

**REBUTTAL STATEMENT MADE ON BEHALF OF TARMAC TRADING  
LIMITED BY MR DANIEL WALKER MRICS  
OF DAVID L WALKER LIMITED**

SUBMITTED IN RESPONSE TO REBUTTAL PROOF OF EVIDENCE BY  
ANTHONY GREALLY BA (HONS) DIP TP MRTPI  
ON BEHALF OF SOUTH TEES DEVELOPMENT CORPORATION IN  
RELATION TO THE SOUTH TEES DEVELOPMENT CORPORATION  
COMPULSORY PURCHASE ORDER

**FEBRUARY 2020**

**SECTION 1 INTRODUCTION**

- 1.1 My name is Mr Daniel Walker, I am a Chartered Minerals Surveyor MRICS of fifteen years' experience in the mineral and waste industry. I have been instructed by Tarmac Trading Limited to provide a rebuttal statement in response solely to Section 3 of the rebuttal proof of evidence submitted by Anthony Greally BA (Hons) Dip TP MRTPI ("Mr Greally") on behalf of the South Tees Development Corporation.
- 1.2 I also make this statement in respect of the objections made by Tarmac Trading Limited and East Coast Slag Products Limited, including points raised in Mr Ross Halley's Witness Statement dated 14 January 2020.
- 1.3 Details on the operational and tenure context along with the Objectors use the land proposed to be acquired by CPO has been provided in Mr Halley's Witness Statement and are not replicated.
- 1.4 On a potential procedural matter reference is made to the contents of the Minerals Safeguarding Guidance issued by the Minerals Products Association and the Planning Officers' Society in April 2019. The guidance was prepared to provide practical advice on the implementation of policy for the safeguarding of minerals assets.
- 1.5 Section 4 of this guidance identifies that proposals affecting safeguarded minerals infrastructure sites (including rail depots, wharves, concrete batching plants and asphalt plants) should be supported by a Minerals Infrastructure Assessment. The guidance covers the scenario of partial or total loss of capacity, and the need to provide equivalent replacement capacity elsewhere. Neither circumstances have been developed to the satisfaction of the Objectors at this time.

**SECTION 2 REBUTTAL STATEMENT**

- 2.1 In paragraph 3.1 of Mr Greally's Rebuttal Proof of evidence he refers to points raised on planning policy guidance in the Witness Statement submitted in support of the Objectors by Mr Ross Halley dated 14 January 2020.
- 2.2 At paragraph 3.2 of his rebuttal proof Mr Greally highlights the points made by Mr Halley in the Witness Statement in respect of Section 17 of the NPPF and Planning Practice Guidance (paragraph 006 Reference ID: 27-006-20140306) regarding the safeguarding of minerals assets, specially processing and transportation sites.
- 2.3 Mr Greally then goes on to state at Paragraph 3.3 of his rebuttal proof that the commentary made by Mr Halley is an incorrect interpretation of the NPPF and respective Planning Practice Guidance.

- 2.4 The reference within paragraph 17 of Mr Halley's Witness Statement as noted at Paragraph 2.2 above highlights the importance of mineral processing and transportation facilities such as those existing on the Objectors land and justifies why such facilities should be considered as being safeguarded in national policy terms, irrespective of whether they are currently safeguarded in local planning policy terms or not.
- 2.5 It is acknowledged that safeguarding is a matter for planning authorities to address at the Plan-making stage and this is addressed in Paragraph 10 of Mr Halley's Witness Statement with cross referencing to the NPPF and the Planning Guidance on Minerals that won't be re iterated here.
- 2.6 The Objectors land is not directly safeguarded in the adopted local planning policy documents as providing minerals processing and transportation facilities, despite the respective operations on the Objectors Land being established for over forty years. However, the fact that references are made at a national policy level to the need for local authorities to existing, planned and potential safeguard minerals processing and transportation facilities, highlights the importance and significance of such locations to the sustainable supply of minerals and mineral products.
- 2.7 As a basic principle it should additionally be noted that the existing operations on the Objectors Land are regulated by a number of long-established planning consents that have confirmed the acceptability of minerals development in planning terms at the location of the Objectors land.
- 2.8 At paragraph 3.5 of his Rebuttal Proof Mr Greally goes on to confirm that the Objectors Land is not directly safeguarded as a mineral processing and transportation facility under the adopted Local Development Plan Documents.
- 2.9 The Local Development Plans Documents noted by Mr Greally were produced prior to the adoption of the NPPF and as such were prepared under the provisions of Minerals Policy Statement 1 (MPS1) Planning and Minerals (DCLG, 2006), and similar Planning Policy Statements (PPS). Paragraph 13 of MPS 1 set out national policy on the safeguarding of minerals and included a requirement on planning authorities to **"safeguard existing, planned and potential sites including rail and water served for concrete batching, the manufacture of coated materials, other concrete products and the handling processing and distribute of substitute, recycled and secondary aggregates materials"**. This definition encompasses the full range of operations undertaken by the Objector at Teesport.
- 2.10 Furthermore Paragraphs 34 and 35 of Minerals Practice Guidance (DCLG, 2006) that was published as an accompaniment to MPS 1 also reaffirmed safeguarding policy for minerals storage and transport locations with MPA's being required to **"be alert to the possibilities**
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***of combining such sites with the processing and distribution of recycled and alternative aggregates material”.***

