



Habitats Regulations Assessment

Prepared by	Gregg Smith	Job Title	Marine Licencing Case Officer	Date	14 April 2023
Quality Checked by	Adam Tillotson	Job Title	Marine Licencing Case Manager	Date	17 April 2023
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Amended by		Job Title		Date	

Table 1: Proposed plan or project details

Title of project	Able Seaton Port berths, Holding Basin and Channel
Case reference	MLA/2015/00334/11
Applicant name	Able UK LTD, Able House, Billingham Reach Industrial Estate, Haverton Hill Road, Billingham, TS23 1PX
Type of licensable activity/ies	<p>Paragraph 6 of section 66 of the Marine and Coastal Access Act:</p> <p>1. To deposit any substance or object within the UK marine licensing area, either in the sea or on or under the sea bed, from—</p> <p>(a) any vehicle, vessel, aircraft or marine structure,</p> <p>(b) any container floating in the sea, or</p> <p>(c) any structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.</p> <p>7. To construct, alter or improve any works within the UK marine licensing area either—</p> <p>(a) in or over the sea, or</p> <p>(b) on or under the sea bed.</p> <p>9. To carry out any form of dredging within the UK marine licensing area (whether or not involving the removal of any material</p>

from the sea or sea bed).

<http://www.legislation.gov.uk/ukpga/2009/23/section/66>

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Location of works	See Annex 1.
Description of proposed project	<p>The current marine licence (L/2017/00012/9) expires in approximately three years, on 1 March 2026. The marine licence has been varied several times since it was originally granted in March 2017. The current marine licence expires in approximately three years, on 1 March 2026.</p> <p>The current marine licence consists of the following activities:</p> <ul style="list-style-type: none"> • Activity 1.1: Capital dredging for Seaton Channel, Seaton Holding Basin and Quay 10 and 11, which includes up to 720,000m³ of clay and 150,000m³ of silt. • Activity 1.2: Maintenance dredging for Seaton Channel, Seaton Channel Holding Basin and Quays 10 and 11, which includes up to 425,860m³ of silt and 10,000m³ of clay. • Activity 1.3: Placement of erosion matting with a total area of 999.72m² as shown in Figure 2 and Figure 3. This is proposed at the northeast side of Quay 11 and would be located within the confines of the berth pocket at Quay 11. The erosion mat would have a length of 67.2m from the quay, and a width of 17.12m (quay end) (18m on the slope) and 11.41m (river side) and would be made from machine compressed cellular concrete blocks, with the design allow for gaps in between the cellular blocks. The mats would be prefabricated offsite and moved into position using a crane located on the quay. The crane would lift the mats onto the revetment which once in place and be interlocked together by the contractor. Once moved into position the mats would remain in place. It is anticipated that the process is likely to be completed within 1-2 days, but could take up to 1 week, allowing for contingency. • Activity 2.1: Maintenance dredge of TERRC Basin. Initially 60,000 m³ will be dredged, followed by 9,750 m³ annually. • Activity 2.2: Maintenance dredge of Grounding bed (within the TERRC Basin). Initially 15,000 m³ will be dredged, followed by 2,400 m³ annually. • Activity 2.3: Capital dredge of up to 75,000 m³ of clay from Quays 7, 8 and 9 (within the TERRC Basin) • Activity 2.4: Maintenance dredge (3,750 m³ of silt annually) of Quays 7, 8 and 9 (within the TERRC Basin) • Activity 3.1: Disposal of dredged clay material to Tees Bay C. Up to 1,474,000 wet tonnes (WTs) of clay from Able Seaton Port Holding basin and Channel; and up to 165,000 WTs of clay from TERRC Basin, Quays 7, 8 & 9. • Activity 3.2: Disposal of dredged (silt and clay) material to Tees Bay A. Up to 748,618 WTs from Able Seaton Port Holding basin and Channel, up to 132,000 WTs of clay fom Able Seaton Port Holding basin and Channel; and up to 242,190 WTs of silt from TERRC Basin, Quays 7, 8 & 9. <p>A combination of hydraulic (e.g. suction hopper dredger), mechanical (e.g. landside grab or backhoe dredging) or hydrodynamic (e.g. plough) dredging methods will be used, although certain types are specified for each activity. When hydraulic and mechanical method are used, the dredge dmaterial will be loaded into hoppers and then deposited at the offshore disposal sites.</p> <p>A Habitate Regulations Assessment (HRA) has been completed as necessary to consider the ongoing and any new activities</p>

	<p>proposed via variation requested. It has been concluded by the MMO previously that the activities listed above will not have an Adverse Effect on Site Integrity (AEoSI).</p> <p>The Tees Bay C and Tees Bay A disposal sites are located over 1.5km away from the National Site Network (NSN) sites and are used regularly. Considering this, the disposal sites <u>will not</u> be considered further in this HRA.</p> <p>A new variation request has been submitted. Variation request 11 is to dredge 1,250m³ from an area of the 'holding basin' to reduce the level from -9.5mCD to -13.5CD. See Figure 5 for the location. It will increase the Activity 3.1 disposal tonnage from 1,474,000 WTs to 1,476,750 WTs.</p>
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Table 2: Need for a Habitats Regulations Assessment (HRA)

