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**Teesworks Foundry Site
Demolitions**

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

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1. Introduction

1.1 This document has been prepared by INCA associate Gray's Ecology (Appendix 1), on behalf of Teesworks to support a 'prior approval' planning applications for demolition works on the Foundry Site, Teesworks.

1.2 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 Redcar and Cleveland Borough Council (RCBC), as the HRA competent authority, 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.

2. Project title

2.1 The project is named the Teesworks Foundry Site demolitions (hereafter demolitions project). The demolitions project works are included in the RCBC (2018) South Tees Area Supplementary Planning Document (SPD) for which there is a South Tees Area HRA (see section 11 for links).

3. Project description

3.1 The demolitions project involves the demolition of defunct industrial structures on previously developed industrial land, to provide a stable area of land for future development. An Outline Method Statement has been prepared by Thompsons of Prudhoe, and this details the safe methods to be employed to 'demolish down to grade/ top of concrete all above ground buildings, structures and conveyors, leaving the site clean, safe and free from waste associated with the works'.

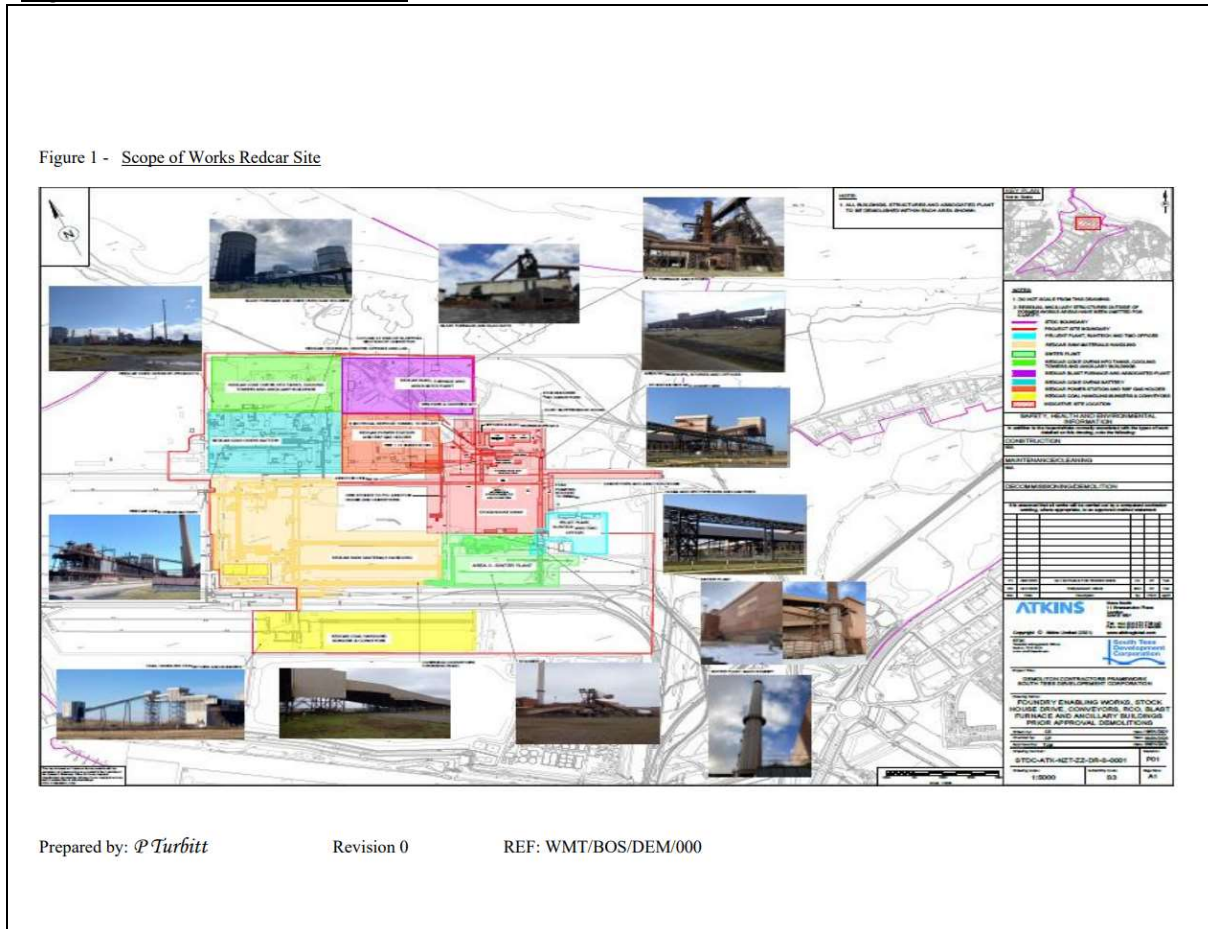
3.2 The site is in the borough of Redcar and Cleveland and is on industrial land west of the towns of Redcar, Coatham and Warrenby. It is centred on Ordnance Survey grid reference NZ 565-256 and is part of the larger Teesworks site.

