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Redcar and Cleveland House
Kirkleatham Street
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Our ref: 63262/01/AGR/HO/19650253v1

Your ref:

Dear David

Detailed Planning Application: Engineering Operations associated with ground remediation and preparation and the formation of temporary access roads at South Bank, Teesworks.

We are pleased to submit on behalf of our client, Teesworks, an application seeking detailed planning permission for the following:

“Engineering operations associated with ground remediation and preparation and alterations to access arrangements”

The grant of planning permission will enable Teesworks to create appropriate conditions for final use developments at the South Bank site by addressing the existing site constraints in relation to ground conditions and potential contaminants. Teesworks’ role is to prepare sites in advance of planning applications for end-use developments.

Located adjacent to the River Tees, the wider South Bank site is subject to an outline planning permission for up to 418,000 sqm (gross) of general industry and storage and distribution uses (ref. R/2020/0357/OOM). The area along the river frontage also benefits from permission for the development of a new quay and associated works (ref. R/2020/0684/ESM and R/2020/0685/ESM). In light of these permissions and the securing of GE Renewables as an end operator, preparation of the South Bank Area is a priority for Teesworks.

Application Background

South Tees Development Corporation (‘STDC’) (now referred to as ‘Teesworks’) was created in 2017 with the objective of delivering area-wide, transformational economic regeneration within its constitutional area, to augment the wider economic growth plans of the Tees Valley. Representing the largest single regeneration opportunity in the UK, Teesworks’ regeneration programme will be pivotal in transforming the South Tees area into a national asset for new industry and enterprise, making a substantial contribution to the economic growth and prosperity of the region.

Teesworks delivers its regeneration through its South Tees Regeneration Programme, which is supported by the South Tees Regeneration Master Plan, originally published in 2017 and revised to reflect ongoing changes in market demand in 2019. The Master Plan sets out the vision for transforming the Teesworks area into a

world-class, modern, large-scale industrial business park. It provides a flexible development framework where land plots can be established in a variety of sizes to meet different occupier needs in an efficient manner. The Master Plan identifies five distinct development 'zones' within the Teesworks area. This development site is within the South Industrial Zone, which is identified for port related uses, offshore energy industries, materials processing and manufacturing and energy generation.

As referred to above, planning permissions have recently been secured for industrial and port related development in the wider South Bank area. The proposed remediation and site preparation works will enable Teesworks to remediate the land immediately to the south of the proposed new quay before construction works start, and for the rest of the application site, to start site preparations in order to deliver development ready land in preparation for implementation of existing and future permission for built development.

The Application Site

The site, which is approximately rectangular in shape, comprises the north eastern part of the land known as 'South Bank' as defined in the Master Plan. The site is vacant brownfield land, most of which, until recently, was in occasional active use by Tarmac as an asphalt manufacturing plant. As such it contains mounds of material used in the manufacturing process, along with mobile and fixed plant. Tarmac have recently ceased operations and are in the process of clearing the site by dismantling and removing the plant equipment and mounds of materials. The northern central part of the site, was, until recently, home to a disused oil tank farm which has now been demolished and removed from the site.

An industrial pipeline – the Heavy Fuel Oil line – is present above ground running parallel to the south western edge of the site; this is currently being decommissioned and removed and alongside this is an Estuary water pumping main. The topography of the site is relatively flat, with the exception of isolated bunds and mounds; the existing ground levels ranges from approximately 5m to 12m AOD.

A pocket of land within the site is excluded from the redline because it is in active use by Hanson Cement as a cement manufacturing plant.

The site is bound as follows:

- To the north west by the River Tees;
- To the south west by an unnamed internal road;
- To the south east by the former SSI High Tip and the Highfield Environmental waste facilities; and
- To the north east by PD Ports operational land.

The site area within the red line boundary comprises approximately 42.3ha.

Proposed Works

The proposed engineering works will result in the creation of an environmentally suitable development platform for future redevelopment. Delivery of the future final use developments will require remediation and preparation of the ground, some of which is subject to contamination due to historic uses on the site. These works will include turnover of the made ground within the subsurface, removal and crushing of relic structures and obstructions, removal and treatment of environmental contamination as required and replacement of treated materials to formation levels for development.

