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**Our ref:** 60722/01/AGR/HO/18521735v1

**Your ref:**

Dear David

### **Detailed Planning Application: Engineering operations associated with ground remediation and preparation at Prairie site, Grangetown**

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

*"Engineering operations associated with ground remediation and preparation, including removal of former railway embankment and works to Holme Beck and Knitting Wife Beck"*

The grant of planning permission will enable STDC to create appropriate conditions for final use developments at the Prairie site by addressing the existing site constraints in relation to ground conditions and potential contaminants. STDC's role is to prepare sites in advance of planning applications for end-use developments, including in the advanced industrial sector.

Located to the north of the Bolckow Industrial Estate and extending to around 150 acres / 53 hectares, the Prairie site is a priority regeneration project for STDC.

### **Application Background**

STDC 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, STDC's regeneration programme will be pivotal in transforming the South Tees area into a national asset for new industry and enterprise, making a substantial contribution to the economic growth and prosperity of the region.

As part of this transformation, an early priority, as set out in the phasing strategy in the South Tees Regeneration Master Plan ("the Master Plan"), is to prepare and unlock the Prairie site for new development. The phasing strategy in the Master Plan includes first readying sites to both support their marketing and to accommodate development as soon as practicable in order to start delivering economic benefits to the area, including through private investment and job creation. The proposed remediation and site preparation works will enable STDC to start delivering Phase 1 of the Master Plan and these works are thus key to the overall regeneration planned for the STDC area.

## **The Application Site**

The site comprises most of the land known as 'Grangetown Prairie' as defined in the Master Plan. The site is vacant brownfield land which is mostly free from built structures, although it was previously extensively occupied by buildings associated with its former use in the iron and steel making industry and freight rail infrastructure. A private, internal road network is present across parts of the site providing links to the public road network at Tees Dock Road, Eston Road and into the Bolckow Industrial Estate. A redundant railway embankment of approximately 15m in height running in a north-south direction is present in the south western part of the site and is proposed to be removed as part of the works.

The site contains four electricity pylons and associated overhead electricity lines running along the north western and eastern edges of the site. An industrial pipeline, part of the Coke Ovens Gas Main, is present above ground on the southern and western parts of the site. The Holme Beck runs in a north west-south east direction along the western edge of the site, with the southern end being open, and the remainder culverted underground. The Knitting Wife Beck runs in a north-south direction across the eastern side of the site via an underground culvert. A cross connector, which links the two becks, also via an underground culvert, is present in places under the site at its southern extent. The network of watercourses on and under the site is shown on the 'Estimated Dig Depths Plan' (Ref 10035117-AUK-XX-XX-DR-ZZ-0075-03-).

The topography of the site is generally relatively flat, with the exception of isolated bunds and mounds; the existing ground level ranges from approximately 5m to 15m AOD.

The site is bound as follows:

- To the north west by the Darlington to Saltburn Railway Line;
- To the east by Tees Dock Road;
- To the south east by the former Torpedo Ladle Workshop and by existing industrial uses; and
- To the south west by Eston Road, existing industrial uses and by open areas of vacant industrial land.

The site area within the red line boundary comprises approximately 53.3 ha.

## **Proposed Works**

The proposed engineering works will result in the creation of an environmentally suitable development platform for future redevelopment. Delivery of the future final use developments will require remediation and preparation of the ground, some of which is subject to contamination due to historic uses on the site. These works will include turnover of the made ground within the subsurface, removal and crushing of relic structures and obstructions, removal and treatment of environmental contamination as required and replacement of treated materials to formation levels for development.

The 'Estimated Dig Depths' plan (ref: 10035117-AIK-XX-XX-DR-ZZ-0075-03) shows the maximum depths that ground could be excavated to across the site. These depths should be considered as a maximum parameter as the ground works will not necessarily extend to the maximum depths shown or cover the extents shown. For most of the site, denoted in green on the plan, the maximum dig depth is 2.5m below ground level ("bgl"), but areas are also identified where excavation may go down to 4m and 5m bgl based on known ground conditions. Some areas are identified for excavation down to a maximum depth of 1.5m bgl on the basis that these areas are unlikely to accommodate built development in the future due to existing on-site constraints.

