

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2021/0943/CD
LOCATION: LAND AT SOUTH BANK WHARF LACKENBY
PROPOSAL: DISCHARGE OF CONDITIONS 3 AND 9 OF
PLANNING PERMISSION R/2020/0684/ESM
FOR DEMOLITION OF EXISTING REDUNDANT
QUAY STRUCTURES, CAPITAL DREDGING
AND DEVELOPMENT OF NEW QUAY AND
ASSOCIATED WORKS (PHASE 1)

APPLICATION SITE

The application relates to the discharge of conditions relating to planning application R/2020/0684/ESM

The planning permission sought consent for demolition of existing redundant quay structures, capital dredging and development of new quay and associated works (phase 1) and was approved conditionally on 19/03/21

CONDITION DETAILS

The following information has been submitted for conditions 3 and 9

3 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP, or any other subsequent variation approved in writing by the Council, will include measures relating to:

- Invasive Non-Native Species ('INNS') Management Plan
- Construction Traffic Management Plan ('CTMP')
- Construction Waste Management Plan ('CWMP')
- Materials Management Plan ('MMP')
- Construction Phase Flood Risk Emergency Plan ('FREP')
- Details of the control measures to reduce spill of soils during landside excavation
- Site Induction Training

The development shall thereafter take place in accordance with the approved details.

REASON: To ensure the environmental effects of construction are appropriately managed and the potential risk to human health minimised as far as possible.

REASON FOR PRE-COMMENCEMENT: A pre-commencement condition is required as the environmental impact of the development will occur on the commencement of development.

Construction Environmental Management Plan received by the Local Planning Authority on 11/11/21 and 23/02/22

Construction Traffic and Pedestrian Management Plan received by the Local Planning Authority on 01/02/22

9 Prior to the commencement of piling works, a Piling Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures identified as part of the assessment shall be implemented throughout the construction phase of the development, unless agreed in writing.

REASON: To ensure the satisfactory implementation of the approved scheme in the interests of the amenity of the locality.

Environment Risk Assessment received by the Local Planning Authority on 11/11/21

CONSULTATION RESPONSES

Natural England

No Objection - Based on the plans submitted, Natural England considers that the discharge of conditions 3 and 9 will not have significant adverse impacts on designated sites and has no objection.

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

European sites – Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site

Natural England notes that the requirements of the Habitats Regulations were considered at a previous stage of this planning application and that the conditions being discharge include mitigation as required in the Habitat Regulations Assessment. Natural England considers that the conditions being discharge will not result in further likely significant effects on the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site, and has no objection to the proposed development.

In particular, the Piling Risk Assessment and Construction Environmental Management Plan include mitigation measures for potential noise and vibration impacts as detailed in the Environmental Statement and Habitat Regulations Assessment for planning application R/2020/0684/ESM, which are required to ensure there is not an adverse impact on site integrity.

Teesmouth and Cleveland Coast Site of Special Scientific Interest

Based on the plans submitted, 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.

Environment Agency

We have NO OBJECTIONS to the discharge of condition 3. However, it should be noted that we only approve the discharge of condition associated with control measures to reduce the spill of soils during landside excavation (Section 5.15 and 5.17 in Construction Environmental Management Plan). We did not request the other measures outlined in the condition and therefore have no comments to make on these matters.

With respect to condition 9, we did not request this condition. Therefore, we have no comments to make on the discharge of this condition.

National Highways

Initial Response – 06/12/21

Recommend that planning permission not be granted for a specified period (see reasons at Annex A)

It is recommended that the application should not be approved until 6 March 2022.

Reason: To ensure that the A1053 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of highway safety.

Final Response – 03/03/22

Offer no objection

Redcar and Cleveland Borough Council (Environmental Protection) (Nuisance)

Condition 3

Provided that the CEMP produced by Graham is complied within its entirety and the last bullet point of Section 6.5 TRAFFIC/ ACCESS ROUTES shall be changed to state the following:-

- Vehicles delivering material to Site, which have a dust potential, will be covered with tarpaulin or the like to minimise the release of dust.*
- All Vehicles removing potentially contaminated material from Site, will be covered with tarpaulin to minimise the release of dust and odour, then condition 3 can be discharged.*

**Redcar and Cleveland Borough Council (Environmental Protection)
(Contaminated Land)**

Condition 9

The information provided is satisfactory to discharge Condition 9, however the LA shall be notified if any Piling creates preferential pathways, allowing contaminant migration to the underlying aquifers and the matter is dealt with according to Section 4.7 CEMP produced by Graham Discovery of Contaminated Land Emergency Procedure.

PLANNING CONSIDERATIONS

The application relates to conditions relating to the submission of a Construction Environmental Management Plan and a Piling Methodology. These conditions were requested by a number of technical consultees at the time the outline application was considered. The consultees included the Environment Agency, Natural England, National Highways and the council's EHO and highway engineers. These consultees have therefore been consulted on the information that has been submitted in support of the application.

During the consideration of the application additional information has been requested by some of these consultees that has been prepared and submitted in support of the application. Based on the information that the LPA is now in receipt of, no objections have been raised by any of the consultees, therefore it is considered that both condition 3 and 9 can be discharged on the understanding that the development is carried out in accordance with the information submitted and hereby approved.

The application falls within the catchment for nitrate neutrality however the conditions do not relate to drainage matters and therefore they fall outside of scope for requiring additional information / assessment.

RECOMMENDATION

Taking into account the content of the report the recommendation is to discharge conditions 3 and 9.

Case Officer	
Mr D Pedlow	Principal Planning Officer
<i>David Pedlow</i>	06 April 2022

Delegated Approval Signature	
Claire Griffiths	Development Services Manager

Clarie Griffiths

08/04/2022