



Compulsory Purchase Order Proof of Evidence Prepared for

Sahaviriya Steel Industries PCL

TISCO Bank PCL

Krung Thai Bank PCL

Siam Commercial Bank PCL

LAND AT REDCAR STEELWORKS, REDCAR

January 2020

Our Ref: DP/19-02021

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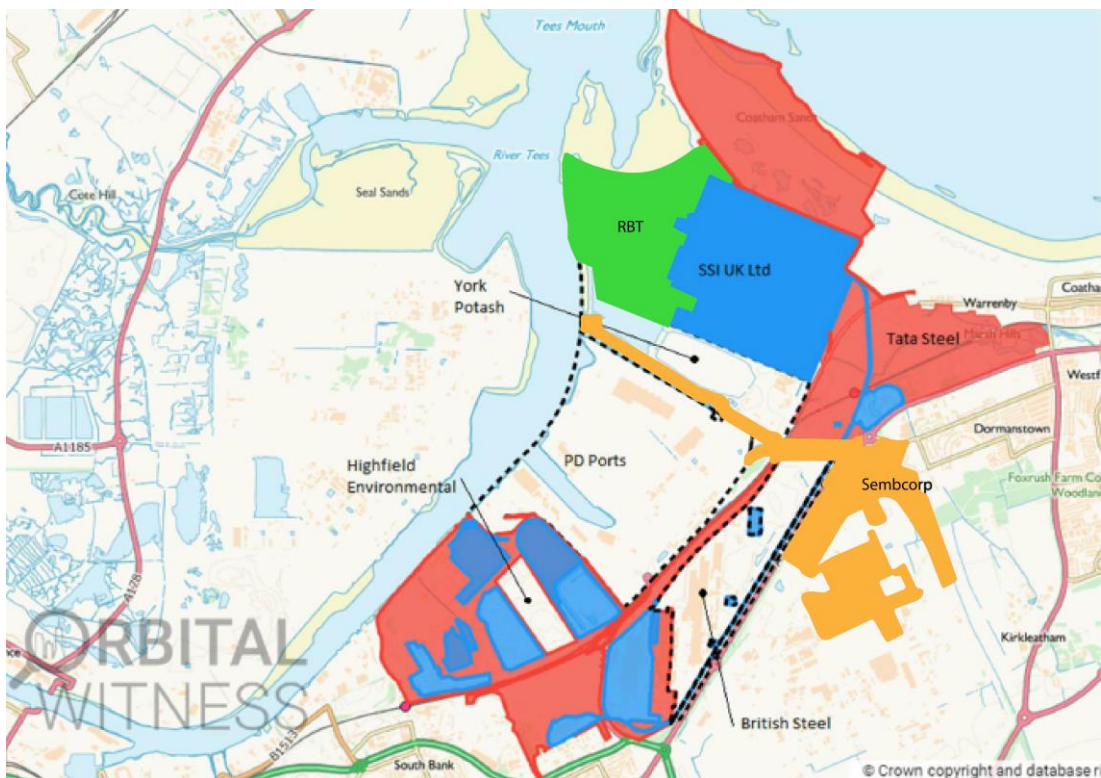
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1 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Duncan Neil Parr. I hold an Honours Degree of Bachelor of Arts (Geography) from the University of Staffordshire and Post Graduate Diplomas in Urban Planning Implementation and Town Planning from the University of Westminster. I am a Member of the Royal Town Planning Institute, a Fellow of the Royal Geographical Society, a Chartered Geographer, a Law Society registered witness and a Member of the Expert Witness Institute.
- 1.2 I am a Planning Partner of Rapleys LLP, my office being 33 Jermyn Street, St. James's, London, SW1Y 6DN. I have over 30 years of Planning Consultancy experience. I have advised a wide range of clients, including developers, land owners, commercial companies, local authorities and voluntary organisations.
- 1.3 My evidence will focus on town planning matters with other witnesses being called to address other aspects of the case.
- 1.4 I have been instructed by Mishcon de Reya, who is acting on behalf of Tisco Bank Public Company Limited, Krungthai Bank Public Company Limited and Siam Commercial Bank Public Company Limited (collectively known as 'the Thai Banks'), and Sahaviriya Steel Industries PCL (SSI PCL).
- 1.5 I am providing evidence at this Inquiry as an independent professional.

2 INTRODUCTION

- 2.1 This Proof of Evidence has been prepared on behalf of the instructing parties in respect of The South Tees Development Corporation's (STDC's) Compulsory Purchase Order (CPO) 2019 (the Order) for Land at the former Redcar Steel Works, Redcar, which was made on 10 April 2019. The Order has been made pursuant to Section 207 of the Localism Act 2011.
- 2.2 The Order Land lies within the STDC Area and comprises approximately 1,752 acres comprising the former Redcar Steel Works, Redcar, which is bounded by a private access road known as Breakwater South Gare to the north, the Trunk Road (A1085) to the east, Tees Dock Road and South Bank to the south and the River Tees and the port to the West.
- 2.3 A plan showing the land held by SSI UK (now under control of the Official Receiver (OR)) is shaded blue in the plan below. Land falling under the control of Redcar Bulk Terminal Limited (RBT) is shaded green and land falling under the control of Tata Steel UK Limited (Tata) is shaded red.



