

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2021/1048/FFM
LOCATION: FORMER REDCAR STEELWORKS
(TEESWORKS) LAND TO WEST OF
WARRENBY REDCAR
PROPOSAL: ENGINEERING OPERATIONS ASSOCIATED
WITH GROUND REMEDIATION AND
PREPARATION OF THE SITE

APPLICATION SITE AND DESCRIPTION

Permission is sought for engineering operations associated with ground remediation and preparation of the site at land former Redcar Steelworks (Teesworks) land to west of Warrenby Redcar.

The supporting documentation with the application details the site and proposed works as follows;

The site is vacant brownfield land, which is mostly free from built structures, although it was previously extensively occupied by buildings associated with its former use in the iron and steel making industry. The historic uses of the site included a former coal blending plant, a sinter plant, former pellet plant and iron ponds. Directly to the west of the site, a blast furnace had been located.

The ground north of the sinter building is primarily of soft landscaping with areas of gravel. The southern, central, and western portions of the site are formed with compacted gravel comprising sinter where the former coal, ore and sinter stocks were located. These stocking yards are traversed by covered conveyor belts which transported the materials northwards to the blast furnace and coke ovens located within the adjacent Teesworks Foundry site.

To the north of the site, the Teesmouth and Cleveland Coast SPA, Ramsar and SSSI is located, covering an expanse of the coastline and northern boundary of the site. The site is accessed via a private access road from the Trunk Road (A1085).

The site is bound by:

- Teesmouth and Cleveland Coast SPA, Ramsar and SSSI Coastline, to the north;*
- Private access roads from the former steelworks, providing access to the Teesworks Gatehouse and Trunk Road (A1085), to the east and south; and*
- Blast Furnaces and associated works of the former steel works, to the west.*

The proposed engineering works will result in the creation of an environmentally and structurally suitable development platform for future redevelopment. 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 'Estimated Dig Depths' plan (ref: 10035117-AUK-XX-XX-DR-ZZ-0422-02) shows the maximum depths that the ground is expected to 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 yellow on the plan, the maximum dig depth is 3.5m below ground level ("bgl"), but areas are also identified where excavation may go down to 5m bgl based on known ground conditions (denoted in pink).

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 (ref: 10035117-AUK-XX-XX-RP-ZZ-0417-01).

The proposed development will result in the creation of a post-remediation finished ground level of 7.3m AOD across the parts of the site where NZT's buildings are to be located.

The application has been accompanied by a dig depths plan and access route plan and the following documents:

- Enabling works and remediation strategy
- Desk Based Heritage Assessment
- Ecological Impact Assessment
- Habitats Regulations Assessment
- Flood Risk Assessment

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICIES

National Planning Policy Framework (NPPF)

REDCAR & CLEVELAND LOCAL PLAN (2018)

SD1 Sustainable Development
SD2 Locational Policy
SD3 Development Limits

SD4 General Development Principles
SD7 Flood and Water Management
LS4 South Tees Spatial Strategy
ED6 Promoting Economic Growth
N1 Landscape
N4 Biodiversity and Geological Conservation
TA1 Transport and New Development

OTHER POLICY DOCUMENTS

South Tees Area Supplementary Planning Document

RESULTS OF CONSULTATION AND PUBLICITY

The application has been advertised by means of a press notice, site notice and neighbour notification letters.

As a result of the consultation period no written responses have been received

Northumbrian Water

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we would request re-consultation.

SABIC

Please note Planning Application Referenced R/2021/1048/FFM will not affect SABIC high pressure ethylene pipeline apparatus.

CATS Pipeline

Object to this planning application, and require engagement with the applicant

Cleveland Police ALO

In relation to this application, applicant can contact me for any input they think I could offer.

Cleveland Fire Brigade

The application has been examined and Cleveland Fire Brigade offers no representation but will require the following information:-.

Confirmation will be required that emergency access will be available and maintained for the premises that border the site of the proposed demolition.

Northern Gas Networks

No objections

HSE

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Environment Agency

Initial Response – 27/01/22

We OBJECT to the proposed development as submitted for the following reasons:

- 1. Potential for contamination and unacceptable risk to controlled waters. The applicant has provided insufficient information.*
- 2. Risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.*

Final Response – 01/07/22

Thank you for referring the additional information which we received on 29 April 2022. We have reviewed the information submitted and wish to withdraw our previous objection to the proposed development.

