

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2020/0318/FFM
LOCATION: LAND AT PRAIRIE SITE GRANGETOWN
PROPOSAL: ENGINEERING OPERATIONS ASSOCIATED
WITH GROUND REMEDIATION AND
PREPARATION INCLUDING REMOVAL OF
FORMER RAILWAY EMBANKMENT AND
WORKS TO HOLME BECK AND KNITTING
WIFE BECK

APPLICATION SITE AND DESCRIPTION

Permission is sought for engineering operations associated with ground remediation and preparation including removal of former railway embankment and works to Holme Beck and Knitting Wife Beck on land at the Prairie Site on the South Tees Development Corporation Site, Grangetown.

The application site is comprised of the land known as 'Grangetown Prairie' as defined in the STDC Master Plan. The site is vacant brownfield land which is mostly free from built structures, although it was previously extensively occupied by buildings associated with its former use in the iron and steel making industry and freight rail infrastructure. A private internal road network is present across parts of the site providing links to the public road network at Tees Dock Road, Eston Road and into the Bolckow Industrial Estate. A redundant railway embankment of approximately 15m in height running in a north/south direction is present in the south western part of the site and is proposed to be removed as part of the works.

The site contains four electricity pylons and associated overhead electricity lines running along the north western and eastern edges of the site. An industrial pipeline, part of the Coke Ovens Gas Main, is present above ground on the southern and western parts of the site. Holme Beck runs in a north west/south east direction along the western edge of the site, with the southern end being open, and the remainder culverted underground. Knitting Wife Beck runs in a north/south direction across the eastern side of the site via an underground culvert.

The proposed engineering works will result in the creation of a suitable development platform for the future redevelopment of the site. Delivery of the future final use developments will require remediation and preparation of the ground, some of which is subject to contamination due to historic uses on the site. These works will include turnover of the made ground within the subsurface, removal and crushing of relic structures and obstructions, removal and treatment of environmental contamination as required and replacement of treated materials to formation levels for development.

An estimated dig depths plan has been submitted with the application that illustrates the maximum depths that ground could be excavated to across the site. The depths illustrated on the plan are considered to be maximum depths.

The railway embankment located in the south western part of the site will be removed to the ground level of surrounding areas and the ground underneath will then undergo the same approach to remediation as the rest of the site. It is proposed to use the treated excavated material as backfill for the ground preparation and formation of the development platform, and therefore it is not anticipated that there be any movement of material on to or off the site as part of the proposed works. The proposed development will result in the creation of a development platform between the height of 8.5m and 11.5m AOD where necessary in relation to surrounding ground levels.

The application has been accompanied by a site location plan and a 'dig depths plan'. The application has also been supported by the following documents;

- Cover letter/Planning Statement
- Contamination Report
- Desk Based Heritage Assessment
- Ecological Impact Assessment
- Habitats Regulation Assessment
- Outline Remediation Strategy
- Phase 2 Environmental Site Assessment
- Remediation Appraisal and Strategy

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICIES

National Planning Policy Framework (NPPF)

REDCAR & CLEVELAND LOCAL PLAN (2018)

SD1 Sustainable Development
SD3 Development Limits
SD4 General Development Principles
SD7 Flood and Water Management
LS4 South Tees Spatial Strategy
ED6 Protecting Employment Areas
N1 Landscape
N2 Green Infrastructure
N4 Biodiversity and Geological Conservation
TA1 Transport and New Development

OTHER POLICY DOCUMENTS

South Tees Area Supplementary Planning Document

PLANNING HISTORY

No relevant history relating to the application site however there are a number of other applications currently being considered across the wider STDC site.

RESULTS OF CONSULTATION AND PUBLICITY

The application has been advertised by means of a press notice, site notice and neighbour notification letters.

As a result of the consultation period one written response has been received raising the following comments;

- *Delighted to finally see this Prairie land being cleared and applaud the vision and commitment the STDC are showing to redevelop the old Steel works area*
- *Like clarification on the impact the removal of these sidings will have on the security and condition of our site during these works? Not only during demolition but thereafter once the works will be complete.*

Northumbrian Water

No comments to make regarding the drainage of the site, as no new connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we would request re-consultation.

Environment Agency

We have reviewed the submission and have NO OBJECTION to the development proposals subject to the following CONDITION.

In order to mitigate potential adverse effects, as noted within the South Tees Development Corporation, Prairie Site Remediation, Ecological Impact Assessment Issue | 24 June 2020, we would like to see the following condition:

Condition – Construction Environment Management Plan

No development shall commence until a Construction Environment Management Plan is submitted to, and agreed in writing by, the local planning authority. The Construction Environment Management Plan shall include the following:

- *Measures to control invasive plant species*

The Construction Environment Management Plan shall be implemented as approved.

