

LDO Consultation Feedback

Respondent	Consultation Feedback	Proposed Action
<p>Rachel Grahame Tees Archaeology (12/11/2018)</p>	<p>Thank you for the consultation on the Hartlepool Port Local Development Order. I note the recommendations regarding Archaeology (paragraphs 5.30 - 5.33), and I support this approach.</p>	<p>Noted. No change required.</p>
<p>Ian Hayton Cleveland Fire Brigade (21/11/2018)</p>	<p>Cleveland fire Brigade offers no representations regarding the development as proposed.</p> <p>However Access and Water Supplies should meet the requirements as set out in:</p> <p>Approved Document B Volume 2 Section B5 for buildings other than Dwelling houses</p> <p>It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20.</p> <p>Further comments may be made through the building regulation consultation process as required.</p>	<p>Noted. No change required.</p>
<p>Chris Bell Highways England (23/11/2018)</p>	<p>Thank you for consulting Highways England on the Hartlepool Port proposals. From an initial review of the consultation document, the importance of consideration of the Strategic Road Network(SRN) is adequately covered in chapters 5.26-28. The distance of The Port from the nearest SRN offers some assurance that its impact will be manageable.</p>	<p>Noted. No change required.</p>

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	<p>We would require consultation on further proposals as part of The Port proposal and individual applications within it to ensure that development does not conflict with our aims of managing the SRN. As you are aware, a staged programme of improvements on the A19 are being undertaken in the vicinity of Hartlepool. Norton to Wynyard Dualling and improvements at the A19/689 junction are programmed. Also, A19/A179 Sheraton Interchange work is ongoing followed by gap closure works at Elwick and Dalton Piercy and the Elwick Bypass and Junction.</p> <p>Highways England will seek that development does not put undue stress on the network ahead of the development of these.</p> <p>I trust this is clear but if further information is required, please get in touch.</p>	
<p>Louise Tate Environment Agency (12/12/2018)</p>	<p>Section 2: Purpose of the Tees Valley Enterprise Zone Section 2 of the submitted document details that part of the economic strategy for the Tees Valley is to reduce the carbon footprint of existing industries. We would also advise that there is a commitment to reducing the environmental impact of industries operating in this zone and at the Hartlepool Port site in line with the aspirations of the DEFRA 25 year Environment Plan and work conducted with the Tees Estuary Partnership.</p> <p>Flood Risk Our flood model categorises almost the entire site to be at low risk of flooding (within Flood Zone 1). The new extent of Flood Zone 3 is confined to the area around the harbour. We would recommend that development is steered away from these areas of flooding, however, we consider it would be achievable to develop within these areas if it can be</p>	

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	<p>shown that development is safe and would not increase flood risk elsewhere. On this basis, we would recommend the following condition should development be undertaken within flood zones 3 or 2.</p> <p>Condition 1 Any development in within Flood Zone 3 or 2 will need to be accompanied by a Flood Risk Assessment (FRA), submitted to the Local Planning Authority for consideration. The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The development shall be completed in accordance with the agreed details.</p> <p>Reason To reduce the risk of flooding to the proposed development and future users.</p> <p>Informative: Early consultation with Northumberland Water Ltd, the Environment Agency and Hartlepool Council, as a minimum, is essential to ensure flood risk is managed as part of any development.</p> <p>Rising Sea Levels Advice to LPA/Applicant Although the port site at present is predominantly within Flood Zone 1, it may be at high risk of tidal flooding within the next 100 years. We would advise that consideration is given to the design of any development and the increase in flood risk over time from rising sea levels. We consider that the greatest uncertainty is climate change which may lead to an increase in flood risk in the future. We would advise that the correct climate change documents are referred to within any developer’s site submission. We are aware of a programme of work to upgrade the coastal defences from 2021 onwards, referred to by the</p>	<p>Condition C within table 2 on page 29 of the LDO covers flood risk.</p> <p>Condition C within table 2 on page 29 of the LDO covers all types of flood risk, it specifies that development should assess risks of flooding and demonstrate how flood risk will be managed. We consider that sufficient to cover this point.</p>
