

David Pedlow  
Planning Services  
Redcar and Cleveland Borough Council  
Redcar and Cleveland House  
Kirkleatham Street  
Redcar  
TS10 1RT

**Date:** 23 May 2022

**Our ref:** 63262/01/AGR/HO/[20968421v1](#)

**Your ref:**

Dear David

## **Detailed Planning Application: Engineering operations associated with removal of earth mounds at Steel House, Redcar**

We are pleased to submit on behalf of our client, South Tees Development Corporation (“STDC”) (hereafter “Teesworks”), an application seeking detailed planning permission for the following:

*“Engineering operations associated with the removal of mounds, installation of haul road and associated works”*

The grant of planning permission will enable Teesworks to undertake operations necessary to create appropriate conditions for final use developments at the Steel House site by the removal of the mounds and creation of a level site at prevailing ground level. Teesworks’ role is to prepare sites in advance of planning applications for end-use developments.

Located in the north of the Teesworks area, the site is immediately north east of the existing Steel House office buildings and part of the wider Steel House site.

### **Application Background**

STDC, known as Teesworks, was created in 2017 with the objective of delivering area wide, transformational economic regeneration within its constitutional area, to augment the wider economic growth plans of the Tees Valley. Representing the largest single regeneration opportunity in the UK, Teesworks’ regeneration programme will be pivotal in transforming the South Tees area into a national asset for new industry and enterpriser, making a substantial contribution to the economic growth and prosperity of the region.

In December 2020, Teesworks submitted an application (ref: R/2020/0823/ESM) seeking outline planning permission for the development of up to circa 15,800sqm of office accommodation, car parking and associated infrastructure on land at Steel House; a 24.4 hectare site that includes the site which is the subject of this application. The outline proposal represents one of six planning applications for major redevelopment within the

Teesworks area. However, it is complex by virtue of its scale and will have a lead in-time for its implementation, due in part to the need to obtain reserved matters approval for details.

This application is being submitted, therefore in order to enable Teesworks to mobilise quickly on the Steel House site in order to carry out works that will level the land and enable it to be prepared for final development. Thus, the approval of these site levelling engineering works have the potential to speed up the overall regeneration of the Steel House site, and ultimately, the Teesworks area.

## **The Application Site**

The site comprises 9.17 hectares of land; the majority of the site is located to the east of the former car park for the Steel House offices, whilst a narrow strip extends south and west across the former car park, over a minor watercourse and up to a private road as defined on the accompanying Site Location Plan. The site is free from built structures and comprises a series of landscaping mounds approximately 8 - 10m above prevailing ground level which is around 4 to 5m AOD. The ground cover in the site is predominantly grassland and scrub interspersed by pockets of woodland, individual trees and a network of footpaths, although these are not publicly accessible.

The site is all within Flood Zone 1, and contains no waterbodies, although it does contain a short section of watercourse which connects Steel House Lake to the Fleet Beck. Steel House Lake, which is located to the west of the site, immediately beyond the Steel House office buildings, is fed by the Ash Gill Beck, which flows to the south west of the site under the A1085 into a short open channel before discharging into the lake.

The majority of the site is bound by the former car park to the Steel House offices to the west, the A1085 trunk road to the south, the Darlington to Saltburn railway line to the north, and by a disused gas governor house, access track and further mounds to the east.

## **Proposed Works**

The principle purpose of the engineering works, for which planning permission is required, is to create a flat site in advance of undertaking site remediation and preparation works in readiness for its final use. The works will comprise excavation of the mounds of material on the site and the removal of the material from the site, to leave a level site with a minimum height of 5.1m AOD. The area of the site which will be levelled to this minimum height is shown in orange on the Site Plan (Drawing Number TSWK-STDC-STH-ZZ-DR-C-0007A), which is submitted alongside this letter.

The intention is to re-use the excavated material as engineering fill elsewhere on the Teesworks site, subject to its suitability for re-use. Any material which is not suitable for re-use will be treated and disposed of as waste in the appropriate facilities within the Teesworks area (i.e. the Highfield Environmental landfill). The prospects of contamination and risks associated with this, and an assessment of the suitability for re-use are discussed in the Ground Investigation report which accompanies the application.

