

## 5 LEGISLATION AND POLICY CONTEXT

### 5.1 Introduction

- 5.1.1 This chapter outlines the applicable legislative and policy objectives and requirements relevant to the merits of project providing the context which informs the preparation of the project including its design, inherent control measures, its environmental assessment, the need for any further mitigation measures, and the framework in which it will be consented. The procedural obligations and requirements of legislation, policies, and guidance are, where relevant, set out elsewhere in the Environmental Statement (ES).
- 5.1.2 The specialist topic chapters which collectively comprise the ES assess the policies, plans and proposals explained below. Legislation, policy and guidance relevant to each specialist topic is detailed within each chapter and its accompanying appendices.
- 5.1.3 Rather than assessing the development proposals against the policy framework, this chapter is to identify the most relevant policy and legislative framework.

### 5.2 Policy Framework

#### Introduction

- 5.2.1 Chapter 1 of the ES sets out the statutory requirements for the content of an ES. There is no explicit requirement in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) to make any reference to planning or environmental policy. Notwithstanding this, in accordance with good practice, the following provides a summary of the most relevant national and local planning policy against which this proposal will be determined.
- 5.2.2 The project has been prepared to be compliant with the provisions of section 70 (2) of the Town and Country Planning Act 1990 which requires that in determining applications for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as material to the application and, inter alia, and other material considerations; and, of section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires the determination of planning applications to be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2.3 It is not, however, intended to identify every aspect of policy and guidance relevant to the determination of the application within this chapter, only those matters which are particularly important in the preparation of the project and to inform a reasoned conclusion on the significant effects of the development on the environment. A fuller examination of planning policy is made within the Planning Statement which is submitted as part of the application.

#### Relevant Legislative Policy Framework

##### EU Waste Framework Directive 2008/98/EC

- 5.2.4 Article 1 of Directive 2008/98/EC lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste by reducing the overall impacts of resource use and improving the efficiency of use by adopting some objectives at the (EU) Community level, as set out in a number of Articles.

- 5.2.5 Article 4 adopts a waste hierarchy which shall apply a priority order in waste prevention and management legislation and policy, as follows:
- prevention
  - Preparing for re-use
  - recycling
  - other recovery, e.g. energy recovery; and
  - disposal.
- 5.2.6 Article 10 requires that Member States shall take the necessary measures to ensure that waste undergoes recovery operations, in accordance with Articles 4 (Waste Hierarchy) and 13 (Protection of Human Health and the environment).
- 5.2.7 Article 11 requires that Member States shall take measures, as appropriate, to promote the re-use of products and preparing for re-use including by encouraging the establishment and support of re-use and repair networks. It also requires that Member States shall take measures to promote high quality recycling, and take the necessary measures to achieve the following targets:
- by 2020, the preparing for reuse and recycling of waste materials from households and other origins similar waste to households to a minimum of 50% by weight;
  - by 2020, the preparing for re-use, recycling and other recovery of construction and demolition waste to a minimum of 70%
- 5.2.8 Article 13 requires that Member States shall take the necessary measures to ensure that waste management is carried out without endangering human health and the environment and in particular:
- without risk to water, air, soil, plants and animals;
  - without causing nuisance through noise or odours; and
  - without adversely affecting the countryside or places of special interest.
- 5.2.9 Articles 16 requires that Member States shall take appropriate measures to establish an integrated and adequate network of waste disposal installations and installations for the recovery of mixed municipal waste collected from private households. This includes where such collections also cover such waste from other producers in order to enable the Community as a whole to become self-sufficient in such installations, and to enable such waste to be disposed of or recovered in one of the nearest appropriate facilities.
- 5.2.10 Article 28 requires that Member States ensure competent authorities establish, in accordance with Articles 1, 4, 13, and 16, one or more waste management plans which shall set out an analysis of the current waste management situation in the geographical entity concerned; as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the Directive.

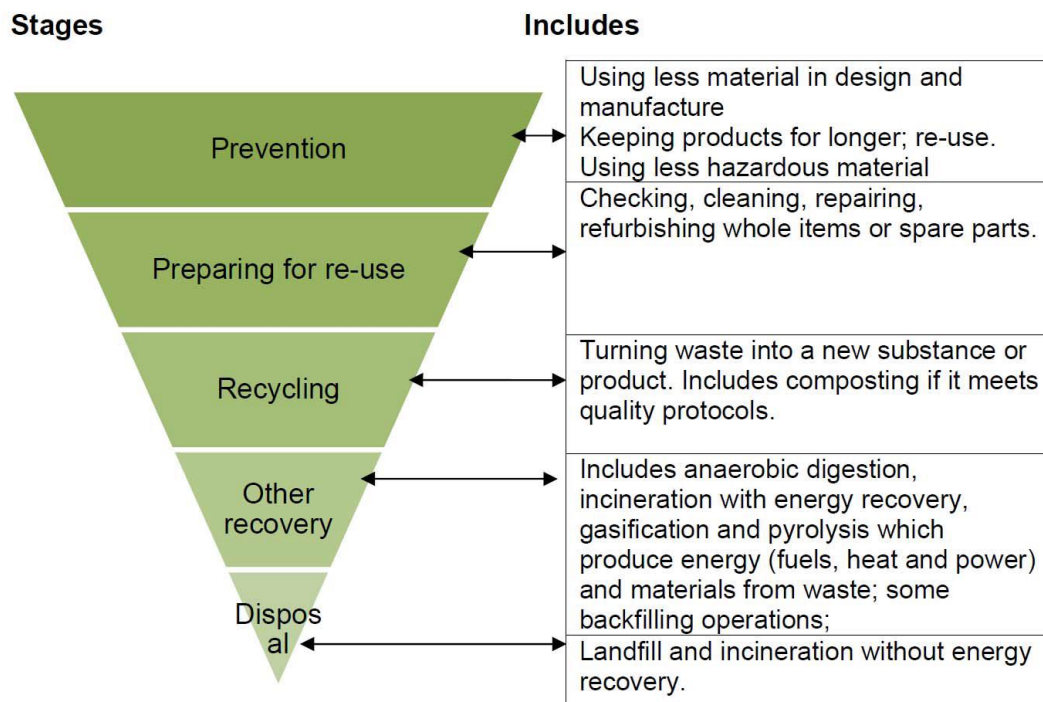
### **Waste (England and Wales) Regulations 2011**

- 5.2.11 Part 6 (18) of the Regulations require that a planning authority must have regard to the following provisions of the Waste Framework Directive when exercising its planning functions to the extent that those functions relate to waste management—
- (a) Article 13;

- (b) the first paragraph of Article 16(1), ignoring the words “in cooperation with other Member States where this is necessary or advisable” and “taking into account best available techniques”;
- (c) Article 16(2) and (3).

### Waste Management Plan for England 2013

- 5.2.12 The Waste Management Plan for England is a high-level document which is non-site specific. Together with local authorities’ local waste management plans, the WMPE fulfils the mandatory requirements in Article 28 of the revised Waste Framework Directive (WFD) requiring Member States to establish one or more waste management plans.
- 5.2.13 The key aim of the waste management plan for England is to set out working towards a zero-waste economy in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. This means using the “waste hierarchy” as a guide to sustainable waste management. The Plan recognises that the objectives of the Directive cannot be delivered by Government alone. It requires action by businesses, consumers, householders and local authorities.
- 5.2.14 In England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for reuse, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).



**Plate 3.1 The Waste Hierarchy**

- 5.2.15 The dividends of applying the waste hierarchy will not just be environmental. We can save money by making products with fewer natural resources, and we can reduce the costs of waste treatment and disposal.

- 5.2.16 As set out in the plan, the Government supports efficient energy recovery from residual waste – of materials which cannot be reused or recycled - to deliver environmental benefits, reduce carbon impact and provide economic opportunities.

### **Our Waste, Our Resources: A Strategy for England (2018)**

- 5.2.17 This document sets out a strategy to preserve the stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. It seeks to minimise the damage caused to our natural environment by reducing and managing waste safely and carefully.
- 5.2.18 Section 3.2 of the strategy highlights that currently England generates around 29 million tonnes of municipal residual waste per annum and that this is largely managed in three ways:
- sending it for energy recovery,
  - exporting it as a refuse-derived fuel (RDF); and
  - landfilling it.
- 5.2.19 Furthermore, Section 3.2 states that Landfill is the least preferred option given its environmental impact and long-lasting nature and states that the government continues to welcome further market investment in residual waste treatment infrastructure.
- 5.2.20 It further seeks to drive greater efficiency of Energy from Waste (EfW) plants by encouraging use of the heat the plants produce and encouraging the companies that run EfW plants to use the heat produced to improve their efficiency, and to help industry make the right decisions over infrastructure investment.
- 5.2.21 Government is striving to make non-Combined Heat and Power plants more efficient, by assessing and removing barriers to making use of heat produced when incinerating waste. The Department for Business, Energy and Industrial Strategy (BEIS) has a Heat Networks Investment Project, with a £320m capital fund, and working to ensure that this helps to utilise EfW plants as a source of heat for district heat networks where possible.
- 5.2.22 As part of the review of the Waste Management Plan for England in 2019, Defra has state that they will work with the Ministry of Housing, Communities and Local Government (MHCLG) to ensure that the Waste Management Plan for England and the National Planning Policy for Waste and its supporting planning practice guidance reflects the policies set out in this Strategy. This will consider how to ensure, where appropriate, future plants are situated near potential heat customers.
- 5.2.23 In addition, they will work closely with industry to secure a substantial increase in the number of EfW plants that are formally recognised as achieving recovery status and will ensure that all future EfW plants achieve recovery status.

## **Relevant National Planning Policy**

### **National Planning Policy Framework**

- 5.2.24 The National Planning Policy Framework (NPPF) published in February 2019 (Ministry of Housing, Communities and Local Government, 2019) sets out the Government’s planning policies for England and how these are expected to be applied (paragraph 1) and that it is a material consideration in planning decisions (paragraph 2).
- 5.2.25 Paragraph 7 of the NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out that achieving sustainable

development has three overarching objectives - economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways.

