



# TOWN AND COUNTRY PLANNING ACT 1990

## NOTICE OF PLANNING PERMISSION

Applicant / Agent Name and Address

LICHFIELDS  
MRS JUSTINE MATCHETT  
ST NICHOLAS BUILDING  
ST NICHOLAS STREET  
NEWCASTLE UPON TYNE  
NE1 1RF

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**Reference No: R/2020/0685/ESM**

The Council as the Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the development proposed by you in your application valid on: 24 November 2020

**Details: DEMOLITION OF EXISTING REDUNDANT QUAY STRUCTURES, CAPITAL DREDGING AND DEVELOPMENT OF NEW QUAY AND ASSOCIATED WORKS (PHASE 2)**

**Location: LAND AT SOUTH BANK WHARF GRANGETOWN LACKENBY**

**Applicant: SOUTH TEES DEVELOPMENT CORPORATION**

Subject to the following conditions:

- 1. The development shall not be begun later than the expiration of ten 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:**

**1305-STDC-PD-SD-10.02 Site Location Phase 2 received by the LPA on 09/11/2020**

**1305-STDC-PD-SD-10.03A Site plan showing overlap between Phases 1 and 2 received by the LPA on 09/11/2020**

**PC1084-RHD-SB-EN-DR-EVC-1113\_P01 Dredging Plan received by the LPA on 09/11/2020**

**PC1084-RHD-SB-DN-DR-C-1380\_P01 General Arrangement received by the LPA on 09/11/2020**

**PC1084-RHD-SB-DN-DR-C-1383\_P01 Quay Plan received by the LPA on 09/11/2020**

**PC1084-RHD-SB-DN-DR-C-1384\_P01 Quay Sections received by the LPA on 09/11/2020**

**PC1084-RHD-SB-DN-DR-C-1385\_P01 Drainage received by the LPA on 09/11/2020**

**PC1084-RHD-SB-DN-DR-C-1386\_P01 Electrical Services received by the LPA on 09/11/2020**

**PC1084-RHD-SB-DN-DR-C-1387\_P01 Mechanical Services received by the LPA on 09/11/2020**

**PC1084-RHD-SB-DN-DR-C-1388\_P01 Construction Sequence received by the LPA on 09/11/2020**

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

- 3. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP, or any other subsequent variation approved in writing by the Council, will include measures relating to:**

- **Invasive Non-Native Species ('INNS') Management Plan**
- **Construction Traffic Management Plan ('CTMP')**
- **Construction Waste Management Plan ('CWMP')**
- **Materials Management Plan ('MMP')**
- **Construction Phase Flood Risk Emergency Plan ('FREP')**
- **Details of the control measures to reduce spill of soils during landside excavation**
- **Site Induction Training**

**The development shall thereafter take place in accordance with the approved details.**

**REASON: To ensure the environmental effects of construction are appropriately managed and the potential risk to human health minimised as far as possible.**

**REASON FOR PRE-COMMENCEMENT: A pre-commencement condition is required as the environmental impact of the development will occur on the commencement of development.**

- 4. 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.**

**REASON FOR PRE-COMMENCEMENT: A pre-commencement condition is required as the environmental impact of the development will occur on the commencement of development.**

- 5. Prior to the commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority of the Surface Water Management and Maintenance Plan. Thereafter the development shall take place in accordance with the approved details.**

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

**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 drainage infrastructure.**

- 6. (a) No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved in writing by the local planning authority. The WSI shall make provision for:**
- Before development commences, archaeological evaluation of relevant borehole and vibrocore data**
  - Before development commences, and taking into account the evaluation where relevant, an agreed site monitoring strategy that provides for interpretation and recording of areas of expected archaeological sensitivity, and for any unexpected discoveries of archaeologically significant deposits or structures**
  - The systematic recording by photographic and photogrammetric means (including drone survey where appropriate) of structures to be demolished (including old jetties, pumping and custom houses)**

- Reasonable notification to the local planning authority of commencement and completion of archaeological work
- Details of staff involvement in carrying out of archaeological work, and their qualifications and responsibilities
- The timetable for completing any post-excavation assessment, archiving and report

(b) The development shall not without the prior written approval of the local planning authority be carried out otherwise than in accordance with the approved WSI.

**REASON:** The site may contain remains of archaeological interest, which should be recorded before they are destroyed.

**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. Part A) 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) 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;
- 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 operation.

**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.

**REASON FOR PRE-COMMENCEMENT:** A pre-commencement condition is required as the impact of the development will occur on the commencement of development

8. 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 implanted 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, the appearance of the development and impacts on ecological receptors.

9. Prior to the commencement of piling works, a Piling Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures identified as part of the assessment shall be implemented throughout the construction phase of the development, unless agreed in writing.

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

10. In order to provide shelter for small and juvenile fish, 'verti-pools' shall be incorporated into the quay face at different heights within the tidal frame.

**REASON:** To help to offset the loss of the existing structures on fish.

11. During the construction phase, a continuous flood defence line should be retained, using the existing, revised or a combined defence line (i.e. quay) such that a continued standard of protection will be provided throughout construction that is comparable with the existing.

**REASON:** To minimise the risk of flooding during the construction period.

12. The construction material for use in the development must be specified taking into consideration aggressive ground conditions at the design/ construction phase. The assessment methodology set out in BRE Special Digest 1 (20015) should be adopted to determine concrete classification in the development.

**REASON:** to ensure the integrity of the structures.

13. The following measures must be adopted as part of the proposed scheme:
- marking and lighting of overhanging blades; and,

- introduction of a safety zone in the vicinity of overhead cables whereby vessels may not enter if they or their load exceeds the given height restrictions.

**REASON:** To reduce collision risk and delays to shipping.

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

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

15. 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.

**SUGGESTED REASON FOR GRANTING PLANNING PERMISSION:**

The application has been supported by an Environmental Statement and additional supporting documentation. The Authority on the basis of the expert advice received is confident that there is sufficient environmental information with the inclusion of the proposed mitigation measures that no significant long term adverse impacts would occur and thus the conclusion is that the requirements of the Regulations have been met.

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

**INFORMATIVE NOTE:** Future construction contractors and occupiers of the site are advised that contact should, where feasible, be made with Redcar and Cleveland Borough Council to explore the opportunities of employment and training programmes in the local area.



Signed:

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

Date: **19 March 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.