

LACKENBY HABITATS REGULATION ASSESSMENT

Report ID: INCA 202031

**Lackenby
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 Use Classes B2 (General Industry), B8 (Storage and Distribution) and E (Office) (maximum 10% of overall floorspace) within the Lackenby 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

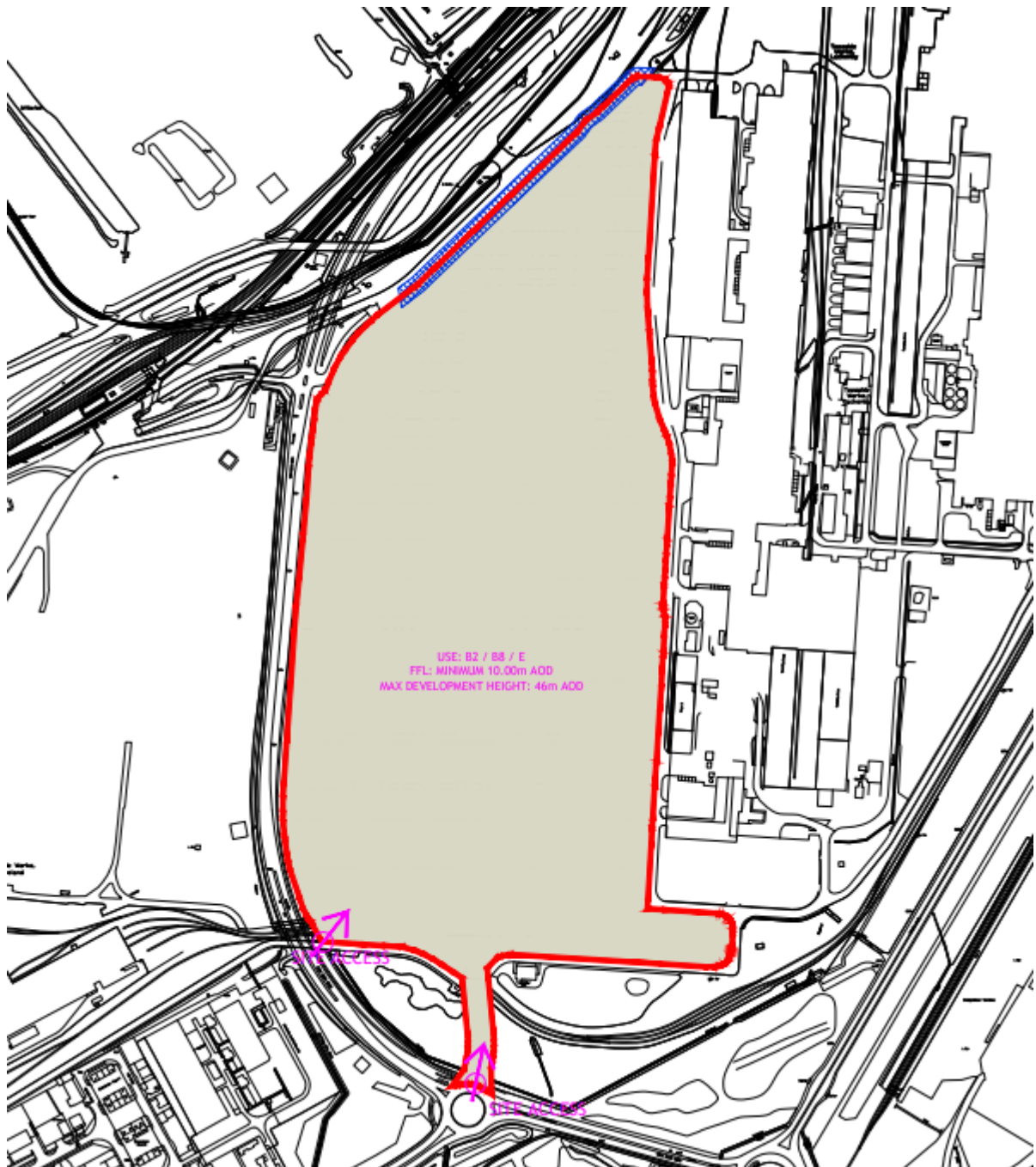
The draft description of the proposed development is as follows: "Outline planning application for the development of up to 92,903 sqm (gross) of general industry (Use Class B2) and storage and distribution facilities (Use Class B8) with office accommodation (Use Class E), HGV and car parking and associated works. All matters reserved."

The total development site area is 35.8ha and is shown in Figure 1.

The development site is approximately rectangular in shape and is defined by existing surrounding road infrastructure. The site is largely occupied by buildings and structures associated with the former SSI BOS and CONCAST steelmaking facilities and former Tata Steel's vacant coil plate mill. Prior to its use for steelmaking the site had not been used for industry and was open fields up to the mid-1950s. While most of the site is covered by buildings, structures or hardstanding, there is some scrub vegetation in the south-eastern part of the site and in the northern corner. The buildings on the site are mostly large industrial structures, although there are also a few smaller brick-built installations. Other structures on the site include tanks, chimneys, industrial pipework and conveyors. To the south of the central cluster of industrial sheds, the ground cover includes several mounds of material associated with former uses on the site. A redundant railway line is also present on the south-western and northern parts of the site. The internal STDC road network also traverses the site. A perimeter road runs in a north-south direction along the western boundary of the site, and various spurs into the site connect to the former industrial buildings and infrastructure.

The Boundary Beck runs in a north-south direction across the eastern side of the site via an underground culvert. A cross connector, which links the Boundary Beck to the Kinkerdale Beck also via an underground culvert, is present at the northern limit of the site. Water infrastructure present comprises: potable water supply pipes skirting the north-western edge of the site and crossing the northern part of the site in an east-west direction; industrial water mains beneath the southern, western and north-western boundaries of the site and extending southwards under the eastern part of the site; and an NWL water main present under the western edge of the site running in a north-south direction.

Figure 1. Plan of Lackenby, showing red line boundary and potential development area (shaded)



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 initial scoping stage.

The Teesmouth and Cleveland Coast SPA and the Teesmouth and Cleveland Coast Ramsar are within 2km 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 *Trichohydriobius 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.

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)	

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.

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.

No supporting habitat for SPA birds will be lost as a result of the development, so no adverse effect on SPA integrity can be assumed.

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

Given the distance of the development site from the SPA (approximately 2km 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.

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 immediately to the west of the development site 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 adjacent 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 is therefore safe to

conclude that there is no possibility of disturbance to waterbirds caused by the development leading to 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. 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 Lackenby 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.