

David Pedlow
Redcar & Cleveland Borough Council
Enterprise & Environment Development
Management
Redcar & Cleveland House
Kirkleatham Street
Redcar and Cleveland
TS10 1RT

Our ref: NA/2020/115251/01-L01
Your ref: R/2020/0684/ESM
Date: 04 March 2021

Dear David,

DEMOLITION OF EXISTING REDUNDANT QUAY STRUCTURES, CAPITAL DREDGING AND DEVELOPMENT OF NEW QUAY AND ASSOCIATED WORKS (PHASE 1). LAND AT SOUTH BANK WHARF, GRANGETOWN, LACKENBY.

Thank you for consulting us on the above planning application which we received 4 December 2020.

Environment Agency position

We have reviewed the submitted proposal and have **no objections** subject to the following **CONDITIONS**.

Condition – Environment and Biodiversity Strategy

Part A – Biodiversity Assessment

No development shall take place until a Biodiversity Assessment is submitted to, and approved in writing by, the Local Planning Authority.

The assessment will:

- Identify and measure biodiversity unit loss (in habitats and river units) resulting both directly and indirectly from the approved development.

Any subsequent variations to this assessment, shall be agreed in writing by the Local Planning Authority

Part B – Submission of Environment and Biodiversity Strategy

Following the Biodiversity Assessment, and within 12 months of the grant of this planning permission, an Environment and Biodiversity Strategy shall be submitted to, and agreed in writing by, the local planning authority which confirms the approach to ensuring biodiversity loss (identified in Part A) is to be mitigated within the development site, and where demonstrated not to be feasible, to be compensated for off-site, together with the mechanisms for its provisions and on-going management. The Strategy shall include the following:

- The details of any new and enhanced biodiversity created on site, relevant to this development site;

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- The details of compensatory habitat where onsite mitigation is demonstrated to not be feasible, relevant to this development site;
- The details of treatment of site boundaries and/or buffers around water bodies, relevant to this development site;
- The details of long-term maintenance regimes and management responsibilities, relevant to this development site.

The Strategy shall be approved by the Local Planning Authority. The identified mitigation and, where demonstrated to be necessary and feasible, compensation, shall be provided in accordance with the Strategy and any subsequent agreed amendments to it, and shall be implemented within 12 months of occupation.

Reason

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

Biodiversity Assessment – Advice to Applicant

We would recommend using the Defra biodiversity metric to measure and account for biodiversity losses from the development/land use change.

Condition – Programme of site characterisation and remediation

Prior to commencement of construction activities/relevant phase, a programme of site characterisation works is to be submitted to ascertain if contaminants are present in concentrations that could result in pollution to controlled waters. The programme shall include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.



Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Condition – Construction Environmental Management Plan

No development shall commence until a construction environmental management plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The construction environmental management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- Details of the control measures to reduce spill of soils during landside excavation.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Conditions

As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed conditions meet the requirements of the 6 tests in paragraph 55 of the National Planning Policy Framework. Further guidance on the 6 tests is provided in the planning practice guidance (<https://www.gov.uk/guidance/use-of-planning-conditions>).

Please notify us immediately if you are unable to apply our suggested conditions, to allow further consideration and advice.

Please consult us on the details submitted to your authority to discharge this condition and on any subsequent amendments/alterations.

Beyond this, we wish to add the following informative comments:

Flood Risk – Advice to LPA

We have assessed the submitted application and we do not consider it to have an increased risk of on or off-site flooding, we therefore have no objection to this development.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence

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- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Decision Notice

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely,

Ms Caitlin Newby
Planning Adviser

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