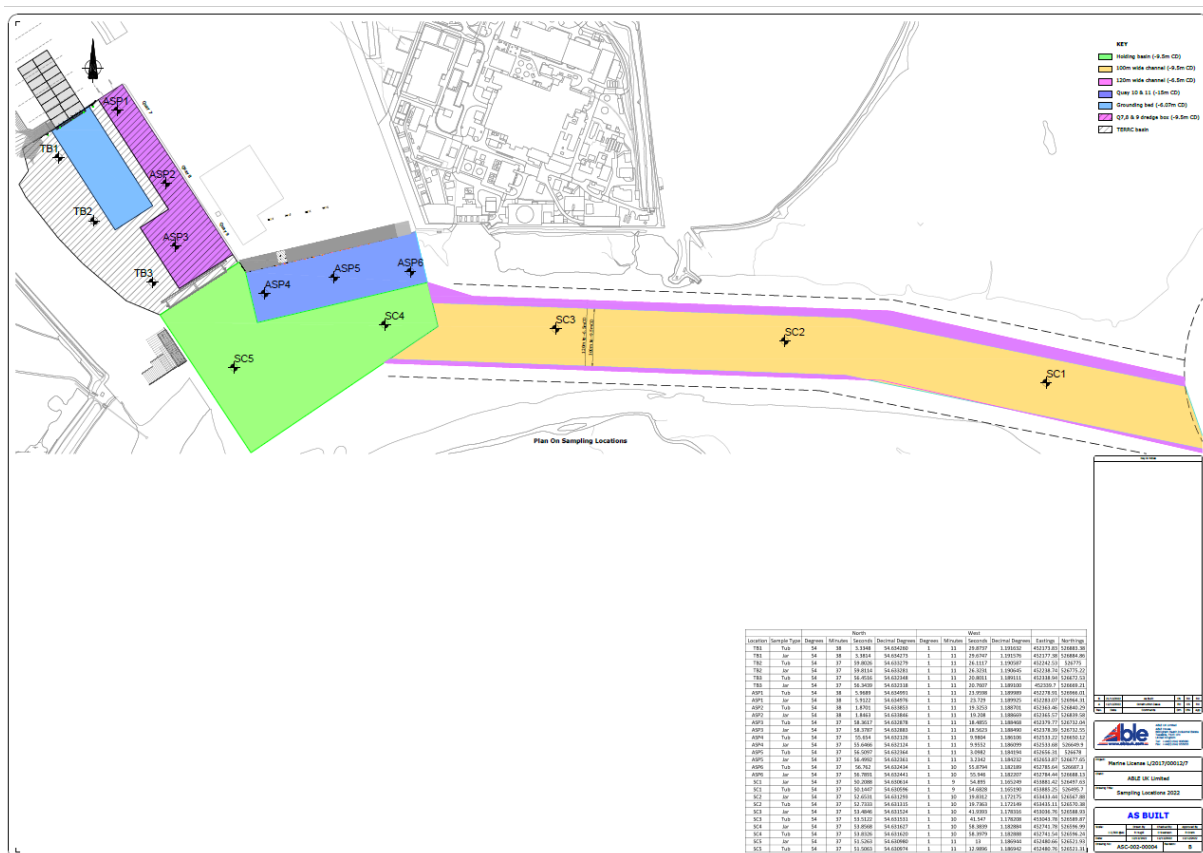


Able Seaton Port Shadow Habitats Regulations Appraisal



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EXECUTIVE SUMMARY

EnviroCentre Limited were commissioned by Fairhurst, to provide a Shadow Habitats Regulations Appraisal (HRA) to inform the proposed dredging works at Able Seaton Port. A Marine Licence is required to continue capital and maintenance dredging, which is currently covered by licence L/2017/00012/12 which is due to expire on the 1st of March 2026. The site lies within the Teesmouth and Cleveland Coast Special Protection Area (SPA) and RAMSAR.

A HRA is required to assess whether the project, alone or in combination with other projects, will have an adverse effect on the integrity of European designated sites. It is the responsibility of the competent authority to conduct the HRA. This document aims to provide the information necessary for them to undertake their appraisal.

The proposed works comprise deepening of Quays 7-11 and additional maintenance dredging.

The following sites were scoped in to be screened for Likely Significant Effects (LSEs), based on their connectivity with the site, or due to the proximity to site (within 30km) with those in bold screened in and taken forward to Appropriate Assessment as it was not possible to rule out LSE for all qualifying features:

- **Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar**
- North York Moors SPA
- North York Moors SAC
- Southern North Sea SAC

The potential impacts arising from the proposed works which could affect the conservation objectives for the qualifying features screened in are:

- Damage to habitats which qualifying features may utilise within the dredge pocket.
- Sedimentation effects on the River Tees potentially directly or indirectly affecting the function of the habitats and foraging of the qualifying features and introduction of marine Invasive Non-Native Species altering the structure and function of habitats.
- Qualifying features may be impacted by water pollution and reduced water quality and stability due to dredging works.
- Potential for injury/death to occur to qualifying features by pollution or boat strike.
- Potential for disturbance of qualifying features (noise, vibration, lighting, human and visual presence).

It is anticipated that these impacts can be reduced and avoided through the implementation of adaptive management and standard mitigation protocols. These include but are not limited to:

- All works will adhere to industry best practice, including minimising the working area and duration of works and minimising the risk of effects on the River Tees through pathways such as contamination and sedimentation.
- Sediment sampling will take place on a regular basis to ensure contaminant levels are safe for disposal at sea and do not pose a risk for the immediate environment
- Implementation of industry standard biosecurity measures including 'check, clean, dry'.

It is considered that if the above mitigation is implemented it will be sufficient to avoid adverse effects on conservation objectives for the qualifying features of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar.

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1 INTRODUCTION

1.1 Terms of Reference

EnviroCentre Limited were commissioned by Fairhurst, to provide a Shadow Habitats Regulations Appraisal (HRA) to inform a Marine Licence application for continued dredging works at Able Seaton Port to provide regulators with the information required to determine if proposed plans will have any adverse effects on European sites.