Whilst material will be removed from the site itself, it will not be transported on the public highway; material will be transported directly from the site, via a temporary haul road, directly to the private road network in the Teesworks area. The route of which the temporary haul road is shown in yellow on the Site Plan (Drawing Number TSWK-STDC-STH-ZZ-DR-C-0007A) which is attached to this letter.

The temporary haul road will run from the area of works, through the former car park, over the minor watercourse via a new temporary bridge (see below) to meet the existing road to the west of the site.

A new temporary bridge, over the existing bridge which crosses the minor watercourse, is proposed as shown by the drawing 'Temporary Overbridge General Arrangement' (Drawing Number STDC\_STR-ATK-SBR-B16-DR-CB-000001). An approach ramp made up of crushed aggregate will be in place at either end of the proposed bridge, which will be approximately 17m in length and around 4.7m in width with a tarmac surface.

Further details are available to view in the accompanying technical documents and suite of plans submitted as part of this application.

### **Assessment against Planning Policy**

The statutory development plan for the proposed development site comprises

- Redcar & Cleveland Local Plan (adopted 2018); and
- The Tees Valley Joint Minerals and Waste Development Plan Documents, comprising:
  - i Minerals and Waste Core Strategy DPD (adopted September 2011); and
  - ii Minerals and Waste Policies and Sites DPD (adopted September 2011).

Alongside the Local Plan, RCBC prepared the South Tees Area Supplementary Planning Document ("SPD") (also adopted in May 2018) to support economic and physical regeneration of the South Tees area and provide guidance on the interpretation of local planning policy documents. The SPD was informed, and is supported, by the South Tees Regeneration Master Plan which was originally adopted by STDC in 2017.

The Master Plan was subsequently updated, most recently, in November 2019. It sets out the vision for transforming the STDC area into a world-class example of a modern, large-scale industrial business park by providing a flexible development framework where land plots can be established in a variety of sizes to meet different occupier needs in the most efficient manner possible.

We have, therefore, assessed the proposal against the above documents.

### **Principle of Proposed Development**

Different parts of the site are subject to different Local Plan policy designations as follows:

- 1 The western part of the site, i.e. the majority of the site and the area where the mounds are located, is designated in the Local Plan as a 'Green Wedge' (Policy N2), a 'Restoration Landscape Area' (Policy N1) and it lies outside of the development limits (Policy SD3), as defined on the Local Plan proposals map, although it also falls within the area designated as the South Tees Development Corporation Area (Policy LS4/ED6). It is also within the 6km Special Protection Area ('SPA') buffer zone (Policy N4).
- 2 The eastern part of the site, i.e. the strip of land to be used for the haul road, is designated in the Local Plan as a Protected Employment Area (Policy ED6) and as the South Tees Development

Corporation Area (Policy LS4/ED6); it is also located within the 6km Special Protection Area ('SPA') buffer zone (Policy N4).

Planning policies relevant to the principle of the proposed development are set out below according to the western portion of the site which is subject to more restrictive policies with respect to development. Other policies relevant to technical matters at the site are summarised at the end of the section.

Policy SD 3 (Development Limits) restricts development to a list of specified exceptions though does not include activities related to industrial development. The supporting text explains that the purpose of defining development limits is '*to contain future development and to make a clear distinction between the urban area and the countryside*'. The aim of the approach is to prevent uncontrolled urban sprawl and deliver sustainable development.

Given the nature of the proposed works and the fact that this particular area beyond the limits to development is characterised by the former industrial and landfill uses that have taken place there, the proposals would not undermine the general objective of keeping separate the urban area from countryside.

The remainder of the Green Wedge allocation to the east of the application site, together with the adjacent area designated as Primary Open Space will continue to serve to prevent new development coming forward.

It is, therefore, considered that the proposed development in this specific area beyond the defined limits to development will not undermine the overall purpose and objectives of Policy SD3 for defining 'development limits'.

Policy N2 describes green wedges as '*...open areas within the main built-up area, but outside of development limits, which provide buffers between different uses and delineate distinct communities; are valuable for local amenity, recreation and wildlife*'. In this context, it is not considered that the proposed development would significantly undermine the green wedge allocation.