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	<p>Lead Local Flood Authority (LLFA) as Seaton Crewe Southern Management Unit. If further details are required, we advise that the developer contact the LLFA with regard to this programme of works.</p> <p>Marine Environment Any scheme involving intakes or discharges from the marine environment will need to be modelled, discussed and agreed in advance of the scheme. Early consultation with the Environment Agency along with Natural England is essential in agree any regulatory requirements or mitigating measures as part of any development. Please note that the developer may require a separate marine licence from the Marine Management Organisation for any works occurring below the mean high water spring tidal level.</p> <p>Intertidal Habitat We generally do not support works which result in the loss of, or damage to, the ecological integrity of intertidal habitat. This is because intertidal areas support valuable and extremely important habitats. In turn, these habitats support a wealth of animals and plant species. Sea and quayside walls should include enhancements for ecology and wildlife such as those found in the Fens for the Future sea wall biodiversity handbook at: https://www.fensforthefuture.org.uk/admin/resources/sea-wall-biodiversity-handbook-2015.pdf In particular, biodiversity focussed intertidal holding pools and naturally textured wall facing should be used. This will help to provide mitigation against the effects of climate change and vastly increase the ecological diversity and value of the site without impacting upon its operational nature. Specific examples can be provided upon request, the details of research associated with this technique can</p>	<p>Noted. New paragraph on the marine environment added to section 5.16 of the LDO.</p> <p>Noted. New paragraph added (5.23) under the Habitats and Biodiversity sub-section of 'Potential Constraints' on page 12 which clarifies that development which results in the loss of, or damage to, the ecological integrity of the intertidal habitat will not be permitted.</p>
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	<p>also be found at: https://www.int-res.com/abstracts/meps/v497/p119-129/</p> <p>In circumstances where it is possible for us to accept the principle of encroachment, we would expect developers to conduct appropriate surveys to identify any possible effects. Any works should prevent, reduce and compensate for any adverse effects. Compensatory habitat will usually be requested on a like for like scale.</p> <p>Dredging/Piling Activities</p> <p>If alterations within the port area are required to access the site such as dredging or piling works then consideration would need to be given to the timings for migratory fish and seals. All arisings from dredging activities must be disposed of in a sustainable manner.</p> <p>Eels</p> <p>In Potential Constraints (Section 5: The Port Site) of the consultation document reference should be made to the Eels (England and Wales) Regulations 2009 for development. Best practice guidance can be found at: https://www.gov.uk/government/publications/eel-and-elver-passes-design-and-build”</p> <p>Fisheries and Biodiversity</p> <p>The site is close to the River Tees and is particularly valuable for wildlife. It is essential that this wildlife is protected. Careful consideration is required for any works within the watercourse or to the quay walls.</p> <p>A proposed extension to the Teesmouth and Cleveland Coast SPA is now under consultation with the extension likely to include the area within the Hartlepool Port development area.</p> <p>Sites within these designated areas will require full consultation with the Environment Agency, Natural England and the Council to ensure any likely significant effect is</p>	<p>Noted. New paragraph added (5.24) under the Habitats and Biodiversity sub-section of ‘Potential Constraints’ on page 12.</p> <p>Noted. New paragraph added (5.25) under the Habitats and Biodiversity sub-section of ‘Potential Constraints’ on page 12.</p>
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	<p>taken into account during the development of all designs and proposed activities within the SPA and related SSSI boundaries. Dependent upon the proposals, a full HRA assessment may be required.</p> <p>The Hartlepool Port area could be improved ecologically through the incorporation of 'Estuary Edges' habitat enhancement measures, particularly within intertidal zones. Such measures could form part of any mitigation to reduce the impact of any development or compensation to offset the impact of any development. The Port Authority could also choose to proactively implement a programme of such ecological enhancements to mitigate against the impacts of historical modifications at the Port. The Environment Agency is willing to work with the Port Authority to achieve such improvements. The full range of options available are included within the Estuary Edges Ecological Design Guidance, which can be found at the following link: https://www.therrc.co.uk/publications/estuary-edges-ecological-design-guidance</p> <p>A number of invasive species are present in the area. An invasive and biosecurity plan should be developed, both in terms of terrestrial and marine based activities.</p> <p>Water Framework Directive</p> <p>We advise further consideration of the Water Framework Directive (WFD) in Potential Constraints (Section 5: The Port Site) of the submitted document. This could include detail on the biological, physico-chemical quality, and hydromorphological elements of relevant waterbodies. A WFD waterbody named Hart Beck from Source to Sea (GB103025075880) runs through the site and is currently at poor status. A large culvert is present on the site. The Environment Agency is particularly keen to explore options for improving the watercourse, specifically the daylighting of this culvert. Daylighting of culverts and improving the status of waterbodies increases both the biodiversity and</p>	<p>Noted. New paragraph added (5.26) under the Habitats and Biodiversity sub-section of 'Potential Constraints' on page 12.</p> <p>We consider the development of an invasive and biosecurity plan as being an issue which is outside of the context of the LDO. If considered, this is something that will be looked at on a borough wide basis.</p> <p>Noted. New paragraph added (5.15) under the Habitats and Biodiversity sub-section of 'Potential Constraints' on page 11.</p>