5.2.26 Paragraph 11 sets out the presumption in favour of sustainable development and its application for decision making. It states:

*“Plans and decisions should apply a presumption in favour of sustainable development.”.*

*For decision taking this means:*

*c) Approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

5.2.27 Paragraph 20 sets out that in line with this presumption, strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

5.2.28 These strategic policies (including those for waste management) should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure (paragraph 22); the broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map, and strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development including planning for and allocating sufficient Application Sites to deliver the strategic priorities of the area (paragraph 23).

5.2.29 Section 9 sets out the Government's policy for promoting sustainable transport. It sets out that transport issues should be considered from the earliest stages of development proposals, so that, inter alia, the environmental impacts of traffic can be identified and taken in account including appropriate opportunities for avoiding or mitigating impacts or for net environmental gains (Paragraph 102); that significant development should be focused on locations that are sustainable through amongst other things, limiting the need to travel (paragraph 103).

5.2.30 Paragraph 108 sets out that in assessing applications, amongst other matters, it should be ensured that opportunities to promote sustainable transport have been taken given the type of

development and its location, safe and suitable access to the Application Site can be achieved for all users, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be effectively mitigated to acceptable degree. Paragraph 109 is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on road network would be severe.

- 5.2.31 Section 11 sets out the Government's policy for Making effective use of land. It sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses (paragraph 117), and should, amongst other things, give substantial weight to the value of using suitable brownfield land within settlements for housing and other identified needs, support appropriate opportunities to remediate contaminated land, and promote and support the development of under-utilised land. Paragraph 122 provides that planning decisions should support development that makes efficient use of land, taking into account the desirability of managing an area prevailing character and setting or of promoting regeneration and change, and the importance of securing well designed, attractive and healthy places.
- 5.2.32 Section 12 sets out the Government's policy for Achieving well-designed places. It recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 124).
- 5.2.33 Paragraph 127 provides that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The paragraph continues to set out several criteria for good design, the most relevant considerations include:
- requiring that buildings are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
  - are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovations or change.
- 5.2.34 Furthermore, in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings (paragraph 131).
- 5.2.35 Section 14 sets out the Government's policy in respect of meeting the challenge of climate change, flooding and coastal change.
- 5.2.36 In respect of climate change it provides that the planning system should support the transition to a low carbon economy which should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, encourage the re-use of resources including the conversion of existing buildings, and support low carbon energy (paragraph 148). Plans should help to increase the use of, and supply of, low carbon energy and heat by, amongst other things, identifying opportunities for development to draw its energy supply from decentralised low carbon energy supply systems and for co-locating potential heat customers and suppliers.
- 5.2.37 Paragraph 151 sets out, amongst other matters, that to increase the use and supply of renewable energy and heat, development plans should provide a positive strategy for energy from those sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); and

identify opportunities to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

- 5.2.38 In respect of flood risk when determining planning applications, paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere and states that where appropriate, planning applications should be accompanied by a Flood Risk Assessment (FRA).
- 5.2.39 When determining planning applications for low carbon development it establishes that planning authorities should not require applicants to demonstrate a need for low carbon energy and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve the application if its impacts are or can be made acceptable (paragraph 154).
- 5.2.40 In respect of flood risk when determining planning applications, paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere and states that where appropriate, planning applications should be accompanied by a Flood Risk Assessment (FRA).
- 5.2.41 Section 15 provides the Government's policy on Conserving and enhancing the natural environment.
- 5.2.42 Paragraph 170 of the NPPF outlines how planning decisions should enhance the natural and local environment by, among other things:
- a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - c. preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
  - d. remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 5.2.43 In respect of Habitats and biodiversity, paragraph 175 sets out that in determining planning applications the following principles should be applied:
- a. if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative Application Site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - b. development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the Application Site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
  - c. development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

- d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

5.2.44 In respect of ground conditions and pollution paragraph 178 sets out that planning decisions should ensure:

- a. a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b. after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c. adequate site investigation information, prepared by a competent person, is available to inform these assessments.

5.2.45 The proposed REC would not lead to any significant residual adverse effects on ground conditions, or ground water quality with the implementation of remediation measures.

5.2.46 In addition, paragraph 180 sets out that planning decisions should ensure that new development is appropriate for its location taking account the likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, as well as the potential sensitivity of the Application Site or the wider area to impacts that could arise from the development. In doing so they should:

- a. mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b. identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c. limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

5.2.47 Section 16 concerns the Government's policy on Conserving and enhancing the historic environment.

5.2.48 It sets out that in determining applications, local planning authorities should require an applicant to describe the significance of the any heritage assets affected, including any contribution made by their setting (paragraph 189).

5.2.49 In considering potential impacts to designated heritage assets it requires that great weight should be given to a designated heritage assets conservation (and the more important the asset the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance (paragraph 193).

5.2.50 Furthermore, any harm to, or loss of, the significance of designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, and substantial harm to or loss of grade II listed buildings, or grade II registered parks and gardens should be exceptional, and to assets of the highest significance including scheduled monuments, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens and World Heritage Sites should be wholly exceptional (paragraph 194).



- 5.2.51 Paragraph 195 sets out that where a proposal would lead to substantial harm to (or the total loss of significance of) a designated heritage asset planning permission should be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm of loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.2.52 Paragraph 196 provides that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
- 5.2.53 Paragraph 197 requires harm to non-designated heritage assets is taken into account in determining applications taking a balanced judgment having regard to the scale of any harm and the significance of the asset.
- 5.2.54 The NPPF does not contain specific reference to waste as national waste policy is published alongside the National Waste Management Plan for England 2013 (Department for Environment, Food and Rural Affairs (Defra), 2013).

### **National Planning Policy for Waste (NPPW), 2014**

- 5.2.55 The National Planning Policy for Waste (NPPW) was adopted in 2014 (DCLG, 2014b), setting out detailed waste planning policy which seeks to deliver the Government's aims and the objectives of the Waste Management Plan for England (WMPE) (December 2013) (Defra, 2013). It sets out that its policies should be read in conjunction with the NPPF and that planning authorities should have regard to its policies in discharging their functions to the extent that they are appropriate to waste management (paragraph 1).
- 5.2.56 It recites that the WMPE sets out the Government's ambition to move towards a more sustainable and efficient approach to resource use and management; and that positive planning plays a pivotal role in delivering England's waste ambitions. This should be delivered through, amongst other things, the delivery of sustainable development and resource efficiency, including the provision of modern infrastructure, local employment opportunities and wide climate change benefits by driving waste management up the waste hierarchy. It also provides a framework in which communities and businesses are engaged with and take more responsibility for their own waste in line with the proximity principle (paragraph 1).
- 5.2.57 Paragraph 5 sets out that when assessing the sites for new or enhanced waste management facilities it provides that they should be assessed against each of the following criteria:
- The extent to which the Application Site or area will support the other policies set out in this document.
  - Physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B to the appropriate level of detail needed to prepare the Local Plan.
  - The capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

- The cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

5.2.58 Paragraph 7 confirms that “*when determining planning applications, authorities should only expect applicants to demonstrate quantitative or market need for new facilities where the proposals are not consistent with an up-to-date local plan*”.

5.2.59 It also advises, at para 7 that, in determining planning applications waste planning authorities should;

- recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
- consider the likely impact on the local environment and on amenity against the criteria set out in appendix B and the locational implications of any advice on health from the relevant health bodies;
- ensure that waste management facilities in themselves are well designed, so that they contribute positively to the character and amenity of the area in which they are located; and
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

5.2.60 Appendix B of the NPPW sets out criteria for selecting a suitable site for a waste facility in the preparation of Local Plans and in the determining of planning applications. The criteria include:

*“a. protection of water quality and resources and flood management...*

*b. land instability...*

*c. landscape and visual impacts...*

*d. nature conservation...*

*e. conserving the historic environment...*

*f. traffic and access...*

*g. air emission, including dust...*

*h. odours...*

*i. vermin and birds...*

*j. noise, light and vibration...*

*k. litter...*

*l. potential land use conflict...”*

## National Policy Statements

5.2.61 Whilst National Planning Statements (NPSs) are at the heart of the planning regime for Nationally Significant Infrastructure Projects, they are recognised as a material consideration in decisions in

the determinations of planning applications, as outlined at both para 5 of the NPPF and within NSP EN1 itself (paragraph 1.2.1) which states:

*“...In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis”*

### **Overarching National Policy Statement for Energy EN-1 (NPS EN-1)**

- 5.2.62 NPS EN1 (Department for Energy and Climate Change (DECC), 2011a) establishes an indisputable policy need for all types of energy infrastructure in order to achieve energy security and reducing carbon emissions (para. 3.1.1). It also sets out that without significant amounts of new large-scale energy, the Government’s energy and climate change objectives cannot be fulfilled (para. 3.2.3).
- 5.2.63 NPS EN-1 therefore concludes that there is an urgent need for new (and particularly low carbon) energy Nationally Significant Infrastructure Projects (NSIPs) to be brought forward as soon as possible and certainly in the next 10-15 years given the crucial role of electricity in decarbonising the UKs energy sector (paragraph 3.3.15).
- 5.2.64 In terms of renewable electricity generation, although the Government does not consider it appropriate for planning policy to set targets for or limits on different technologies (paragraph 3.1.2), the UK Renewable Energy Strategy (Department of Energy and Climate Change, 2009) commits to sourcing 15% of the UKs total energy from renewable sources by 2020 (paragraph 3.4.1). The paper also states that the large scale deployment of renewables will help the UK to reduce its emissions of carbon dioxide by over 750million tonnes by 2020 (paragraph 3.4.2) with Energy from Waste (EfW) identified as a means to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy, and to recover energy from that waste as electricity or heat (paragraph 3.4.3).
- 5.2.65 Energy from waste proposals can be used to generate ‘dispatchable’ power which would provide peak load and base load electricity on demand. It is recognised that as more intermittent renewable electricity comes onto the UK grid, the ability of EfW to deliver predictable, controllable electricity is increasingly important in ensuring the security of UK supplies (paragraph 3.4.4).
- 5.2.66 All applications seeking development consent for energy NSIPs should be assessed on the basis that the Government has demonstrated a need for those types of infrastructure and that the scale and urgency of that need is established in NPS EN1 (paragraph 3.1.3). Furthermore, substantial weight should be given to the contribution which projects would make towards satisfying that need (paragraph 3.1.4).
- 5.2.67 The policy expressed in NPS EN-1 in relation to non-strategic policies concerning detailed technical and assessment criteria is broadly consistent with that set out in the NPPF. It does, however, provide some relevant policy in respect of energy NSIP’s which are relevant to large scale combustion facilities below the NSIP threshold.
- 5.2.68 Section 5.2 of NPS EN1 sets out the policy in respect of the consideration of impacts from Air Quality and Emissions resulting from large scale energy infrastructure development.
- 5.2.69 It sets out that CO<sub>2</sub> emissions are a significant adverse impact from some types of energy infrastructure which cannot be totally avoided, but that the Government has determined that CO<sub>2</sub> emissions are not reasons to prohibit the consenting of projects which use these technologies or to impose more restrictions on them in the planning policy framework than are set out in the energy NPSs (paragraph 5.2.2). In addition, there does not need be any assessment of individual projects in terms carbon emissions against carbon budgets (paragraph 5.2.2).

