



**Redcar & Cleveland Borough Council
Corporate Directorate for Growth, Enterprise
and Environment**

Development Management
Redcar and Cleveland House
Kirkleatham Street
Redcar
Yorkshire
TS10 1RT

PRISM PLANNING
MILBURN HOUSE
17 WOODLAND ROAD
DARLINGTON
DL3 7BJ

Email: planning_admin@redcar-cleveland.gov.uk
Website: www.redcar-cleveland.gov.uk
Direct line: 01287 612546

Our Ref: R/2019/0331/SCP
Your Ref:
Contact: Mr D Pedlow
Date: 25 June 2019

Dear Sir

**PROPOSAL: SCOPING OPINION FOR PROPOSED PORT BASED DEVELOPMENT FOR
THE OFFSHORE MARINE ENERGY SECTOR (OFFSHORE WIND TURBINES)**
LOCATION: LAND AT SOUTH BANK SOUTH BANK WHARF SOUTH BANK
APPLICANT: PRISM PLANNING

I refer to the above and wish to advise the following:

The Scoping Request sets out the proposed format and content of the Environmental Statement. Within the document the following topics are set out as those that will be considered;

- Landscape and Visual Impact Assessment;
- Traffic & Transportation;
- Ecology, including marine ecology;
- Hydrodynamic and Sedimentary Regime;
- Noise and Vibration;
- Air Quality;
- Hydrology and Hydrogeology;
- Socio-Economic Effects; and
- Cumulative Impacts.

The proposed list above would appear to be a comprehensive list for the proposed development and would provide sufficient scope for the proposed ES. The supporting documentation goes onto discuss further documents that would support any future planning application, including; plans and drawings, Planning Statement, Transport Statement, Flood Risk Assessment and Contaminated Land Assessment. These documents along with the supporting ES is likely to cover the requirements for any future application based on the level of information currently available to the Council.

Below are the comments from both the internal and external consultees, copies of which can be found in full using the link below;

<https://planning.redcar-cleveland.gov.uk/Planning/Display?applicationNumber=R%2F2019%2F0331%2FSCP>

Comments from Consultees

Environment Agency

Environment Agency Position

Having assessed the supporting information I can advise that we have the following comments to offer:

Water Environment

The proposal has the potential to impact on the water environment in respect to

- ☐ *Permanent loss of intertidal priority habitat designated as SSSI and pSPA in an already heavily modified waterbody*
- ☐ *Impact to intertidal priority habitat designated as SSSI and pSPA not directly associated with the development*
- ☐ *Dredging of the River Tees*
- ☐ *Construction and operation*
- ☐ *Accidental releases*
- ☐ *Drainage within made ground*

The Environmental Statement should include an assessment of these impacts and specifically

- ☐ *the requirements of the Water Framework Directive by way of a WFD Assessment,*
- ☐ *the Environment Agency's tidal encroachment policy for use in all estuaries.*
- ☐ *how the development will achieve a biodiversity net gain*

Water Framework Directive

The Water Framework Directive (WFD) is implemented in England and Wales through, 'The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003'.

Under WFD, environmental objectives have been set out for each of the protected areas and water bodies in the Northumbria River Basin District Management Plan, updated December 2015.

The current status of the Tees estuary (waterbody reference GB510302509900) is 'moderate' ecological potential.

The objective for this waterbody is to achieve 'good' ecological potential. Individual element classifications and objectives are provided below. These environmental objectives are legally binding. All public bodies must have regard to these objectives when making decisions that could affect the quality of the water environment.

The River Tees is important wildlife corridor and should remain as such and be enhanced where possible. The intertidal Tees estuary adjacent to the site is designated as a SSSI and pSPA.

The Tees estuary environment has been significantly improved over recent decades and implementation of future legislation from 2020 will achieve further improvements to the benefit of estuary habitat, with a view to achieving good ecological potential by 2027.

Developers should identify measures to comply with the requirements of the WFD through carrying out a WFD assessment of a proposal. As part of a WFD assessment, the applicant will need to demonstrate:

☐ *whether the proposed development will lead to a deterioration in status of any WFD waterbody*

☐ *whether the proposed development will compromise the achievement of Good Status or Potential in any WFD waterbody*

☐ *whether the proposed development will contribute towards a cumulative deterioration of WFD status or prevent cumulative enhancement of WFD status in any waterbody*

☐ *whether the proposed development will support the delivery of measures identified in the Northumbrian River Basin Management Plan that are required to achieve waterbody objectives. In respect to the last of these points, the site includes part of the tidal Tees Estuary WFD waterbody (GB510302509900). This waterbody is designated as a heavily modified waterbody, and as such, requires that all practicable mitigation is taken to achieve good ecological potential. The generic mitigation measures deemed applicable to this waterbody include,*

☐ *Enhance ecology*

☐ *Bank rehabilitation*

☐ *Remove or soften hard bank*

☐ *Preserve or restore habitats. The design process for the wharf should look to include an assessment of incorporating bio-engineered designs such as Estuary Edges, to mitigate on site impacts.*

Where on site design cannot adequately mitigate impacts and achieve a biodiversity net gain, the Tees Estuary Partnership (TEP) has developed a Tees Estuary Habitat Vision that aims to deliver WFD mitigation measure objectives.

