



Habitats Regulations Assessment

Determination of Likely Significant Effect (LSE)

The following is a suggested template that can be used to record the MMO's decision-making process with regards to assessing likely significant effect.

This LSE opinion should be read in conjunction with the guidance in [DN13.2](#), [published online](#) and in the [Conservation Advice Packages](#).

Table 1. MMOs decision-making process with regards to whether a plan or project will have an LSE on a European designated site listed below.

Record of assessment of likely significant effect on a European site	
1. Type of activity:	Maintenance dredging
2. MMO reference no:	MLA/2015/00334/4
3. Applicant details:	Able UK LTD, Able House, Billingham Reach Industrial Estate, Haverton Hill Road, Billingham, TS23 1PX
4. National grid reference or WGS co-ordinates:	54°37.9137'N 01°11.5170'W 54°37.7947'N 01°11.3850'W 54°37.8617'N 01°11.1720'W 54°37.8407'N 01°10.3921'W 54°37.7777'N 01°09.8742'W 54°37.8627'N 01°09.9052'W 54°37.9197'N 01°10.3551'W 54°37.9377'N 01°11.0250'W 54°37.9667'N 01°11.1040'W 54°37.9987'N 01°11.1160'W 54°37.9627'N 01°11.3910'W 54°37.9137'N 01°11.5170'W <u>TERRC Basin:</u> 54°38'07.88"N 01°11'29.30"W 54°38'04.35"N 01°11'38.96"W 54°38'03.12"N 01°11'38.43"W 54°38'02.35"N 01°11'39.34"W 54°37'55.78"N 01°11'29.09"W 54°37'54.98"N 01°11'25.87"W 54°37'58.43"N 01°11'17.57"W
5. Brief description of proposal:	Maintenance dredge silt and dispose of it at Tees Bay A at Able Seaton Port Holding basin and channel to

allow vessels to keep accessing the Port. This variation is being sought to include the TERRC Basin area.

The proposed variation to include the TERRC basin area will have the following volumes:

Area:	Initial volume:	Annual maintenance:
Grounding bed	15,000 m ³	2,400 m ³
TERRC basin	60,000 m ³	9,750 m ³
Quays 7,8 and 9	60,000 m ³	9,750 m ³

The method of dredging for the TERRC Basin has yet to be confirmed as no dredging contractor has been appointed. Therefore, all methods of dredge and disposal will be considered. The material to be dredged on the grounding bed and TERRC basin will be silt, although the initial volume to be removed for the quays will be clay.

6. European site name(s) and status:

Teesmouth and Cleveland Coast SPA
 Teesmouth and Cleveland Coast Ramsar

7. List of interest features:

Teesmouth and Cleveland Coast SPA
 (within – excluding TERRC Basin)

European Important Annex I Species

- Little tern *Sterna Albifrons* (Breeding)
- Sandwich terns *Thalasseus sandvicensis* (Migrating)
- Red knot, *Calidris canutus* (Non-breeding)
- Common redshank, *Tringa totanus* (Migrating)
- Common tern, *Sterna hirundo* (Breeding)
- Ruff, *Calidris pugnax* (Non-breeding)
- Pied avocet, *Recurvirostra avosetta* (Breeding)

Supporting subfeatures:

Sand and shingle, intertidal sandflat and mudflat, rocky shore, saltmarsh, shallow coastal water, invertebrate,

	<p>Teesmouth and Cleveland Coast Ramsar site (within – excluding TERRC Basin)</p> <p>Ramsar criterion 5 Assemblages of international importance: Species with peak counts in winter: 9528 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p>Ramsar criterion 6 – species/populations occurring at levels of international importance.</p> <p>Qualifying Species/populations (as identified at designation):</p> <ul style="list-style-type: none"> • Common redshank, <i>Tringa totanus</i> • Red knot, <i>Calidris canutus</i>
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<p>8. Is the proposal directly connected with or necessary to the management of the site for nature conservation?</p>	<p>No</p>
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9. What potential hazards are likely to affect the interest features? Are the interest features potentially exposed to the hazard?

Teesmouth and Cleveland Coast SPA		
Interest feature	Potential hazard	Potential exposure to hazard and mechanism of effect/impact if known
European Important Annex I Species		
<ul style="list-style-type: none"> • Little tern <i>Sterna Albifrons</i> • Sandwich terns <i>Thalasseus sandvicensis</i> • Ringed plover, <i>Charadrius hiaticula</i> • Red knot, <i>Calidris canutus</i> • Common redshank, <i>Tringa totanus</i> • Common tern, <i>Sterna hirundo</i> 	<p>Disturbance from the noise and sight of the dredger, reduced food sources due to decreased oxygen, increased contamination from sediment, loss of sight of food sources due to increased turbidity.</p>	<p>The area is highly modified so there will always be large vessels in the area and it is regularly dredged so the birds should have become accustomed to some extent.</p> <p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the foraging/feeding grounds for the birds.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother foraging/feeding areas.</p> <p>The variation to include the TERRC basin will increase the dredge area by up to a maximum of 30%. The TERRC basin is not within the SPA or proposed extension. Any potential impacts will be localised and temporary. Bird species should be</p>

