

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

Our ref: NA/2021/115326/01-L01
Your ref: R/2020/0820/ESM
Date: 16 February 2021

Dear David,

OUTLINE PLANNING APPLICATION FOR DEVELOPMENT OF UP TO 92,903SQM (GROSS) OF GENERAL INDUSTRY (USE CLASS B2) AND STORAGE OR DISTRIBUTION FACILITIES (USE CLASS B8) WITH OFFICE ACCOMMODATION (USE CLASS B1), HGV AND CAR PARKING AND ASSOCIATED INFRASTRUCTURE WORKS (ALL MATTERS RESERVED). LAND BOUNDED BY TEESWORK ROAD INFRASTRUCTURE TO NORTH WEST; EAST AND SOUTH AND TEES DOCK ROAD TO WEST LACKENBY

Thank you for consulting us on this planning application which we received 22 January 2021.

Environment Agency position

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

The EIA proposal has not included a Water Framework Directive (WFD) assessment or a site specific drainage strategy. Once further details are known, we will require WFD assessments to be submitted. The Water Framework Directive 2000/60/EC covers all waters on land this is defined as "all standing or flowing water on the surface of the land". The watercourses and culverts are part of the water body Eston to Teesport (Tidal Tees) area (GB103025076000).

As part of a WFD assessment the applicant will need to demonstrate:

- Whether the proposed development will lead to the deterioration of any WFD a waterbody.
- Whether the proposed development will compromise the achievement of Good Status or Potential in any WFD waterbody.
- Whether the proposed development will contribute towards a cumulative deterioration of WD status or prevent cumulative enhancement of WFD status in any waterbody.
- Whether the proposed development will support the delivery of measures identified in the Northumbria River Basin Management Plan (RBMP) that are required to achieve waterbody objectives.

Condition: High Level Water Framework Directive Assessment

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk



Prior to commencement of development, or at such a time agreed in the phasing plan, a high level Water Framework Directive (WFD) assessment is to be submitted to, and approved in writing by, the local planning authority. This assessment shall include the entire site and consider the impacts of the full development proposal. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing.

Reason: To ensure that the development would not lead to deterioration or prevent the attainment of Good Ecological Status of any waterbody under the Water Framework Directive (WFD) objectives.

Condition: Detailed Water Framework Directive assessment following phasing plan

Prior to the approval of any phase of development that includes watercourses, the approved WFD assessment shall be updated. This shall be submitted to and approved by the Local Planning Authority prior to the relevant phase of development in accordance with the approved phasing plan. The scheme shall be implemented in accordance with the approved details and any mitigation measures recommended as part of the assessment will be adhered to throughout the lifetime of the development, unless otherwise agreed in writing.

Reason: To ensure that the development would not lead to deterioration or prevent the attainment of Good Ecological Status of any waterbody under the Water Framework Directive (WFD) objectives.

Condition: Construction Environment Management Plan (CEMP)

Prior to commencement of development, or in accordance with an agreed phasing plan, a Construction Environment Management Plan for the development shall be submitted to and approved, in writing, by the local planning authority. The plan shall include detail to ensure mitigation for contaminated or poor quality surface water is appropriate. The development shall thereafter take place in accordance with the approved details.

Reason: To ensure the environment effects of construction are appropriately managed.

We wish to be consulted on the results of any survey submitted in connection with this application, on any design changes, additional mitigation, compensation or enhancement measures that might subsequently be proposed.

Conditions – Advice to LPA

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.

Beyond this, we would like to add the following informative comments:

Water Framework Directive – Advice to LPA/Applicant

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The Water Framework Directive (WFD) is implemented in England and Wales through, 'The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003'.

- Under WFD, environmental objectives have been set out for each of the protected areas and water bodies in the Northumbria River Basin District Management Plan, updated December 2015.
- The current status of the Tees estuary (waterbody reference GB103025076000) is 'moderate' ecological potential.

The objective for this waterbody is to achieve 'good' ecological potential. Individual element classifications and objectives are provided below. These environmental objectives are legally binding. All public bodies must have regard to these objectives when making decisions that could affect the quality of the water environment.

The River Tees is important wildlife corridor and should remain as such and be enhanced where possible. The Tees estuary environment has been significantly improved over recent decades and implementation of future legislation from 2020 will achieve further improvements to the benefit of estuary habitat, with a view to achieving good ecological potential by 2027.

Developers should identify measures to comply with the requirements of the WFD through carrying out a WFD assessment of a proposal. As part of a WFD assessment, the applicant will need to demonstrate:

- Whether the proposed development will lead to a deterioration in status of any WFD waterbody
- Whether the proposed development will compromise the achievement of Good Status or Potential in any WFD waterbody
- Whether the proposed development will contribute towards a cumulative deterioration of WFD status or prevent cumulative enhancement of WFD status in any waterbody.
- Whether the proposed development will support the delivery of measures identified in the Northumbrian River Basin Management Plan that are required to achieve waterbody objectives. This waterbody is designated as a heavily modified waterbody, and as such, requires that all practicable mitigation is taken to achieve good ecological potential. The generic mitigation measures deemed applicable to this waterbody include,
 - Enhance ecology
 - Bank rehabilitation
 - Remove or soften hard bank
 - Preserve or restore riparian habitats

Culverts – Advice to LPA/Applicant

We are unlikely to support planning applications for proposals to build over existing culverts because of health and safety considerations, increased maintenance costs and complexities, and because future options to restore the watercourse may be precluded.

Biodiversity – Advice to LPA

We understand that the proposed works are currently at outline stage and a detailed design for the final development is not available. We await the production of the Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR. Customer services line: 03708 506 506
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Environment & Biodiversity Strategy to demonstrate the mitigation and compensation for the overall development on the Teesworks sites, however we understand that any compensation measures agreed cannot yet be secured without the detail of this. In acknowledgment of this application being in outline, we would seek the applicant follows the mitigation hierarchy to firstly secure on-site mitigation, then compensation through the Environment & Biodiversity Strategy. On site mitigation must be the first port of call and given the site currently has a number of culverts below, we therefore encourage daylighting of these as part of any onsite mitigation and biodiversity net gain.

Biosecurity – Advice to Applicant

Strict biosecurity measures should be implemented to avoid the importing of non-native invasive species. Equipment, plant and PPE brought to site should be clean and free of material and vegetation. To ensure measures are implemented, it is recommended biosecurity toolbox talks are given to all site staff and rigorous inspections are undertaken of all equipment delivered to site, following the Check Clean and Dry campaign. Further information on biosecurity can be found at the following link <https://secure.fera.defra.gov.uk/nonnativespecies/checkcleandry/index.cfm>

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 clarity, please don't hesitate to contact me.

Yours sincerely,

Ms Caitlin Newby
Planning Adviser

Direct dial 02077140412

Direct e-mail caitlin.newby@environment-agency.gov.uk

