



# TOWN AND COUNTRY PLANNING ACT 1990

## NOTICE OF PLANNING PERMISSION

Applicant / Agent Name And Address

R P S CONSULTING SERVICES LTD  
 10D JOSEPHS WELL  
 HANOVER WALK  
 LEEDS  
 LS3 1AB

**Reference No: R/2020/0411/FFM**

The Council as the Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the development proposed by you in your application valid on: 3 August 2020

**Details: CONSTRUCTION OF THE REDCAR ENERGY CENTRE (REC) CONSISTING OF A MATERIAL RECOVERY FACILITY INCORPORATING A BULK STORAGE FACILITY; AN ENERGY RECOVERY FACILITY; AND AN INCINERATOR BOTTOM ASH RECYCLING FACILITY ALONG WITH ANCILLARY INFRASTRUCTURE AND LANDSCAPING**

**Location: LAND AT REDCAR BULK TERMINAL REDCAR TS10 5QW**

**Applicant: REDCAR HOLDINGS LIMITED**

Subject to the following condition(s):

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

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

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

**19216-RPS-SI-XX-DR-A-5309-P02 - Site Location Plan received by the Local Planning Authority on 03/08/2020**

**19216-RPS-SI-XX-DR-A-5002-P05 - Proposed Site Plan received by the Local Planning Authority on 03/08/2020**

**19216-RPS-EW-XX-DR-A-5200-P01 - Proposed Section 1 received by the Local Planning Authority on 03/08/2020**

**19216-RPS-EW-XX-DR-A-5300-P01 - Proposed REC East Elevations received by the Local Planning Authority on 03/08/2020**

**19216-RPS-EW-XX-DR-A-5301-P01 - Proposed REC South Elevations received by the Local Planning Authority on 03/08/2020**

**19216-RPS-EW-XX-DR-A-5302-P01 - Proposed REC West Elevations received by the Local Planning Authority on 03/08/2020**  
**19216-RPS-EW-XX-DR-A-5303-P01 - Proposed REC North Elevations received by the Local Planning Authority on 03/08/2020**  
**19216-RPS-EW-XX-DR-A-5304-P01 - Proposed REC ACC Elevations received by the Local Planning Authority on 03/08/2020**  
**19216-RPS-IB-XX-DR-A-5380-P01 – Proposed IBA Elevations received by the Local Planning Authority on 03/08/2020**  
**19216-RPS-MF-XX-DR-A-5350 – P01 - Proposed North & East Elevation received by the Local Planning Authority on 03/08/2020**  
**19216-RPS-MF-XX-DR-A-5351- P01 - Proposed South & West Elevations received by the Local Planning Authority on 03/08/2020**  
**19216-RPS-MF-XX-DR-A-5352-P02 – Proposed Office Elevations received by the Local Planning Authority on 03/08/2020**

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

- 3. Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts (a) to (c) have been complied with. This excludes any agreed remediation/mitigation measures provided by the development itself such as surface cover systems, gas protection systems, etc. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (e) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

**(i) a survey of the extent, scale and nature of contamination;**

**(ii) an assessment of the potential risks to:**

- human health,**
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
- adjoining land,**
- groundwaters and surface waters,**
- ecological systems,**
- archaeological sites and ancient monuments;**

**(iii) an appraisal of remedial options, and proposal of the preferred option(s).**

**This must be conducted in accordance with Environment Agency's Land Contamination Risk Management Guidance**

**(b) Submission of Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

**(c) Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. This excludes any agreed remediation/mitigation measures provided by the development itself such as surface cover systems, gas protection systems, etc. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to the operation of the development.**

**(d) Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part (a) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.**

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

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

4. **Within 28 days of the site becoming operational noise measurements at the nearest residential noise sensitive receptor to the site (Marsh Farm House), must be undertaken in accordance with British Standard 4142. The results shall be submitted to the local planning authority within three months from the date of the site becoming operational, including details of any remedial works and a programme for implementation of this remediation.**

**Any remedial works must be carried out in accordance with the approved programme for implementation and the noise measurements must be repeated and submitted to the local planning authority for approval following completion of remedial works to demonstrate that the noise levels do not exceed a level of 5 dB above either the daytime (07:00 to 23:00 hours) or night-time (23:00 to 07:00 hours) background sound level, unless otherwise agreed with the local planning authority in writing.**

**Reason:** In the interests of protecting noise sensitive receptors from adverse noise impacts.

5. **Prior to the commencement of construction details of a detailed dust mitigation strategy for the construction phase of the development shall be submitted to the Local Planning Authority for approval in writing. The approved strategy shall be implemented in its entirety and maintained throughout the period of construction.**