The development site is approximately rectangular in shape and comprises of:

- Redcar Coke Ovens & Battery
- Redcar HFO Tanks
- Redcar Power Station & Gas Holder
- Redcar Blast Furnace
- Sinter Plant

3.3 The site location is shown in Figure 1 (a low-quality snip taken from the 'Outline Method Statement Redcar Site' prepared by Thompsons of Prudhoe, ref: WMT/REDCAR/DEM/000). Details and high-resolution figures are provided in that document which has been separately submitted to the local planning authority (LPA).

Figure 1. Location of the site.



4. Ecological baseline

4.1 Assessment of the ecological value of the site involved a combination of a desk study of available information and site visits. The desk study was based principally on data collected by INCA, which has carried out ecological surveys across almost all the industrial land in the wider South Tees area over more than a 20-year period. Information used for the assessment included:

- INCA's own, comprehensive biological records system
- Natural England and Magic Map (on Defra's UK.Gov website) published data on international and national designated nature conservation sites
- Teesmouth Bird Club 'The Breeding Birds of Cleveland, a tetrad atlas 1999 to 2006'
- Teesmouth Bird Club, Cleveland Bird Report (published annually)
- Wetland Bird Survey (WeBS) monthly, high tide, survey counts for the sectors Redcar and Coatham Sands South and Coatham Sands North, 1989 to 2021

5. Legislation

5.1 The European Commission Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC), have established a network of protected areas which comprise:

- Special Protected Areas (SPAs). These are designated under Article 3 (2) of the Birds Directive for species listed under Annex 1 of the Directive and migratory species.
- Special Areas of Conservation (SACs). These are designated under the Habitats Directive to ensure the restoration or maintenance of natural habitats and species of Community interest.

These European Directives are translated into UK legislation through The Conservation of Habitats and Species Regulations 2017, also known as the Habitats Regulations.

These regulations have been amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

In addition to SPAs and SACs, a suite of wetland sites of international importance has been designated under the Ramsar Convention. Although these are not European Sites, as a matter of law, the UK Government has chosen to apply the same procedures to them as to European Sites.

SPAs and Ramsar sites can also be designated European Marine Sites (EMS).

SPAs, SACs, Ramsar sites and EMSs have been combined to form the Natura 2000 (N2K) network and are collectively known as European Sites.

5.2 Within the context of local planning, Regulation 63 (1) of the Habitats Regulations applies - the competent authority must undertake an appropriate assessment of the implications of a project in view of the European Site's conservation objectives, where:

- (a) it is likely to have a significant effect on a European Site or a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) it is not directly connected with or necessary to the management of the Site.

5.3 Whilst European Sites overlie Sites of Special Scientific Interest (SSSIs), HRA relates only to the qualifying interest features of the European Site.

5.4 In determining the likely significance of an effect, the European Commission recommends considering 'the probability of the impact; the duration, frequency and reversibility of the impact'. If it is not possible to clearly rule out a significant effect, based on objective information, then further assessment is required, in line with the precautionary principle. This view has been supported by recent European case law. That is, it is necessary to demonstrate that significant effects are not likely.