The railway embankment located in the south western part of the site will be removed down to the ground level of surrounding areas and the ground underneath will then undergo the same approach to remediation



as the rest of the site, i.e. excavation down to a maximum depth of 2.5 m bgl followed by backfill with treated material.

It is proposed to use the treated excavated material as backfill for the ground preparation and formation of a development platform, and thus it is not anticipated that there will be any movement of material on to or off the site. The subsurface material removed will be screened, separated, treated as appropriate and crushed in line with the approach set out in the Remediation Strategy (Remediation Options Appraisal and Enabling Earthworks and Remediation Strategy Report, Arcadis, June 2020).

The proposed development will result in the creation of a development platform between the height of 8.5m and 11.5m AOD, as appropriate in relation to surrounding ground levels.

It is possible that during the course of the remediation and preparation works it may become necessary and/or desirable to re-route and/or daylight Holme Beck, Knitting Wife Beck and/or the Cross Connector culvert. At the current time, the final extent and design of any re-routing or daylighting is not known, though it is possible to manage the impacts of such works through a Construction and Environmental Management Plan and to submit details of the works, once determined, to the Council as part of a discharge of planning condition.

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. Key to the delivery of the Master Plan is progress in broad accordance with the phasing strategy, which includes preparation of the Prairie site for new development in the first phase.

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

### **Principle of Proposed Development**

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;*

*j. support the existing steel industries and take a lead role in supporting the future regeneration of former steel sites as part of the South Tees Development Corporation;*

*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 site preparation 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 the first step in the regeneration of the Prairie site and will enable STDC to offer 'development ready' land to businesses interested in locating in South Tees. As discussed below, the Habitat Regulations Assessment and Appropriate Assessment report demonstrates that the proposed development, including adherence to a Construction Environment Management Plan, 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.

The South Tees Area SPD, through Development Principle STDC1: Regeneration Priorities 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.'*

The South Tees SPD, through Development Principle STDC3: Phasing Strategy, encourages re-development of the STDC area in accordance with a phasing strategy that prioritises early redevelopment of areas:

- Requiring little ground remediation and site preparation;
- That can best accommodate end user needs, where transport access/egress is presently afforded;
- Where development can manage with existing on-site infrastructure; and
- 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.

Development Principle STDC14 covers this part of the STDC area, referred to as “*the South Industrial Zone*”, and explains that proposals should take into account flood risk, ground contamination and ecology. These technical considerations are all summarised below and addressed in detail in the accompanying application documentation, such that the requirements of Development Principle STDC 14 are met.

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 Phase II Environmental Site Assessment prepared by Arcadis has been submitted as part of this application. This report seeks to provide the baseline ground conditions and to quantify potential risks to human health, controlled waters and built receptors.

A ground conditions report prepared by Wood has also been submitted as part of this application. This report seeks to cover the base line ground conditions for the entirety of the STDC area. However, at Sections 2.4 – 2.7, the report specifically covers the Grangetown Prairie site. The report provides information regarding the ground conditions and risk of contaminants.

A Remediation Options Appraisal and Enabling Earthworks and Remediation Strategy Report has been submitted as part of this application. This report provides an assessment of different potential remediation techniques and identifies an Enabling Earthworks and Remediation Strategy to deliver the proposed development.

Together, the reports provide sufficient detail for the Council to understand the ground conditions, risk of contaminants and the remediation strategy such that it can attach appropriate conditions to any permission granted that ensures that any risks are managed during the proposed works.

The proposed engineering works are, therefore, in accordance with Local Plan Policy SD 4 (General Development Principles) and Development Principle STDC9 (Site Remediation) of the South Tees Area SPD which gives support remediation of land that is ‘*proportionate, based on a risk assessment and responds to the development typology and its needs*’ and expects remediation to, where appropriate, ‘*provide for environmental betterment*’. Further, it requires ‘*all remediation activities...to avoid adverse effects on the integrity, conservation objectives or qualifying features of the Teesmouth and Cleveland Coast SPA and Ramsar Site...*’ and ‘*...to avoid unacceptable impacts on water quality and contamination of the water environment*’.

## **Ecology**

An Ecological Impact Assessment, prepared by Arup, accompanies this planning application which incorporates the results of a desk-based study and ecological walkover 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 site preparation works requiring excavation of potentially large areas of the site. 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 Prairie 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.

