

DORMAN POINT HABITATS REGULATION ASSESSMENT

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**Dorman Point
Habitats Regulations Assessment:
Stage 1 Screening and Stage 2
Appropriate Assessment**

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Introduction

This document has been prepared by INCA on behalf of South Tees Development Corporation (STDC) in connection with an outline planning application for industrial development (i.e. manufacturing, distribution, logistics and offices uses) within the Dorman Point portion of its Masterplan (known as the Teesworks area). This report provides information to inform both Stage 1 Screening and Stage 2 Appropriate Assessment (AA) of a Habitats Regulations Assessment (HRA). It has been prepared to inform the 'competent authority', Redcar and Cleveland Borough Council (RCBC) about the implications of the proposed development on nearby internationally important sites, as required under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the 'Habitats Regulations'). The report has been prepared in accordance with the Habitats Regulations

Project description

The draft description of the proposed development is as follows: "Outline planning application for development of up to 139,353 sqm (gross) of general industry (Use Class B2) and storage and distribution facilities (Use Class B8) with ancillary office accommodation (Use Class E), HGV and car parking, works to watercourses including realignment and associated infrastructure works. All matters reserved.". The development site is 57.8ha in size and is shown in Figure 1. It is brownfield industrial land largely free of active use and built development, although the former Torpedo Ladle Workshop is still present in the southern part of the site (the demolition of which is to be the subject of a separate application in due course).

Figure 1. Aerial view of Dorman Point, showing red line boundary



Taken as a whole, the development site is almost entirely former industrial “brownfield” land. Except for embankments parallel to Eston Road, which supported a former railway line, and some relatively small areas of tipped or disturbed material, it is entirely flat.

With few exceptions the substrate is either hard standing in the form of concrete bases or brick/concrete rubble, or else blast furnace slag with a light covering of soil in places. Most of the development site comprises sparsely vegetated ruderal/ephemeral habitats. Approximately 1.5ha qualifies as open mosaic habitats (including some small fragmentary wetlands), and there are also small areas of scrub and woodland.

A recent planning permission for the remediation of the development site was granted in 2020 and was supported by a separate HRA. When implemented, this remediation scheme will result in the progressive removal and/or treatment of contaminated soils and the removal of redundant structures to prepare the area for future use. Soils stored in other areas of the Teesworks area may be used here, the assumption being that the development site will be “cut and fill neutral”.

Therefore, the development site is currently in transition from its former state to a bare platform essentially devoid of biodiversity. A condition attached to the planning permission for the remediation works requires a strategy to be finalised for compensatory habitat provision.

The proposed development may involve the daylighting of the Holme Beck, Cross Connector and/or Knitting Wife Beck culverts. At this time, it is unclear which sections of these culverts may be opened. Where possible, the daylighting works are likely to include the removal of the stone sides of the culverts and provision of more naturalised banks.

European Sites

Four European sites are within 10km of at least part of the application site: North York Moors SPA; North York Moors SAC; Teesmouth and Cleveland Coast SPA; Teesmouth and Cleveland Coast Ramsar.

The westernmost units of the North York Moors SPA and North York Moors SAC are approximately 9km away from their closest point to the closest part of the application site. Given the distances involved and the nature of the proposals, these two European Sites have been screened out at the scoping stage.

The Teesmouth and Cleveland Coast SPA and the Teesmouth and Cleveland Coast Ramsar are within 1.3km of the closest parts of the application site. These European Sites are considered in this report.

Teesmouth and Cleveland Coast SPA

The Teesmouth and Cleveland Coast Special Protection Area (SPA) was first classified in 1995 for its numbers of European importance of breeding Little Tern *Sternula albifrons*, passage Sandwich Tern *Thalasseus sandvicensis*, wintering Red Knot *Calidris canutus* and passage Common Redshank *Tringa totanus*, as well as an assemblage of over 20,000 waterbirds. Extensions to the Teesmouth and Cleveland Coast SPA were formally classified on 16 January 2020. The SPA is now considered to be 12,210.62ha in size and includes additional areas of coastal and wetland habitats important for waterbirds.

Natural England has extended the SPA to include marine foraging areas for breeding Little Tern and breeding and foraging areas for Common Tern, the latter being a new qualifying feature in the light of recent increases in the size of the breeding population within the SPA. The extension also includes additional areas of terrestrial habitats such as wet grassland, saltmarsh, deep and shallow

pools and intertidal areas important for other foraging and roosting waterbirds which were existing features of the SPA. Non-breeding Ruff *Calidris pugnax* and breeding Pied Avocet *Recurvirostra avosetta* have also been classified as new qualifying features of the SPA.

The boundary of the SPA extension covers an area from Castle Eden Denemouth in the north to Marske-by-the-Sea in the south and includes the River Tees up to the Tees Barrage. The seaward boundary has been drawn to include waters out to around 3.5km from Crimdon Dene, to include the areas of greatest importance to the Little Terns at that colony, and out to around 6km offshore further south to include the areas of greatest importance to the common terns at the Saltholme colony.