1.2 Background

A Marine Licence is required to continue capital and maintenance dredging, which is currently covered by licence L/2017/00012/12 which is due to expire on the 1st of March 2026. The site lies within the marine components of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar, with proposed dredging works occurring within the SPA and Ramsar.

1.3 Scope of Report

The proposed area of works are within, and hydrologically connected to, a number of European designated sites which form the wider national site network (formerly Natura 2000 sites)¹. As such a HRA is required to assess whether the project, alone or in combination with other projects, will have an adverse effect on the integrity of any of the European designated sites. It is the responsibility of the competent authority (Hartlepool Borough Council) to conduct the HRA. This document aims to provide the information necessary for them to carry out the assessment by:

- Providing a description of the proposed works;
- Identifying those European designated sites which are connected to and/ or could potentially be affected by the proposed works;
- Identifying how the proposed works may affect the qualifying features of the European designated site(s), the test of Likely Significant Effects (LSE);
- Giving consideration to other projects that may have an 'in combination' effect on European designated sites;
- Recommending European designated sites that need to be taken forward for further assessment if LSEs to their qualifying features cannot be ruled out;
- Conducting an 'Appropriate Assessment' for those qualifying features for which LSE cannot be ruled out; and
- Proposing mitigation that would be required to avoid adverse impacts on the qualifying features of the European designated sites.

1 ¹ Designated sites in the UK no longer form part of the EU's Natura 2000 ecological network. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 undated the primary legislation with the sites now known as the national site network.

1.4 Legislative and Regulatory Context

1.4.1 The Birds Directive

The Birds Directive² aims to protect all the 500 wild bird species naturally occurring in the European Union and was introduced with the aim of meeting favourable conservation status of all wild bird species.

Numerous issues impact wild birds, particularly habitat loss, and as such the Member States adopted the Directive (79/409/EEC) in 1979. Amended in 2009, it became the Directive 2009/147/EC.

The Directive particularly emphasises the protection of habitats for endangered and migratory species and with this in mind creates a network of SPAs. They are included in the Natura 2000 network, set up under the Habitats Directive 92/43/EEC, and are designated to protect the 194 “Annex 1” species and sub-species that are particularly threatened.

1.4.2 The Habitats Directive

The “Habitats Directive”³ aims to enable the conservation of a broad range of threatened or declining animal and plant species. In addition, a range of habitats are protected in their own right.

The Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, adopted in 1992 aims to promote the maintenance of biodiversity and establishes the EU wide Natura 2000 ecological network of protected areas.

Over 1,000 animal and plant species, in addition to 200 habitat types, are listed in the Habitats Directive annexes:

- Annex II species: core areas of their habitat are designated and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.
- Annex IV species (including many annex II species): a strict protection regime must be applied across their entire natural range within the EU, both within and outside Natura 2000 sites.
- Annex V species: Member States must ensure that their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

1.4.3 The Habitats Regulations⁴

The Habitats Regulations consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Habitats Regulations transpose Council Directive 92/43/EEC (the Habitats Directive), on the conservation of natural habitats and of wild fauna and flora, into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales.

The Habitats Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

² https://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm

³ https://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

⁴ <https://www.legislation.gov.uk/uksi/2017/1012/contents>

Both SPAs and Special Areas of Conservation (SACs) are designated under the Habitats Regulations⁵.

1.4.4 Special Protection Areas (SPAs)

These sites are protected under the legislation from actions that would damage their value to bird species, especially those on Annex 1 of the Directive. SPAs are designated under Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)⁶. Under the Directive England is obliged to protect the habitats of birds which are listed as rare or vulnerable species, regularly occurring migratory species and wetlands. Aspects of habitat protection are in the context of pollution, deterioration of habitat and disturbance.

1.4.5 Special Areas of Conservation (SACs)

These sites are protected under legislation from significant damage to their relevant habitats and species on a European as well as a national level. SACs are designated under Article 3 of the Habitats Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as part of the Natura 2000 network Regulations 2011. This network comprises Annex I habitats - *"natural habitat types of community interest whose conservation requires the designation of Special Areas of Conservation"* and the habitats of Annex II species - *"animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation"*.

1.4.6 Ramsar Sites

Whilst not a European site designation, wetland sites designated under the Convention on Wetlands of International Importance, named as Ramsar sites, are also relevant as they are afforded the same level of protection as European sites under domestic policy, and are treated in the same way as the European site network.

Most Ramsar sites in England are also designated as either SPAs or SACs, although not always sharing the same qualifying species.

1.4.7 Conservation Objectives

The overriding objective of the Habitats Directive is to ensure that the habitats and species covered achieve 'favourable conservation status' and that their long-term survival is secured across their entire natural range within the EU. In its broadest sense, favourable conservation status means that an ecological feature is being maintained in a satisfactory condition, and that this status is likely to continue into the future. Definitions as per the EU Habitats Directive are given below.

Favourable Conservation Status as defined by Articles 1 (e) and 1(i) of the Habitats Directive

The conservation status of a natural habitat is the sum of the influences acting on it and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species. The conservation status of a natural habitat will be taken as favourable when:

- Its natural range and areas it covers within that range are stable or increasing;
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and

⁵ <http://archive.jncc.gov.uk/default.aspx?page=1379>

⁶ <http://archive.jncc.gov.uk/default.aspx?page=1379>

- The conservation status of its typical species is 'favourable'.

The conservation status of a species is the sum of the influences acting on the species that may affect the long-term distribution and abundance of its populations. The conservation status will be taken as 'favourable' when:

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Site-specific conservation objectives define the desired condition or range of conditions that a habitat or species should be in, in order for these selected features within the site to be judged as favourable. At site level, this state is termed 'favourable conservation condition.' Site conservation objectives also contribute to the achievement of the wider goal of biodiversity conservation at other geographic scales, and to the achievement of favourable conservation status at national level and across the national site network.