Policy N2 states that "*Development within green wedges will only be allowed where:*

- i it would not result in physical or visual coalescence of built-up areas;*
- ii it would not adversely impact on local character or the separate identity of communities;*
- iii it would not adversely impact on recreational opportunities;*
- iv it would not adversely impact on biodiversity; and*
- v proposals are in accordance with Policy SD3."*

The application proposals amount to engineering works associated with industrial activities in a location that has historically been characterised by industrial operations. The application does not propose any form of development that would change this character. The area will remain inaccessible to the general public and therefore, does not contribute to recreational opportunities. Impacts upon biodiversity are addressed in the accompanying documentation. As such, the proposed development satisfies all criteria of the policy with the exception of criterion (v). However, as discussed above, the proposed development will not undermine the purpose of development limits, and thus the weight that should be placed on any failure to meet this criterion is diminished.

It should also be noted that the size of the overall Green Wedge allocation is 217ha, and the part of the application site which encroaches into it is circa 8.6 ha, which is in the order of 4% of the total area.

When considering a planning application's conformity with the development plan, it is necessary to determine whether the proposal accords with the development plan on the whole and not each and every policy within it. A breach of one policy does not necessarily result in a proposal failing to accord with the plan. It is a planning judgement as to whether, on balance, the proposal conforms with the development plan on the whole and whether any policy failure would undermine the overall development plan strategy.

In this regard, given the industrial characteristics of the application site in the area beyond the limits to development and in the Green Wedge, the proposals would not undermine the objectives and purposes of these designations and, therefore, the proposal's conformity with wider policies of the Local Plan should be afforded greater weight and lead to the conclusion that, on balance, the application proposals accord with the development plan on the whole.

Policy LS 4 (South Tees Spatial Strategy) of the adopted Local Plan sets out a series of key economic, environmental and connectivity objectives for the South Tees area. Those of particular relevance include the following:

- a. deliver significant growth and job opportunities through the South Tees Development Corporation and Tees Valley Enterprise Zone at Wilton International and South Bank Wharf;*
- b. support the regeneration of the South Tees Development Corporation area through implementing the South Tees Area Supplementary Planning Document;*
- f. improve existing employment areas and provide a range of modern commercial premises that meet contemporary business requirements including the target sectors of the South Tees Area Supplementary Planning Document;*
- h. give the area an identity and make it attractive to inward investment;*
- x. secure decontamination and redevelopment of potentially contaminated land; and*
- y. protect European sites, and safeguard and improve sites of biodiversity interest particularly along the River Tees and the estuary and encourage integrated habitat creation and management.*

The proposed engineering works will contribute to and help to realise all of the above objectives and, therefore, comply with the wider spatial strategy for the area and Policy LS 4 of the Local Plan.

Policy ED 6 (Promoting Economic Growth) of the Local Plan protects land within existing industrial estates and business parks, including 'Land at South Tees', which includes the application site, for employment uses. The policy expects proposals within the STDC Area to have regard to the South Tees Area SPD, and states that "*Proposals which positively contribute towards growth and regeneration will be supported*". Policy ED6 also requires that, where appropriate, development proposals demonstrate that there will be no adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European designated nature conservation sites.

The proposed works, represent a significant step in the regeneration of the Steel House site and will enable STDC to make a start on site preparation in readiness for attracting potential operators for end use of the site. As discussed below, the Habitat Regulations Assessment and Appropriate Assessment report demonstrates that the proposed development, will not adversely affect the Teesmouth and

Cleveland Coast SPA and Ramsar site. It is therefore entirely compatible with the aims and requirements of Policy ED 6 of the Local Plan.

Policy N1 (Landscape) aims to protect and enhance the borough's landscapes and resists developments that would lead to the loss of features important to the character of the landscape, its quality and distinctiveness. In relation to Restoration Landscapes, the policy encourages developments to take opportunities to repair or reinstate the landscape structure. The policy designation encompasses most of the Coatham Marsh area, however, the site is functionally separate from the majority of the Coatham Marsh area. The proposed works will not lead to the loss of features important to the features of the landscape character such as wetlands, ponds and reedbeds. The proposed development does not include any built form or anything else that would introduce features which are incongruous to the landscape character. It is therefore considered that the proposed development does not conflict with the aims of Policy N1.

