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## Appendix 2: Planning Policy Review

## APPENDIX 2 - PLANNING POLICY REVIEW

This appendix identifies planning policy that is considered to be relevant.

### DEVELOPMENT PLAN

1. 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.
2. In this case, the Order land falls within Redcar and Cleveland Borough Council Local Authority Area.
3. 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.

#### Redcar and Cleveland Local Plan - Adopted May 2018

4. The Redcar & Cleveland Local Plan sets out the vision and overall development strategy for the Council's area and how it will be achieved for the period until 2032. It is the most important planning document in the borough.
5. The key policies in respect of development on the Order land are set out below:

#### Policy SD4 General Development Principles

6. In assessing the suitability of a site or location, development will be permitted where it:
  - a. meets the requirements of the Locational Policy and accords with other Local Plan policies and designations;
  - b. will not have a significant adverse impact on the amenities of occupiers of existing or proposed nearby land and buildings;
  - c. will not result in the unacceptable loss or significant adverse impact on important open spaces or environmental, built or heritage assets which are considered important to the quality of the local environment;
  - d. minimises the loss of best and most versatile agricultural land;
  - e. avoids locations that would put the environment, or human health or safety, at unacceptable risk;
  - f. will not increase flood risk either on site or downstream of the development;
  - g. will have access to adequate infrastructure, services and community facilities to serve the development; and
  - h. will not result in an adverse effect on the integrity of a Natura 2000 site, either alone or in combination with other plans or projects.
7. All development must be designed to a high standard. Development proposals will be expected to:
  - a. where necessary make the most effective and efficient use of available land, create and sustain an appropriate mix of uses, including (where appropriate) incorporation of green space and landscaping as part of development, and support local facilities and transport networks;

- b. respect or enhance the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features;
- c. take opportunities available to improve the character and quality of the surrounding area and the way it functions by establishing a strong sense of place, responding to local character and history and using streetscapes and buildings to create attractive places to live, work and visit;
- d. be sustainable in design and construction, incorporating best practice in resource management, energy efficiency and climate change adaptation;
- e. create a healthy, active, safe and secure environment;
- f. minimise pollution including light and noise and vibration levels to meet or exceed acceptable limits;
- g. respect or enhance the landscape, biodiversity, geological features, the historic environment and both designated and non-designated heritage designations that contribute positively to the site and the surrounding area;
- h. provide suitable and safe vehicular access and parking suitable for its use and location;
- i. be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities; and
- j. consider the needs of people with disabilities by encouraging inclusive design and accessible environments through site layout and design, including the needs of the elderly.

#### **Policy LS4 South Tees Spatial Strategy**

##### **8. The South Tees Spatial Strategy includes:**

- Wilton International;
- Teesport;
- South Tees Industrial Estates and Business Parks; and
- South Tees Development Corporation Area.

#### *Economy*

- a. deliver significant economic growth and job opportunities through the South Tees Development Corporation and Tees Valley Enterprise Zone at Wilton International and South Bank Wharf;
- b. support the regeneration of the South Tees Development Corporation area through implementing the South Tees Area Supplementary Planning Document;
- c. grow the environmental and recycling sector;
- d. investigate opportunities to create a new energy hub to support the offshore wind and sub-sea engineering sectors;
- e. support the expansion and protection of the port and logistics sector;
- f. improve existing employment areas and provide a range of modern commercial premises that meet contemporary business requirements including the target sectors of the South Tees Area Supplementary Planning Document;
- g. continue development on general industrial and business estates;
- h. give the area an identity and make it attractive to inward investment;
- i. develop the chemical, technology and energy production industries at Wilton International;
- j. support the existing steel industries and take a lead role in supporting the future regeneration of former steel sites as part of the South Tees Development Corporation;
- k. enhance the quality and range of services and facilities that serve the needs of those working in the South Tees employment area;
- l. encourage clean and more efficient industry in the South Tees area to help reduce carbon dioxide emissions and risk of environmental pollution;
- m. support development related to Sirius Minerals' North Yorkshire Polyhalite project; and

- n. support the extension of the road network to unlock the development potential of South Tees.