**REASON:** In the interests of minimising dust emissions and protecting neighbour amenity.

6. **No development shall take place until all borehole logs and trial pit data carried out as part of ground investigation works have been reviewed by a competent archaeologist in accordance with a written scheme previously approved by the local planning authority. The written scheme shall provide as a minimum that the competent archaeologist shall produce a report on the significance of the logs and data to assist in determining whether an archaeological watching brief (or other work) is required of ground disturbance during the remediation works and during construction groundworks in any areas identified as of archaeological interest.**

**Before construction or remediation takes place, and where the local planning authority determines that a watching brief or other archaeological work is required during remediation and/or construction, the developer shall secure such work according to a written scheme of investigation (WSI) approved by the local planning authority for the purpose. The developer shall thereafter carry out the approved scheme.**

**REASON:** to ensure that any archaeological interest is appropriately recorded.

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

7. Prior to the commencement of the development, or in such extended time as may be agreed in writing with the Local Planning Authority, details shall be submitted and approved of the surface water drainage scheme and the development shall be completed in accordance with the approved scheme. The design of the drainage scheme shall include;
- (i) Restriction of surface water greenfield run-off rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm.
  - (ii) The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method. The design shall also ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.
  - (iii) Full Micro Drainage design files (mdx files) including a catchment plan
  - (iv) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change

**REASON:** To ensure the development is supported by a suitably designed surface water disposal infrastructure scheme and to minimise the risk flooding in the locality.

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

8. Prior to the commencement of the development, or in such extended time that may be agreed with the Local Planning Authority, details of a Surface Water Drainage Management and Maintenance Plan shall be submitted and approved by the Local Planning Authority. The Management Plan shall include;
- (i) The timetable and phasing for construction of the drainage system
  - (ii) Details of any control structure(s)
  - (iii) Details of surface water storage structures
  - (iv) Measures to control silt levels entering the system and out falling into any watercourse during the construction process
  - (v) A plan clearly identifying the sections of surface water system that are to be adopted
  - (vi) Arrangements for the short and long term maintenance of the SuDS elements of the surface water system

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

**REASON:** To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the

risk of increased flooding and contamination of the system during the construction process.

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

9. Prior to the installation of the surface water outfall a scour impact assessment and mitigation scheme, including long-term design objectives of the proposed outfall, management responsibilities and maintenance schedules should be submitted to, and approved in writing by, the local planning authority. The outfall shall therefore be implemented in accordance with the approved scheme, unless otherwise agreed in writing.

**REASON:** Development that encroaches on the River Tees estuary should be adequately assessed. The Tees Lower and Estuary TraC (GB510302509900) has an overall water body status of 'moderate' with an ecological status of 'moderate' and a chemical status of 'fail'. The water body is heavily modified for flood protection and navigation, ports and harbours and therefore seeks to attain Good Ecological Potential (GEP).

10. To maintain fish passage during construction, unless otherwise agreed in writing, the following is required in respect to piling:

- Between the 1 March and 30 November, in any given year, no percussive piling shall take place for 3 hours following low water to allow migration of adult salmon and sea trout on the flood tide.
- During the month of May, in any given year, no percussive piling shall take place. If this is impossible, then no piling of any type should take place for the first 5-hours of the ebbing tide to allow migration of juvenile salmon and sea trout.

**Reason:** The act of piling has the potential to affect runs of migratory fish. It has been established that fish are very sensitive to noise and vibration disturbance which can be transmitted through the water column. Piling work is likely to cause this type of noise disturbance that could affect fish migration through this section of the river.

11. Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The CEMP shall provide details of the following;

- (a) construction noise and vibration management including piling methodology;
- (b) water management (surface water and groundwater);
- (c) the mechanism for the public to communicate with the construction teams, including contact details; and
- (d) management and mitigation of artificial light emissions.

- (e) The parking of vehicles for site operatives and visitors;**
- (f) Loading and unloading of plant and material**
- (g) Traffic management and storage of plant and materials used in constructing the development**
- (h) The erection and maintenance of security hoarding including decorative displays**
- (i) Wheel washing facilities**
- (j) Measures to control the emission of noise dust and vibration during the construction period**
- (k) Measures for recycling/disposing of waste resulting from demolition and construction works.**

**REASON:** To protect the amenity of nearby commercial operators and in the interests of highway safety.

**REASON FOR PRE-COMMENCEMENT:** The CEMP is required to be approved in advance of the commencement of development as the information required relates to mitigating the environmental impact of the development relating the commencement of engineering works.

- 12. Prior to the commencement of the development, a detailed scheme for the disposal of foul water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.**

**REASON:** To prevent the increased risk of flooding from any sources in accordance with the NPPF.

**REASON FOR PRE-COMMENCEMENT:** A pre-commencement condition is required to ensure that excavations and groundworks do not compromise the installation of the approved surface water or foul drainage infrastructure.