1.4.8 Appropriate Assessment

The Habitats Directive requires 'appropriate assessment' of plans and projects that are likely to have a significant effect on European site (formerly Natura 2000 sites).

Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public".

Article 6(4) goes on to discuss alternative solutions, the test of "imperative reasons of overriding public interest" (IROPI) and compensatory measures:

"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted".

In relation to the competent authority's role in AA, the EEC (2001) guidance for AA states (Section 3.2 pg. 25):

"It is the competent authority's responsibility to carry out the Appropriate Assessment. However, the assessment process will include the gathering and consideration of information from many stakeholders, including the project or plan proponents, national, regional and local nature conservation authorities and relevant NGOs. As with the EIA process, the Appropriate Assessment will usually involve the submission of information by the project or plan proponent for consideration by the competent authority. The authority may use that information as the basis of consultation with internal

and external experts and other stakeholders. The competent authority may also need to commission its own reports to ensure that the final assessment is as comprehensive and objective as possible.

In this stage, the impact of the project or plan (either alone or in combination with other projects or plans) on the integrity of the Natura 2000 site is considered with respect to the conservation objectives of the site and to its structure and function.”

1.5 Report Usage

The information and recommendations contained within this report have been prepared in the specific context stated above and should not be utilised in any other context without prior written permission from EnviroCentre Limited.

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2 METHODOLOGY

2.1 The Habitats Regulations Assessment Process

The HRA is a four-stage process that determines likely significant effects and assesses impacts on the integrity of national site network. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required. The stages are summarised in Table 2-1. It is stated within the EU guidelines that *“where, without any detailed assessment at the screening stage, it can be assumed (because of the size or scale of the project or the characteristics of the national site network) that significant effects are likely, it will be sufficient to move directly to the appropriate assessment (Stage Two) rather than complete the screening assessments explained below.”*

Table 2.1: Key Stages in the HRA Process

Stage 1	
Screening for Likely Significant Effect (LSE)	- Identify European sites in and around the project/ plan area. - Identify if the plan/ project or part thereof is directly connected to the management of a European site. - Examine conservation objectives of the interest feature(s) (where available). - Review plan policies and proposals and consider potential effects on UK sites (magnitude, duration, location, extent). - Examine other plans and programmes that could contribute to ‘in combination’ effects.
	- If no effects likely – report no likely significant effect. - If effects are judged likely or uncertainty exists – the precautionary principle applies, proceed to Stage 2. If at the screening stage it is identified that the project includes inherent or integral mitigation measures which will ensure no likely significant effects, then no further Appropriate Assessment is needed. - However, if mitigation measures not integral to the project are required to ensure no likely significant effects, proceed to Stage 2 and consider mitigation through the Appropriate Assessment.
Stage 2	
Appropriate Assessment (AA)	- Complete additional scoping work including the collation of further information on sites as necessary to evaluate impact in light of conservation objectives. - Agree scope and method of AA with the competent authority. - Consider how the project ‘in combination’ with other projects will interact when implemented (the Appropriate Assessment). - Consider how effects on integrity of the site could be avoided by changes to the project and the consideration of alternatives. - Develop mitigation measures (including timescale and mechanisms). - Report outcomes of AA including mitigation measures.
	- If the project will not adversely affect European site integrity, proceed with plan. - If effects or uncertainty remain following the consideration of alternatives and development of mitigation proceed to Stage 3.
Stage 3	
Alternative Solutions	- Consider alternative solutions, delete from project or modify. - Consider if priority species/ habitats affected - Identify ‘imperative reasons of overriding public interest’ (IROPI), including, economic, social, environmental, human health, public safety (only applicable in highly exceptional circumstances).
Stage 4	

Imperative Reasons of Overriding Public Interest (IROPI)	- Stage 4 is the main derogation process of Article 6(4) which examines whether there are IROPI for allowing a plan or project that will have adverse effects on the integrity of a the site to proceed in cases where it has been established that no less damaging alternative solution exists. - The extra protection measures for Annex I priority habitats come into effect when making the IROPI case. Compensatory measures must be proposed and assessed. The Secretary of State for the relevant UK government department must be informed of the compensatory measures. Compensatory measures must be practical, implementable, likely to succeed, proportionate and enforceable, and they must be approved by the Secretary of State.
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2.2 The Habitats Regulations Assessment Process

Screening determines whether or not the project is likely to (or potentially could) have significant effects on the UK site network. All SACs, cSACs, SPAs and potential SPAs (pSPAs) that are within the predicted Zone of Influence (Zol), designated for mobile species which have the potential to be affected by the proposed development, or are hydrologically connected to the site, were considered and the qualifying features noted. Following this, the key environmental conditions (conservation objectives) needed to support site integrity were detailed for each site.

Throughout the screening process the precautionary principle, established by the European Court of Justice in C 127/02, Waddenzee, was applied:

- *“The authorisation of a plan or project may only be granted if the Competent National Authority is certain that it will not have any adverse effect on the integrity of the site concerned. That is where no reasonable scientific doubt remains as to the absence of such effect.”*

As per the People vs Wind Judgement (CJEU C-323/17 People Over Wind and Peter Sweetman vs Coillte Teoranta.) the LSE screening has not taken into consideration mitigation which is not an integral part of the project design.

2.2.1 Likely Significant Effects

Identifying likely significant effects⁷ highlights whether any plan or project or part thereof may impact a national site network.

Likely significant effects can be ruled out if the plan or project or part there of clearly has no ecological connectivity to the site’s qualifying interests or obviously will not undermine the conservation objectives for the qualifying interests to which it has a connection.

Unless a significant effect can be objectively ruled out with certainty, it is considered likely.