- 5.2.70 Section 5.9 of the NPS EN1, discusses the generic landscape and visual impacts that might result as from energy infrastructure. The NPS recognises that the impacts will vary, depending on the type, location and context of the development (paragraph 5.9.1).
- 5.2.71 Paragraph 5.9.2 notes that cooling towers, exhaust stacks and the associated steam plumes have the most obvious impact on the landscape. The aim of the development is to minimise harm of the development on landscape and visual resources (paragraph 5.9.8).
- 5.2.72 Paragraph 5.9.15 recognises that the scale of such projects means that they are often visible within many miles of the location. The judgement to be made is “*whether any adverse impact on the landscape would be so damaging that is not offset by the benefits (including need) of the project.*” The NPS explains that the project should be designed carefully, taking into account the effects on landscape and taking into operational and other relevant constraints and should “minimise harm to the landscape, including by reasonable mitigation” (paragraph 5.9.17).
- 5.2.73 Different types of mitigation are explored in paragraphs 5.9.21 to 5.9.23. These include reducing scale, appropriate siting, design (including colours and materials) and landscaping schemes where possible. Offsite planting may be appropriate to mitigate long distance views.

### **National Policy Statement for Renewable Energy Infrastructure EN-3 (NPS EN3)**

- 5.2.74 Together with NPA EN-1, NPS EN-3 provides the primary basis decisions relating to nationally significant renewable energy infrastructure projects (paragraph 1.2.1) which include EFW generating more than 50MW (paragraph 1.8.1). Paragraph 1.2.3 confirms that NPS EN-3 is likely to be a material consideration in decision making on relevant applications that fall under the Town and Country Planning Act 1990.
- 5.2.75 Section 2.5 of NPS EN3 (DECC, 2011b) sets out the national policy in relation to renewable energy projects using biomass and waste combustion, including waste and residue management. It explains that the recovery of energy from the combustion of waste, where it is in accordance with the Waste Hierarchy, will play an increasingly important role in meeting the UKs energy needs and that where the waste burned is deemed renewable, this can also contribute to meeting renewable energy targets (para. 2.5.2).
- 5.2.76 Waste combustion plans are unlike other electricity generating power station in that they have two roles: the treatment of waste and the recovery of energy (para. 2.5.18).
- 5.2.77 Specific considerations for Efw facilities are that “*the proposed generating station is of appropriate quality and minimises adverse effects on the landscape character and quality*” (paragraph 2.5.47). Paragraph 2.5.50 notes that good design, including materials, will go some way to mitigating adverse landscape and/or visual effects. Paragraph 2.5.51 notes that “*mitigation is primarily achieved through aesthetic aspects of site layout and building design including size and external finish and colour of the landscape to minimise intrusive appearance in the landscape as far as engineering requirements permit.*”
- 5.2.78 NPS EN3 is clear that with reference to the generic provisions of Section 5.2 of NPS EN1, CO<sub>2</sub> emissions maybe a significant adverse impact of biomass/waste combustion plant and that policies in Section 2.2 of NPS EN1 will apply; and that there therefore does not need to be an assessment of individual applications in terms of carbon emissions against carbon budgets (paragraph 2.5.38).
- 5.2.79 With regards to landscape treatment applicants should seek to visually enclose facilities “at low level as seen from the surrounding external viewpoints. This makes the scale of the generating station less apparent, and helps conceal its lower level, smaller scale features. Earth bunds and mounds, tree planting or both may be used for softening the visual intrusion...” (paragraph 2.5.52).

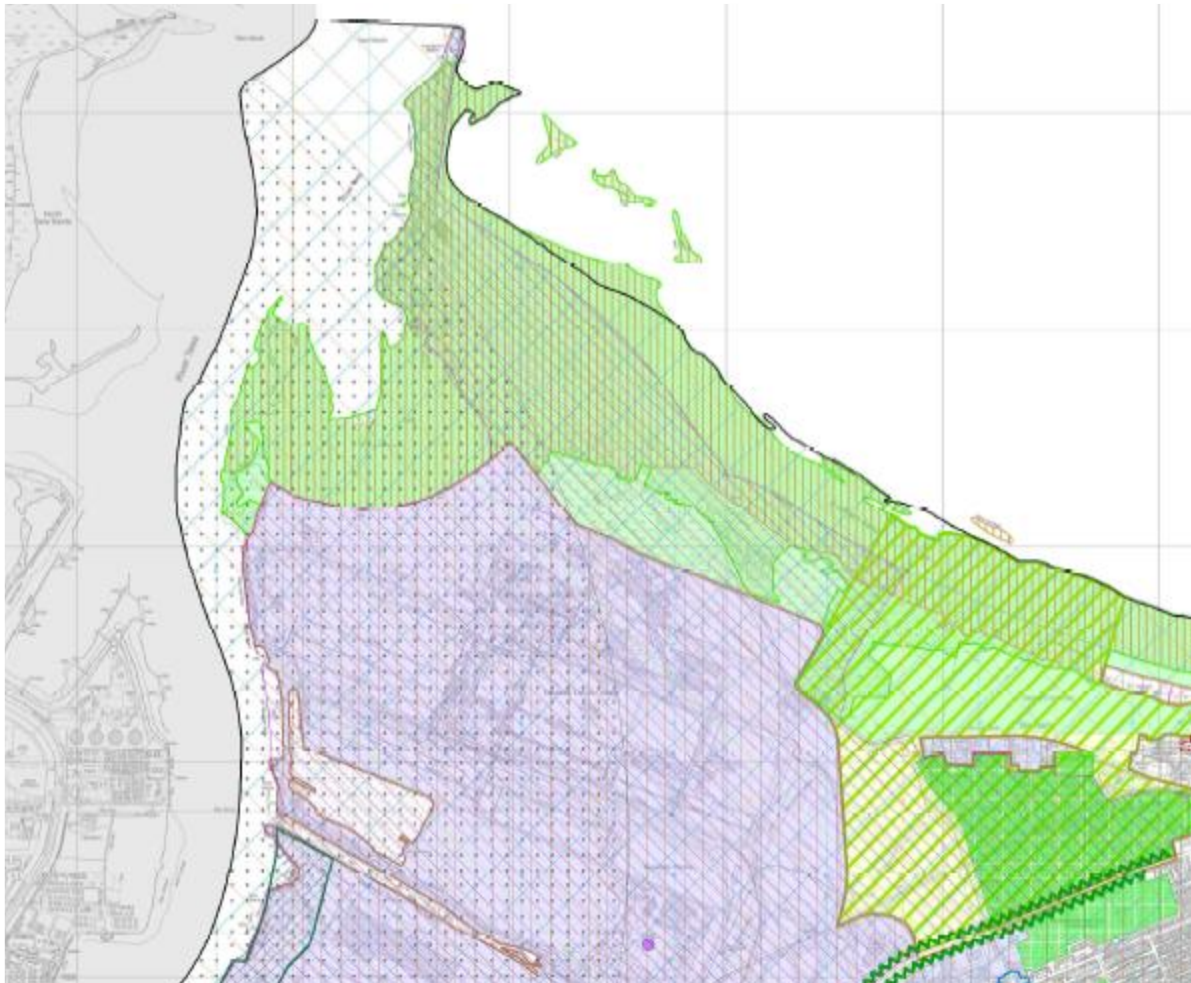
## Relevant Local Planning Policy

### Statutory Development Plan

- 5.2.80 In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, the relevant statutory development plan, comprises the following adopted development plan documents (DPDs):
- The Redcar and Cleveland Local Plan Adopted 2018
  - The Tees Valley Joint Minerals and Waste Development Plan Core Strategy DPD Adopted September 2011
  - The Tees Valley Joint Minerals and Waste Development Plan Policies & Sites DPD Adopted September 2011

### The Redcar and Cleveland Local Plan

- 5.2.81 The Redcar and Cleveland Local Plan (RCLP) was adopted in May 2018 and provides both the strategic and non-strategic policy objectives and requirements the development and use of land within the Borough for the period until 2032.
- 5.2.82 It adopts a vision for the Borough which sets out that by the end of the plan period the need and aspirations of its community will be met through the delivery of sustainable development across the Borough which includes:
- 5.2.83 We will grow a successful and resilient economy, generating jobs and prosperity for people and businesses in Redcar and Cleveland. We will strengthen our economic assets by building economic capacity; growing and diversifying the local economy; and enhancing the borough as a place of choice. Our workforce will be competitive, with high standards of employability and the skills that businesses need.
- 5.2.84 The majority of development will take place in the most sustainable locations in our urban and coastal areas. We will maximise the re-use of previously developed land and limit the unnecessary development of greenfield sites.
- 5.2.85 Our important natural and historic assets will be protected and enhanced, in order to provide good quality environments that will allow wildlife to thrive and, in which, people can live, work and enjoy spending their time. Good quality transport links will provide access to all parts of the borough, and connect residents and visitors to jobs, facilities and the attractions of the borough.
- 5.2.86 The adopted Policies Map shows the Application Site to be within the identified Development Limits, a Protected Employment Area, the South Tees Development Corporation Area, and the General Location for Large Waste Management Facilities; and adjacent to a SPA and SSSI.



