

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2022/0494/FFM
LOCATION: LAND NORTH OF TEESWORKS AREA AND
NORTH EAST OF STEEL HOUSE TRUNK
ROAD REDCAR
PROPOSAL: ENGINEERING OPERATIONS ASSOCIATED
WITH THE REMOVAL OF MOUNDS,
INSTALLATION OF HAUL ROAD; TEMPORARY
BRIDGE OVER WATERCOURSE AND
ASSOCIATED WORKS

APPLICATION SITE AND DESCRIPTION

Permission is sought for engineering operations associated with the removal of mounds, installation of haul road; temporary bridge over watercourse and associated works on land north of Teesworks area and north east of Steel House Trunk Road Redcar

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

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_STRATK- 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.

The application has been accompanied by detailed plans and the following supporting documentation:

- Shadow Habitats Regulations Assessment
- Desk Based Heritage Assessment
- Ecological Impact Assessment
- Ground Investigation Report
- 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

PLANNING HISTORY

None relevant to this application and the proposed development

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 response have been received

Cleveland Police ALO

In relation to this application, applicant can contact me for any advice, input they believe I could assist with.

Network Rail

Network Rail has no objection in principle to the development, however, we seek assurances from the developer on several points.

We note that the proposals include the removal of contaminated material/hazardous waste and earthworks in proximity to the railway environment. It is imperative that this process does not introduce risk to railway operations and workers. Such materials and dust from the site should be contained and prevented from entering/blowing on to adjacent railway property. Hazardous waste and contaminated materials must be transported safely from the site, again without importing risk to the operational railway.

During operations to remove the materials, surface water run off from the site should not be allowed to flow towards or pool in the vicinity of the railway infrastructure where it could undermine railway assets and introduce contaminated materials to the railway environment. The change in site levels/profile should not direct run off into the rail corridor.

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 the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site <https://designatedsites.naturalengland.org.uk/>.*
- *damage or destroy the interest features for which the 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 measures should be secured:

- *The mitigation measures set out in the submitted Shadow Appropriate Assessment*

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

Environment Agency

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.*

Redcar and Cleveland Borough Council (Development Engineers)

No adverse comments received

Redcar and Cleveland Borough Council (Natural Heritage Manager)

No objection, provided that mitigating actions, control and monitoring are all undertaken as advised within the Environmental Impact Assessment

Redcar and Cleveland Borough Council (Local Lead Flood Authority)

The LLFA have reviewed the submitted information and would offer the following comments The LLFA would offer no objection to the proposed engineering operations to prepare the site for development. The applicant is aware of localised flooding as detailed in the FRA however, this initial stage is required to allow for development which will assist in mitigation of historic flooding near to the fleet. It is considered that the works will not significantly increase flood risk in the locality.

The LLFA would at this stage advise the applicant of the Tees Valley SuDS Design Guide to ensure future phases of development is prepared in accordance with the local standards. The site is considered a greenfield site and as such flow will be restricted to greenfield runoff.

Please ensure that the FRA is approved document

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

I note that a Ground Investigation Report has been submitted in support of this application for Engineering works to remove of mounds to approximately 5.10m AOD with the excavated material intended to be used elsewhere on the wider Teesworks site.

Excavation of 14no. trial pits into the mounds on site to a target depth of 4.5m or refusal, or until natural material was encountered; and photographs of the dug trial pits show that an assortment of mixed rubbish was tipped to enable the land raise including tyres metals and pipes etc.

The report states that Asbestos was found in 4 of the 27no. samples tested and was quantified at 0.001 to 0.326% and described as loose insulation (3 samples) or loose asbestos fibres (1 sample) (amosite, chrysotile, crocidolite). The report states that the presence of quantifiable levels of asbestos in soil warrants further consideration under any reuse scenario. Asbestos in shallow soils in areas without buildings or hardstanding has the potential to become airborne and available for inhalation, particularly during construction, posing chronic risks to human health.

The report states that the waste horizons which have been identified within the mounds overlying the site, will need to be segregated and appropriately disposed of.