Environment Agency Position

We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing the following CONDITIONS are imposed on any grant of planning permission:

Condition 1: Land contamination

An updated remediation strategy to deal with the controlled waters risks associated with contamination of the site in respect of the development hereby permitted, should be submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- 1. A preliminary risk assessment (Desk Study) which has identified:
 - all previous uses:*
 - potential contaminants associated with those uses*
 - a conceptual model of the site indicating sources, pathways and receptors*
 - potentially unacceptable risks arising from contamination at the site.**
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. An updated risk assessment should be provided on the*

completion of outstanding ground investigation in areas that were previously inaccessible.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A proposal / plan to pre-treat all materials prior to reuse on site to prevent and limit pollution of hazardous and non-hazardous substances to controlled waters This shall include an appropriate sampling and testing regime to demonstrate that the implemented treatment technique is suitable to limit pollution of hazardous and non-hazardous substances.

5. A monitoring and maintenance plan in respect of contamination, including details of reports as specified in the approved plan, and any necessary contingency action and / or mitigation measures arising from the monitoring.

6. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason(s)

- The submitted Detailed Quantitative Risk Assessment (DQRA) indicates hazardous and non-hazardous substances within groundwater are failing at compliance points at off site locations. Therefore, deterioration could arise from the earthworks associated with the proposed development.*
- To prevent deterioration of a water quality element to a lower status class in controlled waters.*
- To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF).*

Informative – information for the LPA/Applicant

It is also our understanding that further ground investigation is required to appropriately investigate areas which are currently undergoing demolition. The following information as a minimum are likely to be required;

- An updated Desk Study.*
- An updated Risk Assessment report upon the completion of ground investigation.*
- An updated Earthworks and Remediation Strategy.*
- Monitoring Plan.*
- Pre-treatment plan of reused soils for approval.*

Condition 2: Verification report

Prior to any part of the permitted development being occupied for built construction activities / brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason(s)

- *To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF.*
- *To prevent deterioration of a water quality element to a lower status class in controlled waters.*

Condition 3: Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason(s)

- *To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF.*
- *To prevent deterioration of a water quality element to a lower status class in controlled waters.*

Condition 4: Decommission of investigative boreholes

A scheme for managing and/or decommissioning any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason

- *To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with*

paragraph 174 of the NPPF and 'The Environment Agency's approach to groundwater protection'.

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site <https://designatedsites.naturalengland.org.uk/>.*
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI) has been notified.*

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- As detailed in Stage 2 of the Shadow Habitat Regulations Assessment, a Construction Environmental Management Plan should be agreed with your authority.*

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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

Redcar and Cleveland Borough Council (Development Engineers)

No response received

Redcar and Cleveland Borough Council (Local Lead Flood Authority)

The LLFA have reviewed the submitted information and would offer no objection. The proposed development confirms that there is no increased risk of surface water to the site and surrounding area and therefore is compliant with Policy SD7. The development shall be carried out in strict accordance with Flood Risk Assessment dated December 2021 and would wish for the documents associated with flood risk to listed as approved.

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

Initial Comments – 04/01/22

With reference to the above planning application, I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows:

I note that an Enabling Earthworks and Remediation Strategy Report has been submitted in support of this application.

It is understood that the site is proposed to be redeveloped as a carbon capture and storage facility, however no detailed redevelopment design is currently available for the site. As such, this strategy has been produced on the assumption that any redevelopment of the site will be for a generic commercial industrial end use.

The strategy report seeks to provide the baseline ground conditions and to quantify potential risks to human health, controlled waters and built receptors. This report provides an assessment of different potential remediation techniques and identifies an Enabling Earthworks and Remediation Strategy to deliver the proposed development.

The enabling earthworks and remediation will comprise the following activities.

1. Remediation of soils impacted with contaminants above target levels through capping of materials to manage SPR linkages.
2. Removal of NAPL and tar impacted soils to address risks to Human Health.

The report states that a potential data gap has been identified in the vicinity of the former blast furnace stock house. This area is understood to currently be inaccessible owing to ongoing demolition works.

The report also states that previous ground investigation was not designed with a particular redevelopment scenario in mind, and the gas data monitoring was limited and may not be representative of the entire extent of the site under a particular redevelopment. Therefore, additional ground gas monitoring at greater density is recommended prior to any specific redevelopment to determine the risk from ground gases at the site

Contamination testing at the site has identified contaminants of concern including above the screening criteria which pose a risk to Human Health based on an active SPR linkage including Asbestos, PAH and NAPL with further consideration of the NAPL with respect to the risk to human health will be needed as part of the remedial strategy.