The 'South Bank Wharf Area B – Maximum Remedial Excavation Depths' plan (ref: 10035117-AUK-XX-XX-DR-ZZ-0273-01) shows the maximum depths that ground could be excavated to across the site. These depths should be considered as a maximum parameter as the ground works will not necessarily extend to the

maximum depths shown or cover the extents shown. For most of the site, denoted in blue on the plan, the maximum dig depth is 2.5m below ground level (“bgl”), but areas are also identified where excavation may go down to 4m and 5.5m bgl based on known ground conditions and that these areas will accommodate a new quay wall and development platform.

It is proposed to use the treated excavated material as backfill for the ground preparation and formation of a development platform, and thus it is not anticipated that there will be any movement of material on to or off the site. The subsurface material removed will be screened, separated, treated as appropriate and crushed in line with the approach set out in the Remediation Strategy (Enabling Earthworks and Remediation Strategy Report, Arcadis, April 2021).

The proposed development will result in the creation of a development platform with a maximum height of 15m AOD, as appropriate in relation to surrounding ground levels.

As part of the works it is also proposed to provide a temporary access road into the operational Hanson plant, and for future construction access into the wider South Bank site for which outline planning permission exists for up to 418,000 sqm (gross) of general industry and storage and distribution uses (ref. R/2020/0357/OOM). This road will be formed using compacted earth topped with tarmac, and will be removed when it is no longer required for access. The route of the road is shown on the ‘Proposed Hanson Access Road’ Plan (ref: TSWK-STDC-SBK-ZZ-DR-C-0013).

The plan referred to above also shows the proposed route for construction vehicles to access the application site while works are taking place, referred to on the plan as ‘Slag Haul Road to Access Site’. This road already exists as part of the internal road network within the Teesworks area, and it is proposed as part of the works to make improvements to the junction of the road with the rest of the internal road network. The two roads will be separated by a 1.2m high earth bund to ensure a clear separation of traffic.

Assessment against Planning Policy

The statutory development plan for the proposed development site comprises

- Redcar & Cleveland Local Plan (adopted 2018); and
- The Tees Valley Joint Minerals and Waste Development Plan Documents, comprising:
 - i Minerals and Waste Core Strategy DPD (adopted September 2011); and
 - ii Minerals and Waste Policies and Sites DPD (adopted September 2011).

Alongside the Local Plan, Redcar and Cleveland Borough Council (‘RCBC’) prepared the South Tees Area Supplementary Planning Document (‘SPD’) (also adopted in May 2018) to support economic and physical regeneration of the South Tees area and provide guidance on the interpretation of local planning policy documents. The SPD was informed, and is supported, by the South Tees Regeneration Master Plan which was originally adopted by STDC in 2017 and updated in November 2019.

We have, therefore, assessed the proposal against the above documents.

Principle of Proposed Development

Policy LS 4 (South Tees Spatial Strategy) of the adopted Local Plan sets out a series of key economic, environmental and connectivity objectives for the South Tees area. Those of particular relevance include the following:

‘a. deliver significant growth and job opportunities through the South Tees Development Corporation and Tees Valley Enterprise Zone at Wilton International and South Bank Wharf;

- b. support the regeneration of the South Tees Development Corporation area through implementing the South Tees Area Supplementary Planning Document;*
- d. investigate opportunities to create a new energy hub to support the offshore wind and sub-sea engineering sectors;*
- e. support the expansion and protection of the port and logistics sector;*
- f. improve existing employment areas and provide a range of modern commercial premises that meet contemporary business requirements including the target sectors of the South Tees Area Supplementary Planning Document;*
- h. give the area an identity and make it attractive to inward investment;*
- j. support the existing steel industries and take a lead role in supporting the future regeneration of former steel sites as part of the South Tees Development Corporation;*
- x. secure decontamination and redevelopment of potentially contaminated land;*
- y. protect European sites, and safeguard and improve sites of biodiversity interest particularly along the River Tees and the estuary and encourage integrated habitat creation and management; and*
- z. enhance the environmental quality of the River Tees and Coastline.*

The proposed site preparation works will contribute to and help to realise all of the above objectives and, therefore, comply with the wider spatial strategy for the area and Policy LS 4 of the Local Plan.