#### *Connectivity*

- a. improve and maintain access links between South Tees and the strategic road network;
- b. support improvements to the strategic and local road networks to support economic growth;
- c. deliver rail infrastructure improvements to support an increased movement of rail freight;
- d. investigate the feasibility for providing a new rail halt at Wilton International;
- e. maintain and improve public transport connectivity with settlements in the borough and beyond;
- f. support the extension of the road network to unlock the development potential of South Tees;
- g. maintain and enhance walking and cycling routes from nearby towns to the South Tees employment areas;
- h. improve access to, and the quality of, broadband internet;

#### *Environment*

- a. enhance the environmental quality of employment through well planned boundary treatments;
- b. secure decontamination and redevelopment of potentially contaminated land;
- c. protect European sites, and safeguard and improve sites of biodiversity interest particularly along the River Tees and the estuary and encourage integrated habitat creation and management;
- d. enhance the environmental quality of the River Tees and coastline;
- e. safeguard and enhance the significance of buildings, sites, settings and areas of heritage and cultural importance including the 'Dorman Long' tower at South Bank Coke Ovens supporting its adaptation to enable alternative uses;
- f. encourage improvements to access, interpretation and wildlife conservation and biodiversity across the area;
- g. support the development of the South Tees District Heating System; and
- h. support the development Carbon Capture and Storage to de-carbonise the local economy.

#### **Policy ED6 - Promoting Economic Growth**

- 9. Land and buildings within existing industrial estates and business parks, as shown on the Policies Map, will continue to be developed and safeguarded for employment uses.
- 10. Specialist uses, such as heavy processing industries and port logistics, will be focused in the following areas, with 405ha of additional land available over the plan period. In these areas proposals falling within Use Classes B1, B2, B8 and suitable employment related sui-generis uses will be supported. *The policy includes Land at South Tees.*
- 11. Proposals at South Tees, South Tees Freight Park and Bolckow Industrial Estate (collectively referred to as the South Tees Development Corporation area) should have regard to the South Tees Area Supplementary Planning Document (SPD). Proposals which positively contribute towards growth and regeneration will be supported.
- 12. High tech and knowledge driven development should be focused within the South Tees Development Corporation area.
- 13. Where appropriate, proposals will need to demonstrate that there will be no adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site, or other European

designated nature conservation sites either alone or in combination with other plans and programmes.

14. Other policies which are of direct relevance to development brought forward in the order land have been set out below:

Policy Ref.	Policy Name
Policy SD1	Sustainable Development
Policy SD2	Locational Policy
Policy SD 3	Development Limits
Policy SD 5	Developer Contributions
Policy SD 6	Renewable and Low Carbon Energy
Policy SD 7	Flood and Water Management
Policy N1	Landscape
Policy N2	Green Infrastructure
Policy N4	Biodiversity and Geological Conservation
Policy HE 2	Heritage Assets
Policy TA 1	Transport and New Development
Policy TA 2	Improving Accessibility Within and Beyond the Borough
Policy TA 3	Sustainable Transport Networks

### Tees Valley Joint Minerals & Waste Development Plan Documents

15. The Tees Valley Joint Minerals & Waste Development Plan Documents comprises:
- Minerals and Waste Core Strategy Development Planning Document (DPD) - Adopted September 2011; and
  - Minerals and Waste Policies and Sites Development Plan Document (DPD) - Adopted September 2011.
16. The Tees Valley Minerals and Waste Development Plan Documents (DPDs) were prepared jointly by the boroughs of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-On-Tees. They bring together the planning issues which arise from these two subjects within the sub-region. The documents were adopted in September 2011.
17. The key policies from the Minerals and Waste Core Strategy DPD - Adopted September 2011 in respect of development on the Order land are set out below.

#### Policy MWC6: Waste Strategy

The sustainable management of waste arisings in the Tees Valley will be delivered through:

- making provision for sufficient annual waste management capacity to allow:
- to increase the recovery of value from commercial and industrial waste from the Tees Valley to 73% from 2016;

- promoting facilities and development that drives waste management up the waste hierarchy;
  - the distribution of waste management sites across the Tees Valley so that facilities are well related to the sources of waste arisings, related industries or the markets for any products created;
  - safeguarding the necessary infrastructure to enable the sustainable transport of waste, in particular the use of the existing rail and port facilities in the Tees Valley; and
  - developing the regional and national role of the Tees Valley for the management of specialist waste streams.
18. In taking forward waste development in the plan area, and particularly along the river corridor and the Tees Estuary, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site, and other European sites, either alone or in combination with other plans and programmes. Any proposed mitigation measures must meet the requirements of the Habitat Regulations.
19. All waste developments must be compatible with their setting and not result in unacceptable impacts on public amenity, environmental, historic or cultural assets from their design, operations, management and, if relevant, restoration.

