



## Habitats Regulations Assessment

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**Table 1: Proposed plan or project details**

<b>Title of project</b>	South Bank Quay - Phase 1 variation request (2)
<b>Case reference</b>	MLA/2020/00506/1
<b>Applicant name</b>	Mr John McNicholas, South Tees Development Corporation, Cavendish House, Teesdale Business Park, Stockton-on-Tees, TS17 6QY
<b>Type of licensable activity/ies</b>	Section 66 of the Marine and Coastal Access Act 2009:  9. To carry out any form of dredging within the UK marine licensing area (whether or not involving the removal of any material from the sea or sea bed).
<b>Location of works</b>	River Tees, near Middlesbrough. See Annex 1.
<b>Description of proposed project</b>	<p>The previously licenced scheme (L/2021/00333/1) comprises demolition, capital dredging, offshore disposal of dredged material, placement of rock in the berth pocket and construction and operation of a new quay (to be set back into the riverbank).</p> <p>The construction phase of the proposed scheme would comprise the following main elements:</p> <ul style="list-style-type: none"><li>• Demolition of the dilapidated wharf, three jetties downstream of the wharf (including the conveyor at the extreme downstream end jetty), a live electrical substation and pipework which previously abstracted water from the Tees estuary associated with the pumping station.</li><li>• Construction of a new solid piled quay structure up to 30m wide and 1,230m in length (with an approximate 1,050m of</li></ul>

	<p>usable quay for berthing), set back into the riverbank. Although the useable surface of the quay itself would be up to 30m wide, the overall footprint of the quay would be up to 50m wide due to the proposals to construct an anchor structure further inland of the quay deck. The exact alignment of the quay is currently undefined and, therefore, for the purposes of the assessment, a maximum quay envelope of 1,300m x 75m has been defined and assessed.</p> <ul style="list-style-type: none"> <li>• Excavation and re-use of approximately 275,000m<sup>3</sup> of soils behind the proposed quay wall to install tie rods to the anchor wall. Excavation and re-use of a further approximately 1,140,000m<sup>3</sup> of soils in front of the proposed quay wall to create the berth pocket.</li> <li>• Capital dredging of approximately 1,800,000m<sup>3</sup> of marine sediments with offshore disposal into the Tees Bay C disposal site. It is proposed that dredging is undertaken using a trailing suction hopper dredger (TSHD) and a backhoe dredger.</li> <li>• Installation of approximately 200,000m<sup>3</sup> of rock within the berth pocket to form a rock blanket.</li> </ul> <p>This HRA relates only to the variation request to dredge the Berth Pocket to a level of 15.9m bCD. The design dredge level within the berth pocket is at a level of 15.4m bCD; this increase to 15.9m bCD is required to allow for 500mm of dredging tolerance in the Berth Pocket. The additional material for disposal at sea is to be dredged from the area between the existing OSPAR/MHWS line and the new quay wall (figure 2)</p>
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**Table 2: Need for a Habitats Regulations Assessment (HRA)**

<b>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?</b>	No
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**Table 3a: Details of NSN site identified**

<p><b>Name of NSN site:</b> Teesmouth and Cleveland Coast Special Protection Area (SPA) - UK9006061</p> <p><b>Distance and Direction:</b> Project is within the SPA</p>
<p><b>Licensable activity/ies from the project that have the potential to interact with the NSN site:</b> Dredging of material</p>

<p><b>Conservation Advice package used:</b>  <a href="https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9006061&amp;SiteName=teesmouth&amp;countyCode=&amp;responsiblePerson=&amp;SeaArea=&amp;IFCAAra=&amp;HasCA=1&amp;NumMarineSeasonality=7&amp;SiteNameDisplay=Teesmouth%20and%20Cleveland%20Coast%20SPA">https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9006061&amp;SiteName=teesmouth&amp;countyCode=&amp;responsiblePerson=&amp;SeaArea=&amp;IFCAAra=&amp;HasCA=1&amp;NumMarineSeasonality=7&amp;SiteNameDisplay=Teesmouth%20and%20Cleveland%20Coast%20SPA</a></p>
<p><b>Date conservation advice was last accessed:</b> 17 October 2022</p>