<ul style="list-style-type: none"> • Ruff, <i>Calidris pugnax</i> • Pied avocet, <i>Recurvirostra avosetta</i> 		<p>habituated to the current dredging baseline.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>
Supporting subfeatures:		
Sand and shingle	Covered by additional material including clay	<p>The dredging area does not overlap with this feature. Therefore there will be no direct impacts. Dredging activities may disturb sediment.</p> <p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the subfeature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>This is unlikely as the amount being dredged will be limited and the material will only have a limited distance to travel and it is unlikely to reach the sand and shingle.</p> <p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>
Intertidal sandflats	Increased sediment which reduces oxygen and smothers sites, possible contamination from disturbed sediment	<p>The edge of the holding basin may partially overlap this feature. Therefore the dredging activities may remove this subfeature.</p> <p>Dredging will lead to the disturbance of sediment. The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the subfeature.</p> <p>Any disturbance should be minimal as there will be limited dredging and disposal campaigns a year.</p>

		<p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>
Intertidal mudflats	Increased sediment which reduces oxygen and smothers sites, possible contamination from disturbed sediment	<p>The existing dredging area overlaps/adjacent to this subfeature. Dredging activities has the potential to disturb sediment.</p> <p>Any disturbance should be minimal as there will be limited dredging and disposal campaigns a year.</p> <p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the subfeature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The area is highly modified and dredging activities have been longstanding. The continuation of maintenance dredging activities will not cause removal of this feature.</p> <p>Site checks have been undertaken on MAGIC and this feature does not return within the TERRC basin. Therefore the addition of the TERRC Basin should not significantly change conditions from the baseline.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>

<p>Reefs</p>	<p>Covered by sediment and increase in contaminants affecting organisms using the Reef.</p>	<p>This subfeature is adjacent to the dredging area. Dredging will disturb sediment into the water column.</p> <p>Any disturbed sediment should be minimal as there will be limited dredging and disposal campaigns a year.</p> <p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the subfeature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>
<p>Rocky shore</p>	<p>Covered by sediment and increase in contaminants affecting organisms using the rocky shore.</p>	<p>This subfeatures does not overlap with dredging area, therefore there should be no direct impacts.</p> <p>This subfeature is unlikely to be affected as the material being dredged is silt and clay and there will be limited material released during dredging.</p> <p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the subfeature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p>

		<p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment</p>
<p>Saltmarsh, freshwater marsh</p>	<p>Suspended sediment containing contaminants, reduced oxygen from turbidity,</p>	<p>The dredging area does not overlap with the dredging area. Therefore there are no direct impacts. A site check has shown the nearest saltmarsh is ~280 metres away and enclosed by land.</p> <p>The dredging activities may disturb sediment, however this subfeature is unlikely to be affected as the material being dredged is silt and clay and there will be limited material released during dredging.</p> <p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the subfeature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment</p>
<p>Teesmouth and Cleveland Coast Ramsar</p>		
<p>Intertidal sandflats</p>	<p>Increased sediment which reduces oxygen and smothers sites, possible contamination from disturbed sediment</p>	<p>The edge of the holding basin may partially overlap this feature. Therefore the dredging activities may remove this subfeature.</p> <p>Dredging will lead to the disturbance of sediment. The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the subfeature.</p> <p>Any disturbance should be minimal as there will be limited dredging and disposal campaigns a year.</p> <p>The area is highly modified and dredging activities have been longstanding.</p>

		<p>Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>
Intertidal mudflats	Increased sediment which reduces oxygen and smothers sites, possible contamination from disturbed sediment	<p>The dredging area overlaps/adjacent to this subfeature, therefore dredging activities will remove this feature. Dredging activities has the potential to disturb sediment.</p> <p>Any disturbance should be minimal as there will be limited dredging and disposal campaigns a year.</p> <p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the subfeature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>
Rocky shore	Covered by sediment and increase in contaminants affecting organisms using the rocky shore.	<p>This subfeatures does not overlap with dredging area, therefore there should be no direct impacts.</p> <p>This subfeature is unlikely to be affected as the material being dredged is silt and clay and there will be limited material released during dredging.</p> <p>The disturbance of sediment has the potential to release contaminants into the</p>

		<p>water column. This could lead to contamination of the subfeature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>
Saltmarsh, freshwater marsh	Suspended sediment containing contaminants, reduced oxygen from turbidity,	<p>The dredging area does not overlap with the dredging area. Therefore there are no direct impacts. A site check has shown the nearest saltmarsh is ~280 metres away and enclosed by land.</p> <p>The dredging activities may disturb sediment, however this subfeature is unlikely to be affected as the material being dredged is silt and clay and there will be limited material released during dredging.</p> <p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the subfeature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>

