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Your ref: R/2021/0830/CD; R/2021/0831/CD; R/2021/0832/CD



Mr D. Pedlow
Corporate Directorate for Growth, Enterprise and Environment
Redcar and Cleveland Borough Council
Redcar and Cleveland House
Kirkleatham Street
Redcar
TS10 1RT

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear David

Planning consultation: Discharge of Condition 7 of R/2020/0684/ESM for demolition of existing redundant quay structures, capital dredging and new quay and associated works (Phase 1)

Location: Land at South Bank Wharf, Grangetown, Lackenby.

Planning consultation: Discharge of Condition 8 of planning permission R/2020/0357/OOM for outline application for demolition of existing structures on site 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.

Location: Land at South Tees Development Corporation, East of Smiths Dock Road and west of Tees Dock Road, South Bank.

Planning consultation: Discharge of Condition 6 of planning permission R/2020/0318/FFM for engineering operations associated with ground remediation and preparation including removal of former railway embankment and works to Holme Beck and Knitting Wife Beck

Location: Land at Prairie Site, Grangetown

Thank you for your consultations on the above dated 05 October 2021 which was received by Natural England on the same day. We have worked with your authority and the applicant since receiving these consultations to ensure our concerns are fully addressed.

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.

General Comments

Natural England welcomes the production of the Environment and Biodiversity Strategy, and feel that it is an essential document to ensure the sustainable redevelopment of the Teesworks site, while also securing biodiversity gains in the area, and future-proofing the wider regeneration strategy.

It is clear that considerable effort has gone into the development of the strategy, and wider work to identify off-site mitigation and biodiversity net gain opportunities, which is commendable.

As an over-arching strategy this document provides a good description of the ambitions for Teesworks.

Specific Comments

Comments on the Strategy's Objectives

Natural England notes and welcomes Paragraph 1.4, which states: 'This Strategy seeks to align with relevant aspects of the emerging national approach to securing Biodiversity Net Gain (BNG), flowing from the 2021 Environment Act, and which is expected to be mandated on most planning permissions from November 2023'. With this in mind, we have the following specific comments:

Paragraph 3.1 describes the over-arching objectives of the Strategy with Objective 1 aiming to address the requirements of national and local planning policy 'which are to avoid significant harm through loss of biodiversity value and to provide net gains where possible...'.

It is Natural England's view that this statement should have taken account of emerging legislation, and should be made stronger by changing the wording from 'provide net gains where possible' to 'provide a minimum 10% biodiversity net gain against baseline levels'. This would better reflect the ambitions of the Environment Act 2021.

Objective 3 aims to 'demonstrate the feasibility of delivering on and off-site compensatory habitat equivalent to the value of onsite biodiversity that will be lost through regeneration of Teesworks'. Again this objective should be strengthened to better reflect the Environment Act 2021 by not just looking to deliver compensatory habitat equivalent to that lost, but by aiming to deliver an equivalent value plus 10% gain compared to that lost.

Comments on the Strategy's Approach to Tracking BDU Losses and Gains

Paragraph 6.8 describes the process for tracking the habitat losses from individual developments and matching them with the required compensation, using the tables at Annexes 1a and 1b. Natural England is satisfied that this will provide a mechanism for tracking individual losses and gains of Biodiversity Units.

This is particularly relevant to those habitats such as open mosaic or inter-tidal areas that would be considered as high value habitats within the biodiversity net gain metric, or as Annex 1 priority habitats in their own right, where like for like mitigation is required.

Conclusion

It is Natural England's advice that, if the above comments are fully incorporated into an updated strategy, we would have no objections to the stated conditions being discharged.

It is likely that the forthcoming consultation on the Secondary Legislation to support the introduction of mandatory biodiversity net gain will provide greater clarity on a number of the unknowns within this document, and Natural England advises that an updated strategy is provided once these further details are known.

If you have any queries relating to the advice in this letter please contact me on 02080261194 or nick.lightfoot@naturalengland.org.uk.

Yours sincerely

Nick Lightfoot
Lead Adviser – Sustainable Development
Northumbria Area Team