

Our ref: MM/LH/GEN.40

3rd November 2021

Mr David Pedlow
Redcar and Cleveland Borough Council
Redcar and Cleveland House
Kirkleatham Street
Redcar and Cleveland
TS10 1RT

David.Pedlow@redcar-cleveland.gov.uk

Dear David

**Planning Application for Primary Customs Zone,
South Bank – Reference R/2021/0846/FFM**

The aforementioned planning application has been brought to the attention of PD Teesport although for some reason we were not contacted as part of the formal neighbour consultation, nor as the owner of land mentioned in the covering letter in relation to how the site is to be accessed.

For ease of reference we have shown by green colour freehold land held by PD Teesport on either side of the 430-acre South Bank Development site which was the subject of Outline Planning Applications R/202/0357/00M and R/2021/0465/FFM. This has been highlighted on the indicative layout drawing which was provided with application R/2020/0357/00M. The South Bank site is sandwiched between PD Teesport ownership.

We have also attached for ease of reference a copy of the "Primary Custom Zone Initial Land Area Location Plan" attached to the subject Application. Whilst it is understood that the Tees Valley Combined Authority had allocated 150 acres of land at South Bank for the Freeport Primary Customs Zone, it is noted the Application boundary extends to 1.30 Hectares (3.2 Acres) and is intended to create 1 full time job.

The covering letter to the Application states "The site is accessed via a fourth limb of the Dockside Road/Smith's Dock Road roundabout". It is assumed this statement is intended to indicate how access between the public highway network to and from the Primary Customs Zone is proposed. The Dockside Road/Smiths Dock roundabout involved £1 million of public expenditure with the development encroaching on PD Teesport land. The accessing of the 3.2-acre Primary Customs Zone site would, therefore, involved passing over land owned by PD Teesport.

With the roundabout having been opened over 2 years ago, PD Teesport is still waiting for the South Tees Development Corporation to further engage and conclude a process of formalising this matter.

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Registered Office: 17-27 Queen's Square, Middlesbrough TS2 1AH.

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Whilst this proposal relates to the creation of 1 full time job, as outlined in previous correspondence dated 7th October 2020, 14th July 2021 and 13th August 2021, copies of which are also attached for ease of reference, the previous Applications upon which this follows lacked the necessary detail in relation to the status of the neighbouring private road network and land and potential impact on traffic on public and private infrastructure. We also observe that parties such as A and P Tees and National Grid also do not appear to have been contacted as part of this neighbour consultation.

The complexity and cost of the wider South Bank development proposals are recognised, as is the potential benefit to the area should the proposals be delivered. PD Teesport had offered to assist financially with the development of South Bank, but this offer was not accepted by the Applicant, with a £107million loan subsequently being secured from the government to assist with infrastructure provision. The quantum of funding being potentially spent may indicate the true scale of any wider development proposals with resultant implications on access and egress to and from the site.

We have previously referred the Council to the inaccuracy associated with the Highways Assessment in the main and subsequent applications for the South Bank developments as referred to in the aforementioned attached letters. The impact on Dockside Road has been massively understated given the restrictions omitted from the Highways Assessment associated with the suggested use of PD Teesport's private road network, and should no longer be ignored. Whereas this Application for the Primary Customs Zone will only result in 1 full time job, the traffic generation through the proposed development site has not been considered in the Application. Given that the vehicle trip generation and distribution is missing from the Application it is not possible to consider the wider impact on the A66 at the junction with the B1513 Old Station Road and the impact to the businesses on Dockside Road and Smiths Dock Road.

Yours sincerely



Michael McConnell
Group Property Director

cc. sue.jeffrey@redcar-cleveland.gov.uk
sandra.smith@redcar-cleveland.gov.uk

Encs:

Our ref: MM/LH/GEN.40
Your ref: R/2020/0357/OOM

7th October 2020

Redcar & Cleveland Borough Council
Corporate Directorate for Growth, Enterprise
and Environment
Development Management
Redcar and Cleveland House
Kirkleatham Street
REDCAR
TS10 1RT