<p>Is the proposal directly connected with, or necessary to the management of a National Site Network (NSN) site for the purpose of conserving the habitats or species for which the site is designated?</p>	<p>No, the maintenance dredging and deepening of an area of the holding basin is not linked to the management of the NSN site.</p>
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Table 3: Details of NSN site identified

<p>Name of NSN site: Teesmouth and Cleveland Coast SPA (UK9006061)</p> <p>Distance and Direction: Elements of the project are within the SPA, including the additional dredge proposed as part of variation 11. The TERRC Basin, including Quays 7, 8 and 9, and the Grounding bed, are immediately adjacent to the boundary of this SPA.</p>
<p>Licensable activity/ies from the project that have the potential to interact with the NSN site: All outlined in Table 1.</p>
<p>Conservation Advice package used: Natural England Conservation Advice for Marine Protected Areas Teesmouth and Cleveland Coast SPA</p> <p>https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9006061&SiteName=teesmouth%20and%20cleveland%20coast&SiteNameDisplay=Teesmouth%20and%20Cleveland%20Coast%20SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=4&HasCA=1</p>
<p>Date conservation advice was last accessed: 13 April 2023</p>

<p>Name of NSN site: Teesmouth and Cleveland Coast Ramsar</p> <p>Distance and Direction: Elements of the project are within the Ramsar. The TERRC Basin, including Quays 7, 8 and 9, and the Grounding bed, as well as the additional dredge proposed as part of variation 11, are immediately adjacent to the boundary of this Ramsar.</p>
<p>Licensable activity/ies from the project that have the potential to interact with the NSN site: All outlined in Table 1.</p>
<p>Conservation Advice package used:</p> <p>This Ramsar site overlaps with the Teesmouth and Cleveland Coast SPA NSN site. Conservation Advice packages for overlapping NSN Site designations are, in most cases, sufficient to support the management of the Ramsar interests. As such, the Conservation Advice package for Teesmouth and Cleveland Coast SPA NSN site has been used.</p>
<p>Date conservation advice was last accessed: 13 April 2023</p>

Likely Significant Effect (LSE)

Test: Is it possible that this plan or project might undermine the conservation objectives?

In formulating the LSE [alone and in-combination assessments, Natural England's Conservation Advice Packages, as outlined in Table 3, have been consulted and the following principles applied:

- Where available, the 'Advice on Operations' (AoO) matrix to determine pressures associated with the proposed activities that may potentially harm the qualifying habitat features and/ or species of the sites has been used.
- Features are assessed against the proximity to the works and relevant seasonality considerations. If no pathway is identified between the project (source) and feature (receptor) than no further consideration is given to those features in the HRA.
- Low risk pressures, unless there is evidence or site specific factors that increase the risk, or uncertainty on the level of pressure on a receptor, this pressure generally does not occur at a level of concern and should not require consideration as part of the assessment.
- Features deemed sensitive to pressures (medium and high risk) for both direct and indirect pathways are taken forward into the LSE assessment unless screened for proximity or seasonality.
- The individual pressure/ feature interactions categorised as 'Not Sensitive' at the benchmark are not taken forward into the LSE assessment unless a specific case related pressure is identified such that the impacts on these features will reach above the benchmarks specified for these pressure/ feature interactions.
- For pressure/ feature interactions categorised as 'Not Relevant' these are not taken forward into the LSE assessment. The MMO considers that there is no interaction of concern between the pressure and a feature or the activity has no way of interacting with the feature.
- Pressure/ feature interactions categorised as either 'Insufficient Evidence' or 'Not Assessed' are taken forward into the LSE assessment in accordance with the precautionary principle.

The Advice on Operations (AoO) category of marine activities used is Ports and Harbours (Maintenance) – Maintenance Dredging.

Q1 - I can confirm that I have reviewed all of the relevant conservation advice packages and I understand the features/supporting habitats that I am assessing.

Yes.

Q2 - I can confirm that I have reviewed all of the relevant pressures as per the advice on operations section of the conservation advice packages

Yes.

Q3 - I can confirm that this LSE has not considered mitigation (either included within the application or through additional measures) when assessing the LSE.

Yes.

Q4 - I can confirm that the project will not result in habitat loss within the identified designated sites.

No.

Part 1 - LSE Alone

Q 5 - Upon reviewing the feature/pressure interactions I consider that the project as proposed will have an LSE alone because a pathway between the source and receptors have been identified such that an effect on the listed NSN sites may occur. The conclusions for feature/pressure interactions from LSE alone that are taken to AA are listed in Table 4 below.

Table 4: Feature/pressure interactions from LSE alone to be taken to AA.