In order to minimise the environmental impact, I would recommend the inclusion of the following conditions onto any planning permission which may be granted:

- *Prior to the commencement of the development, further site investigation including gas monitoring shall be carried out and reported to the Local Planning Authority, to ensure that remediation objectives will be achieved by controlling or breaking the identified Source-Pathway-Receptor linkages in order to mitigate identified risks to the identified environmental receptors. The proposed remediation and site preparation works must be carried out in accordance with the terms of the submitted strategy unless otherwise agreed in writing by the Local Planning Authority. Remediation and enabling works shall be completed prior to the end use of the development.*

Following completion of measures identified in the remediation strategy, a validation report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

- *In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority., and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.*

Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Second Comments – 29/03/22

I note that a revised Enabling Earthworks and Remediation Strategy Report dated February 2022 has been submitted together with a briefing note clarifying the implementation of the remedial strategy, including clarification on the nature of the temporary cap / clean cover system and that the final, permanent clean cover system or systems will be the responsibility of the tenant and incorporated within the design of the development.

Also the briefing note provides further clarification on the use of soils exceeding the remediation criteria below a clean cover system where the exposure pathway is driven by direct contact or dust inhalation only. Materials containing contaminants measured in excess of the remediation criteria where the risk is driven by vapour inhalation, or containing visible asbestos, tars or other non-aqueous phase liquids, will not be used as fill during the project; and that coordinates of the samples, analytical results of the testing, material placement records and sampling grid will be included in the Verification Report for the remediation works.

In order to ensure that the site is suitable for use I would recommend the following:-

Following completion of measures identified in the Enabling Earthworks and Remediation Strategy, a validation report that demonstrates the effectiveness of the remediation carried out must be produced which is subject to the approval in writing of the Local Planning Authority to include.:

- *Reporting of the verification works to provide evidence that the remediation works which have been undertaken are in accordance with the Enabling Earthworks and Remediation Strategy and briefing note.*
- *A note stating that any future applicant carry out further ground gas investigation to quantify the ground gas risk on the site in the context of the proposed layout and design.*
- *A note suggesting that further site investigations/ Remedial actions will be necessary for any future potential piled foundations and process pipelines.*
- *Further final verification report stating that no unexpected contamination was found at the site and for the areas it was that the appropriate actions were carried out to render the site suitable for use*
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Third Comments – 14/04/22

I note that further information has been submitted in support of the above planning application.

The further information includes:

- *Earth works specification dated March 2022*
- *Baseline characterisation studies volumes 1-3 with associated appendices*
(carried out in 2004)

The Earth works specification provides detailed information on how the enabling works will be carried out and how material will be processed and reused on site subject to acceptability from sampling and testing.

In respect of the Baseline characterisation a large proportion of the information submitted is not relevant to this planning application as it looks at the Baseline characterisation over the then Corus site (2004) which includes Lackenby, Southbank and Cleveland sites and I am not entirely sure the reasoning or purpose why this has been submitted at this time.

Volume 3 of 3 provides a summary which includes the Redcar site, but this also includes the coke ovens and therefore is not specific to this planning application.

The applicant could have overlaid the pertinent information over the planning boundary for the planned development site, similar to the plan below (showing soil The Earthworks specification is satisfactory, but I would reiterate my previous recommendations that:

Following completion of measures identified in the Enabling Earthworks and

Remediation Strategy, a validation report that demonstrates the effectiveness of the remediation carried out must be produced which is subject to the approval in writing of the Local Planning Authority to include:

- *Reporting of the verification works to provide evidence that the remediation works which have been undertaken are in accordance with the Enabling Earthworks and Remediation Strategy and briefing note.*
- *A note stating that any future applicant carries out further ground gas investigation to quantify the ground gas risk on the site in the context of the proposed layout and design.*
- *A note suggesting that further site investigations/ Remedial actions will be necessary for any future potential piled foundations and process pipelines.*
- *Further final verification report stating that no unexpected contamination was found at the site and for the areas it was that the appropriate actions were carried out to render the site suitable for use*

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Fourth Comments – 12/05/22

I note that further reports including a Phase 1 Environmental Assessment and Generic Quantitative Risk Assessment and Detailed Quantitative Risk Assessment Report have been submitted in support of this application.

The Phase 1 Environmental Assessment aimed to provide information on potential development constraints prior to carrying out enabling works, to be used to assess potential environmental risks which may be associated with redevelopment of the site. The objective of the assessment was to collate and review previously available geo-environmental information to determine potential ground contamination risks associated with the site in its current condition and with regards to its future development prospects.