Natural England

No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- *have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site <https://designatedsites.naturalengland.org.uk/>.*
- *damage or destroy the interest features for which the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI) has been notified.*

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- *The Phasing Plan and Construction Environmental Management Plan (CEMP) should be prepared in advance of any works on site commencing as described in the Habitats Regulations Assessment document.*

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Teesmouth and Cleveland Coast SPA and Ramsar site

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at

all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

In addition, Natural England would advise on the following issues.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes areas of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (paragraph 118) states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Natural England notes that the development will result in a loss of open mosaic priority habitat, which will be subsequently mitigated for through measures in the forthcoming Environment and Biodiversity Strategy for the wider South Tees Development Corporation area.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please contact me on 0208 0265533 or andrew.whitehead@naturalengland.org.uk.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Ramblers

The Ramblers have no objection to the proposal, providing that free and safe access to the Teesdale Way path is guaranteed whilst work is in progress.

MMO

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area

management, marine emergencies, fisheries management and issuing European grants.

Northern Power Grid

Thank you for your enquiry dated 16/07/2020 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

Network Rail

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met,

Cleveland Police ALO

In relation to this application, applicant is welcome to contact me for any advice, guidance I can offer in relation to this proposal.

North East Archaeological Research

In light of the above observations our recommendation is the same as that for the previous application relating to the ERF facility on the western part of the site, that a condition be attached to any planning permission granted as follows.

(a) No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved in writing by the local planning authority. The WSI shall as a minimum make provision for:

- Before remediation or development commences, archaeological evaluation of borehole and trenching data*
- Before remediation or development commences, initial archaeological survey (drawn and photographed) of the whole application site, with particular emphasis on the remains the subject of preservation in situ*
- Where practical and before remediation or construction works takes place on site an archaeological strip, map and sample of remains of high significance suggested by the borehole/trenching data, or observed during the initial survey*
- An archaeological watching brief of all ground disturbance during the remediation works and during construction groundworks in areas identified as archaeologically sensitive*
- Protection during development, followed by consolidation and preservation of high value remains left in situ*
- a general programme of works and monitoring arrangements, including reasonable notification to the local planning authority of commencement of works*

- details of staff involvement in carrying out the work (including specialists), and their qualifications and responsibilities
- the timetable for completing post-excavation assessment.

(b) Provision for the analysis, archiving and publication of the results of the archaeological surveys and excavations shall be secured to the satisfaction of the local planning authority by the developer before the development is brought into use.

(c) The development shall not without the prior written approval of the local planning authority be carried out otherwise than in accordance with the approved WSI, and the consolidation and preservation of on-site remains as provided for in the WSI (or as otherwise agreed at any time in writing by the local planning authority) shall be secured by the developer and/or landowner on an on-going basis.

REASON: The site contains remains of significant archaeological interest, some of which merit preservation in situ

Stockton Borough Council

No objection

Middlesbrough Borough Council

No objections

Redcar and Cleveland Borough Council (Development Engineers)

The Local Highway Authority have no objection in principle to this application. However, within the information provided there is no indication of what traffic is likely to be generated in relation the activities that are to be carried out (i.e. the removal of the railway embankment and the treatment of the contaminated land) There is also no indication of the haul route and accesses to be used.

In order to assesses its impact on the highway network it would be helpful for this further information to be provided.

Redcar and Cleveland Borough Council (PROW)

The Teesdale Way historic trail lies along the outside of the northern boundary of the site. No work should be undertaken close to the northern boundary that risks undermining the ground outside the boundary. If any work is to be undertaken close to the boundary, contact should be made with the acting Public Rights of Way Officer at the Council in advance.

Redcar and Cleveland Borough Council (Local Lead Flood Authority)

It is acknowledged that main aspect of the application is for remedial and preparation works to take place on site to allow for the site to be developed at a later date. As such this element is compliant with policy SD7 in that there is no increased flood risk.

It is confirmed that at this stage any works required to be carried out to the two becks running through the site (Holme Beck and Knitting Wife Beck) have not been identified. The LLFA are happy to negotiate an appropriately worded condition to allow for details to be submitted at discharge of condition stage prior to any alterations being carried out to the becks.

Redcar and Cleveland Borough Council (Environmental Protection) (Contaminated Land)

I note that a Phase 2 Environmental Site Assessment, Remediation Strategy Report, Remediation Operations Appraisal and Remediation Strategy Report and Detailed Conceptual Site Model Review and Risk Assessment (Arcadis) and Outline Remediation strategy (Wood) has been submitted in support of this application.

These reports are limited to the protection of future commercial users and not for any construction workers involved with any engineering works.

The works will include turnover of the made ground and removal with crushing of any relic structures together with treatment of ground contamination noted within the reports presented. It is proposed to treat and replace excavated material to use as backfill for the formation of a building platform together and site won and imported clean cover soils will be placed under a controlled methodology, mainly driven by geotechnical requirements, to form the development platform. Therefore, the materials are likely to be put down in compacted layers to satisfy these requirements

The above reports have identified areas of know contamination however the Detailed Conceptual Site Model Review and Risk assessment has indicated that, with the resultant remediation future commercial users will not be at risk; although it is noted that some areas of gross contamination will need to be treated or even removed from site.

