

## Consultation Advice

R/2020/0819/ESM

OUTLINE PLANNING APPLICATION FOR DEVELOPMENT OF UP TO 139,353 SQM (GROSS) OF GENERAL INDUSTRY (USE CLASS B2) AND STORAGE OR DISTRIBUTION FACILITIES (USE CLASS B8) WITH OFFICE ACCOMMODATION (USE CLASS E), HGV AND CAR PARKING, WORKS TO WATERCOURSE INCLUDING REALIGNMENT AND ASSOCIATED INFRASTRUCTURE WORKS (ALL MATTERS RESERVED)

**LAND BOUNDED BY TEES DOCK ROAD TO EAST BOLCKOW ROAD INDUSTRIAL ESTATE TO SOUTH EAST ESTON ROAD AND VACANT LAND TO WEST DARLINGTON & SALTBURN RAILWAY LINE TO NORTH WEST**

### Background

1. This is an outline application for the development of general industrial facilities on a 58-hectare site. Part of the site benefits from planning permission granted last year for the Tees Valley Energy Recovery Facility (ERF) (under planning reference R/2019/0767/OOM). The significance of this is that the written schemes of archaeological investigation have already been agreed for the 'ERF site', as the ERF site contains the most important archaeological remains on the site, the subject of this application.
2. The Site is currently cleared of former industrial buildings, and is awaiting completion of remediation. Development is likely to disturb or destroy any archaeological remains on the site.
3. Application is made by South Tees Development Corporation and is an EA application. The EA has a cultural heritage chapter (chapter K, volume 2 being the cultural heritage statement, and volume 3 the appendices to the statement). The main constituent of the statement is a desk-based archaeological assessment produced in December 2020 by Prospect Archaeology. The methodology is sound, and the identification of and assessment of impacts on the archaeological assets are generally acceptable. The only point on which we would comment is the (not uncommon) iteration of World Heritage Sites as the only category of asset of "very high" significance. This necessarily has a tendency to demote outstanding and exceptionally important assets to simply "high status" with the consequent knock-on effect of most other significant assets being assessed as of "medium" significance (as are the blast furnace bases in this assessment). However, nothing turns on this issue in the final assessment of unmitigated impacts, which are correctly, in our opinion, classified as "substantial adverse" (for assets of medium significance) and "moderate adverse" for those of "low significance" (open hearth furnaces and other parts of Cleveland Steel Works).

## The Assessment Recommendations

**4.1** We agree that “there are three designated (built) heritage assets within 1000m of the site boundary, but none are intervisible with the site, nor do they have significant shared views. Their designations do not rely on their settings in respect of the site and they would suffer neither direct nor indirect impacts from development of this site.” The assets in question are: the Baptist Church (grade II listed, at 848m distance), the Church of St. John (grade II listed, at 820m distance) and the war memorial (grade II listed, at 930m distance). Given the absence of other built structures on the site, or other, undesignated, built structures within the vicinity of the site, the ‘built heritage’ has, not unreasonably, been ‘scoped out’ of the heritage assessment (K3.1).

**4.2** Below ground archaeology has been considered through a desk-based assessment and two site visits, on 10<sup>th</sup> June 2020, and 3<sup>rd</sup> November 2020. (K3.2).

**4.3** No assets are identified within the study area (an area of considerably greater extent than the site) relating to the pre-Industrial period. We agree therefore with the DBA that no further assessment of pre-Industrial period remains is necessary (K4.5)

**4.4** For the industrial period the DBA/Assessment considers the following archaeological remains to be of significance: Eston Iron Works remains; Cleveland Steel Works blast furnace bases; and the Open Hearth furnaces (North Steel Mill) and other remains of Cleveland Steel Works.

**4.5** Impacts and potential mitigation are summarised at Table K8.1 of the DBA/assessment. We agree with the suggested mitigation for the open hearth furnace remains and other adjacent remains of the North Steel Mill (that is remains adjacent to remains of the open hearth furnaces, not the remainder of the Site as a whole). This mitigation consists of “archaeological investigation and recording” and will need to be the subject of an archaeological written scheme of investigation (WSI).

**4.6** Mitigation of impact (by other archaeological investigation: evaluation, and where merited recording and excavation) is already being undertaken for the remains of Eston Iron Works and the Cleveland Steel Works blast furnace bases, in accordance with WSI(s) already agreed between the Council and the applicant under an earlier planning permission (as noted above).