2.3 Appropriate Assessment (AA)

The AA establishes whether or not a project’s LSE identified during the screening stage will have an adverse effect on the integrity of the affected site with regard to its conservation objectives. Based on

⁷ <https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra/habitats-regulations-appraisal-hra-likely>

the guidance provided by Natural England⁸ the effects of the proposal on the designated sites' qualifying features will be determined by:

- Gathering information required to assess impacts (from site documents, scientific literature, EU and UK guidance on impact assessment and impact assessments from similar projects);
- Predicting the type and nature of impacts e.g. direct or indirect, short or long term;
- Assessing whether there will be adverse effects on the integrity of the site as defined by the conservation objectives and the status of the site. The precautionary principle must be applied at this stage. If it cannot be demonstrated with supporting evidence that there will be no adverse effects then adverse effects will be assumed; and
- Ascertaining if it is possible to mitigate adverse effects.

2.4 In Combination Effects

Under Regulation 43(1)(a) of the Habitats Regulations 1994 (as amended) it is necessary to consider whether a plan or project is likely to have a significant effect on the national site network "*either alone or in combination with other plans or projects.*"

These should include:

- Approved but as yet uncompleted plans or projects;
- Plans and projects for which an application has been made, and which are currently under consideration but not yet approved by the competent authorities; and
- Permitted ongoing activities such as discharge consents or abstraction licences.

The proposed development sits within the Hartlepool Borough Council region, however, is directly adjacent to the Stockton-on-Tees Borough Council area. Therefore, the following sources were used to determine if there were any other plans or projects which could result in combination effects:

- Hartlepool Local Development Plan 2024⁹
- Hartlepool Borough Council Planning Portal¹⁰
- Stockton-on-Tees Borough Council Local Development Plan¹¹
- Stockton-on-Tees Borough Council Planning Portal¹²

⁸ Natural England Guidance 'Habitats regulations assessments: protecting a European site' (2021) available at: <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#appropriate-assessment>

⁹ <https://www.hartlepool.gov.uk/downloads/file/28/hartlepool-local-plan-may-2018>

¹⁰ <https://planning.hartlepool.gov.uk/portal/index.html#:~:text=Welcome%20to%20Hartlepool%20Borough%20Council's,The%20Development%20Control%20Service>

¹¹ https://www.stockton.gov.uk/media/2518/Local-Plan-2019/pdf/Local_Plan_2019.pdf?m=1645450086087

¹² <https://www.stockton.gov.uk/article/1847/View-or-comment-on-a-planning-application>

3 PROJECT DESCRIPTION

3.1 Site Location and Background

The site is located on the northeast coast of England, at the head of the Seaton Channel which is a tributary of the River Tees. Able Seaton Port permits the import and export of general cargoes, decommissioning of marine structures/vessels and contains a fabrication yard for offshore structures. It has also recently been developed to provide services to offshore wind farm developers.

Able Seaton Port is accessed via a channel that is 100m wide and dredged to -9.5 meters (m) Chart Datum (CD). The deepest quays are permitted to be dredged to -15mCD and currently dredged to -13.5mCD.

The site itself is located within the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site, as well as the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI).

3.2 Proposed Development Works

Dredging to further deepen Quays 7-11 is required. The total amount of material to be removed via capital dredge would approximately equate to 250,000m³. Maintenance dredging of Quays 7-11, the Seaton Channel, Holding Basin, Terrc Basin and Grounding Bed is required. The total amount of material to be removed via maintenance dredging would equate to approximately 640,000m³.

The method of dredging is to align with the previous licence and will be carried out using a Trailing Suction Hopper Dredger (TSHD). To address minor shoaling and to level material, a plough may be employed. Dredged materials are to be stored on the dredger and directly transported offshore for disposal at an approved location.

It has been considered that unnatural materials and debris will be encountered during works therefore, the contractor is to provide a screen or grill over each hopper in the dredger to permit the separation of debris/scrap from the dredged materials which will then be removed ashore. All unnatural materials (including scrap metal) will be transported to a skip within the development area and taken offsite for appropriate disposal. Due to the historical and current industrial operations occurring at the site, material will also be monitored through the sampling and analysis of materials to ensure they are safe for deposit at sea.

The works consist of the following extent:

- Deepening of Quays 10 and 11 (total volume removed – 165,000m³);
- Maintenance dredging of Seaton Channel, Holding Basin, and Quays 10 and 11 (total volume removed – 400,000m³);
- Placement of erosion matting;
- Terrc Basin maintenance dredging (total volume removed – 160,000m³);
- Grounding Bed maintenance dredging (total volume removed – 40,000m³);
- Deepening of Seaton Port Quays 7, 8 and 9 (total volume removed – 85,000m³);
- Maintenance dredging of Quays 7, 8 and 9 (total volume removed – 40,000m³); and
- Disposal to Tees Bay C and A.

See Figure 3-1 overleaf for the site location, proposed dredging depths and sampling location