Dear Sir/Madam

PROPOSAL: OUTLINE PLANNING APPLICATION FOR DEMOLITION OF EXISTING
STRUCTURES ON SITE AND THE DEVELOPMENT OF UP TO 418,000 SQM
(GROSS) OF GENERAL INDUSTRY (USE CLASS B2) AND STORAGE OR
DISTRIBUTION FACILITIES (USE CLASS B8) WITH OFFICE
ACCOMMODATION (USE CLASS B1), HGV AND CAR PARKING AND
ASSOCIATED INFRASTRUCTURE WORKS ALL MATTERS RESERVED
OTHER THAN ACCESS

LOCATION: LAND AT SOUTH TEES DEVELOPMENT CORPORATION EAST OF SMITHS
DOCK ROAD AND WEST OF TEES DOCK ROAD SOUTH BANK

APPLICANT: SOUTH TEES DEVELOPMENT CORPORATION

Thank you for your letter of 16th September 2020. We would comment as follows:

General

PD Teesport Limited ("PD Teesport") as the Statutory Harbour Authority for the port of Tees and Hartlepool is supportive of the proposal for port related industrial development at South Bank the site of the application being in close proximity to the River Tees and major port infrastructure with the prospect of further port infrastructure being developed.

Industrial Estate or Strategic Port Related Regeneration Project

Whilst the current application relates to General Industry (Use Class B2), Storage or Distribution Facilities (Use Class B8) and Office Accommodation (Use Class B1), the Statutory Harbour Authority believes the site presents a once in a generation opportunity to deliver new port related economic activity and job creation particularly in the light of the emerging offshore wind sector at Dogger Bank. The recent announcements by Able UK in relation to signed documents relating to the creation of 120 jobs on the north bank of the Tees and 400 jobs on the Humber provide recent examples of the economic regeneration opportunities and private sector investment that Dogger Bank is now delivering.

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We are mindful that substantial public expenditure has already gone into the site of the outline application in recent years including the purchase/relocation of various property and business interests and the public procurement of demolition/site clearance/clean up contracts. PD Teesport would hope that this strategic regeneration site, in close proximity to the commercial heart of the river, would be utilised as a port related facility rather than merely a general industrial estate which may compete with other non river based industrial areas such as Kirkleatham Business Park.

It is felt that a general industrial estate, if developed, which may "turn its back" on the river would be a lost opportunity to generate new long term private sector investment utilising the asset which is the River Tees and one of the largest commercial ports in the UK. The development of a general industrial estate may merely result in displacement of other local employment from other neighbouring estates. In contrast in recent years PD Teesport has attracted hundreds of millions of pounds of private sector investment and major new long term private sector employment to the region through for example the Asda and Tesco Port Centric Warehouses and the MGT Power Station development. The MGT biomass power station development alone has seen over £625m of private funding invested in the immediate locality in the last 4 years.

A non port related general industrial estate could be an "easy win" rather than something which could be in the best long term strategic interests of the area which would attract new long term private sector funding and employment in industries which could benefit from the assets and opportunities provided by one of the leading commercial Ports in the UK.

It is noted the application is outline for demolition and B1, B2 and B8 uses, with all matters reserved other than access. There is no commitment within the application to develop the quay facilities and in fact this is specifically excluded from the application. There is a strong local policy link to the site being used for port related development activity though the general conclusion made by the applicant within the planning statement accompanying the application is that the proposed development should be permitted as it falls within the "B Class" employment uses.

It is noted The South Industrial Zone Planning Statement, July 2020, accompanies the outline planning application R/2020/0357/OOM, with the following statements being included:

"Para 1.11 A separate planning application is being prepared by STDC for a quay on the River Tees adjoining the development site. It is expected this application will be submitted to RCBC in Autumn 2020 and it will facilitate the transportation of goods and materials to and from the development site by ship."

"Para 2.4 It is located within the STDC area and it lies between land operated by PD Ports for its industry and commerce park".

"Para 2.36 RCBC issued an Environmental Impact Assessment (EIA) Scoping Opinion on 27th June 2019 for a proposed port-based development for the offshore marine energy sector (offshore wind turbines)".

"Para 3.5 The [design] parameters have also been designed in accordance with a separate application, currently being prepared by STDC, for the development of a new quay at the north of the site. This will create the opportunity to transport goods and materials to and from the site via ship. For the purpose of this application however it is assumed that there will be no opportunities for deliveries via ships.