## Planning Policy

**5.1** The National Planning Policy Framework (2018) provides as follows:

*Paragraph 195*

*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*a) the nature of the heritage asset prevents all reasonable uses of the site; and*

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and  
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and  
the harm or loss is outweighed by the benefit of bringing the site back into use.

*Paragraph 197*

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

**5.2** Relevant development plan policy is also found in Redcar & Cleveland Local Plan (adopted 2018). Policy HE3 states that:

*Development that may affect a known or possible archaeological site, whether designated or non-designated, will require the results of a desk-based assessment to be submitted as part of the planning application. An archaeological evaluation may also be required to identify the most appropriate course of action.*

*Development that affects a site where archaeology exists or where there is evidence that archaeological remains may exist will only be permitted if:*

*The harm or loss of significance is necessary to achieve public benefits that outweigh that harm or loss. Harm or loss may be avoided by preservation in situ or refusal; or*

*Where in situ preservation is not required, appropriate satisfactory provision is in place for archaeological investigation, recording and reporting to take place before, or where necessary during, development. Where archaeological investigation, recording and reporting has taken place it will be necessary to publish the findings within an agreed timetable.*

## Recommendation and Conditions

**6.1** In application of the above policies to the proposal, our advice to the LPA in this instance is that if the public benefit and other aspects of the proposal are considered to outweigh the probable harm to any locally or regionally significant heritage assets, that harm would be successfully mitigated by a programme of archaeological evaluation and recording before the disturbance of such assets.

**6.2** The mitigation proposals stated above constitute a reasonable approach, but the Council will need to ensure that any permission granted reflects the archaeological work already secured by conditions in the earlier (ERF permission) as well as the mitigation of the impact on any remains of the open hearth furnaces and associated parts of the North Steel Mill which needs to be secured by this permission.

**6.3** If planning permission is granted we would suggest the following archaeological conditions be attached to ensure that any archaeological assets still present on site are adequately recorded before being disturbed or destroyed.

### Condition 1

*A. No development shall take place until a written scheme of investigation (WSI) for archaeological investigation and recording of the part of the application site containing the remains of the open*

*hearth furnaces and associated remains has been submitted to and approved in writing by the local planning authority. The WSI shall as a minimum make provision for:*

*B.1 Before remediation or development commences, archaeological interpretation of all borehole and trenching data*

*B.2 Archaeological trial-trenching (or other evaluative techniques) of areas where the remains of former open hearth furnaces are likely to be encountered and/or other significant associated archaeological remains whose extent, character or degree of preservation is uncertain. The evaluation to take place before development or remediation is commenced in the areas of the site in question.*

*B.3 Taking account of the prior evaluation, and before remediation or construction works takes place in the relevant areas (if any), an archaeological strip, map and sample of likely substantial remains of (A) furnaces and (B) any other associated features of significance.*

*B.5 A general programme of works and supervisory arrangements, including reasonable notification to the local planning authority before commencement of remediation or development of the identity of the supervising archaeologist*

*B.6 Details of staff involved in carrying out the evaluations and/or recording and their qualifications and responsibilities*

*B.7 The timetable for completing post-excavation assessment.*

*B.8 Provision for the analysis, archiving and publication of the results of archaeological work shall be secured to the satisfaction of the local planning authority by the developer before the development is brought into use.*

*B.9 Remediation and development shall not without the prior written approval of the local planning authority be carried out otherwise than in accordance with the approved WSI.*

*REASON: The site may contain remains of significant archaeological interest.*

## **Condition 2**

*The area indicated by a broken orange line on the Indicative Arrangement Plan (drawing number DP-SD-10.02) submitted with the application is subject to the requirements of conditions and agreed written schemes of investigation already approved by the Council under planning permission R/2019/0767/OOM. To the extent that this area is remediated/developed under this planning permission it shall be subject to the requirements of the WSI(s) as approved under that earlier permission. In the case of any discrepancy between the area marked on the Indicative Arrangement Plan and the areas of interest agreed in the WSI(s), the areas agreed in the WSI(s) shall take precedence.*

*REASON: Part of the site contains known remains of significant archaeological interest.*

**North East Archaeological Research Ltd,**  
25<sup>th</sup> February 2021

