



Habitats Regulations Assessment

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Amended by	Al Stevenson	Job Title	Marine Licensing Case Officer	Date	30/05/2024
Quality Checked by	Christie Powell	Job Title	Marine Licensing Senior Case Manager	Date	19/06/2024

Table 1: Proposed plan or project details

Title of project	Middlesbrough Port Quays 1 and 2 Dredging and Disposal
Case reference	MLA/2024/00166
Applicant name	Mr Richard Cram – ABLE UK LIMITED
Type of licensable activity/ies	<p>3. To deposit any substance or object anywhere in the sea or on or under the sea bed from a vehicle, vessel, aircraft, marine structure or floating container which was loaded with the substance or object –</p> <p>(a) in any part of the United Kingdom except Scotland, Oe</p> <p>(b) in the UK marine licensing area.</p> <p>9. To carry out any form of dredging within the UK marine licensing area (whether or not involving the removal of any material from the sea or sea bed).</p>

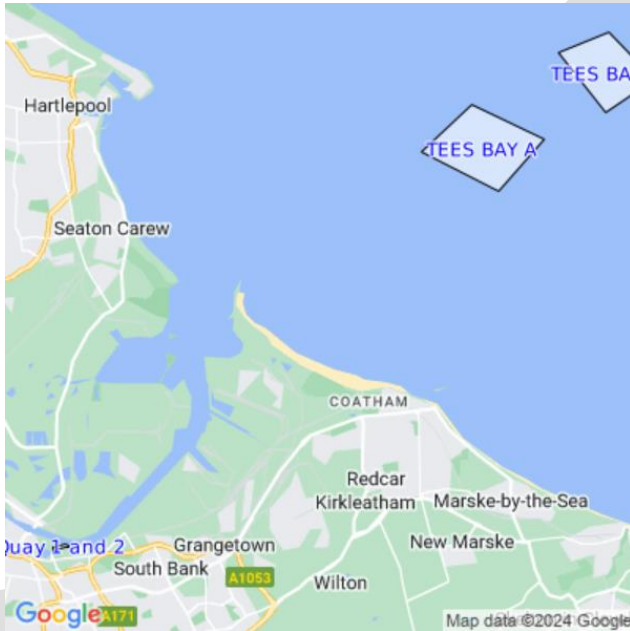
	http://www.legislation.gov.uk/ukpga/2009/23/section/66
Location of works	 <p>See Annex 1. –</p>
Description of proposed project	<p>Capital dredging works to achieve the previously licensed dredge depth across the expanded berth, -7.0mCD, and a deeper approach channel being dredged to a depth of -6.5mCD. The capital dredge to extend the berth and deepen the channel will require 44,400m³ of material to be removed, with subsequent maintenance of circa 1,000m³ per annum. The maintenance dredge of the existing berth will involve an initial dredge of 24,600m³, followed by subsequent maintenance of circa 2,000m³ per annum. The initial capital and maintenance dredge of the existing berth and proposed extensions will take place over a period of approximately 20 days. For the initial dredge this is considered likely to be 20 consecutive days, but subsequent maintenance is likely to be upto 20 days per annum, as required to maintain the licenced depth. The dredging will be undertaken using a Trailing Suction Hopper Dredger and plough.</p>

Table 2: Need for a Habitats Regulations Assessment (HRA)

Is the proposal directly connected with, or necessary to the management of a National Site Network (NSN) site for the purpose of conserving the habitats or species for which the site is designated?	No.
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Table 3: Details of NSN site identified