The report concludes and recommends that:

- Material from the mounds is considered suitable for re-use on the wider Teesworks site based on material composition and chemical concentrations. Material will require screening / management to ensure waste elements are removed before re-use.*

- *Removal of asbestos insulation may be licensable work and a specialist insulation contractor should be contracted to carry out this phase of segregation and disposal.*
- *A field compaction trial should be carried out to confirm the most suitable compaction method and plant.*
- *As material is to be reused as a bulk fill elsewhere on Teesworks, prior to this re-use a Materials Management Plan will be required.*

However, it is not clear if the remaining 'cut' mounds will be re-covered with a suitable capping layer to ensure that any waste left within the mounds will be adequately covered.

In order to minimise the environmental impact, I would recommend the report conclusions and recommendations are adhered to and also that remedial statement is submitted addressing the remaining cut mounds to ensure that any remaining waste (asbestos etc) is suitably covered, and the site is left in a condition suitable for the intended use by removing unacceptable risks to human health.

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.

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 principle of development

The application site falls under different Local Plan policy designations. The site can be largely split between the east and west with differing policy constraints that can be summarised as follows:

The eastern 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).

The western 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).

While it is noted that the eastern part of the site falls outside development limits (SD3) and within the Green Wedge (N2) it is considered that given the nature of the proposed works for engineering operations to provide a platform capable of development and the industrial/commercial nature of surrounding land, the development is not one that is considered to conflict with the aims of the relevant policies. With regard to Policy SD3 one of the exceptional criteria for granting of permissions beyond development limits is; (i) *other development requiring a countryside location due to technical or operational reasons.* Given the development is for engineering works to existing mounds at the site, it is considered a view may be taken that the countryside location is required for operational reasons. While the development falls within part of the Green Wedge allocation, the remainder of the allocation not the east of the site will not be impacted upon. The development is considered to meet the five criteria set out within Policy N2 that allows development within the green wedge a number of which are discussed in greater detail below in the report.

The principle of the proposed engineering operations at the site is therefore acceptable and the proposal accords with the aims of policy SD3 and N2 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 engineering works to allow for the preparation of the site to facilitate future development at the site. 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 with the exception being the land to the east that forms part of the local nature reserve.

The proposed works mainly involve engineering works to create a flat site capable of providing a suitable development platform. 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, and in the longer term through the removal of the mounds, therefore leaving the development platform. The changes however are not considered to be so significant or detrimental to the area that would require planning permission to be refused due to the varied landscape and topography of the area. It is considered that any future developments at the site will be assessed at the appropriate time to determine any impacts on the character and appearance of the area.

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 as detailed above is surrounded almost entirely by existing industrial land, various commercial uses and recreational land. 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 received.

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 engineering operations at the site with no end use development at this point. The LLFA have acknowledged that main aspect of the application is for engineering 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 proposed CEMP and the implementation of the requirements of the 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.

The impacts on Ground Conditions, Contamination and Nuisance

The application has been considered by the Council's environmental protection section with regard to both contamination and nuisance.

The application has been supported by a Ground Investigation Report. The information within the report has been considered by the Council's EHO, who has advised that while there is no objection to the information within the report, there remain queries over whether the remaining 'cut' mounds will be re-covered with a suitable capping layer to ensure that any waste left within the mounds will be adequately covered. As a result a condition is suggested to ensure this is suitably dealt with. The proposed condition has been agreed with the applicant in advance of the application being determined.

With regard to the generation of any nuisance, consideration has been given to the generation of noise, dust and vibration from the proposed works. It has been agreed that these matters can be dealt with by way of a suitably worded planning condition in the form of a Construction Environmental Management Plan. The wording of the condition has been agreed with the applicant in advance of the application being determined.

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, as well as 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.

Designated Sites

The proposed development site does not have any designated nature conservation sites within or immediately adjacent to the red line boundary,

however, there are designated nature conservation sites within 10km of the proposed development site. These comprise of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar site, National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI).

There are also two locally designated sites within 2km of the site, these being Coatham Marsh LWS and Eston Pumping Station LWS.

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 area, following extensive survey effort, and it is therefore considered to be absent from the site, with no realistic potential for it to colonise. GCN is screened out.

Bats

The development would result in the loss of some foraging habitat for Common

Pipistrelles bats. The amount of habitat suitable for bats on the site is small compared to the area of suitable habitat across Steel House Lake, Coatham Marsh and the surrounding area.