- 5.2.87 Policy SD2 – Locational Policy - sets out that ‘*development will be directed to the most sustainable locations in the borough*’ and adopts a settlement hierarchy to guide development including the urban area where the majority of development will be focussed including land at the South Bank. In addition, wherever possible, it provides that priority will be given to the development of brownfield land in sustainable locations providing it is not of high environmental value.
- 5.2.88 Policy SD3- Development Limits - provides that within development limits identified on the Policies Map development will be supported, subject to meeting the other policies in the RCLP.
- 5.2.89 Policy SD6 – Renewable and Low Carbon Energy – provides support and encouragement for renewable and low carbon energy schemes where their impact is, or can be made, acceptable. In determining applications for such development, it sets out that the following issues will be considered:
- a. impact on residential amenity;
  - b. environmental impacts;
  - c. sensitivity and capacity of the landscape, as detailed in the Renewable and Low Carbon Study;
  - d. impact on heritage assets and their settings;
  - e. impact on recreation;
  - f. scale of proposal;

- g. local topography and siting of proposal to minimise harm, including through reasonable mitigation;
- h. aeronautical and other military considerations;
- i. operational and other relevant constraints;
- j. impact on the North York Moors National Park and its setting; and
- k. cumulative impacts of proposals.

5.2.90 It also provides that renewable energy developments will not be allowed within, or where they are likely to have an adverse effect on designated ecological sites or on priority species, unless they meet the exceptions criteria in Policy N4.

5.2.91 Policy LS4 – South Tees Spatial Strategy – relates to land within the South Tees Development Corporation area. It states:

*“The South Tees Spatial Strategy includes:*

- *Wilton International*
- *Teesport*
- *South Tees Development Corporation area, as illustrated on the Policies Map*
- *(including current and former steelworks Parks at South Tees and Redcar)*
- *South Tees Industrial Estates and Business*

*The Council and its partners will aim to:*

*Economy*

- a. deliver significant economic growth and job opportunities through the South Tees Development Corporation and Tees Valley Enterprise Zone at Wilton International and South Bank Wharf;*
- b. support the regeneration of the South Tees Development Corporation area through implementing the South Tees Area Supplementary Planning Document;*
- c. grow the environmental and recycling sector;*
- d. investigate opportunities to create a new energy hub to support the offshore wind and sub-sea engineering sectors;*
- e. support the expansion and protection of the port and logistics sector;*
- f. improve existing employment areas and provide a range of modern commercial premises that meet contemporary business requirements including the target sectors of the South Tees Area Supplementary Planning Document;*
- g. continue development on general industrial and business estates;*
- h. give the area an identity and make it attractive to inward investment;*
- i. develop the chemical, technology and energy production industries at Wilton International;*
- j. support the existing steel industries and take a lead role in supporting the future regeneration of former steel sites as part of the South Tees Development Corporation;*
- k. enhance the quality and range of services and facilities that serve the needs of those working in the South Tees employment area;*
- l. encourage clean and more efficient industry in the South Tees area to help reduce carbon dioxide emissions and risk of environmental pollution;*

- m. support development related to Sirius Minerals' North Yorkshire Polyhalite project; and*
- n. support the extension of the road network to unlock the development potential of South Tees.*

*Connectivity*

- o. improve and maintain access links between South Tees and the strategic road network;*
- p. support improvements to the strategic and local road networks to support economic growth;*
- q. deliver rail infrastructure improvements to support an increased movement of rail freight;*
- r. investigate the feasibility for providing a new rail halt at Wilton International;*
- s. maintain and improve public transport connectivity with settlements in the borough and beyond;*
- t. support the extension of the road network to unlock the development potential of South Tees;*
- u. maintain and enhance walking and cycling routes from nearby towns to the South Tees employment areas;*
- v. improve access to, and the quality of, broadband internet;*

*Environment*

- w. enhance the environmental quality of employment through well planned boundary treatments;*
- x. secure decontamination and redevelopment of potentially contaminated land;*
- y. protect European sites, and safeguard and improve sites of biodiversity interest particularly along the River Tees and the estuary and encourage integrated habitat creation and management;*
- z. enhance the environmental quality of the River Tees and coastline;*
- aa. safeguard and enhance the significance of buildings, sites, settings and areas of heritage and cultural importance including the 'Dorman Long' tower at South Bank Coke Ovens supporting its adaptation to enable alternative uses;*
- ab. encourage improvements to access, interpretation and wildlife conservation and biodiversity across the area;*
- ac. support the development of the South Tees District Heating System; and*
- ad. support the development Carbon Capture and Storage to de-carbonise the local economy."*

5.2.92 Policy ED6 – Promoting Economic Growth – provides strategic policy support for the site's development for employment uses including specialist uses, including suitable employment related sui generis users and general employment uses, subject to a number of criteria and regard to the South Tees Area Supplementary Planning Document (SPD). Such employment related employment uses would include waste management facilities such as the proposed REC.

5.2.93 Policy ED6 reads as follows:

*"Land and buildings within existing industrial estates and business parks, as shown on the Policies Map, will continue to be developed and safeguarded for employment uses.*

*Specialist uses, such as heavy processing industries and port logistics, will be focused in the following areas, with 405ha of additional land available over the plan period. In these areas proposals falling within Use Classes B1, B2, B8 and suitable employment related sui-generis uses will be supported.*



Ref	Site	Location	Additional available land (net ha)
ED6.1	Wilton International 1	South Tees	221
ED6.2	Land at South Tees 2	South Tees	184
Ed6.3	Skinningrove	East Cleveland	0

1. Includes Main Complex and land to the West of A1053.

2. Includes Teesport Estate, Teesport Commerce Park and land along the River Tees.

General employment uses will be focused in the following sites with 32ha of additional land available over the plan period. Proposals for development within Use Classes B1, B2 and B8 will be supported.

Ref	Site	Location	Additional available land (net ha)
ED6.4	South Tees Industrial Estates South Tees and Business Parks <sup>3</sup>	South Tees	3.5
ED6.5	Skippers Lane Industrial Estate	South Tees	0.8
ED6.6	Kirkleatham Business Park	Redcar	22.3
ED6.7	Warrenby Industrial Estate	Redcar	0.3
ED6.8	Trunk Road Industrial Estate	Redcar	2.5
ED6.9	Longbeck Industrial Estate	Marske	0.94
ED6.10	North Liverton Industrial Estate	Liverton Mines, East Cleveland	1.9
ED6.11	Barnet Industrial Estate	Lingdale, East Cleveland	0.8

3. Includes South Tees Freight Park, South Tees Imperial Park, Nelson Street Industrial Estate and Bolckow Industrial Estate.

Proposals at South Tees, South Tees Freight Park and Bolckow Industrial Estate (collectively referred to as the South Tees Development Corporation area) should have regard to the South Tees Area Supplementary Planning Document (SPD). Proposals which positively contribute towards growth and regeneration will be supported.

High tech and knowledge driven development should be focused within the South Tees Development Corporation area, at Kirkleatham Business Park and Cleveland Gate Business Park, as defined on the Policies Map.

The mixed-use site at Skelton, allocated under Policy REG3, and mixed-use commercial site at Cleveland Gate and Morgan Drive, allocated under Policy ED7, will also contribute towards meeting employment needs over the plan period.

Some of the above employment sites lie adjacent to, or are within, the proximity of protected landscapes and nature conservations sites. 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. Any proposals for development within the Warrenby Industrial Estate adjacent to Coatham Marsh should include a buffer of undeveloped land and a suitable boundary treatment during both construction and operation, such that direct effects on land within and immediately adjacent to the proposed extension to the Teesmouth and Cleveland Coast SPA are avoided. Any necessary mitigation measures must be secured in advance of the development in order to meet the requirements of the Habitat Regulations.*

*Proposals will be encouraged to improve the quality of the environment, signage, security and accessibility of the sites.*

#### *Employment proposals on non-allocated sites*

*Proposals for new employment uses outside of allocated employment land or involving buildings already within B1, B2 and B8 uses, will be permitted where it can be demonstrated that they:*

- a. cannot be accommodated on land allocated for employment uses;*
- b. would make a contribution to job creation and diversification of the economy;*
- c. can be provided with appropriate vehicular access, and supports access to sustainable transport connections; and,*
- d. will not result in an adverse impact upon the character and appearance of the surrounding area, or residential amenity.*

#### *Alternative uses of employment land and buildings*

*Proposals for alternative uses on the sites listed above, or other buildings in Use-class B1, B2 or B8, will only be acceptable where they:*

- e. would not adversely affect the economic growth and employment opportunities in the area;*
- f. demonstrate that the location of the site is no longer appropriate or viable for alternative employment uses following an active and exhaustive marketing process for a minimum of 12 months;*
- g. would not result in an inappropriate reduction in the supply of land or buildings for employment uses, taking into account the overall amount, range and choice available for the remainder of the plan period and supply of employment land in the future;*
- h. would result in a good standard of amenity for existing and future occupants of land and buildings; and*
- i. would not prejudice the operation of neighbouring properties and businesses.”*

5.2.94 The following non-strategic policies are relevant. Policy N1 – Landscape – sets out as follows:

*“We will aim to protect and enhance the borough’s landscapes. Development proposals will be considered within the context of the Landscape Character Assessment, the Landscape Character*

*Supplementary Planning Document and the Historic Landscape Characterisation. Developments will not be permitted where they would lead to the loss of features important to the character of the landscape, its quality and distinctiveness, unless the benefits of development clearly outweigh landscape considerations. In such cases appropriate mitigation will be required. Protection will be commensurate to the status of the landscape within the hierarchy.*

#### *Nationally Important Landscapes*

*Particular priority will be given to protecting and enhancing the landscape character and natural beauty of the North Yorkshire and Cleveland Heritage Coast, as illustrated on the Policies Map. This will be achieved by permitting development only where it is:*