Teesmouth and Cleveland Coast SPA and Teesmouth and Cleveland Coast Ramsar		
Pressure	Feature(s)	Likely Significant effect
Visual Disturbance & Noise disturbance	<p>Little tern <i>Sterna Albifrons</i></p> <p>Sandwich tern <i>Thalasseus sandvicensis</i></p> <p>Knot, <i>Calidris canutus</i></p> <p>Redshank, <i>Tringa totanus</i></p> <p>Common tern, <i>Sterna hirundo</i></p> <p>Ruff, <i>Calidris pugnax</i></p> <p>Pied avocet, <i>Recurvirostra avosetta</i></p> <p>Waterbird assemblage</p>	<p>The presence of the dredge vessel could result in a significant impact on the qualifying bird species. While the River Tees and the anchorage offshore is an area of high density shipping, the location of Able Seaton is outside of the main river channel and within the area with the greater density of qualifying bird species. The MMO cannot rule out no LSE alone for these pressures, therefore this will be taken to appropriate assessment.</p>
<p>Smothering and siltation rate changes</p> <p>Habitat structure changes – removal of substratum (extraction)</p> <p>Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion</p>	<p>Intertidal Mud</p>	<p>Dredging in the Seaton Channel area overlaps/adjacent with this subfeature. Dredging activities has the potential to disturb sediment.</p> <p>Any disturbance should be minimal as there will be limited dredging each 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 Water Injection Dredging (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</p>

		<p>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 (see Figure 6), however is within the Holding Basin, which is the location of erosion matting (see Figure 3). This area however is routinely dredged to maintain a depth of -15m and therefore it is considered that no substrate is exposed at low tide in the area, therefore it is considered that this features of the SPA is not present. Similarly, the placement of the erosion matting at depth to protect the slope sides of the dredge pocket will not result in any of the following pressures in respect of intertidal mud habitat, as the feature is not present:</p> <ul style="list-style-type: none"> - Physical loss (to land or freshwater habitat) - Physical change (to another sediment type) - Abrasion/disturbance of the substrate on the surface of the seabed - Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion <p>While the placement of the matting may cause some temporary displacement of sediment while it is being placed, given the nature of the activity this would be short term and localised to the area of the matting and this is not considered to have a likely significant effect. Taking this into account, there is also not considered to be any likely significant effect in respect of smothering/siltation rate changes caused by the placement of the matting.</p> <p>The matting would lie on the seabed and is not anticipated to cause any appreciable water flow changes.</p> <p>As such the MMO considers that there will not be a likely significant effect in relation to intertidal mud</p>
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		<p>caused by the placement of the matting <u>or dredging</u>.</p> <p>However, the MMO cannot rule out that there will be a likely significant effect on this feature caused by the dredging. Therefore, this feature will be taken through to Appropriate Assessment as a result of dredging.</p>
<p>Coastal lagoons Freshwater and coastal grazing marsh Salicornia and other annuals colonising mud and sand Sand Atlantic salt meadows Intertidal rock Intertidal biogenic reef: mussel beds Intertidal mixed sediments Intertidal mud Intertidal sand and muddy sand Water column</p>	<p>Hydrocarbon & PAH contamination Nutrient enrichment Radionuclide contamination Synthetic compound contamination (incl. pesticides, antifoulants, pharmaceuticals) Transition elements & organo-metal (e.g. TBT) contamination</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 significantly change conditions from the baseline.</p> <p>The licensed activities and proposed new dredge are not in or near an area of mussel beds and therefore there is no pathway for the works to have any impact this supporting habitat. As such, the placement of matting is not considered further in respect of this supporting habitat.</p> <p>The MMO cannot rule out that there will be a likely significant effect on these features caused by the ongoing activities and proposed new dredging. Therefore, these features will be taken through to Appropriate Assessment.</p>

Part 2 – LSE in-combination.

Other Projects considered for in-combination assessment

MMO has conducted a GIS check of activities in the immediate area around the proposed project. A pathway zone of influence of 1 km has been used. The MMO has also considered any known projects occurring within or around the boundaries of the NSN sites.

The following projects have been identified and listed in Table 5.

Table 5 – In-combination plan or projects.

<u>Name of plan or project</u>	<u>Activity Type</u>
<u>MLA/2016/00250/4 - Hartlepool Nuclear Power Station - Routine Maintenance Activities Licence</u>	<u>Includes general maintenance activities such as cathodic protection maintenance, ladder and platform maintenance and de-watering and silting of the drumscreen and forebay areas as and when required.</u>
<u>MLA/2017/00395/3 - Quay 1 Extension Able UK</u>	<u>Extension of Quay 1 at Able Seaton including piling and installation of 2 mooring dolphins.</u>
<u>MLA/2021/00191 – Tees Seagrass Project (North)</u>	<u>Project is for placing of seagrass beds within the North Tees area. Although the licence has not expired the MMO has reviewed the application and the planting was for a total of 40m2 at North Gare and has since been completed.</u>
<u>MLA/2022/00396 – Tees Seagrass Project (South)</u>	<u>Project is for placing 100m2 of seagrass beds along the South Tees area.</u>

The check has not identified any other plans or projects that could exert a pressure on features in combination with the proposed project, using a source-pathway-receptor methodology. As such MMO consider this activity will not cause a likely significant effect on a NSN site from in-combination effects with other plans or projects.