"Para 4.2 The relevant statutory development plan comprises:

- Redcar and Cleveland Local Plan (May 2018)
- South Tees Area SPD (May 2018)"

Para 4.28 Within the South Industrial Zone [identified in the SPD] the Council, in partnership with the STDC, will encourage development proposals for port related uses, including port based fabrication, offshore energy industries, including manufacturing, materials processing and manufacturing, contract fabrication and energy generation and, potentially rig and large equipment decommissioning."

Whilst the above statements provide an indication that a port related proposal may follow, there is no commitment to port related development, noting of course an outline or full planning application does not necessarily lead to any development taking place.

Access

It is noted the layout provides two main access routes, one at Smiths Dock Road and the other at Tees Dock Road within the Teesport Estate, with a road running through the middle of the area of the application area. This route largely replicates the Dockside Road/Teesport Link Road Scheme, being designed as an alternative access between Bran Sands and Teesport to Dockside Road.

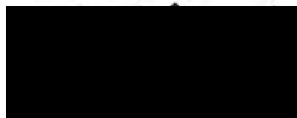
Paragraph 2.23 states "The development site is located directly to the east of Smiths Dock Road and directly to the west of Tees Dock Road. These roads provide connectivity to the wider local road network via the A66."

The proposal appears to be for the industrial estate to access the private Teesport Estate and road network, before linking onto the Public Highway network at Tees Dock Road leading to the A66. It is noted that Highways England has objected to the proposal pending further information on highways matters.

Any proposals to access the private Teesport Estate and associated infrastructure would need to be formalised with PD Teesport considering, amongst other things, security, health and safety and internal road capacity issues for the Teesport Estate in addition to the wider public highway access beyond the private road network. In recent years PD Teesport has invested its own capital in upgrading the public highway network outside the Teesport Estate. Any proposal by third parties to access our own private road network as a method to access the public highway network will involve consideration of the implications on road capacity both for our own estate and the public highway infrastructure, and we would wish to reserve our position to comment further on those matters whenever the applicant has provided the necessary detail.

As the Statutory Harbour Authority for the River Tees we would thank you for the opportunity to comment on this outline application.

Yours faithfully



Michael McConnell
Group Property Director

Our ref: MM/LH/GEN.40

14th July 2021

Mr David Pedlow
Redcar and Cleveland Borough Council
Redcar and Cleveland House
Kirkleatham Street
Redcar and Cleveland
TS10 1RT

David.Pedlow@redcar-cleveland.gov.uk

Dear Sir

Planning Application - R/2021/0465/FFM

Land at South Bank

Erection of 3,396SQM OF B2/B8 floorspace including waste storage area, installation of sprinkler tank and associated plant, creation of hardstanding and landscape works

PD Teesport Limited as the Statutory Harbour Authority and owner of adjoining land as well as the private road network would comment as follows in relation to the above planning application lodged by South Tees Development Corporation. Please accept our apologies for the delayed response, albeit within the public consultation deadline, but we have only just become aware of the application, having not been notified either as a neighbour nor as a statutory consultee.

Whereas we do not wish to object at this time, it is imperative that the information submitted by the applicant is sufficient to allow proper and full consideration of the impact of the proposed development. Unfortunately, we do not believe this is the case at present.

Our concerns relate to the following:

- Highway safety and traffic generation intended through the private roads within the Teesport Estate;
- Lack of highway safety and traffic generation assessments where access is not acceptable through the private roads belonging to PD Teesport but instead directly onto the public highway network;
- Failure to ensure the drainage from the site has been properly considered;
- Procedural failure to consult with or serve notice on all the relevant parties to the application;
- Misleading labelling on drawings used to support the application;
- Failure within the application pro-forma to properly delineate a planning boundary showing the public highway in relation to the application boundary.

We understand that Redcar and Cleveland Borough Council will make a planning decision based upon the information in the application. That said the above application is made with reliance on a Transport Assessment prepared in 2020 which contains material errors.

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The application is accompanied by a report prepared by ARUP dated 9th June 2021, subject "LM Wind – Transport Briefing Note" (TBN). This note refers to a Transport Assessment (TA) dated 3rd July 2020 prepared for the planning application made by the same Applicant on the South Industrial Zone in July 2020 (planning ref. no. R/2020/0357/OOM). As the evidence collected and conclusions reached in 2020 are being transferred and relied upon within the current planning application, we have reviewed and noted material errors with the information used to support the highways data.