Policy ED 6 (Promoting Economic Growth) of the Local Plan protects land within existing industrial estates and business parks, including 'Land at South Tees', which includes the application site, for employment uses. The policy expects proposals within the STDC Area to have regard to the South Tees Area SPD, and states that "*Proposals which positively contribute towards growth and regeneration will be supported*". Policy ED6 also requires that, where appropriate, development proposals demonstrate that there will be no adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European designated nature conservation sites.

As discussed below, the Habitat Regulations Assessment and Appropriate Assessment report demonstrates that the proposed development, including adherence to a Construction Environment Management Plan, will not adversely affect the Teesmouth and Cleveland Coast SPA and Ramsar site. It is therefore entirely compatible with the aims and requirements of Policy ED 6 of the Local Plan.

The South Tees Area SPD, through Development Principle STDC1: Regeneration Priorities signals the Council's commitment to work in partnership with STDC to achieve the comprehensive redevelopment of the South Tees Area in order to realise an exemplar world class industrial business park. The proposed works represent a crucial step in the regeneration of the Teesworks area as explained above. Development Principle STDC1 identifies a series of priorities for the South Tees Area, which include "*To promote and support the expansion of existing port facilities and new port related development*". The works proposed will enable development that will expand port facilities and deliver port related development. The SPD goes on to state "*the need to remediate known contamination, including to reduce environmental harm, and to redevelop the South Tees Area for productive uses is fully recognised and supported by the Council.*"

The South Tees SPD, through Development Principle STDC3: Phasing Strategy, encourages re-development of the STDC area in accordance with a phasing strategy that prioritises early redevelopment of areas:

- Requiring little ground remediation and site preparation;

- That can best accommodate end user needs, where transport access/egress is presently afforded;
- Where development can manage with existing on-site infrastructure; and
- That don't require major demolition.

The above approach is in line with the early stages of the more detailed phasing strategy set out in the Master Plan. The proposed works are, therefore, in accordance with the approach to development phasing set out in Development Principle STDC3 and in the Master Plan.

Development Principle STDC14 covers this part of the STDC area, referred to as “*the South Industrial Zone*”, and explains that proposals should take into account flood risk, ground contamination and ecology. These technical considerations are all summarised below and addressed in detail in the accompanying application documentation, such that the requirements of Development Principle STDC 14 are met.

It is, therefore, concluded that the principle of development is accepted in the location and the application accords with the relevant policies discussed above.

Ground Conditions

An Enabling Earthworks and Remediation Strategy Report, prepared by Arcadis, has been submitted as part of this application. The report references a number of reports which have been undertaken to understand the existing conditions at the site and states that further ground investigations are underway to inform current data gaps. The report considers the development constraints (i.e. the potential risks) and then identifies an Enabling Earthworks and Remediation Strategy to deliver the proposed development.

The report provides sufficient detail for the Council to understand the ground conditions, risk of contaminants and the remediation strategy such that it can attach appropriate conditions to any permission granted that ensures that any risks are managed during the proposed works.

The proposed engineering works are, therefore, in accordance with Local Plan Policy SD 4 (General Development Principles) and Development Principle STDC9 (Site Remediation) of the South Tees Area SPD which gives support remediation of land that is ‘*proportionate, based on a risk assessment and responds to the development typology and its needs*’ and expects remediation to, where appropriate, ‘*provide for environmental betterment*’. Further, it requires ‘*all remediation activities...to avoid adverse effects on the integrity, conservation objectives or qualifying features of the Teesmouth and Cleveland Coast SPA and Ramsar Site...*’ and ‘*...to avoid unacceptable impacts on water quality and contamination of the water environment*’.

Ecology

An Ecological Impact Assessment, prepared by INCA, accompanies this planning application which incorporates the results of a desk-based study and ecological walkover to inform its findings.

