



TOWN AND COUNTRY PLANNING ACT 1990
APPROVAL OF A VARIATION TO A CONDITION
OF A PLANNING PERMISSION

Agent Name and Address

LICHFIELDS
 MISS KATHERINE SIMPSON
 ST NICHOLAS BUILDING
 ST NICHOLAS STREET
 NEWCASTLE UPON TYNE
 NE1 1RF

Applicant Name and Address

TEESWORKS
 C/O AGENT

Reference No: R/2021/0057/VC

The Council as the Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the development proposed by you in your application valid on 21 January 2021

DETAILS: VARIATION OF CONDITION 2 OF PLANNING PERMISSION R/2019/0427/FFM (DEMOLITION OF STRUCTURES AND ENGINEERING OPERATIONS ASSOCIATED WITH GROUND PREPARATION AND TEMPORARY STORAGE OF SOILS AND ITS FINAL USE IN THE REMEDIATION AND PREPARATION OF LAND FOR REGENERATION AND DEVELOPMENT) TO ALLOW FOR ADDITIONAL STORAGE MOUNDS

LOCATION LAND AT FORMER SOUTH BANK WORKS; GRANGETOWN PRAIRIE; BRITISH STEEL AND WARRENBY AREA

Subject to the following conditions:

1. **The development hereby approved shall be begun not later than 27/09/2022.**

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:**

Approved plans for application R/2019/0427/FFM

Drawing No. STDC-SCW-XX-PLA-0001 received by the Local Planning Authority on 01/07/19

Drawing No. STDC-NEZ-WA-PLA-0006 received by the Local Planning Authority on 01/07/19

Drawing No. STDC-SIZ-MR-PLA-0004 received by the Local Planning Authority on 01/07/19

Drawing No. STDC-SIZ-GP-PLA-0007 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-NEZ-WA-PLA-0005 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-LA-PLA-0001 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-SB-PLA-0001 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-GP-PLA-0006 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-NEZ-WA-PLA-0004 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-NEZ-WA-PLA-0003 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-GP-PLA-0005 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-GP-PLA-0004 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-GP-PLA-0003 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-MR-PLA-0003 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-WA-PLA-0001 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-MR-PLA-0001 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-GP-PLA-0001 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-WA-PLA-0002 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-MR-PLA-0002 received by the Local Planning Authority on 01/07/19
Drawing No. STDC-SIZ-GP-PLA-0002 received by the Local Planning Authority on 01/07/19

Approved Plans for application R/2021/0057/VC

Drawing No. STDC-SCW-XX-PLA-0002 Rev A received by the Local Planning Authority on 21/01/21
Drawing No. STDC-SIZ-SB-PLA-0002 received by the Local Planning Authority on 21/01/21
Drawing No. STDC-SIZ-SB-PLA-0005 received by the Local Planning Authority on 21/01/21
Drawing No. STDC-SIZ-SB-PLA-0006 received by the Local Planning Authority on 21/01/21

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

3. **With the exception of soils used to level ground required to host the temporary storage mounds hereby approved, all soils placed into the temporary storage mounds shall be used in operations associated with ground preparation and remediation works within 10 years of the date of planning permission.**

REASON: In the interests of amenity

4. **The work will be carried out in accordance with the submitted flood risk assessment and drainage strategies (June 2019, Wood and January 2021, JBA) and consistent with the layout identified in STDC-SCW-XX-PLA-0002 Rev A Materials Storage Site Location Plan with mounds received by the Local Planning Authority on 21/01/21.**

The storage mounds must be sited exclusively in Flood Zone 1

REASON: To prevent flood flows from being displaced and prevent increased risk of flooding elsewhere.