The Tees Rivers Trust are already leading an IMMERSE project that sets out to enhance the biodiversity of the intertidal zone of the Tees estuary. This project forms a contribution to achieving the TEP habitat vision of establishing coherent ecological networks that are more resilient to current and future pressures at a landscape scale across local authority boundaries. The techniques employed have been drawn from successful Estuary Edges pilots on the Thames estuary where biodiversity benefits have also been shown to enhance the visual and aesthetic value afforded to new developments. Such measures have the potential to also enhance the impact of the adjacent Teesdale Way / England Coast Path for the benefit of the wider community. Such a scheme would complement the landscaping strategy for the proposal. There are other opportunities to implement WFD mitigation measures and the applicant should explore these with the TEP to compensate for impacts which cannot be mitigated through best practice design onsite.

Dredging Advice

The applicant is reminded that dredging can have a number of negative impacts on the water environment. It can alter flow regimes, release contaminants accrued within the sediment, and create smothering effects, thereby damaging benthic habitats and migratory fish populations. Dredging should only be undertaken in a manner that protects the environment. The applicant should consider the methodology to be used, the disposal of dredged material, and the timing of works. Decisions should be underpinned by the fundamental scientific principles of hydraulics and geomorphology and take account of the multiple functions and services that a channel delivers. More information can be found here:

<https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters> We encourage that habitat enhancement opportunities are explored in particular for the Quay combi-wall frontage. Ecological enhancement would support environment net gain and provide mitigation for the impacts to the Teesmouth and Cleveland Coast SPA and Ramsar Site.

More information and some helpful examples of 'Coastal and Estuarine Integrated Green Grey Infrastructure' are available on the links below; <http://eprints.gla.ac.uk/150672/> - See appendix 4 – Coastal <http://eprints.gla.ac.uk/150672/42/150672Appendix4.pdf>

Flood Risk Advice

The river's edge lie within Flood Zones 2 and 3. The River Tees is a main river and normally, any works within 16 metres of the Tees will require an Environmental Permit, under the Environment Permit Regulations 2016.

That said, the proposed works such as the combi-wall and quayside construction will require Marine Licence as such we would waiver our permitting requirements.

HSE

Regulation 4(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents.

HSE responses to Environmental Impact Assessment consultations will be limited to our role in the land use planning system on the control of major-accident hazards involving dangerous substances. HSE will not respond in our regulatory role in the health and safety system. HSE will not examine environmental statements as that is for the relevant planning authority or the Secretary of State to do [Regulation 4(5)].

(<http://www.hse.gov.uk/landuseplanning/environmental-impact-assessment-consultations.htm>)

HSE will focus on whether the development:

- involves the keeping and/or using of hazardous substances and whether we have been consulted or will be consulted on hazardous substances consent [The Planning (Hazardous Substances) Regulations 2015];*

- *is located within our land-use-planning consultation zones or safeguarding zones, and whether our advice web app has been used to obtain advice [The Town and Country Planning (Development Management Procedure) (England) Order 2015].*

HSE will take the opportunity to remind the developer that it may be beneficial for the employer to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses. Under Great Britain's health and safety legislation, HSE does not have a role in examining risk or hazard assessments unless the circumstances are covered by specific regulations.

HSE assumes that you have consulted us as your proposed development is vulnerable to a major accident as it sits within a consultation zone around a major accident hazard site or pipeline.

If you would like early reassurance that the development you are proposing would meet HSE's land use planning advice criteria in regard to public protection, then we suggest you access HSE's Land use planning information and advice by using the Land Use Planning Web App and pre-application advice service (<https://pa.hsl.gov.uk/>). You can also use this service to see if it is located within a consultation zone.

Highways England

It is understood the proposal is a large dock development to handle construction of off shore wind turbines based at South Bank, Teesside.

Highways England's main concern is the impact on operation and safety of the Strategic Road Network (SRN) . The nearest access point to the SRN from the site is the A1053 at Westgate Roundabout.

