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Steel House Park and Ride Facility

**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 on behalf of Teesworks in connection with a full planning application.

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.

2. Project title

2.1 Steel House Park and Ride Facility

3. Project description

3.1 The project involves the creation of a Park and Ride facility with associated infrastructure on land east of the building known as Steel House.

The site is in the borough of Redcar and Cleveland and is on industrial land north-west of Dormanstown (Figure 1), centred on Ordnance Survey grid reference NZ 580-243. It is part of the much larger Teesworks area, for which there is a master plan [1]. The site covers approx. 14.01 Ha.

3.2 The red line boundary for the development site covers a roughly rectangular area to the east of Steel House, including a length of the A1085, required for access works (Figure 2).

Figure 1. Location of the site

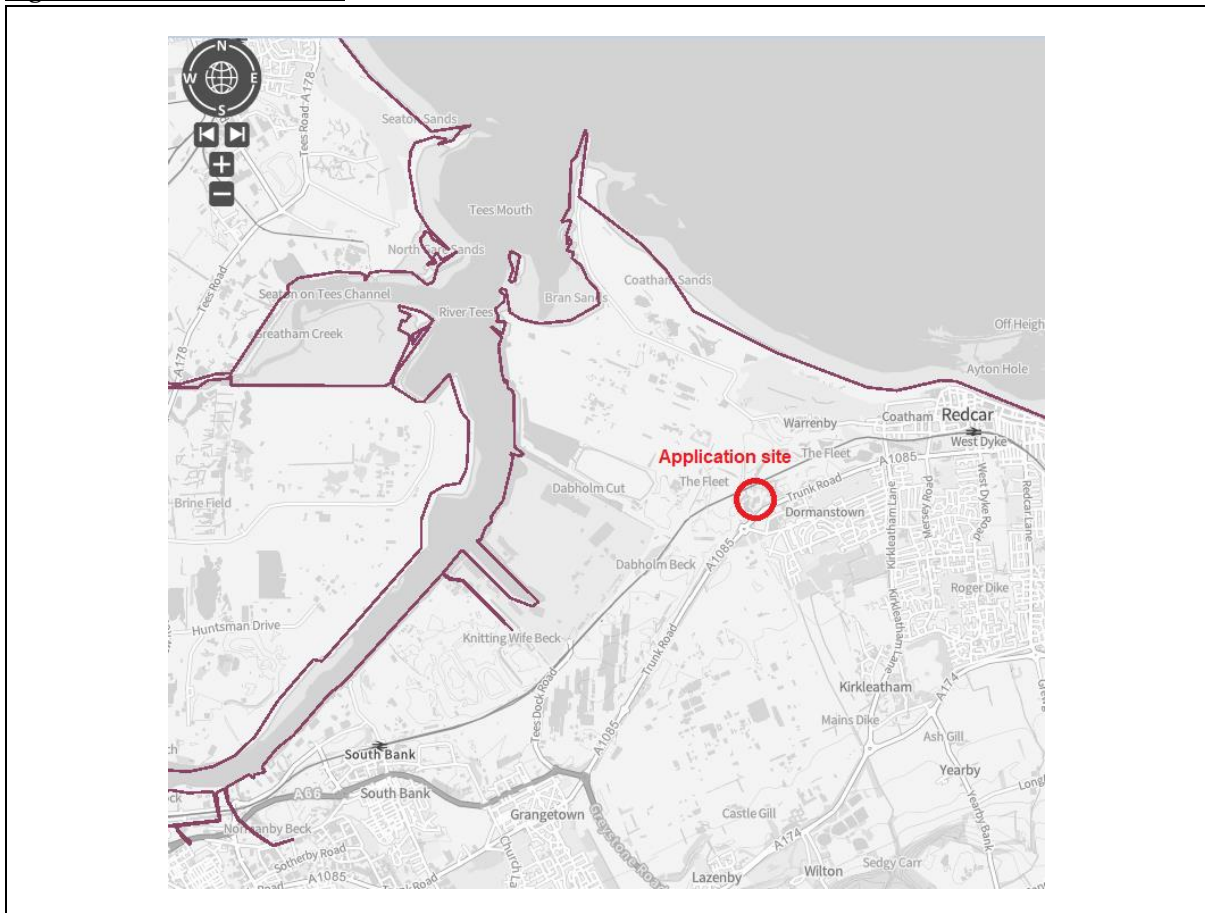
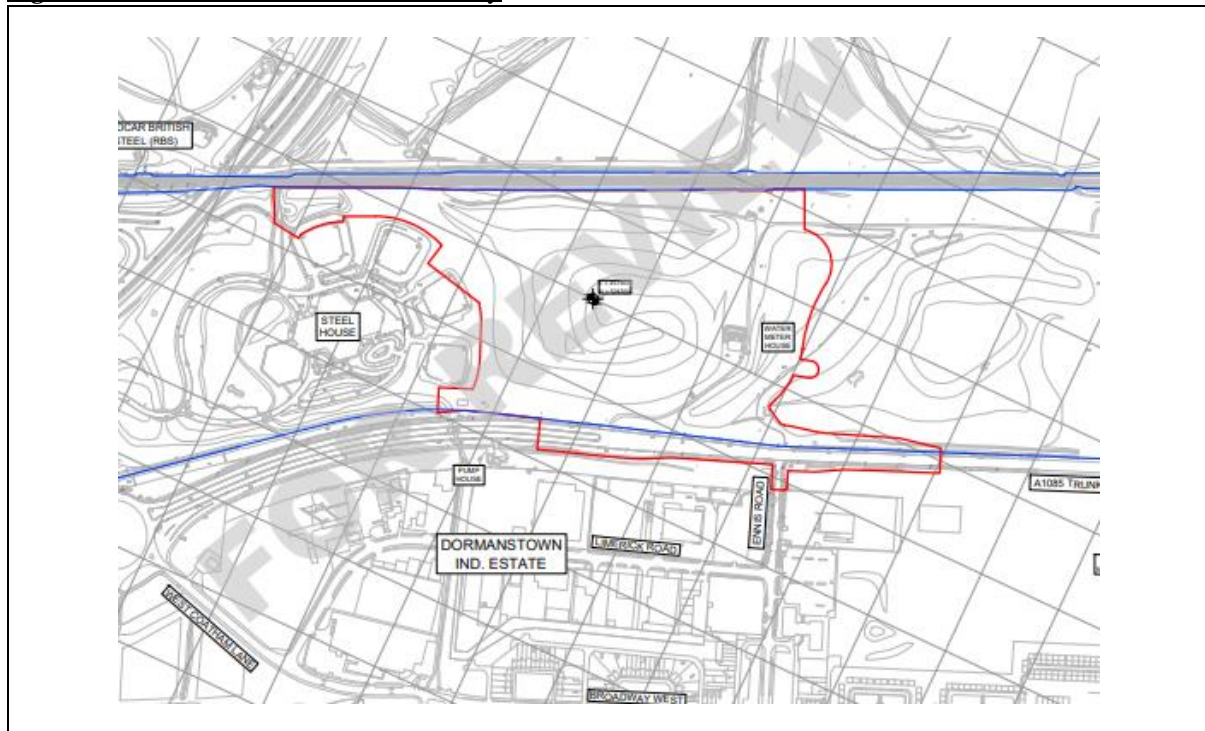


