

Greg Archer
Stockton-on-Tees Borough Council
Development Control
PO Box 11
Stockton-on-Tees
Cleveland
TS18 1LD

Our ref: NA/2018/114224/01-L01
Your ref: 18/1726/OUT
Date: 04 September 2018

Dear Greg

**OUTLINE APPLICATION FOR WITH SOME MATTERS RESERVED FOR
RESIDENTIAL DEVELOPMENT COMPRISING OF APPROXIMATELY 600 DWELLING
(C3) INCLUDING ELDERLY ACCOMMODATION (C2) WITH A LOCAL CENTRE
(A1/D1) (DEMOLITION OF EXISTING BUILDINGS) MILLFIELD WORKS
GRANGEFIELD ROAD STOCKTON-ON-TEES TS18 4AE**

Thank you for referring the above application which we received 17 August 2018.

Environment Agency Position

Having assessed the supporting information I can advise that we have **no objections** to proposed development subject to the following planning conditions:

Flood Risk Condition

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) "Millfield Works, Grangefield Road, Stockton-on-Tees Flood Risk Assessment Final Report v1.0" dated 14th June 2018 and the following mitigation measures detailed within the FRA:

1. No development within Flood Zones 2 or 3
2. No ground raising within Flood Zones 2 or 3

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To reduce the risk of flooding to the proposed development and future occupants.
2. A small section of the red line boundary includes area of Flood Zones 2 and 3.
Any ground raising could potentially increase flood risk elsewhere

Environmental Permitting Regulations - Flood Risk Advice to applicant



The proposed development is located within Flood Zone 1. The Lustrum Beck watercourse bounds the site to the West and is designated as a 'main river' under the Environmental Permitting Regulations. If any works or structures are proposed, in, under, over or within 8 metres of the top of the bank of the Lustrum Beck or within 8 metres of a flood defence structure, you will need to apply for an environmental permit for flood risk activities.

Your application must demonstrate that:

- there is no increase in flood risk either upstream or downstream
- works are carried out in such a way as to avoid unnecessary environmental damage.

You can find more information on permit requirements using the following link:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

If a permit is required, it must be obtained prior to beginning the works. Please note, it can take up to 2 months for determination and issue of a permit.

Biodiversity Condition

No development shall take place until a scheme for the provision and management of a 30 metre wide buffer zone alongside Lustrum Beck is submitted to and agreed in writing by the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone.
- plans to improve the habitat for local species including BAP priority species such as water vole and European otter. This would require consultation with a suitably qualified ecologist and may require discussions with the local council or contractor who currently maintain the banksides.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting etc.

Reasons

Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

The Lustrum Beck is a Salmonid River and is a migratory route for European Eel and River Lamprey. It also provides habitat for BAP priority species such as Water vole and European Otter. This proposal could also provide opportunity for river restoration of this section of Lustrum Beck and we would like to invite the applicant to contact the Environment Agency for further discussions as how to maximise the opportunities for wildlife and water framework directive (WFD).



Protected Species – Informative

Water vole are recorded as part of the ecological appraisal. The above buffer zone is necessary to protect the Water vole within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site. Water vole is identified under The UK Biodiversity Action Plan 2008 (UK BAP). Water voles and their habitat are fully protected under the Schedule 5 of the Wildlife and Countryside Act 1981 and is a priority conservation species. It is against the law to intentionally capture, kill, injure or disturb a water vole or to damage, destroy or block access to their places of shelter or protection. Section 40 of NERC Act 2006 local planning authorities must have regard to purpose of conserving biodiversity.

European otters have been recorded as part of the ecological appraisal. The buffer zone is necessary to protect the otter within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site. The European otter is identified under The UK Biodiversity Action Plan 2008 (UK BAP). Species and habitats of 'principal' importance" for the conservation of biological diversity are listed for England under s41 of the Natural Environment and Rural Communities (NERC) Act 2006. European Otters are a European protected species (EPS) and is also fully protected under schedule 5 of the Wildlife and Countryside Act 1981 and the Habitats Directive Annex 4. It is an offence to capture, kill, disturb or injure an otter or to damage or destroy their breeding or resting places. It is also an offence to obstruct access to their resting or sheltering places (deliberately or by not taking enough care). Section 40 of NERC Act 2006 local planning authorities must have regard to purpose of conserving biodiversity.

Habitat Creation – Informative

We welcome the proposed plans for SuDS and we would like to invite the applicant to contact the Environment Agency to discuss the use and maintenance of this feature so as to maximise opportunities for wildlife and water framework directive (WFD). We request the use of regionally appropriate native grassland and wetland species to provide suitable habitat for wildlife and priority invertebrates.

It is noted that a spring-fed, culverted watercourse flows north through the site. During the investigations as to the location of this water course, we would welcome further discussion into the possibility of de-culverting to create opportunities for further habitat creation within this development.

Biosecurity – Informative

Japanese Rose and cotoneaster species have been recorded as part of the ecological appraisal. We agree with the recommendations and request that this be removed by a specialist contractor in line with current guidance and controlled waste disposal regulations.

There are records of Japanese Knotweed, Giant Hogweed and Himalayan Balsam in the vicinity so precautions will be needed to ensure these non-native, invasive species are not introduced or spread during this development.

Biosecurity measures are required for the duration of the works and strictly adhered to by



all site operatives. As a minimum the Check Clean and Dry campaign should be followed.

Further information on biosecurity can be found at the following link
<https://secure.fera.defra.gov.uk/nonnativespecies/checkcleandry/index.cfm>

Pollution Prevention – Informative

All work should adhere to the Pollution Prevention Guidance for Businesses provided by the Department for Environment, Food and Rural Affairs and Environment Agency.

For further information on Pollution Prevention Guidance follow the link
<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

If you wish to discuss this letter with me further please feel free to contact me on the information provided below.

Yours sincerely

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