically viable for the plant to be CHP.

### **Water Abstraction – Advice to Applicant**

The submitted Environment Statement notes that "There are no proposed water abstractions for the site" therefore no licence should be required. However, if the Applicant does plan on temporary abstractions or dewatering of over 20,000 litres per day to enable the works a licence may be required. If they plan to abstract over 20,000 litres of water per day from the attenuation pond for any intervening purpose they may

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require an abstraction or transfer licence.

### **Water Framework Directive (WFD) and Biodiversity Net Gain – Advice to Applicant**

We agree with the conclusions of the WFD Assessment Report regarding the potential impacts and proposed mitigation of the proposed development relevant to adjacent waterbodies. The WFD should be updated upon submission of the reserved matters application having regard to the details of the proposal.

The proposed development site is located in an area of non-reportable waterbody under the Water Framework Directive (WFD). As such there is no specific monitoring that identifies the status of the water environment in this location or specific objectives that must be achieved. The general objectives of the WFD to prevent deterioration, protect and improve the ecological condition of waters does still apply to non-reportable waterbodies.

The site was formerly coastal grazing marsh associated with the Tees estuary. The development site has been heavily physically modified such that this original habitat has been lost in entirety and restoration is considered infeasible.

We encourage and support the proposal to provide on-site mitigation to improve the ecological condition. There are currently areas of open standing water within brownfield open mosaic habitat. We support the conclusions of the Ecology report dated 18 November 2019 which states:

- *Mitigation measure to include the safeguarding and enhancement of 5.73 Ha of Brownfield habitat, which is adequate to mitigate the loss of habitat, harm to priority species and to deliver a 10% biodiversity net*

We also support the notion that areas of open water habitat are preserved and incorporated into such mitigation.

### **Tees Estuary Habitat Vision – Advice to Applicant**

Should the applicant or operator wish to contribute to wider restoration of the Tees estuary to achieve WFD objectives and a Tees Estuary Habitat Vision then projects are currently operational with others in development. The applicant should contact Tees Rivers Trust and/or INCA as coordinator of the Tees Estuary Partnership.

We would welcome the opportunity to work with the Applicant, particularly in respect to the area safeguard for biodiversity value to ensure the area receives utmost potential, and aid in finalising details

Please consult us upon submission of the reserved matters.

Should you have any questions on this response or wish to discuss matters further, please don't hesitate to contact me,

Yours faithfully,

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