**Table 3b: Details of NSN site identified**

<p><b>Name of NSN site:</b> Teesmouth and Cleveland Coast Ramsar – UK11068</p>
<p><b>Distance and Direction:</b> Project is within the SPA</p>
<p><b>Licensable activity/ies from the project that have the potential to interact with the NSN site:</b> Dredging of material</p>
<p><b>Conservation Advice package used:</b>  <a href="https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9006061&amp;SiteName=teesmouth&amp;countyCode=&amp;responsiblePerson=&amp;SeaArea=&amp;IFCAAra=&amp;HasCA=1&amp;NumMarineSeasonality=7&amp;SiteNameDisplay=Teesmouth%20and%20Cleveland%20Coast%20SPA">https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9006061&amp;SiteName=teesmouth&amp;countyCode=&amp;responsiblePerson=&amp;SeaArea=&amp;IFCAAra=&amp;HasCA=1&amp;NumMarineSeasonality=7&amp;SiteNameDisplay=Teesmouth%20and%20Cleveland%20Coast%20SPA</a></p> <p><u>Ramsar Sites</u></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. Any Ramsar qualifying features deemed by the MMO to not be covered by the overlapping Conservation Advice package is listed below and considered using best available knowledge.</p>
<p><b>Date conservation advice was last accessed:</b> 17 October 2022</p>

## Likely Significant Effect (LSE)

In formulating the LSE alone and, or 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 activity 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) then 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 activity used is Ports and Harbours (Construction) – Capital 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

Additional Comments: No mitigation proposed.

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

Yes

## **Part 1 - LSE Alone**

Q 5 - Upon reviewing the feature/pressure interactions I consider that the project as proposed will not have a likely significant effect on any NSN site mentioned above. My rationale is that:

- There is no pathway for disturbance (including seasonality) and;
- Although there is a pathway, impacts are such that there would not be a likely significant effect

Please see Table 4 below for further justification of this conclusion.

Table 4 – LSE table for Teesmouth and Cleveland Coast SPA and Ramsar

Feature or supporting habitat	Pressures to discuss	LSE?	Justification
<ul style="list-style-type: none"> <li>• Avocet</li> <li>• Common tern</li> <li>• Knot</li> <li>• Little tern</li> <li>• Redshank</li> <li>• Ruff</li> <li>• Sandwich tern</li> </ul>	<ul style="list-style-type: none"> <li>• Barrier to Species movement</li> <li>• Changes in suspended solids (water clarity)</li> <li>• Emergence regime changes, including tidal level change considerations</li> </ul>	No	<p>Ruff and avocet use habitats away from the main estuary channel, such as RSPB Saltholme or Greenabella Marsh, so are unlikely to be impacted by the proposed development. Knot are almost exclusively confined to coastal habitats, away from the main estuary channel.</p> <p>Tern foraging may be inhibited by a decrease in water clarity caused by the proposed dredge. The occurrence of almost daily maintenance dredging throughout the estuary suggests that exposure to such effects is high and habituation may be likely. It is predicted that the impact to tern foraging ability from increased suspended sediments during dredging represents a very localised, temporary and short-term disturbance,</p> <p>The Tees estuary is a busy commercial port, with a number of sources of existing disturbance including regular maintenance dredging, movements of large commercial vessels and land-side activities from the various industrial operators on both sides of the river. According to Natural England's AoO, barrier to species movement refers to obstructions to species movement caused by physical barrier or prolonged exposure to noise, light, visual disturbance or changes in water quality. The works will introduce noise. According to the same AoO visual disturbance is caused by vessels, vehicles and people movement can create visual stimuli which can evoke a disturbance response. These works will involve the use of a vessel.</p> <p>The variation request is to dredge the Berth Pocket to a level of 15.9m bCD. The design dredge level within the berth pocket is at a level of 15.4m bCD; this increase to 15.9m bCD is required to allow for 500mm of dredging tolerance in the Berth Pocket. The additional material for disposal at sea is to be dredged from the area between the existing OSPAR/MHWS line and the new quay wall.</p> <p>The previous HRA that assessed the construction elements of this project along with the dredge and disposal elements concluded there was no adverse effect to site integrity, either alone or in combination with the Teesmouth and Cleveland Coast SPA and Ramsar. The proposed</p>