Figure 2. Park and Ride red line boundary



4. Legislation

4.1 The European Commission (EC) Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC) (transposed into British legislation) have established a network of protected areas across the European Union (EU) which comprise:

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

These sites are often referred to as the Nature 2000 or N2K network and are collectively known as European Sites.

The Habitats Directive is transposed 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.

Within the context of local planning, Regulation 63 (1) applies (Chapter 2 - Planning). 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 European Site.

4.2 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. In the case of the Ramsar site considered in this assessment, Teesmouth & Cleveland Coast, its boundaries coincide with the respective SPA, except where the SPA includes a marine element. The Ramsar

designation cites some additional species as interest features. The assessment of Likely Significant Effect (LSE) considers both the SPA and Ramsar site interest features. The term 'European Site', used below, is to be interpreted as meaning both European Sites and Ramsar sites.

4.3 Whilst European Sites overlies Sites of Special Scientific Interest (SSSIs), HRA relates only to the qualifying interest features of the European Site. HRA is only considered for operations that are not connected with, or necessary to, the conservation management of European Sites.

4.4 A HRA is required where significant effects upon the notified interest features of a European Site are likely. Significance is defined in terms of the designated interest features and conservation objectives of the site. Natural England guidance indicates that any effect that compromises a 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. In determining the likely 'significance' of an effect, the EC 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.

4.5 Neither the Habitats Directive nor the Habitats Regulations 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.

5. HRA – the four stages

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

Stage 1 – Screening

To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site;

Stage 2 – Appropriate Assessment

To determine whether, in view of an international site's conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;

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); and

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.

5.2 The first stage in this process is screening for any LSE. Screening evaluates the potential for a project to have a significant effect on the interest features for which a European Site is designated. A significant effect 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 Site was designated but excluding trivial or inconsequential effects'.

6. HRA Stage 1 screening assessment

6.1 The initial information for stage 1 is presented in Table 1.

Table 1. Assessment information

Type of permission:	Local Planning Authority (LPA) - Full planning application.
LPA planning reference:	to be confirmed
Is the proposal directly connected with or necessary to the management of the site for nature conservation?	No

European Sites screened for stage 1

6.2 This HRA stage 1 screening assessment covers all European Sites within 10km of the application site. It uses the source-pathway-receptor model to assess LSE. The source is always the application site and the receptors are the European Sites. European Site interest features, qualifying features, conservation objectives, vulnerabilities, and Natural England IPENS (Improvement Programme for England Natura 2000 Sites) are considered.

Two European sites are within 10km of at least part of the application site:

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

6.3 The T&CC SPA and the T&CC Ramsar site shares the same boundary except where the SPA includes a marine component. Both lie 75m west of the application site. These two European Sites are screened in.

Two European Sites are 11.2km distant and have been screened out as they are >10km from the application site and are separation by farmland, urban development and infrastructure.

- North York Moors SPA
- North York Moors SAC

Screened in European Sites

Teesmouth and Cleveland Coast (T&CC) SPA

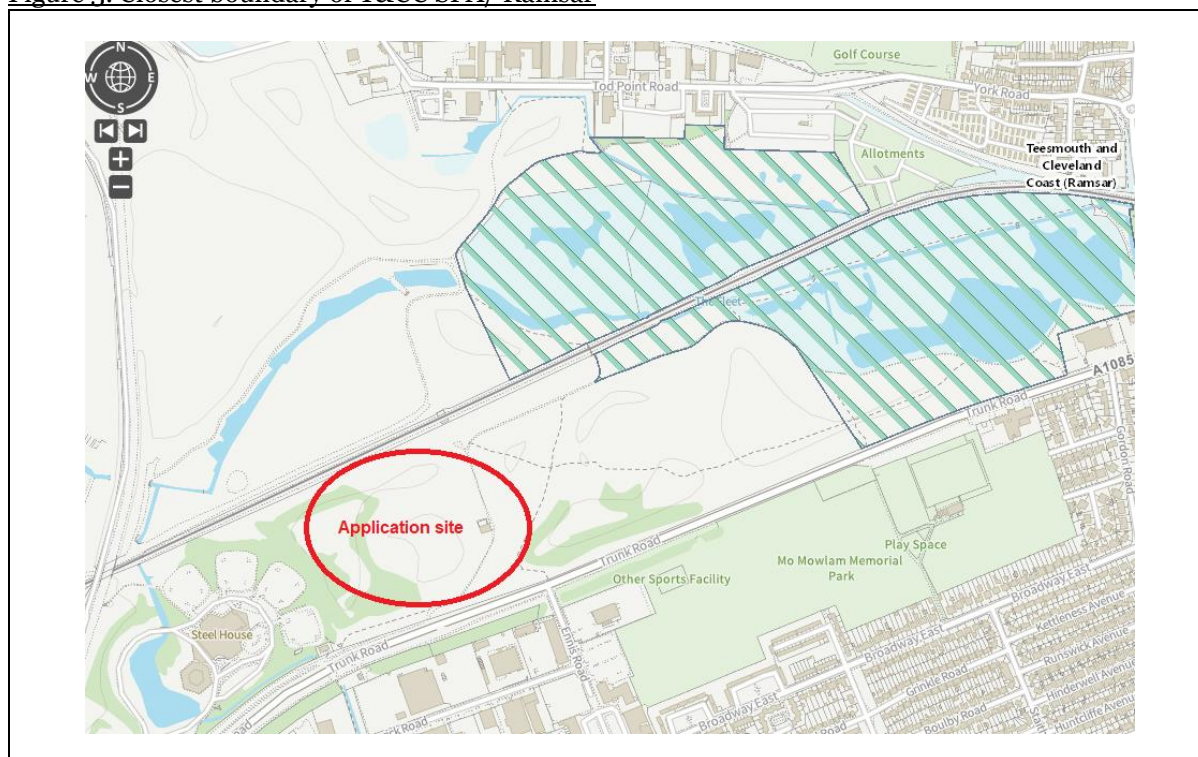
6.4 The T&CC SPA was first classified in 1995 for its numbers of European importance of breeding Little Tern *Sternula albifrons*, passage Sandwich Tern *Thalasseus sandvicensis*, wintering Red Knot *Calidris canutus* and passage Common Redshank *Tringa totanus*, as well as an assemblage of over 20,000 waterbirds. Extensions to the T&CC SPA were formally classified on 16 January 2020. The SPA is now 12,226.28 ha in size and includes additional areas of marine 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 *Sterna hirundo*, 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 RSPB Saltholme colony.