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	<p>amenity value of watercourses and we would welcome the opportunity to discuss such options.</p> <p>Contaminated Land In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters and relevance of regulatory regimes where the Environment Agency is the enforcing authority, such as environmental permitting. It is likely that the site has been subject to a potentially contaminative land use. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. We would recommend the following conditions to ensure that the risk posed by the site to controlled waters are assessed and addressed as part of any redevelopment.</p> <p>Condition 2 Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> ☐ all previous uses ☐ potential contaminants associated with those uses ☐ a conceptual model of the site indicating sources, pathways and receptors ☐ potentially unacceptable risks arising from contamination at the site 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an 	<p>Section 5.18 on page 11 of the LDO is considered to sufficiently cover the issue of contamination.</p> <p>This is covered by condition I within table 2 of the LDO, found on page 30.</p>
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	<p>options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason(s) To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.</p> <p>Condition 3 Prior to any part of the permitted development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Reason(s) To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.</p>	<p>Noted. This section has been added to condition 1 within table 2 of the LDO, found on page 31.</p>
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	<p>This is in line with paragraph 170 of the National Planning Policy Framework.</p> <p>Condition 4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason(s) To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</p> <p>Landfill Gas Migration There are former landfill sites within the Port Enterprise Zone. Site CLE 30 accepted waste from the construction industry, slag and road sweepings waste material and Site CLE 213 accepted construction waste and dredgings. There may be a potential for landfill gas to be generated. The Local Authority's Environmental Health and Building Control departments should be able advise further whether the risk from landfill gas would need to be addressed in developing the site.</p> <p>Permitted Waste Sites There are two permitted waste facilities within the Port site. Further details of these permitted sites are provided below. PD Teesport Limited (Permit ref: EAWML 402377) is located at Hartlepool Docks, Cleveland Road, Hartlepool, TS24 0UZ.</p>	<p>This is covered by condition 1 within table 2 of the LDO, found on page 31.</p> <p>Section 5.20 on page 11 of the LDO is considered to sufficiently cover this issue.</p>
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	<p>The site is operational and is permitted as a household, commercial and industrial waste transfer station. The permit is for the short term storage of non-hazardous Refuse Derived Fuel and baled material, and bulk loose waste such as, but not limited to, waste wood and tyre crumb before shipping. The second waste permitted site is Van Dalen (UK) Limited (Permit ref: EAWML 100226). The site is located at Irwins Quay, Hartlepool Exports Terminal, TS24 0UZ and is permitted as a mixed metal recycling site for the storage of furnace ready scrap metal for recovery and scrap metal. The site currently is non- operational. At present, the Environment Agency is awaiting a permit application from the operator to surrender this environmental permit. There are also a number of waste exemptions registered on the Hartlepool Docks. Further information on these exemptions and the above environmental waste permits are available on the GOV.UK website.</p> <p>Environmental Permitting Regulations (EPR) Certain development may require an Environmental Permit under the Environmental Permitting Regulations 2016 from the Environment Agency, unless an exemption applies. Environmental Permits help control activities that may harm the environment or human health. Many activities that can cause pollution are prohibited unless authorised by a permit. Once further details of individual proposals are available, the developer is advised to contact the Environmental Agency to discuss whether an Environmental Permit would be required.</p>	<p>The Environmental Permitting process is a separate process, not related to planning. Following discussions with the Public Protection team we do not deem it necessary to make reference to these sites within the document.</p> <p>The Environmental Permitting process is a separate process, not related to planning. Following discussions with the Public Protection team we do not deem it necessary to make reference to this within the document.</p>