5.5 A HRA is required where significant effects upon the notified interest features of a European Site are likely. Natural England states that any effect that compromises a European Site's ability to support and sustain the features for which it has been designated is likely to be considered significant, excluding trivial or inconsequential effects. This is assessed in terms of the designated interest features and conservation objectives of the European Site.

5.6 Likely Significant Effect (LSE) is defined as 'any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation action objectives of the features for which the European Site was designated but excluding trivial or inconsequential effects'.

5.7 LSEs must be assessed to see if they would have (or risk having) an adverse effect on the integrity of a European Site, with respect to its structure, function and conservation objectives. This is referred to as the Adverse Effect on Integrity (AEoI). If AEoI impacts are anticipated, mitigation measures to alleviate impacts should be proposed and assessed.

5.8 The Habitats Regulations do not specify how the stages of HRA should be undertaken, or the depth of analysis of issues that is required; it must, however, be fit for purpose.

6. HRA – the four stages

6.1 A Habitats Regulations Assessment is a step-by- step process.

Stage 1 – Screening Assessment

To test whether a plan or project (either alone or in combination with other plans and projects) will have LSE on a European Site.

Stage 2 – Appropriate Assessment

To test whether a plan or project (either alone or in combination with other plans and projects) will have an AEoI on a European Site, including the assessment of mitigation measures if appropriate.

Stage 3 – Assessment of alternative solutions

Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g., alternative locations and designs of development).

Stage 4 – Compensation

Assessment where no alternative solutions remain and where adverse impacts remain: In exceptional circumstance (e.g., where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

7. HRA Stage 1 screening assessment for Foundry Site demolitions project

7.1 The initial information for stage 1 is presented below and in Table 1.

The demolitions project is not necessary for the conservation management of any European Sites and so must be assessed.

European Sites screened for stage 1.

7.2 In assessing the impact of a potentially damaging operation, the geographical extent over which that impact might be significant needs to be considered and requires understanding of the output of the potentially damaging operation, its pathway to the receptor, the ecology and sensitivity of the receptor and the conservation importance of the receptor. European Site interest features, qualifying features, conservation objectives, vulnerabilities, and Natural England IPENS (Improvement Programme for England N2K sites) are considered. For the purposes of this assessment, the distance used is 10km from the closest point of the demolitions project site to the closest point of the European Site.

7.3 Two European sites are within 10km of the proposed demolitions project site:

- Teesmouth and Cleveland Coast (T&CC) SPA
- Teesmouth and Cleveland Coast (T&CC) Ramsar

7.4 The T&CC SPA and the T&CC Ramsar site shares the same boundary (except where the SPA includes a marine component) and they are adjacent to the demolitions project site. The Teesmouth and Cleveland Coast EMS lies within the T&CC SPA/ Ramsar sites and is designated for the same suite of species. The demolitions project has the potential to cause LSE to these European Sites and they require further assessment.

Relevant ecological information for HRA stage 1 European sites

7.5 An understanding of the baseline ecology of T&CC European Sites is required against which to assess potentially damaging operations. Table 1 shows the total areas of the two T&CC European Sites and the features for which they are designated.

Table 1. Key designation features of the T&CC European Sites

Site	Approx. Distance	Key species	Area (ha)
T&CC SPA	adjacent	Wintering and passage waterbirds, breeding populations of avocet, common tern, little tern	12,226.28
T&CC Ramsar	adjacent	Waterbirds, breeding populations of avocet, common tern, little tern	2,094.02

The T&CC SPA covers a much larger area due to the extensive marine element, included for foraging terns. The terrestrial areas are similar.

7.6 The qualifying features for the T&CC SPA and T&CC Ramsar are given in Table 2. 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 Birds Directive Annex 1 species.