<p>Name of NSN site: Teesmouth and Cleveland Coast SPA (UK9006061)</p> <p>Distance and Direction: Dredging site is 0 Metres (Site is within SPA). Disposal Sites are 15km away (Tees Bay A) and 19.5km away (Tees Bay C).</p>
<p>Licensable activity/ies from the project that have the potential to interact with the NSN site: The dredging element of the works may have impacts on the site, this activity could cause suspended sediment within the water column. Also the noise and visual pollution of the vessels could disturb receptors in the area.</p>
<p>Conservation Advice package used: https://designatedsites.naturalengland.org.uk/Marine/FAPMatrix.aspx?SiteCode=UK9006061&SiteName=Teesmouth+and+Cleveland+Coast&SiteNameDisplay=Teesmouth+and+Cleveland+Coast+SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=7</p> <p><u>Ramsar Sites</u></p> <p>This Ramsar site overlaps with the Teesmouth and Cleveland Coast SPA NSN site. Conservation Advice packages for overlapping NSN Site designations are, in most cases, sufficient to support the management of the Ramsar interests. As such, the Conservation Advice package for Teesmouth and Cleveland Coast SPA NSN site has been used. Any Ramsar qualifying features deemed by the MMO to not be covered by the overlapping Conservation Advice package is listed below and considered using best available knowledge.</p>
<p>Date conservation advice was last accessed: 22/05/2024.</p>

Name of NSN site: Teesmouth and Cleveland Coast Ramsar

Distance and Direction: Dredging site is 0 Metres (Site is within SPA). Disposal Sites are 15km away (Tees Bay A) and 19.5km away (Tees Bay C).

Licensable activity/ies from the project that have the potential to interact with the NSN site: The dredging element of the works may have impacts on the site, this activity could cause suspended sediment within the water column. Also the noise and visual pollution of the vessels could disturb receptors in the area.

Conservation Advice package used:

<https://designatedsites.naturalengland.org.uk/Marine/FAPMatrix.aspx?SiteCode=UK9006061&SiteName=Teesmouth+and+Cleveland+Coast&SiteNameDisplay=Teesmouth+and+Cleveland+Coast+SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=7>

This Ramsar site overlaps with the Teesmouth and Cleveland Coast SPA NSN site. Conservation Advice packages for overlapping NSN Site designations are, in most cases, sufficient to support the management of the Ramsar interests. As such, the Conservation Advice package for Teesmouth and Cleveland Coast SPA NSN site has been used. Any Ramsar qualifying features deemed by the MMO to not be covered by the overlapping Conservation Advice package is listed below and considered using best available knowledge.

Qualifying Features of the Ramsar Site:

Red Knot

Common Redshank

Little Tern

Northern Shoveler

Common Greenshank

Pteribellia grisescens

Thereva valida

Longitarsus nigerrimus

Dryops nitidulus

Macroplea mutica

Philonthus dimidiatipennis

Trichohydromys suturalis
Date conservation advice was last accessed: 26/05/2024.

Likely Significant Effect (LSE)

Test: Is it possible that this plan or project might undermine the conservation objectives?

In formulating the LSE alone assessments, Natural England's Conservation Advice Packages, as outlined in Table 3, have been consulted and the following principles applied:

- Where available, the 'Advice on Operations' (AoO) matrix to determine pressures associated with the proposed activity that may potentially harm the qualifying habitat features and/ or species of the site has been used.
- Features are assessed against the proximity to the works and relevant seasonality considerations. If no pathway is identified between the project (source) and feature (receptor) then no further consideration is given to those features in the HRA.
- Low risk pressures, unless there is evidence or site specific factors that increase the risk, or uncertainty on the level of pressure on a receptor, this pressure generally does not occur at a level of concern and should not require consideration as part of the assessment.
- Features deemed sensitive to pressures (medium and high risk) for both direct and indirect pathways are taken forward into the LSE assessment unless screened for proximity or seasonality.
- The individual pressure/ feature interactions categorised as 'Not Sensitive' at the benchmark are not taken forward into the LSE assessment unless a specific case related pressure is identified such that the impacts on these features will reach above the benchmarks specified for these pressure/ feature interactions.
- For pressure/ feature interactions categorised as 'Not Relevant' these are not taken forward into the LSE assessment. The MMO considers that there is no interaction of concern between the pressure and a feature or the activity has no way of interacting with the feature.
- Pressure/ feature interactions categorised as either 'Insufficient Evidence' or 'Not Assessed' are taken forward into the LSE assessment in accordance with the precautionary principle.