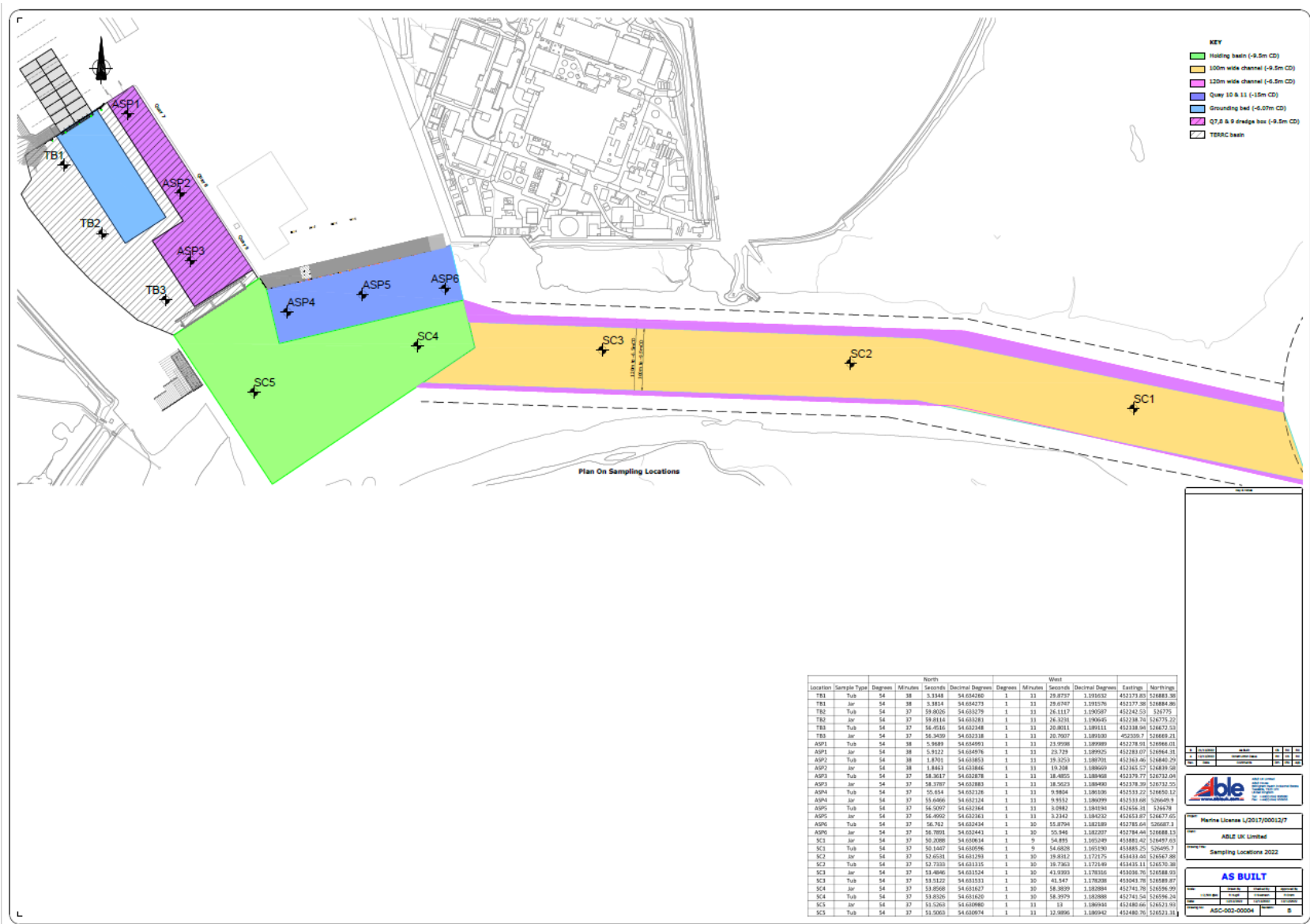


Figure 3.1:Dredging and Sampling Locations

4 SCREENING FOR APPROPRIATE ASSESSMENT

4.1 Zone of Influence (Zol) of the Proposed Development

For significant effects to arise, there must be a risk enabled by having a 'source' (e.g. construction works at a proposed development site), a 'receptor' (e.g. a European site or its qualifying features), and a pathway between the source and the receptor (e.g. mobile marine species travelling between the proposed development site and the designated site). The identification of a pathway does not automatically mean that significant effects will arise. The likelihood for significant effects will depend upon the characteristics of the source (e.g. duration of construction works), the characteristics of the pathway (e.g. what species and the number of individuals travelling between the two sites) and the characteristics of the receptor (e.g. the sensitivities of the European site and its qualifying interests).

4.2 Relevant European Sites within the Zol

Sites within 30km of the proposed works, and sites designated for mobile marine species within approximately 100km of the proposed works were identified for screening. The following sites have been scoped in for assessment due to their being within proximity to the site and/or considered connected to the site via dispersal of designated mobile species.

A check of the MAGIC website¹³ indicated that the following European sites lies within the Zol:

- Teesmouth and Cleveland Coast SPA/ Ramsar¹⁴ (dredging works within the SPA/ Ramsar).
- North York Moors SPA
- North York Moors SAC
- Southern North Sea SAC

The sites included within the screening are shown in Appendix A.

4.3 Potential Impacts to Qualifying Interests

It is anticipated that the proposed works described in Section 3 could give rise to the following impacts if no mitigation is employed during dredging or vessel movements to transport sediment:

- Capital and maintenance dredging and dredge disposal could give rise to suspended sediments within the water, which may affect water quality and indirectly affect the prey/forage abundance for qualifying interests of the designated sites;
- Dredging and transportation of sediment could increase the risk of a pollution incident;
- Dredging and transportation of sediment, and the resulting marine traffic, could cause increased risk of collision with qualifying interests (particularly marine mammals), as well as disturbance; and
- Dredging and vessel movements may result in the generation of underwater noise, which can cause injuries and result in Temporary Threshold Shift (TTS) or Permanent Threshold Shift (PTS) in the hearing of qualifying interests (particularly marine mammals).
- Introduction of marine Invasive non-native species.

¹³ www.magic.gov.uk (Accessed February 2026)

¹⁴ The extension to the Teesmouth and Cleveland Coast SPA was classified in February 2020

4.4 Screening Assessment

This report has been provided to assist the competent authority to identify the potential pathways that may impact the integrity of the European sites identified within the Zol.

As identified in Table 4-1, it is necessary to determine whether the plan or project is required for the management of the European site(s). In this instance, the proposed development works are not integral to the management of the European sites, and as such this scheme cannot be initially screened out.

Screening assessment of sites detailed in Section 4.2 and 4.3 are listed in Table 4-1.