The site has been well investigated but as with all site investigations there are data gaps and unforeseen contamination may be found during the engineering works.

The report states that a construction phase environmental management plan (EMP) will be prepared for the works for controlling and monitoring the following aspects of the Works including:

- *Waste Management Procedures*
- *Noise and vibration*
- *Air quality and dust management*

- *Any ecological mitigations required*
- *Surface water drainage*
- *Spills and environmental releases*
- *Monitoring and measuring procedures*
- *Relevant policies, legal requirements and key stakeholders*

Asbestos has been found around the site and in some instances in close proximity to neighbouring commercial operations. The remediation and ground preparation will generate dust potentially liberating asbestos into the air which could affect neighbouring commercial operations.

In order to minimise the environmental impact, I would recommend the inclusion of the following conditions onto any planning permission which may be granted:

- *In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.*

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

Following completion of the development a report must be submitted confirming that unexpected contamination was not encountered during the development

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- *Prior to commencement of any engineering works, a detailed EMP shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the engineering works period. The Statement shall provide the following as stated in the ROA and remediation strategy;*
 - *Waste Management Procedures (including any offsite movement of waste material)*
 - *Noise and vibration*
 - *Air quality and dust management (to include the management of potential airborne asbestos)*
 - *Any ecological mitigations required*
 - *Surface water drainage*

- *Spills and environmental releases*
- *Monitoring and measuring procedures*
- *Relevant policies, legal requirements and key stakeholders*

REASON: To protect and to ensure that the development can be carried out safely without unacceptable risks to workers, or commercial neighbours.

Final Response – 04/09/2020

With reference to the above planning application, I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows:

I note that a phase 2 environmental assessment addendum has been submitted in further support of this application.

The addendum contains additional site data and site characterisation not available at the time of issue of the above report due to restrictions pertaining to Covid-19.

The additional sampling and investigation has identified that further gas monitoring is necessary, elevated arsenic and total cyanide, asbestos (amosite) detected in soils and further exceedances against UK Drinking Water Standards (DWS) have been detected in groundwater.

The assessment states that

“In light of the additional data collected and presented in this report, refinement of the existing CSM for the site is considered warranted.” For both Human health and groundwater.

In order to minimise the environmental impact, I would recommend amending my previous condition relating to unexpected contamination to include the full Contaminated Land condition and also reiteration of the following condition onto any planning permission which may be granted:

- *Prior to commencement of any engineering works, a detailed EMP shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the engineering works period. The Statement shall provide the following as stated in the ROA and remediation strategy;*
- *Waste Management Procedures (including any offsite movement of waste material)*
- *Noise and vibration*
- *Air quality and dust management (to include the management of potential airborne asbestos)*
- *Any ecological mitigations required*
- *Surface water drainage*
- *Spills and environmental releases*

- *Monitoring and measuring procedures*
- *Relevant policies, legal requirements and key stakeholders*

REASON: To protect and to ensure that the development can be carried out safely without unacceptable risks to workers, or commercial neighbours.

Redcar and Cleveland Borough Council (Environmental Protection) (Nuisance)

Noise /vibration and dust minimisation will be covered by the submission of a Construction Phase Environmental Management Plan as part of the remediation strategy with a condition recommended for the submission of a detailed plan, therefore I have no objections to the above proposal.

CONSIDERATION OF PLANNING ISSUES

The main considerations in the assessment of the application are;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety
- The impacts on Flood Risk
- The impacts on Ground Conditions and Contamination
- The impacts on Ecology

The principle of development

The application site is located within the development limits and within a predominantly industrial/commercial area. The principle of the remediation of the site and the removal of the railway embankments is acceptable and the proposal accords with the aims of policy SD3 of the Redcar and Cleveland Local Plan.

The application site 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 application is for the remediation and removal of redundant railway embankments to allow for the preparation of the site to facilitate future development at the site. It is therefore considered that the proposed development would contribute towards industrial development in the short to medium term and compliance with Policy ED6.

The development proposal is wholly in accordance with South Tees SPD and it will facilitate the delivery of significant investment in the economy of the borough, which meets the vision and policy objectives of the Local Plan.

The principle of the development is acceptable and the proposal accords with the aims of policies SD3 and LS4 of the Redcar and Cleveland Local Plan and the South Tees SPD.

The impacts on the character and appearance of the area

The application site is surrounded almost entirely by existing industrial land and various commercial uses. The proposed works mainly involve the remediation of the site through the digging down and processing of the soils and materials on the site. The proposed works also involve the removal of the former railway embankment. Given that the proposed works are to provide a development site suitable for future development it is considered to have limited impacts on the character and appearance of the area.

