



Teesmouth and Cleveland Coast potential Special Protection Area (pSPA) and proposed Ramsar Site (pRamsar)

Report of Consultation by Natural England, 2019

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Introduction

Formal consultation on the Teesmouth and Cleveland Coast potential Special Protection Area (pSPA) and proposed Ramsar site (pRamsar) ran from 31st July to 30th November 2018. The purpose of this Consultation Report is to set out all correspondence received by Natural England (NE) during the public consultation and the associated responses provided. The advice in this report regarding the site and its classification is Natural England's advice provided to the Department of Environment, Food and Rural Affairs (Defra).

Table 1: Summary of responses

Teesmouth and Cleveland Coast pSPA and pRamsar Site	
Formal consultation period (16 weeks)	31st July 2018 – 30th November 2018
Total number of stakeholder responses	36
Organisations	25
Individuals/Unsolicited	2
Relevant/competent authorities	9
Number of supporting responses	7
Number of supportive responses that raise scientific concerns/queries	1
Number of supportive responses that raise socio-economic concerns/queries	1
Number of general enquiries/neutral responses	11
Number of neutral responses that raise scientific concerns/queries	2
Number of neutral responses that raise socio-economic concerns/queries	3
Number of neutral responses that raise both scientific and socio-economic concerns/queries	0
Number of objections	18
Number of objections which raise scientific concerns/queries	8
Number of objections which raise socio-economic concerns/queries	4
Number of objections which raise both scientific and socio-economic concerns/queries	6
Number of consultees with outstanding objections <i>These are considered to be: South Tees Development Corporation, ABLE UK, Redcar and Cleveland Borough Council, Redcar Bulk Terminal, Stockton-On-Tees Borough Council and ARUP (whose response also represents Stockton-On-Tees Borough Council and the Tees Valley Combined Authority) and PD Tees Port.</i>	7

Background

Natural England works as the Government's statutory adviser to identify and recommend Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in England to meet the requirements of the European Birds and Habitats Directives.

The Birds and Habitats Directives requires the creation of a network of protected areas for important or threatened wildlife habitats across the European Union known as 'Natura 2000' sites. Once sites are identified as potential SPAs or possible SACs, they are recommended to government for approval to carry out a formal public consultation. Government decides which sites to classify and to put forward to the European Commission for inclusion in the Natura 2000 network.

Teesmouth and Cleveland Coast pSPA and pRamsar Site consultation

Teesmouth and Cleveland Coast potential SPA (pSPA) is located between Hartlepool, Stockton and Redcar. It lies within the four Unitary Authorities of Hartlepool, Stockton-On-Tees, Middlesbrough and Redcar & Cleveland. Its marine extension lies entirely within UK territorial waters, from Castle Eden Denemouth in the north to Marske-by-the-Sea in the south and includes the River Tees and associated docks, harbours etc. as far upriver as the Tees Barrage. The seaward boundary includes waters out to around 3.5 km from Crimdon Dene to include the areas of greatest importance to the little terns at that colony and out to around 6 km offshore further south to include the areas of greatest importance to the common terns at the Saltholme colony.

The existing Teesmouth and Cleveland Coast SPA is classified for breeding little tern, passage Sandwich tern, non-breeding red knot, passage common redshank as well as an assemblage of over 20,000 waterbirds. The existing SPA boundary includes a range of coastal habitats including intertidal sandflats and mudflats, rocky shore, saltmarsh, freshwater marsh and sand dunes. The existing SPA has an area of 1,251.50 ha. The proposed extension increases this by 10,974.78 ha resulting in a final pSPA area of 12,226.28 ha.

An extension to the existing SPA is being proposed to protect the at sea foraging areas for little tern and common tern which breed at the existing coastal SPA. Additionally, the proposals include adding breeding common tern, breeding pied avocet and non-breeding ruff as new features to the site and include additional wetland areas such as saltmarsh, wet grassland and intertidal areas which are important for other foraging and roosting waterbirds.

It is also proposed to extend the existing Ramsar Site from 1,253.76 ha, consisting of wetland and coastal habitats, to include an additional 840.24 ha of wetland areas including additional terrestrial wet grassland, saltmarsh, deep and shallow pools and intertidal areas for breeding and non-breeding waterbirds as proposed for the pSPA. The Ramsar extension will not extend outside of the pSPA extension and will only cover those terrestrial extension areas of the pSPA down to Mean Low Water. The final Ramsar Site area will be 2, 094.00 ha.

A new Teesmouth to Cleveland Coast Site of Special Scientific Interest (SSSI) is also being proposed in parallel to the pSPA and Ramsar extensions and is notified for its nationally important Jurassic and Quaternary geology, saltmarsh, sand dunes, breeding harbour seals, breeding and non-breeding birds, and invertebrates associated with sand dunes. Although the SSSI proposal was the subject of the same consultation, matters relating to it are covered in a separate report due to the legislative and procedural differences between the types of designation.

Teesmouth and Cleveland Coast pSPA qualifies under Article 4 of the Birds Directive (2009/147/EC) for the following reasons:

- The site regularly supports more than 1% of the Great Britain populations of five species listed in Annex I of the EC Birds Directive: **Sandwich tern** (*Thalasseus sandvicensis*), **common tern** (*Sterna hirundo*), **little tern** (*Sternula albifrons*), **ruff** (*Calidris pugnax*) and **pied avocet** (*Recurvirostra*

avosetta). Therefore the site qualifies for SPA Classification in accordance with the UK SPA selection guidelines (stage 1.1).

- The site regularly supports more than 1% of the biogeographic population of two regularly occurring migratory species not listed in Annex I of the EC Birds Directive: **red knot** (*Calidris canutus*) and **common redshank** (*Tringa totanus*). Therefore the site qualifies for SPA Classification in accordance with the UK SPA selection guidelines (stage 1.2).
- The site qualifies under Article 4 of the Birds Directive (2009/147/EC) as it used regularly by over 20,000 waterfowl (waterfowl as defined by the Ramsar Convention) or 20,000 seabirds in any season. (stage 1.3).

Teesmouth and Cleveland Coast Ramsar Site qualifies as a Wetland of International Importance under the Ramsar Convention because it meets the following criteria (Ramsar Convention Secretariat, 2010):

- Criterion 5: “A wetland should be considered internationally important if it regularly supports 20,000 or more waterbirds”.

During the period 2011/12-2015/16, the Ramsar site supported an average peak of 26,786 individual waterbirds. This total is slightly different from the SPA figure because it includes mute swan *Cygnus olor* and greylag goose *Anser anser*. These species are not included within the SPA total because their populations using the site are not migratory.

- Criterion 6: “A wetland should be considered internationally important if it regularly supports 1% of the individuals in a population of one species or subspecies of waterbird”.

Between 1988 and 1992 the Teesmouth and Cleveland Coast Ramsar site supported 1.3% of the Western Europe/Western Africa non-breeding population of Sandwich tern. Between 1991/92 and 1995/96 the Ramsar site supported 1.6% of the NE Canada/Greenland/ Iceland/NW Europe population of non-breeding red knot. Between 1987 and 1991 the Ramsar site supported 1.1% of the East Atlantic population of non-breeding common redshank.

The Consultation Process

Informal Dialogue

A 12 week informal dialogue period was announced in July 2015 in which Natural England spoke with key stakeholders prior to the formal consultation. During this period stakeholders raised a number of objections and Natural England decided to extend the informal dialogue stage in order to hold further discussions to explore and potentially alleviate these concerns. As a result, the Tees Estuary Partnership (TEP)¹, representing all stakeholders, was formed in January 2016. The shared vision of TEP *is to create an estuary that is an exemplar for nature conservation which drives sustainable economic growth and business investment in the area*. The first objective was to give industry more certainty and confidence that current operations could continue as a result of the new designation. A Memorandum of Understanding (MoU) was developed and signed up to by MMO, EA and Natural England and endorsed by all the local authorities (Stockton-On-Tees, Middlesbrough, Redcar and Cleveland, and Hartlepool). The MoU documents Natural England's up front advice to Regulators on current activities to inform the review of consents process as well as highlighting potential activities that will require further assessment in the future. This offered industry greater certainty and confidence in delivering their day to day activities. The MoU was launched on the 31st October 2017^{2,3}. During this period Natural England also engaged with stakeholders extensively through workshops, and targeted one to one meetings. Two workshops and a drop-in session were held targeting all stakeholders, with attendance of over 200 stakeholders across the three events.

TEP is currently reviewing the feasibility of environmental opportunities linked to the development of a Habitat Banking mechanism for the Tees Estuary, a mechanism to allow for sustainable development whilst securing

¹ <http://www.inca.uk.com/2017/11/tees-mou-signed/>

² <http://www.inca.uk.com/wp-content/uploads/2017/11/MoU-Signed-Principles-31-Oct-2017.pdf>

³ http://www.inca.uk.com/wp-content/uploads/2017/12/Final-Draft-MoU-Annex-1_No-Maps_31_10_2017.pdf

environmental improvements. Development of the MoU, habitat framework and continued engagement with industry has alleviated the majority of the original stakeholder concerns and built a committed partnership.

Formal Consultation

A 16 week⁴ formal public consultation was carried out on the site proposals from 31st July 2018 to 30th November 2018. The purpose of this consultation was to seek the views of all interested parties on the scientific case for the classification of the Teesmouth and Cleveland Coast potential SPA and Ramsar Site, and the assessment of the likely economic, environmental and social impacts of the proposals, as set out in the Impact Assessment (IA).

The Habitats and Birds Directives⁵ do not permit socio-economic considerations to influence the choice of Natura 2000 sites (SPAs and SACs) or their boundaries. However, to inform government of likely impacts and benefits of a classification of the pSPA a full assessment of socio-economic impacts for the site was undertaken in the form of an IA before the consultation, based upon the current understanding of existing and planned activities occurring within the pSPA.

Raising awareness about the Consultation

Natural England contacted all major stakeholders with an interest in the area of the pSPA site, as well as owner/occupiers and relevant Members of Parliament (MPs). **453** stakeholders were contacted by email announcing the formal consultation and the remainder were contacted by letter. A total of **693** stakeholders and owner/occupiers were contacted during the formal consultation. Each stakeholder was provided with a covering letter and a link to the formal consultation package, which contained a consultation summary document, the Departmental Brief (describing the scientific case underpinning the proposals), the IA and maps showing the proposed pSPA and Ramsar boundaries. Stakeholders were also provided with the option to respond via an online survey. **160** owner/occupiers were sent hard copies of the covering letter and formal consultation package by post. Provision was made to send hard copies of the consultation documents on request to anybody who was unable to access the documents online.

A press release was distributed to relevant media contacts at the start of formal consultation, which contained details of the proposals and information about the consultation. A notice was also placed in the Tees Evening Gazette, the local newspaper. During the formal consultation a workshop was led by EA with support from Natural England to give greater clarity to the Control of Major Accident Hazards (COMAH) operators in the area on the implications of the designation for their COMAH assessments. This was highlighted during the informal dialogue stage as potentially incurring additional costs to operators and tested during formal consultation (Annex 2). Natural England also held a drop in session so stakeholders could discuss any queries with regards to the formal consultation on the pSPA and SSSI. There were also a number of relevant partnership meetings (TEP, Port user groups etc.) in which the formal consultation was discussed.

Joint consultation with the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI)

This consultation was combined with a consultation on the newly notified Teesmouth and Cleveland Coast SSSI, which involved the extension of 1 SSSI and the amalgamation of 6 others and their features into a single site and the de-notification of part of Seal Sands SSSI. The consultation was combined into one, with specific questions for each designation.

Formal consultation responses relevant to the SSSI are not presented further within this document. Natural England produced a separate report for the consultation on the notification of the Teesmouth and Cleveland Coast SSSI to Natural England's Board in March 2019, who considered all representations and decided to confirm the SSSI, with modifications as recommended by Natural England officers.

⁴ Aligned with the SSSI 16 week consultation rather than the standard 12 weeks

⁵ ECJ judgement of 2 August 1993, Commission v Spain, C-355/90 ECJ reports, p.4221, especially points 26-27; judgement of 11 July 1996,

Regina v Secretary of State for the Environment, ex parte: Royal Society for the Protection of Birds, C-44/95, ECJ reports, p.3805, especially point 26)

⁵ ECJ judgement of 11 September 2001, Commission v France, C-220/99, ECJ reports, p.5831; judgement of 11 September 2001, Commission

v Ireland, C-67/99, ECJ reports, p.5757; judgement of 11 September 2001, Commission v Germany, C-71/99, ECJ reports, p.5811)

A number of responses were received directly from stakeholders in response to the formal consultation which did not specifically state which designation their comments related to. In these cases we have treated these responses as applying to all designations unless specified.

Consultation Responses

Natural England received **36** formal consultation response submissions relating to the pSPA and Ramsar. **9** were from relevant / competent authorities, **2** from individuals and **25** from interested organisations.

Of the **36** consultation responses **7** responses were supportive of the proposals. **11** responses were neutral, **2** of these requested information and **5** expressed some concerns. **18** objecting responses were received, **11** of which have been resolved and **7** are outstanding scientific objections.

Consultation Conclusion: Natural England's Advice to Defra

Natural England has considered the principal issues raised by consultees, and noted the objections which are outlined in the 'Issues for consideration by Defra' section below, and listed in more detail in Table 3.

Natural England has assessed the objections relating to amendments to the site's boundary and conclude that, following liaison with stakeholders and site visits to several areas, a number of small scale boundary changes should be considered. In addition, some minor mapping errors and anomalies have been rectified. These have been implemented into the final proposed site map. The proposed amended boundary results in a reduction of the pSPA from 12,226.28 Ha to 12,210.62 Ha (-0.13%) and reduction in the Ramsar site from 2,094.00 Ha to 2,085.21 Ha (-0.42%).

Although there remain outstanding objections, Natural England recommend the classification of the Teesmouth and Cleveland Coast pSPA on the basis of the available scientific evidence as set out in the Departmental Brief with the following alterations:

- **Exclusion of the upper reaches of the Lackenby Channel (Drainage Cut), Billingham Beck, Normanby Beck, Ormesby Beck, Old River Tees Beck, The Fleet and Stainsby Beck (see Annex 3 Section 1 for further details) within the pSPA only.**
- **Exclusion of the Warrenby Reedbeds area of Coatham Marsh from pSPA and Ramsar (see Annex 3 Section 2.3 for further details)**
- **Minor amendments to the boundary to address mapping errors and anomalies to pSPA and Ramsar (see Annex 3 Section 2 for further details).**

Issues for consideration by Defra

Requests for small scale boundary changes and exclusions:

Natural England would like to highlight for Defra's consideration the responses from 9 respondents, of which 1 still have outstanding objections as detailed below (, **Redcar Bulk Terminals (RBT)**) who queried the inclusion of specific becks or channels within the pSPA boundary due to their unsuitability for foraging terns (including the Old River Tees, Lackenby Channel and Normanby Beck).

Following site visits in November 2018 it was concluded that, although the lengths of these becks/channels originally proposed for inclusion within the pSPA boundary are indeed tidal, they were highly unlikely to represent important tern foraging habitat due to accessibility and lack of connectivity with the main river channel (see Figures 1.1, 1.4, 2.2, 2.5 and 2.6 in Annex 3). On the basis of these observations various minor amendments have been proposed to redraw the pSPA boundary closer to/at the junction of each channel with the main channel of the River Tees. Several respondents (South Tees Development Corporation (STDC), Redcar and Cleveland Council, Univar, Stockton-On-Tees Borough Council and DB Cargo) have confirmed that their objections regarding the becks/channels have been resolved, pending the confirmation of the post-consultation recommended boundary amendments. Detail of these responses can be seen in Table 3 and details of the proposed boundary changes are detailed in Annex 3.

