

David Pedlow
Planning Services
Redcar and Cleveland Borough Council
Redcar and Cleveland House
Kirkleatham Street
Redcar
TS0 1RT

Date: 19 July 2021
Our ref: 60722/01/AGR/PMc/19944204v2
Your ref:

Dear David,

Non-Material Amendment: Teesworks, South Bank Outline (R/2020/0357/OOM)

We are pleased to be submitting on behalf of our client South Tees Development Corporation 'Teesworks' a Non-Material Amendment (NMA) application in respect of planning application ref: R/2020/0357/OOM. The application seeks to amend the planning permission granted on the 3 December 2020 for the following development:

'Outline planning application for demolition of existing structures on site and the development of up to 418,000 sqm (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 other than access'

The application seeks permission to amend condition 8 of the above permission.

Background and Proposed Amendments

The planning permission grants outline planning permission for the development of general industrial and storage/distribution facilities along with associated development.

Condition 8 requires the submission of an Environment and Biodiversity Strategy (the "Strategy"). The condition sets out the scope of the strategy and trigger points.

Following a review of the planning permission alongside the development programme, it has become necessary to amend the wording of condition no.8. The proposed variations will ensure that the condition is in line with the preparation of the strategy and the latest ecological assessment work.

Work is progressing well with the strategy. In addition to the overarching strategy the condition requires for updates to be approved before the development progresses into each phase. As required by the condition, a report has been prepared to cover the area of the first phase (R/2021/0473/ESM). A copy of this report is attached (INCA Advice Note 21-08). The report includes a calculation of biodiversity units for this phase of the development.

As currently worded, condition 8 requires the strategy to be submitted and considered by the Council before the first reserved matters application is determined. As set out above, the first reserved matters application is

currently under consideration (R/2021/0473/ESM) and a decision is expected imminently. Whilst the strategy is progressing positively it is apparent that there will not be sufficient time for the strategy to be submitted and considered by the Council within the timescales that the condition currently requires. Importantly, however, the appended report by INCA provides the details of the habitat value to be achieved by the scheme that is the subject of the reserved matters submission.

It is therefore requested that the condition be varied to ensure that the wording of the condition is in line with the timings of the strategy and the INCA submission provided with this submission. The requirement to submit the strategy within 12 months of the original decision (3 December 2021) would remain and a requirement for the strategy to include a timetable for periodic review and update would be added.

The condition requires the strategy to consider the feasibility of providing 24 river units; this requirement was based on the best understanding of the quality of the watercourses when the application was considered. The attached report (River Condition Assessment of the Cleveland and Lackenby Channels through the Teesworks site) explains how further survey work has identified a reduced number of river units value on the watercourses, so it is reasonable to amend the figure in the condition accordingly. The revised figure is 20.

It is therefore proposed that condition 8 be varied as below (proposed changes highlighted).

8. Within 12 months of the grant of this permission, an Environment and Biodiversity Strategy shall be prepared and submitted to the local planning authority that confirms the feasibility of providing habitat mitigation and compensatory habitat equivalent to be 363.55 area based biodiversity units and 20 24 river units (including habitats identified as of High Distinctiveness in Table 4.7 of the Supplementary Environmental Statement (September 2020) within the site and / or off-site, and the mechanisms for its provision and on-going management. The Strategy shall be approved by the local planning authority. ~~Prior to the approval of reserved matters details of the layout of any phase of development, The Environment and Biodiversity Strategy shall be updated to include the following~~ include a timetable for its periodic review and shall be updated in accordance with that approved timetable to include the following:

- *The details of any new and enhanced biodiversity to be created on site, within that phase of development;*
- *The details of viable compensation habitat where on-site mitigation is demonstrated not to be feasible, relevant to that phase of development;*
- *The details of treatment of site boundaries and/or buffers around water bodies, relevant to that phase of development;*
- *The details of long-term maintenance regimes and management responsibilities, relevant to that phase of development.*

The identified mitigation and, where demonstrated to be necessary and feasible, compensation shall be provided in accordance with the Strategy and any subsequent agreed amendments to it, and shall be implemented within 12 months of occupation.

Reason: to establish a framework for biodiversity.

The Non-Material Amendment ('NMA') Approach

Whilst there is no statutory definition of a non-material amendment, Section 96a of the Town & Country Planning Act 1990 states that 'in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the

planning permission as originally granted.' Section 96a includes powers to both impose and remove or alter planning conditions.

It is clear from the amendments detailed above that the effect of these changes, when looking at the scheme as a whole, do not materially alter the proposed development.

The Application Submission

Along with this letter the NMA application comprises completed application forms and the documents referenced above.

The application has been submitted via the Planning Portal and the requisite fee has also been paid.

Summary

We trust that all of the above is in order, and that the application can be validated and advanced to determination at the earliest opportunity. We will contact you in due course in order to discuss the likely timescales for determination.

Should you have any queries in the meantime, please do not hesitate to contact me.

Yours sincerely



Phil McCarthy
Associate Director