**Policy MWC7: Waste Management Requirements**

20. Land will be provided for the development of waste management facilities to meet the identified requirements of the Tees Valley.
21. Proposals for facilities to meet capacity to deal with waste imported from outside the Tees Valley must be supported by evidence of the need for these facilities and justification for their location within the Tees Valley.

**Policy MWC8: General Locations for Waste Management Sites**

22. Sustainable waste management will be delivered through a combination of large sites, which include clusters of waste management and processing facilities, and small sites for individual waste facilities. Allocations and proposals for large waste management facilities should be located in the following general areas:
- to the south of the River Tees - the land located around Teesport, Smiths Dock Road and the eastern end of Dockside Road (Middlesbrough and Redcar and Cleveland);
23. In determining the suitability of a site within these areas, consideration will be given to the potential impact on the protected European species associated with the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site and any functional land required to support them. Where likely adverse impacts are identified, avoidance or appropriate mitigation measures may be required.
24. Other policies which are of direct relevance to development brought forward in the order land have been set out below:

Policy Ref.	Policy Name
Policy	Sustainable Transport

MWC10:	
Policy MWC11:	Safeguarding of Port and Rail Facilities

25. The Tees Valley Joint Minerals and Waste Policies and Sites DPD allocates a series of sites to meet the waste needs of Darlington, Stockton-On-Tees, Middlesbrough, Hartlepool, and Redcar & Cleveland.
26. Only one site is allocated in Redcar & Cleveland: 27 ha for the development of the South Tees Eco-Park. This site is within the Order area, and located to the immediate south of both High Tip and Impetus Tip beyond the railway line. It partially includes SSI UK land (site no. 107 on the Order location plan) and Tata / the Development Corporation (site 75 of the Order location plan). A location plan for the allocation is included at **Appendix 4**.

#### EMERGING POLICY

27. Redcar and Cleveland Council currently have no emerging planning policy which requires consideration.

#### LOCAL GUIDANCE

28. Alongside the Redcar and Cleveland Development Plan sits the South Tees Area Supplementary Planning Document (SPD). The Development Corporation also has a master plan intended to guide the development of this area.

#### South Tees Area SPD

29. 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 how adopted planning policies will be interpreted. The SPD was adopted in May 2018.
30. The SPD sets out development principles for the area and the Council will seek to deliver the vision and objectives of the SPD through the implementation of these principles during the decision making process for planning applications.
31. The document principally seeks to guide the implementation of Local Plan Policies LS4 and ED6 referenced above.
32. The document sets out 10 strategic development principles, which have been listed below for reference.

Policy Ref.	Policy Name
Development Principles STDC1	Development Principles STDC1 - Regeneration Priorities
Development Principles STDC2	Development Principles STDC2 - Land Assembly and Delivery
Development Principle STDC3	Phasing Strategy
Development Principle STDC4	Economic Development
Development Principle STDC5	Transport Infrastructure

Development Principle STDC6	Energy Innovation
Development Principle STDC7	Natural Environmental Protection and Enhancement
Development Principle STDC8	Preserving Heritage Assets
Development Principle STDC9	Site Remediation
Development Principle STDC10	Utilities

33. The document also sets out 5 site specific development principles, relating to the different areas of the South Tees Area, which are as follows:

Policy Ref.	Policy Name
Development Principle STDC11	North Industrial Zone
Development Principle STDC12	North East Industrial
Development Principle STDC13	Central Industrial Zone
Development Principle STDC14	South Industrial Zone
Development Principle STDC15	Coastal Community Zone

34. The most pertinent principles set out above have been summarised as follows.
35. Development Principle STDC1: Regeneration Priorities, identifies that 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.
36. Development Principle STDC2: Land Assembly and Delivery, identifies that 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.
37. Development Principle STDC4: Economic Development Strategy identifies that 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.

38. Development Principle STDC11: North Industrial Zone encompasses the majority of the SSI Steelworks site. 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.