The report states that a walkover was carried out (April 2022) and that ongoing demolition works were occurring at the time, and therefore visible inspection was limited to external areas only and due to the presence of structures it was not possible to investigate a limited number of areas. Due to this, the report states that there are data gaps and recommends additional ground investigation be carried out in these areas once demolition/clearance works have been completed.

The Preliminary Conceptual Site Model and Preliminary Qualitative Risk Assessment considers the overall risk to the environment is considered to be Low, based on the information contained within the report and given the limited sensitivity of the receptors and the wider industrial nature of the area.

However, the report states that further investigation should be carried out in a limited number of areas which have not been accessible due to structures etc. and further assessment of the risk to surface water and controlled aquifers will be required. The report also states that a remedial and earthworks strategy and a construction phase environmental management plan will need to be developed to ensure any risk is not exacerbated during the enabling earthworks.

The ground investigation should focus on understanding presence and extent of made ground on site, and the contaminants within the made ground, which would enable assessment if potential pollutant linkages do exist and recommendations for further works / mitigations as part of the redevelopment. A further Generic Qualitative Risk Assessment (GQRA) was carried out in relation to Human Health which states that it is expected that any risks associated with permanent ground gas, and subsequent in-building mitigation measures required (e.g. building controls) will be the responsibility of the developer, and as such, this linkage has not been assessed as part of this GQRA/DQRA. It is also understood that the DQRA in relation to controlled waters is to be dealt with by the Environment Agency.

In conclusion the findings of the GQRA indicated a potential chronic exposure risk to human health (on-Site industrial worker) from asbestos fibres in shallow soils and additionally from measured concentrations of PAH and tar in a limited number of locations. The driving pathways of concern were direct contact exposure with shallow soils or inhalation of dust generated from shallow soils.

The potential risks to future on-Site industrial workers and surrounding land users are anticipated to be mitigated as part of the development works, on the basis that:

- Where buildings and hardstanding are absent, it is unlikely that soils will remain uncovered i.e. soft landscaping will be in place. Importation of clean soils in landscaped areas would be required given that Made Ground is not considered to represent a suitable growing medium, which would break the direct contact and dust pathways provided designed appropriately.*
- Removal of shallow tars and NAPL is planned as part of remedial works to be undertaken at the Site, irrespective as to whether they represent a potential risk.*

Further to the submission of the Phase 1 Environmental Assessment and Generic Quantitative Risk Assessment / Detailed Quantitative Risk Assessment Report, I would recommend that:

- Additional ground investigation and risk assessment shall be carried out when all structures have been demolished.*
- A Construction Phase Environmental Management Plan as stated in the Phase 1 Environmental Assessment shall be submitted for the approval of the local authority.*

- *Following completion of measures identified in the Enabling Earthworks and Remediation Strategy, a validation report that demonstrates the effectiveness of the remediation carried out must be produced which is subject to the approval in writing of the Local Planning Authority to include:*

1. Reporting of the verification works to provide evidence that the remediation works which have been undertaken are in accordance with the Enabling Earthworks and Remediation Strategy and briefing note.

2. A note stating that any future applicant carries out further ground gas investigation to quantify the ground gas risk on the site in the context of the proposed layout and design.

3. A note suggesting that further site investigations/ remedial actions will be necessary for any future potential piled foundations and process pipelines.

- *Further final verification report stating that no unexpected contamination was found at the site and for the areas it was that the appropriate actions were carried out to render the site suitable for use shall be submitted for the approval of the local authority.*

Final Comments – 09/08/2022

Provided that the remediation strategy is subject to independent review under the NQMS (as agreed by the agents) then the decision notice can be issued.

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

I note that section 4.3.14.2 of the Enabling Earthworks and Remediation Strategy Report covers Dust, Noise and Vibration and states that an Air Quality and Dust Management Plan (AQDMP) will be prepared as a component of the CEMP.

The section states that the CEMP will also cover asbestos and noise and vibration impacts from the site.

Consideration should therefore be given to the nearest sensitive receptors both residential and commercial to the site during the proposed works. In order to minimise the environmental impact, I would recommend the inclusion of the following conditions onto any planning permission which may be granted:

- *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, or any other subsequent variation approved in writing. The CEMP will include measures relating to management of asbestos, noise & vibration and dust. The approved CEMP shall be adhered to throughout the development period.*

REASON: To protect the amenity of nearby residents.

Redcar and Cleveland Borough Council (Planning Strategy)

The application seeks outline permission for engineering operations associated with ground remediation and preparation of the site. The site is located within the South Tees Development Corporation Area which is identified on the Policies Map.

