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Redcar & Cleveland Borough Council
Redcar & Cleveland House
Kirkleatham Street
Redcar
Redcar and Cleveland
TS10 1RT

Our ref: NA/2022/115896/01-L01
Your ref: R/2022/0494/FFM
Date: 13 July 2022

Dear David

**ENGINEERING OPERATIONS ASSOCIATED WITH THE REMOVAL OF
MOUNDS, INSTALLATION OF HAUL ROAD; TEMPORARY BRIDGE OVER
WATERCOURSE AND ASSOCIATED WORKS LAND NORTH OF
TEESWORKS AREA AND NORTH EAST OF STEEL HOUSE TRUNK ROAD
REDCAR**

Thank you for referring the above application which we received on 7 June 2022.

Environment Agency Position

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

Condition - Construction Environmental Management Plan (CEMP)

No development shall take place until a Construction Environmental Management Plan (CEMP) is produced and submitted to the local planning authority for review and approval. The CEMP should incorporate the following:

- Sediment Management plan: The Sediment Management Plan should describe how works will be undertaken to reduce the release of fine sediments and minimise the transport of material downstream. The plan should describe the monitoring that will be completed as part of the plan;
- Biosecurity plan: The biosecurity plan should detail biosecurity and Invasive Non Native Species (INNS) management best practice, utilising the check-clean-dry procedure across the site. The biosecurity plan should also identify specific actions and mitigation for known INNS. In addition, a procedure should be outlined in the event of new INNS being discovered whilst on site; in the event of which a strategy for containment and removal should be enacted. N.B: this could be combined with the Invasive species plan to form an INNS and Biosecurity Plan;



- Pollution Prevention Plan: to include spill procedures and pollution response, ensuring no pollution enters watercourse; and
- Dust management plan, to control construction related dust.

Reason(s)

- To minimise the risk of pollution to the water environment
- To prevent the spread of invasive non-native species, such as signal crayfish, Himalayan balsam, American skunk cabbage, rhododendron, giant hogweed, and Japanese knotweed.

Separate to the above condition, we also have the following advice/comments to offer:

Historic Landfill / Waste - Advice to LPA/Applicant

The proposed development area sits within an area of historic landfill. A historic landfill is an area of landfill completed before the implementation of the Waste Management licencing regulations in 1994 which introduced the requirement for formal aftercare and surrender arrangements for licenced landfills. Landfill sites which operated prior to 1994 were not subject to any form of aftercare arrangements and simply 'handed back' their licences upon completion of the landfilling activity.

The historic landfill identified is called the 'Redcar Complex' and is reported to have included deposits of blast furnace slag, clays and soils. Information is not available to indicate when the deposits were made but it can be assumed that this would be before 1994. The information contained within the historic landfill's data set stems from the old Cleveland Waste Regulation Authority who provided this to the Department of Environment in 1995. This information was passed on to the Environment Agency upon its establishment in 1996.

The deposits may link in with the development of Steel House and the associated landscaping works, believed to have been undertaken in the 1960s or 1970s. A note attached to the data set indicates that this area was a 'known area of contamination'. This corroborates findings within the Ground Investigation report (submitted with the planning documents) which highlights pockets of more contaminated materials within the mounds.

As the development site is located within an area of historic landfill the material to be excavated as part of the works must be treated as waste. Therefore, **any treatment or reuse of the excavated material will require authorisation under an Environmental Permit from the Environment Agency**. We recommend that the Applicant contacts the Environment Agency to discuss the permit requirements.



Contaminated Land - Advice to LPA

This development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters. However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use.
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We recommend that you refer to our published '[Guiding Principles for Land Contamination](#)' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 174 of the National Planning Policy Framework.

Land contamination: risk management and good practice - Advice to LPA/Applicant

We recommend that developers should:

- Follow the risk management framework provided in [Land Contamination: Risk Management](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information.

National Quality Mark Scheme for Land Contamination Management - Advice to LPA

This development site appears to have been the subject of past industrial activity which may pose a high risk of pollution to controlled waters. However, we note that the application is accompanied by a report prepared under the National Quality Mark Scheme for Land Contamination Management (NQMS). The NQMS is a system designed by the industry-led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in



particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations

We therefore assume that the local planning authority has the necessary information to allow decisions to be taken without the need for additional site-specific advice from us. We recommend that you take account of the conclusions and recommendations within the NQMS report.

If you need further support understanding the report, please seek advice from your Environmental Health/Environmental Protection Department who will be able to advise on the generic aspects of land contamination management.

Where planning controls are considered necessary, we recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by paragraph 170 of the National Planning Policy Framework.

We also recommend that you consider the merits of advising the developer to continue to handle any further land contamination management work that may be required under the NQMS.

Waste on-site - Advice to Applicant

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:



- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site - Advice to Applicant

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Teeswork Environment and Biodiversity Strategy - Advice to LPA

This application is located within the Teeswork boundary. Therefore, the principles of the Teeswork Environment and Biodiversity Strategy (which is currently being reviewed in association with other planning applications that fall



within the Teeswork boundary) may be applicable to this development, and should be considered as part of the determination of permission.

Decision notice - Information for LPA

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Please do not hesitate to contact me if you have any questions regarding this letter.

Yours sincerely

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