- 2.4 On 9 May 2019, Mishcon de Reya lodged a Notice of Objection to the Order on behalf of the Thai Banks, and another on behalf of SSI PCL. Rapleys have subsequently been instructed to provide advice on Town Planning matters to support this objection, in particular in relation to whether there are any obvious reasons as to why planning permission might be withheld for the alternative Schemes proposed by my client.
- 2.5 The body of my evidence, contained in the forthcoming sections of this document, covers the following:
1. Site and Surroundings
 2. Planning History
 3. Planning Policy Context
 4. Potential Alternative Uses
 5. Scheme A - Need For Planning Permission
 6. Scheme A - Principle of Development

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7. Scheme A - Development Control Considerations
 8. Scheme A - Other Materially Relevant Considerations
 9. Scheme A - Concluding Comments
 10. Scheme B - Need for Planning Permission
 11. Conclusion

3 SITE AND SURROUNDINGS

DEFINING TERMS

3.1 Throughout this Proof, I refer to several different areas of land. They are defined as follows:

- **STDC Area** - the land in full lying within the jurisdiction of STDC, the red line for which serves as the foundation for the South Tees Regeneration Master Plan 2019 dated November 2019. It contains (but is not fully described by) all Order Land and RBT Land;
- **Order Land** - all plots of land subject to the Order, as identified by the Order Maps, wholly contained within the STDC Area;
- **SSI Land** - the land held by SSI UK, now under the control of the OR, wholly contained within the Order Land;
- **RBT Land** - the land held by RBT, marked green in the plan above. This lies outside the Order Land;
- **North Industrial Zone (NIZ) Land** - the land as defined within South Tees Regeneration Master Plan. This includes the RBT Land, and Plots 1, 2 & 3 of the Order Land the relevant extract of the November 2019 Master Plan is at **Appendix 4**;
- **Scheme A Land** - the land required to deliver Scheme A, as instructed by my client;
- **Scheme B Land** - the land required to deliver Scheme B, as instructed by my client.

3.2 The land required for each Scheme, as instructed by my client, is set out below. Numbers relating to the plots are as identified by the Order Maps.

- Scheme A (the RBT proposal) requires plots 1, 2 & 3 of the Order Land and the RBT Land;
- Scheme B (the Steelmaking proposal) requires all of the land required for iron and steelmaking .

3.3 To clarify the issue of interest and ownership: for reasons set out by our instructing solicitors in both Notices of Objection to the order (issued on behalf of the Thai Banks and SSI PLC) dated 9 May 2019, the Thai Banks are the ultimate beneficiaries of registered charges covering plots 1, 2, 3, 20, 37, 44, 45, 51, 66, 67, 69, 70, 71, 80, 81, 107, 145, 146, 148, 150, 154, 157, 158, 159 and 166.

ORDER LAND AND USE CLASSES

3.4 The SSI Land was used for iron and steel production until 2015 and I therefore consider that it falls within Use Class B2 (General Industry). I consider those parts of the SSI Land which might be considered under another use (such as the office building known as Steel House) to be ancillary to the principal B2 use.

3.5 The RBT Land is in use as a port. I consider this to be a Sui Generis planning use.

WIDER CONTEXT

3.6 The STDC Area is located within the administrative boundary of Redcar and Cleveland Borough Council, in the ward of Dormanstown.

3.7 The nearest town to the STDC Area is Redcar, which is located approximately 1.6km to the east. Middlesbrough and Stockton-On-Tees are located approximately and respectively five and 12 kilometres to the west. The land within and surrounding the STDC Area has little residential development, and is predominantly industrial/commercial.

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- 3.8 The major industrial complex of Wilton International is to the direct south of the STDC Area. To the north across the River Tees is Seal Sands where more industrial development is present.
- 3.9 The STDC Area has two significant port facilities: RBT and PD Teesport. It is in one of the UK's major export regions.
- 3.10 Development on the SSI Land includes large-scale plant and buildings that were previously used for iron steelmaking.

NATIONALLY SIGNIFICANT DESIGNATIONS

- 3.11 To the northeast of the STDC Area are South Gare and Cotham Sands. They are both part of the Teesmouth and Cleveland Coast Special Protection Area (SPA). The STDC Area is within the 6km buffer zone for the SPA.
- 3.12 An SPA is a designation under the European Union Directive on the Conservation of Wild Birds.
- 3.13 The north-eastern boundary of the STDC Area is conterminous with the Teesmouth and Cleveland Ramsar site (the 'Ramsar site').
- 3.14 A Ramsar site is a wetland site designated to be of international importance under the Ramsar Convention.

LOCALLY SIGNIFICANT DESIGNATIONS

- 3.15 The STDC Area is within:
- a 30km wind farm safeguarding area;
 - a general location for large waste management facilities; and
 - a minerals safeguarding zones for gypsum and salt.
- 3.16 Both South Gare and Cotham Sands are also locally designated environmental and community assets.

4 PLANNING HISTORY

- 4.1 Rapleys have received the results of a Land Charges search from Redcar and Cleveland Council to establish the planning history of the SSI Land and the RBT Land.
- 4.2 This information was received in November 2019.
- 4.3 A full planning history schedule and plan have been included at **Appendix 1** for reference.
- 4.4 Of relevance are the two Development Consent Orders, one for the York Potash Harbour Facilities (granted permission 20 July 2016) and the other for Teesside Cluster Carbon Capture and Usage project (for which the submission of an application is expected in 2020). Both of these sites are within the Scheme A Land.
- 4.5 I will make reference to this schedule in the later sections of this evidence as appropriate.