Teesmouth and Cleveland Coast Ramsar

The Teesmouth and Cleveland Coast Ramsar boundary has also been extended to include the additional terrestrial wet grassland, saltmarsh, deep and shallow pools and intertidal areas for breeding and non-breeding waterbirds, as for the SPA. Historically the Teesmouth SPA and Ramsar boundaries have been virtually coterminous and their interest features very similar. However, the Ramsar extension only covers the terrestrial extension areas of the SPA down to Mean Low Water. Although not a qualifying feature, the Ramsar site citation recognises that the site supports a rich assemblage of invertebrates, including the following seven Red Data Book species: *Pherbellia grisescens*, *Thereva valida*, *Longitarsus nigerrimus*, *Dryops nitidulus*, *Macrolea mutica*, *Philonthus dimidiatipennis* and *Trichodynobius suturalis*.

The qualifying features for the Teesmouth and Cleveland Coast SPA/Ramsar are given in Table 1. The number of birds in the Ramsar assemblage is greater than for the SPA as it includes Mute Swan *Cygnus olor* and Greylag Goose *Anser anser*, both of which are resident all year, while the SPA only protects migratory and wintering waterbirds along with Annex I species. As the Ramsar is to a very large extent a sub-set of the SPA the term SPA as it relates to the Teesmouth and Cleveland Coast is taken to refer to both unless otherwise stated.

The conservation objectives for the SPA and the individual species and/or assemblage of species for which the site has been classified are:

“Subject to natural change, ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.”

European sites are underpinned by Sites of Special Scientific Interest (SSSI) with SSSIs being divided into management units. In this case the relevant SSSI is Teesmouth and Cleveland Coast. The closest management unit to the application site is Unit 7, River Tees for which there is currently “no identified condition threat” according to Natural England. Common Terns use these reaches of the tidal River Tees for foraging in the summer months, while Redshank and Curlew *Numenius arquata* feed and roost on the intertidal margins during the non-breeding season.

Table 1. Qualifying features for Teesmouth and Cleveland Coast SPA/ Ramsar

| Feature | Count (period) | % of Population | Interest type | Selection Criteria | New feature (Y/N) |
|---|--|--|-------------------------------|--|-------------------|
| Sandwich Tern <i>Thalasseus sandvicensis</i> | 1,900 individuals (1988-1992) | 4.3% GB, 1.3% Western Europe/Western Africa | Annex 1 (non- breeding) | Stage 1.1 (SPA), Criterion 6 (Ramsar) | N |
| Little Tern <i>Sternula albifrons</i> | 81 pairs (2010-2014) | 4.3% GB | Annex 1 (breeding) | Stage 1.1 | N |
| Common Tern <i>Sterna hirundo</i> | 399 pairs (2010-2014) | 4.0% GB | Annex 1 (breeding) | Stage 1.1 | Y |
| Pied Avocet <i>Recurvirostra avosetta</i> | 18 pairs (2010-2014) | 1.2% GB | Annex 1 (breeding) | Stage 1.1 | Y |
| Ruff <i>Calidris pugnax</i> | 19 individuals (2011/12-2015/16) | 2.4% GB | Annex 1 (non- breeding) | Stage 1.1 | Y |
| Red Knot <i>Calidris canutus</i> | 5,509 individuals (1991/92-1995/96) | 1.6% NE Canada/Greenland/ Iceland/UK population | Migratory (winter) | Stage 1.2 (SPA), Criterion 6 (Ramsar) | N |
| Common Redshank <i>Tringa totanus</i> | 1,648 individuals (1987-1991) | 1.1% East Atlantic population | Migratory (passage) | Stage 1.2 (SPA), Criterion 6 (Ramsar) | N |
| Feature | Count (period) | Average number of individuals | | Selection Criteria | |
| Waterbird assemblage | 2011/12-2015/16 | 26,014 individuals (SPA assemblage), 26,786 individuals (Ramsar assemblage) | | Stage 1.3 (SPA), Criterion 5 (Ramsar) | |

Stage 1. Potential for Likely Significant Effect

Effects on European Sites can be direct through such impacts as land take or damage, or indirect by, for example, increased disturbance. The significance of an effect depends on the sensitivity of the interest feature that might be affected.

Of the qualifying features listed in Table 1, none of the three breeding species (Little Tern, Common Tern and Avocet) nest within 3km of the development site; likewise, Ruff do not occur within this radius. Small numbers of Sandwich Tern and Knot are only occasional passage visitors to the River Tees and North Tees Mudflat. These features are therefore screened out at Stage 1, leaving impacts on Redshank and the waterbird assemblage to be assessed at Stage 2.

The following potential likely significant effects have been identified:

- i) Loss of supporting habitats caused by the development.
- ii) Changes to flight lines or sight lines for waterbirds occasioned by the development.
- iii) Disturbance to waterbirds caused by the development.
- iv) Discharges to water caused by the development.
- v) Emissions to air caused by the development.

