

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2020/0465/FFM
LOCATION: LAND AT METALS RECOVERY AREA NORTH
WEST OF PD PORTS; NORTH EAST OF
SEMBCORP PIPELINE CORRIDOR AND TEES
DOCK ROAD SOUTH EAST OF FORMER SLEM
WASTE MANAGEMENT FACILITY AND SOUTH
WEST OF HIGHFIELD ENVIRONMENTAL
FACILITY SOUTH BANK
PROPOSAL: DEMOLITION OF EXISTING
BUILDINGS/STRUCTURES AND
ENGINEERING OPERATIONS ASSOCIATED
WITH GROUND REMEDIATION AND
PREPARATION OF LAND FOR DEVELOPMENT

APPLICATION SITE AND DESCRIPTION

Permission is sought for the demolition of existing buildings/structures and engineering operations associated with ground remediation and preparation of land for development on land at metals recovery area, north west of PD Ports; north east of Sembcorp pipeline corridor and Tees Dock Road, south east of former Slem waste management facility and south west of Highfield Environmental Facility, South Bank

The applicant in the supporting letter details the application site as follows;

The site comprises most of the land known as 'the Metals Recovery Area' referred to in the South Tees Regeneration Master Plan and defined on the accompanying Site Location Plan. The site has, until recently, been used for the sorting grading and of by-product slag material for use as a construction material. This use has now wound down and continues at a reduced scale in the south east corner of the site. The ground in the area is covered by a mixture of hardstanding and material associated with historic uses with an obvious internal vehicle network present. There are a variety of built structures present comprising derelict buildings, two industrial style shed buildings, a viewing platform and associated structures and a wall. A section of disused railway track runs along the south western side of the site, before heading north east into Teesport.

The underlying topography of the site is relatively flat. Previous temporary ground workings and uses across the site have, however, led to the creation of a number of ridges and mounds of material, many of which are significant in height. The existing ground level across the site are shown on the 'Existing Ground Spot Levels' drawing and typically range from 7.0m to 12.0m AOD (above ordnance datum). Just beyond the southern boundary of the site there is a significant rapid change in ground level towards the Cleveland Channel

which discharges into the Lackenby Channel, which runs parallel to the eastern boundary of the site; both channels, which are outwith the site, are tidal and discharge into the River Tees.

The site is bound as follows:

- To the north west by PD Ports Teesport;*
- To the north east by the Sembcorp pipeline corridor and Tees Dock Road;*
- To the south east by the former SLEM Waste Management Facility; and*
- To the south west by the Highfield Environmental Facility.*

The site area within the application red line boundary is 22.3ha.

The proposed works associated of the development are detailed in the submission as follows;

The principle purpose of the engineering works, for which planning permission is required, is to create a level development platform typically at around 8.8m AOD across the site. These works will include excavation and turnover of the ground within the subsurface and the reuse of excavated material as fill for the levelling of the site. In some localised areas across the site, these works may require some form of remediation to treat contamination. The prospects of contamination and risks associated with this are discussed in the Phase II Environmental Site Assessment report which accompanies the application and provides conclusions and recommendations regarding the safe engineering of the site.

In general, the approach to site preparation will be, where necessary, to excavate by 2.5m below the final 8.8m AOD level. However, excavation depths will vary due to the existing variable topography across the site, and in some cases the existing ground level will need to be raised up or remain at its existing level. For example, if an area's existing ground level is 1.0m below 8.8m AOD, it will typically be excavated down by no more than 1.5m, and if an area's existing ground level is more than 2.5m below 8.8m AOD, it will not be excavated, but will be raised up to 8.8m AOD. Whilst the lowest anticipated excavation datum is 6.3mAOD, in some instances, localised ground conditions may require excavation to a greater depth.

It is anticipated that the levelling of the site will be achieved through a "backfill" exercise using material already on site and will not require the importation (or exportation) of material into / off the site. The small-scale structures on site will be demolished and the ground underneath will then undergo the same approach to excavation as the rest of the site, i.e. excavation down to 2.5m below 8.8m AOD level.