Impacts from projects considered for in-combination assessment

Q6 - Upon reviewing the feature/pressure interactions acting in-combination between the application project and projects listed in Table 5, I consider that the project as proposed will ~~not~~ have a likely significant effect on ~~any the~~ NSN site mentioned above. My rationale is ~~that although there is a pathway, in-combination impacts are such that there would not be a likely significant effect based on the following:~~

MLA/2016/00250/4 – The activities are on an as and when required basis, the maintenance activities are small scale and will not result in an in-combination increase on the pressures identified using Natural England’s AoO matrix.

MLA/2017/00395/3 – The project is also undertaken by the applicant for this project. However the use of piling and construction noise could potentially result in an in-combination impact on the pressures already identified during the “alone” assessment.

MLA/2021/00191 & MLA/2022/00396 – The North Tees Project has already been completed with the trial site placed at North Gare at the entrance to the Tees. The South project could potentially involve placing the seagrass bed at Bran Sands which is on the opposite bank for the entrance to the dredge channel. However this will only potentially require 1 small work boat to allow divers to place the seagrass beds and will not result in any in-combination impacts.

Likely Significant Effect Conclusion

The MMO has decided to carry out an appropriate assessment because significant effects alone could not be screened out.

Details of the sites and feature/pressure interactions to be assessed in the Appropriate Assessment are detailed in Table 4 [for alone.](#)

Appropriate Assessment

Below is the MMO's assessment of those aspects of the project that it was not possible to rule out the likelihood of significant effects on the designated sites listed in table 3.

Part 1 – Alone

Name of designated site: Teesmouth and Cleveland Coast SPA and Teesmouth and Cleveland Coast Ramsar				
Qualifying feature or species (include sub-features and supporting habitats)	Pressure	Adverse Effect on Integrity on qualifying feature of species?	Justification	After mitigation, can you conclude no adverse effect on site integrity?
Little tern <i>Sterna Albifrons</i>	Visual Disturbance & Noise disturbance	Yes	As noted in Table 4, the presence of the dredge vessel could result in a significant	Yes – a restriction on dredging will be retained on the existing licence stating

<p>Sandwich tern <i>Thalasseus sandvicensis</i></p> <p>Knot, <i>Calidris canutus</i></p> <p>Redshank, <i>Tringa totanus</i></p> <p>Common tern, <i>Sterna hirundo</i></p> <p>Ruff, <i>Calidris pugnax</i></p> <p>Pied avocet, <i>Recurvirostra avosetta</i></p> <p>Waterbird assemblage</p>			<p>impact on the qualifying bird species. While the River Tees and the anchorage offshore is an area of high density shipping, the location of Able Seaton is outside of the main river channel and within the area with the greater density of qualifying bird species. The MMO cannot rule out Adverse Effect on Site Integrity (AEoSI) alone for these pressures.</p>	<p>that no dredging in the period 2 hours either side of low tide between November and January inclusive is allowed. This is to avoid disturbing the protected feeding SPA/Ramsar birds. This restriction does not apply to dredging within the TERRC Basin. Considering the inclusion of this restriction as mitigation, the MMO can conclude no AEoSI.</p>
<p>Intertidal Mud</p>	<p>Smothering and siltation rate changes</p> <p>Habitat structure changes – removal of substratum (extraction)</p> <p>Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion</p>	<p>No</p>	<p>When assessed in 2021, the MMO concluded that the widening of Seaton channel, which has a depth of 9.5mCD, from 85m to 100m would not result in an AEoSI. The MMO agree that this continues to be the case considering the area to be dredged is subtidal.</p> <p>While dredging, capital and/or maintenance, may take place in/near to an area of intertidal mud/intertidal mudflats, it is considered that these pressures as a result of dredging activities will not have an AEoSI as the area has already been modified and ongoing activities will not result in any new effect that the habitat isn't already resilient to.</p>	<p>Not applicable. Mitigation is not necessary to conclude no AEoSI.</p> <p>-</p>
<p>Coastal lagoons</p> <p>Freshwater and coastal grazing marsh</p> <p>Salicornia and other</p>	<p>Hydrocarbon & PAH contamination</p> <p>Nutrient enrichment</p> <p>Radionuclide</p>	<p>Yes</p>	<p>As noted in Table 4, the ongoing and proposed activities have the potential to result in significant effects as a result of the potential to release contaminants into</p>	<p>Yes, an appropriate sediment sampling and analysis regime, as agreed with MMO in consultation with Cefas, will be implemented to ensure material is suitable for dredging and disposal to sea.</p>

annuals colonising mud and Sand Atlantic salt meadows Intertidal rock Intertidal mixed sediments Intertidal mud Intertidal sand and muddy sand Water column	contamination Synthetic compound contamination (incl. pesticides, antifoulants, pharmaceuticals) Transition elements & organo-metal (e.g. TBT) contamination		the water column. The MMO cannot rule out Adverse Effect on Site Integrity (AEoSI) alone for these pressures.	The licensed activities must not recommence until written approval is provided by the MMO. Considering the inclusion of this measure as mitigation, the MMO can conclude no AEoSI.
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Appropriate Assessment Conclusion

This is a record of the appropriate assessment required by regulation 63 of The Conservation of Habitats and Species Regulations 2017 and undertaken by the Marine Management Organisation in respect of the proposed project outlined in table 1.