It is accepted that the development will alter the appearance of the site in the short term during the operations associated with the works, the changes are not considered to be so significant or detrimental to the area that would require planning permission to be refused.

The proposal is suitable in relation to the proportions, size, scale and the application would respect the character of the site and its surroundings. The application accords with part j of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on neighbour amenity

The application site is surrounded almost entirely by existing industrial land and various commercial uses. Given the nature of the proposed development it is considered that there are limited receptors whose amenity might be affected by the proposed development.

The impact of any future development that will come forward on the remediated site will be assessed and where necessary mitigated against when those applications are received.

The development would not have a significant adverse impact on the amenity of occupiers of existing buildings and the proposal accords with part b of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on highways safety

The application has been considered by the Council's development engineers with regard to the impact of the development on the local highway network. No objection has been received from the development engineers with regard to the principle of the proposed development, however a query has been raised with regard to the traffic generation associated with the development and the haul route and accesses that are to be used to serve the site.

These comments are noted however it is considered given the access to the surrounding highway network including the A66 and A174, the traffic

associated with the remediation of the site would not have a significant adverse impact on the surrounding area. It is also considered that through the proposed CEMP, there will be control of certain highway matters relevant to the queries raised.

No issues have been raised with regard to the impact of the of the development on near by PROW.

The application subject to conditions raises no issues in terms of highways safety and the application accords with part p of policy SD4 and policy TA1 of the Redcar and Cleveland Local Plan.

The impacts on Flood Risk

The application is for the remediation of the site with no end use development at this point. The LLFA have acknowledged that main aspect of the application is for remedial and preparation works to take place on site to allow for the site to be developed at a later date. It is therefore considered that this element of the proposal is compliant with policy SD7 as there is no increase to flood risk.

It is also noted that the description of development makes reference to potential for works to take place to Holme Beck and Knitting Wife Beck. It is detailed within the application that at this stage any works required to be carried out to the two becks running through the site have not been formally identified. Given the uncertainty as to the need for works, or the final details of such works, it is suggested that a condition be attached to any approval that would require to be discharged in advance of any works taking place. Discussions have taken place with the applicant with regard to the wording of such a condition.

The development would not have a significant adverse impact on flood risk and the proposal accords with policy SD7 of the Redcar and Cleveland Local Plan subject to the imposition of the proposed condition relating to the any future works to the two becks that run through the site.

The impacts on Ground Conditions and Contamination

The application has been considered by the Council's environmental protection section with regard to both contamination and nuisance.

The application has been supported by the following documents; Phase 2 Environmental Site Assessment, Remediation Strategy Report, Remediation Operations Appraisal and Remediation Strategy Report and Detailed Conceptual Site Model Review and Risk Assessment (Arcadis) and Outline Remediation strategy (Wood). During the consideration of the application an addendum to the Phase 2 Environmental Site Assessment has been submitted and considered in the assessment of the application. Having considered the content of the submitted documentation, the Council's environmental health officers advise that the additional sampling and

investigation that has been submitted in the addendum has identified that further gas monitoring is necessary, elevated arsenic and total cyanide, asbestos (amosite) detected in soils and further exceedances against UK Drinking Water Standards (DWS) have been detected in groundwater. The assessment goes on to state that *'In light of the additional data collected and presented in this report, refinement of the existing CSM for the site is considered warranted for both Human health and groundwater.'* As a result of these findings it has been suggested that a condition be attached to any approval. The wording of the condition has been agreed with the applicant in advance of the application being determined.

With regard to the generation of any nuisance, consideration has been given to the generation of noise, dust and vibration from the proposed works. It has been agreed that these matters can be dealt with by way of a suitably worded planning condition in the form of a Construction Environmental Management Plan. The wording of the condition has been agreed with the applicant in advance of the application being determined.

The proposed development subject to the implementation of the suggested conditions, the proposal accords with parts b d and n of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on Ecology

The application is supported by an Ecological Impact Assessment which includes a Biodiversity Net Gain Assessment as well as a Habitats Regulations Assessment which have been prepared by ARUP.

A desk study has been undertaken as part of the assessment to identify all internationally and nationally designated sites within 5km, non-statutory designated sites within 2km and protected and notable species within or immediately adjacent to the proposed development site.

Designated Sites

The proposed development site does not have any designated nature conservation sites within or immediately adjacent to the red line boundary, however, there are designated nature conservation sites within 2-5km of the proposed development site. These comprise of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar site, National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI).

Teesmouth and Cleveland Coast SPA and Ramsar

The proposed development work includes potentially daylighting the Holme Beck, Cross Connector and/or Knitting Wife Beck culverts which are considered to be hydrologically connected to the River Tees. Due to the potential for an impact to an internationally important site and its qualifying features, a Habitats Regulations Assessment (HRA) has been completed as

required under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and submitted in support of the application.