The application has been accompanied by the following;

- Covering Letter
- Desk Based Heritage Assessment
- Remediation Strategy

- Phase 2 Environmental Site Assessment
- HRA
- Ecological Impact 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
SD3 Development Limits
SD4 General Development Principles
SD7 Flood and Water Management
LS4 South Tees Spatial Strategy
ED6 Protecting Employment Areas
N1 Landscape
N2 Green Infrastructure
N4 Biodiversity and Geological Conservation
TA1 Transport and New Development

OTHER POLICY DOCUMENTS

South Tees Area Supplementary Planning Document

PLANNING HISTORY

No relevant history relating to the application site however there are a number of other applications currently being considered across the wider STDC site.

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 responses have been received

Northumbrian Water

No objection

Cleveland Police ALO

With regards to this application, I recommend any for future development of this site applicant contact me for any advice, guidance I can offer.

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 Teesmouth and Cleveland Coast Special Protection Area (SPA) <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 are required / or the following mitigation options should be secured:

- The mitigation measures as set out in the submitted Habitats Regulations Assessment should be implemented in full.*

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

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Redcar and Cleveland Borough Council (Development Engineers)

No objection on highways grounds

Redcar and Cleveland Borough Council (Local Lead Flood Authority)

The LLFA would offer no objection, at this stage to the proposed remediation and preparation of land to be developed in the future. Future application for the re-development shall be accompanied by a site specific FRA and Drainage Strategy.

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

I note that a Phase 2 site investigation and the Wood remediation strategy has been carried out in support of this application.

The report states that future use of the area will be of a commercial /industrial nature and has used information obtained from the recent ground investigation to assess the potential contamination risks to human health, Controlled Waters, ecological receptors and built property.

Human health – the report states that for the majority of contaminants of concern CoC no potentially significant risks have been identified, however, risks to human Health from vapour intrusion of contaminants in groundwater has not been assessed.

Asbestos was found in made ground across the site and the report states that further assessment may be necessary to delineate the extent of asbestos.

Controlled Waters

Leachate samples in made ground were found to exceed Water Quality Standards for metals and PAH. An assessment of groundwater and surface water quality has not been conducted at this stage and therefore the significance of any pollutant linkages is not known.

The report makes several recommendations including:

- Assessment of deep soils, ground and surface water should be undertaken prior to redevelopment to further assess the risks to Controlled Waters at the site, and the risks to human health from the vapour intrusion pathway*
- further assessment of the risk to identified surface receptors from concentrations of CoC identified in groundwater should be undertaken*
- a remediation options appraisal should be carried out for the loose asbestos fibres identified in the Made Ground on the site. Additional data collection may be needed to support the associated risk assessment/remediation design.*
- Depending on the redevelopment scenario further ground investigation including ground gas monitoring of shallow soils should be carried out prior to redevelopment to quantify the ground gas risk on the site in the context of the proposed layout and design.*

In order to minimise the environmental impact, and to ensure that the site is fully characterised I would recommend the inclusion of the full standard contaminated land condition onto any planning permission which may be granted.

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.

Redcar and Cleveland Borough Council (Environmental Protection) (Nuisance)

With reference to the above planning application, I would confirm that I have assessed

the following environmental impacts which are relevant to the development and would comment as follows:

The majority of the site is currently not formally surfaced, as such, particulate inhalation due to dust generation is a potentially active pathway particularly during engineering operations.

In order to minimise the environmental impact, I would recommend the inclusion of the following conditions onto any planning permission which may be granted:

- Prior to the commencement of construction details of a dust mitigation strategy for the construction phase of the development shall be submitted to the Local Planning Authority for approval in writing. The approved strategy shall be implemented in its entirety and maintained throughout the period of construction.

REASON: In the interests of neighbour amenity and to minimise the generation of potentially contaminated dust

Redcar and Cleveland Borough Council (Business Growth Team)

From a Business Growth perspective we welcome this proposal and understand these works will enable the STDC to offer a 'development ready' site to potential investors going forward which positively contributes towards our key local growth and regeneration priorities.