At its closest, the SPA is 75m from the application site (Figure 3).

Figure 3. Closest boundary of T&CC SPA/ Ramsar



Teesmouth and Cleveland Coast Ramsar

6.5 The T&CC 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. The T&CC Ramsar site is now 1,247.31 ha in size. 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 (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*.

6.6 The qualifying features for the T&CC SPA/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 Annex I species. As the Ramsar is, to a large extent, a sub-set of the SPA the term SPA is taken to refer to both unless otherwise stated.

Table 2. Qualifying features for T&CC SPA/Ramsar

Feature	Count (period)	% of Population	Interest type	Selection Criteria	New feature (Y/N)
Sandwich Tern	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</i>	81 pairs (2010-2014)	4.3% GB	Annex 1 (breeding)	Stage 1.1	N
Common Tern	399 pairs (2010-2014)	4.0% GB	Annex 1 (breeding)	Stage 1.1	Y

Pied Avocet	18 pairs (2010-2014)	1.2% GB	Annex 1 (breeding)	Stage 1.1	Y
Ruff	19 individuals (2011/12-2015/16)	2.4% GB	Annex 1 (non-breeding)	Stage 1.1	Y
Red Knot	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	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)	

6.7 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’.

6.8 European Sites are underpinned by SSSIs 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.

HRA Stage 1. Consideration of Likely Significant Effect

6.9 LSE on European Sites can be direct through such impacts as land take or damage, or indirect by, for example, increased disturbance (Table 3). The significance of an effect depends on the sensitivity of the interest feature that might be affected.

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)
Loss of designated site habitat	Direct	Destruction	N
Loss of availability of functional land to birds	Indirect	Destruction or degradation of non-European Site land used by European Site species (birds)	N
Disturbance of birds by noise and human presence	Indirect	Construction, traffic movements, human workforce movements, operational day to day use as park and ride	N

Disturbance to birds through increased recreational pressure	Indirect	Recreational activities	N
Changes to flight lines or sight lines for waterbirds	Indirect	Tall infrastructure causing a visual obstruction	N
Emissions to air caused by the development	Indirect	Airborne particulates or pollutants released by groundworks	N
Dust from earthworks and construction activities	Indirect	Dust mobilised by groundworks	Y
Nutrient deposition into the R. Tees catchment from surface runoff	Indirect	Increased annual nutrient burden entering the R. Tees via surface runoff	Y
Nutrient deposition into the R. Tees catchment from sewage	Indirect	Increased annual nutrient burden entering the R. Tees via sewage disposal	N

6.10 Seven potential LSEs are screened out. The reasons are given in Table 4.

Table 4. Reasons LSE is screened out.