The HRA of the proposed development site contains both Stage 1 and Stage 2 of the HRA process and therefore discusses appropriate mitigation measures to ensure the proposed development works would not give rise to an adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar.

The HRA Stage 1 assessment identified that during remediation, there is the potential for contaminated soil or accidental pollution to enter either the Holme Beck watercourse and/or the Cross Connector and Knitting Wife Beck culverts.

Any accidental pollution events or contamination of the watercourse could:

- destroy and/or disturb the habitats used by the qualifying features of the SPA and Ramsar site (bird species identified in Section 5.2.1) for foraging, commuting and/or roosting; and/or
- kill invertebrate species that are a foraging resource for the qualifying features.

The report concluded that at the current time, and in consideration of the current construction and operational components of the proposed development, it is assumed that there will be no adverse effects on the Teesmouth and Cleveland Coast SPA and Ramsar as a result of the proposed development subject to mitigation in the form of a CEMP and phasing plan. The requirement of the CEMP and phasing plan can be achieved by way of a suitably worded planning condition that has been agreed by the applicant/agent.

Teesmouth and Cleveland Coast SSSI and NNR

As outlined in the HRA, the only impacts brought forward for assessment were pollution impacts from the remediation of the proposed development site, specifically from the hydrological connection of the watercourse within the proposed development site to the Teesmouth and Cleveland Coast SPA and Ramsar. As the Teesmouth and Cleveland Coast SSSI and NNR are within the same boundaries as the SPA and Ramsar, they are also considered to be hydrologically connected to the Holme Beck, Cross Connector and Knitting Wife Beck and thus subject to the same potential impacts.

Therefore, the main impact that has the potential to significantly impact designating features of the Teesmouth and Cleveland Coast SSSI and NNR is construction related pollution. The required mitigation in the form of the CEMP and Phasing Plan as required through the HRA process is considered to be sufficient to ensure the proposed development works do not impact the SPA and Ramsar, as well as the SSSI and NNR.

Habitats

An assessment has been made of the habitats on site with the only Habitat of Principal Importance being Open Mosaic Habitat and this is considered to be of local importance and has therefore been scoped in for further assessment.

The site has been assessed with regard to the value of habitats within the development site to allow consideration of biodiversity net gain, although this is not yet mandatory within legislation. Policy N4 (Biodiversity and Geological Conservation) seeks to encourage biodiversity be considered at an early stage in the development process and net gains should be provided where possible.

The table below sets out the habitat types across the site and the quantum that is present at the site as well as their potential habitat unit value.

Habitat Type	Area (ha)	Total Habitat Units
Grassland – other neutral grassland	1.52	9.12
Grassland – modified grassland (poor)	0.13	0.26
Grassland – modified grassland (fairly poor)	0.28	0.84
Grassland – modified grassland (fairly poor)	1.42	4.26
Grassland – modified grassland (fairly poor)	0.85	2.55
Other woodland, broadleaved	0.42	3.7
Sea buckthorn scrub	2.19	14.55
Artificial unvegetated unsealed surface	6.64	0
Developed land, sealed surface	7.46	0
Sparsely vegetated land – ruderal/ephemeral (poor)	3.34	7.35
Sparsely vegetated land – ruderal/ephemeral (poor)	3.74	8.23
Sparsely vegetated land – ruderal/ephemeral (fairly good)	0.34	1.87
Sparsely vegetated land – ruderal/ephemeral (moderate)	6.82	30.01
Sparsely vegetated land – ruderal/ephemeral (fairly poor)	6.68	22.04
Sparsely vegetated land –	9.95	43.78

ruderal/ephemeral (moderate)		
Sparsely vegetated land – ruderal/ephemeral (moderate)	0.05	0.22
Urban – Open Mosaic Habitats on Previously Developed Land	1.27	23.05
Urban – Open Mosaic Habitats on Previously Developed Land	0.17	1.85

The proposed development is therefore considered to result in a loss of a total area of 53.27Ha. After the assessment of the habitats it has been calculated that 173.58 habitat units will be lost as a result of the development

The application also proposes potential works to Holme Beck, the cross connector culvert and Knitting Wife Beck. The table below sets out the habitat types associated with these areas and the quantum that is present at the site as well as their potential habitat value.

River Type	Length (km)	River Units
Holme Beck - Class 4 – River Naturalness Assessment Non-culverted section	0.15	1.2
Holme Beck - Class 4 – River Naturalness Assessment Culverted section	0.75	3
Cross Connector culvert - Class 4 – River Naturalness Assessment	0.31	1.24
Knitting Wife Beck culvert - Class 4 – River Naturalness Assessment	0.92	3.68

The matter of loss of habitat has been considered by both Natural England and the Environment Agency. Discussions have taken place between the applicant/agent, the LPA and the EA with regard to the potential to deal with the matter of compensatory habitat. A condition has now been agreed between all parties that links the requirement for compensatory habitat to be related back to the Environment and Biodiversity Strategy that is currently being prepared by STDC for the wider site. The condition allows for the flexibility of compensatory habitat either on site, off site or potentially through the habitat bank that is to be implemented nationally. This condition is therefore considered to appropriately deal with the matter of habitat loss on the site resulting from the proposed works.