Inclusion of Warrenby Reedbeds and South Gare Road

Natural England would also like to highlight for Defra's consideration the responses from **STDC** and **INCA** who queried the evidence supporting the inclusion of Warrenby Reedbeds within the pSPA/Ramsar. This area was included due to being surveyed as part of the Coatham Marsh WeBS sector, which confirmed that the Coatham Marsh area as a whole supports wintering waterbirds. It was agreed at a meeting with STDC and INCA that Natural England would review Warrenby Reedbeds to assess whether it was suitable habitat to support pSPA features. As a result of three site visits to assess the value of the Warrenby Reedbeds for wintering waterbirds, it was concluded that the Warrenby Reedbeds area specifically, whilst possibly supporting very low numbers of wintering waterbirds on occasion (none were recorded on the site visits), was very unlikely to regularly support them in significant numbers. Furthermore, even if the site was subject to improved management in the future, Warrenby Reedbeds would be unlikely to make a meaningful contribution to the important numbers of wintering waterbirds supported by Coatham Marsh as a whole. Natural England considers therefore that the Warrenby Reedbeds should not be considered a 'most suitable territory' for wintering waterbirds under SPA qualifying criteria. Accordingly, we propose that the pSPA/pRamsar site boundary be amended so that the Warrenby Reedbeds, as well as the large bund that lies between the Warrenby Reedbeds and the main wetland habitats on Coatham Marsh, are excluded from the pSPA/pRamsar site. INCA and STDC have confirmed that they are now satisfied with this proposal.

A recent response (12th March 2019) was received from STDC which highlighted the still outstanding objection with regards to the inclusion of South Gare Road. STDC questioned the justification for including the west-east and north-south sections of South Gare Road within the pSPA and pRamsar boundary. Natural England clarified that the north-south stretch of South Gare Road is already designated within the existing SPA and Ramsar site. It was also clarified that sand-dune habitats are directly adjacent to parts of the road and that excluding the road here would produce an overly complicated boundary and artificially bisect what is a single ecological unit. The northern edge of the west-east section of South Gare Road is the proposed pSPA and pRamsar site boundary, thereby excluding the road from the sites along this stretch. It was also restated that Natural England does not draw boundaries tightly around complex features such as the wetlands at Coatham Lagoons, not least because activities adjacent to wintering waterbird habitat are likely to have implications for those waterbirds, and that the northern edge of the road was the nearest mapped feature to the Lagoons. Detail of these responses can be seen in Table 3 (STDC page 38, Annex 4 page 73 and Annex 5 page 77 and INCA page 33) and details of the proposed boundary changes are detailed in Annex 3 (section 2.3).

Inclusion of the River Tees

Natural England would also like to highlight for Defra's consideration the responses from **STDC** and **Redcar and Cleveland Borough Council** who queried the evidence supporting the boundary for the inclusion of the river Tees within the pSPA. Natural England held a meeting with STDC and Redcar council discussing the evidence for the inclusion of the river and other non-scientific concerns and has had subsequent correspondence with the stakeholders. Redcar council confirmed at the meeting that they supported the STDC representation and would not be submitting any further information (Annex 4). Natural England have considered the stakeholders concerns and understands they maintain their objection, but considers that no scientific evidence has been supplied by the stakeholders to indicate that the river Tees would be unsuitable habitat for the pSPA features. Plus the JNCC model and two verification surveys have confirmed that the river represents the most suitable territory for tern usage. For a summary of these issues and how Natural England responded to the concerns raised, please refer to page 38 and Annex 4 and 5 (STDC) and page 19 (Redcar and Cleveland Borough Council) in the Detail of Consultation Responses chapter. Natural England has requested confirmation in writing from STDC detailing any outstanding representations.

Inclusion of Cowpen Bewley and Portrack Marsh

Natural England would also like to highlight for consideration by Defra the response by **Stockton-On-Tees Borough Council**, who queried the evidence supporting the inclusion of Cowpen Bewley mitigation area and the inclusion of the northern part of Portrack Marsh (Annex 3 section 2.2) within the boundary of the pSPA/pRamsar site as the designated site boundary is not drawn tightly around the designated feature (wetland). **ARUP** on behalf of **Tees Valley Combined Authority (TVCA)** and Stockton-On-Tees Borough Council also raised associated concerns about the inclusion of this part of Portrack Marsh. Natural England

held a meeting with Stockton-On-Tees discussing these concerns and expect that the only outstanding issue will be with regards to Portrack Marsh as Stockton-on-Tees confirmed at the meeting that they would defer to ARUP to review the Natural England response. Natural England has been engaging with ARUP by correspondence. Natural England clarified that the site boundary is drawn to features which are identifiable both with reference to a map and on the ground. The boundary therefore reflects land necessary to support the interest features and practical necessities of site management in addition to the extent of land directly occupied by particular habitats, species and geological features at any given time. Natural England received confirmation in writing on the 14th March 2019 from ARUP on behalf of TVCA and Stockton-on-Tees that the objection with regards to the inclusion of the northern part of Portrack Marsh is still outstanding. For a summary of these issues and how Natural England responded to the concerns raised, please refer to page 14 (Stockton-on-Tees) and page 17 (ARUP) in the Detail of Consultation Responses chapter. Please also see Annex 6 (p80) for the March 2019 response from ARUP representing both TCVA and Stockton-on-Tees and subsequent responses from Natural England.

Boundary setting principles and use of the “Minimum of 50” guideline

Natural England would like to highlight for consideration by Defra the response by **Able UK** who challenged a statement in the Departmental Brief to make boundaries as simple as possible and noted boundaries should not relate to lines of geographical convenience but be properly justified for the species of concern. The Departmental Brief statement referred to the seaward boundary. These have been drawn in accordance with the UK marine SPA selection guidelines (Stroud *et al.*, 2001) by producing boundaries drawn as simply as possible using the minimum number of straight lines required to capture all sea areas where usage by the birds exceeded the threshold value defined by the Maximum Curvature Method.

PD Tees Port felt that the boundary extension was disproportionately large, in particular the extension into the marine environment. The boundaries to the marine elements of the pSPA are based on the outputs of an established “generic” model of common tern foraging distribution and the application of standard guidance around marine SPA boundary setting methods to those predicted distributions. The method applied serves to identify an objective threshold level of usage which includes within the site boundary only those areas of habitat where usage exceeds that threshold and excludes areas from the site boundary where the density or usage of/by the birds is so low that the gain from their inclusion would be disproportionate to the additional area were it to be included. In the course of the modelling work it was established by JNCC that in general the boundaries resulting from the approach described above captures around 90% of all predicted Common tern foraging activity within pSPA boundaries defined in this way, and so purposely excludes sea areas that support the most thinly spread 10% of tern foraging activity. This is supported by evidence provided in the consultation response of Teesside Offshore Windfarm Limited which, as expected, showed Common tern distribution at sea to extend beyond the seaward boundary of the pSPA. The areas which have been included within site boundaries are therefore considered to be proportionate rather than disproportionately large. Natural England considers that the models supported by the verification surveys conducted across Hartlepool Bay and along the tidal length of the River Tees in 2015 and 2016 provide a reliable, objective evidence base on which to identify the size and shape of the Teesmouth and Cleveland Coast pSPA.

Able UK and PD Tees Port disagreed with the relaxing of the “minimum of 50” guideline for ruff. The third SPA review considered that coverage for non-breeding ruff was insufficient. A guidance note produced by the SPA and Ramsar Scientific Working Group (SPARSWG) described exceptions to the ‘minimum of 50 rule’ for a number of species including ruff where ‘sites supporting low numbers of non-breeding birds would add to the conservation of a given species, especially in contributing to range maintenance’. Non-breeding ruff qualifies for inclusion as a feature of Teesmouth and Cleveland Coast and is therefore considered appropriate to recommend as a feature of the SPA due to the relaxation of the minimum 50 rule for this species. An email and telephone calls have been made to Able but no response has been made to date to confirm if Natural England’s response has alleviated their concerns. Please refer to Table 3, page 45 for further detail.

Inclusion of Tees Barrage, Lackenby Channel and wharves and jetties.

Natural England would like to highlight for consideration by Defra the response by **Redcar Bulk Terminal (RBT)**. RBT queried the extension of the boundaries for terns beyond the Tees Barrage as tern species are not disturbed by high levels of industrial activity; queried the inclusion of wharves and jetties which lie within

the river channel due to ongoing activities in the area; and suggested the exclusion of Lackenby Channel (drainage cut) due to its separation from the main areas of the designation. During a meeting with RBT, Natural England confirmed there is no evidence to suggest terns are displaced by industrial activity which is supported by verification surveys (INCA, 2016) showing that terns forage near the river frontage. Therefore, we are confident these areas represent supporting foraging habitat for tern species and justify inclusion within the pSPA. During the meeting Natural England clarified that existing wharves and jetties which lie within the river channel are excluded from the site boundary, although the water beneath them is included as it provides supporting habitat for tern prey species. Following a site visit Natural England confirmed that the open stretch of the Drainage Cut referred to (Lackenby Channel) is separated from the open water in Tees Dock by about 230 m and culverted along a length of over 500 m until it joins the River Tees. Therefore, it was concluded on the basis of expert judgement that due to the degree of disconnect from the main water of the Tees Dock and River Tees, this area is unlikely to comprise suitable habitat for foraging terns and should be excluded from the boundary. We are awaiting confirmation from RBT that these clarifications and amendments resolve their objections. For a summary of these issues and how Natural England responded to the concerns raised, please refer to Table 3, page 42.

Detail of Consultation Responses

Table 2: Response categories

Categories of Responses	
Number	Type
1.	Simple acknowledgement/neutral response
2.	Support
3.	Do not understand the implications/request clarification/general views
4.	Objection in principle to designation
5.	Objection on scientific grounds to the boundary (seaward, landward or east-west)
6.	Objection on scientific grounds regarding species or surveys
7.	Objection on other scientific grounds
8.	Objection on socio-economic grounds
9.	Objection – not outstanding

The stakeholder's representation is outlined together with Natural England response and recommendation to Defra in Table 3 below. Natural England will provide Defra with a consultation package including copies of all consultation responses received, as required, and Natural England response to the points raised.

The final column in Table 3 highlights whether the scientific objections raised are still considered outstanding. Objections are considered outstanding unless a response has been received from the stakeholder to indicate otherwise.

Consultees are categorised as follows:

- A - Local authorities/other competent authorities
- B - Interested parties/Organisations
- C - Members of the public and unsolicited response

Table 3: Detail of Consultation responses

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
A. Local authorities/other competent authorities				
The Environment Agency	Supportive response. Accepts the scientific basis and likely socio-economic impacts. Believes the Tees Estuary Partnership (TEP) is the best management approach. Flagged an area of saltmarsh which may have been missed from the SSSI map.	2	Acknowledgement provided. Natural England investigated area of saltmarsh in question and can confirm this area is included within the proposed SSSI boundary and therefore already protected.	No outstanding scientific issues.
Historic England	Supportive response. Accepts the scientific rationale for the SPA and Ramsar site proposals, especially in relation to the inclusion of the foreshore at Seaton Carew into the Ramsar site. Accepts TEP as the best management approach.	2	Acknowledgement provided.	No outstanding scientific issues.
North Eastern Inshore Fisheries and Conservation Authority (NEIFCA)	Supporting response but raised the following points: 1. Suggests a European Marine Site (EMS) management scheme would be more effective than the TEP alone. 2. Provided additional information to update the Impact Assessment (IA) in regards to bait collection, hand gathering and recreational activities.	2	Acknowledgment provided. 1. Acknowledged. 2. Impact Assessment updated to include relevant information on bait collection, shore collection and recreational activities.	No outstanding scientific issues.

<p>Stockton-On-Tees Borough Council</p>	<p>Objecting response with the following concerns:</p> <ol style="list-style-type: none"> 1. Questions the evidence behind the inclusion of the Cowpen Bewley mitigation land. 2. Questions the justification for including urban becks (namely Old River Tees and Billingham Beck) for foraging terns. 3. Questions the scientific justification for including Portrack Marsh. The Departmental Brief (DB) states that the most recent data for this area is 2012, but the provided hyperlink is from 2005. The Council objects to using 13 years old data. 4. Questions the scientific justification for including Portrack Marsh for breeding common tern. States that only 2 pairs of common tern nested on the site in 2014, which does not provide evidence that 'common tern regularly breed at Portrack Marsh'. Believes the inclusion of this area is based on 'speculation' in the 2016 INCA survey report. 5. Highlights a discrepancy between the pSPA and SSSI boundaries at Portrack Marsh. 	<p>5/6</p>	<p>Acknowledgement provided. Meeting held on 21st January 2019 for further discussion where further clarification was provided. A detailed response was provided and is documented as follows:</p> <ol style="list-style-type: none"> 1. Stated that the planning documents for the Section 106 agreement (2004) issued by Stockton Council for the infill of Reclamation Pond included mitigation land (Port Clarence Pools and Cowpen Bewley) which are included as they were designed (English Nature and RSPB) and predicted to provide suitable mitigation habitat for Reclamation Pond. Data was reviewed (2007 – 2013) for bird usage of Port Clarence Pools which showed that the area is being used more by increasing bird numbers. Although no formal surveys have been carried out to date at Cowpen Bewley, Natural England staff have observed a number of waterbird species using the lagoons during site visits, including Mute Swan, Greylag Goose, Shelduck, Gadwall, Mallard, Teal, Tufted Duck, Pochard, Coot, Great Crested Grebe, Cormorant, Lapwing, Green Sandpiper and Common Sandpiper. Despite there being no formal data currently available which demonstrate bird usage at Cowpen Bewley, it is expected that these deeper pools will likely support the displaced wildfowl species. A management plan has been collated with input from Natural England, INCA, RSPB, Wildlife Trust and Teesmouth Bird Club in order to fully utilise the site and maximise the potential use of the site by SPA birds. Natural England also sought a legal view which highlighted that the guidelines provide guiding principles to achieve the long term protection of critically rare, endangered and migratory bird species through the SPA designation process. The legal advice was that government have the discretion, having regard to the guidelines, to form an expert view in this respect that in the long term the area will support these birds, become part of a most suitable territory and should be part of the area 	<p>Outstanding scientific objection for Defra's consideration.</p>
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			<p>included within the recommended boundary extension. Natural England ornithologists also agreed that records indicate that waterbirds (potentially including those displaced from Reclamation Pond) are starting to use the mitigation areas, which are therefore beginning to form part of the 'most suitable territory' for SPA birds. There is a reasonable expectation that the mitigation area as a result of the design will increasingly provide supporting habitat for SPA features.</p> <p>2. Following initial deliberation with regards to the inclusion of the Old River Tees beck and Billingham Beck in the pSPA, a site visit was carried out by the Area Team and Natural England's Senior Ornithologist during November 2018 to visually assess their suitability as foraging habitat for terns.</p> <p>It was concluded on the basis of expert opinion that the likelihood of terns foraging within any of the lower reaches of the Old River Tees is on balance so low that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns. It is therefore recommended that it is appropriate to amend the proposed boundary of the pSPA/pRamsar to cut across the Old River Tees at its mouth where it joins the main body of the River Tees. Please refer to Annex 3 (Section 1.3) for further information.</p> <p>Following the site visit it was also considered that the likelihood of terns foraging this far upstream within Billingham Beck is on balance so low that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns up to its NTL. We would therefore recommend that it is appropriate to amend the proposed boundary of the pSPA to cut across Billingham Beck at the point at which it emerges from under the major crossing point closest to the main river (A1046 road), from where it forms an open water channel connected to the River Tees. Please see Annex 3 (Section 1.5) for further information.</p>	
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			<p>3. Note their comments on Portrack Marsh. Provided clarification that Natural England used the most recently available data up to and including 2012. The link in the Departmental Brief incorrectly links to an earlier online version which included data to 2005 only. The 2012 report was attached to Natural England's response to Stockton.</p> <p>4. Refers to consultation response provided by Arup on behalf of Stockton Council and Tees Valley Combined Authority (TVCA) which refers to breeding bird surveys carried out in 2018, which shows six common tern territories (presumably nests) were present on Portrack Marsh, thereby further supporting its inclusion within the site boundaries for this feature as well as for non-breeding redshank and the non-breeding waterbird assemblage.</p> <p>5. Thanked Stockton Council for identifying the discrepancy between boundaries at this location. Natural England recommend to Defra that the pSPA and Ramsar site boundaries are modified in this location so that it aligns with that of the SSSI.</p> <p>Conclusion: It was clarified at the meeting with Stockton that the concern raised with regards to the inclusion of Cowpen Bewley mitigation area was on the implications for the Council for reviewing consents including a live consent for the mitigation area itself rather than the evidence for inclusion. Stockton did not query the costs to review consents within the IA. Stockton also agreed at the meeting to refer their representation with regards to the inclusion of the northern section of Portrack Marsh to ARUP (environmental consultant - see page 17 below) for details. Natural England are awaiting confirmation in writing but expect that the only outstanding concern will be with regards to the inclusion of the northern section of Portrack Marsh. Please see Annex 6 (p80) for additional late correspondence from ARUP representing TVCA and Stockton confirming outstanding objections.</p>	
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CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
ARUP on behalf of Tees Valley Combined Authority (TVCA) and Stockton-On-Tees Borough Council	<p>Objecting response.</p> <p>Due to the proximity of areas of the pSPA, pRamsar and SSSI boundary to planned projects (New Tees crossing and Portrack Relief Road), TVCA feel the boundary around Portrack Marsh should more closely follow the boundaries of the main pools which they feel would be the principle foraging location for common terns at the site.</p>	5	<p>Acknowledgement provided and detailed response as follows:</p> <p>Natural England clarified that Portrack Marsh has been included in the pSPA/pRamsar boundary not only as foraging and nesting habitat for breeding common tern but also for non-breeding redshank and components of the non-breeding waterbird assemblage.</p> <p>Natural England clarified that the site boundary is drawn to features which are identifiable both with reference to a map and on the ground in order to avoid uncertainty by stakeholders of where the designated area is. The boundary therefore reflects land necessary to support the interest features and practical necessities of site management in addition to the extent of land directly occupied by particular habitats, species and geological features at any given time.</p> <p>Natural England followed up this response by email on the 22nd of January 2019 but no response has been received to date.</p> <p>Please see Annex 6 (p80) for additional late correspondence from ARUP representing TVCA and Stockton confirming outstanding objections.</p>	Outstanding scientific objection for Defra's consideration.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Crown Estate	<p>Neutral response.</p> <p>Welcomes Natural England's proactive engagement with all sectors that may be impacted on by the additional management measures that may be imposed as a consequence of designation.</p> <p>Would welcome further dialogue with Natural England to establish if there are likely to be any impacts on any of these activities with respects to the management measures brought to effect by this designation and whether there will be any implications on consents for projects already provided.</p>	1	Acknowledgment and assurance provided.	No outstanding scientific issues.
Hartlepool Borough Council	<p>Supporting response.</p> <p>Welcomes and support the proposals and believes they will improve the protection of biodiversity in the area.</p>	2	Acknowledgment provided.	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Offshore Regulator for the Environment and Decommissioning (OPRED)	<p>Neutral response.</p> <p>Believes proposals are unlikely to cause significant costs, but highlights that costs are difficult to quantify and may be under-represented in specific projects. States that the costs do not take into account projects which are planned but not yet sanctioned, such as oil and gas blocks. Advises that Natural England review baseline data on the Oil and Gas Authority website to determine if any changes have occurred.</p>	1	<p>A call clarifying the points raised by OPRED was held on the 24th January 2019. Acknowledgement was also documented in writing on 28th January 2019 detailing the following:</p> <p>Natural England reviewed the baseline data on the Oil and Gas Authority website for potential projects in the area. A block (40/9) was identified which was offered for potential projects which was partially within the site. It was noted that the majority of the pSPA/SPA was restricted for oil and gas exploration. It was confirmed that the block offered was not licensed and therefore there will be no additional assessment costs required to be included within the updated IA. This was agreed in writing by OPRED on the 5th March 2019.</p>	No outstanding scientific issues.
Redcar and Cleveland Borough Council	<p>Objecting response.</p> <p>The council object to the scientific rationale for the site and suggested in their response that evidence was enclosed to support their objection. We note that additional evidence was not attached to their consultation response.</p>	7	<p>Acknowledgment provided.</p> <p>At a meeting with Natural England, STDC, STSC, Redcar Bulk Terminals and PD Tees Port on the 10th January 2019, Redcar and Cleveland Council confirmed that they realised no evidence was attached to their response and that they will not be submitting any further information, but that they support the representation of the STDC. Please see STDC's response for further information. Please see Annex 5 (p77) for additional late correspondence from STDC confirming outstanding objections.</p>	Outstanding scientific objection for Defra's consideration as per STDC representations below.
B. Interested parties/organisation				