In order to approve granting planning permission, we require information that enables us to assess the impact of the development undertaken via drafting a Transport Assessment or Statement as part of the planning application. Ahead of this, we welcome involvement in pre-application discussions.

I trust this information is clear but should further information be required, please do not hesitate to get in touch.

MMO

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the East Inshore and Offshore marine plans were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our Marine Information System. The MMO is currently in the process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.

- *The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.*

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

MOD

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence (MOD) statutory safeguarding areas. We can therefore confirm that the MOD has no safeguarding objections to this proposal.

Whilst we have no safeguarding objections to this application, the height of the development will necessitate that aeronautical charts and mapping records are amended. Defence Infrastructure Organisation (DIO) Safeguarding therefore requests that, as a condition of any planning permission granted, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to the commencement of development.

- a. Precise location of cranes within the development.*
- b. Date of commencement of construction.*
- c. Date of completion of construction.*
- d. The height above ground level of the tallest structure.*
- e. The maximum extension height of any construction equipment.*
- f. Details of aviation warning lighting fitted to the structure(s)*

You can e-mail this information to the Defence Geographic Centre to dvof@mod.gov.uk, or post it to:

*D-UKDVOF & Power Lines
Geospatial Air Information Team
Defence Geographic Centre DGIA
Elmwood Avenue
Feltham
Middlesex
TW13 7AH*

NATS Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact me on 0208 0265533 or andrew.whitehead@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- ☐ *A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.*
- ☐ *Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.*
- ☐ *An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.*

- *A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
- *A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.*
- *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
- *A non-technical summary of the information.*
- *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.*

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website. EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. The National Planning Policy Framework sets out guidance in S.174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 176 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for

adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites)

The development site is partially within the following designated nature conservation sites:

- ☐ *Teesmouth and Cleveland Coast Site of Special Scientific Interest, which has been designated for a variety of species and habitats. The particular interest in the vicinity of the proposal will be the inter-tidal mudflat identified in the scoping request which is used by feeding birds when exposed, and the river channel itself which is designated for common tern foraging from the colony at Saltholme. The mudflat is particularly sensitive to noisy activities, especially during winter months, and consideration should be given to suitable mitigation.*
- ☐ *It should be noted that the Tees and Hartlepool Foreshore and Wetlands SSSI has been subsumed within the Teesmouth and Cleveland Coast SSSI, and no longer exists as a SSSI in its own right.*
- ☐ *Teesmouth and Cleveland Coast potential Special Protection Area, which is designated in the vicinity of the proposal for the same reasons as the Teesmouth and Cleveland Coast SSSI.*
- ☐ *Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.*
- ☐ *European site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>*

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures.

Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- ☐ *Any historical data for the site affected by the proposal (e.g. from previous surveys);*
- ☐ *Additional surveys carried out as part of this proposal;*
- ☐ *The habitats and species present;*
- ☐ *The status of these habitats and species (e.g. whether priority species or habitat);*
- ☐ *The direct and indirect effects of the development upon those habitats and species;*
- ☐ *Full details of any mitigation or compensation that might be required.*

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain. The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

Local Record Centre (LRC) in Redcar and Cleveland please contact:

ERIC North East Great North Museum: Hancock Barras Bridge Newcastle upon Tyne NE2 4PT <http://www.ericnortheast.org.uk/home.html>

3. Designated Landscapes and Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

*Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental*

Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant National Character Areas which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

4. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

5. Climate Change Adaptation

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES.

6. Contribution to local environmental initiatives and priorities

The proposal site lies within the boundary of the South Tees Development Corporation, who have developed a Masterplan for the regeneration of the area. This includes a commitment to delivering redevelopment in a way that reduces pollution, contributes to habitat protection and long term sustainability, and that encourages bio-diversity as one of its 10 Core Principles. The proposals for the site should take account of this principle.

The Tees Estuary Partnership, which was formed following informal discussions regarding the extension of the Teesmouth and Cleveland Coast SPA, are currently developing a 'habitat banking' system to offset biodiversity losses as a result of development, and opportunities may exist through this mechanism to mitigate for potential impacts from this proposal.

7. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;*
- b. approved but uncompleted projects;*
- c. ongoing activities;*
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and*
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.*

Northumbrian Water

Thank you for consulting Northumbrian Water on the above proposed development.

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records.

Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

Having assessed the proposed development against the context outlined above we have the following comments to make:

At this early stage, the application does not provide sufficient information with regard to the management of foul and surface water from the development for Northumbrian Water to assess our capacity to treat the flows from the development.

The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

We recommend that the developer contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-planning enquiry directly to us. Full details and guidance can be found at

<https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

Network Rail

With reference to the protection of the railway, Network Rail would require that any application produced in respect of this scheme assesses the impact of the development on the operational railway, in particular the Transport Assessment must include analysis of any haulage routes where they cross railway assets such as over or under railway bridges or over level crossings.

