

## **1.0 SUMMARY AND CONCLUSIONS**

The purpose of this report is to inform an appropriate assessment, required under Regulation 48 of the Conservation (Natural Habitats &c.) Regulations 1994, in relation to the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site. An appropriate assessment must be carried out by Stockton-on-Tees Borough Council, as the 'competent authority' under the Regulations, to enable the determination of a planning application submitted by Tees Valley Biofuels Ltd in June 2006 for the erection of a renewable fuels plant with associated infrastructure and utilities work, administrative building and workshops, roads, pipe bridges and car parking on land off Seal Sands Road, Teesside.

The report focuses on the following key issues (as advised by English Nature in their letter to Stockton-on-Tees Borough Council dated 11 July 2006):

- Disturbance to SPA bird populations using the site and immediately adjacent land, especially for roosting during high tide periods, during construction and operation of the plant.
- Indirect effects resulting from airborne emissions on habitat features within the SPA or other nearby receptors that could in turn have an adverse effect on qualifying features for the SPA.
- Noise disturbance, caused by piling, to SPA bird populations using the site and immediately adjacent land during construction.

Potential impacts have been assessed against the following data sources; an extended Phase 1 habitat survey carried out in April 2006 (WYGE, 2006); a previous Phase 1 habitat survey, carried out in June 2005 (Barber, 2005); bird survey data for the site itself plus the adjacent reclaimed land, sea wall and mud-flats/river to the east covering an eleven month period from March 2005 to January 2006 provided by the Industry Nature Conservation Association (INCA); and five year (2000/01 – 2004/05) mean peak counts for the Teesmouth and Cleveland Coast SPA supplied by the Wetland Bird Survey (WeBS). A detailed quantitative air quality assessment has also been carried out.

In terms of direct habitat loss the proposed development will result in the loss of potential roosting habitat used occasionally by up to 3.7 % and 1.5 % respectively of the SPA wintering curlew and lapwing populations. However, it is considered that any birds previously using this site will simply be displaced to the retained grassland immediately adjacent to the east and south-east, the extent and nature of which is considered to provide sufficient roosting habitat for the numbers of curlew and lapwing recorded during the 2005-06 surveys. Impacts due to habitat loss, in terms of SPA qualifying species, should not therefore be significant.

In terms of indirect effects resulting from airborne pollution it is acknowledged that the processes by which airborne pollutants may be able to affect the various SPA qualifying bird species (either directly or through impacts on their prey species) are generally very poorly understood. However, given that concentrations of all pollutants modelled are predicted to fall within the relevant Environmental Quality Standard (EQS) and/or Environmental Assessment Level (EAL) for all locations within the SPA, impacts upon the SPA qualifying species should not be significant.

In terms of both visual and noise disturbance, in the absence of any mitigation measures it is considered that there is potential for the proposed development to have significant impacts on SPA qualifying features, both through visual disturbance, particularly during construction and through noise disturbance, if driven piling is undertaken during construction. It is however considered that any significant adverse impacts can be mitigated for such that any residual impacts on SPA qualifying features will not be significant, through employment of the following mitigation measures:

- *Screening and acoustic barrier fencing* – A permanent fence, of 2.4m height, will be erected along the entire eastern boundary of the proposed renewable fuels plant to reduce visual and noise disturbance to roosting waders and wildfowl using the adjacent land to the east. The fence will be of a closed-panel design, constructed out of wood or other materials with good sound absorption properties and hence will provide an acoustic barrier as well as a visual barrier.
- *A Restriction on the Timing of Certain Construction Works at Height* – all construction work involving site workers working externally at height (i.e. greater than 2m off the ground) will be undertaken outside of the winter period (November to March inclusive) to avoid any visual disturbance to wintering curlew and lapwing using the adjacent land to the east.
- *A Restriction on type and timing of piling operations* – If possible a Continuous Flight Auger (CFA) piling rig will be used for any piling works in order to reduce noise disturbance to wintering waders and wildfowl using the adjacent land and inter tidal habitats to the east. If this is not possible and a driven piling rig must be used then piling will not take place during the winter period (November to March inclusive).

