



**MARINE AND COASTAL ACCESS ACT (2009): MLA/2020/00507 TEES, SOUTH BANK QUAY,
PHASE II, MIDDLESBROUGH, UK.**

Reference Number: MLA/2020/00507

From: Cefas, Lowestoft Laboratory

Date: 01st February 2021

Tel: 01502 562244

E-mail: shellfishadvice@cefass.co.uk

regulatory.assessment@cefass.co.uk

To: Emmanuel Mulenga

Cc: Joe Perry

- MMO (via MCMS)

- SEAL Case Officer, Cefas

1. With reference to the above application for MLA/2020/00507 Tees south bank quay, phase 2 and your request for comments dated 23rd December 2020, please find my comments below in my capacity as advisor on shellfish and shellfisheries.
2. This minute is provided in response to your advisory request in relation to the above proposal in my capacity as scientific and technical advisor for shellfish. The response pertains to those areas of the application request that are of relevance to this field. This minute does not provide specialist advice regarding benthic ecology, fish and fisheries, coastal processes, or underwater noise as, whilst these are within Cefas' remit, they are outside my area of specialism.
3. In providing this advice I have spent 3.75 hours of the 3.75 hours allocated by the MMO for MLA/2020/00507 and 0.5 hours of the 3.75 hours allocated by the MMO for MLA/2020/00506. I have booked my time to C8167B374 and C8167B373.

Document (s) reviewed

4. MLA_2020_00506-PC1084_RHD-ZZ-XX-RP-Z-1100_EIA Report_main body-8 BT.pdf
5. MLA_2020_00506-PC1084-RHD-ZZ-XX-RP-Z-1100_EIA Report_Appendices_Part1-3.pdf
6. MLA_2020_00506-PC1084-RHD-ZZ-XX-RP-Z-1100_EIA Report_Appendices_Part2-4.pdf

Description of the proposed works

7. South Tees Development Corporation (STDC) is proposing to construct a new quay at South Bank in the Tees estuary (referred to hereafter as the proposed scheme). The proposed scheme ('project' hereafter) is required to support STDC's landside proposals for general industry and storage or distribution uses within part of the South Industrial Zone. It is envisaged that the new quay would be utilised predominantly by the renewable energy industry, as well as supporting more general industrial and storage/distribution activities.
8. In summary, the proposed scheme comprises demolition, capital dredging, offshore disposal of dredged material, placement of rock in the berth pocket and construction and operation of a new quay (to be set back into the riverbank).



9. To note, this constitutes one of two advice requests for this project. The other request (MLA/2020/00506) pertains to Phase I of the project but, as the documentation for both phases are the same and the assessment of impacts for the two phases are not separated within the EIA, the responses given to the questions in the advice request to MLA/2020/00506 are identical to those presented herein.

Responses to questions posed by the MMO case officer.

Question 1: To the best of your knowledge is the description of the environment and potential impacts accurate?

Observation:

10. Yes, to my knowledge the description of the environment and potential impacts on shellfish are accurate.

Question 2: Has the appropriate evidence base been used? Is the evidence complete for its intended use i.e. is there sufficient information to allow a decision on the application to be made? If not please explain why and what you would expect to see and any additional work

Observation:

11. Yes, the data reviewed from previous studies and from desk-based sources provide an understanding of the shellfish features in this region, although it is acknowledged that these data do not represent the exact area potentially being impacted by the present project.

Minor:

12. Although the applicant has mentioned a shellfish potting survey was conducted in September 2012 and April 2013 (stated on page 304), I would expect further information on the survey such as the type of pot and type of bait. It is acknowledged that the timing of the survey is dependent on the target species. If the target species are edible crab or/and European lobster, sampling in April may be early as the females may still be berried and therefore not foraging and entering the pots. Additionally, the applicant has not specified where inshore these pots have been placed. This is important as the substrate where the pots have been placed will influence the shellfish species entering the pots. In muddy substrates, Nephrops are more likely to be captured, however, in a gravel/rocky substrate species such as edible crab and European lobster are more likely to be captured.

Question 3: Do you agree with the conclusions reached?

Observation:

13. Yes, I agree with the conclusions reached.

Question 4: Are the proposed mitigation and monitoring measures sufficient?

Observation:

14. There are no proposed mitigation and monitoring measures in relation to shellfish species and shell fishers. Given the likely impact of the proposed, I consider this appropriate.

Question 5: Are there any minor technical or presentational comments that affect the overall confidence in the conclusions? Please insert as an annex

15. In Table "13.3 Table", a full list of the finfish species is presented, I would recommend presenting the list of shellfish present and identifying the "various crab species" stated on page 302.

Question 6: Is the project description clearly presented and consistent throughout the ES?

Observation:

16. Yes, the project description is clearly presented and consistent throughout the ES.

Question 7: Is there an adequate description of the baseline physical and biological environment?

Minor comment:

17. Yes, although please refer to my response to question 5.

Observation:

18. The applicant may want to carry out an Underwater TV survey (UWTV) to assess the spatial distribution of burrows of Norway lobster in the project area as it is an important commercial species. The applicant may want to liaise with the NEIFCA who may hold this information.

Question 8: Is the EIA methodology and assessment presented clearly and fully justified?

Observation:

19. Yes, EIA methodology and assessment presented is clear and fully justified.

Question 9: Is there an adequate description of the potential project impacts and effects on the physical and biological environment?

Observation:

20. Yes, to my knowledge there is an adequate description of the potential project impacts and the effect on the physical and biological environment.

Question 10: Is there an adequate description of the potential cumulative and inter-related impacts and effects on the physical and biological environment?

Observation:

21. Yes, these are assessed in Chapter 27.

Question 11: Is there an adequate description of the potential transboundary impacts and effects on the physical and biological environment?

Observation:

22. N/A – transboundary impacts are not likely.

Question 12: Are measures to avoid, reduce or remedy significant adverse effects clearly presented and appropriately justified?

Observation:

23. It is concluded that the adverse effects as a result of the proposed scheme on shellfish would be negligible, therefore I cannot comment on this.

Question 13: Are monitoring proposals and recommendations clearly presented and appropriately justified?

Observation:

24. There are no monitoring proposals and recommendations relating to shellfish.

Question 14: In collecting data have details of any quality standards or assurance methods been given? If not please explain what you would expect to see and if they have, please explain if such standards and methods are suitable.

Observation:

25. The current data used to provide the baseline description of the biological and physical features in the region were based on previous surveys and thus I am not in a position to review whether quality standards or assurance methods were adopted.

Question 15: Please assess the methodology used to prepare and gather evidence. Have they used standard practices?

Observation:

26. See response to Question 14.

Question 16: Is the timeliness of the data appropriate for the intended use?

Observation:

27. Yes, the baseline data used are recent and therefore acceptable in respect to their timeliness.

28. In my opinion, the shellfish survey may not be timely depending on the target species. As mentioned in my response to question 2, female edible crabs and lobsters may not be actively foraging in April and therefore unlikely to enter the pot.

Question 17: Is the evidence that has been supplied appropriate (i.e. proportionate and targeted) for its intended use?

Observation:

29. See response to Question 16.

Question 18: Is the evidence consistent with that submitted for operations of a similar nature?

Observation:

30. Yes.

Question 19: For evidence that relies on modelled data has an unbiased statistical accuracy assessment been carried out?

Observation:

31. N/A



Samantha Stott
Shellfisheries advisor

Quality Check	Date
Joe Perry	01/02/2021