Protected Notable Species

As part of the submitted Ecological Impact Assessment a data search with ERIC NE returned no historical records of protected or notable species within the proposed development site boundary.

The existing Preliminary Ecological Appraisal (PEA 2018) for the area details that the proposed development site and wider Grangetown Prairie does not support habitats suitable for otter, water vole, badger or reptiles and therefore these species were not considered further in this assessment of the site.

Great Crested Newt

As part of the 2018 PEA an environmental DNA (eDNA) survey was undertaken to determine if great crested newt (GCN) were present within the ponds. The tests came back negative and confirmed likely absence of GCN within the Grangetown Prairie site.

It is acknowledged that not all ponds within 500m of the proposed development site have been tested or surveyed for GCN, however the submitted documentation states that there are a number of barriers around the proposed development site that are considered substantial enough to limit the movement of GCN into the proposed development site.

It is also considered that the proposed development site and the associated terrestrial habitats are considered poor quality for GCN. It is also noted that no GCN have been recorded within 2km of the proposed development site.

As the proposed development site contains little to no suitable habitats for GCN and no populations are known within proximity to the proposed development site, GCN have been scoped out of further assessment as part of the application.

Common Toad

During the 2018 PEA survey common toad were observed to be using the ponds as breeding grounds. Common toad is a SoPI and listed on the Tees Valley Local Biodiversity Species List and this population of breeding common toad is considered to be locally important.

As a number of breeding common toad were recorded within the proposed development site and the proposed development site contains some suitable habitat for foraging and commuting of common toad, common toad were scoped in for further assessment.

The surrounding area, contains limited to no other suitable breeding habitat for this local toad population, therefore the loss of all ponds within the proposed development site will result in a significant adverse effect on the common toad population at the local level.

Bats

The habitats within the proposed development site have low potential for foraging bats. No structures or trees within the proposed development site are considered to have roosting potential. There are six historical records of bats within 2km of the proposed development site with the nearest record was an unconfirmed roost in 2010 over 1km south east of the proposed development site. Based on these considerations bats have therefore been scoped out of further assessment.

Birds

There is scattered scrub, modified and neutral grassland within the proposed development site that provides suitable nesting habitat for breeding birds.

The nesting bird checks undertaken by the applicant in May 2020 have identified active nests of a number of species set out within the Ecological Impact Assessment. All species listed within the Ecological Impact Assessment except for mallard, ring ouzel, shelduck, wheatear and whinchat have either been confirmed as nesting within the proposed development site or are considered by INCA highly likely to be nesting. The assemblage as a whole is of local importance and has been scoped in for further assessment, however due to their widespread nature and limited conservation status, blue tit, blackbird, chaffinch, common wood pigeon, goldfinch, great tit, moorhen, reed warbler and wren have been scoped out of further assessment. The remainder of the birds recorded within the proposed development site are discussed below.

The habitats within the proposed development site support a varied number of BoCC and locally important breeding birds. It is therefore considered that the loss of all habitats within the proposed development site will result in a significant adverse effect to breeding bird assemblage at the local level.

Brown Hare

The proposed development site consists of habitats suitable for supporting brown hare, although the sparse vegetation within the proposed development site means that in order to support brown hare this area of suitable habitat would have to be connected to a much larger area of suitable habitat in the wider STDC area.

Two brown hares were observed during the 2018 PEA survey within the proposed development site, however there was no evidence of burrowing. While an area the size of the application site is large enough in itself to support two hares in typical habitat, even within the proposed development site the sparse vegetation across much of the Grangetown Prairie means the development site would probably only form part of wider home ranges.

There are two historical records of brown hare within close proximity to the proposed development site, the nearest being approximately 200m west.

The proposed development site is considered to be part of a wider home range for these brown hares. Brown hare are a SoPI and listed on the Tees Valley Local Biodiversity Species List. This small population is of local importance and has been scoped in for further assessment.

The loss of this small area of sub-optimal grassland and scrub habitat will not result in a significant adverse effect on the locally important population of brown hare.

Invertebrates

The proposed development site is considered to have limited suitable habitat to support notable invertebrate species. The majority of soils within the proposed development site are compacted and are therefore unsuitable for most invertebrate species, such as solitary burrowing bees. There are two areas of OMH within the proposed development site, however these areas are small in size.

The proposed development site contains small areas of suitable foraging plant species such as bird's-foot trefoil for both dingy skipper and grayling butterfly. Both invertebrate species are known to breed within grassy tussocks which are limited within the proposed development site.