			<p>variation is within the scope of that which was previously assessed, and the conclusions remain valid.</p> <p>MMO consider the pressure exerted from this activity will not cause a likely significant effect on the features detailed for this site from the project alone. This pressure will now be considered at the LSE in-combination.</p>
<ul style="list-style-type: none"> <li>• Coastal lagoons</li> <li>• Freshwater and coastal grazing marsh</li> <li>• Salicornia and other annuals colonising mud and sand</li> <li>• Atlantic salt meadows:</li> <li>• Intertidal mud</li> <li>• Intertidal rock</li> <li>• Intertidal biogenic reef: mussel beds</li> <li>• Intertidal mixed sediments</li> <li>• Intertidal mud</li> <li>• Intertidal sand and muddy sand</li> <li>• Water column</li> </ul>	<ul style="list-style-type: none"> <li>• Abrasion/disturbance of the substrate on the surface of the seabed</li> <li>• Barrier to species movement</li> <li>• Changes in suspended solids (water clarity)</li> <li>• Emergence regime changes, including tidal level change considerations</li> <li>• Habitat structure changes – removal of substratum (extraction)</li> <li>• Penetration and/or disturbance of the substratum below the surface of the seabed – including abrasion</li> <li>• Physical change (to another seabed type)</li> <li>• Physical change (to another sediment type)</li> <li>• Removal of non-target species</li> </ul>	No	<p>The Tees estuary is a busy commercial port, with a number of sources of existing disturbance including regular maintenance dredging, movements of large commercial vessels and land-side activities from the various industrial operators on both sides of the river.</p> <p>The variation to the existing licence is to dredge the Berth Pocket to a level of 15.9m bCD. The design dredge level within the berth pocket is at a level of 15.4m bCD; this increase to 15.9m bCD is required to allow for 500mm of dredging tolerance in the Berth Pocket. The additional material for disposal at sea is to be dredged from the area between the existing OSPAR/MHWS line and the new quay wall.</p> <p>The previous HRA that assessed the construction elements of this project along with the dredge and disposal elements concluded there was no adverse effect to site integrity, either alone or in combination with the Teesmouth and Cleveland Coast SPA and Ramsar. The proposed variation is within the scope of that which was previously assessed, and the conclusions remain valid.</p> <p>MMO consider the pressure exerted from this activity will not cause a likely significant effect on the features detailed for this site from the project alone. This pressure will now be considered at the LSE in-combination.</p>

	<ul style="list-style-type: none"><li>• Smothering and siltation rate changes (Heavy)</li><li>• Smothering and siltation rate changes (Light)</li><li>• Water flow (tidal current) changes, including sediment transport considerations</li></ul>		
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## 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 1km has been used. The MMO has also considered any known projects occurring within or around the boundaries of the NSN sites.

**Table 5 – In-combination plan or projects.**

Name of plan or project and activity type	NSN site to which there is a pathway in-combination with licence application
MLA/2020/00507 - South Bank Quay Phase 2	<p>Expires 06/02/2032</p> <p>This project is linked to the licence this variation relates to. It is phase 2 of the overall project. This project is phase 2 of the overall South Bank Quay works project. This project was part of the original HRA that concluded no adverse effect of site integrity alone or in combination with other plans or projects.</p>
MLA/2011/00331 - Tees Crossing Overhead Power Line Scheme	<p>Expires 15/04/2052</p> <p>Construction completed 30 December 2014 as per marine licence condition 3.2.1. As such, there will be no in-combination effects upon the Teesmouth and Cleveland Coast SPA and Ramsar.</p>
MLA/2020/00079 - Northern Gateway Container Terminal	<p>Expires 31/12/2029</p> <p>This scheme comprises capital dredging up to 4.8 million m<sup>3</sup> of sediment from the riverbed, realignment of the approach channel, disposal of dredged material offshore, construction of a new container terminal facility and construction of various landside elements (buildings, rail terminal, road access, lighting, drainage and a pumping station). In-combination effects to the interest features of the the Teesmouth and Cleveland Coast SPA and Ramsar could occur. Although, this project was considered in the in-combination assessment of the original HRA that concluded no adverse effect of site integrity alone or in combination with other plans or projects. The MMO consider the proposed variation is within the scope of that which was previously assessed, and the conclusions remain valid.</p>

<p>MLA/2021/00207 - Kinkerdale Beck, Teesport - Oil Containment Structure</p>	<p>Licensing decision yet to be made.</p> <p>Project is to construct a small weir within the downstream end of Kinkerdale Beck, behind which a floating boom would be installed to retain oil seepages. This is approximately 500m from the dredge locations this variation relates to. Considering the relatively small footprint of MLA/2021/00207 (approx. 550m<sup>2</sup>) in comparison to the dredge area, and the proposed small construction period of 2-3 months over low tide only, it is unlikely the project will have an in-combination effect.</p>
<p>MLA/2022/00151 - Jetty 3 (SABIC) Maintenance</p>	<p>Expires 11/04/2023</p> <p>This self-service licence is to sand-blast and paint steelwork on the jetty. The project is approximately 200m from the dredge location. Due to the small scale of operations, the MMO consider in-combination effects to be unlikely.</p>
<p>MLA/2022/00172 - SABIC No.2 Jetty Maintenance</p>	<p>Expires 26/04/2023</p> <p>This self-service licence is for the reinstatement of fire water motor / pump and jetty ladders. The project is approximately 200m from the dredge location. Due to the small scale of operations, the MMO consider in-combination effects to be unlikely.</p>