<p>South Tees Development Corporation (STDC)</p>	<p>Objecting response. STDC considers that insufficient scientific evidence, cost assessment and survey data have been used in SPA and SSSI boundary extensions, especially for South Bank of Tees Estuary and request the entire river frontage be removed from the site.</p> <p>Scientific concerns:</p> <ol style="list-style-type: none"> 1. Concerned boundaries have been “shaped by topography or land ownership... boundaries extend beyond what is necessary to protect the integrity of the designated sites...” 2. Suggests legal challenge could arise from any areas included in the boundary unnecessarily. 3. Suggest that consistency was not applied to a section of the SSSI boundary at South Gare, which is also the SPA/Ramsar site boundary 4. Challenge the inclusion of an area of grassland currently included in SPA and SSSI boundary at Coatham Lagoons and requested for additional evidence for the inclusion of this area. 5. Suggest the SSSI boundary at Coatham Lagoon should also be redefined around finer scale spatial distribution of the features. 6. Disputes the inclusion of ‘Bran Sands Reedbed’ within the SSSI 7. Disputes an area referred to as ‘Warrenby Reedbeds’ included within SSSI and proposed SPA and requests further demonstration of scientific justification for its inclusion. 8. Inclusion of river frontage in the pSPA 9. Question the inclusion of a number of wharves and jetties. 	<p>4/5/6/8</p>	<p>Acknowledgement of initial response provided, and meetings held with STDC and other relevant stakeholders (Redcar & Cleveland Council, Redcar Bulk Terminal, PD Tees Port, South Tees Site Company, INCA) on 5th and 16th November to explore STDCs concerns in more detail.</p> <p>Following these meetings, Natural England provided a formal response to STDC’s representations in a letter of 21st December, which included the following clarification:</p> <ol style="list-style-type: none"> 1. Clarification was provided regarding Natural England’s approach to boundary setting, with the boundary reflecting the land necessary to support the interest features and the practical necessities of site management, as well as the extent of land occupied by site features at a given time. In this case, given the extensive usage of habitats on either side of South Gare road the boundary includes the whole area. 2. See point 1 above. 3. Natural England provided justification for the SSSI boundary, and that the road at South Gare has been included due to notified features being present on either side of the road. Additionally, this area as already notified as part of the South Gare and Coatham Sands SSSI, and falls within the already classified SPA and Ramsar Site. The ‘inner edge’ rule has been followed further south along South Gare Road, where the road forms the boundary of the site, and has been drawn to the inner (northern) edge, excluding the road. 4. Natural England explained that designated site boundaries are not usually drawn around complex ecological features such as wetlands, for practical reasons, not least the potential for indirect impacts such as disturbance. Therefore the boundary in this location includes both the Coatham Lagoons and adjacent grassland areas, by using the nearest available mapped feature. Natural England’s view is that this represents the most 	<p>Outstanding scientific objection for Defra’s consideration.</p>
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	<p>10. Requested further information regarding how the modelled boundary determines areas for inclusion used by a moderate/lower number of foraging terns.</p> <p>11. Noted that given terns lack of disturbance caused by activities, that a section of the south bank does not require inclusion in the site boundaries</p> <p>12. Challenged the inclusion of a number of becks, e.g. Lackenby Channel (Drainage Cut).</p> <p>Socio-economic concerns:</p> <p>13. Request the provision of guidelines for developments and operational activities for the river frontage of PD Tees Port and similar to be used when STDC discuss development plans with other interested parties. Specifically they request clarity regarding:</p> <ul style="list-style-type: none"> a. Implications for existing and future businesses in carrying out essential operational activities b. Additional financial, regulatory and bureaucratic burdens that could be placed upon STDC and other parties involved in redevelopment of the river frontage. c. Potential impacts on future development proposals and investor appetite when considering availability to secure necessary planning and other regulatory consents. <p>14. Believes that the designation will implicate the Redcar & Cleveland Local Plan and the South Tees SPD</p> <p>Requested assurance from Natural England that management of the site will not undermine the regeneration proposals.</p>		<p>appropriate boundary to secure the features of interest.</p> <p>5. This matter was addressed in the SSSI report to Natural England's board, and does not relate to the pSPA or pRamsar Site.</p> <p>6. This matter was addressed in the SSSI report to Natural England's board, and does not relate to the pSPA or pRamsar Site.</p> <p>7. Following a series of site visits, including one with INCA and STDC, it was concluded that the Warrenby Reedbeds area specifically, whilst possibly supporting very low numbers of wintering waterbirds on occasion (none were recorded on the site visits), was very unlikely to regularly support them in significant numbers. Furthermore, even if the site was subject to improved management in the future, Warrenby Reedbeds would be unlikely to make a meaningful contribution to the important numbers of wintering waterbirds supported by Coatham Marsh as a whole. Natural England will be proposing to Defra's Minister to revise the pSPA/pRamsar site boundary to remove this area. Natural England informed STDC of this decision in a letter dated 4th February 2019 and is awaiting a response.</p> <p>8. It was clarified that the entire river frontage on the south bank of River Tees was included based on the outputs of the tern usage model. The model was verified in 2015 which confirmed the predicted presence of foraging Common terns along the main river channel including at each of five locations along the stretch adjacent to the STDC river frontage. This confirms that this stretch of the river does support the SSSI and pSPA qualifying feature of Common tern. Over and above this, Natural England commissioned INCA to carry out an additional verification survey within the Tees Estuary in 2016 using the same methodologies (INCA, 2016). The outcomes of the surveys in 2015 and 2016 were very similar in both tern numbers and patterns of activity. Terns use the whole river with clear hotspots such as Seaton</p>	
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			<p>Channel, the Barrage and Dabholme Gut. Natural England stated that these reports could be shared with STDC on request.</p> <p>9. Confirmed that existing wharves and jetties which lie within the river channel are excluded from the site, although the water underneath is included, as it supports fish for the terns. Offered to add annotation to SPA maps to increase clarity on this point.</p> <p>10. Areas of importance to foraging common terns that are included within the pSPA boundary are those where the relative usage level predicted by the modelling exceeded the threshold level derived by application of Maximum Curvature Analysis to the modelled distribution data. This approach to boundary setting specifically seeks to exclude areas of lower predicted use and, as made clear in the Departmental Brief, has led to the exclusion of large sea areas distant from the colony which are nonetheless within the species foraging range (as noted in the response by Teesside Windfarm Ltd.). Natural England acknowledged that the verification surveys in 2015 did not yield a perfect match between the new field observations and the model generated patterns of relative usage levels. The report on that work (Perrow <i>et al.</i> 2016) states that <i>“there is clearly a greater prospect of (recording) zero density in the middle to lower reaches of the river than further upstream or in the upper part of the estuary near the Seaton Channel.”</i> However, Natural England does not consider this sufficient grounds to justify recommending any amendment to the pSPA boundaries to exclude this middle stretch of the river. This is primarily because the model predictions on which this stretch of river has been included represent what may be considered to be the expected long-term average levels of usage. These long-term average usage levels may not have been captured by the verification surveys because: i) in each of 2015 and 2016 only 90 minutes of observations were made at each survey location, ii) each area observed along the river in</p>	
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			<p>2015 and 2016 covered only a semi-circle of 300m radius, iii) at many locations surveyed around the Tees in 2015 and 2016 there was considerable variation in levels of tern activity between each of the three half hour visits. (Factors such as the tide and/or diel (denoting or involving a period of twenty-four hours) patterns in the availability of prey were suggested as influencing this variation in use over time.) Thus, given the highly unpredictable nature of tern foraging activity recorded and the very fine temporal and spatial scales covered by the verification surveys, a perfect match with the longer-time scale of usage patterns captured in model predictions is not necessarily to be expected. A somewhat lower level of use recorded in the field over just a few hours is not considered a sound basis on which to justify the exclusion of a particular area such as the middle-lower reaches of the River Tees. Natural England considers the model predicted usage patterns to be a more robust evidence base. Importantly, given the limited verification survey effort, foraging common terns WERE recorded at each of the observation stations in the middle to lower reaches of the river. The report on the verification surveys in 2015 prepared by ECON Ecological Consultancy Ltd (Perrow <i>et al.</i> 2016) concluded that “<i>the incorporation of the River Tees as far upstream as Tees Barrage within the proposed SPA could be verified by the current surveys.</i>” Had foraging terns NOT been recorded at all at one or more of the observation stations in the middle-lower reaches of the river, that conclusion may have been different.</p> <p>11. Confirmed there is no evidence to suggest terns are displaced by industrial activity and that terns are observed foraging within a few meters of industrial activity. Natural England is of the view that this supports the inclusion of the River Tees and associated docks for tern foraging. Reports (e.g. INCA, 2016) have shown terns to forage near the river frontage, and therefore these areas</p>	
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			<p>represent supporting foraging habitat for these species, justifying inclusion into the pSPA.</p> <p>12. Following initial deliberation with regards to the inclusion of Lackenby Channel in the pSPA/pRamsar, a site visit was carried out by the Area Team and Natural England's Senior Ornithologist during November 2018 to visually assess its suitability as foraging habitat for terns. Following the site visit it was considered that the likelihood of them doing so to reach Lackenby Channel within STDCs landholdings was on balance so low (due to the degree of disconnect from the main water of the Tees Dock and River Tees) that, in spite of its tidal nature, STDC were informed that the channel was unlikely to comprise suitable habitat for foraging terns and that it would be more appropriate in this particular location to amend the proposed boundary of the pSPA and the SSSI boundary to cut across the mouth of the channel where it joins the main channel of the River Tees. It was stated that Natural England will therefore recommend that this area is excluded from the SSSI and the pSPA on the basis of this expert opinion.</p> <p>13. Clarification was given that Natural England's role is to give Government advice on 'the most suitable territories' for protection. It was also stated that socio-economics cannot be a consideration when classifying a site.</p> <p>a. Natural England has been working closely with industry since 2015 to give stakeholders more clarity on the implication of the designation on industry. A Memorandum of Understanding (MoU) was collated as part of the TEP which documents current and future activities which will inform the Review of Consents (RoC) process. Natural England offered STDC and potential operators of the site the opportunity for their activities to be documented within the MoU in order to satisfy their concerns.</p>	
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			<p>b. Natural England documented and communicated at the subsequent meetings their commitment to work with STDC to agree a long-term management plan in order to give greater reassurance around the potential mitigation requirements for the redevelopment of the river frontage. Natural England also clarified that costs would be incurred anyway due to the current SPA designation and the only additional financial implication would be the assessment of the new features. No additional regulatory burden would be required.</p> <p>c. Clarification was given that the IA can only consider any developments in the planning domain which will be developed within the next 10 years. The potential costs associated with future investment is a non-monetised cost. Natural England requested any additional quantified costs from STDC to include in the revised IA but STDC confirmed that there were no projects in the planning domain.</p> <p>14. Redcar and Cleveland Council's Local Plan was accompanied by a detailed Habitats Regulations Assessment, which considered the implications of the Local Plan allocations in relation to the interest features of the Teesmouth and Cleveland Coast SPA. While the Examination of the Local Plan took place prior to the consultation for the extension to the SPA, Ramsar site and SSSI work was underway to commence the extensions, and so the additional features were considered as part of the HRA, to in effect 'future-proof' it. This was also the case for the SPD.</p> <p>15. It was agreed with STDC that Natural England would write a letter of comfort to inform the compulsory purchase order and is willing to work with STDC on a long-term management plan to include necessary consents from Natural England. This plan will include any management obligations, maintenance regimes and any remedial requirements, if required. Natural England has also agreed to work with STDC on the collation of the</p>	
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CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
			<p>Environment and Biodiversity strategy for the site and will sit on the working group with other key partners.</p> <p>Following our formal letter, a further meeting was held with STDC and other stakeholders on 10th January 2019, and a site visit to Coatham Marsh on 15th January 2019. A response was received from STDC on the 17th January 2019. The detail of this letter is documented in Annex 4 along with Natural England's response.</p> <p>Conclusion summary: Natural England requested confirmation from STDC on the 4th of February 2019 whether they wish to maintain, amend or withdraw the majority of their representations based on Natural England correspondence and subsequent meetings. No response has been received to date. Natural England wrote to STDC on the 18th February 2019 stating that based on the letter from STDC dated 17th January 2019, Natural England consider the majority of their concerns resolved and if this was not the case to notify Natural England by the 21st February 2019. It was noted in the correspondence that STDC two pSPA concerns were still outstanding; 1) the inclusion of the river Tees for foraging common tern and 2) the inclusion of Warrenby Reedbeds within the pSPA/Ramsar. Natural England requested that based on the response from Natural England, does STDC still wish to maintain these objections. Based on the recommendation to remove Warrenby Reedbeds from the site the only outstanding objection is the evidence for inclusion of the river Tees. Natural England is confident that the evidence is sufficient and there is no scientific rationale for this area to be excluded. Please see Annex 5 (p77) for additional late correspondence from STDC confirming outstanding objections.</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
UK Chamber of Shipping	<p>Neutral response.</p> <p>Accepts scientific rationale and the likely socio-economic impacts identified. Noted key concern of maintaining safe navigational channels and avoidance of obstacles to navigation and anchorage. Restrictions on navigational dredging should be avoided. Felt that the TEP is the best mechanism for management.</p>	1	Acknowledgement provided.	No outstanding scientific issues.
INEOS and Oranje-Nassau Energie Resources Ltd. (Joint response)	<p>Neutral response.</p> <p>Requested to be kept informed of any impact the designations may have on future pipeline maintenance or routine activities / operations.</p>	1	Acknowledgement and assurance provided.	No outstanding scientific issues.
EDF Energy	<p>Neutral response.</p> <p>EDF confirm ownership of Hartlepool nuclear power station and state that EDF renewables who own Teesside Offshore Windfarm will respond separately. EDF state that they expect no change in their operations from the extension of the SPA, Ramsar Site or SSSI.</p>	1	Acknowledgment provided.	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Univar (Ulixes Ltd.)	<p>Objecting response with the following concerns (now resolved):</p> <ol style="list-style-type: none"> 1. Univar requested clarification over whether their land holdings fell within the SSSI. 2. Univar challenge the ecological suitability of including the Normanby Beck in the pSPA/pRamsar boundary on the grounds that it did not provide suitable foraging habitat for foraging common terns. 	5/9	<p>Acknowledgement provided and detailed response as follows:</p> <ol style="list-style-type: none"> 1. Clarification provided that Univar's land holdings are included within the SSSI. 2. Following initial deliberation with regards to the inclusion of the Normanby Beck in the pSPA/pRamsar, a site visit was carried out by the Area Team and Natural England's Senior Ornithologist during November 2018 to visually assess its suitability as foraging habitat for terns. INCA also queried the inclusion of this area. <p>It was concluded on the basis of expert opinion that the likelihood of terns foraging within any of the lower reaches of the Normanby Beck is on balance so low that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns. We would therefore recommend that it is appropriate to amend the proposed boundary of the pSPA/pRamsar to cut across Normanby Beck at its mouth where it joins the main body of the River Tees. Please refer to Annex 3 (Section 1.1) for further information.</p> <p>Univar have been informed of the potential boundary amendment and have confirmed in writing on 05 December 2019 that their objection would be resolved should Ministers decide to approve this proposed boundary amendment.</p>	Objection resolved pending confirmation of the Normanby Beck boundary amendment.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Tarmac Trading	<p>Objecting response (now resolved).</p> <p>Responded informally requesting assurance over the potential impacts of SSSI and SPA designation on their operations. Stated an objection would be submitted if this assurance was not received.</p> <p>A formal objection was not submitted by close of consultation.</p>	8/9	<p>Acknowledgement and detailed response provided.</p> <p>Natural England have provided assurance via the MoU that their existing operations would not be impacted should the SSSI or pSPA be classified.</p> <p>Tarmac Trading confirmed in writing (13th December 2018) that Natural England's response has resolved their concerns.</p>	No outstanding scientific issues.
Beyond Green	<p>Supportive response.</p> <p>Accepts scientific rational and likely socio-economic impacts. Supportive of the designations. Supportive of a new management group.</p>	2	Acknowledgement provided.	No outstanding scientific issues.
National Farmers Union (NFU)	<p>Neutral response.</p> <p>Noted that the designations include waterbodies with sources in agricultural land. NFU seek assurances that this agricultural land will not be impacted by the extensions.</p>	1	<p>Acknowledgement and detailed response provided.</p> <p>Natural England responded to state that it is considered unlikely that the farms surrounding the sites will adversely affect the pSPA or Ramsar Site features.</p>	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
DB Cargo UK Ltd.	<p>Objecting response.</p> <p>DB Cargo felt that the Old River Tees beck identified for inclusion in the pSPA on their land holding was unsuitable for tern foraging and as such should be removed from the site boundary.</p>	5	<p>Acknowledgement provided and detailed response.</p> <p>Following initial deliberation with regards to the inclusion of the Old River Tees beck in the pSPA/pRamsar, a site visit was carried out by the Area Team and Natural England's Senior Ornithologist during November 2018 to visually assess its suitability as foraging habitat for terns due to accessibility and lack of connectivity with the main river channel. It was concluded on the basis of expert opinion to amend the proposed boundary of the pSPA/pRamsar (and SSSI) boundary to be drawn across the Old River Tees at the point it emerges from under the crossing point closest to the main river (i.e. the bridge carrying a cycleway) and joins the main body of the River Tees. Please refer to Annex 3 (Section 1.3) for further detail.</p> <p>DB Cargo UK Ltd. has been informed of the potential boundary amendment and confirmed in writing on 5 December 2018 that they would be willing to withdraw their objection when they have seen a map of proposed boundary amendments and the boundary amendments are approved by Ministers. The proposed boundary map was provided to DB Cargo on 17th January 2019 and an additional follow-up email was sent on the 8th March 2019. DB Cargo confirmed in writing on 11th March 2019 that their objection would be resolved should Ministers decide to approve this proposed boundary amendment.</p>	Objection resolved pending confirmation of the Old River Tees boundary amendment.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Auto Tech Centre, Billingham.	<p>Objecting response (now resolved).</p> <p>Provided information to demonstrate that an area of the site is now hard standing used for vehicle parking and therefore not ecologically important or suitable for designation.</p>	5/9	<p>Acknowledgement provided and detailed response.</p> <p>A site visit was carried out by the Area Team on 23rd October 2018 to investigate the landholding and pSPA/Ramsar boundaries within this area, to visually assess its suitability as habitat for feature species. The small area of hard standing in question does not appear to be of ecological importance, and therefore we recommend that it is excluded from the pSPA and Ramsar site boundaries. A letter was issued to the Auto Tech Centre confirming this. Please see Annex 3 (Section 2.1) for further information.</p> <p>Conclusion: Auto Tech Centre has confirmed that their objection has been resolved.</p>	No outstanding scientific issues.
ConocoPhillips	<p>Neutral response.</p> <p>Commended Natural England on adoption of the TEP and added thanks for provision of a joint Natural England-EA workshop to review the task of reviewing COMAH plans (Control of Major Accident Hazards).</p> <p>Accepts the scientific rationale for the proposed pSPA and Ramsar site extensions. Accepts the likely socio-economic impacts as listed within the impact assessment. However, does not believe that the costs of reviewing and updating COMAH (Control Of Major Accident Hazards) plans is accurately reflected in the IA.</p>	1	<p>Natural England welcomes ConocoPhillips' comments regarding engagement with industry and TEP.</p> <p>Comments regarding COMAH acknowledged, and clarification provided over the figures and expected costs from updating COMAH. Clarified that costs were requested from industry, but that Natural England only received limited information, and made the best estimate with the best available information at that time. All information and comments provided with regard socio-economic cost impacts will be assessed and incorporated into the post-consultation IA.</p>	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Sembcorp Utilities (UK) Ltd.	<p>Objecting response with the following concerns (now resolved):</p> <p>Broadly supportive of the proposals, but requests clarification over the exact boundary for four locations which contain Sembcorp corridor pipelines or assets, and requested clarification regarding the interest features that justified their inclusion. Particular concerns were expressed about the boundary alignment in two areas:</p> <ol style="list-style-type: none"> 1. Sembcorp pipeline corridor (north-east of Cowpen Bewley). 2. Sembcorp pipeline corridor (south-east of Greatham Creek rail crossing). <p>Requested a site visit as previously offered by Natural England to review these sections of the pSPA/pRamsar boundary.</p>	5/9	<p>Acknowledgment provided and detailed response.</p> <p>Following informal comments made by Sembcorp at a COMAH stakeholder workshop, a meeting was held with Sembcorp on 3rd October 2018 to explore a range of issues including the precise boundary of the pSPA and pRamsar boundary. Subsequently GIS data was provided to Sembcorp as well as more detailed information on the boundaries in specific parts of their holding.</p> <p>A site visit was held on 4th December 2018 with Sembcorp to establish a mutual understanding regarding the boundaries in the two outstanding locations, which was successful. The site visit clarified that the pSPA and Ramsar site boundary did not overlap with the pipeline corridors. A draft file note was provided by Natural England for Sembcorp to review. Sembcorp have not been able to review this in detail, but in their letter dated 18th January 2019 confirm that the site visit has provided clarity on the designated site boundaries and therefore addressed their concerns.</p>	No outstanding scientific issues.