The LSE alone and in-combination assessment concluded that the proposed project would be likely to have a significant effect on the following European or European marine site:

- Teesmouth and Cleveland Coast SPA
- Teesmouth and Cleveland Coast Ramsar

An alone appropriate assessment has been undertaken of the implications of the proposal in consideration of the applicable conservation objectives. Other activities within 1km of the project area were identified but the pressures that could result in an impact were already determined to be relevant for the alone assessment.

The MMO has concluded that the proposed project would not have an adverse effect on the integrity of the following site(s), either alone or in-combination with other plans of projects:

- Teesmouth and Cleveland Coast SPA
- Teesmouth and Cleveland Coast Ramsar

| This conclusion is dependent on mitigation measures being secured by the following conditions being secured in a marine licence:}]

- There must be no dredging in the period 2 hours either side of low tide between November to January inclusive. This does not apply to dredging in TERRC Basin in accordance with coordinates in licence schedule 4.
- An appropriate sediment sampling and analysis regime, as agreed with MMO in consultation with Cefas, will be implemented, for example: *‘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.’*

Natural England was consulted on the appropriate assessment [date(s)] and to which the MMO has had regard. The conclusions of this appropriate assessment [are/are not] in accordance with the advice and recommendations of Natural England.

Name of MMO officer: Gregg Smith

Job Title: Marine Licencing Case Officer

Date: 14 April 2023

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Annex 1

Full location information (including site coordinates) is available on the MMO's Public Register. A map detailing the proposed project site(s) is below.

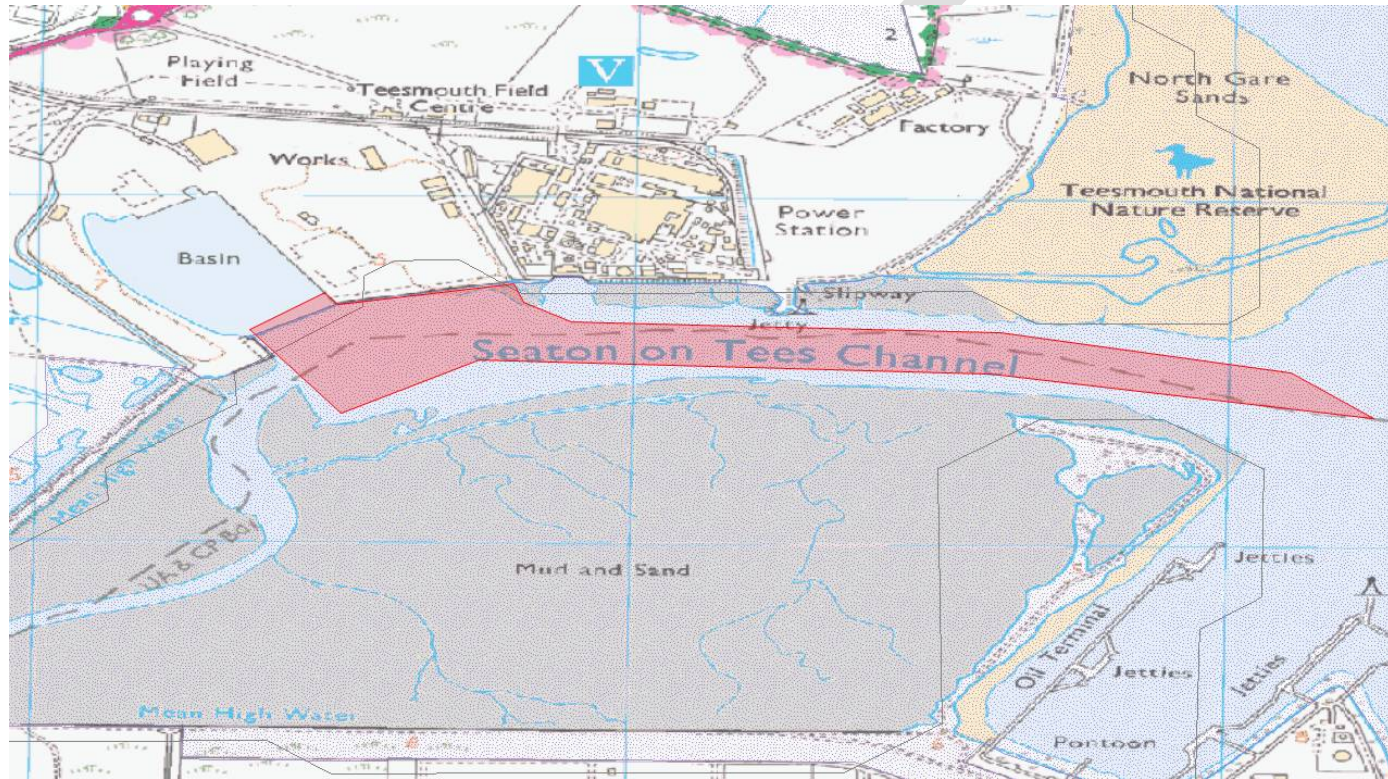


Figure 1 Location of the Seaton Channel dredge area (red) in relation to the Teesmouth and Cleveland Coast SPA/Ramsar (dotted)