We would welcome an opportunity to engage with the contractor to explore maximising local labour and skills on site and where possible would suggest/request recruitment needs are drawn from the 'local' community. Introductions to our local Training and Employment Hub can be arranged.

We would also be keen to explore other opportunities in supporting this contractor from a supply chain perspective.

Redcar and Cleveland Borough Council (Natural Heritage Manager)

I would have no objections provided that the proposed mitigation and/or compensation actions are undertaken as presented.

Redcar and Cleveland Borough Council (Archaeology Consultant) (NEAR)

1. We advised on the outline application R/2020/0357/OOM for permission to demolish structures and development on the whole of the site between Tees Dock Road and Smiths Dock Road for general industrial and storage/distribution use, in August this year. The current application relates to a part of that site (at the north eastern extremity of the 'whole site'), with the application made only in relation to demolition and remediation to create a development platform.

2. *Pre-Construct Archaeology carried out a watching brief of 20 out of 25 of an array of geotechnical test-pits spaced across the site the subject of the current application, excavated during July 2020 (PCA, 31/7/20). No features of archaeological significance were encountered and no structural remains of world war II buildings and facilities known to have occupied the north eastern portion of the site were encountered. Iron slag, ash, fired slag, brick, and two pieces of concrete not in situ were noted.*

3. *The submitted DBA by Prospect Archaeology (August 2020) is of similar format and content to that submitted for the outline application (R/2020/0357/OOM), but benefits from the evidence of the PCA watching brief, and some updating.*

4. *In its final section, the DBA finds that “There are no significant features surviving above ground and the potential for below ground survival was not easy to establish due to the continued use of the Site for metals recovery.”*

The assessment is that “The proposed engineering works will create a development platform at 8.8m aOD, and will require excavation to a maximum depth of 2.5m from 8.8m aOD. Where existing levels are already below this level, the ground will be raised. Excavation will therefore vary across the site and would be entirely within the modern dump deposits recorded in the SI test pits.”

Inasmuch as it relates to the development that could be authorised by way of the current application the DBA concludes that:

“The proposed engineering works will have no direct or indirect effect on any designated or undesignated heritage assets. There is negligible potential for as yet unidentified archaeology to be present. No further heritage work is considered necessary in relation to this planning application.”

5. *We agree with that assessment, and no further archaeological work (evaluation or otherwise) is recommended in relation to the developed proposed by this application.*

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 impacts on Flood Risk
- The impacts on Ground Conditions and Contamination
- The impacts on Ecology

The principle of development

The application site is located within the development limits and within a predominantly industrial/commercial area. The principle of the remediation of the site and demolition of structures across the site is acceptable and the proposal accords with the aims of policy SD3 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 the remediation and removal of buildings 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 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. The proposed works mainly involve the remediation of the site through the digging down and processing of the soils and materials on the site. 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, the changes are not considered to be so significant or detrimental to the area that would require planning permission to be refused.

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 is surrounded almost entirely by existing industrial land and various commercial uses. 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 proposed development.

The site has good access onto the surrounding highway network including the A66 and A174, the traffic associated with the remediation of the site would not have a significant adverse impact on the surrounding area. It is also considered that through the proposed CEMP, there will be control of certain highway matters.

No issues have been raised with regard to the impact of the of the development on nearby PROW.

The application subject to conditions 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 remediation of the site with no end use development at this point. The LLFA have acknowledged that main aspect of the application is for remedial 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.

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 subject to the imposition of the proposed condition relating to the any future works to the two becks that run through the site.

The impacts on Ground Conditions and Contamination

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 *Phase 2 site investigation and remediation strategy*. These documents have been considered in the assessment of the application with the following advice from the Council's EHO;

The report states that future use of the area will be of a commercial /industrial nature and has used information obtained from the recent ground investigation to assess the potential contamination risks to human health, Controlled Waters, ecological receptors and built property.