Table 2. Qualifying features for the T&CC SPA/ T&CC 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
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
Knot	5,509 individuals	1.6% NE	Migratory	Stage 1.2	N

<i>Calidris canutus</i>	(1991/92-1995/96)	Canada/Greenland / Iceland/UK population	(winter)	(SPA), Criterion 6 (Ramsar)	
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 to 2015/16	26,014 individuals (SPA assemblage), 26,786 individuals (Ramsar assemblage)		Stage 1.3 (SPA), Criterion 5 (Ramsar)	

Teessmouth and Cleveland Coast SPA

7.7 The T&CC SPA was first classified in 1995 for its numbers of European importance of breeding Little Tern *Sternula albifrons*, passage Sandwich Tern *Thalasseus sandvicensis*, wintering Knot *Calidris canutus* and passage Common Redshank *Tringa totanus*, as well as an assemblage of over 20,000 waterbirds. Extensions to the T&CC SPA were formally classified on 16 January 2020.

Natural England has extended the SPA to include marine foraging areas for breeding Little Tern and breeding 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 Avocet *Recurvirostra avosetta* have also been classified as new qualifying features of the SPA.

The boundary of the SPA extension covers an area from Crimdon Dene-mouth 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 RSPB Saltholme colony.

Teessmouth and Cleveland Coast Ramsar

7.8 The T&CC Ramsar boundary was extended in 2020 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 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 (not the large marine addition). 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*.

Conservation objectives of the T&CC European Sites

7.9 The conservation objectives for the T&CC European Sites, for the individual species and/or assemblage of species for which the sites have 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 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
- The distribution of the qualifying features within the site'.

HRA Stage 1. Consideration of Likely Significant Effect

7.10 Likely Significant Effects on European Sites can be direct (through impacts such as land take) or indirect by (such as, increased disturbance). The potential LSEs caused by the demolitions project and their pathway to the European Sites (referred to as N2K in the tables) are shown in Table 3. Justification for screening LSE out are given in section 7.11.

Table 3. Source-Pathway-Receptor for LSE issues for T&CC European Sites

Potential source of LSE	Pathway type	Pathway mechanism	Screened in (Y/N)
Demolition works leading to loss of designated land	Direct	Destruction or degradation of habitats	N
Demolition works leading to loss of 'functional land', available to N2K species	Indirect	Destruction or degradation of non-European Site land used by European Site species (birds)	Y
Demolition works leading to disturbance of species by demolition noise	Indirect	Demolition noise (including blasting); traffic movements,	Y
Demolition works creating vibration	Indirect	Ground and air vibrations caused by heavy plant demolishing/ drilling/ breaking up structures	Y
Demolition works leading to pollution	Indirect	Various polluting materials being released to the environment	Y
Demolition works leading to changes to flight lines or sight lines for N2K species	Indirect	Tall infrastructure causing a visual obstruction to N2K species	N
Demolition works leading to dust contamination	Indirect	Airborne particulates or pollutants damaging N2K habitats or affecting behaviour of species	Y
Demolition works leading to	Indirect	Pollution of N2K habitats and adverse impacts on feeding of	Y

discharges to water		N2K species	
Site staff undertaking operations that cause disturbance	Indirect	Human workforce movements disturbing N2K species	Y

7.11 Two potential LSEs are screened out, with the reasons given in Table 4.

Table 4. Reasons for LSE being screened out.

Potential LSE	Reason screened out
Loss of designated land	The application site is not part of the N2K designation
Changes to flight lines or sight lines for waterbirds occasioned by the development	The demolitions project will demolish structures and leave a 'development platform', i.e., a flat, open and level base

7.12 Following HRA stage 1 screening considerations, seven potential LSEs are screened in, and these need to be assessed at HRA stage 2 Appropriate Assessment.

8. HRA Stage 2 Appropriate Assessment for Foundry Site demolitions project

8.1 HRA stage 2 assesses the potential for screened in Likely Significant Effects to cause an Adverse Effect on Integrity (AEoI). Proposed mitigation measures are assessed. Seven potential LSEs are screened in. These are considered in Table 5 and below.