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	<p>Foul Effluent Disposal Foul effluent disposal, in the first instance, should be through agreement with Northumbrian Water Limited to connect to the public foul sewer. If it is not possible to connect to the public foul sewer, the developer will need to apply to the Environment Agency for a discharge permit and will need to justify why connection to the public sewer is not possible. Further information on how to apply for an environmental permit is available on the GOV.UK website.</p>	<p>Noted. New paragraph added (5.19) under 'Potential Constraints' on page 11.</p>
<p>Hartlepool Civic Society (08/01/2019)</p>	<p>It should be borne in mind the height/size of any planned buildings – bearing in mind for example the Hereema building, etc which are near to the perimeter and therefore impacting on the surrounding properties.. To avoid a similar situation – the siting of large buildings, where possible should be built further into the port.</p> <p>Similarly, any future planning for further buildings should be mindful of the magnificent view of St Hilda's from Middleton Road on approach to the Marina – which is a great advertisement to visitors. Maintaining tourist potential in attracting visitors to further explore the town's heritage.</p>	<p>Noted. Please see amendment to section 5.32 of the LDO on page 13. Development requirement (1) on page 25 has been amended to include heritage considerations.</p>
<p>Natural England (11/01/2019)</p>	<p>Natural England is satisfied that Hartlepool Local Development Order (LDO) – The Port proposes that statutory consultees (which includes Natural England) will be consulted on the following types of development:</p> <ul style="list-style-type: none"> ☑ Development which requires an Environmental Impact Assessment; ☑ Development requiring an Habitats Regulations Assessment (HRA). We note that Section 5.22 of the LDO states that “The Conservation of Habitats and Species 	<p>Noted. NPPF paragraph 177 specifies that “The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.” However, the government issued a technical consultation with regard to amending this section so it clarifies that development which will have no adverse effect (following appropriate</p>

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	<p>Regulations 2017 will not permit an LDO to grant planning permission to a development if a Special Protection Area would be adversely affected.” This should be amended to read “..if a Special Protection Area would be adversely affected following mitigation.”</p> <p>We also have the following specific comments on the LDO:</p> <p>☒ Habitats Regulations Assessment: Section 5.23 states that “...a development proposal under the LDO is likely to have to undertake a Habitats Regulations Assessment stage 1 screening assessment to see whether there was ‘likely significant effect.’” The wording should be modified to “...whether there is a ‘likely significant effect.’”</p> <p>☒ Works on the Harbour Wall and Channel: Section 5.24 states that the Marine Management Organisation (MMO) and the Environment Agency will be consulted on such works. Natural England would be a statutory consultee of the MMO in assessing activities requiring a licence and would comment as appropriate through this process.</p> <p>☒ Compensatory Measures: In considering the LDO it is pertinent to note that the HRA for Hartlepool Local Plan (December 2016) states that “the land at Hartlepool Port (Victoria Harbour area) can hold a flock of lapwing ranging from around 50-300 birds during the winter in periods when the land is not being used for operational reasons... The birds merely rest on the large open area of tarmac and as they only use the tarmac area they do not feed on the site. Their use of this site is not considered to be integral to the functionality of European Sites as the land is only intermittently available to flocks of birds when not</p>	<p>mitigation measures) will be permitted. As a result of this, we don’t deem it necessary to make this change because appropriate mitigation should enable development to be permitted.</p> <p>Noted. The change has been made at renumbered para 5.30 on page 13.</p> <p>Noted. The addition has been made at renumbered para 5.31 on page 13.</p> <p>Section 5.21 on page 12 of the LDO is considered to sufficiently cover the issue of mitigation works to enhancing the roost island and condition F delivers the mitigation.</p>
