

Date: 22 August 2025
Our ref: 517225
Your ref: MLA/2025/00263



Marine Management Organisation
Lancaster House
Hampshire Court
Newcastle Upon Tyne
NE4 7YH

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VIA WEBSITE ONLY

Dear Jordana

Tees and Hartlepool Maintenance Dredge Disposal. Teesside Bay

Thank you for your consultation dated 26 June 2025. The following constitutes Natural England's formal statutory response. We recognise that the licence application is for dredge disposal only as the Port has the powers to dredge under the Teesport Harbour Revision Order 2008. Therefore, our advice is primarily focussed on disposal activities.

Thank you also for the extensions you've provided to our deadline on this consultation.

Summary

- We advise an appropriate assessment is carried out for the disposal activity.
- Advice should be sought from Cefas and from the Environment Agency regarding contaminated sediment and disposal at sea.

Regarding dredge disposal only

The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

We can confirm that the proposed works are located in close proximity to the Teesmouth and Cleveland Coast SPA and Ramsar sites.

Likely significant effect, appropriate assessment required

Natural England's advice is that this proposed development may contain (or require) measures intended to avoid or reduce the likely harmful effects on a European Site, which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (noting the recent *People Over Wind* Ruling by the Court of Justice of the European Union).

For this reason, we advise that on the basis of the information supplied that the application may have a likely significant effect on these sites. These measures therefore need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment, in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

These measures and any further mitigation measures can be considered during an appropriate assessment, to determine whether a plan or project will have an adverse effect on the integrity of the European site.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of the *People Over Wind* ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Should an appropriate assessment be undertaken, we recommend that the following mitigation measures be considered in the appropriate assessment; and advise that should these mitigation measure be incorporated into the appropriate assessment and any subsequent license, the proposal is unlikely to result in adverse effects to the European sites affected.

Mitigation: Sediment sampling and analysis, with prohibition of disposal at sea of dredge arisings which are unsuitable for this purpose.

Reason: To reduce aqueous contaminants to levels equating to High Status according to Annex VIII and Good Status according to Annex X of the Water Framework Directive, avoiding deterioration from existing levels.

Marine and Coastal Access Act 2009

The works (dredge disposal), as set out in the information supplied by the applicant, are not sited within or near to a Marine Conservation Zone (MCZ). Natural England have not identified a pathway by which impacts from the development would affect the interest features of any MCZs. We are therefore confident that the works will not hinder the conservation objectives of such a site.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works (dredge disposal) are not located within or in close proximity to a Site of Special Scientific Interest. Natural England have not identified a pathway by which impacts from the works would affect the interest features of the site(s). Therefore, if the works are carried out in accordance with the application, in Natural England's view they are not likely to damage any of the flora, fauna or geological or physiographical features for which the site is designated.

Other Relevant Matters

Heavy industrialisation and historic contamination is associated with the area. Contaminants can be effectively 'locked into' the seabed sediments in ports and harbours and subsequent re-mobilisation (eg by dredging or disposal) can release these contaminants into the water column. Subsequent resettlement of contaminants risks adverse effects on adjacent/downstream sites causing potential harm to qualifying features either directly or, through bioaccumulation of toxins via food chain processes.

Natural England is aware of concerns around potential links between dredging within the Tees estuary and faunal mortalities along the north-east coast. We acknowledge the results of the Defra investigation into the 2021 shellfish die-off event, and that as of yet, there is no substantial published evidence linking dredging activity within the Tees to these die-off events. However, given the close proximity of protected sites along the north-east coastline, the ecological impact of contaminants, and the possibility that new evidence may come to light following further investigations, we encourage the MMO to take a cautious approach when considering activities within the Tees which may mobilise contaminated sediment, and to consult with the relevant experts and authorities using the best

available evidence on these matters.

Natural England defer to Cefas and the Environment Agency for further detailed advice on contaminated sediments. We acknowledge that Cefas will likely be consulted on any sediment sampling results, however we would like to take the opportunity to advise that you ensure sufficient and adequate analysis and assessment of impacts of contaminants and pollutants within sediments is carried out down to the lowest levels of proposed dredging before commencement of works. If hazardous levels of contaminants are discovered then methods to limit their release and spread during the project, to the wider area will need to be considered. If safer methods cannot be established then mitigation for any potential damage to surrounding ecosystems must be considered. Natural England would like to be kept informed and have an opportunity to provide further advice, particularly should the project methodology be amended following sample analysis and assessment.

We draw the MMOs attention to the Supplementary Advice on Conservation Objectives for the Teesmouth and Cleveland Coast SPA which contains a target as follows "Reduce aqueous contaminants to levels equating to High Status according to Annex VIII and Good Status according to Annex X of the Water Framework Directive, avoiding deterioration from existing levels."

We advise you seek further advice from the Environment Agency on impacts to water quality and on the Water Framework Directive assessment.

Maintenance Dredge Protocol

Natural England continues to support the production (including reviews) of Maintenance Dredge Protocols (MDP) as industry best practice, providing a foundation for consistent and informed decision making by all competent authorities. The MDP provides a strategic approach to considering the impacts of maintenance dredge activity within a defined port or estuary and can support demonstration of compliance with The Conservation of Habitats and Species Regulations 2017 as amended (The Habitats Regulations). It also negates the need to produce an environmental assessment for individual consent applications, thereby providing efficiencies through the consenting process. This enables a clear baseline and audit trail for compliance with the Habitats Regulations to support dredging activities (and any potential marine licence applications as required) for all statutory harbour authorities in the area.

We appreciate the guidance on MDPs is now largely outdated, however the original information may still be useful outlining roles and responsibilities of parties involved in production and review, the information can be accessed here: [ARCHIVE: Defra, UK - Wildlife Protection - EU Birds and Habitats Directives - Maintenance Dredging Protocol for England](#). Where evidence and data are available Natural England will provide supporting information on the condition of designated sites to help inform the overall impact assessment. Natural England can provide further advice and guidance to support production and updates of MDPs through our Discretionary Advice Service: [Developers: get environmental advice on your planning proposals - GOV.UK](#)

We encourage ports to discuss and review maintenance dredge protocols and baseline documents with us under Discretionary Advice Service contracts to ensure they are complete, use best available evidence and are fit-for-purpose.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

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