The South Tees Area SPD includes a number of Strategic Development Principles intended to guide planning applications associated with the redevelopment of the Teesworks area. Those of particular relevance to the proposed development include:

- STDC1: Regeneration Priorities, which signals the Council's commitment to work in partnership with STDC to achieve the comprehensive redevelopment of the South Tees Area in order to realise an exemplar world class industrial business park. The proposed works represent a crucial early step in the regeneration of the STDC area as explained above. The SPD goes on to state *'the need to remediate known contamination, including to reduce environmental harm, and to redevelop the South Tees Area for productive uses is fully recognised and supported by the Council.'*
- STDC3: Phasing Strategy, which encourages re-development of the STDC area in accordance with a phasing strategy that prioritises early redevelopment of areas:
  - i Requiring little ground remediation and site preparation;
  - ii That can best accommodate end user needs, where transport access/egress is presently afforded;
  - iii Where development can manage with existing on-site infrastructure; and
  - iv That don't require major demolition.

The above approach is in line with the early stages of the more detailed phasing strategy set out in the Master Plan discussed above. The proposed works are, therefore, in accordance with the approach to development phasing set out in Development Principle STDC3 and in the Master Plan.

- STDC4, which supports opportunities for specialist industries as well as the growth and expansion of existing operators and development proposals that will increase the attractiveness of the area for new users.
- STDC 7 (Natural Environmental Protection and Enhancement) which requires development proposals to respond to their environmental setting and to protect, and where possible enhance, biodiversity and geodiversity interests.
- STDC9 (Site Remediation) which expects remediation of land to be proportionate, based on a risk assessment and proposed future uses, and, where appropriate to provide for environmental betterment.



- STDC12: (North East Industrial Zone) which supports (though does not restrict) development proposals relating to advanced manufacturing, research and development, testing and laboratory services and industrial and technology training.

It is, therefore, concluded that the principle of development is accepted in the location and the application accords with the relevant policies discussed above.

## Ground Conditions

A Ground Investigation Report, prepared by Arcadis, has been submitted as part of this application. This report uses the findings of site investigations to consider the material contained within the mounds from an environmental and geotechnical perspective with a view on determining if the material is suitable for use elsewhere on Teesworks.

The report finds that the mounds are predominantly composed of granular Made Ground with varying proportions of waste material, including some which is considered to be hazardous waste. With the exception of the waste material, the material in the mounds was found to be suitable in the wider Teesworks area subject to a field compaction trial.

The report provides sufficient detail for the Council to understand the material composition of the mounds and the risk to human health of moving the material to determine the application.

It is understood that a field compaction trial and a Materials Management Plan will be necessary prior to using the material for engineering fill on other parts of the Teesworks area. However, it is considered that these issues are not material to the determination of this application.

The proposed engineering works are, therefore, in accordance with Local Plan Policy SD 4 (General Development Principles) and Development Principle STDC1 (Regeneration Priorities) of the South Tees Area SPD.

## Ecology

An Ecological Impact Assessment prepared by INCA accompanies this planning application which incorporates the results of a desk based study and on-site habitat surveys to inform its findings.

Policy N4 of the adopted Local Plan seeks for the following:

*'Biodiversity and geodiversity should be considered at an early stage in the development process, with appropriate protection and enhancement measures incorporated into the design of development proposals, recognising wider ecosystem services and providing net gains **wherever possible**.'*

The approach is similarly echoed in Development Principle STDC 7 (Natural Environmental Protection and Enhancement) of the South Tees Area SPD, which states that 'net environmental gains should be provided where **appropriate and viable**' (*Lichfields' emphasis in bold*)

The application proposal is for a scheme of early site preparation works. As such, it is not possible, appropriate or viable at this time to determine a scheme for replacement habitat value. Whilst, in isolation, the works proposed will result in a loss in habitat value, STDC is committed to bringing forward opportunities to compensate for this loss through the implementation of the site-wide Environment & Biodiversity Strategy, currently being prepared to identify habitat enhancement schemes across the STDC area and beyond.

STDC does, therefore, have a strategy for the compensation of habitat loss that would occur through the works set out in this application; works which are essential if the regeneration objectives of STDC are to be achieved.