Stage 2. Potential for Adverse Effect on Integrity, alone or in combination with other plans and projects

i) Loss of supporting habitats caused by the development.

The prevalence of scrub across the majority of the site rendered it unsuitable for most wading bird species, which require open sightlines to avoid predation. While the fragmentary wetlands within the site were not subject to systematic survey, it is likely that they were only capable of supporting small numbers (low single figures) of a very limited range of waterbird species, for example Mallard *Anas platyrhynchos*, Moorhen *Gallinula chloropus* and perhaps Teal *Anas crecca* and Snipe *Gallinago gallinago*. In 2020 the Grangetown Prairie Remediation Site HRA concluded that “the ponds within the proposed development site are of poor quality and not likely to be used by or appropriate for foraging, nesting and/or roosting by SPA and Ramsar qualifying bird species. This potential impact has been scoped out of AA”. It follows that, in combination with the existing permission for land remediation on the site, there will be no adverse effect on the integrity of the SPA derived from the loss of these habitats.

ii) Changes to flight lines or sightlines for waterbirds occasioned by the development.

Given the distance of the development site from the SPA (1.3km at the closest point) it is considered that sightlines for waterbirds utilising the SPA will be unaffected. Furthermore, since no supporting habitat known to harbour SPA waterbirds exists in the hinterland of the development site, it follows that there will be no impact upon established flight lines. There is therefore no potential for these factors to have an adverse effect on the integrity of the SPA.

iii) Disturbance to waterbirds caused by the development.

The extent to which birds are disturbed by a given activity depends on various factors, including the species of bird, the nature of the activity and on the degree of habituation of the birds to the activity. It is considered that the distance between the development site and the SPA effectively rules out noise and visual disturbance from impacting upon waterbirds within the SPA boundaries. However, it is possible that the provision of a bare unvegetated development platform at the scale of Dorman Point could attract a degree of transient usage by some elements of the SPA waterbird assemblage, for example Lapwing *Vanellus vanellus* and conceivably Curlew. Such usage would be limited to roosting, since the bare mineral substrates would be unlikely to provide foraging opportunities (given the expected paucity of invertebrate prey, at least in the short to medium term). At best, any waterbird roosts that do develop on the Dorman Point site are anticipated to be temporary in nature and limited in size, constrained by a combination of human presence on the site, the intensity of construction activities and the disruption to sightlines caused by the erection of substantial industrial buildings. Moreover, the presence of existing relatively undisturbed roosting sites on and around the north bank of the River Tees will continue to ensure preferential use by the SPA waterbird assemblage. It can therefore be safely concluded that disturbance to waterbirds caused by the development will not have an adverse effect on the integrity of the SPA.

iv) Discharges to water caused by the development.

Extensive construction activities have the potential to result in accidental discharges to ground, which may lead to pollution of those watercourses which traverse the site. All these watercourses ultimately discharge to the tidal River Tees which forms part of the SPA. However, The CEMP will enshrine measures “to prevent and mitigate against any accidents, including but not limited to, spills, storage of soils and control of construction related dust and the construction of site hoarding to reduce the impact on ecological sensitive receptors. Measures will be implemented to prevent

sediment, dust, surface water run-off and other substances from entering watercourses". Given this embedded mitigation it is considered that significant pollution at a scale likely to affect the SPA is highly unlikely to occur during the construction phase, so adverse effect on SPA integrity from this source can be ruled out. Regarding the operation of businesses on the development site, it should be noted that these will comprise B2 (General Industry) B8 (Storage and Distribution) and E (Office) (maximum 10% of overall floorspace). None of these use classes are likely to generate discharges remotely comparable with existing process industries in the Redcar and Cleveland Borough Council area, for example the Wilton industrial complex situated 2km to the east. Finally, any realignment and / or daylighting of culverted watercourses across the site, coupled with the provision of more naturalised banks, will ensure that in the unlikely event of spillages taking place detection and remediation will be far more timely and effective than is currently the case. It is therefore concluded that no adverse effect on SPA integrity is likely to result from discharges to water on the development site in the operational phase.

v) Emissions to air caused by the development.

Emissions to air could derive from both construction activities (principally dust and particulates) and subsequent commercial operations (for example oxides of Nitrogen and Carbon). Along with the substantial distance separating the development site from the SPA, the mitigation embedded within the CEMP should provide an effective defence against fugitive dust and particulates reaching the SPA during the construction phase. As with discharges to water, the use classes of businesses occupying the Dorman Point site are not anticipated to generate significant emissions during the operational phases, especially given the historical and current industrial context of the area. Adverse effect on SPA integrity is therefore ruled out from these sources.

Conclusion

On the basis of the narrative set out under Stage 2 above, it is concluded that the proposed development will not cause adverse effect to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, either alone or in combination with other plans or projects, provided that the embedded mitigation measures specified in the application are satisfactorily delivered.