

Date: 22 May 2023
Our ref: 431900
Your ref: MLA/2015/00334/ variation 11



Marine Management Organisation
Lancaster House
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Newcastle Upon Tyne
NE4 7YH

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VIA WEBSITE ONLY

Dear Gregg

MLA/2015/00334/11 & Consultation 4 (HRA) - Variation Request to deepen an area of the existing dredged "holding Basin". Navigation dredging & disposal of Able Seaton Port berths, Holding Basin and Channel. Tees Bay

Thank you for your consultation dated 02 May 2023. The following constitutes Natural England's formal statutory response.

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 within the Teesmouth and Cleveland Coast Special Protected Area and the Teesmouth and Cleveland Coast Ramsar Site.

Assessment of likely significant effect

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. The application requires an appropriate assessment in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Appropriate assessment

We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any

permission given.

Marine and Coastal Access Act 2009

The works, as set out in the information supplied by the applicant, are not sited within or near to a Marine Conservation Zone. Natural England have not identified a pathway by which impacts from the development would affect the interest features of the site(s). 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 are located within the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI). Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified. However, we advise that the following conditions are attached to the marine licence to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation:

Condition

No dredging in the period 2 hours either side of low tide between November and January inclusive is allowed.

Reason

To avoid disturbance to the interest feature of the protected sites when they are feeding.

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

Yours sincerely,

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