5 PLANNING POLICY CONTEXT

5.1 I have undertaken a full planning policy review, which is included at **Appendix 2** of this evidence.

5.2 This section provides an overview and summary of relevant planning policy.

DEVELOPMENT PLAN

5.3 The starting point for the determination of any planning application is section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, which confirm that planning decisions must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

5.4 In this case, the Order Land falls within Redcar and Cleveland Borough Council Local Authority Area.

5.5 The Redcar and Cleveland Development Plan consists of the following:

- Redcar and Cleveland Local Plan - Adopted May 2018; and
- Tees Valley Joint Minerals & Waste Development Plan Documents;
 - Minerals and Waste Core Strategy Development Plan Document (DPD) - Adopted September 2011; and
 - Minerals and Waste Policies and Sites Development Plan Document (DPD) - Adopted September 2011.

EMERGING POLICY

5.6 Redcar and Cleveland Council currently have no emerging planning policy that requires consideration.

LOCAL GUIDANCE

5.7 Alongside the Redcar and Cleveland Development Plan sit the following documents, which are material considerations in the determination of planning applications:

- South Tees Area Supplementary Planning Document (SPD) - adopted May 2018; and
- South Tees Regeneration Master Plan - first published for consultation in October 2017, adopted in March 2019, and updated in November 2019.

NATIONAL GUIDANCE

5.8 Relevant national planning policy and guidance comprises:

- National Planning Policy Framework (February 2019); and
- National Planning Practice Guidance (January 2020).

SUMMARY

5.9 The key points to be drawn from the policy review included within **Appendix 2** are as follows:

- **Promoting Economic Growth (NPPF p.80-82, Policy ED6; STDC4)** - The Development Plan for Redcar and Cleveland, Local Guidance and National Policy and Guidance all

place a strong emphasis on the promotion of economic growth and the creation of new employment opportunities through regeneration. Proposals falling within Use Classes B1, B2, B8 and suitable employment-generating employment-related sui generis uses will be supported in the STDC Area.

- **Regeneration (Policy LS4; STDC1, STDC2, STDC3, STDC11)** - There is overarching support in both the Development Plan and Local Guidance for the regeneration of the South Tees Area. It is highlighted that this should be done on a comprehensive basis to realise the potential of the area, and that expansion of existing operators and development proposals which increase the attraction of the South Tees Area will be supported. This is supported by national guidance, which promotes effective use of land.
- **Occupier / Market Led Development (Policy LS4)** - Whilst local guidance, in the form of the South Tees Area SPD and the South Tees Corporation Master Plan, set out a vision as to how the STDC Area can be regenerated, it is identified that this guidance should be viewed as a flexible framework with a live master plan that: is subject to revision in response to changing policy, economic and market conditions; should reflect consultation feedback; and should accommodate firm investor interest aligned to the strategy. It is recognised that occupier requirements are likely to be key in regenerating the area.
- **General Development Principles (Policy SD4)** - The Development Plan and associated guidance identifies that development proposals must take account of and make an appropriate response to all relevant technical and development control considerations, including:
 - Highways and Infrastructure (NPPF p.102-111; Policies MWC10, MWC11, TA3, TA2, TA1; STDC5);
 - Design (NPPF p.124-132);
 - Flood Risk and Drainage (NPPF p.148-169; Policy SD7);
 - Ecology and Biodiversity (Policy N4);
 - Impact on Amenity (Policy N1);
 - Air Quality; and
 - Heritage (NPPF p.184-202; Policy HE2; STDC8).
- **Environment (NPPF p.170-183; Policy N2; STDC7)** - The Development Plan for Redcar and Cleveland, Local Guidance, and National Policy and Guidance state that any development proposal should avoid adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site, and other European designated nature conservation sites.

6 POTENTIAL ALTERNATIVE USES

- 6.1 I have been asked to assess whether there are any obvious reasons as to why planning permission might be withheld for the development of Schemes A and B.
- 6.2 SSI and the Thai Banks, in consultation with third parties, have devised development proposals for the Order Land that would deliver STDC's objectives (as expressed within the November 2019 Master Plan) for the STDC Area. These can be delivered without compulsory purchase. These proposals also meet the requirements of local policy and the SPD.
- 6.3 As I set out below, there are no obvious reasons in planning terms to believe that these Schemes cannot come forward and - where necessary - be granted planning permission.

ALTERNATIVE DEVELOPMENT PROPOSALS

Scheme A - RBT Expansion

- 6.4 Scheme A proposes comprehensive redevelopment across the whole of the NIZ Land. It requires Plots 1, 2 & 3 of the Order Land as well as the RBT Land. I am instructed that SSI and the Thai Banks are able to gain control over the RBT Land, thereby bringing all four plots into single ownership/control. My client can therefore deliver the comprehensive and cohesive redevelopment of the NIZ Land. It provides direct access to the river via the deep-water port, and is consequently of significant strategic value to the STDC Area.
- 6.5 I have been instructed that my client has been in active discussions with Jingye regarding an aspiration to use the deep-water port to bring in bulk materials, which would then be transferred via rail to the steelworks in Scunthorpe.
- 6.6 An indicative masterplan proposal plan for Scheme A is set out in **Appendix 3**. The masterplan is indicative so that it has sufficient flexibility to allow for changes in capacity, expansion of the port, a final decision on whether the heritage site is required, and to reflect current uncertainty as to whether the Carbon Capture proposal will come forward and be developed. In this flexibility it echoes the South Tees Regeneration Master Plan. In summary Scheme A proposes:
- Retention and expansion of RBT;
 - A new wharf along the southwest shore of the RBT Land, which will allow bulk materials to be imported, stored, and exported;
 - The north east section of the site to be use for port-related industry, and storage and distribution;
 - The south eastern section of the site being used for Manufacturing / Energy Uses, allowing for the carbon capture and usage project proposed by OGCI Investments Holdings LLP to be accommodated, if it comes forward; and
 - Provision of a heritage site on the location of the blast furnace, as indicated in the South Tees Regeneration Master Plan.
- 6.7 The proposed uses for Scheme A would be Sui Generis and/or B2/B8.