Policy LS4 supports the delivery of significant economic growth and job opportunities in the South Tees area; the regeneration of the South Tees Development Corporation Area through implementing the South Tees Area SPD; giving the area an identity and making it attractive to inward investment; supporting the regeneration of former steel sites as part of the South Tees Development Corporation; encouraging clean and more efficient industry in the South Tees area to help reduce carbon dioxide emissions and risk of environmental pollution; and securing decontamination and redevelopment of potentially contaminated land.

The site is allocated for specialist employment uses, including B uses and suitable sui generis uses, through Policy ED6 of the Redcar & Cleveland Local Plan 2018. In accordance with ED6 proposals should have regard to the South Tees Area SPD which supports the remediation and redevelopment of land in the area.. Proposals which positively contribute towards growth and regeneration will be supported

It should be ensured that development does not result in an adverse effect on the integrity of the neighbouring Teesmouth and Cleveland Coast SPA and Ramsar site and underlying SSSI in accordance with Policy N4. Wider impacts on biodiversity should also be avoided with opportunities taken to protect and enhance, recognising wider ecosystem services and providing net gains wherever possible.

In accordance with SD4 proposals should create a healthy, safe and secure environment and minimise pollution. Development should avoid locations that would put the environment, or human health or safety, at unacceptable risk.

Redcar and Cleveland Borough Council (Natural Heritage Manager)

No objection. If there any opportunities to plant appropriate tree species at any point within these proposals, it would be advantageous

CONSIDERATION OF PLANNING ISSUES

The main considerations in the assessment of the application are;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety

- The impacts on Flood Risk
- The impacts on Ground Conditions and Contamination
- The impacts on Ecology

The principle of development

The application site is located within the development limits and within a predominantly industrial/commercial area. The principle of the remediation of the site is acceptable and the proposal accords with the aims of policy SD3 of the Redcar and Cleveland Local Plan.

The application site is allocated under Local Plan Policy ED 6 (Promoting Economic Growth) for employment uses and suitable employment related sui generis uses, with specific policy support for proposals which positively contribute towards growth and regeneration. The application is for the remediation works to allow for the preparation of the site to facilitate future development at the site being pursued under the Net Zero Teesside DCO application. It is therefore considered that the proposed development would contribute towards industrial development in the short to medium term and compliance with Policy ED6.

The development proposal is wholly in accordance with South Tees SPD and it will facilitate the delivery of significant investment in the economy of the borough, which meets the vision and policy objectives of the Local Plan.

The principle of the development is acceptable and the proposal accords with the aims of policies SD3 ED6 and LS4 of the Redcar and Cleveland Local Plan and the South Tees SPD.

The impacts on the character and appearance of the area

The application site is surrounded almost entirely by existing industrial land and various commercial uses including the River Tees to the north. The proposed works mainly involve the remediation of the site through the digging down and processing of the soils and materials on the site. Given that the proposed works are to provide a development site suitable for future development it is considered to have limited impacts on the character and appearance of the area.

It is accepted that the development will alter the appearance of the site in the short during the operations associated with the works, the changes are not considered to be so significant or detrimental to the area that would require planning permission to be refused.

The proposal is suitable in relation to the proportions, size, scale and the application would respect the character of the site and its surroundings. The application accords with part j of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on neighbour amenity

The application site is surrounded almost entirely by existing industrial land and various commercial uses. Given the nature of the proposed development it is considered that there are limited receptors whose amenity might be affected by the proposed development.

The impact of any future development that will come forward on the remediated site will be assessed and where necessary mitigated against when those applications are determined.

The development would not have a significant adverse impact on the amenity of occupiers of existing buildings and the proposal accords with part b of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on highways safety

The application has been considered by the Council's development engineers with regard to the impact of the development on the local highway network. No objection has been received from the development engineers with regard to the principle of the proposed development.

The application subject to conditions and control measures through the proposed CEMP raises no issues in terms of highways safety and the application accords with part p of policy SD4 and policy TA1 of the Redcar and Cleveland Local Plan.

The impacts on Flood Risk

The application is for the remediation of the site with no end use development at this point. The LLFA have acknowledged that main aspect of the application is for remedial and preparation works to take place on site to allow for the site to be developed at a later date. It is therefore considered that this element of the proposal is compliant with policy SD7 as there is no increase to flood risk.

It is considered that through appropriate control measures through the submitted FRA there will be no adverse impacts with regard to surface water management.