- a. essential development which for operational reasons cannot be located outside the Heritage Coast; or*
- b. small-scale leisure or tourism development consistent with the conservation of the special qualities of the Heritage Coast; or*
- c. suitably scaled extensions and alterations to existing buildings.*

*Any development which is acceptable will be required to be designed and sited so as to cause no harm to the special character of the Heritage Coast, in particular the remote character, natural beauty, wildlife and geological value, heritage assets and marine environment.*

*High importance will be given to protecting the landscape setting, scenic beauty and special qualities of the North York Moors National Park, by ensuring that new development does not harm these interests.*

#### *Locally Important Landscapes*

*In Sensitive Landscape Areas, including the Historic Landscape of the Eston Hills, as illustrated on the Policies Map, we will prioritise the retention of elements that make up the landscape character, in many cases with little intervention to change this character. To be considered appropriate in these locations development should:*

- d. be carefully designed;*
- e. retain important elements that make up the landscape; and*
- f. screen or integrate any development into the landscape.*

*In Restoration Landscape Areas, as illustrated on the Policies Map, opportunities should be taken to repair or reinstate the landscape structure as part of development.*

*Wherever possible, all developments should include measures to enhance, restore or create special features of the landscape. New development at the edge of settlements should create an attractive urban edge. Priority will be given to the creation of habitats to support local biodiversity priorities and the planting of new hedgerows, trees and woodlands.*

*Consideration should also be given to the opportunities identified by Natural in the Tees Lowland”*

5.2.95 Policy N4 – Biodiversity and Geological Conservation sets out as follows:

*“We will protect and enhance the borough’s biodiversity and geological resources. Support will be given to high quality schemes that enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation, particularly in or adjacent to, Biodiversity Opportunity Areas in the wider Tees Corridor, Teesmouth, East Cleveland and Middlesbrough Beck Valleys areas. We will protect and preserve local, national and international priority species and habitats and promote their restoration, re-creation and recovery.*

*Biodiversity and geodiversity should be considered at an early stage in the development process, with appropriate protection and enhancement measures incorporated into the design of development proposals, recognising wider ecosystem services and providing net gains wherever possible. Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative, should be avoided. Where this is not possible mitigation, or lastly compensation, must be provided as appropriate. Proposals will be considered in accordance with the status of biodiversity and geodiversity sites within the hierarchy.*

#### *Internationally important sites*

*Priority will be given to protecting our internationally important sites, including the Teesmouth and Cleveland Coast Special Protection Area/Ramsar and European Marine Site, and the North York Moors Special Protection Area and Special Area of Conservation. Development that is not directly related to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment.*

*Development requiring Appropriate Assessment will only be allowed where:*

*a. it can be determined through Appropriate Assessment at the design stage that, taking into account mitigation, the proposal would not result in adverse effects on the site’s integrity, either alone or in combination with other plans or projects.*

*Within 6km of the Teesmouth and Cleveland Coast SPA and Ramsar Site, as illustrated on the Policies Map, proposals that would result in a net increase in residential units, or other development that would lead to increased disturbance of the site’s interest features, will be expected to contribute towards strategic mitigation measures identified in the Recreation Management Plan. This is to ensure that adverse effects on the site’s integrity can be avoided. Any alternative suitable mitigation would need to be proven effective and agreed with the Council, in consultation with relevant statutory consultees or*

*b. as a last resort, Appropriate Assessment proves that there are no alternatives and that the development is of overriding public interest and appropriate compensatory measures are provided.*

#### *Nationally important sites*

*Development that is likely to have an adverse impact on nationally important SSSI sites, including broader impacts on the national network and combined effects with other development, will not normally be allowed. Where an adverse effect on the site’s notified interest features is likely, an exception will only be made where:*

- c. *the benefits of the development, at this site, clearly outweigh both any adverse impact on the features of the site that makes it of special scientific interest, and any broader impacts on the network of SSSIs;*
- d. *no reasonable alternatives are available; and*
- e. *mitigation, or where necessary compensation, is provided for the impact.*

*Locally important sites*

*Development that is likely to have an adverse impact on Local Sites (Local Wildlife Sites and Local Geological Sites) or Local Nature Reserves will only be approved where:*

- f. *the benefits clearly outweigh any adverse impact on the site;*
- g. *no reasonable alternatives are available; and*
- h. *mitigation, or where necessary compensation, is provided for the impact.*

*Wildlife corridors and other habitat networks will be protected and enhanced, particularly hedgerows, watercourses and linking habitat features. Opportunities to deculvert watercourses will be encouraged.*

*We will continue to protect our ancient woodland and ancient and veteran trees, including our tree-lined becks. Development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will only be allowed in very exceptional circumstances where the need for, and benefits of, the development in that location clearly outweigh the loss and the development cannot be located elsewhere.”*

5.2.96 HE1 – Conservation Areas – sets out that:

*“Character of Conservation Areas*

*Development within or otherwise affecting the setting of a conservation area will only be permitted where it preserves or enhances the character or appearance of the conservation area.*

*Development must:*

- a. *respect existing architectural and historic character and associations by having regard to the positioning and grouping, form, scale, detailing of development and the use of materials in its construction;*
- b. *respect existing hard and soft landscaping features including areas of open space, trees, hedges, walls, fences, watercourses and surfacing and the special character created by them; and*
- c. *respect historic plot boundaries and layouts.*

*Open Spaces*

*Built development will not be permitted on public and private open spaces within or adjacent to conservation areas where those spaces are of special historic significance, are important to the*

*landscape or townscape qualities of the conservation area or provide views or vistas into, from or within the conservation area.*

#### *Demolition*

*Development involving the demolition of buildings or structures in a conservation area will only be permitted if:*

- a. it is demonstrated that the structural condition of the building or structure prevents its repair;*
- b. the building or structure makes no significant positive contribution to the architectural or historic character of the conservation area; and*
- c. the removal is necessary to deliver a public benefit which outweighs its removal.*

*In the exceptional cases where any demolition is approved, the Council will require that detailed proposals for the satisfactory re-development and/or after-treatment of the site are agreed, including a schedule of works, before demolition takes place.*

#### *Planning Applications*

*Development proposals that require planning permission within conservation areas should normally be subject to a full planning application. Outline applications within conservation areas will only be acceptable where the proposal does not involve the demolition or alteration of existing buildings.*

*In all cases sufficient detail must be submitted to allow a proper assessment of the proposal on any heritage assets affected.”*

5.2.97 Policy HE2 – Heritage Assets sets out, amongst other things, that:

#### *“Setting of a Designated Heritage Asset*

*Any development affecting the setting of a designated heritage asset will only be permitted if the proposal:*

- e) preserves or enhances its significance as a designated heritage asset;*
- f) protects its immediate setting including the space(s) around the building and the historically significant hard and soft landscaping, including trees, hedges, walls, fences and surfacing; and*
- g) retains historic plot boundaries and layouts.*

#### *Substantial harm or total loss of a Designated Heritage Asset*

*Where a development will lead to substantial harm or total loss of a designated heritage asset, permission will not be granted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss and that cannot be met in any other way, or all of the following apply:*

- h) the nature of the designated heritage asset prevents all reasonable uses of the site;*

- i) *no viable use of the designated heritage asset can be found in the medium term that will enable its conversion;*
- j) *conservation by grant funding, or some form of charitable or public funding, is demonstrably not possible; and*
- k) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

#### *Other harm to a Designated Heritage Asset*

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, it will only be permitted where that harm is outweighed by the public benefits of the proposal, including securing its optimum viable use.*

#### *Non-designated Heritage Assets*

*Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments will be considered subject to the policies for designated heritage assets.*

*In determining applications that would result in substantial harm to, or the total loss of, a non-designated heritage asset or its setting, the applicant will be required to demonstrate that the benefits of the development would outweigh any harm or loss of the heritage asset, based on its significance.”*

5.2.98 Policy HE3 – archaeological sites and monuments sets out that:

*“Development that would adversely affect archaeological sites or monuments that are designated heritage assets, or their settings, or archaeological sites of equivalent significance will only be approved in the most exceptional circumstances and in accordance with this policy and other heritage policies in this plan.*

*Development that may affect a known or possible archaeological site, whether designated or non-designated, will require the results of a desk-based assessment to be submitted as part of the planning application. An archaeological evaluation may also be required to identify the most appropriate course of action.*

*Development that affects a site where archaeology exists or where there is evidence that archaeological remains may exist will only be permitted if:*

- a. *the harm or loss of significance is necessary to achieve public benefits that outweigh that harm or loss. Harm or loss may be avoided by preservation in situ or refusal; or*
- b. *where in situ preservation is not required, appropriate satisfactory provision is in place for archaeological investigation, recording and reporting to take place before, or where necessary during, development. Where archaeological investigation, recording and reporting has taken place it will be necessary to publish the findings within an agreed timetable.”*

5.2.99 Policy TA1 – Transport and New Development sets out that:

*“The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents' health and wellbeing.*

*Accessibility will be improved and transport choice widened, by ensuring that all new development is served by sustainable transport modes including public transport, footways and cycle routes. Applicants will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or, where appropriate, demonstrate how public transport improvements will be delivered. Connections will be integrated into existing networks with opportunities to improve connectivity identified. In order to support the Redcar and Cleveland Local Transport Plan (and any relevant successor strategies), proposals will be supported that:*

- a. improve transport choice and encourage travel to work and school by public transport, cycling and walking;*
- b. minimise the distance people need to travel;*
- c. where appropriate, contribute positively to wider demand management measures to address congestion, environmental and safety issues; and*
- d. have regard to the number of cycle and car parking spaces as set out within the Tees Valley Design Guide and Specification for Residential and Industrial Estates.*

*Future transport provision should take into account traffic forecasts. This should reflect existing demand and take account of other developments as*

*well as trip reductions predicted as a result of the implementation of demand management measures identified in the LTP.*

*The Council will support the preparation and implementation of travel plans, travel assessments and other mechanisms to encourage the use of sustainable transport modes.”*