Scheme B - Reintroduction of Iron and Steelmaking

- 6.8 Scheme B proposes the reintroduction of iron and steelmaking to South Tees using existing infrastructure on Scheme B Land. I am instructed that there is no need for additional development to take place on the land in order to achieve this.

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- 6.9 I have assessed whether there are any considerations - in planning terms - that would present a challenge to the likelihood of either scheme being consented.

7 SCHEME A - NEED FOR PLANNING PERMISSION

LAND USE

7.1 The lawful existing use of the RBT Land is Sui Generis; of Plots 1, 2 & 3 of the Order Land it is B2. Material changes to these uses would require planning permission for a change of use.

7.2 As the proposals involve significant portions of land, I do not believe that any of the development proposals will fall within the confines of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (hereafter GPDO).

7.3 Permission would be required as follows:

- Sui Generis (port) use on RBT Land would not require planning permission. Port use on Plots 1, 2 & 3 of the Order Land would require planning permission.
- B2 use on the RBT Land would require planning permission, but not on Plots 1, 2 & 3 of the Order Land.
- B8 use on the RBT Land and/or Plots 1, 2 & 3 of the Order Land would require planning permission.

7.4 The table below shows this more clearly:

	RBT Land	Plots 1, 2 & 3 of Order Land
Lawfully Existing Use	Sui Generis (Port)	B2
Proposed SG (Port) use	Lawful	Permission required
Proposed B2	Permission required	Lawful
Proposed B8	Permission required	Permission required

BUILT STRUCTURE

7.5 Any form of development not covered by Schedule 2 of the GPDO (and therefore not granted permission by Article 3) requires the grant of planning permission if it is to be undertaken lawfully.

7.6 The delivery of Scheme A involves development not covered by Schedule 2, and planning permission will therefore be required.

7.7 I have assessed the acceptability, in planning terms, of Scheme A against two considerations: those of principle and development management.

7.8 S.70(2) of the Town and Country Planning Act 1990 states:

In dealing with an application for planning permission or permission in principle the authority shall have regard to—

- (a) the provisions of the development plan, so far as material to the application,*
- (aa) any considerations relating to the use of the Welsh language, so far as material to the application;*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations.*

7.9 S.38(6) of the Planning and Compulsory Purchase Act 2004:

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 7.10 Material aspects of the development plan, alongside other material considerations, are set out in **Section 5** and **Appendix 3**.

8 SCHEME A - PRINCIPLE OF DEVELOPMENT

8.1 Scheme A would be chiefly assessed against *Policy LS4 - South Tees Spatial Strategy* and *Policy ED6 - Promoting Economic Growth* of the Redcar and Cleveland Local Plan.

8.2 Policy LS4 emphasises:

- supporting the regeneration of the STDC Area by implementing the South Tees Area SPD;
- taking a lead role in supporting the future regeneration of former steel sites;
- supporting the expansion and protection of the port and logistics sector;
- continuing development on general industrial and business estates;
- improving the existing employment areas;
- supporting development related to Sirius Minerals' North Yorkshire Polyhalite project (known as York Potash); and
- supporting the existing steel industries.

8.3 Scheme A:

- proposes the regeneration and improvement of the NIZ Land (a former steel site);
- seeks to expand the port use;
- introduces additional port-related industry for bulk storage (including that associated with iron and steelmaking), general storage, and distribution;
- redevelops a general industrial estate;
- supports and makes provision for the delivery of the York Potash project;
- supports and makes provision for the Carbon Capture DCO; and
- supports the existing steel industry by providing bulk transit and storage for Jingye's operations in Scunthorpe.

8.4 In my opinion, Scheme A meets the key policy aims of Policy LS4 in general terms. The proposed uses would deliver economic growth and job opportunities, and is capable of supporting the existing steel industry.

8.5 Policy ED6 states:

- land and buildings within existing industrial estates will continue to be developed and safeguarded for employment uses;
- heavy processing industries and port logistics will be focused in *inter alia* Land at South Tees;
- Use Classes B1, B2, B8 and suitable employment related sui-generis uses will be supported at Land at South Tees; and
- proposals will need to demonstrate no adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site.

8.6 Scheme A:

- seeks to develop an existing industrial estate;
- proposes increased port logistics uses; and
- proposes uses all of which fall within those permitted by Policy ED6.

8.7 With regard to the SPA and Ramsar site considerations, it should be noted that the baseline position for any impact is the existing use of the Scheme A Land as an operating port for bulk materials, and as a steel works.

8.8 In the event that Scheme A was deemed to be likely to have a significant effect on the SPA and/or the Ramsar site, an Appropriate Assessment would be required. In this regard there is no distinction between Scheme A and the development anticipated by the South Tees Regeneration Master Plan.

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- 8.9 On the understanding that Scheme A will not have an adverse effect on the integrity of the designations, I consider that the principle of the uses identified in Scheme A broadly complies with Policy ED6.
- 8.10 Having set the principle of Scheme A against the key strategic policies of the development plan, I consider that the proposal is acceptable in planning terms.

9 SCHEME A - DEVELOPMENT CONTROL CONSIDERATIONS

9.1 Development control considerations include *inter alia*:

- Highways and Infrastructure;
- Design;
- Flood Risk & Drainage;
- Ecology and Biodiversity;
- Impact on Amenity;
- Air Quality; and
- Heritage.