The Advice on Operations (AoO) category of marine activity used is Ports and Harbours (Construction) – Capital Dredging and Capital Dredging Disposal.

Q1 - I can confirm that I have reviewed all of the relevant conservation advice packages and I understand the features/supporting habitats that I am assessing.

Yes.

Q2 - I can confirm that I have reviewed all of the relevant pressures as per the advice on operations section of the conservation advice packages

Yes.

Q3 - I can confirm that this LSE has not considered mitigation (either included within the application or through additional measures) when assessing the LSE.

Yes.

Q4 - I can confirm that the project will not result in habitat loss within the identified designated sites.

Yes.

Part 1 - LSE Alone

Q 5 - Upon reviewing the feature/pressure interactions I consider that the project as proposed will: Have an LSE alone because a pathway between the source and receptors have been identified such that an effect on the listed NSN sites may occur. The conclusions for feature/pressure interactions from LSE alone that are taken to AA are listed in Table 4 below.

Table 4: Feature/pressure interactions from LSE alone to be taken to AA.

NSN Site	Feature(s)	Pressure(s)
Teesmouth and Cleveland Coast SPA	Birds Avocet, Breeding	Visual and noise pollution from the vessels used for the dredging activity.

	Common Tern, Breeding Knot, Non-breeding Ruff, Non-breeding Sandwich Tern, Non-breeding	
Teesmouth and Cleveland Coast SPA	Supporting Habitats Coastal Lagoons Freshwater and coastal grazing marsh Salicornia and other annuals colonising mud and sand Atlantic salt meadows Intertidal rock Intertidal biogenic reef: mussels beds Intertidal mixed sediments Intertidal mud Intertidal sand and muddy sand Water column	Suspended sediment from the dredging can end up in the water column reducing visibility, also the suspended sediment could smother these features.

Part 2 – LSE in-combination.

Other Projects considered for in-combination assessment

MMO has conducted a GIS check of activities in the immediate area around the proposed project. A pathway zone of influence of 2 kms has been used. The MMO has also considered any known projects occurring within or around the boundaries of the NSN sites.

Table 5 – In-combination plan or projects.

Name of plan or project and activity type	NSN site to which there is a pathway in-combination with licence application
MLA/2020/00507 – Dredge and Disposal. MLA/2020/00079/1 – Dredge and Disposal. MLA/2019/00469/1 – Disposal of dredged material.	Teesmouth and Cleveland Coast SPA.

Impacts from projects considered for in-combination assessment

Q6 - Upon reviewing the feature/pressure interactions acting in-combination between the application project and projects listed in Table 5, I consider that the project as proposed will:

a) not have a likely significant effect on any NSN site mentioned above. My rational is that:

- Although there is a pathway, in-combination impacts are such that there would not be a likely significant effect. As there is substantial distance of 650 metres away from the proposed works. Furthermore, the proposed works for this application are localised and do not expand out on to the main river channel, and are temporary (April to September) and so it is unlikely that in-combination effects will occur. This coupled with the fact that all other licences are dredge and disposal, makes it unlikely all will be happening at the same time, as the harbour authority will co-ordinate timings accordingly. The disposal sites, to the MMO's knowledge are still functional and are not close to be closed.

Likely Significant Effect Conclusion

MMO Has decided to carry out an appropriate assessment because significant effects alone could not be screened out.

Details of the sites and feature/pressure interactions to be assessed in the Appropriate Assessment are detailed in Table 4 for alone.

Appropriate Assessment

Below is the MMO's assessment of those aspects of the project that it was not possible to rule out the likelihood of significant effects on the designated sites listed in table 3.