Table 4-1: List of European Designated Sites Within 30km of the Proposed Development, Along with their Qualifying Features and Screening Assessment for Likely Significant Effects

Site Name (distance and orientation from proposed development)	Conservation Objectives/ Reason for designation	Qualifying Features	Likely Significant Effect (LSE)	Screening Assessment
Teesmouth and Cleveland Coast SPA/Ramsar ¹⁵ (0km, works within site)	To maintain or restore; - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features - The supporting processes on which the habitats of the qualifying features rely - The population of each of the qualifying features, and, - The distribution of the qualifying features within the site.	<u>Breeding Birds:</u> Pied Avocet (<i>Recurvirostra avosetta</i>) Common Tern (<i>Sterna hirundo</i>) Little Tern (<i>Sterna albifrons</i>) <u>Non-Breeding Birds:</u> Red Knot (<i>Calidris canutus</i>) Ruff (<i>Calidris pugnax</i>) Common Redshank (<i>Tringa totanus</i>) Sandwich Tern (<i>Sterna sandvicensis</i>) Waterbird assemblage	Pathways for LSE identified. The works are located within the SPA/Ramsar site. The proposed dredging works could result in both direct and indirect effects to the qualifying species and their supporting habitats. These effects may include: - Loss and/or degradation of foraging habitats as a result of siltation during dredging; - Pollution via fuel leaks and reduction of water quality due to dredging works; - Death or injury to individual birds as a result of pollution and boat strikes from dredging works; and - Disturbance caused by increased noise, vibration, lighting and human activity/presence as a result of dredging works. LSEs cannot be ruled out for the SPA qualifying features.	Screened in
North York Moors SAC ¹⁶ (14.5km south west)	To maintain or restore; - The extent and distribution of the qualifying natural habitats - The structure and function (including typical species) of the qualifying natural habitats, and, - The supporting processes on which the qualifying natural habitats rely	Northern Atlantic wet heaths with <i>Erica tetralix</i> ; Wet heathland with cross-leaved heath H4030 European dry heaths H7130. Blanket bogs	No pathway for LSE identified Due to the distance between the SAC and the proposed development site and the static nature of the features, no impact pathway is considered to be present. No predicted LSEs for qualifying features of the SAC.	Screened out

¹⁵ <https://publications.naturalengland.org.uk/publication/6619918699069440>

¹⁶ <https://publications.naturalengland.org.uk/publication/6048216608931840>

Site Name (distance and orientation from proposed development)	Conservation Objectives/ Reason for designation	Qualifying Features	Likely Significant Effect (LSE)	Screening Assessment
North York Moors SPA¹⁷ (14.5km south west)	To maintain or restore; - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features - The supporting processes on which the habitats of the qualifying features rely - The population of each of the qualifying features, and, - The distribution of the qualifying features within the site	<u>Breeding Birds:</u> Merlin (<i>Falco columbarius</i>) European golden plover (<i>Pluvialis apricaria</i>)	No pathway for LSE identified Due to the distance between the SPA and the proposed development site, alongside the lack of suitable habitat present on site or within the surrounding landscape to support the qualifying features, no impact pathway is considered to be present. No predicted LSEs for qualifying features of the SPA.	Screened out
Southern North Sea SAC (104.8km east)	Conservation Objectives: - Harbour porpoise is a viable component of the site; - There is no significant disturbance of the species; and - The condition of supporting habitats and processes, and the availability of prey is maintained.	Harbour porpoise (<i>Phocoena Phocoena</i>)	Pathway for LSE identified. It is possible that small numbers of Harbour porpoise from the SAC may utilise coastal water in the vicinity of the Tees Mouth for foraging, however, it considered that the dredge site itself is sub-optimal habitat unlikely to be utilised. Given the distance between the likely areas of habitat use and the proposed dredging impacts are not considered likely. No LSEs are predicted for harbour porpoise in the Southern North Sea SAC.	Screened out

¹⁷ <https://publications.naturalengland.org.uk/publication/6207512114102272>

4.5 In Combination Effects

The majority of projects/ plans/ approved developments are predominantly for residential dwellings, with no modification of the watercourse and small in nature, therefore assessed to have no in combination effects.

A review of the Hartlepool Borough Council and Stockton-on-Tees Borough Council Planning Portals identified the following projects in the vicinity of the site, which may have the potential for in combination effects. Full details are provided in Table 4-2.

Table 4-2: Potential Sources and Pathways of Impact on European Sites

Proposal Details	Local Authority and Ref No.	Applicant	Status/Decision	Conclusion
Adjoining Authority consultation for a new Marine Licence to cover the normal routine operational maintenance activities (bordering the site and the Teesmouth and Cleveland Coast SPA to the north)	Hartlepool Borough Council – H/2025/0081	Marine Management Organisation	Approved with Adjoining Authority Consultation	No in combination effects. An environmental appraisal by EDF Energy concluded that <i>“it is unlikely that the activities will have a significant impact on water and sediment quality”</i> <i>Activities that may negatively impact water quality are “the painting and application of coatings to infrastructure and concrete removal and repairs...there is potential for hazardous material/contaminants to enter the water...Best practice pollution prevention guidelines will be followed to minimise the risk of accidental spillages and the risk of introduction of contaminants...”</i> Therefore the risk has been assessed as negligible.
Construction of a Hydrogen Production Facility, including a Hydrogen Tube-Trailer Filling Station and associated compression, storage and infrastructure. (Approximately 5.3km as the crow flies, and 10km upstream from the site, and directly borders the Teesmouth and Cleveland Coast SPA to the north)	Stockton-on-Tees Borough Council – 25/2373/FUL	Mr Jack Sampson - Protium Green Hydrogen Supply Limited	Consultation/Awaiting Decision	Potential in combination effects. A consultation response from Natural England concluded that <i>“The application could have potential effects on the Teesmouth and Cleveland Coast SPA and Ramsar.”</i> And have requested further information pertaining to air pollution impacts, noise impacts and water quality impacts otherwise they may object to the proposal – the current HRA for this proposal <i>“Considers the potential for surface-related water impacts but does not consider operational/process-related wastewater. Therefore, the applicant has been asked to provide clarification if this is because there will be no process-related wastewater”</i> .

In addition to projects listed in the above table, maintenance dredging is undertaken consistently on the River Tees by the Harbour Authority. It is unlikely that the proposed dredging works for Able Seaton Port will be undertaken at a similar time to the River Tees maintenance dredging, The proposed dredging works are to be of a similar scale to that covered within the previous licence, which were not found to give rise to cumulative impacts on the surrounding habitats alongside the River Tees maintenance dredging therefore, the risk has been assessed as negligible.