Human health – the report states that for the majority of contaminants of concern CoC no potentially significant risks have been identified, however, risks to human Health from vapour intrusion of contaminants in groundwater has not been assessed.

Asbestos was found in made ground across the site and the report states that further assessment may be necessary to delineate the extent of asbestos.

Controlled Waters

Leachate samples in made ground were found to exceed Water Quality Standards for metals and PAH. An assessment of groundwater and surface water quality has not been conducted at this stage and therefore the significance of any pollutant linkages is not known.

The report makes several recommendations including:

- Assessment of deep soils, ground and surface water should be undertaken prior to redevelopment to further assess the risks to Controlled Waters at the site, and the risks to human health from the vapour intrusion pathway*
- further assessment of the risk to identified surface receptors from concentrations of CoC identified in groundwater should be undertaken*
- a remediation options appraisal should be carried out for the loose asbestos fibres identified in the Made Ground on the site. Additional data collection may be needed to support the associated risk assessment/remediation design.*
- Depending on the redevelopment scenario further ground investigation including ground gas monitoring of shallow soils should be carried out prior to redevelopment to quantify the ground gas risk on the site in the context of the proposed layout and design.*

A condition has been recommended by the EHO, however following discussions with the applicant/agent a revised condition has been constructed more tailored to the conclusions of the submitted reports. This condition is therefore proposed to be used should the application be recommended for approval.

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 which includes a Biodiversity Net Gain Assessment as well as a Habitats Regulations Assessment which have been prepared by ARUP.

A desk study has been undertaken as part of the assessment to identify all internationally and nationally designated sites within 5km, non-statutory designated sites within 2km and protected and notable species within or immediately adjacent to the proposed development site.

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 2-5km 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).

Teesmouth and Cleveland Coast SPA and Ramsar

Due to the potential for an impact to an internationally important site and its qualifying features, a Habitats Regulations Assessment (HRA) has been completed as required under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and submitted in support of the application.

The HRA of the proposed development site contains both Stage 1 and Stage 2 of the HRA process and therefore discusses appropriate mitigation measures to ensure the proposed development works would not give rise to an adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar.

The HRA Stage 1 assessment identified the following potential impacts to the Teesmouth and Cleveland Coast SPA and Ramsar sites:

a) During construction, the risk of loss and/or disturbance of habitats from pollution from within the proposed development site (impacting on the SPA and Ramsar) that support foraging and commuting activities, and/or roosting of the qualifying features; and

b) During construction, the risk of noise/visual disturbance of small numbers of qualifying species utilising the SPA/Ramsar site for foraging and commuting activities, and/or roosting.

The report concluded that at the current time, and in consideration of the current construction and operational components of the proposed development, it is assumed that there will be no adverse effects on the Teesmouth and Cleveland Coast SPA and Ramsar as a result of the proposed development subject to mitigation in the form of a CEMP and suitable lighting scheme. The requirement of the CEMP and lighting can be achieved by way of a suitably worded planning condition that has been agreed by the applicant/agent.

Teesmouth and Cleveland Coast SSSI and NNR

As the Teesmouth and Cleveland Coast SSSI and NNR are within the same boundaries as the SPA and Ramsar they are considered to be subject to the same potential impacts.

Therefore, the main impact that has the potential to significantly impact designating features of the Teesmouth and Cleveland Coast SSSI and NNR is construction related pollution. The required mitigation in the form of the CEMP and lighting scheme as required through the HRA process is considered to be sufficient to ensure the proposed development works do not impact the SPA and Ramsar, as well as the SSSI and NNR.

Habitats

An assessment has been made of the habitats on site with no Habitat of Principal Importance being present at the site.

The site has been assessed with regard to the value of habitats within the development site to allow consideration of biodiversity net gain, although this is not yet mandatory within legislation. Policy N4 (Biodiversity and Geological Conservation) seeks to encourage biodiversity be considered at an early stage in the development process and net gains should be provided where possible.

The table below sets out the habitat types across the site and the quantum that is present at the site as well as their potential habitat unit value.