There were no historical records of protected or notable invertebrate species within 2km of the proposed development site, however this is considered to be due to lack of survey data rather than lack of species presence.

The loss of suitable foraging habitat within the OMH and sparsely vegetated land will result in a significant adverse effect to important population of dingy skipper at the county level.

The loss of small area of suitable feeding plants in the grassland and OMH will not significantly affect the locally important population of grayling.

Invasive Plant Species

The scrub within the proposed development site is dominated by sea buckthorn which is considered to be invasive within the Teesside area. Although native to Britain, and not listed on Schedule 9, it is not native locally and has caused deterioration of several valuable habitats locally as it spreads rapidly and shades out other species.

Measures to control the spread and removal of small-leaved cotoneaster need to be considered when working in areas where invasive species are present in order to remain legally compliant.

Control and/or removal of these species would be considered a positive.

Cumulative Effects

Two developments have been considered with regard to cumulative impacts. These developments include the Energy Recovery Facility to be located on Grangetown Prairie site and the Eston Road Highway Scheme. The following conclusions have been reached with regard to the cumulative effects of the proposed development in connection with these;

As the ERF will not be constructed at the same time as the remediation works and aims to implement sufficient enhancements to mitigate any residual impacts, it is therefore considered that there will be no cumulative impact from the proposed ERF development and the proposed development site.

Based on the information provided in the HRA it is considered that with implementation of a Phasing Plan and CEMP, there will likely be no significant effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar from the proposed development, either alone or in-combination with the Eston Road Highway Scheme.

Conclusions

Within the Ecological Impact Assessment the following summary has been provided with regard to impacts on designated sites, species and the summary of the Biodiversity Net Gain position.

In EcIA terms, following the implementation of a CEMP and Phasing Plan during construction, no significant effects are anticipated to the Teesmouth and Cleveland Coast SPA and Ramsar site, SSSI or NNR.

Without mitigation, the follow adverse significant residual effects remain:

- *The loss of 1.44ha of OMH will result in a significant adverse effect on the OMH resource, at the local level;*
- *Loss of breeding ponds within the proposed development site will result in a significant adverse effect on the common toad population at the local level;*
- *Loss of breeding and foraging habitat for the local bird population will result in a significant adverse effect on the breeding bird assemblage at the local level; and*
- *Loss of small area of suitable habitat for the population of dingy skipper of county importance, will have a significant adverse effect on the dingy skipper population at the county level.*

In terms of the BNG assessment, without mitigation, the proposed development is likely to result in a biodiversity loss of 173.58 biodiversity units.

It is likely that off-site compensation will be required to achieve a BNG. The approach for this will be detailed in the forthcoming STDC Environment & Biodiversity Strategy, which will coordinate the off-site compensation approach for all developments in the wider STDC site.

The proposed development is therefore considered to comply with policies SD4 (General Development Principles) and N4 (Biodiversity and Geological Conservation) of the Local Plan.

Other matters

A number of conditions have been suggested by the applicant relating to the development. These have been considered by the LPA and form part of the suggested conditions for the development. The draft conditions have been sent to the applicant for consideration and they have agreed to these.

CONCLUSION

The application proposes engineering operations involved in the remediation and restoration of the site to provide a suitable development platform within the South Tees Development site.

The works are considered to be of a scale and design that area suitable for the site and its surroundings. The site is within an area allocated for employment related development in the Local Plan and it is considered the works will help facilitate future developments at the STDC site.

The application raises no issues in terms of highway safety or impacts from traffic generation as a result from the works subject to the application of suitable conditions.

The application site is in relatively close proximity to sites of ecological importance and consideration has been given to the impacts of the development with regard to these designated sites as well as the more general ecological value of the site. The application has been supported by ecological survey work and an HRA, the recommendations of which are sought by way of planning conditions.

The application site while situated within Flood Zone 1 does also propose potential works to watercourses. These works are considered acceptable and are considered to result in an improvement to the water course quality. Conditions have been recommended to ensure the works carried out are appropriate and subject to their implementation there are not drainage issues from the development.

The proposed development is therefore considered to comply with policies within the NPPF and policies SD1 SD3 SD4 SD7 LS4 ED6 N4 TA1 and TA2 of the Redcar and Cleveland Local Plan.

RECOMMENDATION

Taking into account the content of the report the recommendation is to:

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not be begun later than the expiration of THREE YEARS from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (Dwg No. STDC-SIZ-GP-EWO-0009) received by the Local Planning Authority on 25/06/2020
Dig Depths Plan (Dwg No. 10035117-AUK-XX-XX-DR-ZZ-0075-03-Prairie_Rem_Ex) received by the Local Planning Authority on 25/06/2020

REASON: To accord with the terms of the planning application.

3. Any excavation works hereby approved shall not exceed the maximum depths of excavation as shown on plan ref. 10035117-AUK-XX-XX-DR-ZZ- 0075-03 received by the Local Planning Authority on 25/06/2020 unless otherwise agreed in writing with the local planning authority.