Cleveland Police ALO

In relation to this application, applicant is welcome to contact me for any advice/guidance I can offer in relation to designing out opportunities for crime and disorder to occur at the site.

Redcar and Cleveland Council Strategic Planning Policy

The following policies are relevant when considering the proposed development:

National Policy

The revised National Planning Policy Framework (NPPF) was published by the government in February 2019. It is confirmed in the NPPF that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise, and that the NPPF is a material consideration in that regard (para. 2).

Redcar and Cleveland Local Plan (Adopted May 2018):

*SD1 Sustainable Development
SD2 Locational Policy
SD4 General Development Principles*

*SD6 Renewable Energy
SD7 Flood and Water Management
LS4 South Tees Spatial Strategy
ED6 Promoting Economic Growth
N1 Landscape
N2 Green Infrastructure
N4 Biodiversity and Geological Conservation
HE2 Heritage Assets
TA1 Transport and New Development*

Minerals and Waste Core Strategy and Development Policies DPDs (2011)

- MWP1 Waste Audit*

South Tees Area Supplementary Planning Document (2018)

Conclusion

The above policies are considered relevant when preparing the Environmental Statement.

Redcar and Cleveland Borough Council Public Rights of Way Officer

There are no public rights of way within the site so there are no specific PROW objections. However, the site lies across the route of the proposed Dockside Road Extension so would impact on the opening up of the whole of the south Tees site for traffic and cycle route access. The development of the site must allow for the opening up of the land for the implementation of the STDC Master Plan.

Redcar and Cleveland Borough Council Natural Heritage Manager

I would advise and/or expect that any future Environmental Impact Assessment is comprehensive, covering all appropriate and specific environmental/ecological areas given the adjacent land designations

Redcar and Cleveland Borough Council Environmental Protection (Nuisance)

The applicant should contact this department to discuss and agree methodology for Air quality and noise and vibration assessments

Redcar and Cleveland Borough Council Environmental Protection (Nuisance)

No objection

Redcar and Cleveland Borough Council LLFA

An application should be supported by a site specific Flood Risk Assessment and Drainage Strategy. The supporting information should demonstrate compliance with R&C Local Plan Policy SD7 (Flood and Water Management.)

Redcar and Cleveland Borough Council Development Engineers

I refer to the application and would offer the same comments as Highways England.

Redcar and Cleveland Borough Council Archaeology Consultant

- 1. This proposal should be assessed for environmental impacts on the cultural heritage in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. The cultural heritage chapter of the relevant EA should be required to consider (a) both the direct and indirect archaeological impacts to all designated heritage assets and their settings; and (b) the direct and indirect effects on non-designate heritage assets and their settings. A sufficiently large zone of archaeological interest should be considered for the assessment of both designated and non-designated assets. This zone is likely to be of a minimum 2km radius from the application site, and in relation to impacts on setting is likely to be considerably larger.*
- 2. The cultural heritage chapter should be compiled in accordance with the standards and methodologies found in the relevant, current standards and guidance published by the Chartered Institute for Archaeologists for the compilation of Desk-Based Archaeological Assessments and the Design Manual for Highways and Bridges published by Highways England, or such comparable standard and methodology of assessment.*
- 3. Likely significant effects should be established in all cases through the consideration of baseline conditions in relation to the scheme and its elements that could cause cultural heritage impacts. Baseline conditions will be the existing environmental conditions.*
- 4. Cumulative impacts of the scheme with other prevailing or reasonably apparent impacts should be considered.*
- 5. The cultural heritage assessment should be informed by the relevant national policies for the heritage contained in the National Planning Policy Framework (revised 2018), and in particular the policy found in the following paragraphs of the NPPF: 189, 190, 193, 194, 196, 197, and 199.*
- 6. Relevant local planning policy is found in the Redcar & Cleveland Local Plan, policy HE 3 (Archaeological Sites and Monuments) and HE 2.*
- 7. Guidance with specific reference to the potential impacts of piling on archaeological assets (although not particularly on piling in marine environments) can be found in the Historic England publication Piling and Archaeology: Guidance and Good Practice (March 2019).*
- 8. Following assessment of impacts according to appropriate standards, and in accordance with policy objectives and priorities, the assessment should then also consider potential mitigation measures to address those impacts, and in particular indicate whether in the case of each impact whether mitigation requires preservation in situ of relevant assets or whether some other mitigation of impacts is considered appropriate.*

Yours faithfully

Mr D Pedlow
Principal Planning Officer