The site is located within a 6km buffer zone of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site.

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 shadow Habitat Regulations Assessment (HRA), including an *Appropriate Assessment* concludes that there will be no likely significant effects to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar from the proposed works, either alone or in combination with the Eston Road Highway Scheme, by following the implementation of a Phasing Plan and a Construction Environmental Management Plan. This can be secured by condition. As such, the application accords with the relevant aspects of Policy N4 and Development Principle STDC7.

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

The proposed remediation strategy comprises the excavation and crushing of hardstanding and other impermeable obstructions within the made ground and their backfill. As such, as explained in the Arcadis remediation strategy, the proposed works, including the removal of hardstanding will increase surface water infiltration rates and therefore the risk of surface water flooding will be no higher than current rates. The proposed enabling works will not, therefore, 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.

### **Archaeology and Heritage**

A Desk Based Heritage Assessment, prepared by Prospect Archaeology, is submitted alongside the application which considers the 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 for any listed building; 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 local importance relating to the 19<sup>th</sup> century steelworks, below ground. It suggests monitoring during site investigation works, and if appropriate, archaeological monitoring during remediation works.

The proposed works, if granted planning permission with an appropriate condition (i.e. requiring a watching brief and potential archaeological trial digs), are, therefore, in accordance with Local Plan Policy HE2 (Heritage Assets) which resist development that would adversely affect designated heritage assets. The approach to potential below ground non-designated heritage assets is also in line with Policy HE3 (Archaeological Sites and Monuments) which requires a desk-based assessment where a development has the potential to affect known or possible archaeological sites, and requires *'appropriate satisfactory provision...for archaeological investigation, recording or reporting...before, or where necessary during, development.'*

## **Conclusion**

The proposed engineering works are a key step in opening up the STDC area and represent the first stage in the Phasing Strategy set out in the Master Plan. They are thus integral to enabling STDC 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.

## **Environmental Impact Assessment**

For completeness, we have given consideration to the relevance of this application to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ("the Regulations") and it is our opinion that the application proposal is not one giving rise to a need for EIA as defined in the Regulations.

The Regulations define "EIA development" as *"development which is either (a) Schedule 1 development; or (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location"*. "Schedule 1 development" is defined, in the Regulations, as *"development, other than exempt development, of a description mentioned in Schedule 1"*, whilst "Schedule 2 development" is defined as *"development, other than exempt development, of a description mentioned in column 1 of the table in Schedule 2 where...."* And the definition goes on to explain under which circumstances development described in the table qualifies as "Schedule 2 development".

It is our view that the development proposed is not of a type which meets any of the descriptions under Schedule 1 or in column 1 of the table in Schedule 2 of the Regulations. In addition, and with reference to the documentation submitted with the planning application, it is clear that it does not give rise to any significant environmental effects that may give rise to a need for EIA as an exception to the requirements of the Regulations.

## **Application Submission**

This application has been submitted directly to Redcar & Cleveland Borough Council. The application submission comprises the following documents:

- This covering letter;
- Completed Application Forms and Ownership Certificates;



- Phase II Environmental Site Assessment, prepared by Arcadis;
- Remediation Options Appraisal and Enabling Earthworks and Remediation Strategy Report (including commentary on flood risk and water management), prepared by Arcadis;
- Habitats Regulations Assessment: Stage 1: Screening and Stage 2 Appropriate Assessment, prepared by Arup;
- Ecological Impact Assessment, prepared by Arup;
- Desk Based Heritage Assessment, prepared by Prospect Archaeology;
- Outline Remediation Strategy, prepared by Wood;
- Site Location Plan (ref: STDC-SIZ-GP-EWO-0009), prepared by STDC;
- Estimated Dig Depths – Prairie Site (ref: 10035117-AIK-XX-XX-DR-ZZ-0075-03), prepared by Arcadis.

Given the size of the site, it is not practical to provide existing site plans at a scale of 1:500, and it has been agreed with David Pedlow that the Site Location Plan at a scale of 1:2,500 is sufficient to identify the site.

Based on the application site area of 53.3ha, the requisite application fee payable directly to RCBC is £2,028.

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

**Heather Overhead**  
Senior Planner

Copy     John McNicholas STDC