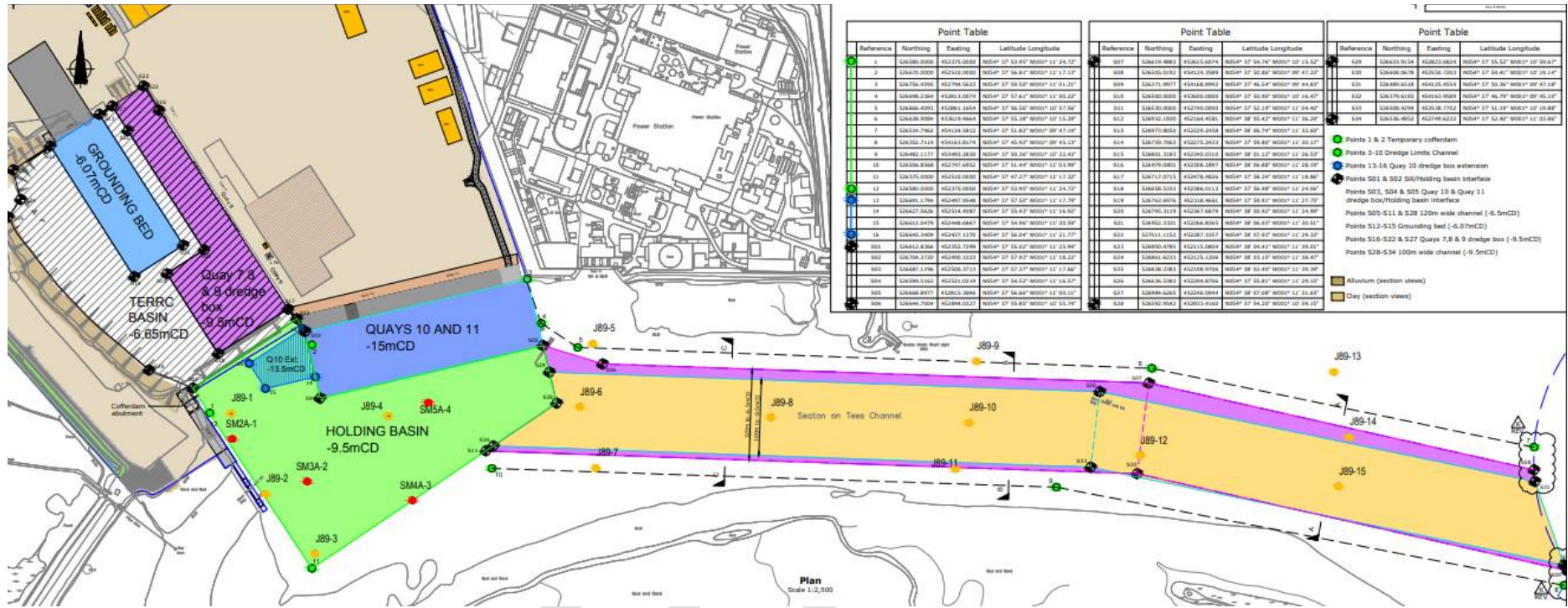


Figure 2: Location of key elements of licensed activities.