The development would not have a significant adverse impact on flood risk and the proposal accords with policy SD7 of the Redcar and Cleveland Local Plan subject to the imposition of the proposed condition.

The impacts on Ground Conditions and Contamination

The application has been considered by the Council's environmental protection section with regard to both contamination and nuisance. Detailed discussions have taken place between the applicant and the EHO since the application has been submitted. As a result of these discussions, numerous

consultation responses have been received, raising the need for various conditions. These conditions have been agreed between the LPA and the applicant. The Council recognise the differences between the positions of the EA and the applicants consultants. While the local authority recognise the position the EA are taking, detailed further below, it is considered that through the independent review of the submitted documents, there will be further examination as to the appropriateness of the documents to ensure the development is being carried out in a suitable manner. The local authority acknowledge that should the review flag up any issues with the submitted documents these will require amending/updating prior to the development commencing. The EHO is therefore satisfied that subject to the these further reviews and the implementation of other conditions including; submission of verification reports, dealing with unexpected contamination and decommissioning of boreholes/wells, the development is one that can be carried out in an suitable manner.

The application has also been considered by the Environment Agency (EA). Detailed discussions have taken place between the applicant and the EA since the application has been submitted. These discussions have resulted in the submission of additional/updated information/reports that have been subject of further consultation. The most recent response from the EA stated that they have no objection to the proposed development subject to conditions. These conditions have been subject of further discussions between the LPA, EA and the applicant. The first condition proposed by the EA is not considered to be enforceable due to there not being a trigger point for the submission of the details/information and therefore does not meet the tests set out in the NPPF. This condition has therefore not been added to the decision notice, however as detailed above, the application is required to be carried out in accordance with the submitted remediation strategy which is subject to independent review under the National Quality Mark Scheme. It is acknowledged that there appears to be professional differences between the EA and the applicants agent, however subject to the appropriate review of the remediation strategy it is considered that the development is one that can be suitably controlled and mitigated. The remaining three conditions proposed by the EA have been added to the decision notice in agreement with the applicant.

The proposed development subject to the implementation of the suggested conditions, the proposal accords with parts b, d and n of policy SD4 of the Redcar and Cleveland Local Plan.

The impacts on Ecology

The application is supported by an Ecological Impact Assessment (EIA) and a Habitats Regulations Assessment which have been prepared by INCA.

A desk study has been undertaken as part of the assessment to identify all internationally and nationally designated sites within 10km and 5km respectively and locally designated sites within 2km.

Designated Sites

There are two internationally designated sites within a 10km radius of the site; the Teesmouth and Cleveland Coast Special Protection Area (SPA) and the Teesmouth and Cleveland Coast Ramsar site. The details of these sites in terms of proximity and the interest features of the sites are set out in Table 2 of the submitted Ecological Impact Assessment.

There are also two nationally designated sites within a 5km radius of the proposed development site; Teesmouth & Cleveland Coast Site of Special Scientific Interest (SSSI) and Teesmouth National Nature Reserve ('NNR').

There is one locally designated site within 2km of the site, Eston Pumping Station Local Wildlife Site. Eston Pumping Station Local Wildlife Site is 1.4km south of the site and is designated for its mosaic of habitats, including "Urban Grassland", a form of brownfield habitat.

Protected Notable Species

As part of the submitted Ecological Impact Assessment consideration has been given to the following species with the EIA concluding the following;

Great Crested Newt

GCN is assessed as absent from the surrounding South Tees area, following extensive survey effort, and it is therefore considered to be absent from the site, with no realistic potential for it to colonise.

Bats

The development would result in the loss foraging habitat for widespread species of bats. The amount of habitat suitable for bats on the site is very small compared to the area of suitable habitat across Coatham Dunes and South Gare. Therefore the site is expected to provide a small part of the foraging habitat of a small number of bats, consequently the impact on the local bat population is considered to be low.

As pointed out in section 2.3 the buildings and other structures on the site do not form part of this application therefore their potential to support roosting bats is not assessed.

Reptiles

Two surveys have found reptiles to be absent other than for a few individual Common Lizards in a narrow strip along the northern boundary where it abuts the South Gare access road and opposite Coatham Dunes. This strip of land is separated from the remainder of the site by bare ground which would very likely create a barrier to common lizards dispersing across the site.

As part of a reptile mitigation strategy being developed to prevent harm to reptiles across Teesworks, the vegetation in the strip of land along the northern boundary was sprayed off in spring and summer 2021. The reason for this was to encourage any common lizards that were present to move back onto Coatham Dunes. This appears to have been successful as no common lizards were found during several surveys in late summer 2021. Consequently the development is considered unlikely to have any impact on reptiles.