Sand dunes	Covered by sediment and increase in contaminants affecting organisms using the rocky shore.	<p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline.</p> <p>The dredging area does not overlap with this subfeature. Dredging activities may disturb sediment. The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the feature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>Any impacts should be minimal as there will be limited dredging and disposal campaigns a year.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>
Invertebrates	Smothering, increased contaminant from sediment, reduced oxygen, changes to their food source, food sources less visible.	<p>The area is highly modified and dredging activities have been longstanding. Therefore the addition of the TERRC Basin should not significant change conditions from the baseline. Any potential impacts should be minimal as there will be limited dredging and disposal campaigns a year.</p> <p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the feature.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother features.</p> <p>The MMO cannot rule out that there will be a likely significant effect on this features. Therefore, this feature will be taken through to Appropriate Assessment.</p>
Waterbirds	Disturbance from the noise and sight of the dredger, reduced food sources due to decreased oxygen,	The area is highly modified so there will always be large vessels in the area and it is regularly dredged so the birds should have become accustomed to some extent.

	<p>increased contamination from sediment, loss of sight of food sources due to increased turbidity.</p>	<p>The disturbance of sediment has the potential to release contaminants into the water column. This could lead to contamination of the foraging/feeding grounds for the birds.</p> <p>The use of WID may suspend sediment into the water column, producing a plume that could reduce water clarity and smother foraging/feeding areas.</p> <p>The variation to include the TERRC basin will increase the dredge area by up to a maximum of 30%. The TERRC basin is not within the Ramsar or proposed extension. Any potential impacts will be localised and temporary. Bird species should be habituated to the current dredging baseline.</p> <p>A significant effect caused by the project cannot be ruled out, therefore these features will be taken through to Appropriate Assessment.</p>
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10. Is the potential scale or magnitude of any effect likely to be significant?

<p>a) Alone?</p>	<p>I cannot rule out that there will be a likely significant effect due to the potential for contaminated sediment to be released into the water column following dredging. Therefore, it will be taken through to appropriate assessment.</p>
<p>b) In combination with other plans or projects?</p>	<p>A site check has been performed with a 1km buffer. Ongoing maintenance dredging and maintenance for Hartlepool Power Station (L/2016/00193). Application adjacent to the dredge area in the holding basin for the extension of Quay 1 (MLA/2017/00395).</p> <p>This variation is for ongoing maintenance dredging activities. There should not be any in combination effects. Therefore in combination impacts will not be considered further.</p>
<p>c) In combination with permissions and/or plans/projects of other Competent Authorities? [Following consultation with other competent authorities as necessary]</p>	<p>See above.</p>
<p>11. Conclusion: Is the proposal likely to have a significant effect 'alone and/or in combination' on a European site?</p>	<p>This is a heavily modified port that has been dredged for a long period of time, with an existing baseline for these activities. The dredger is already being used for long standing maintenance dredging so this will not increase during the maintenance dredging.</p>

	A likely significant effect from the activities cannot be ruled out due to the potential for sediment contamination. Therefore all features will be taken forward to appropriate assessment.	
12. Name of officer:	Sarah Errington	Date: 13 August 2018

Appropriate Assessment

Listed below is the MMO's decision-making process with regards to whether those aspects of project screened in for further assessment will have an adverse effect on the integrity of the previously listed European Designated Sites. Consideration is given at this stage to proposed mitigation.

Interest feature screened in for further assessment	Hazard identification as capable of having an adverse effect on a feature of the site	Can adverse effects be avoided?
European Important Annex I Species Assemblages of international importance	Visual Disturbance Noise Disturbance	There must be no dredging in the period 2 hours either side of low tide between November to January inclusive.
European Important Annex I Species, Assemblages of international importance and remaining habitats	Sediment contamination	A relevant sediment sampling plan request must be submitted at least 6 months prior to the end of years 3 and 6 from the date of issue. The relevant sediment sampling and analysis must be completed by a laboratory validated by the MMO at least 6 weeks prior to the end of years 3 and 6 from the date of issue. The licensed activities must not recommence until written approval is provided by the MMO. The relevant sampling during years 3 and 6 of the licence must include sampling for Brominated Diethyl Ethers (BDEs).

<p>European Important Annex I Species, Assemblages of international importance and remaining habitats</p>	<p>Suspended sediment</p>	<p>The works are ongoing maintenance activities.</p> <p>Given the size and nature of the dredge, in relation to the main river channel, increases in suspended sediment are expected to be limited and temporary.</p> <p>Increases in suspended sediment are not likely to exceed natural variation of sediment suspension.</p> <p>Therefore, MMO considers there is no adverse effect on site integrity.</p>
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Conclusion

Will the plan or project cause an adverse effect on site integrity (long term or short term)?

Having regard to the best available evidence and through consultation with the MMO's advisors, the MMO concluded that, providing the above mitigation measures are in place, there will be no significant risk of the plan or project causing an adverse effect on site integrity for the Teesmouth and Cleveland Coast SPA and/or Ramsar.

Name of officer: Sarah Errington

Date: 15 October 2018