Part 1 – Alone

Name of designated site: Teesmouth and Cleveland Coast SPA				
Qualifying feature or species (include sub-features and supporting habitats)	Pressure	Adverse Effect on Integrity on qualifying feature of species?	Justification	After mitigation, can you conclude no adverse effect on site integrity?
Species - Bird Avocet, Breeding Common Tern, Breeding Knot, Non-breeding Ruff, Non-breeding Sandwich Tern, Non-breeding	Visual Pollution Noise Pollution	Yes.	The works do have the potential to cause visual disturbance and noise pollution, however the dredging works are very localised and are taking place within one small area of the site, as shown in figure 1 in Annex 1, leaving a lot of area for the features to remain undisturbed. The distance to the disposal sites from these features are 15km (Tees Bay A and 19.5km (Tees Bay C), these substantial distances remove the pathway from noise and visual pollution impacting from these disposal sites. Furthermore, human	Yes – The visual disturbance and noise pollution will not be above the pre-existing levels in term of human/vessel presence as the works are taking place in a functioning port. Furthermore, the works are taking place within the port and so are very localised and concealed, this in turn with the fact that dredging currently takes place on The Tees, and so addition of this small scale dredging is unlikely to have adverse effect on site integrity.

			presence is not unusual in this area, as it is a working port and so will not reach excess levels of the normal level.	
Supporting Habitat - Coastal Lagoons Freshwater and coastal grazing marsh Salicornia and other annuals colonising mud and sand Atlantic salt meadows Intertidal rock Intertidal biogenic reef: mussels beds Intertidal mixed sediments Intertidal mud Intertidal sand and muddy sand Water column	Suspended sediment in water column. Smothering of habitats by suspended sediments. Abrasion of the substrate on the seabed. Habitat structure changes – removal of substratum. Disturbance of substratum below the surface of the seabed. Physical Change Water flow changes.	Yes	The dredging elements of the works do have the potential to suspend sediment in the water column and then when it descends back down, the potential to smother habitats. Along with other pressures such as the abrasion of the surface of the seabed, the disturbance of the substratum below the seabed and the physical change of the seabed. However, works are small and within a pre-existing port, so they are very localised, and not out in the main water body. The habitats with the immediate vicinity of the works can be seen in Figure 3.	Yes – The dredging elements of the works will not be constant throughout the licence period and so the suspended sediment will not be a constant issue and so the impacts of it are reduced. Furthermore, the area of dredging is localised and a small area in the context of the entire SPA, as the port area where the works are taking place is 14.7 hectares, and the entire SPA is 1200 hectares, meaning the percentage of the SPA impacted is 1.2%, furthermore this 1.2% is entirely pre-existing infrastructure, as seen in Figure 2. The regular maintenance dredging of the area also means that there is a reduced amount of sediment that could be distributed. In regards to the capital dredging, this will be a "one off" instance and temporary, thus it should not impact the site integrity.

Appropriate Assessment Conclusion

This is a record of the appropriate assessment required by regulation 63 of The Conservation of Habitats and Species Regulations 2017 and undertaken by the Marine Management Organisation in respect of the proposed project outlined in table 1.

The LSE alone assessment concluded that the proposed project would be likely to have a significant effect on the following European or European marine site:

Teesmouth and Cleveland Coast SPA

An alone appropriate assessment has been undertaken of the implications of the proposal in consideration of the applicable conservation objectives.

The MMO has concluded that the proposed project would not have an adverse effect on the integrity of the following site(s), either alone or in-combination with other plans of projects:

Teesmouth and Cleveland Coast SPA

Natural England was consulted on the appropriate assessment [date(s)] and to which the MMO has had regard. The conclusions of this appropriate assessment [are/are not] in accordance with the advice and recommendations of Natural England.

Name of MMO officer: Al Stevenson

Job Title: Marine Case Officer

Date: 23/05/2024

Annex 1

Figure 1: The red polygon is the dredging area, and the purple dotted area is the Teesmouth and Cleveland Coast SPA.