### 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 NSN site mentioned above. My rational is that:

- There is no pathway for in-combination effects and;
- Although there is a pathway, in-combination impacts are such that there would not be a likely significant effect

## Likely Significant Effect Conclusion

The MMO:

Concludes there is no likely significant effect alone from the proposed project, or in-combination with other plans or projects. The variation request is to dredge the Berth Pocket to a level of 15.9m bCD. The design dredge level within the berth pocket is at a level of 15.4m bCD; this increase to 15.9m bCD is required to allow for 500mm of dredging tolerance in the Berth Pocket. The additional material for disposal at sea is to be dredged from the area between the existing OSPAR/MHWS line and the new quay wall. There will be no change to any mitigation or conditions imposed on the original licence. As such, the MMO considers the proposed changes to be within the scope of that which was assessed in the original HRA, and the conclusions remain valid.

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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.

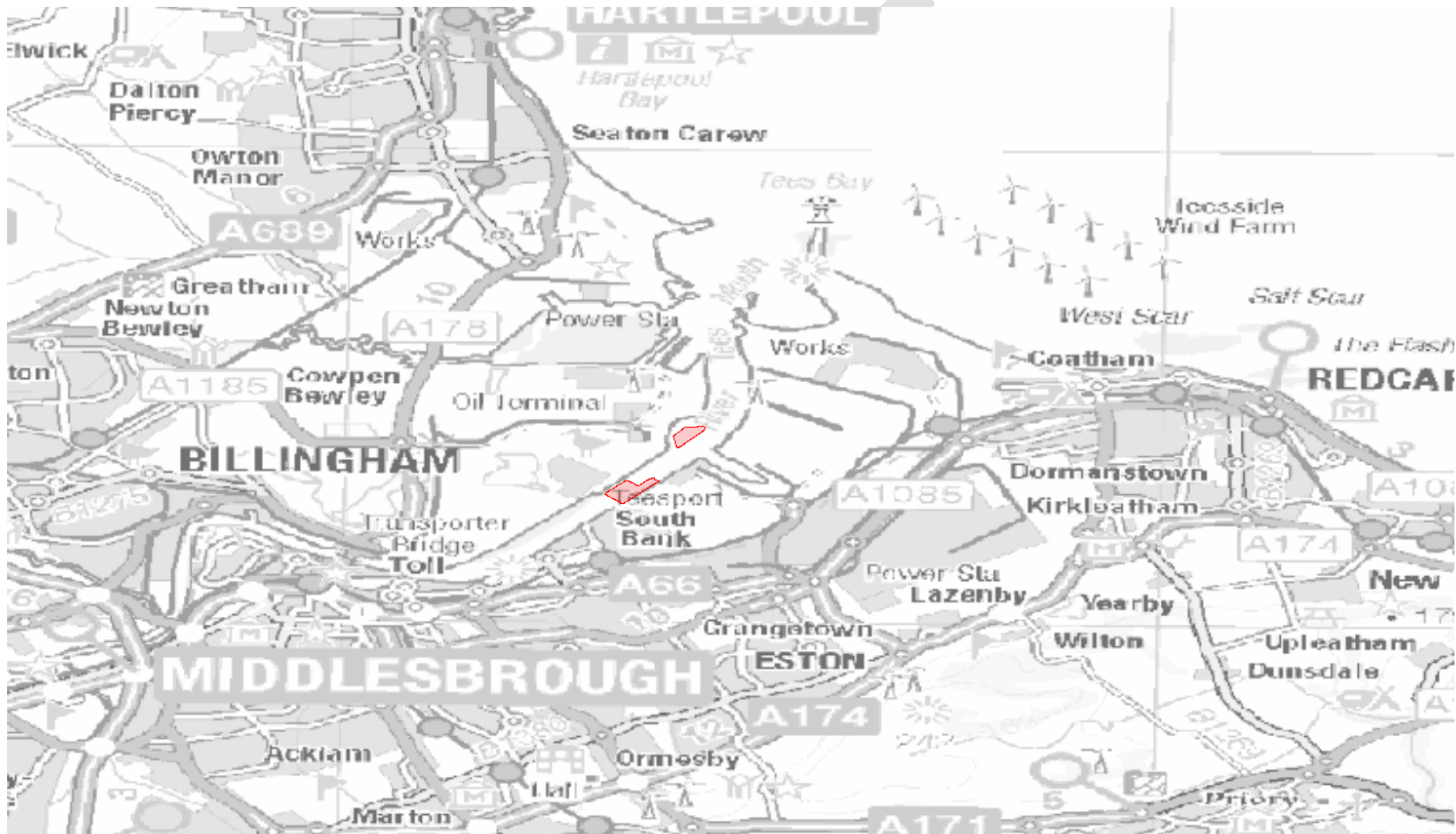


Figure 1. Location of works (red polygon).