### **The Tees Valley Joint Minerals and Waste Development Plan Core Strategy DPD Adopted September 2011**

5.2.100 The JMWCS adopts the following Spatial Vision in the plan period up to 2026:

*“In 2026, the Tees Valley will be a place where:*

- priority is given to the production of secondary and recycled aggregates for the construction industry. Whilst the limited extraction of primary aggregate minerals is carefully managed, the remaining primary minerals resources and essential infrastructure for the transport and landing of minerals are safeguarded for the future;*
- the specialist industries which re-use, recycle and recover value from waste are thriving. By taking advantage of the specific locational advantages of the Tees Valley and the opportunities for symbiotic relationships with petrochemical, steel and environmental industries, the waste management industry in the Tees Valley forms a centre of excellence; and*
- local communities, industry and local authorities can identify and access the waste management facilities they require.*



*The integrity of the international and nationally-important areas of biodiversity within and adjacent to the Tees Valley, together with the area's broad range of historic, cultural and natural assets are protected from minerals and waste developments, and opportunities are taken through minerals and waste proposals to enhance the local environment, thus contributing to a high quality of life for and future generations."*

5.2.101 To achieve the Spatial Vision the following strategic objectives were adopted:

*"A. To provide an agreed and appropriate contribution from sources in the Tees Valley towards the provision of a steady supply of minerals to the construction and other industries;*

*B. to minimise the use of primary aggregates and prioritise the use of secondary and alternative materials for construction use;*

*C. to safeguard minerals resources from unnecessary sterilisation;*

*D. to support the implementation of the Tees Valley Joint Municipal Waste Management Strategy in particular in seeking to minimise waste production;*

*E. to promote the re-use, recycling and recovery of value from waste;*

*F. to provide a network of small-scale waste management facilities which is accessible to local communities;*

*G. to promote the development of resource recovery parks where symbiotic relationships between industries can flourish;*

*H. to promote the management of waste close to its point of production whilst recognising the existing role and future potential of the Tees Valley in specialist waste management;*

*I. to safeguard sustainable minerals transport infrastructure and promote the use of sustainable transport, in particular the existing rail and port facilities in the Tees Valley for the movement of minerals and waste;*

*J. to ensure that minerals and waste developments protect and enhance the quality and diversity of public amenity and the natural, historic and cultural heritage of the Tees Valley;*

*K. to ensure the highest standards in the operation, environmental management and restoration of existing and new minerals extraction and landfill sites; and*

*L. to ensure the highest standards of design, operation and environmental management of waste and minerals processing facilities."*

5.2.102 Policy MWC1: Minerals Strategy reads as follows:

*"The sustainable use of minerals resources in the Tees Valley will be delivered through:*

*a) where appropriate, identifying sources of alternatives to primary mineral resources, including secondary and recycled minerals, and encouraging the development of facilities to process alternative materials either at the point of production or other suitable locations;*

*b) ensuring new-build developments, in particular those in regeneration and growth point areas, contribute to the efficient use of resources, to increase the proportion of construction and demolition waste recycled per year for use as an alternative mineral from 38% in 2005 to at least 80% from 2016 onwards;*

*c) the efficient use of permitted reserves of primary minerals to help meet the identified need, whilst continuing to drive minerals supply up the minerals hierarchy;*

*d) identifying those wharves which can be used for the landing of marine-dredged sand and gravels and safeguarding associated land for the development, extension and continuation of this activity;*

*e) safeguarding the necessary infrastructure to enable the sustainable transport of minerals, in particular the use of the existing rail and port facilities in the Tees Valley; and*

*f) identifying minerals resources underlying the Tees Valley and protecting them from unnecessary sterilisation by built development.*

*In taking forward minerals development in the plan area, and particularly along the river corridor and the Tees Estuary, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site, and other European sites, either alone or in combination with other plans and programmes. Any proposed mitigation measures must meet the requirements of the Habitat Regulations. All minerals developments must be compatible with their setting and not result in unacceptable impacts on public amenity, environmental, historic or cultural assets from their design, operations, management and restoration.”*

5.2.103 Policy MWC3 – Alternative Materials for Aggregate Use sets out that:

*“The development of facilities to process materials which can be used as alternatives to primary aggregate resources will be supported in the following locations:*

*a) existing minerals extraction and waste management sites, with the exception of North Gare sand extraction site; and*

*b) sites where these materials are being produced.*

*Development proposals will be required to minimise the impacts which could arise from operational issues such as dust, noise, vibration and the visual effect of stockpiles.*

*Where facilities are proposed on sites which have permission to operate for a temporary period the processing of materials for alternative aggregate use will be restricted to the same temporary period as the existing use.”*

5.2.104 Policy MWC6 – Waste Strategy sets out that:

*“The sustainable management of waste arisings in the Tees Valley will be delivered through:*

*a) making provision for sufficient annual waste management capacity to allow:*

- i) 40% of household waste from the Tees Valley to be recycled or composted from 2010, rising to 46% from 2016;*
- ii) to recover value from 53% of municipal solid waste from the Tees Valley from 2010, rising to 72% from 2016; and*
- iii) to increase the recovery of value from commercial and industrial waste from the Tees Valley to 73% from 2016;*
- b) promoting facilities and development that drives waste management up the waste hierarchy;*
- c) the distribution of waste management sites across the Tees Valley so that facilities are well related to the sources of waste arisings, related industries or the markets for any products created;*
- d) safeguarding the necessary infrastructure to enable the sustainable transport of waste, in particular the use of the existing rail and port facilities in the Tees Valley; and*
- e) developing the regional and national role of the Tees Valley for the management of specialist waste streams.*

*In taking forward waste development in the plan area, and particularly along the river corridor and the Tees Estuary, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site, and other European sites, either alone or in combination with other plans and programmes. Any proposed mitigation measures must meet the requirements of the Habitat Regulations. All waste developments must be compatible with their setting and not result in unacceptable impacts on public amenity, environmental, historic or cultural assets from their design, operations, management and, if relevant, restoration.”*

5.2.105 Policy MWC7 - Waste Management Requirements sets out that:

*“Land will be provided for the development of waste management facilities to meet the identified requirements of the Tees Valley, as follows:*

- a) for the composting of at least 16,000 tonnes of municipal solid waste per year from 2010, rising to at least 24,000 tonnes per year in 2016 and 31,000 tonnes per year by 2021;*
- b) for the recovery of value from at least 103,000 tonnes of municipal solid waste and commercial and industrial waste per year from 2010, falling to 83,000 tonnes per year by 2021;*
- c) for the recycling of at least 700,000 tonnes of construction and demolition waste per year from 2016, rising to 791,000 tonnes per year by 2021; and*

d) to provide additional treatment and management facilities to reduce the amount of hazardous waste that is sent for landfill or disposal each year from the 2007 level of around 130,000 tonnes.

*Land for one household waste recycling centre within the south of Stockton-on-Tees Borough, and one household waste recycling centre in the South Tees area will be provided to address a spatial imbalance of service provision.*

*Proposals for facilities to meet capacity to deal with waste imported from outside the Tees Valley must be supported by evidence of the need for these facilities and justification for their location within the Tees Valley.”*

5.2.106 Policy MWC8 provides that proposals for large waste management facilities will be supported in areas including that south of the River Tees in which the site is located. That policy reads as follows:

*“General Locations for Waste Management Sites Sustainable waste management will be delivered through a combination of large sites, which include clusters of waste management and processing facilities, and small sites for individual waste facilities. Allocations and proposals for large waste management facilities should be located in the following general areas:*

*a) to the south of the River Tees - the land located around Teesport, Smiths Dock Road and the eastern end of Dockside Road (Middlesbrough and Redcar and Cleveland);*

*b) to the north of the River Tees - the land located around the Graythorp and Haverton Hill Road areas (Hartlepool and Stockton-on-Tees); and*

*c) to the north of the River Tees - the land located around the Port Clarence, Cowpen Marsh and Seal Sands areas (Hartlepool and Stockton-on-Tees).*

*In determining the suitability of a site within these areas, consideration will be given to the potential impact on the protected European species associated with the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site and any functional land required to support them. Where likely adverse impacts are identified, avoidance or appropriate mitigation measures may be required. Allocations and proposals will be directed away from areas at risk of flooding. In considering sites, the approach set out in Planning Policy Statement 25 will be applied. Small waste management sites and any landfill sites required will be provided throughout the plan area and be well-related to the source of waste arisings, or the markets for any materials produced”.*

5.2.107 Policy MWC10 – Sustainable Transport sets out that:

*“Proposals for minerals and waste development should prioritise the use of non-road based transport for the movement of minerals and waste resources.*

*Proposals for minerals and waste development should be designed and located in order to:*

*a. allow easy access to the development by means of walking, cycling and*

*b. minimise the need to travel by road, and reduce the length of those road journeys which are created.*

*Where transportation cannot be provided by non-road means, evidence must be provided that the proposed traffic movements can be accommodated on the strategic road network and that the site can be accessed in a safe manner.”*