9.2 To secure planning permission, Scheme A will need to demonstrate compliance with relevant development control policies within the Development Plan.

9.3 There is, in my view, no obvious reason why planning permission might be withheld for Scheme A on any grounds relating to development control.

POTENTIAL NEED FOR AN EIA

9.4 Given the nature and extent of Scheme A, an EIA may be needed in support of any planning application or Development Consent Order (such as the Carbon Capture DCO). This applies both to the Scheme A proposals and those within the South Tees Regeneration Master Plan.

9.5 The EIA Screening Opinion for the Carbon Capture and Usage Project proposed by OGCI Investments Holdings LLP (ref. R/2019/0124/DCO), states an EIA is required for that project and sets out the key topics which would need to be covered.

9.6 The baseline position for assessing the impact of any future proposal is the existing use (in this case an operating port for bulk material, and a steel works).

9.7 Existing lawful development and uses on Plots 1, 2 & 3 of the Order Land are highly intrusive, being related to iron and steelmaking, and have a negative impact on the wider surrounding area.

9.8 When compared to these existing uses, I consider that Scheme A's proposals for Plots 1, 2 & 3 of the Order Land should be viewed favourably. They are less intrusive, and will not give rise to the same adverse impacts as those engendered by the existing lawful use.

9.9 Another baseline is the South Tees Regeneration Master Plan proposals. I consider the Scheme A proposals will have no greater impact, and are therefore as acceptable as those put forward in that document (the details of which are covered below).

HIGHWAYS AND INFRASTRUCTURE

9.10 Any planning application for the uses set out in Scheme A would need to demonstrate that there would be no significant adverse impacts on the highways network, or cause highway safety issues, as a result of the development coming forward.

9.11 The starting point for any such Transport Assessment would be a comparison between the impact of Scheme A and that of the current lawfully permitted use. For reasons set out in **Section 12**, I do not consider the steelworks to be abandoned, and that therefore such comparison is justified in planning terms. The existing use of the RBT Land is Sui Generis (port related). These plots comprise the Scheme A Land in full.

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- 9.12 What impact Scheme A would have on the highway would depend upon the specifics of on-site operation. However, it is clear from Policy LS4 and Policy ED6 that port-related industry and employment uses are very much supported within this location.
- 9.13 Whilst such uses are likely to have some form of highways impact, it is clear that this location has been identified for these uses. It is therefore reasonable to suggest that traffic associated with these uses is not likely to render Scheme A unacceptable. Depending upon the intensity of such uses and their operation, it may be necessary to consider whether any infrastructure upgrades are required to support the uses.
- 9.14 Operations under Scheme A will rely heavily on material being distributed via the port and existing rail network. This will limit any impact of Scheme A on the highway network.
- 9.15 A proposal would need to be assessed in detail as part of any planning application. It would need to demonstrate compliance with Policies SD4, TA1, TA2 and TA3 of the Redcar and Cleveland Local Plan. There is, in my opinion, no obvious reason why planning permission might be withheld on highway grounds.

DESIGN

- 9.16 It is anticipated that the design of any required built development is likely to be led by operational requirements.
- 9.17 As set out above, Policies LS4 and ED6 support:
- the development of employment and industrial uses;
 - the expansion of port-related industries; and
 - the introduction of new energy-related uses.
- 9.18 All these uses have specific operational requirements that limit the flexibility of any design.
- 9.19 In general terms, I consider the design of any built development associated with Scheme A to be acceptable in planning terms.
- 9.20 The character of the wider area is typified by large scale industrial uses. This is the context within which any proposal will be considered in design terms.
- 9.21 The visual impact of any new built development would also need to be assessed in the context of its location within the Scheme A Land.
- 9.22 Policy SD4 of the Redcar and Cleveland Local Plan identifies that proposals should seek to enhance the character of development sites and their surroundings in terms of design and quality. When compared to the existing lawful development on the Scheme A Land, I consider that a proposal for Scheme A would demonstrate compliance with this and other relevant policy.
- 9.23 There is no obvious reason why planning consent would be withheld on design grounds.

FLOOD RISK & DRAINAGE

- 9.24 The majority of the Scheme A land is within Flood Zone 1 (lowest risk of flooding). Areas located immediately adjacent to the river are identified as being at risk of tidal flooding by the Environment Agency.

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- 9.25 A planning application for Scheme A will need to demonstrate that the proposals will not increase the risk of flooding elsewhere, and that appropriate drainage provision can be provided. This is set out in Policy SD7 of the Redcar and Cleveland Local Plan.
- 9.26 Because the Scheme A Land is located predominantly within Flood Zone 1, I do not anticipate flood risk/drainage considerations being likely obstacles to securing permission. I further consider that a development proposal for Scheme A can demonstrate compliance with relevant policy and flood risk requirements.
- 9.27 Detailed work will need to be undertaken on the potential expansion of RBT if this changes the configuration of the port and impacts directly upon the river.
- 9.28 There is no obvious reason why planning consent would be withheld on flooding grounds.

