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Date: 24 August 2020

Our ref: 60722/01/AGR/HO/18698321v1

Your ref:

Dear David

Detailed Planning Application: Engineering operations associated with ground remediation and preparation at Metals Recovery Area, Teesworks

On behalf of our client, South Tees Development Corporation (STDC), we are pleased to submit an application seeking detailed planning permission for the following:

“Demolition of existing buildings/structures and engineering operations associated with ground remediation and preparation of land for development”.

STDC is the Mayoral Development Corporation tasked with the regeneration of land in what is UK's largest industrial zone: Teesworks. This application relates to that part of the Teesworks area known as the Metals Recovery Area (MRA).

STDC's role is to prepare sites in advance of planning applications for end-use developments, including in the advanced industrial sector. The grant of planning permission will enable STDC to create appropriate conditions for final use developments at the MRA site by creating a level development platform and also addressing any ground conditions and potential risk of contaminants.

Located to the north of the SLEMS waste management area, within the area known as the South Industrial Zone (SIZ) in the South Tees Regeneration Masterplan, the MRA extends to around 55 acres / 22.3 hectares and is a priority regeneration project for the Teesworks area.

Application Background

STDC was created in 2017 with the objective of delivering area-wide, transformational economic regeneration within its constitutional area, to augment the wider economic growth plans of the Tees Valley. Representing the largest single regeneration opportunity in the UK, Teesworks will be a national asset for new industry and enterprise, making a substantial contribution to the economic growth and prosperity of the region.

In July of this year, STDC submitted an application (ref: R/2020/0357/OOM) seeking outline planning permission for the development of large-scale general industry and / or storage and distribution uses on land known as the South Industrial Zone (SIZ); a 174-hectare site that includes the MRA. The proposals represent one of the first developments being progressed by STDC and, if granted, will pave the way for a major

development opportunity within the STDC area. However, that outline proposal is complex by virtue of its scale and will have a lead-in time for its implementation (due in part to the need to obtain reserved matters approvals for details) and is likely to be delivered in phases.

This application is being submitted, therefore, in order to enable STDC to mobilise quickly on the MRA site specifically, in order to carry out works that will level the land and prepare it for final development for the uses set out in the separate outline application. Thus, the approval of these site levelling and ground preparation works have the potential to speed up the overall regeneration planned for the SIZ, and ultimately the Teesworks area.

The Application Site

The site comprises most of the land known as ‘the Metals Recovery Area’ referred to in the South Tees Regeneration Master Plan and defined on the accompanying Site Location Plan. The site has, until recently, been used for the sorting grading and of by-product slag material for use as a construction material. This use has now wound down and continues at a reduced scale in the south east corner of the site. The ground in the area is covered by a mixture of hardstanding and material associated with historic uses with an obvious internal vehicle network present. There are a variety of built structures present comprising derelict buildings, two industrial style shed buildings, a viewing platform and associated structures and a wall. A section of disused railway track runs along the south western side of the site, before heading north east into Teesport.

The underlying topography of the site is relatively flat. Previous temporary ground workings and uses across the site have, however, led to the creation of a number of ridges and mounds of material, many of which are significant in height. The existing ground level across the site are shown on the ‘Existing Ground Spot Levels’ drawing (ref STDC-SIZ-LF-PLA-0002) and typically range from 7.0m to 12.0m AOD (above ordnance datum). Just beyond the southern boundary of the site there is a significant rapid change in ground level towards the Cleveland Channel which discharges into the Lackenby Channel, which runs parallel to the eastern boundary of the site; both channels, which are outwith the site, are tidal and discharge into the River Tees.

The site is bound as follows:

- To the north west by PD Ports Teesport;
- To the north east by the Sembcorp pipeline corridor and Tees Dock Road;
- To the south east by the former SLEM Waste Management Facility; and
- To the south west by the Highfield Environmental Facility.

The site area within the application red line boundary is 22.3ha.