Table 5. Stage 2 appropriate assessment

Potential LSE	Consideration	Outcome
Loss of availability of functional land to N2K species	All the five Foundry Site areas to be demolished are predominantly populated with built structures, with few and only small areas of natural habitat. These include 'Ephemeral/ short perennial grassland' (J1.3 in the Phase 1 habitat survey classification), one man-made pond and bare/ sparsely vegetated ground. INCA has no records of any of the areas being extensively used by N2K birds, therefore, the demolitions project site is assessed as not being functionally linked to them.	No AEoI
Disturbance of N2K species by demolition noise	The closest roost sites (South Gare, Bran Sands and Coatham Boating Lake) are more than 1.9km from the demolitions project site (Figure 2). Historically, when the Foundry sites were operational, N2K birds were observed to be unaffected. Operations included regular loud noises, for example from the Redcar blast furnace during steel making. It is assessed that a series of loud, but short, noises linked to demolition would not lead to AEoI, due to their distance from sensitive ecological receptors, which also previously were unaffected.	No AEoI

Disturbance of N2K species by vibrations	<p>Embedded mitigation for potential dust contamination in the demolitions project Outline Method Statement includes:</p> <p><i>Thompsons will strictly control nuisance vibration via the selection of demolition technique. High impact works will be strictly minimised.</i></p> <p><i>Thompsons will adhere to the requirements of BS 5228 Part 1:1997 Code of Practice for Noise and Vibration Control on Construction and Open Sites, the Control of Pollution Act 1974, and the Environmental Protection Act 1990.</i></p> <p><i>Thompsons will carry out our works to strictly minimise noise, vibration and airborne dust as much as possible.</i></p>	No AEol
Contamination of N2K sites by polluted materials	<p>Embedded mitigation for potential dust contamination in the demolitions project Outline Method Statement includes:</p> <p><i>Thompsons will identify any hazardous materials and deal with the disposal of such materials in accordance with our statutory requirements.</i></p> <p><i>Thompsons will ensure that our works do not pollute the environment including nuisance noise, windblown dust, spillages etc and will prevent polluting materials from leaving the site in accordance with the contract specification.</i></p> <p><i>Operatives are Environmental Awareness trained and this includes emergency drills for clean-up /control of spillage. In the event of leakage /spillage operatives will follow the emergency clean-up /control procedure.</i></p>	No AEol
Contamination of N2K sites by dust	<p>The demolition process proposes to use water sprayed from bowsers to reduce dust. Embedded mitigation for potential dust contamination in the demolitions project Outline Method Statement includes:</p> <p><i>Thompsons will minimise the production of dust during all stages of the project. Prior to commencement of works controls will be put into place to minimize the production of dusts.</i></p> <p><i>During the demolition phase of the works Thompsons will minimize dust emissions by utilizing machine dust suppression systems, pressure washer bowsers etc. A water supply is present on site for Thompsons' use. An assessment of the Conveyors has highlighted that accumulated dust maybe present; Thompsons will use water to dampen the demolition workface as works progress and the arisings produced during the demolition works. Care will be taken not to flood working areas.</i></p> <p><i>Excavator machines are equipped with a dust suppression system to reduce the dust at source, Thompsons will also use a pressure washer /water hose at ground level to reduce dust exposure.</i></p>	No AEol