REASON: To accord with the terms of the planning application.

4. No phase of development shall take place until a Construction Environmental Management Plan (CEMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period of that phase. The CEMP shall include details of any phasing of the approved works across the site and shall demonstrate how the mitigation measures set out in the Habitats Regulations Assessment, Arup, dated 23 June 2020 have been incorporated in the construction methods. The CEMP shall also include the following details:

- i The method to be used to control the emission of dust, noise and vibration from construction works, including any details of any mitigation measures required;
- ii Measures to control the deposit of mud and debris on adjoining public highways
- iii Site fencing and security
- iv Temporary contractors' buildings, plant, storage of materials, lighting and parking for site operatives
- v The use of temporary generators
- vi The arrangement or turning of vehicles within the site so that they may enter and leave in forward gear
- vii A risk assessment of construction activities with potentially damaging effects on local ecological receptors including any measures to protect those receptors during construction

- viii Roles and responsibilities for the implementation of the CEMP requirements and measures.
- ix Measures to control invasive plant species

REASON: In the interest of neighbour amenity, highways safety and protection of sites of ecological value in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to construction details which are often the first works on site and relate to site preparation.

5. No phase of development shall commence until a scheme to deal with any site contamination within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to human health. Development shall only proceed in accordance with the approved scheme.

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to land contamination details which are often the first works on site and relate to site preparation.

6. Within 12 months of the grant of this planning permission, an Environment and Biodiversity Strategy shall be prepared and submitted to the local planning authority that confirms the feasibility of providing compensatory habitat equivalent to 173.58 Biodiversity Units, (including habitats identified as of High Distinctiveness in Table 4 of the Arup Ecological Impact Assessment, 24 June 2020) within the site and / or off-site, and the mechanisms for its provision and on-going management. That Strategy shall be approved by the local planning authority. Thereafter, and where compensatory provision is demonstrated within the Strategy to be feasible and deliverable, it shall be carried out in accordance with the Strategy prior to each phase of development commencing following the approval of reserved matters.

REASON: In the interest of the ecological value and long-term maintenance of the site in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

7. No phase of development shall take place until a written scheme of investigation (WSI) for archaeological work within that phase has been submitted to and approved in writing by the local planning authority. The WSI shall as a minimum make provision for:
- (i) Before remediation or development commences, archaeological evaluation of borehole and trenching data
 - (ii) Before remediation or development commences, initial archaeological survey (drawn and photographed) of the whole application site, with particular emphasis on the remains the subject of preservation in situ
 - (iii) Where practical and before remediation or construction works takes place on site an archaeological strip, map and sample of remains of high significance suggested by the borehole/trenching data, or observed during the initial survey
 - (iv) An archaeological watching brief of all ground disturbance during the remediation works and during construction ground works in areas identified as archaeologically sensitive
 - (v) Protection during development, followed by consolidation and preservation of high value remains left in situ
 - (vi) a general programme of works and monitoring arrangements, including reasonable notification to the local planning authority of commencement of works
 - (vii) details of staff involvement in carrying out the work (including specialists), and their qualifications and responsibilities
 - (viii) the timetable for completing post-excavation assessment.
- (a) Provision for the analysis, archiving and publication of the results of the archaeological surveys and excavations shall be secured to the satisfaction of the local planning authority by the developer before the development is brought into use.
- (b) The development shall not without the prior written approval of the local planning authority be carried out otherwise than in accordance with the approved WSI, and the consolidation and preservation of on-site remains as provided for in the WSI (or as otherwise agreed at any time in writing by the local planning authority) shall be secured by the developer and/or landowner on an on-going basis.

REASON: The site contains remains of significant archaeological interest, some of which merit preservation in situ.

REASON FOR PRE-COMMENCEMENT: A pre-commencement condition is required to ensure that no remains are disturbed or otherwise compromised by site excavation of other ground works.

8. Prior to any works being undertaken to any open or culverted watercourse within the site, details comprising engineering drawings including cross sections of the works shall be submitted to and approved

by the local planning authority. The works shall thereafter be carried out in accordance with those details.

REASON: To ensure the development is carried out in accordance with approved details relating to works involving the culvert.

9. There shall be no site vegetation clearance between March to the end of August unless the project ecologist has first undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

REASON: To conserve protected species and their habitat in accordance with policy N4 of the Local Plan.

STATEMENT OF COOPERATIVE WORKING

Statement of Co-operative Working: The Local Planning Authority considers that the application as originally submitted is a satisfactory scheme and therefore no negotiations have been necessary.

Case Officer	
Mr D Pedlow	Principal Planning Officer
<i>David Pedlow</i>	30 September 2020

Delegated Approval Signature	
Claire Griffiths	Development Services Manager
<i>Claire Griffiths</i>	30/09/2020