<p>Industry Nature Conservation Association (INCA)</p>	<p>Resolved objecting response, with suggested boundary revisions as outlined below.</p> <p>Generally supports the pSPA/pRamsar site proposals. However, objected to the boundaries at the following locations:</p> <ol style="list-style-type: none"> 1. Two small areas at South Gare appear to fall out with both the existing SPA and the pSPA. 2. Believe an area of the caravan park at Coatham Sands was included in error and suggest that it is removed. 3. Suggests areas around “Blast Furnace Pools” are unsuitable for inclusion within the pSPA/pRamsar boundary but acknowledges the need for pragmatic boundaries and accepts this may be the most appropriate position for the boundary in order to be clear and comprehensible. 4. INCA suggest a terrestrial area at Bran Sands is not appropriate for designation due to lack of suitability for or use by the interest features. 5. Within Coatham Marsh (the inclusion of which is supported), an area of dry reedbed adjacent to Tod Point Road is included which INCA feel does not warrant inclusion. 6. Recommend removing ‘Drainage Cut’ (also known as Lackenby Channel) south-west of Tees Dock Road, Tees Port, due to low suitability for foraging terns. 7. Suggested the Normanby Beck and Ormesby Beck are removed and the boundary redrawn to the culvert mouths as these areas are unsuitable for foraging terns. 8. Suggest the Old River Tees pSPA boundary is amended to where the 	<p>5/6/7/9</p>	<p>Acknowledgment provided and detailed response given. Attended meetings with INCA and other organisations on 5th and 11th November 2018, and 10th January 2019, and a site visit to Coatham Marsh on 15th January 2019.</p> <p>Letter of 21st December 2018 responded as follows:</p> <ol style="list-style-type: none"> 1. Natural England confirmed that the marine extension of the pSPA extends up to MLW on the open coast and foreshore and abuts where it meets existing SPA and Ramsar designations. We clarified that should the Minister classify the sites there would be a single SPA boundary. INCA have since withdrawn their representation on this point. 2. This covers an area of the already designated site and so falls out with the scope of this extension proposal. INCA have since withdrawn their representation on this point. 3. As suggested by INCA, given the potential for adjacent activities to impact upon redshank in the site, the road represents the most appropriate boundary to secure the features of interest. INCA have since withdrawn this representation. 4. This area has been included for 2 reasons; 1) to ensure that all habitats used by all wintering waterbirds fall within all three designated sites, and 2) to provide a boundary which can be identified both on the ground and with a map, as is consistent practice with SPA selection guidelines. INCA have confirmed that they are now satisfied with our response and have withdrawn their representation on this point. 5. As a result of a site visit and a subsequent review of the data, it was concluded that the Warrenby Reedbeds area specifically, whilst supporting wintering waterbirds, was unlikely to regularly support them in sufficient qualifying numbers and that, even if the site was subject to improved management in the future, Warrenby Reedbeds would be unlikely to regularly support the important numbers of wintering waterbirds supported by 	<p>No outstanding scientific issues.</p>
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	channel meets the A19/A1130 road junction as usage beyond this point by foraging terns is considered very unlikely.		<p>Coatham Marshes as a whole. Natural England will be proposing to Defra's Minister to revise the pSPA/pRamsar site boundary to remove this area. INCA have confirmed that they are now satisfied with our response and have withdrawn their representation on this point.</p> <p>6. Following suggestion by a number of stakeholders (INCA, STDC, STSC and Redcar Bulk Terminal) to remove the Drainage Cut from the pSPA/Ramsar boundary a site visit was carried out by the Area Team and Natural England's Senior Ornithologist during November 2018 to visually assess its suitability as foraging habitat for terns. The visit confirmed that the waters in the Drainage Cut up to the NTL (at which there are tidal flaps) are indeed connected to the main River Tees. The visit did confirm a degree of potential suitability as foraging habitat for terns. However, this open stretch of the Drainage Cut is separated from the open water in Tees Dock by about 230 m and is culverted along a length of over 500 m until it joins the River Tees. The land separating the open parts of the channel from these more main waterbodies is heavily industrialised although foraging common terns are capable of flying over areas of heavily industrialised land to access suitable foraging habitat. However, following the site visit it was considered that the likelihood of them doing so to reach this particular stretch of the Drainage Cut within STDC's landholdings was on balance so low (due to the degree of disconnect from the main water of the Tees Dock and River Tees) that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns.</p> <p>It was therefore concluded on the basis of expert opinion to amend the proposed boundary of the pSPA/pRamsar boundary to amend the proposed boundary of the pSPA to cut across the mouth of the channel where it joins the main channel of the River Tees. INCA have since confirmed in writing (16th January 2019) that their objection would be</p>	
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			<p>resolved should Ministers decide to approve this proposed boundary amendment. Please refer to Annex 3 (Section 1.4) for further detail.</p> <p>7. Univar's response (page 28 above outlines Natural England response to the boundary amendment request for Normanby Beck. Further detail can be found in Annex 3 (Section 1.1). In summary a site visit was carried out at Normanby Beck where it was concluded on the basis of expert opinion that the area did not provide suitable foraging habitat for terns and the proposed boundary should be redrawn at the lowest crossing point of Normanby Beck; approximately 100 m upstream of where it joins the main body of the river Tees.</p> <p>With regards Ormesby Beck, a site visit was carried out by the Area Team and Natural England's Senior Ornithologist during November 2018 to visually assess its suitability as foraging habitat for terns This confirmed that the waters in Ormesby Beck are tidal and from the River Tees up to Dockside Road the area is open and easily accessible from the main river channel. However, upstream from the Dockside Road crossing, the nature of the beck changes and is culverted leaving very little in the way of open, accessible water within which terns might forage. Thus, following the site visit it was considered that the likelihood of terns foraging within Ormesby Beck above the Dockside Road crossing is on balance so low that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns. It would appear more appropriate in this particular case to amend the proposed boundary of the pSPA to cut across Ormesby Beck at the point at which it emerges from under the crossing point closest to the main river (carrying the B1513 Dockside Road), from where it then forms an open water channel connected in a direct line to the River Tees.</p>	
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CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
			<p>INCA have since confirmed in writing (16th January 2019) that their objection would be resolved should Ministers decide to approve this proposed boundary amendment. Please refer to Annex 3 (Section 1.2) for further detail.</p> <p>8. Site visits and photographic evidence of the Old River Tees suggests that it is too narrow, enclosed and in places overgrown to support tern foraging (see DB Cargo UK Ltd response, page 30 and Annex 3, Section 1.3 for further detail). In summary, it is proposed that the boundary is drawn at the crossing point, a bridge carrying a cycleway, closest to the River Tees.</p> <p>Please note that INCA agree that the beck is not suitable for foraging terns, but have objected to removing the Old River Tees completely, due to the use of the beck by non-breeding waterbirds. Natural England's position on this matter is that the Old River Tees was solely included in the pSPA for foraging common tern, and that insufficient data exists to warrant its inclusion within the pSPA for non-breeding waterbirds. INCA have confirmed that they are now satisfied with our response and have withdrawn their representation on this point.</p> <p>Conclusion: INCA has now confirmed on the 7th February 2019 that their representation has been resolved.</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Anonymous Organisation	<p>Resolved objection.</p> <p>Accepts the scientific rationale for extending the pSPA and Ramsar site but objects on socio-economic grounds to the proposed likely impacts to industry. Believes that the IA does not accurately reflect costs of revising COMAH plans and suggests an economic review in 3-5 years' time. Supports TEP as the best management methods, and the Memorandum of Understanding.</p>	8/9	<p>Acknowledgement and detailed response provided.</p> <p>Natural England's response noted that the Impact Assessment only covers additional costs as a result of the site extension and that the costs referred to would already be incurred due to the presence of the existing SPA and Ramsar Site. Therefore no change to the Impact Assessment is advised.</p> <p>It was asked whether this clarity regarding the concerns resolved their objection and a response was received on 24th January confirming that the objection could be considered withdrawn subject to a SSSI consent being issued.</p>	No outstanding scientific issues.
The Royal Navy Lifeboat Institution (RNLI)	<p>Neutral response.</p> <p>RNLI requested confirmation that the new designations would not affect lifeboat operations.</p>	1	<p>Acknowledgement and detailed response provided.</p> <p>RNLI were assured that designation of the SPA and Ramsar would not impact their day to day operations. Further discussions were held with regards to gaining consents in relation to the SSSI.</p>	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
SSE	<p>Resolved objection.</p> <p>SSE are the current owners of the Dogger Bank A offshore windfarm development. Under its former owners, a Habitats Regulations Assessment (HRA) was completed for the project which concluded no adverse effect on the integrity of the existing Teesmouth & Cleveland Coast SPA. The cable route for the OWF now overlaps with the proposed extension to the site.</p> <p>SSE requested that the Impact Assessment is amended to reflect that Forewind are no longer the developers. They confirmed that their project is underway (the onshore elements to be completed by August 2022) and are in accordance with proposed timings given for the original consent and as such the development should already be included in the IA.</p>	9	<p>Acknowledgement provided.</p> <p>Natural England have considered the provided information and have updated the IA with expected costs accordingly. SSE confirmed in writing that they agreed with the revised costs and have confirmed in writing that their objection has been resolved.</p> <p>SSE confirmed that their objection has been resolved on 4th Feb 2019.</p>	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Eversheds Sutherland LLP on behalf of Teesside Windfarm Limited (TWL)	<p>Neutral response.</p> <ol style="list-style-type: none"> 1. TWL believes the windfarm has no impact upon the pSPA and are of the view that a Review of Consents would not be required if the pSPA is classified. 2. TWL queried the marine boundary of the pSPA, which they consider to be an underestimate. TWL post-construction monitoring data has shown that common tern forage beyond the site boundary. 	1	<p>Acknowledgement and detailed response provided.</p> <ol style="list-style-type: none"> 1. Response confirmed that a Review of Consents would not be required for TWL, due to the development being fully operational. 2. Comments noted. However data which shows common tern foraging further than the at-sea boundary is entirely consistent with the way in which the seaward boundary has been determined (i.e. by the application of Maximum Curvature Analysis to the model-generated patterns of common tern usage). <p>Clarified that this approach does not attempt to capture all foraging activity and indeed purposely seeks to exclude some areas where foraging occurs, i.e. that where usage is so low that the gain from their inclusion would be disproportionate to the increase in area needed to include them. Visual inspection of the maps provided by TWL suggest that there is a greater frequency of middle and large sized dots of common tern occurrence inside the pSPA boundary than beyond it, confirming that the boundary, while excluding some areas of common tern usage, in general excludes areas of lower use than those it includes.</p> <p>Conclusion: Phone conversation with Eversheds Sutherland (25th January 2019) clarified that SSE would like to maintain their representation but confirmed that it is not an objection to the proposals.</p>	No outstanding scientific issues.