Proposed Works

The principle purpose of the engineering works, for which planning permission is required, is to create a level development platform typically at around 8.8m AOD across the site. These works will include excavation and turnover of the ground within the subsurface and the reuse of excavated material as fill for the levelling of the site. In some localised areas across the site, these works may require some form of remediation to treat contamination. The prospects of contamination and risks associated with this are discussed in the Phase II Environmental Site Assessment report which accompanies the application and provides conclusions and recommendations regarding the safe engineering of the site.

In general, the approach to site preparation will be, where necessary, to excavate by 2.5m below the final 8.8m AOD level. However, excavation depths will vary due to the existing variable topography across the site, and in some cases the existing ground level will need to be raised up or remain at its existing level. For example, if an area's existing ground level is 1.0m below 8.8m AOD, it will typically be excavated down by no more than 1.5m, and if an area's existing ground level is more than 2.5m below 8.8m AOD, it will not be excavated, but will be raised up to 8.8m AOD. Whilst the lowest anticipated excavation datum is 6.3mAOD, in some instances, localised ground conditions may require excavation to a greater depth.

It is anticipated that the levelling of the site will be achieved through a "backfill" exercise using material already on site and will not require the importation (or exportation) of material into / off the site.

The small-scale structures on site will be demolished and the ground underneath will then undergo the same approach to excavation as the rest of the site, i.e. excavation down to 2.5m below 8.8m AOD level.

Further details are available to view in the accompanying technical documents and suite of plans submitted as part of this application.

Assessment against Planning Policy

The statutory development plan for the proposed development site comprises

- Redcar & Cleveland Local Plan (adopted 2018); and
- The Tees Valley Joint Minerals and Waste Development Plan Documents, comprising:
 - i Minerals and Waste Core Strategy DPD (adopted September 2011); and
 - ii Minerals and Waste Policies and Sites DPD (adopted September 2011).

Alongside the Local Plan, RCBC prepared the South Tees Area Supplementary Planning Document ("SPD") (also adopted in May 2018) to support economic and physical regeneration of the South Tees area and provide guidance on the interpretation of local planning policy documents. The SPD was informed, and is supported, by the South Tees Regeneration Master Plan which was originally adopted by STDC in 2017.

The Master Plan was subsequently updated, most recently, in November 2019. It sets out the vision for transforming the STDC area into a world-class example of a modern, large-scale industrial business park by providing a flexible development framework where land plots can be established in a variety of sizes to meet different occupier needs in the most efficient manner possible.

We have, therefore, assessed the proposal against the above documents.

Principle of Proposed Development

Policy LS 4 (South Tees Spatial Strategy) of the adopted Local Plan sets out a series of key economic, environmental and connectivity objectives for the South Tees area. Those of particular relevance include the following:

- a. deliver significant 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;*
- 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;

h. give the area an identity and make it attractive to inward investment;

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;

x. secure decontamination and redevelopment of potentially contaminated land; and

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.

The proposed site preparation works will contribute to and help to realise all of the above objectives and, therefore, comply with the wider spatial strategy for the area and Policy LS 4 of the Local Plan.

Policy ED 6 (Promoting Economic Growth) of the Local Plan protects land within existing industrial estates and business parks, including 'Land at South Tees', which includes the application site, for employment uses. The policy expects proposals within the STDC Area to have regard to the South Tees Area SPD, and states that "*Proposals which positively contribute towards growth and regeneration will be supported*". Policy ED6 also requires that, where appropriate, development proposals 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.

The proposed works represent an important step in the regeneration of the South Industrial Zone and will enable STDC to offer 'development ready' land to businesses interested in locating in South Tees. As discussed below, the Habitat Regulations Assessment and Appropriate Assessment report demonstrates that the proposed development, including adherence to a Construction Environment Management Plan, will not adversely affect the Teesmouth and Cleveland Coast SPA and Ramsar site. It is therefore entirely compatible with the aims and requirements of Policy ED 6 of the Local Plan.