ECOLOGY AND BIODIVERSITY

- 9.29 The Scheme A Land is located adjacent to the Ramsar site and in close proximity to Teesmouth and Cleveland Coast SPA. These are internationally important areas of ecological and biodiversity interest.
- 9.30 Any development proposals relating to Scheme A will need to demonstrate that there would be no adverse impacts on these designations as a result of the proposed development coming forward. In the event that a significant impact is likely, an Appropriate Assessment will be required to show that the impact will not be adverse.
- 9.31 Policy N4 of the Redcar and Cleveland Local Plan states that development not directly related to the management of an internationally designated site, and which is likely to have a significant effect on an internationally designated site (irrespective of its location, and when considered both alone and in combination with other plans and projects), will be subject to an Appropriate Assessment.
- 9.32 In these cases, development will be allowed only where it can be determined through Appropriate Assessment at the design stage that, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects.
- 9.33 As proposed, I consider that Scheme A will have a lesser impact on the SPA and Ramsar sites than the existing steelworks. It thus improves the Scheme A Land's relationship with the Ramsar site and the SPA, and should therefore be viewed positively.
- 9.34 The currently pending extension to the Ramsar Site will bring the Ramsar Site boundary closer to the boundary of the Scheme A Land. This could impact upon future development near to that boundary, as any potential impact will need to take into account the greater closeness of the Ramsar site boundary.
- 9.35 It is envisaged that the north eastern section of the Scheme A Land will be used for port related industry, storage and distribution. This will minimise the impact of development on the SPA and Ramsar Site by acting as a buffer between the storage of dirtier bulk materials in the area and the ecologically sensitive sites nearby.
- 9.36 I do not consider the Scheme A proposal likely to have an adverse impact upon the Ramsar Site or the SPA. Any application will need to be formally consider this, alongside appropriate boundary treatments.
- 9.37 When assessed against the existing lawful use on the site, I consider that the impact of Scheme A on the Ramsar Site and the SPA will be neutral.

- 9.38 There is no obvious reason why planning consent would be withheld on ecology/biodiversity grounds.

IMPACT ON AMENITY

- 9.39 In accordance with Policy SD4 of Redcar and Cleveland Local Plan, any planning application for Scheme A will need to consider its impact on the amenity of the wider surrounding area.
- 9.40 As with transport considerations, the starting point for any such assessment would be a comparison between the impact of Scheme A and that of the current lawfully permitted use. For reasons set out in **Section 12**, I do not consider the steelworks to be abandoned, and that therefore such comparison is justified in planning terms. The existing use of the RBT Land is Sui Generis (port related). These plots comprise the Scheme A Land in full.
- 9.41 Policies LS4 and ED6 support the development of employment and industrial uses, the expansion of port-related industries, and the introduction of new energy-related uses. There is an amenity impact associated with those uses supported in policy. These uses are much less intrusive, and have a much lower overall impact, than the existing lawful iron and steelmaking use.
- 9.42 Whilst a development proposal will need to be assessed on its own merits, I do not consider - in general terms - that amenity impact considerations are likely to present a significant obstacle to a planning application for Scheme A.
- 9.43 There is no obvious reason why planning consent would be withheld on amenity impact grounds.

AIR QUALITY

- 9.44 Development proposals for Scheme A will need to consider the impact on Air Quality upon the wider surrounding area.
- 9.45 As with transport and amenity considerations, the starting point for any such assessment would be a comparison between the impact of Scheme A and that of the current lawfully permitted use. For reasons set out in **Section 12**, I do not consider the steelworks to be abandoned, and that therefore such comparison is justified in planning terms. The existing use of the RBT Land is Sui Generis (port-related). These plots comprise the Scheme A Land in full.
- 9.46 It is likely that an Air Quality Impact Assessment for Scheme A would be required to confirm potential impact on air quality, over and above the base position set by the lawfully existing uses.
- 9.47 RBT currently imports and stores bulk material for various industries within the region. The storage of this bulk material has potential impacts, as it is understood that loose material can often be displaced by high winds. Scheme A's proposed expansion of the port and makes provision for a specific area within which bulk materials storage would be located. Measures to appropriately manage the storage of this bulk material would need to be put forward as part of any development proposal. Such management can appropriately contain material to ensure that there is not an unacceptable impact on adjacent land.
- 9.48 There is no obvious reason why planning consent would be withheld on air quality grounds.

HERITAGE

- 9.49 A development proposal for Scheme A would need to consider heritage assets located either within or in close proximity to the Scheme A Land. A review of Historic England's online map indicates that there are no statutorily designated heritage assets in the vicinity.
- 9.50 There is an aspiration within the South Tees Regeneration Master Plan for the Redcar Blast Furnace to be retained, though it has no heritage designation at present. The Blast Furnace is located within the Scheme A Land, and the opportunity for its retention would need to be reviewed as part of any detailed proposal.
- 9.51 There is no obvious reason why planning consent would be withheld on heritage grounds.

OTHER MATTERS

- 9.52 There is no obvious reason why planning consent would be withheld on any other grounds relating to development management.

10 SCHEME A - OTHER MATERIALLY RELEVANT CONSIDERATIONS

10.1 In addition to the policies contained within the Redcar and Cleveland Development Plan, the following documents are also relevant to any assessment of development proposals on the Scheme A Land:

- The South Tees Area Supplementary Planning Document (SPD), adopted May 2018;
- The South Tees Regeneration Master Plan, adopted March 2019 and updated in November 2019; and
- the National Planning Policy Framework (NPPF), published February 2019, and its associated guidance.

SOUTH TEES AREA SPD

10.2 The South Tees Area SPD supports the economic and physical regeneration of the South Tees Area, setting out the vision and core objectives for the area and providing greater detail on the adopted planning policies.

10.3 The document principally seeks to guide the implementation of Local Plan Policies LS4 and ED6, which have been addressed above.