Habitat Type	Area (ha)	Total Habitat Units
Grassland – other neutral grassland	0.65	3.90
Sparsely Vegetated Land – Ruderal Ephemeral	0.05	0.11
Urban – Artificial unvegetated unsealed surface	1.1	0
Urban – developed land sealed surface	20.55	0
Grassland – other neutral grassland	0.023	0.09

The proposed development is therefore considered to result in a loss of a total area of 22.37Ha. After the assessment of the habitats it has been calculated that 4.10 habitat units will be lost as a result of the development

The matter of loss of habitat has been considered as part of the application. Given the quantum of the loss of units at 4.1 this is not considered to be significant. While it is noted that no replacement habitat is proposed as part of the current application, it is noted that the site forms part of a wider application for the STDC site. An assessment of BNG has been made in support of this application with an appropriate condition agreed within the EA and Natural England for replacement habitat. It is considered that the imposition of such a condition on this application could be classed as double counting and therefore it is considered appropriate to rely on the previously agreed condition on the other application.

Protected and Notable Species

As part of the assessment a number of species have been scoped out of the EclA. Those that have been scoped in are as follows;

Breeding Birds
Shelduck
Wintering Birds
Otter
Marine Mammals
Migratory Fish
Brown Hare
Hedgehog

The following conclusions have been reached in the submitted ecological report;

Breeding Birds

As the proposed development site has until recently been fully active, it is highly likely that any breeding birds within the ZOI are habituated to the noise and movements within the proposed development site. The construction works within the proposed development site will be temporary in nature and any loud noises above the current baseline will be short and temporary in nature.

As a result, there will be no significant adverse effect on the county important breeding bird assemblage.

In addition, to ensure legal compliance the following mitigation has been considered:

- Any removal of trees, scrub or areas of grassland that may support nesting bird species has the potential to damage or destroy active nests. Where*

possible, vegetation should be removed outside of the nesting bird season (March to August inclusive). If vegetation removal has to be conducted within the breeding bird season (March to August, inclusive), a nesting bird check must be completed by an SQE immediately prior to vegetation works commencing. If birds are found to be nesting, the area will be vacated and the birds left until they have fledged. This is to be detailed within the CEMP.

Shelduck

It is considered highly likely that shelduck breeding within the Lackenby Channel have become habituated to the visual disturbance from the ongoing works within the proposed development site and surrounding PD Ports.

However, due to the county level importance of these breeding shelduck within the Tees Estuary and sensitive nature of the species to visual disturbance it is considered, that in the absence of mitigation, there is the potential for a significant adverse effect to breeding shelduck at up to the county level.

The following actions are proposed to mitigate the significant adverse effect to breeding shelduck:

- Avoid undertaking construction works within 300m from the Lackenby Channel during the breeding bird season, considered to be from March to August (inclusive);*
- If avoidance is not possible, screening should be erected along the northeastern boundary of the proposed development site to reduce the visual and noise impacts upon the Lackenby Channel. Screening would involve the use of opaque barriers, which would also prevent site operatives from unnecessary access to Lackenby Channel; or*
- If screening is not possible; a SQE should undertake surveys at the earliest possible stage and throughout construction to determine if breeding shelduck are disturbed from the construction works. If shelduck are found to be disturbed however, the SQE will be required to propose suitable mitigation immediately, which may ultimately involve screening.*

Following the implementation of mitigation, there will be no significant adverse effect on the county important breeding shelduck population.

Wintering Birds

Noise and visual disturbance from remediation of the proposed development site has the potential to disturb wintering birds known to be present at The Slems, located immediately adjacent to the proposed development site. The wintering birds at The Slems are highly likely to be habituated to high levels of noise and visual disturbance, as the proposed development site has until recently been fully active with large machinery undertaking material processing.

There is also the potential for dust and pollution to negatively impact the habitats utilised by wintering birds. The remediation works of the proposed development site will be temporary in nature and include design specifications (capping layer) to reduce dust from the remediation works.