1. Highways

- 1.1. According to the Transport Assessment, it is proposed that vehicular access to the South Industrial Zone development site be served by two access / egress locations; the first on the western boundary off Dockside Road and the second on the eastern boundary via Tees Dock Road. It is important that the drawings submitted in the Transport Assessment are corrected and that the boundary between the public and private road network is properly labelled.
- 1.2. Only part of Tees Dock Road is a publically adopted highway. The adoption boundary ends before the roundabout on the entrance to the Teesport Estate. Teesport Estate is owned by PD Teesport Limited (PD). From the Teesport Estate entrance roundabout running parallel to the western boundary is No. 1 Quay Road. The boundary between the adopted highway, Tees Dock Road, and the private highway, No. 1 Quay Road, is not shown or referred to in the ARUP TBN. Figure 4 of the TA incorrectly identifies No 1 Quay Road as Tees Dock Road. Figure 4 also labels No 1 Quay Road as "Local highway network" when in fact it is a private road. The private road owned by PD runs for approximately 1km from the applicants land boundary to the public highway.
- 1.3. Within the Teesport Estate, all roads and other services including street lighting, drainage and road maintenance are within the full operational control of PD. No 1 Quay Road is a private operational roadway belonging to PD. It is used to access the Bulks Terminal, No 1 Container Terminal and storage area, the Bulks Rail Siding, the Intermodal Rail facility, the MGT power plant, as well as PD staff welfare / engineering / operations / health & safety / operational accounts / pilot station. Port cargo is transported over No. 1 Quay Road using mobile plant and the private rail line crosses the road. Use of No. 1 Quay Road is outside of public highway regulations.
- 1.4. Table 8 in the TA shows that 44% of traffic generated by the outline development will access from the east i.e. via Tees Dock Road and No 1 Quay Road and that a further 26% will use either Tees Dock Road or Smiths Dock Road. Of the traffic generated 82% will be cars. Noting further that the South Industrial Zone development intends to employ 3,870 full time employees, we consider it remiss for the Applicant to make no reference to the existing and planned traffic generation on No. 1 Quay Road by PD and the existing traffic patterns of customers and tenants of PD across the Teesport Estate. Recognition of the cumulative impact on the highways network of permitted development in the vicinity should be considered by the applicant and all necessary mitigation works undertaken.
- 1.5. If it is the intention of the development to access over the private Teesport Estate then Highways England and RCBC Highways Engineers will need confirmation from PD that this is acceptable. The Applicant states that over 50% of the trip distribution by LM Wind would be on No. 1 Quay Road. It can only be assumed that this Applicant had either not considered or had ignored the fact that LM Wind / GE does not have rights to access the No. 1 Quay Road.

- 1.6. In the attached correspondence dated 7th October 2020 the Applicant was informed that any proposals to access the private Teesport Estate and associated infrastructure would need to be formalised, with PD Teesport considering amongst other things, security, health and safety and internal road capacity issues for the Teesport Estate, in addition to the wider public access beyond the private road network. Any proposal to access our private network as a means to access the public highway would involve consideration of the implications on road capacity for our own estate and the public highway infrastructure beyond. We have still not received any formal request from the applicant nor any further details in order to consider this further.
- 1.7. In the course of legal proceedings between the Applicant and PD Teesport (in which the Applicant is being represented by Forsters LLP of Mayfair and Jonathan Seidler QC of Wilberforce Chambers), the Applicant has admitted that any tenants of the proposed development would not have rights over No. 1 Quay Road. It is important that the correct position on access is recorded on this application along with the various other planning applications and associated studies for the larger South Bank site.
- 1.8. If it is proposed that access / egress to the application site only comes via Dockside Road, then the traffic generation should be modeled with 100% of the traffic using this route and all routes from the west i.e. from the A19 and A66. An understanding of the impact on the junction of the A66 and B1513 (Old Station Road) has not been provided and should be provided particularly given the scale of the associated manufacturing at the site.

2. Drainage

- 2.1. We note that there is no detail or clarification on how surface water and foul drainage will be disposed of from the site. We note a drawing submitted with the application entitled South Bank Parameters Plan Site Overlay Sheet 1 shows a "proposed culvert route" running towards the Teesport Estate. We ask that full details of the proposed drainage from the development be submitted prior to determination to ensure that full consideration is understood on any potential impact caused on the neighbouring land at Teesport and the River Tees and mitigation is provided, subject to works licence and owners consent.