In addition, whilst not part of this application proposal, the final development schemes that come forward on the site, once remediated, may also include for habitat creation, depending upon their type, layout and design, and which would be proposed in subsequent planning applications.

There are four 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 North York Moor SPA and the North York Moors Special Area of Conservation (SAC).

Policy N4 also requires that development *'...which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment.'* and that, in such cases, development will only be allowed where *'it can be determined through Appropriate Assessment at the design stage that, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects.'*

The accompanying Habitat Regulations Assessment (HRA), including an Appropriate Assessment concludes that the proposed development will not cause adverse effect to the integrity of the Teesmouth and Cleveland SPA and Ramsar site either alone or in combination with other plans or projects.

## **Flood Risk, Below Ground and Surface Water Management**

The proposed engineering works comprise the excavation and removal of material from mounds on the site and creation of level ground in their place. As such, the proposed works will not reduce surface water infiltration rates, nor will it increase surface water run-off rates. Therefore, it will not increase flood risk at the site.

Further improvements to water management can be incorporated into the final use development proposals when they come forward in future planning applications.

A Flood Risk Assessment (FRA) was prepared to accompany planning application (ref: R/2020/0823/ESM) which applied to a 24.4 hectare site that includes the site which is the subject of this application. The FRA is submitted with this application as it is considered relevant to the proposal.

The FRA confirms that the site is within Flood Zone 1, meaning that it has a less than 1 in 1000-year annual probability of flooding from river or sea. It also confirms that the development of the site (as proposed in the outline application) will not affect fluvial flood risk within or outwith the site.



## **Archaeology and Heritage**

A Desk Based Heritage Assessment (DBA) was submitted with planning application (ref: R/2020/0823/ESM). The DBA is submitted alongside this application in consideration of potential impacts of the proposed development on archaeological and historical assets. The report finds no designated heritage assets within the site, and that the site does not contribute to a significant setting of any designated heritage asset; it concludes that the proposed development will have no direct effects on any designated heritage assets.

Whilst there are no above ground undesignated heritage assets on the site, the report concludes that there may be some, of up to regional importance relating to the medieval period and 20th centuries, below ground. However, as the proposed works do not involve any ground disturbance there is no potential for the unknown archaeological assets to be affected.

## **Conclusion**

The proposed engineering works are a key step in preparing the Steel House site for an eventual end occupier, and thus to enable Teesworks to realise its objectives of bringing forward transformational economic regeneration in the area and creating thousands of new jobs. The proposal accords with the relevant adopted Local Plan policies and aligns with the aspirations for the area set out in the South Tees SPD. The application should therefore, be approved.

## **Application Submission**

The application submission comprises the following documents:

- This covering letter;
- Completed Application Forms and Ownership Certificates;
- Ground Investigation, prepared by Arcadis;
- Shadow Habitats Regulations Assessment: Stage 1: Screening and Stage 2 Appropriate Assessment, prepared by INCA
- Ecological Impact Assessment, prepared by INCA
- Flood Risk Assessment, prepared by JBA,
- Desk-Based Heritage Assessment, prepared by Prospect Archaeology
- Site Location Plan (ref: TSWK-STDC-STH-ZZ-DR-C-0007), prepared by STDC;
- Site Plan (ref: TSWK-STDC-STH-ZZ-DR-C-0007A), prepared by STDC;
- Existing levels and long section (ref: TSWK-STDC-STH-ZZ-DR-C-0006A), prepared by STDC; and
- Temporary Bridge Plan and Sections General Arrangement (ref: STDC\_STR-ATK-SBR-B16-DR-CB-000001), prepared by Atkins.

Given the size of the site, it is not practical to provide existing site plans at a scale of 1:500, the enclosed Site Location Plan is provide at a scale of 1:2500.

Based on the application site area of 9.17ha, the requisite application fee payable directly to RCBC is £2,028. **This fee has been paid by Teesworks via the Planning Portal (ref. XXX).**

**LICHFIELDS**

We trust that the application can be validated and advanced to determination at the earliest opportunity and will contact you in due course to discuss the progress of the application and anticipated timescales for its determination.

Should you have any queries in the meantime, please do not hesitate to contact either myself or my colleague Phil McCarthy.

Yours sincerely



**Heather Overhead**  
Senior Planner