

Date: 30 July 2021  
Our ref: 360368  
Your ref: MLA/2020/00506- 507



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

Natural England  
Lancaster House  
Hampshire Court  
Newcastle Upon  
Tyne  
NE4 7YH

## **VIA WEBSITE ONLY**

Dear Phillipa,

### **MLA/2020/00506- 507 Consultation 4 - updated Appropriate Assessment. South Bank Quay - Phase 1 Tees Dock, Middlesbrough**

Thank you for your consultation dated 19 July 2021. The following constitutes Natural England's formal statutory response.

### **The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017**

We can confirm that the proposed works are located within Teesmouth and Cleveland Coast Special Protection Area (SPA) and adjacent to 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.

#### **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. 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 still advise the same conditions that were included in our previous advice letter sent on 5<sup>th</sup> July 2021.

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

Yours sincerely,

Lucy Stainthorpe

Marine Lead Adviser  
Northumbria Area Team  
Lucy.Stainthorpe@naturalengland.org.uk