We wish to offer our support of the efforts currently being made to remediate the area of South Bank under the control of Teesworks / South Tees Development Corporation. We do however urge caution guard against a single blinkered agenda for potential development which does not appropriately consider the position of major economic drivers and employers for the Tees Valley and beyond.

Yours faithfully



Michael McConnell
Group Property Director

cc. Chris Bell, Operations Directorate
Highways England
Yorkshire and North East Region
PLANNINGYNE@highwaysengland.co.uk

Our ref: MM/LH/GEN.40
13th August 2021

Mr David Pedlow
Redcar and Cleveland Borough Council
Redcar and Cleveland House
Kirkleatham Street
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TS10 1RT

David.Pedlow@redcar-cleveland.gov.uk

Dear David

Planning Application - R/2021/0465/FFM
Land at South Bank
Erection of 3,396SQM OF B2/B8 floorspace including waste storage area, installation of
sprinkler tank and associated plant, creation of hardstanding and landscape works

We have received a copy of the correspondence dated 11th August 2021 from Justine Matchett, Planning Director at Lichfields in relation to the above planning application (the Application). In the first instance we would respond to a statement made in the second paragraph of that letter. For clarification, PD Teesport Ltd (PD) has not objected to the proposed development. This will have been clear from the contents of our previous correspondence. PD has supported and continues to support the principle of new development at South Bank, having on a number of occasions, for example, offered to assist with the financing of the proposed new quayside infrastructure on South Bank.

The comments made by PD on the Application were offered to the Council to allow proper determination of the facts. It appears that there had been incorrect interpretation of some of the information contained within the supporting documentation submitted with the Application, such as the status of No 1 Quay Road. Given that the Applicant recognises the need to submit a new planning application, this vindicates the concerns raised by PD to the proposed development and the lack of accurate detail submitted in the Application.

As a neighbour to the Application area, as well as owner of land property which the Applicant had proposed, and perhaps still proposes, to use for access purposes, we would have expected as a matter of good practice for pre-submission consultation to have been offered to PD. It is not clear from the contents of the letter of 11th August as to whether the current application is being withdrawn and a new application made as an alternative, or whether the further application is to be lodged in addition to the one which is the subject of this correspondence. We are mindful that it is presumably public funding which is being incurred in the making of various applications, and that appropriate consultation and engagement prior to the making of the application may have both avoided abortive costs being incurred and helped expedite the consenting process.

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As you are aware from our correspondence dated 7th October 2020 relating to the Outline Planning Application R/2020/0357/OOM, PD had not received any formal request from the Applicant to use the roads on the private Teesport Estate. This remains the situation as of today's date. PD remains willing to consider any proposal by the Applicant regarding accessing the private Teesport road network. As outlined in our letter of 14th July, and acknowledged by the legal representatives of the Applicant and again in the recent correspondence from Lichfields, Tenants do not have access rights along the lines of those afforded to the freeholder of what was known in 1964 as the Cleveland Works and Lackenby Works. That does not preclude engagement on the part of either the Applicant or any prospective Tenant should it wish PD to consider any request for access together with associated operational and commercial issues.

Should the Applicant wish to consult with PD on the new planning application, PD would welcome this. The Applicant is also aware of the investment and businesses operating in and around the Teesport Commerce Park and Dockside Road area, and we trust it will recognise the need to not cause any interruption or congestion to this industrial zone. No doubt the appropriate assessment of the traffic impact caused by the development proposal on the A66 and B1513 will be provided.

We would reiterate our support to the remediation of the area under the control of the South Tees Development Corporation, but for this not to be at the detriment of existing businesses and investment decisions on the River corridor.

In the potential absence of the Applicant offering any consultation with PD, we would be grateful for notification from you of the new application and, if applicable, any withdrawal of the current one.

Yours faithfully

A black rectangular box redacting the signature of Michael McConnell.