Breeding Birds

The development would result in the loss of a small number of territories of ground nesting and shrub nesting birds. This would be likely to include little ringed plover, a Schedule 1 species and grey partridge, a Red List species. For little ringed plover, which nests on bare substrates, the impact would be temporary as the development would re-instate bare ground.

Hedgehog

The site is likely to form part of the home range of individual European hedgehogs. Given the open nature of much of the habitat on the site, the amount of suitable habitat is assessed as low and adverse impacts on the local population are considered to be negligible.

Brown Hare

The site would appear to form part of the core home range of several brown hares. As such the development has the potential to have an adverse impact on brown hare at the Local scale.

Common Toad

It is likely that a small proportion of the common toad population associated with the wider Teesworks site and the wetlands on Coatham Dunes would use the terrestrial habitat on the site. However, there are large areas of more suitable terrestrial habitats for common toads in the surrounding area so the impact of the development is assessed as negligible

Dingy Skipper

The Ruderal/ephemeral habitat on the site provides suitable habitat for dingy skipper across several habitat blocks. Given the amount of suitable habitat it is assessed that the site supports a population of dingy skipper large enough to meet the relevant criterion for designation as a Local Wildlife Site (Tees Valley Local Nature Partnership, 2010) [xv].

Grayling

Given that in excess of 50 grayling have been counted on habitat block 7 and that similar habitat exists on habitat blocks 3 & 8 as well as potentially suitable

habitat on habitat block 5, then the development is likely to result in the loss of a population of grayling of County importance.

Other Invertebrates

The herb-rich nature of some of the habitat blocks should support good numbers of pollinating insects. However the compacted nature of much of the substrates would be likely to limit its use by burrowing insects. The lack of any specialist habitat features is likely to render the site of low suitability for other invertebrates of conservation importance.

Invasive Non-Native Species (INNS)

Although no INNS have been recorded, it is possible that scattered examples of certain Cotoneaster species that are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) could be present.

With regard to habitats across the site the EIA acknowledges that All habitats on the site would be lost as a result of the construction phase of the proposed development. Therefore the populations of all species on the site would be lost as a result of the loss of habitats. The proposed development does not include the demolition of buildings or structures on the site therefore, there would be no effects on any species associated with the buildings.

Within the Ecological Impact Assessment a summary has been provided with regard to impacts on designated sites, species and the summary of the Biodiversity Net Gain position. It is considered that there will be no adverse impacts on designated sites, while it is also acknowledged that habitats will be lost on site that will need to be compensated for. This will take place through the implementation of the Teesworks Environment and Biodiversity Strategy. This is currently being prepared for submission to the LPA. While it is acknowledged that the proposed development will result in a loss of 145.56 BDU's this will be picked up through the biodiversity strategy being prepared for the wider Teesworks site. It is therefore not considered necessary to condition the compensation through this application as this could be considered as double counting.

The application has also been supported by an HRA prepared by INCA. The HRA concludes that the proposed development will not cause adverse effect to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, either alone or in combination with other plans or projects.

The proposed development is therefore considered to comply with policies SD4 (General Development Principles) and N4 (Biodiversity and Geological Conservation) of the Local Plan.

Other matters

The draft conditions have been sent to the applicant for consideration and they have agreed to these.

The application falls within the catchment for nitrate neutrality, however due to the nature of the proposed development it is considered to fall outside of scope for requiring additional information / assessment.

CONCLUSION

The application proposes engineering operations involved in the remediation and restoration of the site to provide a suitable development platform within the South Tees Development site.

The works are considered to be of a scale and design that area suitable for the site and its surroundings. The site is within an area allocated for employment related development in the Local Plan and it is considered the works will help facilitate future developments at the STDC site.

The application raises no issues in terms of highway safety or impacts from traffic generation as a result from the works subject to the application of suitable conditions.

The application site is in close proximity to sites of ecological importance and consideration has been given to the impacts of the development with regard to these designated sites as well as the more general ecological value of the site. The application has been supported by ecological survey work and an HRA, the recommendations of which are sought by way of planning conditions.

The proposed development is therefore considered to comply with policies within the NPPF and policies SD1 SD3 SD4 SD7 LS4 ED6 N4 TA1 of the Redcar and Cleveland Local Plan.