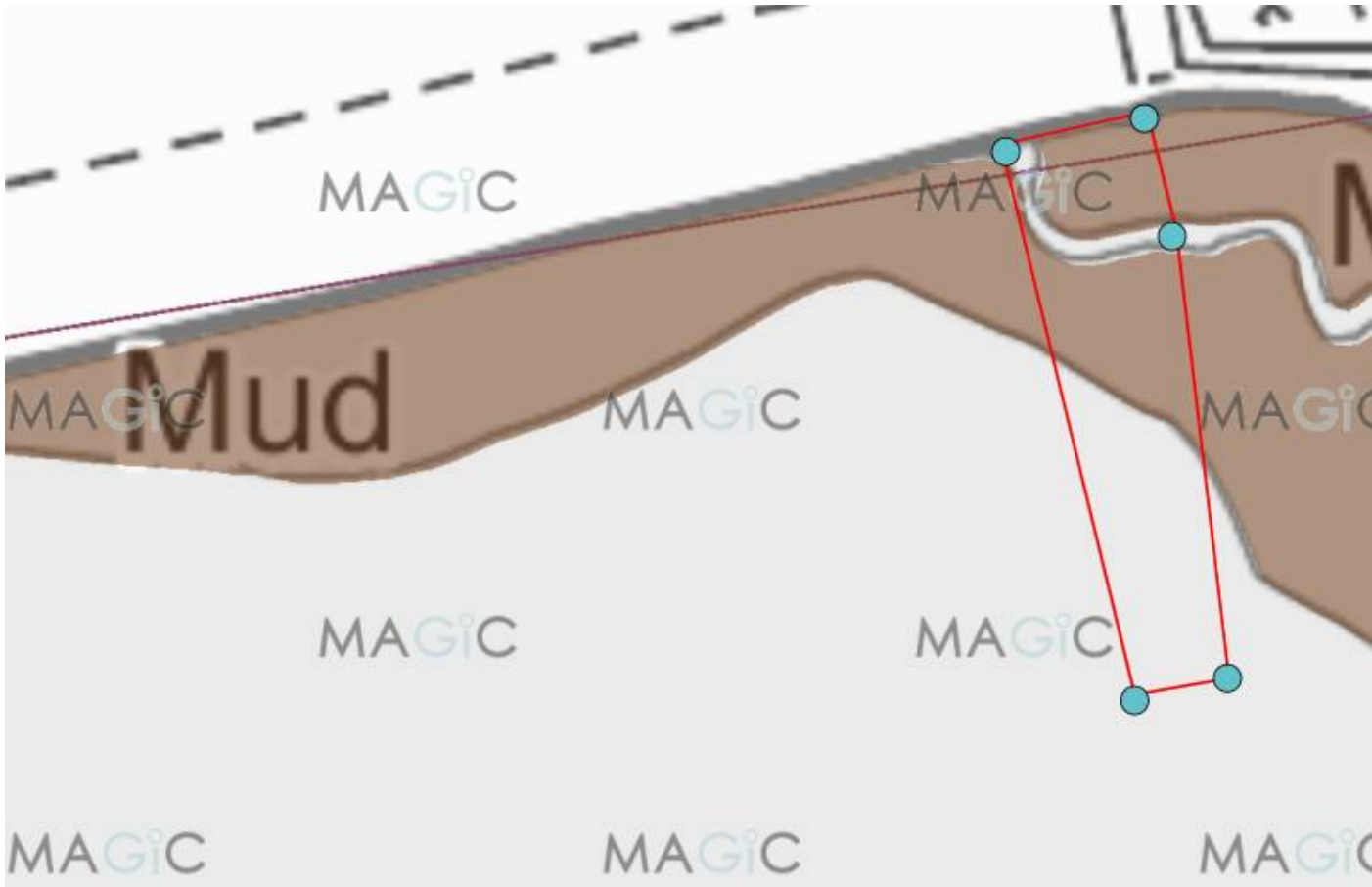


Figure 3: Plan from MAGIC Maps showing location of proposed matting (edged red) in relation to the Intertidal Mud (Brown)