<p>The Royal Society for the Protection of Birds (RSPB)</p>	<p>RSPB strongly support and welcome the designation of SPA, Ramsar Site and SSSI. However RSPB have some scientific concerns and provided the following comments:</p> <ol style="list-style-type: none"> 1. Requested confirmation of the pSPA boundary position at MHW in the north of the site, beyond the adjoining Northumbria Coast SPA. 2. Emphasise the importance of developing strong conservation objectives, conservation advice and management plans going forward. 3. Strongly support the use of contemporary data where bird populations have increased. 4. Note that site extensions are proposed for terrestrial sites regularly used by at least 5% of the total pSPA/Ramsar site population of an individual species. RSPB are concerned that the 5% threshold used may be relatively high and seek clarification on other sites where this threshold has been applied. 5. Raised a number of comments regarding specific areas included or excluded from the proposed site boundary: <ol style="list-style-type: none"> a. With regard three locations - Seal Sands brownfield extension, North Tees Hinterland and Vopak foreshore grasslands, the RSPB noted their suggestion during the informal dialogue stage that these areas merited inclusion within the SPA. In their formal response, they cite a season of earlier survey work (2011) demonstrated use by curlew and lapwing greater than the 5% 'threshold'. They requested clarification why these areas were not included in the final boundary. 	<p>2/3</p>	<p>Acknowledgement and detailed response provided.</p> <ol style="list-style-type: none"> 1. Confirmed the pSPA boundary follows MHW beyond where it joins the Northumbria Coast SPA, with the exception of Crimdon Dene to include the tern colony. 2. Acknowledged 3. Acknowledged 4. The '5% approach' has been used previously in English SPAs to highlight the value of individual extensions for particular species. The use of such a threshold to consider the merit of extensions is of course arbitrary. However, it is important to note that when reviewing the sites surveyed in 2014/2015, we also considered a range of other factors other than the 5% approach. These included the regularity with which the sites supported significant numbers of waterbirds, the nature of the habitat and its long-term suitability for waterbirds, and the nature of any management (or lack thereof). Locations with little evidence of significant use by birds were excluded. This was further clarified in a response to RSPB on 20th February 2019. Natural England confirmed that the '5% approach' has been used previously in the extension of Dungeness SPA 2011 to highlight the value of individual extensions for particular species, based on the presence of non-trivial numbers of birds. 5. We responded to each of the concerns as follows: <ol style="list-style-type: none"> a. Whilst Natural England acknowledge RSPB's ongoing position on these locations, these areas have undergone and are still undergoing succession from open brownfield habitat, following land reclamation in the 1970s, to rank grasslands and ultimately to scrub. This is likely to have been reflected in the lower and irregular numbers recorded in the subsequent 2014/15 survey that Natural England used to assess these and other areas for their potential for inclusion in the SPA/SSSI. Furthermore, these areas are likely to have 	<p>Outstanding scientific queries for Defra's consideration.</p>
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	<p>b. The RSPB notes the exclusion of the Reclamation Pond from the SPA extension and the justification for that exclusion in the Departmental Brief. We understand that, until it was drained in late 2017, the remaining water body at the Reclamation Pond site regularly supported a sufficient number of SPA birds (in excess of 1,000) to warrant its inclusion in the SPA extension. We acknowledge that the recent site preparation works were undertaken following consent to vary planning conditions. However, we fundamentally disagree with the decision to allow the destruction of this site prior to the completion of mitigation measures (at Cowpen Bewley). Indeed, the operational phase of the Cowpen Bewley site will prevent completion of mitigation measures until the end of 2024 – some seven years hence. This decision was contrary to the Habitats and Species Regulations 2017: Reg 63(5) and constitutes a failure to ensure that the approved development “<i>does not have an adverse effect on the habitats supporting the bird species and assemblage constituting the interest features of the SPA</i>”. It is of utmost importance, therefore, that failure to deliver the required mitigation measures is urgently addressed. To this end, the RSPB agrees that the Cowpen Bewley site should be included within the extension to the SPA. Urgent action must now be taken to ensure that measures required to deliver the scale and nature of habitat required to support</p>		<p>become even less suitable for waterbirds since 2014/15. In that context, Natural England conclude that the three areas in question do not form part of the ‘most-suitable territories’ for the SPA waterbird assemblage, and are therefore excluded. This was further clarified in our response to RSPB on the 20th February 2019 which explained that the terrestrial parts of Vopak foreshore and North Tees hinterland do not support significant numbers of any assemblage species, with the exception of a single date when 243 lapwing were recorded at Vopak foreshore, the only record of them using the grassland during the surveys. Similarly at Seal Sands brownfield, significant bird numbers were only observed on an occasional basis and historic numbers have reduced due to the habitat becoming less suitable.</p> <p>b. Comments noted. As a result of the Competent Authority (Stockton Borough Council) varying the permission in 2017, Reclamation Pond has been drained and no longer supports bird features. Natural England staff has observed a wide variety of species using the mitigation site (Cowpen Bewley) although no formal surveys have occurred. An updated management plan is in place for Cowpen Bewley with input from key stakeholders including RSPB in order to fully utilise the site for SPA bird usage. RSPB will start to monitor the site from January 2019. RSPB confirmed in writing on 7th Feb 2019 that they acknowledge this point although they continue to have concerns with regard delivery of the mitigation areas and will continue engagement with the management plan process.</p> <p>6. The estuarine waters and River Tees channel are included in the pSPA and SSSI due to usage by foraging common tern, which is not a feature of the</p>	
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	<p>birds which have been displaced from the Reclamation Pond are delivered and to bring the underlying SSSI Unit (21) into favourable condition. We also note the suggestion (paragraph 5.13 of the Departmental Brief) that recent ornithological records indicate birds potentially displaced from Reclamation Pond are starting to use the mitigation areas. The RSPB would like the opportunity to review this evidence, which has not been included in the consultation documents.</p> <p>6. Requested clarification why the Ramsar boundary extension does not include the estuarine waters and the River Tees corridor in line with the pSPA boundary.</p>		<p>Ramsar Site. Therefore, these areas were not included within the Ramsar proposal. This was further clarified in a response to RSPB on 20th February 2019 that the Ramsar boundary has been set to Mean Low Water (MLW) and mirrors the proposed SPA terrestrial extension as data for inclusion of intertidal areas (primarily for waders as part of the assemblage) is derived from Webs counts which largely relate to MLW. Common terns and little terns, the two features of the pSPA whose foraging areas at sea have defined the marine elements of the pSPA are not features of the Ramsar site. It is therefore, not appropriate to use the boundaries to their foraging areas to define the seaward boundary of the Ramsar site which has Sandwich terns as a feature. Moreover, As Sandwich terns are not designated for breeding, Natural England have not applied a generic model of breeding Sandwich tern foraging distribution to define a seaward boundary for the Ramsar Site. Although it is noted in the DB that Sandwich terns forage in shallow inshore/coastal waters, Natural England has no empirical evidence base on which to define a new Ramsar seaward boundary for Sandwich terns. Thus, this Ramsar site has not been extended to include the estuarial waters and River Tees channel.</p> <p>Conclusion: RSPB confirmed on the 26th February that they strongly support the pSPA proposals and they do not wish that their views on the exclusion of three areas - Seal Sands brownfield extension, North Tees Hinterland and Vopak foreshore grasslands – from the pSPA and with regards to the exclusion of estuarial waters and Tees channel from the Ramsar site to be classed as objections.</p>	
Redcar Bulk Terminal (RBT)	Objecting response and made the following comments:	4/7/8	Acknowledgement and detailed response provided. Attended meetings with Redcar Bulk Terminal and other organisations on 5 th and 11 th November 2018, and 10 th January 2019.	Objection resolved pending confirmation in writing.

	<ol style="list-style-type: none"> 1. RBT queried the social economic implications of the designations, including: <ol style="list-style-type: none"> a. The implications of the designation on existing traffic using the bulk terminal and future businesses/developments carrying out essential activities, additional financial, regulatory and bureaucratic liabilities incurred by the designation. b. The effect of the designation on future development plans and their ability to secure regulatory and planning permission. 2. Recognised the use of the river by terns at least as far inland as the Tees Barrage but consider that, given the assurance by INCA that terns are not disturbed by the high level of industrial activities, RBT do not consider it necessary to extend the existing boundaries at all. 3. Challenge the inclusion of wharves and jetties due to the ongoing activity in those areas since the closure of Redcar Steel Works. 4. Suggest the exclusion of Lackenby Channel (Drainage Cut) due to its separation from the main areas of proposed designation. 		<ol style="list-style-type: none"> 1. Responded as follows <ol style="list-style-type: none"> a. The Impact Assessment (IA) quantifies additional costs of extending the pSPA and Ramsar Site. However, RBT would have had to consider the features of the existing site already, so limited additional costs are expected, and are therefore not included within the IA. Clarified that socio-economics cannot be taken into account when classifying an SPA or defining its boundaries. In addition, Natural England has been working closely with industry since 2015 to give stakeholders more clarity on the implication of the designation on industry. A Memorandum of Understanding (MoU) was collated as part of the Tees Estuary Partnership (TEP) which documents current and future activities which will inform the Review of Consents (RoC) process. Natural England offered potential operators of the site the opportunity for their activities to be documented within the MoU in order to satisfy their concerns. b. Natural England can only consider any developments which are in the planning domain and will be developed in the next 10 years within the Impact Assessment (IA). 2. Confirmed there is no evidence to suggest terns are displaced by industrial activity and that terns are observed foraging within a few meters of industrial activity. Natural England is of the view that this supports the inclusion of the River Tees and associated docks for tern foraging. Reports (e.g. INCA, 2016) have shown terns to forage near the river frontage, and therefore these areas represent supporting foraging habitat for these species, justifying inclusion into the pSPA. 3. Confirmed that existing wharves and jetties which lie within the river channel are excluded from the site, although the water underneath is included, as it supports fish for the terns. Natural England have confirmed that SPA maps will be annotated in a 	
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CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
			<p>similar manner to SSSI maps in order to increase clarity on this point.</p> <p>4. Confirmed that whilst Lackenby Channel (Drainage Cut) is connected to the main channel, albeit through culverts, a site visit on the 20th November 2018 with specialist ornithologist revealed that the likelihood of terns travelling across STDC's landholding to forage within the channel is low, in spite of its tidal nature. As a result Natural England recommends that Lackenby Channel is removed from the pSPA. Please see Annex 3 (Section 1.4) for further information.</p> <p>Conclusion: Natural England is awaiting confirmation in writing that the scientific objections have been resolved.</p>	

ABLE UK	<p>Objecting response and raised the following concerns:</p> <ol style="list-style-type: none"> 1. Challenged the statement in the Departmental Brief that boundaries should be as simple as possible. Concerned that the boundary should not relate to lines of geographical convenience but be properly justified for the species of concern. 2. Concerned the IA does not sufficiently consider the financial impacts of future development proposals adjacent to the site. 3. Disagree with the relaxing of the "minimum of 50" guideline for ruff. It also challenges protection of this species when "the same individuals could presumably be lawfully shot in France, Italy or Malta". 	7/8	<p>Acknowledgement and detailed response provided.</p> <ol style="list-style-type: none"> 1. Natural England note that the statement refers only to the drawing of the seaward boundary of the pSPA for foraging terns. The seaward boundary has been drawn in accordance with the UK marine SPA selection guidance (Stroud <i>et al.</i> 2001) which uses the Maximum Curvature Analysis method to produce boundaries drawn as simply as possible using the minimum number of straight lines required to capture all sea areas where usage exceeds the threshold value. Additionally, straighter lines aids the management of the pSPA. Natural England considers that the models provide a reliable, objective evidence base on which to identify the size and shape of marine pSPAs in general and the Teesmouth and Cleveland Coast pSPA in particular. 2. Clarified that socio-economics cannot be taken into account when classifying an SPA or defining its boundaries. Additionally, Natural England can only consider any developments which are in the planning domain and will be developed in the next 10 years. Natural England requested costs of proposed plans before 10th January 2019 to update the IA accordingly, but no further information was received. 3. In 2002 the UK SPA Scientific Working Group recommended that there was a need to "Discuss and agree those circumstances (perhaps in terms of conservation benefits) where exemptions from the greater than 50 rule might be considered." In July 2015, the UK SPAR SWG considered this matter further and noted that "<i>in some cases the application of a minimum threshold of 50 may constrain the selection of SPAs which either a) would be inappropriate to provide for the conservation needs of the species concerned; and/or b) would inhibit fulfilment of UK obligations under Article 4 of the Birds Directive by precluding the selection of 'the most suitable territories' of a species as SPA(s).</i>" The third review⁶ of the existing 	Outstanding scientific objection for Defra's consideration.
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CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
			<p>SPA network in the UK considered the coverage for non-breeding ruff to be insufficient in terms of both numbers protected and the geographic range of the protected sites. In the light of that review, the inclusion of non-breeding ruff as a qualifying feature of the Morecambe Bay & Duddon Estuary SPA in 2017 (8 individuals) saw the guideline relaxed in that case. The numerical and range insufficiency of the existing SPA suite for non-breeding ruff also justifies relaxation of the guideline in the present case. Between 2011/12 and 2015/16 the pSPA, including proposed extensions, supported an average of 19 individuals which: represents 2.4% of the GB non-breeding population; is more than twice the number supported by the recently classified Morecambe Bay & Duddon Estuary SPA, and makes the site the 7th most important for the species in the UK. This pSPA also lies to the north of all other sites within the existing suite of SPAs for this species and so extends the range coverage of the species' SPA suite. Also, note that other recent classifications of marine SPAs have seen the minimum 50 guideline relaxed in respect to certain other species eg Slavonian grebe (Falmouth Bay to St Austell Bay SPA) and Mediterranean gull (Morecambe Bay & Duddon Estuary SPA).</p> <p>Conclusion: Natural England has requested confirmation of any outstanding representations in writing and has followed up with telephone calls but has not received any response to date.</p>	