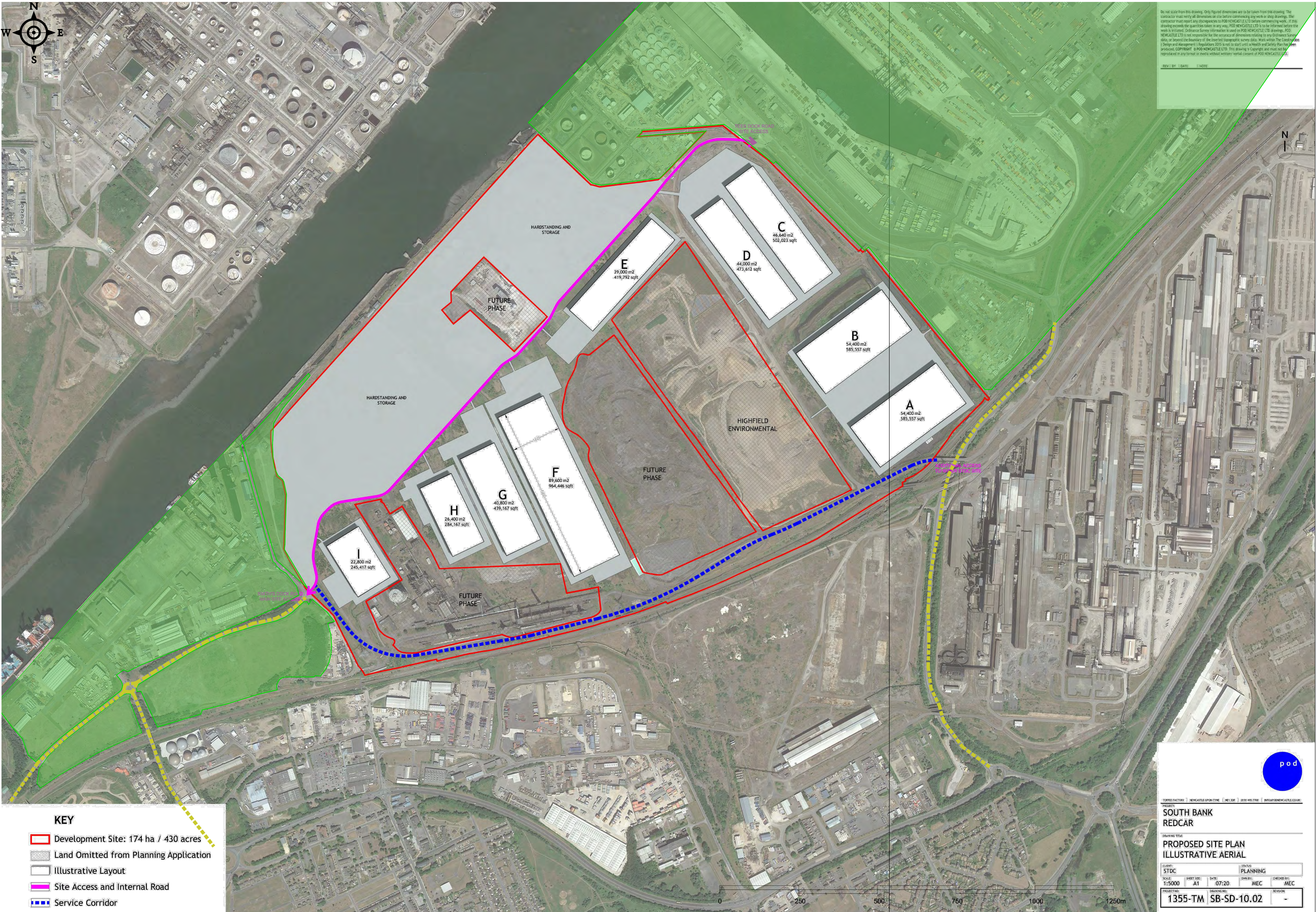
Michael McConnell
Group Property Director

cc. Mrs Justine Matchett, Lichfields (newcastle@lichfields.uk)