4.6 Screening Conclusion

The outcome of screening for appropriate assessment is to reach one of the following determinations:

- a) A Stage Two AA of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.
- b) A Stage Two AA of the proposed development is not required if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site

At present there is not sufficient information to rule out likely (or possible) significant impacts to one or more of the qualifying features of the following sites:

- Teesmouth and Cleveland Coast SPA/Ramsar (Breeding birds, non-breeding birds and waterbird assemblage)

As such, an AA for the proposed development will therefore be required to ascertain whether or not the proposed works will adversely effect the integrity of the designated sites' qualifying features.

Only one of the projects detailed fully in Section 4.5 is anticipated to result in combination effects, however this proposal is still awaiting decision and has not been approved.

5 INFORMATION TO INFORM APPROPRIATE ASSESSMENT

5.1 Teesmouth and Cleveland Coast SPA/ Ramsar Description

The Teesmouth and Cleveland Coast SPA was first classified in 1995 for its numbers of European importance of breeding Little Tern, passage Sandwich Tern, wintering Red Knot and passage Common Redshank as well as an assemblage of over 20,000 waterbirds. The SPA was updated/ extended in 2020 to include additional areas of coastal and wetland habitats important for waterbirds.

The site is a wetland of European importance, located on the coast of north-east England between Castle Eden Dene Mouth in the north and Marske-by-the- Sea in the south. It includes the Little Tern colony at Crimdon Dene Mouth and the Common Tern colony at Saltholme. The coastal parts of the site include a rocky limestone headland with sandy beaches stretching to the north, and much of Tees Bay to the south. South of Hartlepool, the Magnesian limestone is replaced by sandstones and mudstones, as far as Saltburn, creating low cliffs and sandy beaches.

The SPA comprises of a wide variety of habitats including: intertidal sand and mudflats, rocky shore, saltmarsh, freshwater marsh, saline lagoons, sand dunes and estuarine and coastal waters on and around the Tees estuary, which has been considerably modified by human activities and loss of land through reclamation for industrial development during the 19th and early 20th century.

These habitats provide feeding and roosting opportunities for important number of waterbirds in winter and during passage periods including in particular Common Redshank, Red Knot and Ruff, which occur in internationally important numbers. Freshwater and brackish pools also support breeding Pied Avocet during summer. The saltmarsh and mudflat habitats of the Teesmouth and Cleveland Coast SPA are of great importance to a diverse assemblage of bird species.

Seal Sands is directly adjacent to the dredging works and is the only extensive area of intertidal mudflats on the east coast of England between Lindisfarne to the north and the Humber Estuary to the south. The mudflats support high densities of benthic invertebrates, including worms, molluscs and crustaceans, which provide an important food resource for migrant and overwintering SPA bird species, particularly Shelduck, Red knot and Common Redshank.

Areas of saltmarsh provide significant feeding and roosting opportunities for many species of waterbird including Common Redshank and Red Knot. In summer, Little Tern breed on the sandy beaches within the site and feed out at sea while the Common Tern, which breed at various locations, feed within the River Tees and associated water bodies and within the wider estuary mouth and bay. In late summer, Sandwich Tern aggregate in important numbers at Coatham Sands, Seal Sands, North Gare Sands/ Seaton Snook and Bran Sands when on passage.

Habitat types used by qualifying features include:

Breeding Birds:

- Avocet - Breeds in shallow coastal lagoons around the east coast of England and winters on sheltered estuaries on the south coast¹⁸.
- Common Tern - A summer visitor, nesting on gravelly beaches and islands around the coast and on inland flooded gravel pits and reservoirs¹⁹.

¹⁸ <https://www.wildlifetrusts.org/wildlife-explorer/birds/wading-birds/avocet>

¹⁹ <https://www.wildlifetrusts.org/wildlife-explorer/birds/seabirds/common-tern>

- Little Tern - Little Terns nest on open coastal sites, usually choosing flat or gently sloping sand or shingle beaches, shingle ridges, spits and islands. They choose sites which are close to the high tide line, and which are subject to change through winter storms²⁰.

Non-Breeding Birds:

- Red Knot - feed in estuaries around the coast, with largest numbers seen at high tide roosts in the depths of winter²¹.
- Ruff - feeds in shallow water around lakes and wetland areas near the coast²².
- Common Redshank - feeding in shallow water around lakes, marshes, mudflats and coastal wetlands. It breeds on open marshes, mires and saltmarshes²³.
- Sandwich Tern – typically feed in marine habitats including shallow marine waters such as bays, inlets and outflows, gullies, shoals, inshore waters, reefs, and sandbanks as well as more open waters such as the open sea²⁴.

5.1.1 Assessment Against the Conservation Objectives

Conservation Objective 1: *The extent and distribution of the habitats of the qualifying features*

Potential impact: *There is potential for damage to habitats which qualifying features may utilise within the dredge pocket.*

There is no additional dredging proposed outside of the existing dredge pocket currently consented. The site may be utilised by foraging Terns and there is scope for some species to be present in the adjacent mudflats to the south, however it is not considered that the dredging will result in any loss of habitat. Based on the area of works, there is not predicted to be any change to the current extent or distribution of habitats as a result of dredging.

Conservation Objective 2: *The structure and function of the habitats of the qualifying features*

Potential impact: *There is potential for sedimentation effects on the River Tees, potentially directly or indirectly affecting the function of the habitats and foraging of qualifying features. It is also possible that introduction of marine Invasive Non-native Species (mINNS) could alter the structure and function of habitats through alteration of supporting communities.*

There is potential for increased suspended sediment within the watercourse through the duration of dredging works. This would lead to higher levels of turbidity and sediment deposition on mudflat habitats. Any contaminants mobilised within the sediment could also affect benthic and intertidal fauna which some of the bird species forage upon.

The method of dredging via trailer suction dredge hopper reduces sediment suspension compared to other dredging methods and it is anticipated that suspended sediment would dissipate quickly upon dredging works ceasing.

At the time of writing, full details of sediment sampling are not available but initial results are in line with past sampling at the site which has found no contaminants above CEFAS Active Level 2,, which would indicate harm to life. Previous dredging has not had a detrimental impact to the structure or function of supporting habitats within the SPA.