⁶ <http://jncc.defra.gov.uk/page-7309>

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Northumbrian Water	Neutral response.	1	Acknowledgement provided.	No outstanding scientific issues.
South Tees Site Company (STSC)	<p>Objecting response (now resolved).</p> <p>STSC state that they act within COMAH Regulations (Control of Major Accident Hazards) and all activities have no environmental impact beyond their site. STSC confirmed they are in the process of contracting site decontamination and assessing the potential impacts of this activity. STSC do not believe that the extended designations will impact their existing activities.</p> <ol style="list-style-type: none"> 1. Object to the positioning of the SSSI (and therefore SPA/Ramsar site) boundary at South Gare and request clarification on the data set and methodologies used in developing the extended site boundaries, specifically in regards to the road boundary. 2. Object to the inclusion of Lackenby Channel (Drainage Cut) in the SPA on scientific grounds. 	5/6/9	<p>Acknowledgement and detailed response provided. Attended meetings with STSC and other organisations on 5th and 11th November 2018, and 10th January 2019, and a site visit to Coatham Marsh on 15th January 2019.</p> <ol style="list-style-type: none"> 1. Provided justification for the SSSI boundary, and that the road at South Gare has been included due to notified features being present on either side of the road. Additionally, this area as already notified as part of the South Gare and Coatham Sands SSSI, and falls within the already classified SPA and Ramsar Site. The 'inner edge' rule has been followed further south along South Gare Road, where the road forms the boundary of the site, and has been drawn to the inner (northern) edge, excluding the road. 2. Confirmed that whilst Lackenby Channel (Drainage Cut) is connected to the main channel, albeit through culverts, a site visit with specialist ornithologist revealed that the likelihood of terns travelling across STDC's landholding to forage within the channel is low, in spite of its tidal nature. As a result Natural England recommends that Lackenby Channel is removed from the pSPA. Please see Annex 3 (Section 1.4) for further information. <p>Conclusion: STSC confirmed in writing that all objections have been resolved (25th January 2019).</p>	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Canal and Rivers Trust	Supporting response. Requested for a site meeting to discuss the Trust's activities at the Tees Barrage.	2	Acknowledgment provided and site visit to be agreed to discuss routine activities.	No outstanding scientific issues.

PD Tees Port.	<p>Resolved objection and raised the following concerns:</p> <ol style="list-style-type: none"> 1. Object to the extension on the grounds that the existing designations are sufficient which is demonstrated by recorded increase in bird numbers and improving water quality. PD Tees Port are concerned the extension is disproportionately large with particular reference to the marine extension areas. 2. Objects to the inclusion of ruff through relaxation of the “minimum of 50” guideline. 3. Indicated that the Impact Assessment should consider the discouraging effect that the designation may have on future developers seeking to regenerate the area. 4. Noted the IA does not consider the costs of revisiting existing consents and ongoing maintenance of port infrastructure. 5. Noted the IA states that economic benefit is too small to be worth calculating and therefore must be negligible. 6. Noted that the IA does not consider the financial impact of any seasonal constraint to major construction works. 	4/5/6/8	<p>Acknowledgement and detailed response provided. Attended meetings with PD Tees Port and other organisations on 5th and 16th November 2018, and 10th January 2019, and a separate meeting with PD Tees Port on 15th January 2019.</p> <ol style="list-style-type: none"> 1. Explained the boundaries of the marine elements of the pSPA are based on the outputs of an established “generic” model of common tern foraging distribution and the application of standard guidance around marine SPA boundary setting methods to those predicted distributions. The method applied serves to identify an objective threshold level of usage which includes within the site boundary only those areas of habitat where usage exceeds that threshold and excludes areas from the site boundary where the density or usage of/by the birds is so low that the gain from their inclusion would be disproportionate to the additional area were it to be included. The areas which have been included within site boundaries are therefore considered to be proportionate rather than disproportionately large. Natural England considers that the models supported by the verification surveys conducted across Hartlepool Bay and along the tidal length of the River Tees in 2015 and 2016 provide a reliable, objective evidence base on which to identify the size and shape of the Teesmouth and Cleveland Coast pSPA. No further evidence was provided by PD Ports to support the suggestion that the site boundary should be smaller than currently proposed. 2. Clarified that the third SPA review (http://jncc.defra.gov.uk/page-7309) considered the coverage for non-breeding ruff to be insufficient, and only 2 sites are currently classified for this species. A guidance note describes the exceptions to the minimum 50 guideline where ‘sites supporting low numbers of non-breeding birds would add to the conservation of a given species, especially in contributing to range maintenance’. 	<p>Outstanding scientific queries for Defra’s consideration.</p> <p>Objection potentially resolved pending confirmation of agreed actions.</p>
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			<p>Non-breeding ruff qualifies for inclusion as a feature of Teesmouth and Cleveland Coast as greater than 1% of the GB population is regularly present. The Teesmouth and Cleveland Coast is also within the top 20 locations for the species, and is located on the northern edge of the species' core range in Britain. It was thus considered appropriate to include ruff as a feature of the SPA as an exception to the 'minimum of 50' guideline. This is consistent with other SPA classification projects.</p> <p>3. Clarified that socio-economics cannot be taken into account when classifying an SPA or defining its boundaries. Additionally, Natural England can only consider any developments which are in the planning domain and will be developed in the next 10 years. In addition, bird species notified as features of the existing Teesmouth and Cleveland Coast SPA are protected outside of the SPA as well as within it. This means that plans or projects outside the SPA would still need to consider the SPA, irrespective of whether it has been extended.</p> <p>4. Clarified that developments can only be considered which are in the planning domain and will be developed within the next ten years, meaning the potential loss of future investment to the area cannot be quantified or included within the IA.</p> <p>5. Confirmed that costs associated with the review of any existing consents have been included in the IA but Natural England has invited PD Tees Port to provide any further evidence which can be considered and potentially lead to an amendment of the IA (by 10th January 2019). No additional evidence was received. PD Ports confirmed at the meeting on the 15th January 2019 that there were no additional projects in the planning domain.</p> <p>6. Clarified that there are limited economic metrics by which environmental benefits can be expressed meaning the calculation itself would be expensive and has not been performed. However, Natural Capital is one of the main drivers in the</p>	
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CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
			<p>Government's 25 year Environmental Plan and therefore the economic benefits of designation should still be considered significant.</p> <p>7. Confirmed it is not a legal requirement for Natural England to provide industry guidance on potential implications of designations during this process, however Natural England has worked with key partners and remains committed to providing industry greater certainty and confidence wherever possible through structures such as the Tees Estuary Partnership (TEP).</p> <p>Conclusion: PD Tees Port confirmed in writing (28th Jan 2019) that all scientific objections would be resolved pending the completion of actions agreed at a meeting on the 15th Jan 2019. Actions included a webinar by Natural England which is being arranged. Socio-economic concerns have also been potentially resolved as a result of agreed actions from the meeting apart from the perceived deterrent effect to potential developers of large areas with protected status. Natural England responded to PD Tees Port that this will be highlighted more explicitly within the revised impact assessment.</p> <p>Natural England had a regular quarterly meeting with PD Tees Port on the 15th February 2019. The requested actions were discussed and agreed. Natural England requested confirmation from PD Tees Port on the 7th March if their outstanding objections had been resolved. Written confirmation that all objections raised by PD Tees Port have not yet been received to date and therefore the scientific objections remain outstanding and for Defra's consideration.</p>	

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Network Rail	Objecting response (now resolved). Network Rail objecting on the grounds of not being informed of the start of the formal consultation and requested additional time to form a full response.	4/9	Acknowledgement and detailed response provided. Natural England have provided evidence that Network Rail were correctly informed at the consultation launch. Network Rail confirmed in writing on the 7 th February that their objection has been resolved.	No outstanding scientific issues
C. Members of the public and unsolicited responses				
Member of the public.	Objecting Response (now resolved). Of the view that Stainsby Beck is unsuitable for tern foraging and should not be included in the site.	5/9	Acknowledgement and detailed response provided. DB Cargo also objected to the inclusion of the Old River Tees beck (which Stainsby Beck flows into) due to its suitability for foraging terns. For further details, please see the DB Cargo response. A site visit was completed concluded on the basis of expert opinion that the likelihood of terns foraging within any of the lower reaches of the Old River Tees is on balance so low that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns. We would therefore recommend that it is appropriate to amend the proposed boundary of the pSPA/pRamsar to cut across the Old River Tees at its mouth where it joins the main body of the River Tees. This would therefore exclude all upstream areas of the Old River Tees, The Fleet and Stainsby Beck. For more information, please see Annex 3 (Section 1.3). Confirmation received in writing on 7 th February 2019 that objection has been resolved.	No outstanding scientific issues.

CONSULTEE	REPRESENTATION	TYPE	NATURAL ENGLAND RESPONSE	OUTSTANDING SCIENTIFIC ISSUES FOR CONSIDERATION BY DEFRA
Member of the public.	<p>Neutral response and additional comments provided:</p> <ol style="list-style-type: none"> 1. The individual wished to report an area where breeding grey seals had been observed. 2. Provided general comments regarding disturbance to birds and seals, caused by walkers, crabbers and boats, and proposed management solutions. 3. General comments provided regarding the Tees Advanced Manufacturing Park (TAMP) 	1	<p>Acknowledgement and detailed response provided</p> <ol style="list-style-type: none"> 1. Natural England noted the location reported in their response, However current observations records alone do not meet designation requirements for an appropriate SSSI designation. Natural England will retain this evidence for potential future use in addition to anything further in protection of the grey seals if appropriate. 2. Comments acknowledged although we note that management regarding disturbance to seals from boats, fishers and walkers is beyond the scope of this consultation. 3. We note that the TAMP is beyond the scope of this consultation. 	No outstanding scientific issues

References

Industry Nature Conservation Association (INCA) 2016. Report ID: INCA 201614. Unpublished report to Natural England.

Perrow, M.R., Harwood, A.J.P., Caldow, R.W.G. 2016. *Tern verification surveys for marine sites*. Natural England Commissioned Reports, NECR212.

Stroud, D.A., Chambers, D., Cook, S., Buxton, N., Fraser, B., Clement, P., Lewis, P., Mclean, I., Baker, H. and Whitehead, S. 2001. *The UK SPA network: its scope and content*. Volumes 1-3. JNCC, Peterborough, UK

Annex 1: Natural England Non-Financial Scheme of Delegation

The Non-Financial Scheme of Delegation currently states the following for international site designation cases:

	Function	Delegation
A	Approval to submit formal advice (Departmental Brief ¹ or Selection Assessment Document ²) to Secretary of State on the selection of a pSAC, pSPA or pRamsar site or proposed amendments to an existing cSAC, SCI, SAC, SPA or Ramsar site.	Chief Executive
B	Following the consultation, approval of final advice, with or without modifications, and report on the consultation, where:	
	a) objections or representations are unresolved	Board or Chairman on behalf of the Board
	b) there are no outstanding objections or representations (i.e. where no objections or representations were made, or where representations or objections were withdrawn or resolved)	Appropriate Director

¹Departmental Briefs (for Special Protection Areas and Ramsar sites)

²Selection Assessment Documents (for Special Conservation Areas)

Part A – In the first instance the scientific case is developed and presented to the Chief Executive (and the Senior Leadership Team⁷) who discuss the case and approve sign off as Natural England's formal scientific advice to Defra. Defra then seek Ministerial approval for Natural England to consult on these proposals on behalf of Government.

Part B – Once the formal consultation process has completed, Natural England considers any scientific objections to the proposals and endeavours to resolve any issues or concerns raised by stakeholders during the consultation. If, after a reasonable process of liaison with stakeholders, there are outstanding issues that cannot be resolved Natural England finalises the report on the consultation for Defra and sets out its final advice on the case in the report. There may be changes proposed as a result of the consultation and outstanding issues for Defra's consideration.

- i) Where there are no outstanding objections, representations or issues with respect to the proposals the relevant Director can approve the consultation report for submission to Defra.
- ii) Where there are outstanding issues which it has not been possible to resolve the responsibility for approval of the consultation report falls to Board, or Chairman on behalf of the Board.

⁷For this marine pSPA, the Natural England Senior Leadership Team (SLT) has delegated the responsibility for approval of Natural England's formal scientific advice to the Chief Officer for Strategy & Reform. The Chief Officer for Strategy and Reform informs SLT when approval for Natural England's formal scientific advice has been provided.

Annex 2: Consultation Questions

Online survey questions regarding the pSPA and Ramsar Site

- Q1: What is your name?
- Q2: What is your email address?
- Q3: What is your organisation?
- Q4: Would you like your response to be confidential?
- Q5: Do you wish to respond to all consultation questions (SPA, Ramsar Site and SSSI), or just those referring to the SSSI site amendment?

Page 2. SPA and Ramsar Site: Scientific rationale for the proposed extensions

- Q6: Do you accept the scientific rationale for the proposed site amendments?
- Q7: Do you have any additional evidence or further comments that you wish to submit in relation to the proposed extension of the SPA or Ramsar Site?

Page 3. SPA and Ramsar Site: Economic and Social Impacts

- Q8: Do you agree that the Impact Assessment accurately reflects the likely socio-economic effect of the pSPA and pRamsar Site on human activities in and around the site?
- Q9: Referring to the industry specific sections of the Impact Assessment (Sections 8-10), do you agree that all of the likely impacts have been identified?
- Q10: Do you have additional information that would improve the estimation of costs and / or benefits within the Impact Assessment?

Page 4. SPA and Ramsar Site: Comment on the Control of Major Accident Hazards (COMAH)

- Q11: Does the Impact Assessment accurately reflect the likely costs of reviewing the COMAH contingency plans as a result of the proposed amendments to the Teesmouth and Cleveland Coast SPA and Ramsar Site?
- Q12: Do you have any evidence that additional mitigation measures will be required to meet the requirements of COMAH?

Page 5. SPA: Management of the proposed extensions

- Q13: Do you think the TEP is the best mechanism for the management of Teesmouth and Cleveland Coast pSPA?

Online survey questions in relation to the Teesmouth and Cleveland Coast SSSI only

Page 6. SSSI: Your views on the Teesmouth and Cleveland Coast SSSI

- Q14: Do you own or manage land within the Teesmouth and Cleveland Coast SSSI?
- Q15 Do you accept the scientific rationale behind the notification of this site for its special interest?
- Q16 Do you agree that the boundary of the SSSI adequately encompasses the features of special interest?
- Q17 Do you agree that the operations requiring Natural England's consent are appropriate?
- Q18 Do you agree with the Views About Management?
- Q19 Do you have any additional evidence or further comments that you wish to submit in relation to the notification of the Teesmouth and Cleveland Coast SSSI?

Page 7. SSSI: Your views on the proposed de-notification of part of the Seal Sands SSSI

- Q20 Do you own or manage any of the land proposed for de-notification?
- Q21 Do you accept the scientific rationale behind the proposal to de-notify part of the Seal Sands SSSI?
- Q22 Do you have any additional evidence or further comments that you wish to submit in relation to the proposed de-notification of part of the Seal Sands SSSI?

Annex 3: Details of post consultation proposed boundary changes

1 Proposed changes to the marine boundary of the pSPA

The boundaries to the marine elements of the pSPA are based on the outputs of a “generic” model of common tern foraging distribution and the application of standard guidance around marine SPA boundary setting methods to those predicted distributions, as well as on verification surveys along the length of the River Tees. The model and verification data confirmed an appropriate boundary for the marine elements of the pSPA to be drawn to mean high water (MHW) and up to the normal tidal limit (NTL) in any creek or channel connected to the main channel of the River Tees. The public consultation on the pSPA elicited a number of views regarding the boundary’s position in some circumstances which Natural England have assessed and, where appropriate, have concluded small amendments to the boundary are warranted.