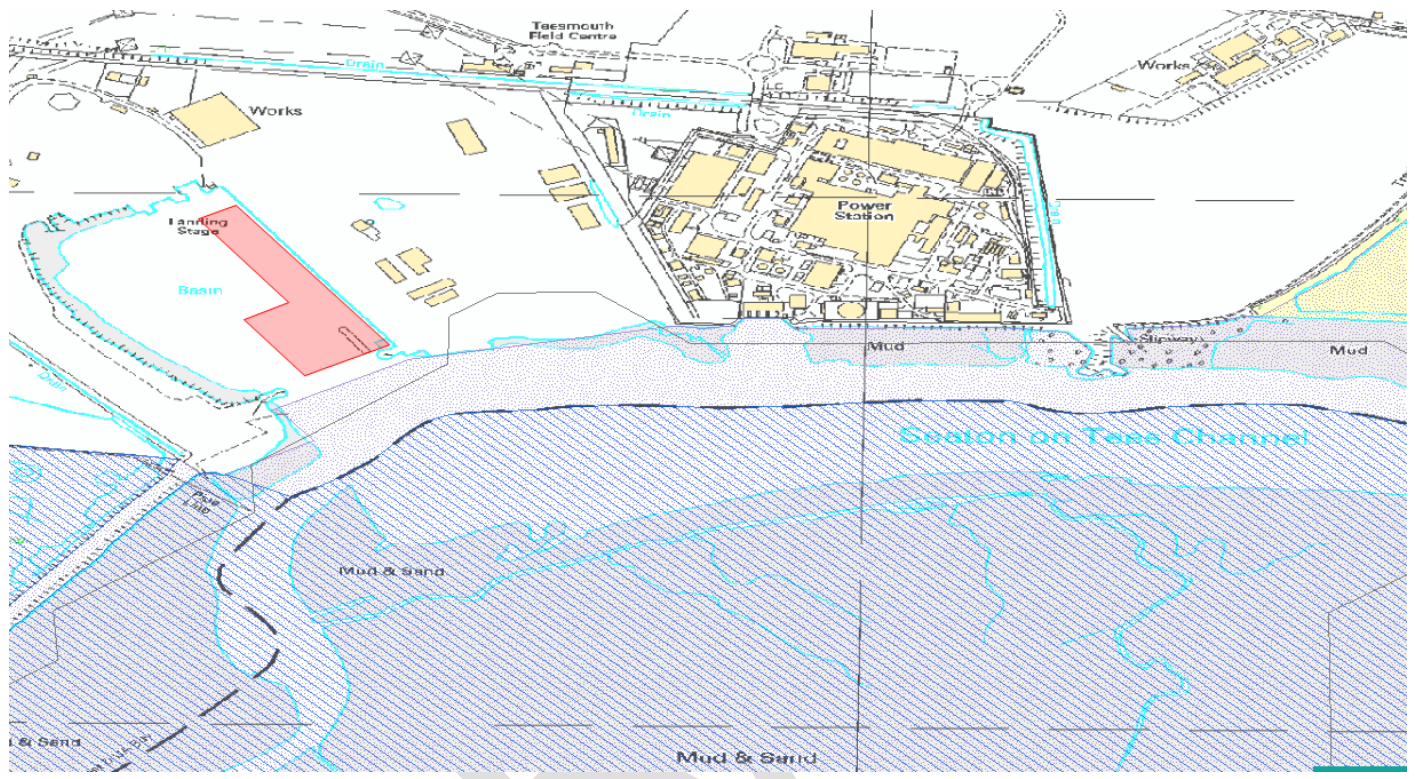


Figure 4: Site showing licence schedule 4 (TERCC basin, quays 7,8, and 9) in the context of Teesmouth and Cleveland Coast SPA (dotted area) and Teesmouth and Cleveland Coast Ramsar (striped area).

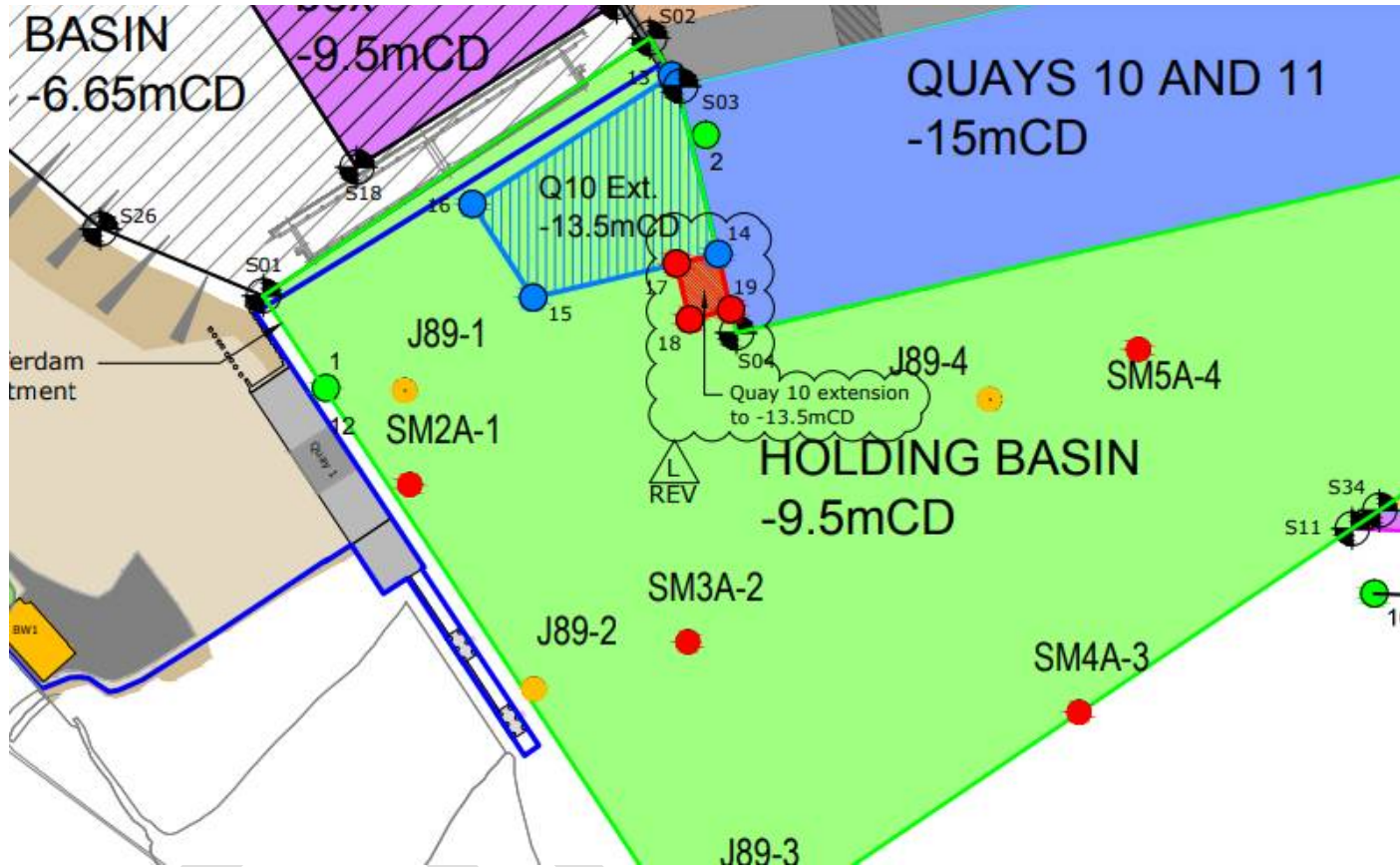


Figure 5: Updated plan showing the extension area for variation 11. Deepening of the area in red from -9.5mCD to -13.5mCD .



Figure 6: Location of SPA habitats (Intertidal mud; Intertidal sand and muddy sand; Intertidal rock; and Salmarsh) identified via MagiCMaps (2023).