The South Tees Area SPD, through Development Principle STDC1: Regeneration Priorities signals the Council's commitment to work in partnership with STDC to achieve the comprehensive redevelopment of the South Tees Area in order to realise an exemplar world class industrial business park. The proposed works represent a crucial step in the regeneration of the STDC area as explained above. The SPD goes on to state '*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.*'

Development Principle STDC14 covers this part of the STDC area, referred to as "*the South Industrial Zone*", and explains that proposals should take into account flood risk, ground contamination and ecology. These technical considerations are all summarised below and addressed in detail in the accompanying application documentation, such that the requirements of Development Principle STDC 14 are met.

It is, therefore, concluded that the principle of development is accepted in the location and the application accords with the relevant policies discussed above.

Ground Conditions

A Phase II Environmental Site Assessment (Shallow soils), prepared by Arcadis, has been submitted as part of this application. This report seeks to provide the baseline ground conditions and to quantify potential risks to human health, controlled waters and built and ecological receptors in relation to shallow soils at the site.

A ground conditions report prepared by Wood has also been submitted as part of this application. This report seeks to cover the base line ground conditions for the entirety of the STDC area. However, at Sections 2.3 – 2.7, the report specifically covers the South Bank Area which includes the Metals Recovery Area. The report provides information regarding the ground conditions and risk of contaminants.

Together, the reports provide sufficient detail for the Council to understand the ground conditions and the potential risks to human health, controlled waters and built and ecological receptors such that it can attach appropriate conditions to any permission granted that ensures that any risks are managed during the proposed works.

The proposed engineering works are, therefore, in accordance with Local Plan Policy SD 4 (General Development Principles) and Development Principle STDC9 (Site Remediation) of the South Tees Area SPD which gives support remediation of land that is *'proportionate, based on a risk assessment and responds to the development typology and its needs'* and expects remediation to, where appropriate, *'provide for environmental betterment'*. Further, it requires *'all remediation activities...to avoid adverse effects on the integrity, conservation objectives or qualifying features of the Teesmouth and Cleveland Coast SPA and Ramsar Site...'* and *'...to avoid unacceptable impacts on water quality and contamination of the water environment'*.

Ecology

The site is located within a 6km buffer zone of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site.

The accompanying shadow Habitat Regulations Assessment (HRA), including an Appropriate Assessment concludes that there will be no likely significant effects to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar from the proposed works, either alone or in combination with other planned developments in the area, by following the implementation of a Phasing Plan and a Construction Environmental Management Plan. This can be secured by condition. As such, the application accords with the relevant aspects of Policy N4 and Development Principle STDC7.

An Ecological Impact Assessment, prepared by Arup, accompanies this planning application which incorporates the results of a desk-based study and ecological walkover to inform its findings. It sets out additional recommendations for the protection of habitat including breeding birds (Shelduck). It calculates the loss of habitat as being 4.10 biodiversity units, which is considered not significant, whilst the habitats within the site are not “important” and of low quality, in terms of Ecology Impact Assessment. There is, therefore, a basis to conclude that such loss does not amount to “significant harm” in the context of NPPF para. 175, and if so, then the hierarchy of avoid, mitigate, compensate, is not to be engaged in the determination of the application.

Notwithstanding this, STDC is committed to bringing forward opportunities to compensate for this loss through the implementation of the site-wide Environment & Biodiversity Strategy, currently being prepared to identify habitat enhancement schemes across the STDC area and beyond.

Flood Risk, Below Ground and Surface Water Management

The proposed engineering works involve the reworking of existing material on site to reprofile and level the ground. As such, and as explained in the Arcadis Phase II Environmental Site Assessment report, the proposed works will not increase surface water infiltration rates and therefore the risk of surface water flooding will be no higher than current rates. The proposed engineering works to level the site will not, therefore, increase flood risk.

Further improvements to water management can be incorporated into the final use development proposals when they come forward in future planning applications.

