

Date: 11 December 2017  
Our ref: 232194  
Your ref: MLA/2015/00334/3



Angela Wildish  
MMO  
Lancaster House  
Newcastle Upon Tyne  
NE4 7YH

Natural England  
Northumbria Team  
Lancaster House  
Hampshire Court  
Newcastle on Tyne  
NE4 7YH

VIA EMAIL ONLY

Dear Angela

### **Variation to Dredging Application for TERRC Basin Seaton**

Thank you for your consultation we received on 23/11/2017. The following constitutes Natural England's formal statutory response.

#### **Marine and Coastal Access Act 2009**

The works as set out in the information supplied by the applicant are not sited within or near to a Marine Conservation Zone. Natural England has not identified a pathway by which impacts from the development would affect the interest features of such a site. We are therefore confident that the works will not hinder the conservation objectives of such a site.

#### **The Conservation of Habitats and Species Regulations 2017 (the habitats regulations 2017) The Conservation of Offshore Marine Habitats and Species Regulations 2017(or the Offshore Habitats Regulations 2017)**

We can confirm that the proposed works are located within the Teesmouth and Cleveland Coast SPA , and the Teesmouth and Cleveland Coast Ramsar, Natural England advises that providing the works are carried out in strict accordance with the details of the application which have been submitted, it can be concluded that the application will not have a significant effect on any , SPA or Ramsar site, either individually or in combination with other plans or projects. Therefore it is our view that an Appropriate Assessment of the implications of this proposal on the site's conservation objectives will be not be required, subject to the following conditions :-

- The variation to the dredging application is to begin 2 January 2018 and to be completed 4 weeks later. The variation request to remove conditions 5.22 and 5.23 is not necessary as this relates to dredging in the summer months and when according to variation request the dredging of TERRC Basin will have been completed.
- The variation to remove 5.2.4. No dredging either side of low tide between November to March can be removed for this variation. The reason is the TERRC Basin variation is not part of the main channel where the largest extent of mud/sand flats are exposed at low tide where SPA birds will be feeding.
- It is expected that the announcement of the formal consultation of the proposed extension of the Teesmouth and Cleveland Coast will be in March 2018. Competent Authorities (MMO in this case) are required to review past permissions in order to ensure that these activities will not

have an adverse effect on the new features of the site. NE recommend that a supplementary environmental report is collated to assess the impacts of the dredging on the new features of the site (avocet, common tern and ruff) to inform the review of consents process by the MMO. This should be carried out once classified (Dec 2018) and when reasonably practicable.

### **Wildlife and Countryside Act 1981 (as amended)**

### **Seal Sands (SSSI), Tees and Hartlepool Foreshore and Wetlands (SSSI), Seaton Dunes and Common (SSSI) and South Gare and Coatham Sands (SSSI)**

- Natural England is also reviewing the existing SSSIs and considering the inclusion of additional areas of coastal habitat and the species they support, including breeding and wintering birds, invertebrates and common seal. We are expecting the announcement of formal consultation in March 2018. NE would also recommend that these features are also considered in the supplementary environmental report.

Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified. However this advice is given on the assumption that the activity is undertaken as per the application (see bullet points above for specific relevant aspects of the proposal) and therefore compliant with the above legislation.

Should the application change, or if the applicant submits further information relating to the predicted impacts of this proposal on the designated sites we will provide further advice as appropriate.

- Provide notice to Natural England of the permission, and of its terms. This notice should include a statement of how (if at all) the MMO has taken account of Natural England's advice.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

Richard

Email: [richard.macdonald@naturalengland.org.uk](mailto:richard.macdonald@naturalengland.org.uk)

Richard Macdonald  
Lead Adviser – Marine  
Northumbria Team  
Natural England  
Lancaster House, Hampshire Court  
Newcastle upon Tyne, NE4 7YH  
landline no. 02080265444 mobile no. 07876038084  
[www.naturalengland.org.uk](http://www.naturalengland.org.uk)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

CUSTOMER  
SERVICE  
EXCELLENCE



Natural England is accredited to the Cabinet Office Customer Service Excellence Standard