Background information

The marine elements of this pSPA comprise areas considered to be of greatest importance as foraging habitat for little terns breeding on the open coast at Crimdon Dene to the north of the River Tees and common terns nesting inland at Saltholme on land adjacent to the middle reaches of the tidal parts of the River Tees. The pSPA boundary includes the entire River Tees up to its tidal limit at the barrage, all marinas/docks etc. connected to the main river channel and any adjoining becks/channels up to their normal tidal limit (NTL). All of these waters were included in the pSPA on the basis of predicted patterns of common tern usage generated by application of the “generic” model of common tern distribution produced by JNCC, and application of standard marine SPA boundary setting methods to those predicted distribution maps.

In addition to the modelled evidence, Natural England commissioned a programme of verification surveys in 2015 and in 2016 that included surveys of tern occurrence along the length of the River Tees. These boat-based surveys sought to confirm the presence and quantify the abundance of foraging common terns along the length of the main channel of the River Tees and within a number of key locations considered at that stage (early 2015) to be likely to be of particular interest to stakeholders e.g. Tees Dock, Middlesbrough Dock etc. In both years these surveys confirmed the presence of foraging common terns along the entire length of the River Tees and in every location at which they were looked for. However, these surveys did not include any of the largely non-navigable and very minor becks/channels which subsequently proved to be the focus of concern of some consultees. In the absence of empirical verification data in any of these becks/channels, and in the light of the concerns expressed by stakeholders, site visits were made in late 2018 to assess the suitability of these channels as tern foraging habitat.

Channels & becks: assessment and proposed changes

The majority of stakeholder responses querying the extent of such areas included within the marine elements of the pSPA boundary related to the inclusion of waters up to the NTL within a number of small becks or channels (Billingham Beck, Old River Tees, Lackenby Channel, Ormesby Beck, and Normanby Beck). Following site visits in November 2018 it was concluded that although the lengths of these becks/channels originally proposed for inclusion within the pSPA boundary are indeed tidal (hence their planned inclusion up to NTL), they were highly unlikely to represent important tern foraging habitat due to one or more of the following characteristics: being i) highly modified i.e. canalised, ii) extensively culverted under roads or railways or crossed by other manmade structures, iii) overgrown with shrubs/trees iv) lacking visual connectivity with the main river channel. Please see the detailed site-specific assessments in 1.1 – 1.5 below. On the basis of these observations various amendments have been proposed to redraw the pSPA boundary closer to/at the junction of each channel with the main channel of the River Tees.

These changes to exclude small, highly modified or disconnected channels should not be seen as casting doubt on the validity of the evidence base underpinning the rest of the marine elements of

this pSPA. Minor amendments to boundaries have occurred for similar SPAs following public consultation. For example, the upper tidal reaches of two channels draining into Poole Harbour SPA were excluded from the final boundary for the same reasons as explained above. Natural England believes the additional, empirical evidence gathered in 2015 and 2016 across this proposed site provides reassurance on the importance of the wider pSPA for foraging terns.

Wharves & jetties

Two consultees queried the significance of the existing wharves and jetties as habitat value and the scientific justification for the inclusion of such suspended structures within the pSPA boundary. The consultees were correct to point out that the way in which the boundary of the pSPA had been drawn in respect of its marine elements i.e. up to MHW had by default included floating and suspended structures such as wharves and jetties.

In a report to Natural England on the verification surveys conducted in 2016, INCA (INCA 2016) reported many instances of terns foraging within a few metres of the riverside frontage and of birds foraging between moored vessels and the quayside. It specifically notes that “*tern activity, particularly foraging, was concentrated close to the banks of the river was very evident to the observers on the surveys*”. However, while INCA (2016) notes that foraging terns were repeatedly seen foraging very close to mooring jetties and quaysides and indeed resting on the seawall/quayside, the inclusion of the River Tees main channel (and its offshoots) is on the grounds that the **water column constitutes supporting marine habitat in which the terns will forage**, not that the hard structures within or adjacent to it provide habitat within which the terns might rest, roost or nest.

Maps of relevant SSSIs generally include the following or similar clarification note “*Except where specifically annotated to the contrary, the site excludes bridges and other raised or suspended structures (such as jetties and gantries); however, the site does include any exposed land or water beneath the aforementioned structures. Other structures (not raised or suspended) are included in the site as mapped.*” This statement was included in maps provided as part of the public consultation on the notification of the Teesmouth and Cleveland Coast SSSI.

Given: i) the stakeholder concerns regarding the inclusion of such structures within the pSPA boundary (effectively by default), ii) the caveat explaining the exclusion of such structures from the underpinning SSSI, and iii) the fact that the structures themselves are not supporting habitat for foraging terns, it was decided post-consultation that it was appropriate to amend the boundary of the pSPA through a similar map annotation. This would ensure that the structures of existing wharves and jetties which lie within the river channel and adjacent docks, quays etc. would not be included within the site boundary, although the waters that flow underneath them and surround them would continue to be included because they are the waters that support the fish upon which the terns will feed.

This amendment brings the boundary of the pSPA and underlying SSSI into alignment. There are precedents in other long-standing coastal SPAs (e.g. Humber Estuary SPA) in which a similar approach has been taken.

1.1 Normanby Beck

In the light of concerns raised by Univar, Natural England officers (including a senior specialist in ornithology) visited Normanby Beck on the 20th November 2018 to visually assess its suitability as foraging habitat for terns. This confirmed that the waters in Normanby Beck up to NTL are indeed connected to the main River Tees; the existence of saltmarsh plants on the margins of the beck indicated the salinity of the water in its lower reaches, the water was seen to be flowing upstream from the main river and there appeared to be barnacles growing on a grill across the beck. However, along South Bank Road/Middlesbrough Road near the NTL mark the beck is extremely narrow (c 2-3 m wide at most), has vertical concrete sides with a fence running along one side and is crossed

by what may be a bridge carrying the route of old railway lines. Downstream from there the beck passes through dense overhanging vegetation with shrubs and woodland on both sides. Further downstream again the beck is culverted under the A66 and for most of the distance between there and where it passes under the B1513 (Dockside Road). Downstream from Dockside Road, the beck is 5 – 6 m wide and there is a short stretch of relatively open water with grassy embankments and exposed mud banks. However, the beck rapidly narrows heading downstream and the banks change to vertical brick/stone work, there is at least one grill/fence across the beck and there are buildings/industrial infrastructure close by on either bank (see Figure 1.1). It was not possible to visit the mouth of the beck where it joins the River Tees, but maps suggest that it remains relatively narrow here too. Thus, following the site visit it was considered that the likelihood of terns foraging within any of the lower reaches of the Normanby Beck is on balance so low that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns. We therefore recommend that the proposed boundary of the pSPA is amended to cut across Normanby Beck at the first footbridge near the mouth where it joins the main body of the River Tees (see Figure 1.2).



Figure 1.1: Photographic evidence of Normanby Beck taken 20th November 2018

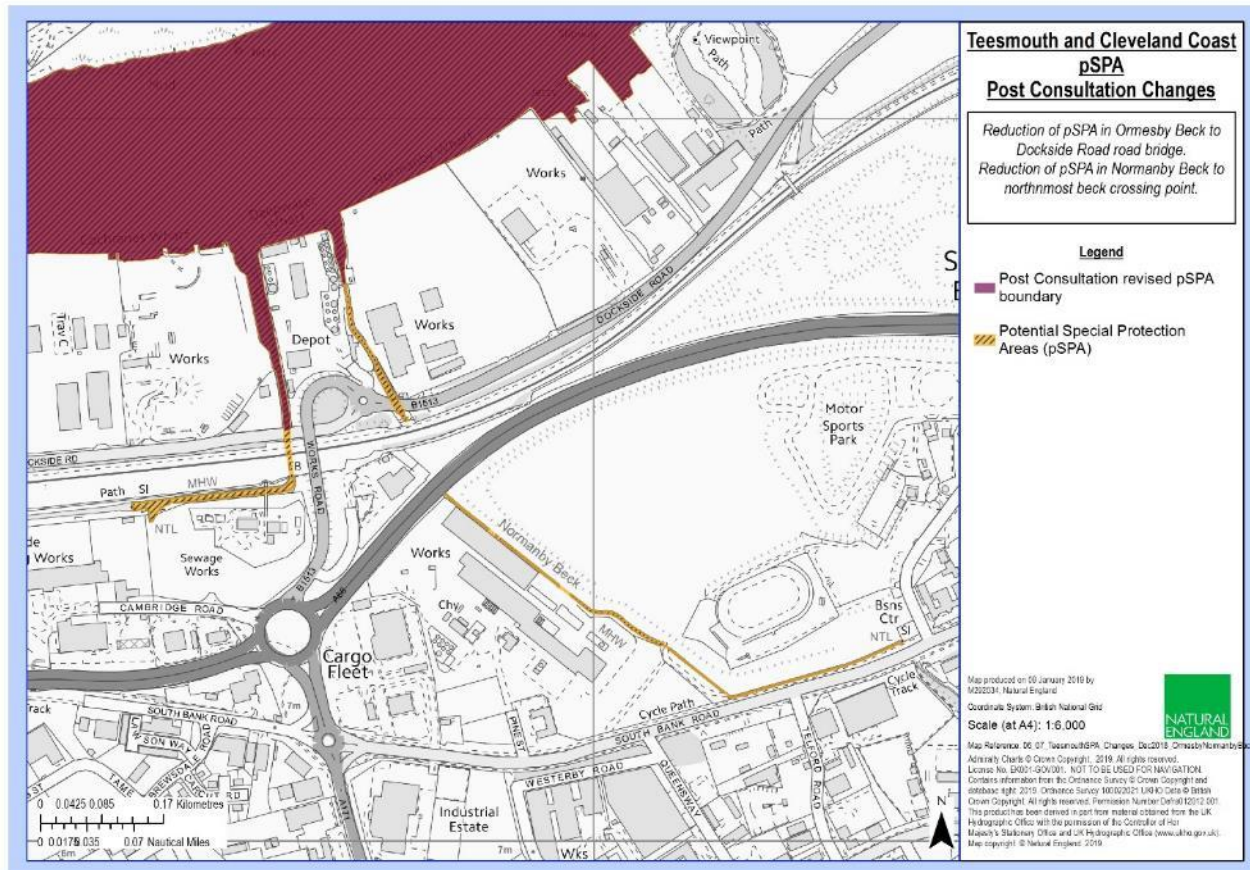


Figure 1.2: Post-consultation recommended boundary amendments for Normanby Beck

1.2 Ormesby Beck

Natural England officers (including a senior specialist in ornithology) visited Ormesby Beck on the 20th November 2018 to visually assess its suitability as foraging habitat for terns. This confirmed that the waters in Ormesby Beck, being connected to the main River Tees, are tidal. Between the main River Tees and the first point upstream at which the beck is crossed by Docks Road (B1513), the beck is up to c10 m wide with gradually sloping banks which are partly of stone and are well vegetated. There is, however, no overhanging vegetation and as a result the water course from the River Tees up to Docks Road is open and easily accessible from the main river channel. However, upstream from the Docks Road crossing, the nature of the beck changes quite dramatically; it is culverted under numerous bridges carrying railway tracks between which it emerges only briefly. As a result, upstream from Docks Road there is very little in the way of open, accessible water within which terns might forage. Thus, following the site visit it was considered that the likelihood of terns foraging within Ormesby Beck above the Docks Road crossing is on balance so low that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns. We therefore recommend that the proposed boundary of the pSPA is amended to cut across Ormesby Beck at the point at which it emerges from under the crossing point closest to the main river (carrying the B1513 Docks Road), from where it then forms an open water channel connected in a direct line to the River Tees.

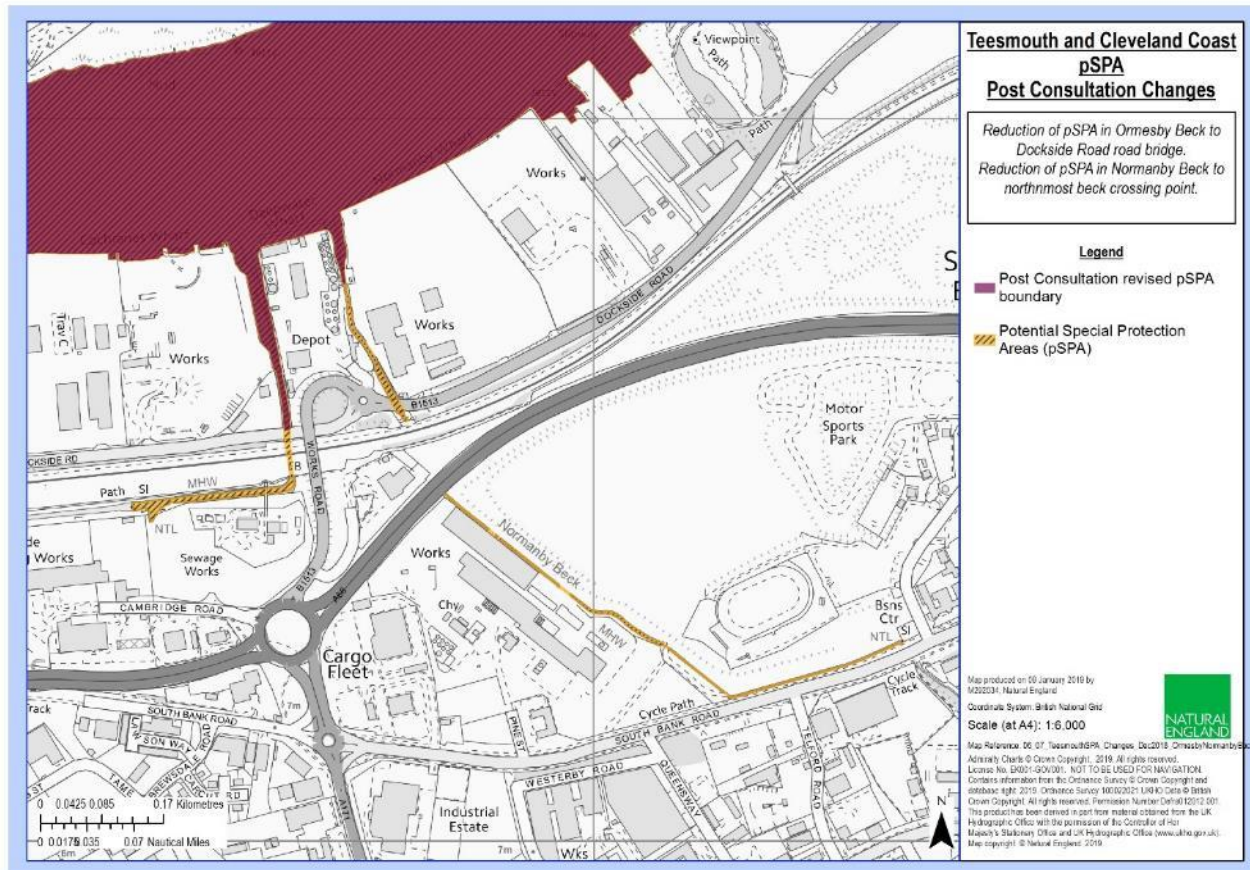


Figure 1.3: Post-consultation recommended boundary amendments for Ormesby Beck

1.3 Old River Tees Beck, The Fleet, Stainsby Beck

In light of concerns raised by DB Cargo, Natural England officers (including a senior specialist in ornithology) visited the Old River Tees on 20th November 2018 to visually assess its suitability as foraging habitat for terns. This confirmed that the waters in the Old River Tees, at least those within the landholding of DB Cargo, being connected to the main River Tees, are tidal and saline; the water was seen to be flowing up the water course from the main river and there appeared to be barnacles growing on the sheet piling. However, this stretch of the Old River Tees nearest the river is very heavily modified; its banks are entirely sheet-piled, it passes under numerous bridges, is culverted for many tens of metres under the railway sidings, and where it is open to the air it is crossed every few metres by concrete beams (see Figure 1.4). The most downstream sections of the channel also pass through scrubby woodland. As a result, there is very little in the way of open, accessible water within which terns might forage. Thus, following the site visit it was considered that the likelihood of terns foraging within the lower reaches of the Old River Tees is on balance so low that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns. Therefore, it would appear more appropriate in this particular location to amend the proposed boundary of the pSPA and SSSI boundary to be drawn across the Old River Tees at the point at which it emerges from under the crossing point closest to the main river (i.e. the bridge carrying a cycleway) and joins the main body of the River Tees. We therefore recommend that the length of the Old River Tees upstream of this point is excluded from the pSPA on the basis of this expert opinion (see Figure 1.5).