#### **South Tees Regeneration Master Plan**

39. South Tees Regeneration Master Plan supports the South Tees Area SPD. It has been prepared by the Development Corporation and is a background study to the SPD.
40. The South Tees Regeneration Master Plan was prepared throughout 2017 as a supporting visioning and development strategy document to inform the preparation of the SPD and was publicly launched on 18th October 2017.
41. This Master Plan presents the vision, strategy and ideas for the transformational regeneration of the South Tees Development Corporation area into a world class employment-generating zone and economic growth enabler for the Tees Valley.
42. It should be noted that the master plan is clear in stating that the SPD and the Redcar & Cleveland Borough Council Local Plan, adopted in May 2018 form the planning framework under which planning applications will be considered and permissions granted for future developments. The master plan is intended to set out how the Development Corporation considers that the SPD's aims could be realised and is a material consideration for any planning decision.
43. The Master Plan endeavours to provide a flexible framework for realising successful socio-economic regeneration of the South Tees Area across a necessarily long timeframe, while at the same time augmenting economic growth across the wider Tees Valley area. It should be viewed in the context of it being a live document that may be subject to revision in response to: changing policy, economic and market conditions; reflect consultation feedback; and accommodate firm investor interest aligned to the strategy.
44. The Master Plan covers the whole Development Corporation area. It provides an overview of existing conditions within the area and sets out guiding principles for new development. The 10 core principles are as follows.
  1. Ensure strong alignment with UK Government's Industrial Strategy
  2. Form strategic alliances with major operators so that the Tees Valley presents a coordinated, world class offer to the international marketplace
  3. Prioritise uses connected with advanced manufacturing and advanced and new technologies
  4. Promote and support development uses aligned with a low carbon, circular economy, while delivering redevelopment within a framework of reduced energy costs and waste minimisation
  5. Focus on highly-skilled employment generating opportunities, while balancing this with a need to create a wide spectrum of job opportunities
  6. Evaluate redevelopment proposals not only from a direct jobs perspective, but as potential catalysts for job creation across the wider Tees Valley
  7. Deliver efficient connectivity across the South Tees area through enhanced on-site transport infrastructure to realise optimal functionality

8. Deliver redevelopment in a way that reduces pollution, contributes to habitat protection and long term sustainability, and that encourages bio-diversity
9. Ensure the regeneration of the South Tees area makes a major contribution to the transformation in education and skills across the Tees Valley
10. Use the regeneration opportunity to strengthen transport connections with Redcar town centre and other urban centres, to realise improved economic and community benefits

The Master Plan divides the Development Corporation area up into the following zones:

- North Industrial Zone;
- North East Industrial Zone;
- South Industrial Zone;
- Central Industrial Zone; and
- Coastal Community Zone.

A potential development strategy for each zone is put forward through the document.

#### NATIONAL PLANNING POLICY FRAMEWORK & NATIONAL PLANNING PRACTICE GUIDANCE

45. 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.
46. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
47. The following national planning policies are considered to be of particular relevance to this case:
  - The presumption in favour of sustainable development - paragraphs 11-14;
  - Decision making - paragraphs 38 - 58;
  - Building a strong, competitive economy - paragraphs 80 - 82;
  - Promoting sustainable transport - paragraphs 102 - 111;
  - Making effective use of land - paragraphs 117 - 123;
  - Achieving well designed places - paragraphs 124 - 132 (and guidance in NPPG);
  - Meeting the challenge of climate change, flooding and coastal change - paragraphs 148 - 169 (and guidance in NPPG);
  - Conserving and enhancing the natural environment - paragraphs 170 - 183 (and guidance in NPPG); and
  - Conserving and enhancing the historic environment - paragraphs 184 - 202 (and guidance in NPPG).

#### RAMSAR DESIGNATION

48. The Scheme A Land (as defined within my Proof) is located adjacent to a Ramsar designation. For reference, a Ramsar Site is a wetland site designated to be of international importance

under the Ramsar Convention and a Special Protection Area is a designation under the European Union Directive on the Conservation of Wild Birds.

49. It should be noted that Natural England held a consultation in July 2018 on a proposed extension to the Ramsar Site. Part of this extension, comprises land directly adjacent to or in close proximity to the SSI UK land. A plan of the existing Ramsar Site and the proposed Ramsar Site is included at Appendix 5 for reference.
50. Further to the consultation, Natural England has provided advice to the Department for Environment Food and Rural Affairs (Defra) for consideration. It is understood that a final decision on the Ramsar extension is yet to be made.
51. The Redcar Steel Works site is also within a 6km buffer zone for the coastal Special Protection Area, within a 30km wind farm safeguarding area, in a general location for large waste management facilities, and in minerals safeguarding zones for gypsum and salt.