

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

Our ref: NA/2021/115466/01-L01
Your ref: R/2021/0432/FFM
Date: 15 July 2021

Dear David,

DEVELOPMENT OF SOIL TREATMENT AREA COMPRISING OF HARD STANDING, WATER TREATMENT AREA AND ASSOCIATED APPARATUS AND STRUCTURES. FORMER REDCAR STEELWORKS (TEESWORKS), LAND BETWEEN TEES DOCK ROAD AND A1085 TRUNK ROAD, LACKENBY.

Thank you for consulting us on the above planning application which we received 15 June 2021.

Environment Agency position

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

Condition

The development hereby permitted shall not be commenced (*or other agreed time trigger*) until such time as a scheme to treat and remove suspended solids and possible contamination from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason(s)

This condition is required in accordance with paragraph 170 (e) of the National Planning Policy Framework which states that planning decisions should prevent new and existing development from contributing to unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. This condition is necessary to protect controlled waters from pollution, including contamination caused by any disturbance to the site as it likely to be contaminated.

The Northumbria River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The proposal could cause pollution and maintain the poor chemical status in the Tees estuary because it may cause rising trends in pollutants in the water body.

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



Beyond this, we would like to offer the following comments:

Permitting requirements – Advice to LPA/Applicant

The soil treatment area is likely to require an environmental permit.

We would urge the applicant to contact the Environment Agency's local office to discuss further. Please contact: gary.wallace@environment-agency.gov.uk

Contaminated land – Advice to LPA/Applicant

We recommend that developers should:

- Follow the risk management framework provided in [Land Contamination: Risk Management](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

This development site appears to have been the subject of past industrial activity which poses a risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use.

We recommend that you refer to our published '[Guiding Principles for Land Contamination](#)' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 170 of the National Planning Policy Framework.



In relation to land contamination at the proposed development site, please note that we only consider issues relating to controlled waters and the relevance of regulatory regimes where we are the enforcing authority, such as environmental permitting.

Dewatering during construction – Advice to LPA/Applicant

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface.

The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

Discharge to surface water for dewatering purposes may be covered by a Regulatory Position Statement (RPS) for water discharge activities. If you can comply with all of the conditions within the RPS, then a permit is not required for this activity, however due to the previous land use of this site it is unlikely that these conditions could be met. Please find the RPS conditions [here](#). Any discharges that do not fully comply with the RPS, will need a bespoke discharge permit. Please find guidance on applying for a bespoke water discharge permit [here](#), the linked page also provides contact information should you need assistance.

Trade effluent – Advice to Applicant

It is noted that the applicant plans to discharge of all waters to public foul sewer once treated by an onsite water treatment plant. Effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent. If you are not able to discharge effluent it will be classed as waste and you must then comply with your duty of care responsibilities.

We note that the proposal in this application is to discharge to public foul sewer:

A trade effluent consent or a trade effluent agreement with your water and sewerage company must be obtained before you discharge trade effluent to a public foul sewer or a private sewer that connects to a public foul sewer.

If this proposal changes and the applicant needs to discharge to non-mains:

If you wish to discharge effluent after appropriately treating it to groundwater or surface water please contact the Environment Agency (Tel: 03708 506 506) as a permit under the Environmental Permit Regulations will be required. For this site we would likely need the applicant to complete a hazardous substances assessment due to the contamination found at the site and in the soil brought onto site.

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Clean rain water can be discharged from the site, without a permit, as long as it is not liable to contain hazardous substances, for this application it would need to be collected without coming into contact with either the contaminated land or soil to be processed.

Abstraction – Advice to Applicant

If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

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.

Yours sincerely

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Planning Adviser

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