However, due to the sensitive nature of wetland habitats and some wintering bird species, in the absence of mitigation, there is the potential for a significant adverse effect from dust on the wintering bird population at up to the county level.

The following actions are required to mitigate the possible significant adverse effect to wintering birds:

- During construction, a CEMP will be implemented which will outline measures to prevent sediment, dust, surface water run-off, or any other substance relating to construction from impacting wintering birds within The Slems and the River Tees through the Lackenby Channel. This document will be reviewed by an SQE.*

Following the implementation of mitigation, there will be no significant adverse effect on the county important wintering bird population.

Otter

Construction works has the potential to impact otter within the River Tees through the hydrological connection of the Lackenby Channel. However, due to the small nature of the proposed development site, size of the River Tees and mobile nature of otter, any potential pollution is highly likely to be small in nature, temporary and become diluted prior to and once reaching the River Tees.

As a result, the proposed development will not result in a significant adverse effect on the locally important otter population.

To ensure the best water quality, best practice guidelines for pollution control will be outlined and implemented through a CEMP. This will outline measures to prevent sediment, dust, surface water run-off, or any other substance relating to construction from entering The Slems and the River Tees through the Lackenby Channel. This document will be reviewed by an SQE.

Marine Mammals

Construction works has the potential to impact marine mammals within the River Tees through the hydrological connection of the Lackenby Channel. However, due to the small nature of the proposed development site, size of the River Tees and mobile nature of marine mammals, any potential pollution is highly likely to be small in nature, temporary and become diluted prior to and once reaching the River Tees.

As a result, the proposed development will not result in a significant adverse effect on the locally important marine mammal population.

To ensure the best water quality, best practice guidelines for pollution control will be outlined and implemented through a CEMP. This will outline measures to prevent sediment, dust, surface water run-off, or any other substance relating to construction from entering The Slems and the River Tees through the Lackenby Channel. This document will be reviewed by an SQE.

Migratory Fish

Construction works has the potential to impact migratory fish within the River Tees through the hydrological connection of the Lackenby Channel. However, due to the small nature of the proposed development site, size of the River Tees and mobile nature of fish, any potential pollution is highly likely to be small in nature, temporary and become diluted prior to and once reaching the River Tees.

As a result, the proposed development will not result in a significant adverse effect on the locally important migratory fish population.

To ensure the best water quality, best practice guidelines for pollution control will be outlined and implemented through a CEMP. This will outline measures to prevent sediment, dust, surface water run-off, or any other substance relating to construction from entering The Slems and the River Tees through the Lackenby Channel. This document will be reviewed by an SQE.

Brown Hare

The construction works will result in the loss of small areas of poor-quality neutral grassland and this has the potential to reduce the foraging habitat for brown hare within the proposed development site.

Due to the small and degraded nature of these grassland habitats, active nature of the proposed development site and large habitat requirements of brown hare, the loss of these habitats is highly unlikely to affect the population of brown hare within the proposed development site and the ZOI significantly.

As a result, the proposed development site will not result in a significant adverse effect on the county important brown hare population.

Due to the mobile nature of brown hare, as a precaution, deep trenches and excavations dug across the proposed development site should be covered overnight or be left with a plank or similar material with a slope no more than 45°, in order to allow brown hare, hedgehog and other small mammals to exit trenches or excavations if they fall in. This will be detailed in the CEMP.

Hedgehog

Due to the small and degraded nature of these grassland habitats and active nature of the proposed development site, the loss of these habitats is highly unlikely to affect the population of hedgehog within the proposed development site and the Zol.

As a result, the proposed development site will not result in a significant adverse effect on the local important hedgehog population.

Due to the mobile nature of hedgehog, as a precaution the following should be noted:

- Any hedgehog found within the works areas will be moved away to a safe and sheltered location. This process will be described in a CEMP and reviewed by an SQE. Assistance will be sought for any injured hedgehog found during the works; and*
- As a precaution, deep trenches and excavations dug across the proposed development site will be covered overnight or be left with a plank or similar material with a slope no more than 45°, in order to allow hedgehog and small mammals to exit trenches or excavations if they fall in. This will also be detailed in the CEMP.*

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.