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	<p>operational. Nevertheless it is recognised that compensatory provision needs to be made should this land be further developed and it has been discussed with Natural England that a suitable compensatory measure would be to enhance the bird island which currently forms a small, isolated compartment of Teesmouth & Cleveland Coast Special Protection Area.” Natural England would welcome the provision of such compensatory measures for loss of land used by lapwing as a result of development at The Port.</p> <p>☐ Biodiversity Net Gains: Section 7.15 – ‘Development Requirements’ states that “it is imperative that any new development be in accordance with the design requirements and conditions set out in Tables 1 and 2 identified in the LDO.” Paragraph 170 d) of the National Planning Policy Framework (NPPF) (2018) requires that <i>“Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”</i> We advise that the LDO should reflect the requirement that any new development will be in accordance with the requirements of the NPPF with respect to 170 d), including net gains for biodiversity.</p> <p>☐ England Coast Path: With reference to ‘Diagram 1 – The Port Local Development Order Boundary’ we note that the boundary of the site is in close proximity to the England Coast Path. Natural England has a duty to provide coastal access on foot around the whole of the English coast and is aiming to complete this by 2020. Progress of the England Coast Path in the area can be found at Natural England’s website here. We would be supportive of any planning</p>	<p>Due to the nature of the LDO and that development is essentially permitted through development rights as opposed to through planning applications, it is difficult to secure biodiversity enhancement.</p> <p>Section 7.15 already makes reference to development needing to consider dealing with any ecological considerations, where present and we consider this sufficient to cover this point.</p> <p>Currently, development that goes through the LDO is not required to pay planning obligations. However, we will consider this for any development that comes through as a full application.</p>
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<p>PD Ports (14/01/19)</p>	<p>5.18 Habitats and Biodiversity Identifying an exact location for off-site mitigation should be deleted from the document. The area proposed in the Consultation Draft is not owned or controlled in any way by PD Teesport and as such could act as a barrier to development. A reference to appropriate mitigation should suffice.</p> <p>5.26 Strategic Environment I recall that the A19/A689 junction has been nearing capacity since my first involvement in 2005. It was identified as nearing capacity back in the 2011 LDO. Should this really still be specifically identified as a requirement for new development on the Port or should Highways England, by now have a date for improving its capacity?</p> <p>Table 1 Development Requirements – Internal Road Infrastructure Given that the boundary of the LDO is within the existing designated Port Estate, it is not considered necessary or appropriate to specify that all new roads must be constructed to adoptable standards. This would only be appropriate for roads to be used as public highway or if being constructed as part of large parcel of industrial land, which is never likely within the Port Estate.</p> <p>Transport Assessment The need for restrictions placed on new development by highway improvement requirements are understood, so long as any contribution to investments is proportionate with the impact. If new works are required, these should be for the local road network only.</p>	<p>It is considered necessary to make developers aware of where off-site mitigation may be required, if it is considered necessary for development to be permitted. This has been requested by the Environment Agency. No change.</p> <p>Works to improve capacity have been carried out through the Highways England pinch point scheme. Further works are required however no timescale has been set for the implementation of this work. There are also other works due to commence on the road. We consider it important to include this just to make developers aware. No change.</p> <p>Having spoken to our highways team, it is considered that all access roads should be to adoptable standards, and roads serving individual businesses/premises can be constructed to a reduced standard. No change.</p> <p>The Highways team follow Department for Transport guidance on TS/TA requirements. No change is required.</p>
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	<p>Landscaping Is it necessary for there to be a planning requirement for landscaping on the existing Port Estate? I would suggest not and propose this be deleted.</p> <p>Table 2 – Planning Conditions No D – certain new development will require a Transport Statement and it would be beneficial for this to be recognised. I appreciate Appendix 1 of the draft recognises that not all development will have the same impact and as such offers flexibility. It would be preferential to specifically reference the requirement for a Transport Statement rather than a Transport Assessment where appropriate?</p>	<p>Policy NE7 of the Local Plan seeks to ensure high quality landscaping along main transport corridors within the borough, we seek to encourage this in all relevant development therefore it is considered necessary to keep this section in. No change.</p> <p>This is noted, however not something that the planning team can control, it is Highways England who would deal with these matters.</p>
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