<p>Groundwater contamination of N2K sites</p>	<p>Members of the Teesmouth Bird Club have commented that the water levels in the birding site known as the Furnace Ponds (which lies outside the Teesworks boundary fence at NZ 570-257) were maintained by ground water flow from the blast furnace/ steel-making process. Despite the likelihood of contaminants, the water in these ponds has been of high enough quality to support breeding common toad and several species of dragonfly. It is assessed as likely that any wastewater from the proposed demolition operations will, likewise, filter through to these ponds and be of high enough quality to support biodiversity.</p> <p>The demolition process proposes to use water sprayed from bowsers to reduce dust. Embedded mitigation for potential groundwater contamination in the demolitions project Outline Method Statement includes:</p> <p><i>All drains within the exclusion zone will be sealed using sandbags to prevent demolition debris from entering and protected using steel plates.</i></p> <p>It is assessed that there will be no AEol.</p>	<p>No AEol</p>
<p>Disturbance of N2K species by human presence</p>	<p>The closest foraging area for waders (Coatham Sands) is 0.6km from the demolition site, although WeBS data shows that waders favour the bay near the South Gare breakwater (1.9km away). The closest roost sites (South Gare, Bran Sands and Coatham Boating Lake) are more than 1.9km from the proposed demolition site (Figure 2).</p> <p>As a broad area of sand dunes and grassland separate the key bird areas from the proposed demolition site, likely disturbance is assessed as nil.</p> <p>In 2020 and 2021 a pair of little ringed plovers (Wildlife and Countryside Act Schedule 1 protected species and part of the N2K species assemblage) nested within the demolitions project site. This species is well known for selecting disturbed areas and being tolerant to humans and moving plant. Therefore, it is assessed that this species will continue to nest in the Teesworks area in future years and that there will be no overall significant harm to the species or to N2K sites.</p>	<p>No AEol</p>

Figure 2. Distance from demolition site to main N2K roosts.



8.2 All potential causes of LSE have been screened out. Therefore, there will be no AEoI from the Foundry Site demolitions project on the T&CC European Sites.

9. In-combination assessment

9.1 HRA requires the project to be assessed 'in its own right', and 'in combination' with other plans and projects.

9.2 Large areas of previously used industrial land are being similarly developed in line with the approved South Tees Area SPD (see section 11). This SPD has its own HRA (section 11), which concludes:

This HRA of the emerging South Tees Area Supplementary Planning Document takes account of the previous HRAs of the Redcar and Cleveland Local Plan. In this context, this HRA confirms there have been no changes to the European Sites requiring consideration, neither are there any changes to the plans or projects considered in-combination with the Local Plan, with the exception of the new Redcar & Cleveland Teesmouth and Cleveland Coast Special Protection Area Recreation Management Plan (RMP) and the other Strategies which are to be commissioned by STDC in 2018 to provide further detail regarding the guidance set out in the SPD, in order to facilitate the effective delivery of the STDC area.

The key Development Principle within the SPD of relevance to this HRA is Development Principle STDC7, which seeks to ensure that redevelopment proposals protect and where possible enhance the environment. This Principle, given delivery of development described within the SPD, can only be applied in accordance with protective mitigation measures already provided in the Local Plan (most notable Policy N 4) and the RMP to which it refers. The SPD therefore would not lead to adverse effects on the integrity of any European Sites,

taking into account the mitigation measures described within Local Plan Policy N4, the RMP, and confirmed within the HRAs of the Local Plan.

This HRA Report has identified opportunities to improve the wording within Development Principle STDC7 and elsewhere within the SPD, which would provide greater clarity and consistency with the wording within relevant policies within the Local Plan. Recommendations in this regard have been provided and it is understood that RCBC are content to incorporate the suggested changes into the SPD. For the avoidance of doubt, these HRA recommendations do not affect the fundamental conclusion that the SPD would not lead to adverse effects on the integrity of the European Sites within the Zone of Influence of the SPD area, either alone or in combination with other plans or projects.

9.3 As the HRA for the RCBC (2018) South Tees Area SPD concludes that development within the whole Teesworks zone will not lead to AEoI, this demolitions project HRA concludes that there will be no in-combination adverse impacts.

10. Conclusion

10.1 The proposed Foundry Site demolitions project will not cause adverse effect to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar sites, either alone or in combination with other plans or projects.

10.2 This ends the HRA process.

11. References

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Appendix 1. Report compiler

The author, Graham Megson, has an MSc in Ecology from Durham University and has been based in Teesside for 32 years. He has experience working as an Ecologist, Biodiversity Officer and Countryside Manager and has contributed to several wildlife recording schemes during this time, including being the British Trust for Ornithology (BTO) led Wetlands Bird Survey (WeBS) counter, for the sectors between Redcar and South Gare, since 1989.

End