RECOMMENDATION

Taking into account the content of the report the recommendation is to:

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not be begun later than the expiration of THREE YEARS from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (Dwg No. SD-00.01) received by the Local Planning Authority on 07/12/21

Dig Depths Plan (Dwg No. 10035117-AUK-XX-XX-DR-ZZ-0422-02-Net_Zero_Rem_Ex) received by the Local Planning Authority on 07/12/21

Data Survey Plan (Dwg No. 10035117-AUK-XX-XX-DR-ZZ-0508-01-Net_Zero_Plot_Data_Gaps) received by the Local Planning Authority on 12/05/22

REASON: To accord with the terms of the planning application.

3. No phase of development shall take place until a Construction Environmental Management Plan (CEMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period of that phase. The CEMP shall include details of any phasing of the approved works across the site and shall demonstrate how the mitigation measures set out in the Ecological Impact Assessment, INCA, dated November 2021 have been incorporated in the construction methods. The CEMP shall also include the following details:
 - i The method to be used to control the emission of dust, noise and vibration from construction works, including any details of any mitigation measures required;
 - ii Measures to control the deposit of mud and debris on adjoining public highways
 - iii Site fencing and security
 - iv Temporary contractors' buildings, plant, storage of materials, lighting and parking for site operatives
 - v The use of temporary generators
 - vi The arrangement or turning of vehicles within the site so that they may enter and leave in forward gear
 - vii A risk assessment of construction activities with potentially damaging effects on local ecological receptors including any measures to protect those receptors during construction
 - viii Roles and responsibilities for the implementation of the CEMP requirements and measures.
 - ix Measures to control invasive plant species
 - x Measures to control surface water and other water generated as part of the works

REASON: In the interest of neighbour amenity, highways safety and protection of sites of ecological value in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to construction details which are often the first works on site and relate to site preparation.

4. No development hereby approved shall commence within the areas outlined in blue on the submitted 'Net Zero Data Gaps' plan (Plan Ref. No. 10035117-AUK-XX-XX-DR-ZZ[1]0508-01-Net_Zero_Plot_Data_Gaps) until a report of findings arising from Phase

II intrusive site investigations including a risk assessment (generic or detailed quantitative assessment as required), and if required by the risk assessment an updated Remediation Strategy (any updated Remediation Strategy shall be subject to independent review through the National Quality Mark Scheme) has been submitted to and approved in writing by the Local Planning Authority (the submitted information shall consider the areas within the blue lines shown on the aforementioned plan only). The Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports include mitigation measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the Local Plan and the National Planning Policy Framework.

5. Where required, the remediation and monitoring measures approved under Condition 4 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers and other offsite receptors, in accordance with the Local Plan and the National Planning Policy Framework.

6. The development within the application boundary (with the exception of the areas outlined in Blue on the submitted 'Net Zero Data Gaps' plan - Plan Ref. No. 10035117-AUK[1]XX-XX-DR-ZZ-0508-01-Net_Zero_Plot_Data_Gaps) shall be implemented in accordance with the measures set out in the submitted Enabling Earthworks and Remediation Strategy Report (Report Ref: 10035117-AUK-XX-XXRP-ZZ-0417-03). That Remediation Strategy Report shall be subject to independent review through the National Quality Mark Scheme. Should that review result in amendments being necessary, a revised Strategy Report shall be submitted and approved by the local planning authority and development carried out in accordance with it.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers and other offsite receptors, in accordance with the Local Plan and the National Planning Policy Framework.

7. Following completion of the approved remediation and monitoring measures, a verification report that demonstrates the effectiveness of the remediation carried shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies of the Local Plan and the National Planning Policy Framework.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. prior to implementation of any amendments to the agreed strategy. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. A scheme for managing and/or decommissioning any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

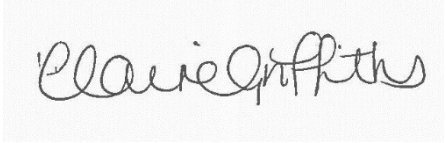
Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the NPPF and 'The Environment Agency's approach to groundwater protection'.


10. There shall be no site vegetation clearance between March to the end of August unless the project ecologist has first undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

REASON: To conserve protected species and their habitat in accordance with policy N4 of the Local Plan.

STATEMENT OF COOPERATIVE WORKING

Statement of Co-operative Working: The Local Planning Authority considers that the application as originally submitted is a satisfactory scheme and therefore no negotiations have been necessary.

Case Officer	
Claire Griffiths	Development Services Manager
	11 August 2022

Delegated Approval Signature	
Adrian Miller	Head of Planning and Development
	11/08/2022