

Date: 18 June 2021
Our ref: 355679
Your ref: R/2021/0405/FFM



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BY EMAIL ONLY

Dear Mr. Pedlow,

Planning consultation: ENGINEERING OPERATIONS ASSOCIATED WITH GROUND REMEDIATION AND PREPARATION AND ALTERATIONS TO ACCESS ARRANGEMENTS
Location: LAND WITHIN SOUTH TEES DEVELOPMENT CORPORATION ADJOINING RIVER TEES AND HANSON CEMENT SOUTH BANK

Thank you for your consultation on the above dated 02 June 2021 which was received by Natural England on 02 June 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Agreement of a comprehensive Construction Environmental Management Plan between your authority and the applicant.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Teesmouth and Cleveland Coast Special Protection Area (SPA) which is a European site. The site is also listed as Teesmouth and Cleveland Coast Ramsar site^[1] and also notified at a national level as Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have^[2]. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, Natural England advises that we concur with the conclusions, and have no objection to the proposals subject to the following mitigation being secured by a suitably worded planning condition:

- The shadow Habitats Regulations Assessment (pg. 9) states that there is the potential for aerial emissions (i.e. dust), water pollution, and noise/visual (including lightspill) disturbance created during the construction phase of the development. Given the proximity of the SPA to the development site, these could impact on qualifying species that use the adjacent river channel.
- As outlined in the Enabling Earthworks and Remediation Strategy (pg. 15) and noted in the shadow Habitats Regulations Assessment (pg. 9), the agreement of a comprehensive Construction Phase Environmental Management Plan should be sufficient to ensure the likelihood of the aforementioned potential impacts remains negligible.

Teesmouth and Cleveland Coast Site of Special Scientific Interest

Based on the plans submitted and the agreement of a comprehensive Construction Phase Environmental Management Plan, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Please note that if your authority is minded to grant planning permission contrary to the advice in

^[1] Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

^[2] Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

this letter, you are required under Section 28(1) (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Biodiversity Net Gain

Natural England notes that the development is situated within the South Industrial Zone of the Teesworks area, which will result in a total loss of 25.07 Biodiversity Units. This loss will be subsequently mitigated for through measures in the forthcoming Teesworks Environment and Biodiversity Strategy Management Plan for the wider South Tees Development Corporation area. We look forward to receiving this document once it has been published.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on nick.lightfoot@naturalengland.org.uk.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Yours sincerely

Nick Lightfoot
Northumbria Area Team

Annex A – Additional advice

Natural England offers the following additional advice:

Protected Species

Natural England has produced [standing advice¹](#) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 170a and 174a of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here²](#). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 102d, 118a, 170d, 174b and 175d of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175a of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

¹<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

²<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).