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Redcar & Cleveland Borough Council
Development Department
Belmont House Rectory Lane
Guisborough
Cleveland
TS14 7FD

Our ref: NA/2020/115071/01-L01
Your ref: R/2020/0318/FFM
Date: 20 August 2020

Dear David,

ENGINEERING OPERATIONS ASSOCIATED WITH GROUND REMEDIATION AND PREPARATION INCLUDING REMOVAL OF FORMER RAILWAY EMBANKMENT AND WORKS TO HOLME BECK AND KNITTING WIFE BECK LAND AT PRAIRIE SITE GRANGETOWN

Thank you for consulting us on the above planning application which we received 16 July 2020.

Environment Agency position

We have reviewed the submission and have **NO OBJECTION** to the development proposals subject to the following **CONDITION**.

In order to mitigate potential adverse effects, as noted within the *South Tees Development Corporation, Prairie Site Remediation, Ecological Impact Assessment Issue | 24 June 2020*, we would like to see the following condition:

Condition – Construction Environment Management Plan

No development shall commence until a Construction Environment Management Plan is submitted to, and agreed in writing by, the local planning authority. The Construction Environment Management Plan shall include the following:

- Measures to control invasive plant species

The Construction Environment Management Plan shall be implemented as approved.

Reason

This condition is supported by paragraph 170 of the National Planning Policy Framework (NPPF) which seeks to minimise impacts on biodiversity and prevent new development from contributing to unacceptable levels of water pollution.



I would like to also add the following advisory comments:

Non-Environmental Agency lead priority species and habitats/species of conservation concern – Advice to LPA/applicant

Evidence shows that the proposed development poses a risk to a priority habitat or species that is *listed in section 41 of the NERC Act 2006/a species of conservation concern/ a habitat of conservation concern*. Common toad is known to be on site and information about the compensation for the loss of potential impact on the species as part of the development is lacking.

We strongly recommend that this is taken into account when the application is considered for approval. Failure to take relevant habitats and species into account may leave the determination of the application open to challenge.

Water Framework Directive – Advice to LPA/applicant

In reference to page 5 of the Ecological Impact Assessment, Arup, 24 June 2020, we would remind the developer that the Water Framework Directive 2000/60/EC covers all waters on land this is defined as “all standing or flowing water on the surface of the land”. The culverted watercourses are part of the water body GB510302509900, ‘Tees’. 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.

Culverts and opportunities for net gain – Advice to applicant

To not de-culvert the watercourses would be a missed opportunity for WFD enhancement and biodiversity net gain and could have a detrimental effect for the sustainability of the site, increasing maintenance costs for future land owners.

Detrimental effects of culverting watercourses can include:

- increased likelihood of flooding due to their limited capacity and propensity for blockage, both of which can result in obstructions to flow, and loss of floodwater storage;
- exacerbating the nature of flooding by increasing flow velocities and speed of onset;
- loss of and adverse effects on morphology, fisheries and wildlife habitat including substrate;
- if present, adverse effects on protected species;



- the creation of barriers to fish passage through increased water velocities, behavioural deterrent, shallow depths, darkness, oxygen depletion and eroded culvert entrances;
- increased geomorphological risk including changes to channel stability, river bank and bed erosion and increased deposition around the culverted sections;
- greater difficulties in providing for drainage connections;
- increased liabilities and costs due to the need to maintain, repair and replace culverts or to manage upstream and downstream risks;
- increased health and safety hazards, notably for workers clearing blockages and for children in urban areas;
- locally reduced groundwater recharge;
- increased difficulty in detecting the origins of pollution and in monitoring water quality;
- reduced resilience for communities and wildlife to the effects of extreme weather events, climate change and acute pollution.

In addition to avoiding the detrimental effects of new culverting listed above, the restoration of river corridors by removing or opening sections of existing culverting and restoring natural river beds and banks can have wider benefits, including:

- providing habitat for wildlife and improving its connectivity;
- providing additional flood storage capacity and slowing flows;
- ameliorating the urban heat island effect;
- providing areas for recreational use;
- improving amenity, health and educational opportunities;
- increasing property prices and their desirability;
- reducing maintenance costs and improving safety.

We are unlikely to support planning applications for proposals to build over existing culverts because of health and safety considerations, increased maintenance costs and complexities, and because future options to restore the watercourse may be precluded.

Forthcoming Environment and Biodiversity Strategy – Advice to LPA/applicant

In accordance with paragraph 175 of the National Planning Policy Framework (NPPF), local planning authorities should apply the following principles: if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. We would like to stress that prior to determining if compensation is suitable, options for on-site mitigation should always be explored.

In respect to the forthcoming Environment & Biodiversity Strategy we would recommend it includes suitable ponds and wet grassland habitat creation

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designed to support common toad, as compensation for the loss of common toad breeding habitat, with suitable habitat monitoring and maintenance plans put in place. Opportunities on site should be sought, following the mitigation hierarchy principle. We recommend that CEMP includes measures to protect toads where possible, and consider measures either to displace them from the site or translocate them to a suitable receptor site.

The Environment and Biodiversity Strategy does not yet exist and therefore we would recommend that a condition is placed to secure compensation.

Ground contamination and protection of controlled waters – Advice to Applicant

This development site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use.

Please be aware that whilst we consider the site to be located within a lower environmental sensitive area, **we are not stating in any way that the pollution risk to controlled waters underlying the site is acceptable, should not be considered further by appropriate investigation and assessment.**

We would kindly remind the LPA that they are responsible for ensuring that the applicant appropriately investigate and address the risk to controlled waters, both surface waters and groundwaters. In doing so, this would promote remediation where required and an enhancement of the water environment through the planning regime. We would kindly ask the LPA to take into consideration our comments above with respect to controlled waters risk assessment.

We would highlight that the applicant be reminded of our current guidance which can be found on gov.uk and include Groundwater Protection, EA Approach to Groundwater Protection, Land Contamination Risk Management and the Guiding Principles of Land Contamination.



Model procedures and good practice – Advice to LPA/applicant

We recommend that developers should:

- Follow the risk management framework provided in [CLR11, Model Procedures for the Management of Land Contamination](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

Waste on-site – Advice to applicant

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

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

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

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

Waste to be taken off-site – Advice to applicant

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

- Duty of Care Regulations 1991



- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

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

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

Information on nearby permits – Advice to Applicant

The Grangetown Prairie site falls outside of the former SSI integrated iron and steel making permit boundary. We understand that the land may not have been used for iron and steel making purposes since the 1970's or earlier. The Coke Oven Gas Main does run through the site and forms part of the COMAH establishment and will need appropriate decontamination.

Decision Notice

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

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely,

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Planning Adviser

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