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Our ref: NA/2019/114582/01-L01
Your ref: R/2019/0331/SCP
Date: 19 June 2019

Dear Lynne

SCOPING OPINION FOR PROPOSED PORT BASED DEVELOPMENT FOR THE OFFSHORE MARINE ENERGY SECTOR (OFFSHORE WIND TURBINES) LAND AT SOUTH BANK SOUTH BANK WHARF SOUTH BANK

Thank you for consulting the Environment Agency on the above Scoping Opinion which we received 3 June 2019.

Environment Agency Position

Having assessed the supporting information I can advise that we have the following comments to offer:

Water Environment

The proposal has the potential to impact on the water environment in respect to

- Permanent loss of intertidal priority habitat designated as SSSI and pSPA in an already heavily modified waterbody
- Impact to intertidal priority habitat designated as SSSI and pSPA not directly associated with the development
- Dredging of the River Tees
- Construction and operation
- Accidental releases
- Drainage within made ground

The Environmental Statement should include an assessment of these impacts and specifically

- the requirements of the Water Framework Directive by way of a WFD Assessment,
- the Environment Agency's tidal encroachment policy for use in all estuaries.
- how the development will achieve a biodiversity net gain

Water Framework Directive

The Water Framework Directive (WFD) is implemented in England and Wales through, 'The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003'.

Under WFD, environmental objectives have been set out for each of the protected areas and water bodies in the Northumbria River Basin District Management Plan, updated



December 2015.

The current status of the Tees estuary (waterbody reference GB510302509900) is 'moderate' ecological potential.

The objective for this waterbody is to achieve 'good' ecological potential. Individual element classifications and objectives are provided below. These environmental objectives are legally binding. All public bodies must have regard to these objectives when making decisions that could affect the quality of the water environment.

The River Tees is important wildlife corridor and should remain as such and be enhanced where possible. The intertidal Tees estuary adjacent to the site is designated as a SSSI and pSPA.

The Tees estuary environment has been significantly improved over recent decades and implementation of future legislation from 2020 will achieve further improvements to the benefit of estuary habitat, with a view to achieving good ecological potential by 2027.

Developers should identify measures to comply with the requirements of the WFD through carrying out a WFD assessment of a proposal. As part of a WFD assessment, the applicant will need to demonstrate:

- whether the proposed development will lead to a deterioration in status of any WFD waterbody
- whether the proposed development will compromise the achievement of Good Status or Potential in any WFD waterbody
- whether the proposed development will contribute towards a cumulative deterioration of WFD status or prevent cumulative enhancement of WFD status in any waterbody
- whether the proposed development will support the delivery of measures identified in the Northumbrian River Basin Management Plan that are required to achieve waterbody objectives. In respect to the last of these points, the site includes part of the tidal Tees Estuary WFD waterbody (GB510302509900). This waterbody is designated as a heavily modified waterbody, and as such, requires that all practicable mitigation is taken to achieve good ecological potential. The generic mitigation measures deemed applicable to this waterbody include,
 - Enhance ecology
 - Bank rehabilitation
 - Remove or soften hard bank
 - Preserve or restore habitats. The design process for the wharf should look to include an assessment of incorporating bio-engineered designs such as Estuary Edges, to mitigate on site impacts.

Where on site design cannot adequately mitigate impacts and achieve a biodiversity net gain, the Tees Estuary Partnership (TEP) has developed a Tees Estuary Habitat Vision that aims to deliver WFD mitigation measure objectives.

The Tees Rivers Trust are already leading an IMMERSE project that sets out to enhance the biodiversity of the intertidal zone of the Tees estuary. This project forms a contribution to achieving the TEP habitat vision of establishing coherent ecological



networks that are more resilient to current and future pressures at a landscape scale across local authority boundaries.

The techniques employed have been drawn from successful Estuary Edges pilots on the Thames estuary where biodiversity benefits have also been shown to enhance the visual and aesthetic value afforded to new developments. Such measures have the potential to also enhance the impact of the adjacent Teesdale Way / England Coast Path for the benefit of the wider community. Such a scheme would complement the landscaping strategy for the proposal.

There are other opportunities to implement WFD mitigation measures and the applicant should explore these with the TEP to compensate for impacts which cannot be mitigated through best practice design onsite.

Dredging Advice

The applicant is reminded that dredging can have a number of negative impacts on the water environment. It can alter flow regimes, release contaminants accrued within the sediment, and create smothering effects, thereby damaging benthic habitats and migratory fish populations. Dredging should only be undertaken in a manner that protects the environment. The applicant should consider the methodology to be used, the disposal of dredged material, and the timing of works. Decisions should be underpinned by the fundamental scientific principles of hydraulics and geomorphology and take account of the multiple functions and services that a channel delivers. More information can be found here:

<https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>

We encourage that habitat enhancement opportunities are explored in particular for the Quay combi-wall frontage. Ecological enhancement would support environment net gain and provide mitigation for the impacts to the Teesmouth and Cleveland Coast SPA and Ramsar Site.

More information and some helpful examples of 'Coastal and Estuarine Integrated Green Grey Infrastructure' are available on the links below;

<http://eprints.gla.ac.uk/150672/> - See appendix 4 – Coastal
<http://eprints.gla.ac.uk/150672/42/150672Appendix4.pdf>

Flood Risk Advice

The river's edge lie within Flood Zones 2 and 3. The River Tees is a main river and normally, any works within 16 metres of the Tees will require an Environmental Permit, under the Environment Permit Regulations 2016.

That said, the proposed works such as the combi-wall and quayside construction will require Marine Licence as such we would waive our permitting requirements.

Yours sincerely



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