Policy N4 of the adopted Local Plan seeks for the following:

*‘Biodiversity and geodiversity should be considered at an early stage in the development process, with appropriate protection and enhancement measures incorporated into the design of development proposals, recognising wider ecosystem services and providing net gains **wherever possible**...Detrimental impacts of development on biodiversity and geodiversity...should be avoided. Where this is not possible mitigation, or lastly compensation, must be provided as appropriate.’*

The approach is similarly echoed in Development Principle STDC 7 (Natural Environmental Protection and Enhancement) of the South Tees Area SPD, which states that the Council, in partnership with the STDC will

*‘protect and, where appropriate, enhance designated and non-designated sites of biodiversity and geodiversity value and interest within the South Tees Area’ and that ‘net environmental gains should be provided where **appropriate and viable**’ (Lichfields’ emphasis in bold).*

The application proposal is for a scheme of site preparation works requiring excavation of potentially large areas of the site. As such, it is not possible, appropriate or viable at this time to determine a scheme for replacement habitat value. Whilst, in isolation, the works proposed will result in a loss of on site habitats, some of which support priority species birds and butterflies, Teesworks is committed to bringing forward opportunities to compensate for this loss through the implementation of the site-wide Environment & Biodiversity Strategy, currently being prepared to identify habitat enhancement schemes across the Teesworks area and beyond.

Teesworks does, therefore, have a strategy for the compensation of habitat loss and associated harm to priority species that would occur through the works set out in this application; works which are essential to enable the development already permitted in this part of the South Bank area.

In addition, whilst not part of this application proposal, the final development schemes that come forward on the site and in the wider South Bank site, once remediated, may also include for habitat creation, depending upon their type, layout and design, and which would be proposed in subsequent planning applications.

The site is located adjacent to the Teesmouth and Cleveland Coast Special Protection Area (SPA) and close to the Teesmouth and Cleveland Coast Ramsar site.

Policy N4 also requires that development ‘...which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an *Appropriate Assessment*.’ and that, in such cases, development will only be allowed where ‘it can be determined through *Appropriate Assessment at the design stage that, taking into account mitigation, the proposal would not result in adverse effects on the site’s integrity, either alone or in combination with other plans or projects.*’

The accompanying shadow Habitat Regulations Assessment (HRA), including an *Appropriate Assessment* concludes that there will be no likely significant effects to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar from the proposed works, either alone or in combination with other plans and projects, including the South Tees Area SPD. As such, the application accords with the relevant aspects of Policy N4 and Development Principle STDC7.

Flood Risk, Below Ground and Surface Water Management

The proposed remediation strategy comprises the excavation and crushing of hardstanding and other impermeable obstructions within the made ground and their backfill. As such, as explained in the Arcadis remediation strategy, the proposed works, including the removal of hardstanding is not likely to decrease surface water infiltration rates and therefore the risk of surface water flooding will be no higher than current rates. The proposed enabling works will not, therefore, increase flood risk at the site.

Further improvements to water management can be incorporated into the final use development proposals when they come forward in future planning applications.

Archaeology and Heritage

The Environmental Statement which was submitted alongside the planning application for up to 418,000 sqm (gross) of general industry and storage and distribution uses on the wider South Bank site (ref. R/2020/0357/OOM) included a Chapter, prepared by Prospect Archaeology, which assessed the potential

impacts of that proposed development on below ground heritage assets. The chapter was supported by a Desk Based Heritage Assessment which was supplemented by a site visit.

Whilst the aforementioned assessment concluded that there would be no direct or indirect impact on any designated heritage assets. In terms of Archaeological potential, the assessment identified three areas of interest, only one of which is located within the redline boundary of the site which is subject of this planning application. The area of interest within the site is attributable to the Riverside Pumping Station and Custom House which was considered to be of local interest. The Council have since determined that Prior Approval is not required for the demolition of the building and structures associated with the Riverside Pumping Station and Custom House, but have requested that photographic recording takes place prior to and during their demolition.

The proposed works, if granted planning permission are therefore in accordance with Local Plan Policy HE2 (Heritage Assets) which resists development that would adversely affect designated heritage assets and with Local Plan Policy HE3 (Archaeological Sites and Monuments) which requires a desk-based assessment where a development has the potential to affect known or possible archaeological sites.