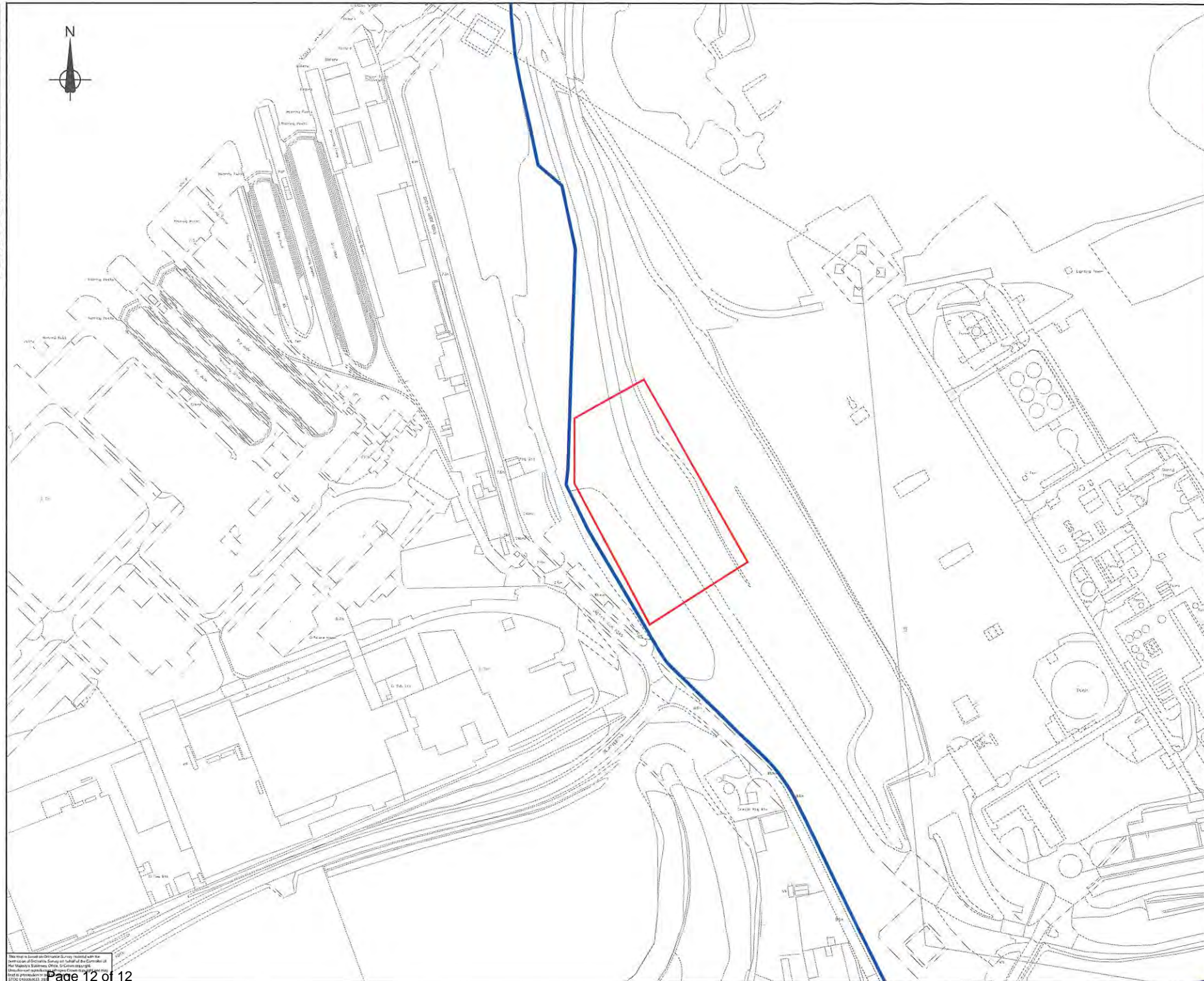
Mr Chris Bell, Operations Directorate
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DO NOT SCALE
0 10 100
Millimetres



- NOTES**
1. DO NOT SCALE FROM THIS DRAWING
- KEY:**
- TEESWORKS LAND OWNERSHIP BOUNDARY WITH PALISADE FENCING
 - PCZ - INITIAL LAND AREA BOUNDARY

FOR INFORMATION ONLY

A	REV	DATE	DESCRIPTION	BY	CHK'D	APP'D

STDC
Teesworks Management Office,
Address: STDC 5000
www.stdc.co.uk

South Tees Development Corporation

Project Title: **TEESWORKS**
The UK's largest industrial zone

Drawing Name: **PRIMARY CUSTOM ZONE INITIAL LAND AREA LOCATION PLAN**

Drawn by: KW Date: SEP 2021
Checked by: JH Date: SEP 2021
Approved by: JMC Date: SEP 2021

Drawing Number: TSWK-STDC-SBK-ZZ-SK-C-0005
Revisions: A

Drawing Scale: 1:1250
Page Size: A1