Potential LSE	Reason screened out
Loss of designated site habitat	The application site is not part of the European Sites designation.
Loss of availability of functional land to birds	The application site does not support SPA species.
Disturbance of birds by noise and human presence	At its closest, the proposed works are 75m from the closest European Site (Coatham Marsh) and will be lower than existing disturbance levels such as traffic noise from the A1085, train noise from the Redcar to Middlesbrough line and recreational use of this public space (all adjacent to the SPA). Significance is assessed as <i>de minimis</i> .
Disturbance to birds through increased recreational pressure	The application will not provide additional residential accommodation which would lead to increased levels of recreation and the purpose of the Park and Ride Facility is not to support recreational trips.
Changes to flight lines or sight lines for waterbirds	The proposal does not include the building of any tall structures.
Emissions to air caused by the development	Emissions are assessed as not being significantly higher than the existing background levels caused by traffic on the A1085. Considering the vegetative buffers between the Park and Ride Facility and the European Sites, the significance is assessed as <i>de minimis</i> .
Nutrient deposition into the River Tees catchment via watercourses	The application will not provide additional residential accommodation which would create sewage, requiring disposal.

6.11 Two potential LSE are screened in and these need to be assessed at stage 2. The reasons are given in Table 5.

Table 5. Reasons LSE is screened in.

Potential LSE	Reason screened in
Dust	Dust mobilised into the atmosphere during groundworks and construction activities is assessed as likely to occur.
Watercourse pollution	Pollution to the watercourse from mobilised pollutants disturbed during groundworks and subsequently flowing into the SPA, either at Coatham Marsh or via the Coatham Sands coast, is assessed as likely to occur. Day to day surface water runoff, potentially mobilising spilled oil from vehicles, will be created and concentrated in run-off into surrounding habitats.

7. HRA Stage 2 appropriate assessment

7.1 HRA stage 2 assesses the potential for screened in LSE to cause an Adverse Effect on Integrity (AEIO). Two potential LSEs are screened in. These are considered below (Table 6).

Table 6. stage 2 LSE considerations and outcomes

Potential LSE	Mitigation	Outcome
Dust (operational phase)	Dust will be suppressed using measures such as water spraying onto loose material. The water used will be dealt with by a surface water runoff scheme. This mitigation measure will be detailed in a Construction and Environmental Management Plan (CEMP). The CEMP must be agreed by the LPA and secured by an appropriately worded planning condition. The mitigation measure will be implemented during construction, ensuring that dust is intercepted and neutralised.	Screened out if CEMP is implemented
Watercourse pollution (construction & operational phases)	A Sustainable Urban Drainage Scheme (SUDS) will manage surface water runoff and must be agreed by the LPA and secured by an appropriately worded planning condition. The mitigation measure will be implemented during both construction and operational phases, ensuring that pollutants are intercepted and neutralised.	Screened out if a Condition is implemented

7.2 So long as the prescribed mitigation measures are implemented there will be no AEOI from this project on the T&CC SPA/ Ramsar Site.

8. In-combination assessment

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

8.2 Large areas of (mostly) previously used industrial land are being developed in line with the approved South Tees Area SPD [1]. The key, relevant Development Principle within the SPD is Development Principle STDC7, which seeks to ensure that redevelopment proposals protect and where possible enhance the environment. This is in accordance with protective mitigation measures already provided in the Local Plan (most notable Policy N4 'Biodiversity and Geological Conservation'). The proposed development does not contribute to any potential larger scale issues such as loss of functional land, unpredictable loud noises or disturbance of bird roosts.

9. Conclusion

9.1 The proposed development will not cause adverse effects to the integrity of the T&CC SPA and Ramsar Sites, either alone or in combination with other plans or projects, provided the mitigation measures in Table 6 are delivered. The development is assessed as being lawful.

9.2 This ends the HRA process.

10. References

[1] RCBC (2018) South Tees Area SPD. <https://www.redcar-cleveland.gov.uk/resident/planning-and-building/local-plan/Pages/South-Tees-Area-SPD.aspx>