Principles of the SPD

10.4 Development Principle STDC1: Regeneration Priorities - the Council will, in partnership with the STDC, seek to achieve the comprehensive redevelopment of the South Tees Area in order to realise an exemplar world class industrial business park.

10.5 Development Principle STDC2: Land Assembly and Delivery - a comprehensive approach to development will be promoted and that development that has the potential to stymie or prevent further phases of development, or to reduce the market demand for land to be taken up, and/or to adversely affect the ability to provide infrastructure essential to the delivery of later phases of development/occupation, will be resisted.

10.6 Development Principle STDC4: Economic Development Strategy - the Council will, in partnership with the STDC, support the growth and expansion of existing operators and development proposals which increase the attraction of the South Tees Area for new users. Support will also be given for large and small scale employment uses.

10.7 Development Principle STDC11: North Industrial Zone - This encompasses the NIZ Land. In this area development proposals relating to port-related industry, major space users/large-scale manufacturing, energy innovation, power generation and storage, bulk materials and mineral processing will be encouraged.

Scheme A assessed against SPD

10.8 In my opinion, Scheme A complies with the aims of all materially relevant development principles within the SPD:

- Scheme A seeks comprehensive development, as sought by STDC1 and STDC2;
- The proposed growth and expansion of the existing port operations meets the objectives of STDC4; and
- The uses proposed by Scheme A match those sought by STDC11.

10.9 There is no obvious reason why planning consent would be withheld on grounds of non-compliance with the SPD.

SOUTH TEES REGENERATION MASTER PLAN

- 10.10 South Tees Regeneration Master Plan was prepared throughout 2017 by STDC as a supporting visioning and development strategy document to inform the preparation of the SPD. It was published for consultation on 18 October 2017. A slightly updated version was adopted in March 2019, with minor further revisions made in November 2019.
- 10.11 The Master Plan is clear in stating that the Redcar & Cleveland Borough Council Local Plan and the SPD (both adopted in May 2018) form the planning framework against which planning decisions will be made within the STDC Area. The Master Plan is intended to set out how the STDC thinks the SPD's aims could be realised. It is a materially relevant consideration for any planning decision.
- 10.12 The Master Plan seeks to provide a flexible framework for realising successful socio-economic regeneration of the STDC Area (set across a necessarily long timeframe), while at the same time seeking to improve economic growth across the wider Tees Valley area. It is a live document that may be subject to revision in response to: changing policy, economic, and market conditions; consultation feedback; and/or evidence of firm investor interest for redevelopment in the STDC Area.
- 10.13 The Master Plan's overall vision is for the area to be transformed into a world class example of a modern, large-scale industrial business park by providing a flexible development framework where land plots can be established in a variety of sizes to meet different occupier needs in the most efficient manner possible.
- 10.14 As per the SPD, the Master Plan seeks the comprehensive redevelopment of the area. Comprehensive development in the manner set out within the Master Plan aims to ensure that the area has a unique selling point centred upon its proximity to water and excellent port facilities.
- 10.15 The Scheme A Land approximates to the NIZ Land as defined within the South Tees Regeneration Master Plan. The principal objective of the Master Plan is to encourage industrial uses on the NIZ Land, and an aspirational breakdown of uses is included:
- Bulk Terminal and Port-related Industry (75 acres);
 - Industrial - Advanced Manufacturing (378 acres);
 - Industrial - Bulks and other processing (100 acres);
 - Industrial - Offshore Fabrication (40 acres);
 - Power & Energy (235 acres); and
 - Open Space & Heritage (20 acres).
- 10.16 The NIZ Land is also proposed as a Special Economic Zone. If this were implemented, different business/trade rules would apply within the NIZ Land as compared to the rest of the country. This is in order to encourage foreign investment into the area.
- 10.17 Scheme A broadly accords with the vision set out for the Northern Industrial Zone within the South Tees Regeneration Master Plan. There is no reason why, under Scheme A, the NIZ Land could not still be designated as a Special Economic Zone.
- 10.18 The RBT deep-water access to the River Tees is unique. It is reasonable to assume that the Master Plan envisages that much of the land would be taken by occupiers seeking to operate in-conjunction with the port.
- 10.19 Scheme A has the intention that RBT would be expanded.
- 10.20 Scheme A would see the southern part of the Scheme A Land used for the storage and distribution of bulk material associated with iron and steelmaking. This material would be

brought in via the deep-water port and then distributed appropriately to the required destination.

- 10.21 The north eastern part of the Scheme A Land would be use for port-related industry, storage and distribution, capitalising on the unique nature of the deep-water port, which is the only such port in the region.
- 10.22 The south eastern part of the Scheme A Land has been earmarked for manufacturing and energy uses, and has the ability to accommodate the carbon capture and usage project proposed by OGCI Investments Holdings LLP.
- 10.23 All the options set out within the South Tees Regeneration Master Plan includes a Heritage Site. This is to allow for the retention of the Redcar Blast Furnace as a landmark feature, serving as a reminder of the area's former use. Scheme A includes provision for this feature.
- 10.24 In these terms, it is considered that proposals for Scheme A can demonstrate broad compliance with the South Tees Regeneration Master Plan.
- 10.25 There is no obvious reason why planning consent would be withheld on grounds of non-compliance with the Master Plan.

NATIONAL PLANNING POLICY FRAMEWORK

- 10.26 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. It is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 10.27 Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.28 Paragraph 82 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 10.29 Proposals for Scheme A have the ability to create a significant number of jobs. The NPPF is clear that this should be given significant weight in the determination of any planning application.
- 10.30 Further, the NPPF supports the principle of locational requirements of different sectors. In this case, the deep-water port is unique to the region. Scheme A seeks to expand and build upon the offer provided by RBT and should be supported in these terms.
- 10.31 In this regard, it is considered that there is general support in the NPPF for Scheme A.
- 10.32 There is no obvious reason why planning consent would be withheld on grounds of non-compliance with the NPPF.