5. **The works carried out will be in accordance with the Flood Risk Assessment and Drainage Strategy Docs ref. 41825-WOOD-XX-XX-RP-OW-0001_A_P01 including all appendices dated 01/07/2019 and South Tees Site Company Stockpile 5, FRA and Drainage Strategy Addendum, First Issue, January 2021. (FAO-JABU-XX-TN-Z-0001-S30-P01-South_Tees_Stockpile_5_FRA.docx) received by the Local Planning Authority on 21/01/21.**

REASON: To prevent increased risk of flooding

6. **The approved remediation scheme must be carried out in accordance with its terms unless otherwise agreed in writing by the Local Planning Authority.**

Following completion of measures identified in the approved remediation scheme, a validation 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.

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.

7. **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 and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing to the Local Planning Authority.**

Following completion of measures identified in the approved remediation scheme a validation 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. and part d conditions onto any planning permission which may be granted:

8. None of the soils placed into the temporary storage mounds hereby approved shall be transported upon the public highway network unless an assessment of the impacts of transporting soils upon the public highway network is prepared, submitted to and approved by the Local Planning Authority. Any such assessment shall include a transportation management scheme that identifies mitigation measures required to manage the movement of soils on the public highway network. Thereafter, any such transportation on the public highway shall be carried out in accordance with the approved transport management scheme.

REASON: In order to ensure no adverse impacts arise on local amenity or the safe and effective operation of the public highway.

9. Prior to the final use of the soils in the implementation of this planning permission, further Ecological Assessment(s) shall be carried out and submitted to the Local Planning Authority in respect of those areas where the soils are to be used for ground preparation and remediation works. The Assessment (s) shall include up-to-date surveys that identify any priority habitats, ecological networks or protected and priority species. If significant harm to biodiversity cannot be avoided as a result of the final use of the soils, appropriate mitigation including by way of on or off-site compensatory provision, shall be identified in the Ecological Assessment and carried out within the timescales set out in the approved Assessment.

REASON: In the interests of conserving biodiversity.

10. The development hereby approved shall be carried out in accordance with the Reptile Mitigation Strategy (October 2019, INCA) received by the Local Planning Authority on 10/10/19 to discharge condition 10 of application R/2019/0427/FFM.

REASON: In the interests of preventing harm to protected species

11. Prior to commencement of any phase of the movement of earth associated with the formation of the approved temporary storage mounds or its final use, a Construction and Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the implementation of the permission. The Plan shall provide details of the following;
- i) The parking of vehicles for site operatives and visitors;
 - ii) Loading and unloading of plant and materials;

- iii) Storage of plant and materials used in constructing the temporary storage mounds;
- iv) Measures to control the spread of dirt and debris on the private road network;
- v) Methods of demolition of any structures to be demolished in order to form the approved temporary storage mounds;
- vi) Measures to control the emission of noise, dust and vibration during the formation of the temporary storage mounds.
- vii) A scheme for recycling/disposing of waste resulting from demolition works that are required to form the approved temporary storage mounds.

REASON: In the interests of neighbour amenity and maintaining good Air Quality

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: The Local Planning Authority acknowledge that Condition 11 (CEMP) of application R/2019/0427/FFM has been partially discharged in so far as it relates to Warrenby Site (3B). A CEMP will need to be submitted for the remaining storage areas to fully discharge the condition.

Informative Note: The Local Planning Authority acknowledge that the required two weeks notice has been given in relation to Condition 6 of application R/2019/0247/FFM. Condition 6 can however not fully be discharged until a validation/verification report is submitted to the Local Planning Authority following the completion of the works.



Signed:

Andrew Carter
Assistant Director Economic Growth

Date: **29 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 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 **six months** of the date of this notice (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 he 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 him 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 him.

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 he can neither put the land to a reasonably

beneficial use in its existing state nor can he 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 Sections 114 and related provisions of the Town and 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 from the Engineering Team of the Economic Growth Directorate. 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 of the Economic Growth Directorate. Consent will be conditional on the local authority receiving the appropriate forms; which can be obtained from the Engineering Team of the Economic Growth Directorate.