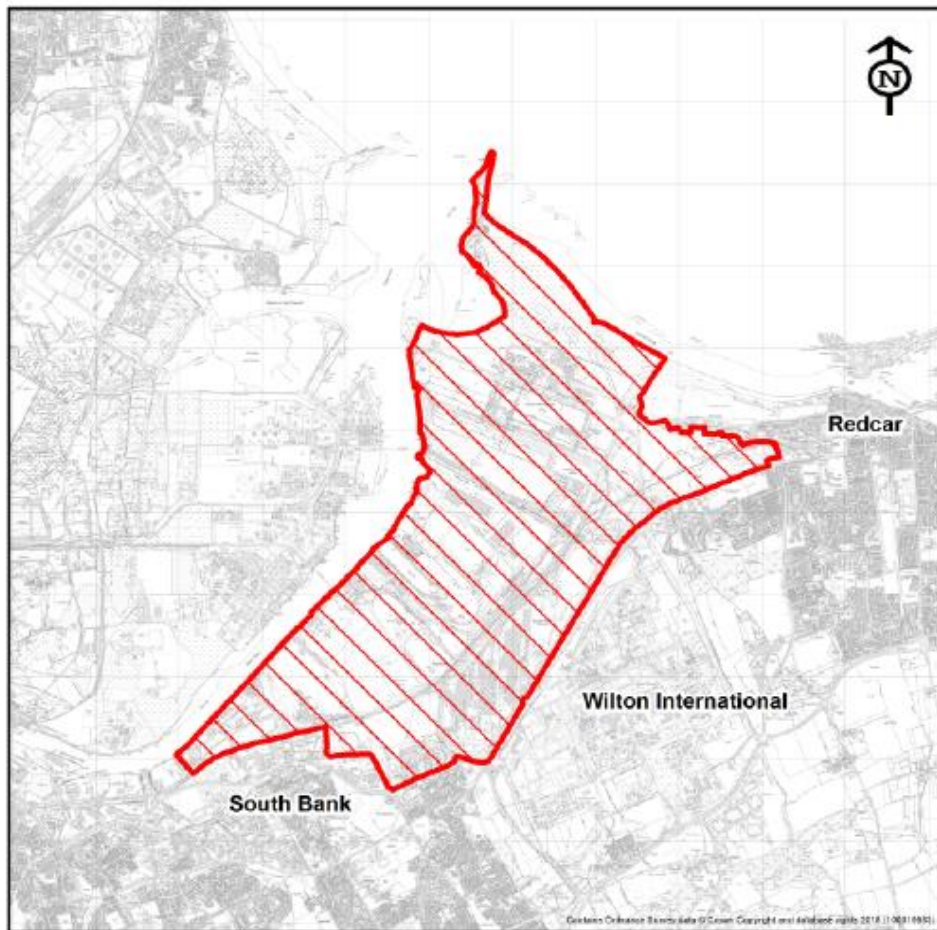
### **The Tees Valley Joint Minerals and Waste Development Plan Policies & Sites DPD Adopted September 2011**

- 5.2.108 None of the policies of the JMWPS directly relate to the Application Site.

### **Non-Statutory Planning Documents**

#### **South Tees Area – Supplementary Policy Document (Adopted May 2018)**

- 5.2.109 Although the SPD does not form part of the statutory development plan, it provides further explanation and detail to the policies set out within the Redcar and Cleveland Local Plan, and in particular it provides guidance to assist with implementation of RCLP policy LS4 requires its requirements to be implemented in the regeneration of the area, and policy ED6 which requires proposals to have regard to it.
- 5.2.110 It is therefore a material consideration of considerable weight in the planning balance which provides strategic policy support for the principle of the proposed development and sets out the framework in which the objectives of the RCLP are to be implemented.
- 5.2.111 The SPD supports the economic and physical regeneration of the STDC area, setting out the strategic vision and core objectives applicable to it and providing greater detail on how the adopted Redcar and Cleveland Local Plan policies will be interpreted. Its purpose includes providing a degree of certainty as to the potential opportunities and acceptable forms of development in the STDC area through establishing a series of strategic scale solutions; and informing a comprehensive and coherent development strategy.



### South Tees Area

5.2.112 The SPD sets out a vision for the regeneration of the South Tees area. This vision is to see the area transformed into a hotbed

*“The Vision for the South Tees regeneration programme is to see the area transformed into a hotbed of new industry and enterprise for the Tees Valley that makes a substantial contribution to the sustained economic growth and prosperity of the region and the communities it serves.*

*The Vision sees the creation of up to 20,000 new jobs. The focus is on higher skilled sectors and occupations, centred on manufacturing innovation and advanced technologies and those industries best able to deliver sustained economic prosperity for the Tees Valley and its people, while realising a jobs spectrum that offers opportunities for all. The Vision is underpinned by the aspiration for new development to make best use of existing infrastructure and available land and to deliver a high value, low carbon, diverse and inclusive circular economy for the Tees Valley.*

*The Vision sees an aspirational, modern industrial park, combining industrial, environmental, heritage and community assets in a well designed development that is safe for all users and supported by a safe and efficient transport network, which delivers enhanced connectivity to the wider Tees Valley and beyond.*

*It extends to realising a telling, positive change in the external perceptions of the South Tees Area and wider Tees Valley to potential inward investors, to achieving the remediation of land contamination and to safeguarding biodiversity and promoting and encouraging environmental improvement. In overall terms, the realised Vision for the South Tees Area will deliver an exemplar, world class industrial business park that is renowned as a destination for manufacturing excellence.”*

5.2.113 The SPD sets out to out the Vision through the meeting of 10 objectives which in turn are to be realised through the implementation of Development Principles.

5.2.114 The key objectives are:

**1. Ensure strong alignment with UK Government’s Industrial Strategy:**

Shaping the regeneration proposals to ensure the Tees Valley can make a telling contribution to the realisation of UK Government’s aspirations for the Northern Powerhouse Initiative;

**3. Prioritise uses connected with advanced manufacturing and advanced and new technologies:**

Future-proofing the development and the long-term economic sustainability of the Tees Valley, while building an international-level brand for the South Tees Area that is built on innovation and manufacturing excellence;

**4. Promote and support development uses aligned with a low carbon, circular economy, while delivering redevelopment within a framework of reduced energy costs and waste minimisation:**

Thereby supporting the Tees Valley in becoming an exemplar, demonstrator region through the establishment of integrated supply chains in energy-intensive, high-tech prime sectors;

**5. Focus on highly skilled employment generating opportunities, while balancing this with the need to create a wide spectrum of job opportunities:**

Creating opportunities for upskilling and an increase in both the mean salary levels and Gross Value Added (GVA) for the Tees Valley economy;

**6. Evaluate redevelopment proposals not only from a direct jobs perspective, but as potential catalysts for job creation across the wider Tees Valley:**

Capitalising on and harnessing opportunities for supply chains and support industries and optimising beneficial outcomes for the local economy and our local communities;

**7. Deliver efficient connectivity across the South Tees Area through enhanced on-site transport infrastructure and the creation of an integrated and safe transport network, which takes account of the needs of a variety of users and includes sustainable travel measures, to realise optimal functionality:**

Delivering a truly integrated industrial and manufacturing zone with excellent intra-connectivity, where the benefits of excellent port facilities and beneficial neighbouring industrial operators can be fully harnessed;

**8. Deliver redevelopment in a way that provides long term sustainability, reduces pollution, manages the water environment, protects the historic environment, contributes to habitat protection, safeguards biodiversity and enhances green infrastructure, open space and landscape character:**

Creating a destination that is an exemplar of how major industry and heritage and environmental assets can co-exist in a mutually beneficial way, realised through genuine collaboration between new businesses and national and local environmental bodies;

The SPD adopts a series of strategic development principles and site-specific development principles which fulfil these objectives.

- 5.2.115 The most relevant of these are the strategic development principle STDC 6 – Energy Innovation which sets out that the planning authority will support the development of new energy generation within the STDC area including renewable energy and the promotion of other innovative energy projects which reads as follows:

*“Development Principle STDC6: Energy Innovation The Council will, in partnership with the STDC and other partners, promote and support the development of new energy generation within the South Tees Area, including renewable energy development and the promotion of other innovative energy projects. Energy generation development which contributes to meeting the South Tees Area’s assessed energy needs will be supported and should have regard to Development Principle STDC10 and the site specific development principles. All energy generation development should be appropriately sited and designed in order to avoid unacceptable adverse environmental or amenity effects.”*

- 5.2.116 Similarly, STDC 10 – Utilities which confirms support for power generation facilities utilising both conventional and renewable sources and is reproduced below:

*“The Council will, in partnership with the STDC and developers, statutory undertakers and other stakeholders, ensure that the South Tees Area and associated new development is adequately supported in terms of utilities and any necessary infrastructure. It will, in particular, support the development of strategies to ensure adequate energy supply, the management of flood risk and drainage, disposal of solid waste and industrial effluent and provision of telecommunications.*

*The Council, in partnership with the STDC, will seek to protect existing and permitted utility corridors and new development proposals should have regard to the location of existing and permitted major utilities.*

*The Council, in partnership with the STDC, will support, in particular, any development in terms of utilities and other infrastructure that secures the delivery of sustainable development and is in line with the site wide Water and Flood Risk Management Strategy, Materials and Waste Management Strategy, Energy Strategy and General and Industrial Utilities Strategies.*

*Wherever possible, proposals involving flood and water management infrastructure or alterations to existing water courses, should include biodiversity and/or landscape enhancement, in line with Policy N4 of the Local Plan. In line with Policy MWP1 of the Tees Valley Joint Minerals and Waste Core Strategy, new major developments should carry out a waste audit to identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy*



*The development of new infrastructure relating to energy generation, in line with the Energy Strategy, will be supported. Such new infrastructure includes:*

*Infrastructure relating to two new private wire networks, including either 3-5 large substations or a larger number of smaller sub-stations;*

*Power generation facilities utilising both conventional and renewable resource;*

*Carbon Capture and Storage; and*

*Energy storage facilities.”*

5.2.117 Other strategic Development Principles of most relevance to the proposed REC are:

#### **Development Principle STDC1: Regeneration Priorities**

*The Council will, in partnership with the STDC, seek to achieve the comprehensive redevelopment of the South Tees Area in order to realise an exemplar world class industrial business park. In line with the SPD's Vision and Objectives, the following priorities are identified for the South Tees Area:*

- *A strong alignment with the Government's Industrial strategy;*
- *To present a co-ordinated world class offer;*
- *To prioritise uses connected with advanced manufacturing and advanced and new technologies;*
- *To promote and support the expansion of existing port facilities and new port related development;*
- *To promote and support uses and infrastructure connected to a low carbon and circular economy within a framework of reduced energy costs and waste minimisation;*
- *To focus on high-skilled employment opportunities;*
- *To deliver connectivity across the South Tees Area through enhanced on-site infrastructure and optimal functionality, making the best use of existing transport infrastructure and developing new or upgraded facilities when required;*
- *To reduce pollution, contribute to sustainable flood risk management and habitat protection and encourage biodiversity and long term sustainability;*
- *To ensure regeneration makes a major contribution to improving education and skills;*
- *To strengthen connections with Redcar and other centres and support active travel to secure economic and community benefits;*
- *To locate uses and development that encourage integration not separation;*
- *To support development which makes the best use of available land and existing infrastructure;*
- *To develop open space as a connector rather than barrier to developments to promote a single destination;*
- *To develop strategic access points as gateway features to the area to strengthen identity;*