The small adverse impact on impact on the local bat population is assessed as acceptable. The trees to be removed are young mature with few cavities and no artificial boxes in them. It is assessed that there is minimal likelihood of these trees supporting roosting bats. Bats are screened out.

Reptiles

A survey in 2021 found no evidence of reptiles, therefore they are assessed as absent from the site. Reptiles are screened out.

Otter

Otter could occur in the Steel House Lake, however, as this is to be retained, it is assessed that this species will not be affected. Otter is screened out.

Water Vole

Water vole could occur in the Steel House Lake, however, as this species has not been recorded on the wider site or Coatham Marsh for several years, and as the lake is to be retained, it is assessed that this species will not be affected. Water vole is screened out.

Birds

The development would result in the loss of a several breeding bird territories including some Red Listed and Amber Listed birds of conservation concern (BoCC). Breeding birds are screened in.

Brown Hare

The population of is assessed as likely to be adversely impacted. Brown hare is screened in.

Hedgehog

The population is assessed as likely to be adversely impacted. European hedgehog is screened in.

Common Toad

The population is assessed as likely to be adversely impacted. Common toad is screened in.

Harvest Mouse

This species is assessed as unlikely to occur and is screened out.

Invertebrates

The population is assessed as likely to be adversely impacted. Dingy skipper is screened in.

Other butterflies and moths

The populations of Grayling butterfly, Wall butterfly, Small Heath butterfly and Cinnabar Moth are likely to be adversely affected. These species are screened in.

Conclusions

Within the Ecological Impact Assessment the following summary has been provided with regard to impacts on designated sites, species and the summary of the Biodiversity Net Gain position.

With the recommended measures detailed above, the proposed development can be delivered with no overall significant harm to designated sites, Priority habitats and Priority species; with no biodiversity loss on the application site, and with some on-site biodiversity enhancement.

The above mentioned recommendations are to be achieved by way of appropriate planning conditions as well as the implementation of the

Teesworks Biodiversity Strategy that covers not only this site but other areas within the wider Teesworks site.

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.

CONCLUSION

The application proposes engineering operations involved in providing 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 relatively 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 application site is situated within Flood Zone 1. Conditions have been recommended to ensure the works carried out are appropriate and subject to their implementation there are not drainage issues from the development.

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. TSWK-STDC-STH-ZZ-DR-C-0007) received by the Local Planning Authority on 01/06/22

Site Plan (Dwg No. TSWK-STDC-STH-ZZ-DR-C-0007A) received by the Local Planning Authority on 01/06/22

Existing and Proposed Levels (Dwg No. TSWK-STDC-STH-ZZ-DR-C-0006A) received by the Local Planning Authority on 01/06/22

Temporary Bridge Plans (Dwg No. STDC_STR-ATK-SBR-B16-DR-CB-000001) received by the Local Planning Authority on 01/06/22

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

3. No 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 26 February 2021 have been incorporated in the construction methods. The CEMP shall also include the following details:

- i Sediment Management Plan
- ii Biosecurity Plan
- iii Pollution Prevention Plan
- iv Dust Management Plan
- v Measures to control the deposit of mud and debris on adjoining public highways
- vi Site fencing and security
- vii 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.

- The development hereby approved shall be carried out in accordance with the submitted Ground Investigation Report (Steel House East Mounds, May 2022). Notwithstanding the recommendations set out within the report a further remedial statement shall be submitted to the Local Planning Authority within 3 months of the completion of works addressing the remaining cut mounds to ensure that any remaining waste is suitable covered. The development shall be carried out in 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, neighbours and other offsite receptors.

- The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment (Steel House Flood Risk Assessment January 2021) unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the development is carried out in accordance with approved details relating to works involving drainage matters.

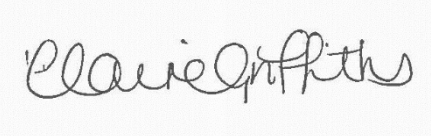
- There shall be no site vegetation clearance between March to the end of August unless the project ecologist has first undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

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	
Mr D Pedlow	Principal Planning Officer
<i>David Pedlow</i>	23 September 2022

Delegated Approval Signature	
Claire Griffiths	Development Services Manager
	23/09/2022