- 2.11 It could therefore be reasonably concluded that the co-location of an industrial or secondary process (such as that within the Occupiers Land), was clearly established under national policy whilst the Local Development Plans Documents noted at paragraph 2.8 above were being produced and remains the case under the modern NPPF regime. It would also appear that there was an opportunity in 2018 in particular to recognise the potential for continued ancillary minerals development at this location irrespective of a connection with the now redundant steel works.
- 2.12 In all time frames (i.e. 2006, 2011 and present day) it will have been widely recognised as “industry best practice” both by the industry and the planning regime that the most sustainable means to supply minerals to secondary process locations (such as coated stone or a ready mixed concrete plant) is to co-locate at a rail or water linked facility (apart from where at an appropriate primary extraction site) as recognised under Paragraph 204 e) of the NPPF where such facilities are grouped as one.
- 2.13 This concept appears to be recognised in part in the adopted Minerals and Waste Policy documents. Firstly in relation to the Minerals and Waste Core Strategy (2011) whilst it is noted that a specific allocation or safeguarding of the Objectors Land is not in place (which given the long established nature of the operations at the site and its locational context is perhaps understandable at that time) Policy MWC1 (e) states that the sustainable use of minerals (and by extension mineral products) should be delivered through ***“safeguarding the necessary infrastructure to enable the sustainable transport of minerals in particular the existing rail and port facilities at Teesport”.***
- 2.14 Section 6 of the adopted Minerals and Waste Core Strategy extends this theme with a specific focus on wharves for landing of marine dredged aggregates, but an underlying theme of the safeguarding sites that enable the sustainable distribution of minerals products. Policy MWC11: states: -
- “Development which is proposed on or in the vicinity of:-***
- a) Tees Dock (Redcar and Cleveland);***  
***b) ...***  
***c) ....; or***  
***d) the existing rail infrastructure in the Tees Valley***
- will only be permitted where it would not prejudice the transportation of minerals resources and waste materials by water and rail.”***
- 2.15 The Objectors already has the benefit of road, water and rail linkages and therefore any alternative use (for instance such as that associated
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with the development for the CPO) should respect the existing rail facilities in the Objectors land and by extension the ancillary minerals facilities provided therein. This is also consistent with Paragraph 182 of the NPPF and the so called “agent of change principle”.

- 2.16 As the blast furnace slag resources available will become exhausted in time, the need to sustainably supply the existing operational and well located concrete and asphalt manufacturing assts by the existing links with the rail infrastructure within the Tees Valley (and within the CPO area) is self-explanatory both in an environmental and commercial context. This applies not only to assets within the Objectors land but also the adjacent third party cement plant which is of national significance in the supply of cementitious materials.
- 2.17 Section 3 of Mr Greallys original Proof of Evidence (January 2020 document ref STDC4/2) sets out some of the appropriate planning policy content of the Redcar and Cleveland Local Plan 2018. The Objectors Land is within the STDC area as defined in the Local Plan, and that within this area specialist uses (entailing heavy processing industries and port logistics) are supported, but with an underlying theme of the Local Plan providing a **“flexible, positive framework for future economic development”**.
- 2.18 The key policy driver is policy ED6 as supported by Supplementary Policy Documents which is understood to provide a general level of policy support for proposals falling within Use Classes B1, B2, B8 and suitable employment related sui generis uses (which can entail facilities for the storage and distribution of minerals). This existing use is clearly referenced at Paragraph 8 of Mr Halleys Witness Statement and is notable as being compliant in principle with Policy ED6.

Signed Daniel Walker MRICS

Dated 12 February 2020.