- 13. Prior to the first occupation of the completed development, a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved Travel Plan, unless otherwise agreed in writing.**

**REASON:** to ensure that the end users can make an informed choice as to the method of sustainable transport.

- 14. Prior to the commencement of development plans showing the existing and proposed ground levels over the site together with finished floor levels and maximum building heights shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.**

**REASON:** To ensure a satisfactory relationship between existing and proposed buildings in accordance with policy SD4 of the Local Plan.

**REASON FOR PRE-COMMENCEMENT:** The information is required prior to any works commencing on site as construction activity and site preparation can change existing levels resulting in increased ground levels which the authority needs to consider.

15. There shall be no site vegetation clearance between 1st March to the 31st August unless an ecologist, whose professional details and qualifications have first been submitted to and approved by the local planning authority, has first undertaken a checking survey immediately prior to the clearance and confirms in writing to the local planning authority that no active nests are present.

**REASON;** To ensure that there is no disturbance or destruction of the habitats of nesting birds during the construction process.

16. The development hereby approved shall be carried out in accordance with the landscaping strategy set out in Figure 6.9 of the Environmental Statement and Drawing No. 100/6.9 Rev B received by the Local Planning Authority on 03/08/2020 unless otherwise agreed in writing with the Local Planning Authority.

**REASON:** To ensure the development does not have significant adverse visual impacts on its surroundings in accordance with policies SD4 and N1 of the Local Plan.

17. Prior to the occupation of development, a Lighting Strategy will be submitted to approved in writing by the Local Planning Authority. Thereafter development will be implemented in accordance with the approved details, unless otherwise agreed in writing.

**REASON:** To ensure the satisfactory implementation of the approved scheme in the interests of the visual amenity of the locality and the appearance of the development.

18. During construction and operation, works at the site can take place 24 hours a day and 7 days a week.

**REASON:** To ensure the development is carried out in accordance with the terms of the Environmental Statement.

**STATEMENT OF COOPERATIVE WORKING:** The Local Planning Authority considers that the application as originally submitted is a satisfactory scheme and therefore no negotiations have been necessary.





Signed:

**Andrew Carter**  
**Assistant Director Economic Growth**

Date: 27 January 2021

**YOUR ATTENTION IS DRAWN TO INFORMATIVE NOTES BELOW:****INFORMATIVE NOTE:**

The conditions above should be read carefully and it is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

Please note that in order to discharge any conditions, a fee is payable in respect to this.

Failure on the part of the developer to fully meet the terms of any conditions which require the submission of details prior to the commencement of development may result in the development being considered unlawful and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal action in the form of a Breach of Condition notice.

**APPROVAL INFORMATIVE:**

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Consent under the current Building Regulations may also be required for the development before work can commence.

**CATS Pipeline**

In addition to the statutory consultees, applicants should also consider what other stakeholders should be consulted. For example, in the case of any development taking place that may affect High Pressure Gas Pipelines, operated by CATS North Sea Limited on behalf of the owners of the pipeline, please consult with CATS North Sea Limited at [CATSPipeline@woodplc.com](mailto:CATSPipeline@woodplc.com) 01642 546404 CATS Terminal, Seal Sands Road, Seal Sands, Teesside TS2 1UB.

**County of Cleveland Act, 1987 – Facilities for Fire Fighting**

Section 5 of this Act requires that, where building regulation plans for the erection or extension of a building are deposited with the Council, the Council must reject the plans if it is not satisfied:

- That there will be adequate means of access for the Fire Brigade
- That the building or extension will not make means of access for the Fire Brigade to any neighbouring building inadequate

- If the building could be used for commercial or industrial purposes, that there is provision for installation of fire hydrants or other provision for an adequate supply of water for firefighting purposes.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within the timeframes stated below:

- **12 weeks** of the date of this notice for a householder application/minor commercial application;
- **six months** of the date of this notice for other planning applications
- **8 weeks** in the case of any advertisement

using a form which you can get from the Secretary of State at **Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, (Tel: 0303 444 5000)** or online at

<https://www.gov.uk/planning-inspectorate>. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have it granted without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Planning Inspectorate does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In the circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to them. These circumstances are set out in Section 114 and related provisions of the Town & Country Planning Act 1990.

### **The Highways Act 1980 (Sections 131, 133 and 171)**

Prior to commencing work on any development which entails interference with an adopted Highway a developer/contractor is required to obtain the consent of the Engineering (Highways Team). Such consent will not unreasonably be withheld but will be conditional upon obtaining a "Road Opening And Reinstatement" Consent and signing an "Undertaking To Pay For Works".

### **The Building Act 1984 (Section 80)**

Prior to commencing work on any development which entails the demolition of part, or all of a building a developer or contractor is required to obtain the consent of the Engineering Team. Consent will be conditional on the Local Authority receiving the appropriate forms. Forms can be obtained direct from the Engineering Team.