- *To promote quality in new building and infrastructure and the provision of high quality public realm;*
- *To support development that contributes to the creation of a healthy, active, safe and secure environment; and*
- *To support the protection of heritage assets and the historic environment and the protection and enhancement of landscape character.*

*Development proposals will be expected to contribute to the delivery of the above priorities where relevant.*

*The Council, in partnership with the STDC, will seek to resist piecemeal development of the South Tees Area where this would conflict with the comprehensive redevelopment of an area that is uniquely suited to large scale uses and/or clusters of compatible uses and will positively support such a joined-up approach to redevelopment.”*

#### **Development Principle STDC5: Transport Infrastructure**

*The Council will, in partnership with the STDC and transport operators, other stakeholders and developers, seek to improve and enhance the transport infrastructure serving the South Tees Area, as supported by Local Plan Policy LS4.*

*The Council will, in partnership with the STDC, secure the regeneration of the South Tees Area based on the development of the Infrastructure Corridor. The phasing of the delivery of all, or part, of the corridor will depend on the availability of funding and development and investment requirements. Development proposals which may adversely impact on the delivery of the Infrastructure Corridor will not be supported.*

*The Council, in partnership with the STDC and in consultation with other stakeholders, will consider off-site highway improvements that will enable improved connectivity with Redcar Town Centre and will explore the possibility of a new link road through Warrenby.*

*All new development proposals shall be in accordance with Local Plan Policies SD4 and TA1 and will be required to have access to adequate infrastructure to meet their transport requirements. In addition, the delivery of the following transport infrastructure will be supported, subject to confirmation of the need for each project and the avoidance of unacceptable environmental or amenity impacts:*

#### **Highway**

*The provision of a four-arm roundabout at South Bank, giving improved access from the A66, via Dockside Road;*

*The provision of a second primary access to Teesport;*

*The provision of a new spine road through the site, forming part of the Infrastructure Corridor;*

*The provision of new collector and local roads, providing access across and between development zones; and*

*The upgrading of the private highway link between Wilton International, Teesport and the wider South Tees Area.*

## **Rail**

*A new, multi-user modern rail yard within the Infrastructure Corridor, along the boundary with the Central Industrial Zone;*

*Improved, strengthened rail links with Teesport and Redcar Bulk Terminal; The establishment of new rail connectivity at South Bank Wharf;*

*Rail connections created in the South Industrial Zone, dependent on development Typologies and needs;*

*Improved connections with Wilton International, utilising the existing private rail link that presently connects Wilton to the Network Rail corridor within the Area to improve connectivity to the port facilities;*

*The introduction of controlled crossings on the STDC estate, in lieu of grade separated interchanges, if operationally viable;*

*Enhancements to the Redcar British Steel and South Bank stations, to meet the anticipated future travel demands; and*

*Measures to improve connectivity to the Network Rail corridor in general;*

## **Port**

*The development of large-scale uses that maximise the unique combination of site size and deep water availability at Redcar Bulk Terminal; and*

*The redevelopment of South Bank Wharf to bring this important river frontage back into beneficial use.*

## **Footpaths and Cycleways**

*The provision of new and enhanced footpath and cycleway network identified within the Transport Strategy;*

*Improvements along the route of the England Coastal Path / Teesdale Way/ Black Path to provide an active travel spine for pedestrians and cyclists; and Any necessary and appropriate footpath diversions.*

## **Development Principle STDC7: Natural Environmental Protection and Enhancement**

*“The Council will, in partnership with the STDC and investment partners and other keystakeholders, protect and, where appropriate, enhance designated and non-designated sites of biodiversity and geodiversity value and interest within the South Tees Area. 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. In doing so it will be important for all development proposals to be in accordance with the*

*requirements of STDC7 and to respond to their environmental setting, in particular to protect and, where possible enhance, biodiversity and geodiversity interests.*

*All proposals will be required to comply with Local Plan Policy N4 Biodiversity and Geological Conservation. Proposals with the potential to affect the Teesmouth and Cleveland Coast SPA should undergo a Habitat Regulations Assessment (HRA) with regard to the conservation objectives of the designation.*

*The Council will support the delivery of a strategy for the regeneration area which promotes the provision of green infrastructure, in accordance with Local Plan Policy N2, including a series of connected open, private and public spaces, using open space as connectors not barriers to development.*

*All proposals will be required to have regard to the forthcoming Environment and Biodiversity and Open Space Strategies and, where appropriate, the Redcar & Cleveland Teesmouth and Cleveland Coast SPA Recreation Management Plan, including in the mitigation of likely cumulative impacts on the natural environment. Net environmental gains should be provided where appropriate and viable, in accordance with Policies N2 and N4.”*

#### **Development Principle STDC8: Preserving Heritage Assets**

*“The Council will, in partnership with the STDC and in consultation with the local community and key stakeholders, seek to identify those industrial assets which it is appropriate and viable to retain as part of the development of an industrial heritage trail within the South Tees Area Open Space Strategy.*

*Development proposals which would result in unacceptable harm to the significance of specific retained assets of heritage or cultural importance, such as the ‘Dorman Long’ Tower, and will not be supported.*

*Proposals which contribute to the development of a heritage trail, utilising a new and enhanced network of footpaths and cycleways, will be supported.*

*Development proposals that will affect a designated or non-designated heritage asset, or its setting, should be in accordance with the requirements of Local Plan Policy HE2.”*

#### **Development Principle STDC9: Site Remediation**

*The Council supports the following approach to the remediation of land;*

*Remediation will be proportionate, based on a risk assessment and respond to the development typology and its needs;*

*Where appropriate, remediation of the site will provide for environmental betterment;*

*The Ground Remediation Strategy will consider opportunities for the area of land identified as the Landfill Zone, subject to other regulatory requirements, to be used to support the remediation of STDC development land in the short term. Once the use of this area is no longer required it shall, itself, be the subject of a remediation scheme and may be made available for renewable energy or other appropriate development.*

*Development proposals should be in accordance with the forthcoming Ground Remediation Strategy and all remediation activities will be required to avoid adverse effects on the integrity, conservation objectives or qualifying features of the Teesmouth and Cleveland Coast SPA and Ramsar site, in line with Policy N4 of the Local Plan.*

*Development proposals and remediation activities will be required to avoid unacceptable impacts on water quality and contamination of the water environment.*

- 5.2.118 The site-specific development principle is addressed by STDC11 which provides that the Application Site is located within the Northern Industrial Zone of the STDC area in which development proposals including power generation and port related industry are encouraged. It reads as follows:

*“Within the North Industrial Zone, the Council, in partnership with the STDC, will encourage development proposals relating to port related industry, major space users/ large scale manufacturing, energy innovation, power generation and storage, bulk materials and mineral processing.*

*The Council will, in partnership with the STDC, will work with landowners and key stakeholders within the South Tees Area to proactively assemble land so as to maximise the development and regeneration potential of the North Industrial Zone, as set out in Development Principle STDC2.*

*The potential for an open space recreation and heritage area, within the North Industrial Zone and incorporating the Redcar Blast Furnace is being explored by the Council, in partnership with the STDC.*

*Development proposals which adversely impact upon the delivery of schemes identified within the Open Space Strategy for the area are unlikely to be supported.*

*Development proposals should be in accordance with Local Plan Policy N4 and the requirements set out within the forthcoming Environment and Biodiversity Strategy, which will consider the need for and definition of a buffer zone to protect existing environmental assets within and adjacent to the North Industrial Zone.*

*Development proposals will be required to take account of flood risk in accordance with Local Plan Policy SD7. The layout and design of proposals should also have regard to the forthcoming Water and Flood Risk Management Strategy. Development proposals should have regard to the forthcoming Ground Remediation Strategy for the South Tees Area and should, where necessary, be supported by a full gas risk assessment, incorporating any required measures to reduce landfill gas migration.*

*Any proposals on the site of closed landfill operations should be supported by a risk assessment to be undertaken in advance of these works to ensure there is sufficient land stability and no increased gas and leachate risk associated with the development”.*

### **Emerging Waste Local Plan**

- 5.2.119 It is understood that there is no emerging plan and no timetable for the preparation of a new or replacement plan at present.

## Emerging Local Plan

- 5.2.120 It is understood that there is no emerging plan and no timetable for the preparation of a new or replacement plan at present.

## 5.3 References

Department for Communities and Local Government (DGLC) (2014a) National Planning Practice Guidance.

Department for Communities and Local Government (DGLC) (2014b) National Planning Policy for Waste. October 2014.

Department of Energy and Climate Change (DECC) (2009) The UK Renewable Energy Strategy. July 2009.

Department of Energy and Climate Change (DECC) (2011a) Overarching National Policy Statement for Energy (EN-1). July 2011.

Department of Energy and Climate Change (DECC) (2011b) National Policy Statement for Renewable Energy Infrastructure (EN-3). July 2011.

Department for Communities and Local Government (DCLG) (2014) National Planning Policy for Waste. October 2014.

Department for Environment, Food and Rural Affairs (Defra) (2013) Waste Management Plan for England. December 2013.

Department for Environment, Food and Rural Affairs (Defra) (2018) Our Waste, Our Resources: A strategy for England

Ministry for Housing, Communities and Local Government (2019) National Planning Policy Framework.

Official Journal of the European Union Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

Redcar and Cleveland Borough Council (2018) South Tees Area - Supplementary Policy Document Adopted May 2018

Redcar and Cleveland Borough Council (2018) The Redcar and Cleveland Local Plan Adopted May 2018

Statutory Instrument 2011 No. 988 Environmental Protection, England and Wales The Waste (England and Wales) Regulations 2011

The Tees Valley Joint Minerals and Waste Development Plan Core Strategy DPD Adopted September 2011

The Tees Valley Joint Minerals and Waste Development Plan Policies & Sites DPD Adopted September 2011