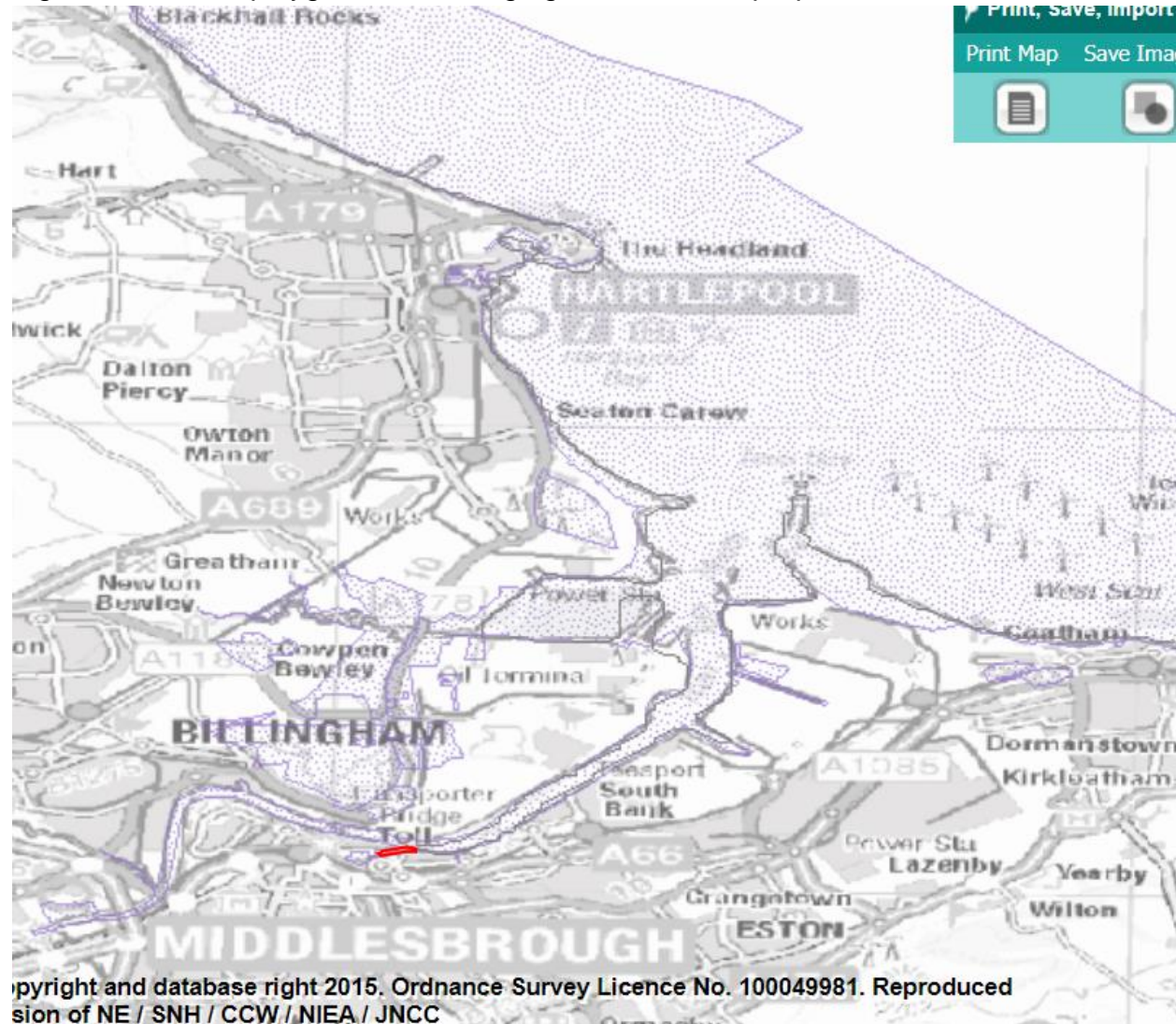
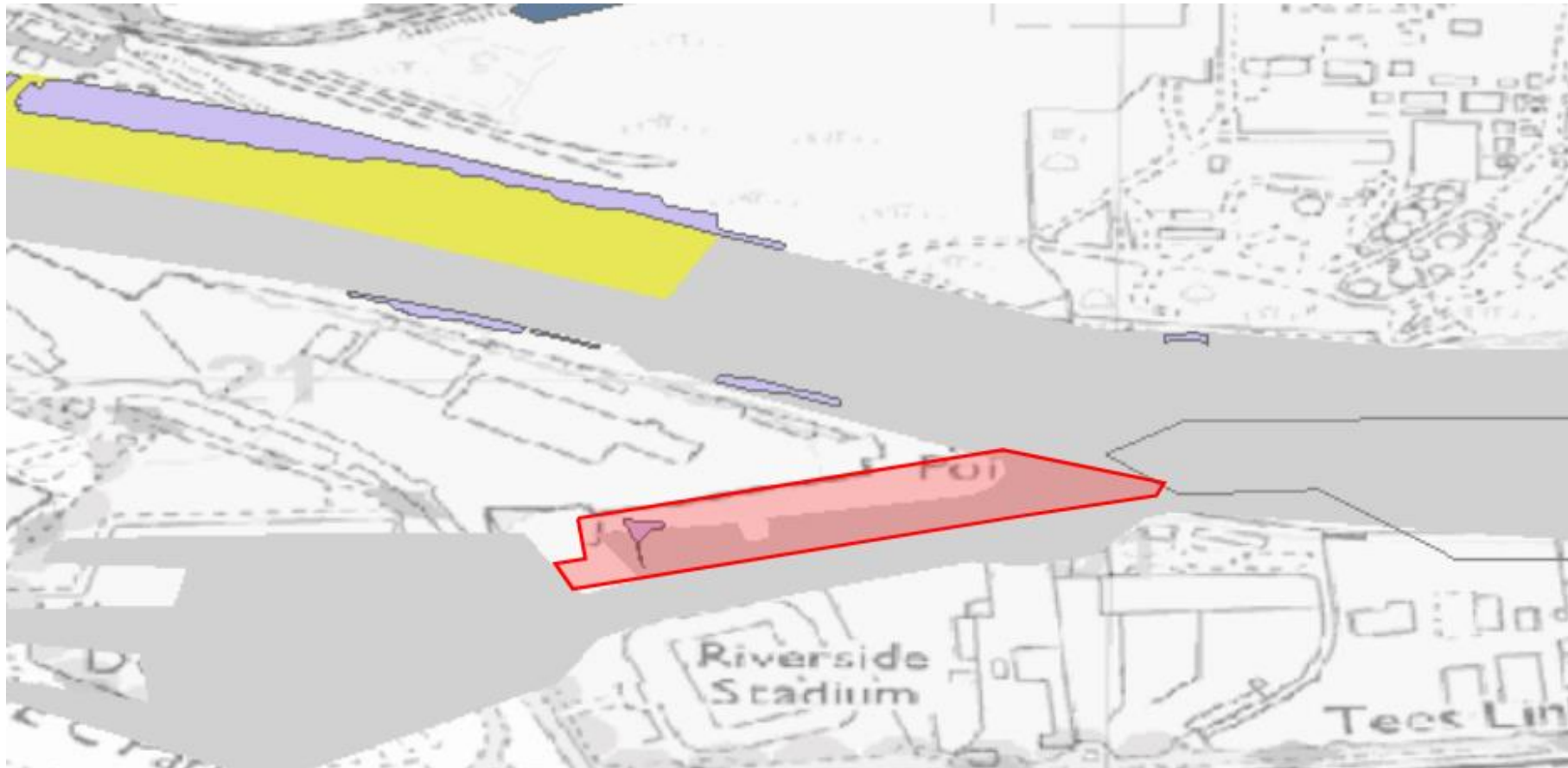


Figure 2: The red polygon is showing the pre-existing Tees Port.



Figure 3: The red polygon is the port, with the other colours being habitats nearby, yellow is Sand and Mud, purple is mudflats and grey is manmade ground.



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