Conclusion

The proposed engineering works are a key step in enabling future development on the land within the application site. In light of recent permissions and end user agreements they are thus integral to enabling Teesworks to realise an early stage of its overall objective of bringing forward transformational economic regeneration in the area and creating thousands of new jobs. The proposal accords with the relevant adopted Local Plan policies and aligns with the aspirations for the area set out in the South Tees SPD. The application should therefore, be approved.

Environmental Impact Assessment

For completeness, we have given consideration to the relevance of this application to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (“the Regulations”) and it is our opinion that the application proposal is not one giving rise to a need for EIA as defined in the Regulations.

The Regulations define “EIA development” as “*development which is either (a) Schedule 1 development; or (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location*”. “Schedule 1 development” is defined, in the Regulations, as “*development, other than exempt development, of a description mentioned in Schedule 1*”, whilst “Schedule 2 development” is defined as “*development, other than exempt development, of a description mentioned in column 1 of the table in Schedule 2 where....*” And the definition goes on to explain under which circumstances development described in the table qualifies as “Schedule 2 development”.

It is our view that, aside from the road element, the development proposed is not of a type which meets any of the descriptions under Schedule 1 or in column 1 of the table in Schedule 2 of the Regulations. Part 10 (f) of Schedule 2 is ‘*Construction of roads*’ where the area of works exceeds 1 hectare. The Planning Practice Guidance (‘PPG’) provides a set of indicative criteria and thresholds, and key issues to consider when evaluating whether Schedule 2 development requires an EIA. For the construction of roads, the indicative threshold is ‘*New development over 2km in length*’, which the proposed access road does not meet. The key issues, in this case, to consider in determining whether the development may be EIA development are estimated emissions, traffic, noise and vibration, the degree of visual intrusion and the impact on the surrounding ecology. Considering these issues in relation to the proposed development, it is relevant to note that only one ‘new road’ is proposed, the purpose of which is to provide a temporary access road into the

operational Hanson plant, and for future construction access into the wider South Bank site for which outline planning permission exists for up to 418,000 sqm (gross) of general industry and storage and distribution uses (ref. R/2020/0357/OOM). The traffic accessing the Hanson plant is already present on the road network as it is an operational business and the traffic and other impacts associated with the existing planning permission on the wider South Bank site have already been assessed as part of the planning application and associated EIA. The location of the site is such that there are not any receptors which would be sensitive to noise or air quality associated with traffic using the temporary road.

The documentation submitted with the planning application, as summarised above, clearly demonstrates that the development will not give rise to any significant effects that may give rise to a need for EIA.

Application Submission

This application has been submitted directly to Redcar & Cleveland Borough Council. The application submission comprises the following documents:

- This covering letter;
- Completed Application Forms and Ownership Certificates;
- Site Location Plan (ref: TSWK-STDC-SBK-ZZ-DR-C-0012);
- Proposed Hanson Access Road Plan (ref:TSWK-STDC-SBK-ZZ-DR-C-0012) ;
- South Bank Wharf Area B – Maximum Remedial Excavation Depths Plan (Ref: 10035117-AUK-XX-XX-DR-ZZ-0273-01);
- Enabling Earthworks and Remediation Strategy, April 2021, prepared by Arcadis;
- Ecological Impact Assessment, May 2021, prepared by INCA; and
- Shadow Habitats Regulations Assessment, May 2021, Prepared by INCA.

Given the size of the site, it is not practical to provide existing site plans at a scale of 1:500 and it has been agreed with David Pedlow, for previous applications of a similar scale, that a Site Location Plan at an appropriate smaller scale is sufficient to identify the site. We trust that the same approach is acceptable in this case.

Based on the application site area of 42.3ha, the requisite application fee payable directly to RCBC is £2,028.

We trust that the application can be validated and advanced to determination at the earliest opportunity and will contact you in due course to discuss the progress of the application and anticipated timescales for its determination.

Should you have any queries in the meantime, please do not hesitate to contact either myself or my colleague Phil McCarthy.

Yours sincerely



Heather Overhead
Senior Planner