11 SCHEME A - CONCLUDING COMMENTS

- 11.1 As set out above, the starting point for the determination of any planning application is S.70(2) of the Town and Country Planning Act 1990 and S.38(6) of the Planning and Compulsory Purchase Act 2004.
- 11.2 In this case, the two key policies in the determination of a planning application are Policies LS4 and ED6. I consider that proposals for Scheme A comply with the requirements set by these policies and with the Development Plan in principle.
- 11.3 Development control considerations have been reviewed in detail. Subject to appropriate scheme design and assessment, I consider that such considerations can be appropriately addressed through a planning application for proposals relating to Scheme A.
- 11.4 The question for any decision maker is therefore whether there are any material considerations which indicate that an application as proposed should not be determined in accordance with the Development Plan.
- 11.5 Firstly, it should be noted that the NPPF is generally supportive of Scheme A in that it advises significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 11.6 In addition, Scheme A is in general compliance with the key development principles set out within the South Tees Area SPD and the aims of the South Tees Regeneration Master Plan for the Northern Industrial Zone.
- 11.7 Therefore, in addition to Scheme A proposals being capable of being deemed to accord with Policies LS4 and ED6, and with the Development Plan in principle, there are also material considerations in favour of Scheme A in the form of the NPPF, and in the guidance set out within both the SPD and the Master Plan.
- 11.8 There is therefore no obvious reason why planning consent would be withheld on any grounds.

12 SCHEME B - NEED FOR PLANNING PERMISSION

- 12.1 Scheme B is for the reinstatement of iron and steelmaking on the SSI Land.
- 12.2 I am instructed that iron and steelmaking process would be the same as the existing lawful use, and would require all the land identified as Scheme B Land in **Section 3**.

LAND USE

- 12.3 The Scheme B Land was previously used for iron and steelmaking, and based on a review of the planning history for the SSI Land (which includes the Scheme B Land), I have no reason to believe that this use (Use Class B2) was unlawful at the time that iron and steelmaking was last taking place.
- 12.4 Provided the use has not been abandoned, there will therefore be no need to seek planning permission to re-instate it.

Abandonment Considerations

- 12.5 The mere cessation of a use does not constitute abandonment, but if a building or land “remains unused for a considerable time, in such circumstances that a reasonable man might conclude that the previous use had been abandoned”¹ then the concept of abandonment applies.
- 12.6 I am advised that the courts have established four criteria in respect of abandonment² against which any such case may be considered, applying an objective rather than subjective analysis:
1. The period of non-use;
 2. The physical condition of the land or building;
 3. Whether there had been any other use; and
 4. The owner’s intentions as to whether to suspend the use or to cease it permanently.
- 12.7 I am instructed that:
- steelworks ceased operation in September 2015, and have therefore had a four year period of non-use (compared to the three year period of cessation between 2009 and 2011);
 - the physical conditions of the land and buildings is such as to allow for iron and steelmaking to resume on the Scheme B Land using such buildings as currently exist;
 - there has been no other use on the Scheme B Land since operation ceased;
 - when operations ceased in September 2015, SSI UK announced that production would be ‘paused’, inferring a temporary suspension of use; and
 - the Thai Banks have been seeking a potential buyer for the steelworks site, with a view to recommencing iron and steelmaking operations.
- 12.8 With regard to the four criteria, I do not consider that the use should be deemed abandoned.

¹ Lord Denning, in *Hartley -v- MHLG* [1970] 1 QB 413

² *Secretary of State for Environment, Transport and the Regions v Hughes* (2000) 80 P. & C.R. 397

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- 12.9 I therefore consider the B2 use of the site to be existing and lawful, and that the lawful re-commencement of such a use would not require planning permission.

BUILT STRUCTURE

- 12.10 I am instructed that iron and steelmaking can take place on the site without the need for additional built structure. As such planning permission would not be required in this regard.

CONCLUDING COMMENTS

- 12.11 I do not consider, for the reasons set out above, that planning permission would be required to allow for the recommencement of iron and steelmaking on the site.

13 CONCLUSIONS

13.1 For the reasons set out above:


- I do not consider there to be any obvious reason why planning consent would be withheld for the delivery of Scheme A;
- I do not consider that planning permission is required in order to lawfully recommence iron and steelmaking operations on the Scheme B Land.

14 PROFESSIONAL DECLARATION

14.1 In accordance with the requirements set out in the RTPI *Ethics and Professional Standards* practice advice I can confirm that:

- my evidence has drawn attention to all material facts which are relevant to and have affected my professional opinion;
- I understand and have complied with my duty to the Inquiry as an expert witness, which overrides any duty to those instructing or employing me;
- my evidence is given impartially and objectively;
- any further evidence I provide will be equally impartial, objective, and informed by my fact-based professional opinion;
- I am not instructed under any conditional or other success-based fee arrangement;
- I have no conflicts of interest;
- I am aware of and have complied with the requirements of the rules, protocols, and directions of the Inquiry; and
- my evidence complies with the requirements of the Royal Town Planning Institute as set out in the *RTPI Ethics and Professional Standards* practice advice.

Signed



Duncan Parr, BA DUPI Dip TP FRGS MRTPI Cgeog MEWI

Date

20/1/2020