Archaeology and Heritage

A Desk Based Heritage Assessment, prepared by Prospect Archaeology, is submitted alongside the application which considers the potential impacts of the proposed development on archaeological and historical assets. The report finds no designated heritage assets within the site and considers that the potential for any archaeological remains to survive or be affected development is negligible given the historical development of the site. The report concludes that the proposed levelling of the site will have no direct or indirect effects on any designated or undesignated heritage assets, that there is negligible potential for as yet unidentified archaeology to be present. No further heritage work is, therefore, considered necessary in relation to proposed works.

The proposed works, if granted planning permission, are, therefore, in accordance with Local Plan Policy HE2 (Heritage Assets), which resist development that would adversely affect designated heritage assets. The application is also in line with Policy HE3 (Archaeological Sites and Monuments) which requires a desk-based assessment where a development has the potential to affect known or possible archaeological sites, and requires *'appropriate satisfactory provision...for archaeological investigation, recording or reporting...before, or where necessary during, development.'*

Conclusion

The proposed small-scale demolition works and engineering operations to level the MRA site are a key step in the early regeneration of the SIZ and are thus integral to enabling STDC to realise its objectives of bringing forward transformational economic regeneration at Teesworks, creating thousands of new jobs. The proposal accords with the relevant adopted Local Plan policies and aligns with the aspirations for the area set out in the South Tees SPD. The application should, therefore, be approved.

Environmental Impact Assessment

For completeness, we have given consideration to the relevance of this application to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ("the Regulations") and it is our opinion that the application proposal is not one giving rise to a need for EIA as defined in the Regulations.

The Regulations define "EIA development" as "*development which is either (a) Schedule 1 development; or (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location*". "Schedule 1 development" is defined, in the Regulations, as "*development, other than exempt development, of a description mentioned in Schedule 1*", whilst "Schedule 2 development" is defined as "*development, other than exempt development, of a description mentioned in column 1 of the table in Schedule 2 where...*". And the definition goes on to explain under which circumstances development described in the table qualifies as "Schedule 2 development".

It is our view that the development proposed is not of a type which meets any of the descriptions under Schedule 1 or in column 1 of the table in Schedule 2 of the Regulations. In addition, and with reference to the documentation submitted with the planning application, it is clear that it does not give rise to any significant environmental effects that may give rise to a need for EIA as an exception to the requirements of the Regulations.

Application Submission

This application has been submitted directly to Redcar & Cleveland Borough Council. The application submission comprises the following documents:

This covering letter;

- Completed Application Forms and Ownership Certificates;
- Phase II Environmental Site Assessment (Shallow Soils), prepared by Arcadis (incorporating a statement on Flood Risk Assessment);
- Habitats Regulations Assessment: Stage 1: Screening and Stage 2 Appropriate Assessment, prepared by Arup;
- Ecological Impact Assessment and Biodiversity Net Gain Assessment, prepared by Arup;
- Desk Based Heritage Assessment, prepared by Prospect Archaeology;
- Outline Remediation Strategy, prepared by Wood;
- Site Location Plan (ref: STDC-SIZ-LF-PLA-0001), prepared by STDC; and
- Existing Ground Spot Levels (ref: STDC-SIZ-LF-PLA-0002), prepared by STDC.

Given the size of the site, it is not practical to provide existing site plans at a scale of 1:500, and it is considered that the Site Location Plan at a scale of 1:2,500 is sufficient to identify the site.

No elevation plans are required given the nature of the proposals. Should the Council consider it necessary, a suitable planning condition could be attached to the grant of permission that controls the final finished heights upon completion of the engineering works which level the site.

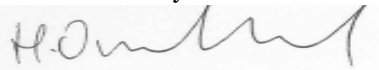
As the application seeks permission for engineering works, it is not necessary to submit a Design and Access Statement

Based on the application site area of 22.3ha, the requisite application fee payable directly to RCBC is £2,028.

We trust that the application can be validated and advanced to determination at the earliest opportunity and we will contact you in due course to discuss the progress of the application and anticipated timescales for its determination.

Should you have any queries in the meantime, please do not hesitate to contact either myself or my colleague Anthony Grealley.

Yours sincerely



Heather Overhead
Senior Planner

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John McNicholas STDC