²⁰ Little Tern English Nature Publications 'Climate Change Adaptation Manual Scotland' 2nd Edition 2020

²¹ <https://www.wildlifetrusts.org/wildlife-explorer/birds/wading-birds/knot>

²² <https://www.wildlifetrusts.org/wildlife-explorer/birds/wading-birds/ruff>

²³ <https://www.wildlifetrusts.org/wildlife-explorer/birds/wading-birds/redshank>

²⁴ <https://data.jncc.gov.uk/data/926cdbbd-c384-42a9-b9e5-81abd778bbd0/JNCC-Report-500-Annex8-Eglington-Perrow2014.pdf>

Given the temporary nature and relatively small scale of the works, the increased turbidity and sediment deposition is not considered to be sufficient to alter the structure or function of habitats supporting qualifying features of the SPA.

Whilst introduction of mINNS associated with movement of the dredge vessel and other associated plant is a possibility, it is considered that this impact could be avoided through implementation of industry standard practices.

Conservation Objective 3: *The supporting processes on which the habitats of the qualifying features rely*

Potential impact: *There is potential for qualifying features to be impacted by water pollution and reduced water quality and stability due to dredging works.*

Accidental pollution events (e.g. fuel spills) have the potential to negatively impact the qualifying features and their food sources (e.g. fish, invertebrates, etc.) on site or downstream. Such incidents could lead to a temporary change in water chemistry and reduction of condition of qualifying features and their prey. However, any accidental pollution which does occur as a result of the works will be temporary in nature and will only affect individual birds and prey within the immediate vicinity of the dredging works. Therefore, as with all industrial activity, without adherence to appropriate standard working methods and best practice, there is potential for contamination of the waterbody and associated effects on the qualifying features of the SPA/ Ramsar.

Dredging can potentially release contaminants in the sediment into the surrounding environment however the proposed method of dredging exhibits a very low risk of suspending contaminated sediment into the water column. Additionally, no detrimental effects have arisen as a result of previous dredging work and the concentration of contaminants present within the silt were found to not fluctuate significantly throughout the previous licence period. Chemical analysis of sediment samples has not found any contaminants at levels harmful to life.

Given the mitigation measures employed to prevent pollution events outlined in Section 6, any effects as a result of pollution are not predicted to result in adverse effects on the supporting processes on which the habitats of the qualifying features rely.

Conservation Objective 4: *The populations of each of the qualifying features*

Potential impact: *There is potential for injury or mortality to occur to qualifying features as a result of pollution or boat strike during dredging works.*

There is potential for individuals to be injured or killed during the works, either through direct collision with the boat or if they come into contact with pollutants either directly or via prey/forage.

Given the temporary nature of the works, localised area of potential impact, and sub-optimal habitat within the site and potential for mitigation to avoid impacts, the number of individuals which could be impacted is considered to be negligible and would there is not considered to be any effect at the population scale.

Conservation Objective 5: *The distribution of the qualifying features within the site*

Potential impact: *There is potential for disturbance as a result of dredging works including noise, vibration, lighting, human and visual presence on designated features.*

Dredging works could result in disturbance via noise, vibration and human presence and therefore could cause a change in distribution through avoidance behaviour. However, Able Seaton Port is an active industrial area, with the proposed dredging being continuation of an existing activity. Any disturbance as a result of the proposed dredging will be in line with baseline levels. It is considered any birds utilising habitats within or adjacent to the site will be accustomed to the high level of activity associated with the port.

Tern are the main species considered to have suitable habitat within and adjacent to the proposed dredging works. Natural England noted that there is no evidence to suggest terns are displaced by industrial activity.

Overall, it is not considered that continued dredging will have any impact on the distribution of species within the designated site

6 MITIGATION AND MONITORING

The following standard good practice mitigation measures will be implemented during the proposed development works:

- When utilising overspilling while dredging, the material collected during this period shall not consist of any light/fine material. Light or fine material is determined as anything less than 1.2tonnes/cubic meters. The dredger will stop overspilling material immediately if the material passes the fine sediment threshold in order to avoid negative impacts on water quality during dredging.
- A slow-start will be employed with any dredging activity to allow animals in the vicinity to move away to avoid any injury or death occurring.
- All works will adhere to industry best practice, including minimising the working area and duration of works and minimising the risk of effects on the River Tees through pathways such as contamination and sedimentation.
- Dredging will seek to avoid need for artificial lighting where possible, and any artificial lighting required will not be directed at the water in order to minimise disturbance.
- Sediment sampling will take place on a regular basis to ensure contaminant levels are safe for disposal at sea and do not pose a risk for the immediate environment
- Implementation of industry standard biosecurity measures including 'check, clean, dry'.
- Appropriate speed limits for marine traffic will be implemented to reduce risk of collision with birds and other marine fauna (4 knots is recommended within the water).
-
- Detailed mitigation measures will be employed to minimise the risk of pollution which may include but not necessarily be limited to:
 - Secondary containment for chemicals such as fuels or oils and other building materials to be stored on an impermeable surface >10m from water.
 - Emergency spill procedures.
 - Environment Agency Pollution prevention hotline (0800 80 70 60) to be notified within 30 minutes in the event of an incident.
 - All operatives on site to be made aware of the potential environmental impacts of the work, how to reduce or eliminate them and the emergency response plans should an incident arise.

7 CONCLUSIONS

This shadow HRA report has been prepared to provide information to inform an AA, to be undertaken by the Competent Authority, in order to conserve and protect the ecological integrity of European sites.

The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations for which it was classified (defined in the Habitats Directive).

The potential LSEs resulting from the proposed dredging works have been considered in the information to inform AA, in the context of the Teesmouth and Cleveland SPA/Ramsar site and the associated conservation objectives. The Precautionary Principle that has been applied and this statement demonstrates objectively that with the implementation of the above proposed mitigation measures, there will be no adverse effects on the integrity of the European site and that the favourable status of the qualifying features will be maintained, subject to natural processes.