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Habitats Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment

Land at South Bank

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Introduction

This document has been prepared by INCA on behalf of South Tees Development Corporation (STDC) in connection with a detailed planning application for the erection of 3,396sqm of B2/B8 Floorspace on land at South Bank, planning reference, R/2020/0465. The application is associated with the delivery of a facility for LM Wind.

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 description of the proposed development is as follows: "Erection of 3,396sqm of B2/B8 Floorspace including waste storage area, installation of sprinkler tank and associated plant, creation of hardstanding and landscaping works."

The total development site is 2.97ha and its location is shown in Figure 1. Approximately half of the area is "brownfield" land containing relatively sparse vegetation, as is typical of much of the STDC site. The remainder consists of buildings and other structures, internal roads and areas of hardstanding.

Figure 1. Site location

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 10km 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.

The Teesmouth and Cleveland Coast SPA and the Teesmouth and Cleveland Coast Ramsar are slightly in excess of 1km 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, Macroplea mutica, Philonthus dimidiatipennis* and *Trichohydnobius 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 *Thalasseus sandvicensis*	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 *Sternula albifrons*	81 pairs (2010-2014)	4.3% GB	Annex 1 (breeding)	Stage 1.1	N
Common Tern *Sterna hirundo*	399 pairs ((2010-2014)	4.0% GB	Annex 1 (breeding)	Stage 1.1	Y
Pied Avocet *Recurvirostra avosetta*	18 pairs (2010-2014)	1.2% GB	Annex 1 (breeding)	Stage 1.1	Y
Ruff *Calidris pugnax*	19 individuals (2011/12-2015/16)	2.4% GB	Annex 1 (non-breeding)	Stage 1.1	Y
Red Knot *Calidris canutus*	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 *Tringa totanus*	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)		Stage1.3 (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 closer than 4km from 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. Common Terns do forage in the River Tees in reasonable numbers, however studies by INCA on behalf of the Tees Estuary Partnership, have demonstrated that terns are not disturbed by any current industrial operations occurring beside or around the river and are therefore unlikely to be disturbed by future operations of a similar nature and scale. 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 considered:

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) <u>Loss of supporting habitats caused by the development.</u>
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 from this cause.

ii) <u>Changes to flight lines or sightlines for waterbirds occasioned by the development.</u>
Given the distance of the development site from the SPA (approximately 1km 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. Furthermore there is no identified use by SPA birds of the land between the development site and the SPA and given that the intervening land will be subject to considerable human activity from consented development, no future use of that area by SPA birds is anticipated.

iv) Discharges to water caused by the development.

No watercourses occur on the site and the site itself is 1km from the River Tees. The former Holme Beck runs adjacent to the site but is currently culverted to the south. Any groundwater and accumulated water encountered during the remediation of the site will be dealt with in line with the Arcadis report, "South Bank Priority Area; Former Steelworks, Redcar. Enabling Earthworks and Remediation Strategy – 10035117". It is therefore concluded that no adverse effect on SPA integrity is likely to result from discharges to water.

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). The potential for contaminants to be present and any consequent remediation measures that are necessary is dealt with through the above Arcadis report. This combined with the distance to the closest part of the SPA (1km), should be sufficient to ensure that no significant quantities of dust or particulates would reach the SPA.

The operational phase is not anticipated to generate significant emissions , especially given the historical and current industrial context of the area. Adverse effect on SPA integrity is therefore ruled out from these sources.

In-combination effects

The application is submitted in parallel to the submission of an application for the approval of Reserved Matters for the third phase of development pursuant to Outline Planning Permission reference R/2020/0357/OOM and the Lichfields Phasing Plan (Version 1) approved under application Reference R/2021/0269/CD. It is therefore necessary to consider them together in terms of in-combination effects.

The HRA for the approved scheme to which the Reserved Matters application relates (ARUP report dated July 2020) concluded that "there will likely be no significant effects to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar from the construction and operation of the proposed development". This conclusion was subject to the HRA being reviewed as further information becomes available to ensure that likely significant effects will not occur as a result of the construction or operation of the scheme. The reserved matters application has therefore been subject to a HRA (INCA report 2021-59) which concluded that the reserved matters would not result in any adverse impacts on the SPA that had not been identified in the HRA for the approved scheme.

The potential likely significant effects that have been identified and assessed for this application and the related reserved matters application are the same. The location, nature and scale of the activities that might potentially give rise to those effects are such that, even taken in combination, it is concluded that they would be unlikely to have any adverse impact on the SPA.

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 mitigation measures specified in the remediation strategy submitted with the application are satisfactorily delivered.