Following the implementation of mitigation, no significant residual effects upon ecological features are anticipated.

Defra's BM2.0 was utilised to assess the anticipated loss and gain of biodiversity units associated within the proposed development. It is anticipated that without off-site compensation a biodiversity net loss will result from the proposed development, due to the lack of any habitat being retained or enhanced on site.

Subject to the implementation of the recommendations within the EcIA and the HRA the proposed development is therefore considered to comply with policies SD4 and N4 of the Local Plan.

Other matters

A number of conditions have been suggested by the applicant relating to the development. These have been considered by the LPA and form part of the suggested conditions for the development.

CONCLUSION

The application proposes engineering operations involved in the remediation and restoration of the site to provide 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. The proposed works are considered acceptable and will not have an adverse impact on flood risk or water quality.

The proposed development is therefore considered to comply with policies within the NPPF and policies SD1 SD3 SD4 SD7 LS4 ED6 N4 TA1 and TA2 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:

Site Location Plan (Dwg No STDC-SIZ-LF-PLA-0001) received by the Local Planning Authority on 25/08/2020

Existing Ground Spot Levels (Dwg No STDC-SIZ-LF-PLA-0002) received by the Local Planning Authority on 25/08/2020

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

3. No phase of 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 submitted Habitats Regulations Assessment, Arup, dated 14 August 2020 have been incorporated in to the construction methods and how they will be implemented. The CEMP shall also include the following details:

- The method to be used to control the emission of dust, noise and vibration from construction works, including any details of any mitigation measures required;
- Measures to control the deposit of mud and debris on adjoining public highways;
- Site fencing and security;
- Temporary contractors' buildings, plant, storage of materials, lighting and parking for site operatives;
- The use of temporary generators;
- The arrangement or turning of vehicles within the site so that they may enter and leave in forward gear;
- A risk assessment of construction activities with potentially damaging effects on local ecological receptors including any measures to protect those receptors during construction;
- Roles and responsibilities for the implementation of the CEMP requirements and measures; and
- Measures to control invasive plant species.

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.

4. No phase of development hereby approved shall take place until further details which are based upon the recommendations set out in the Phase 2 Environmental Site Assessment (Shallow Soils), Arcadis, August 2020 and the Outline Remediation Strategy, Wood, June 2019 have been submitted to and approved by the Local Planning Authority. These details shall include:

- An assessment of deep soils, ground and surface water to further assess the risks to Controlled Waters at the site, and the risks to human health from the vapour intrusion pathway;
- A further assessment of the risk to identified surface water receptors from concentrations of CoC identified in groundwater; and
- A remediation options appraisal for the loose asbestos fibres identified in the Made Ground on the site. Additional data collection may be needed to support the associated risk assessment/remediation design.

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.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to earth works which are often the first works on site and relate to site preparation.

5. The development hereby approved shall be carried out in accordance with the mitigation measures as set out in the submitted Habitats Regulations Assessment, Arup, dated 14 August 2020, and shall be implemented in full.

REASON: In order to ensure that the development does not have an adverse effect on the integrity of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and does not damage or destroy the interest features of the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI).

6. The development hereby approved shall be considerate of the sustainable use of materials already existing on the site where technically and financially feasible.

REASON: In the interests of sustainable development.

7. 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.

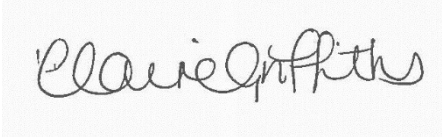
8. The finished levels of the site following completion of the works hereby approved shall generally be no higher than 8.8m AOD unless agreed in writing with the local planning authority.

REASON: To ensure a satisfactory relationship between the site and surrounding development in accordance with policy SD4 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>	10 November 2020

Delegated Approval Signature	
Claire Griffiths	Development Services Manager
	12/11/2020