# Annex 2

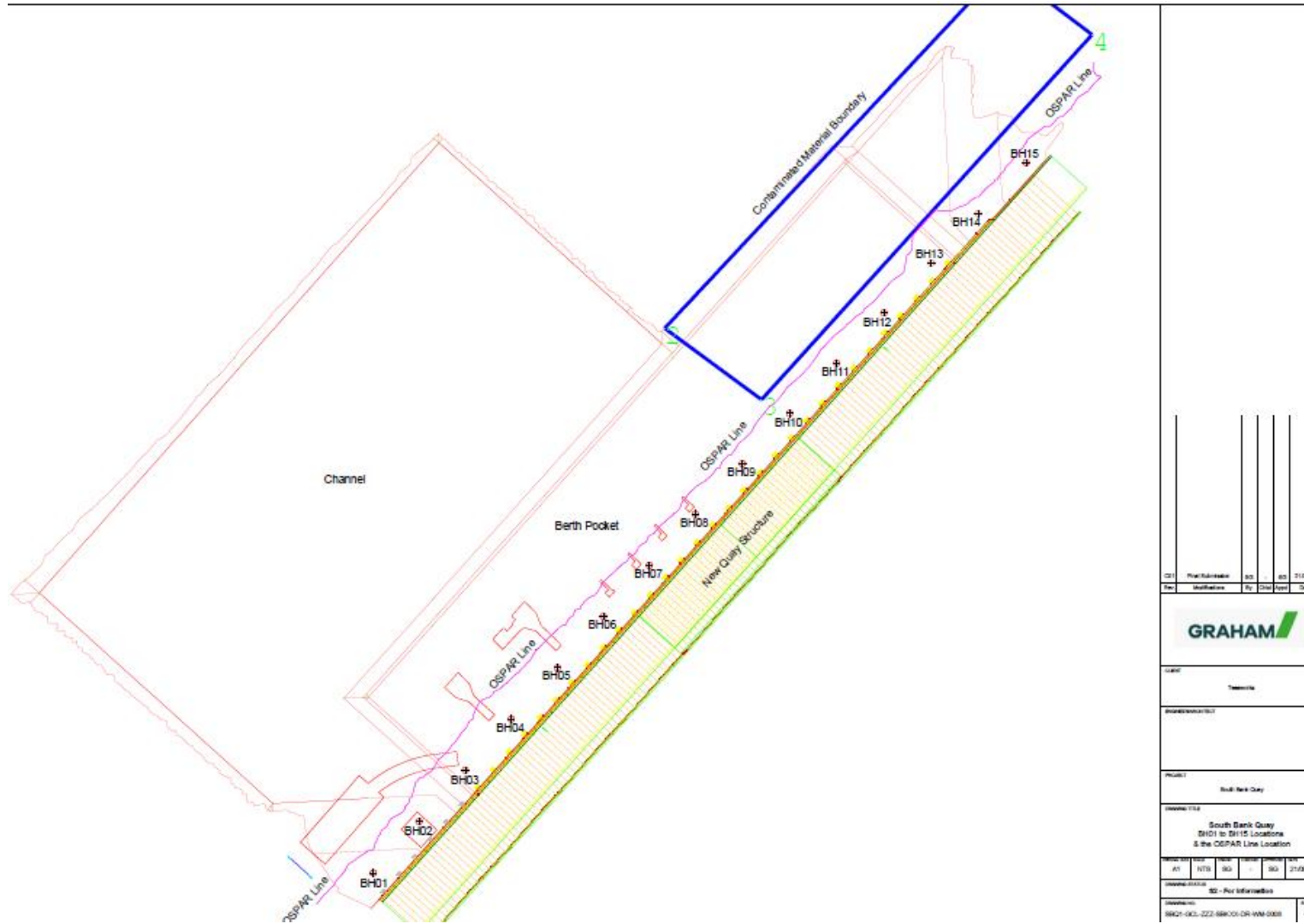


Figure 2. Dredge area between MHWS and quay structure.