Please note, the Old River Tees is downstream of The Fleet and Stainsby Beck. Mr & Mrs Pearson objected to the inclusion of Stainsby Beck within the pSPA boundary on the basis of its predicted importance to foraging terns. Photographs of the very upper reaches of the Old River Tees near the NTL mark indicate that it is very narrow, shallow and to a degree overgrown with shrubs/trees. This suggests that terns are very unlikely to forage here either. Due to the conclusions listed above and

expert ornithologist opinion, Natural England advise that Stainsby Beck and the Fleet are removed from the pSPA boundary.



Figure 1.4: Photographic evidence of the Old River Tees beck at DB Cargo's landholding taken 20th November 2018

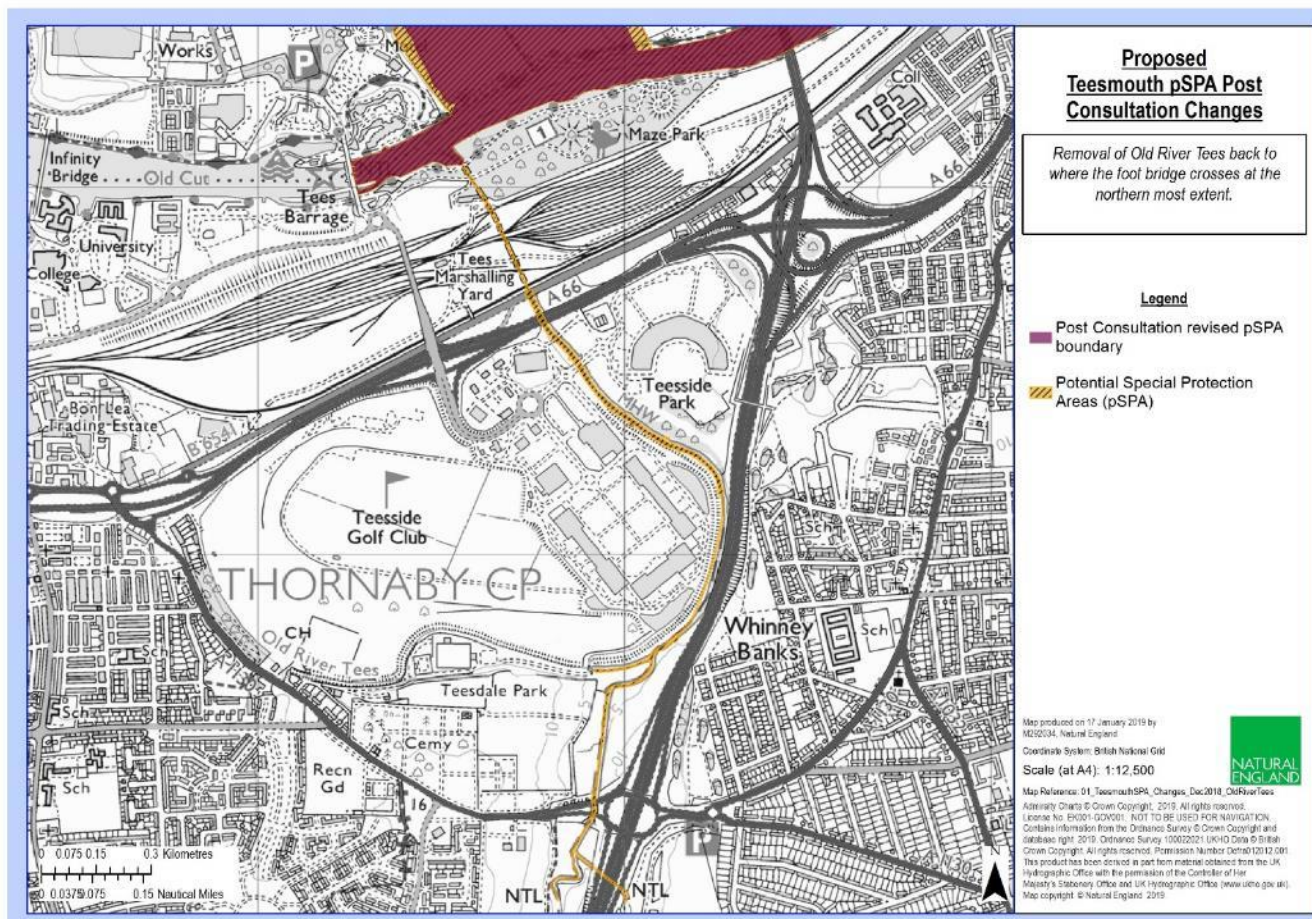


Figure 1.5: Post-consultation proposed boundary amendments for Old River Tees Beck

1.4 Drainage Cut / Lackenby Channel

In light of concerns raised by STDC, INCA and Redcar Bulk Terminal (RBT), Natural England officers (including a senior specialist in ornithology) visited Drainage Cut (also known as Lackenby Channel) on the 20th November 2018 to visually assess its suitability as foraging habitat for terns. This confirmed that the waters in the Drainage Cut up to NTL (at which there are tidal flaps) are indeed connected to the main River Tees; the existence of saltmarsh plants on the margins of the channel indicated the salinity of the water. At NTL the sides of the channel are formed of gabion baskets on one side and the edge of a slag-heap on the other and the channel is crossed by a large pipe. Along most of the length of the channel between NTL and the point downstream at which it is culverted, the channel is c. 4-5 m wide, is unenclosed by overhanging infrastructure or vegetation and is in fact quite open in nature with shallow sloping grassy banks. All of this confirms a degree of potential suitability as foraging habitat for terns. However, this open stretch of the Drainage Cut is separated from the open water in Tees Dock by about 230 m and is culverted along a length of over 500 m until it joins the River Tees. The land separating the open parts of the channel from these more main waterbodies is heavily industrialised. As evidenced by the colony of common terns being located inland at Saltholme, foraging common terns are perfectly capable of flying over areas of heavily industrialised land to access suitable foraging habitat. However, following the site visit it was considered that the likelihood of them doing so to reach this particular stretch of the Drainage Cut within STDCs landholdings was on balance so low (due to the degree of disconnect from the main water of the Tees Dock and River Tees) that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns. We therefore recommend that the proposed boundary of the pSPA is amended to cut across the mouth of the channel where it joins the main channel of the River Tees (see Figure 1.6).

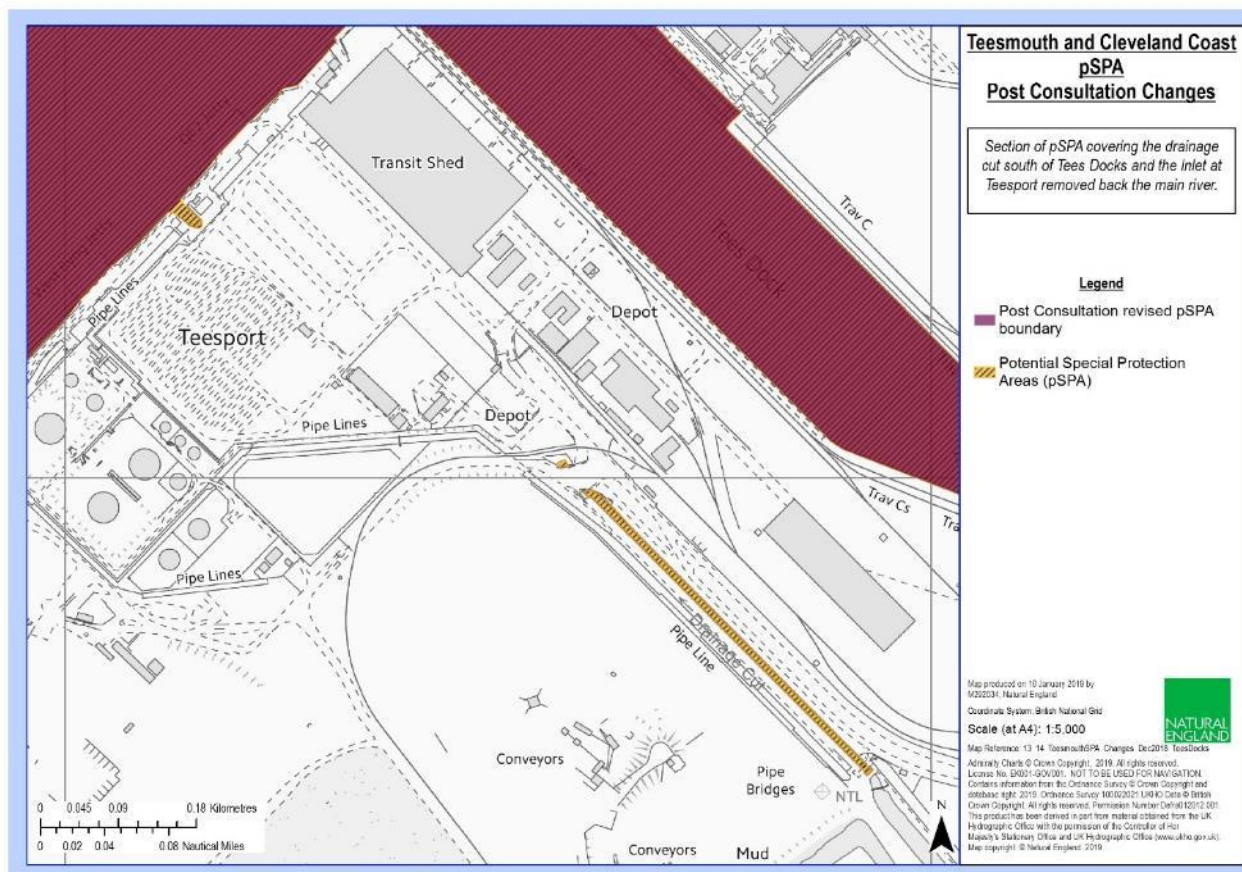


Figure 1.6: Post-consultation recommended boundary amendments for Drainage Cut / Lackenby Channel

1.5 Billingham Beck

Natural England officers (including a senior specialist in ornithology) visited Billingham Beck on the 20th November 2018 to visually assess its suitability as foraging habitat for terns. The beck was viewed from two vantage points; from the crossing of the A1046 Haverton Hill Road (1 km from the main River Tees) and from the cycle track running alongside the Fleet Bridge Road A19 slipway which marks the NTL on the beck and hence the proposed upstream boundary of the pSPA (at 3 km from the main River Tees). At the first of these crossing points, the beck is c 15 m wide with exposed mud and shallow grassy banks. The channel is open with no overhanging obstacles or vegetation and there was some bird life present i.e. teal, redshank and little grebe. It would appear that at least as far upstream as this crossing point (and perhaps beyond for some distance) the beck affords foraging opportunities for waterbirds, probably including terns. In contrast, at the other vantage point at the NTL mark the beck passes under another road bridge but is very shallow, at most 6 - 7 m across and is bounded by banks covered in overhanging scrub/woodland. Thus, following the site visit it was considered that the likelihood of terns foraging this far upstream within Billingham Beck is on balance so low that, in spite of its tidal nature, it is unlikely to comprise suitable habitat for foraging terns up to its NTL. We therefore recommend that the proposed boundary of the pSPA is amended to cut across Billingham Beck at the point at which it emerges from under the major crossing point closest to the main river (i.e. that carrying the A1046 Haverton Hill Road), from where it forms an open water channel connected to the River Tees (see Figure 1,7).

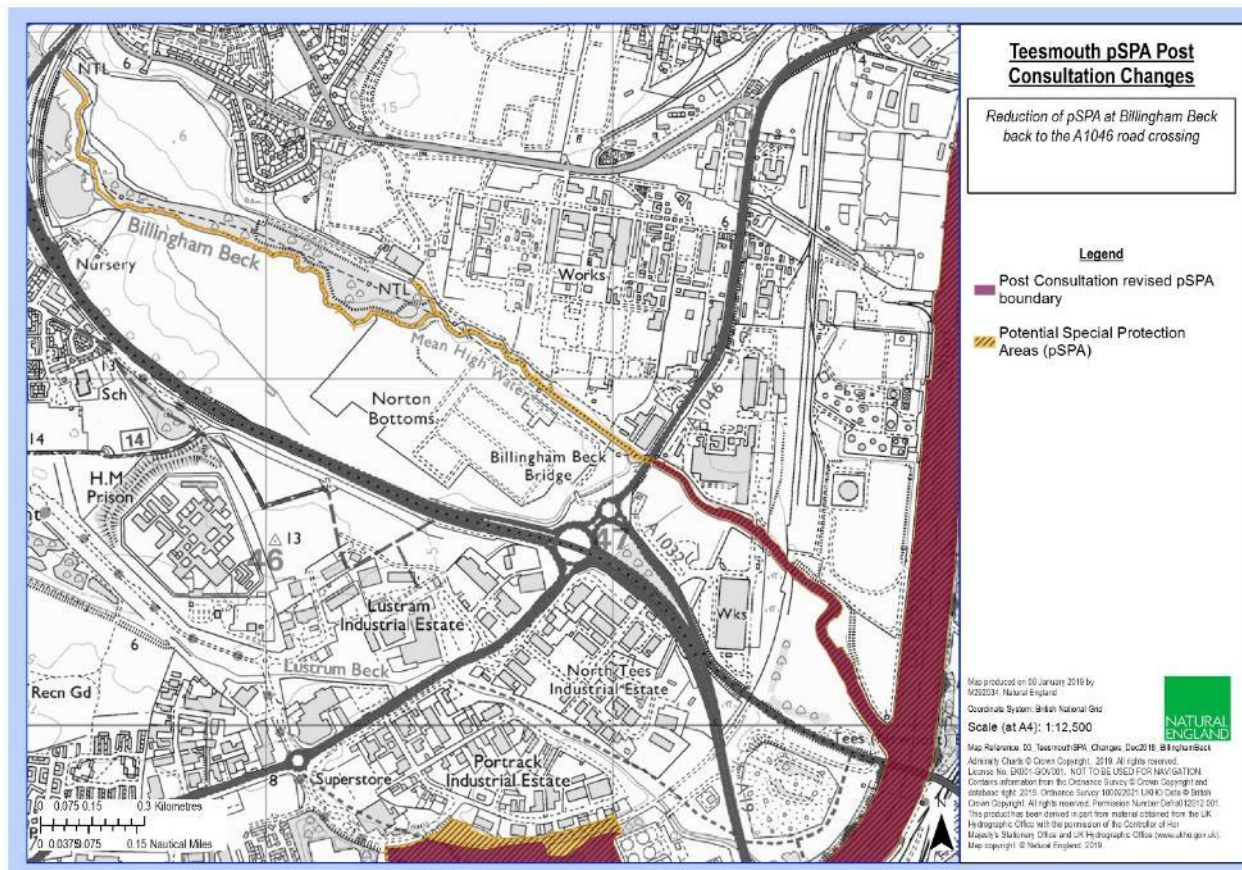


Figure 1.7: Post-consultation recommended boundary amendments for Billingham Beck

2 Proposed amendments to the terrestrial boundary of the pSPA

In light of consultation responses received, Natural England reviewed other areas of the pSPA and Ramsar Site boundary. Where appropriate, Natural England recommend amending the pSPA and/or Ramsar site boundary as described in the following section.

2.1 Auto Tech Centre, Billingham

Following the consultation response from Auto Tech Centre, Billingham, Natural England officers visited the landholding for a site visit on 23 October 2018 to investigate the landholding and pSPA/Ramsar boundaries within this area, to visually assess its suitability as habitat for feature species. The area of hard standing in question does not appear to be of ecological importance and was originally included within the boundary due to mapped features not aligning with physical features on the ground. Therefore we recommend that it is excluded from the pSPA and Ramsar site boundaries. Please see Figure 2.1 below.

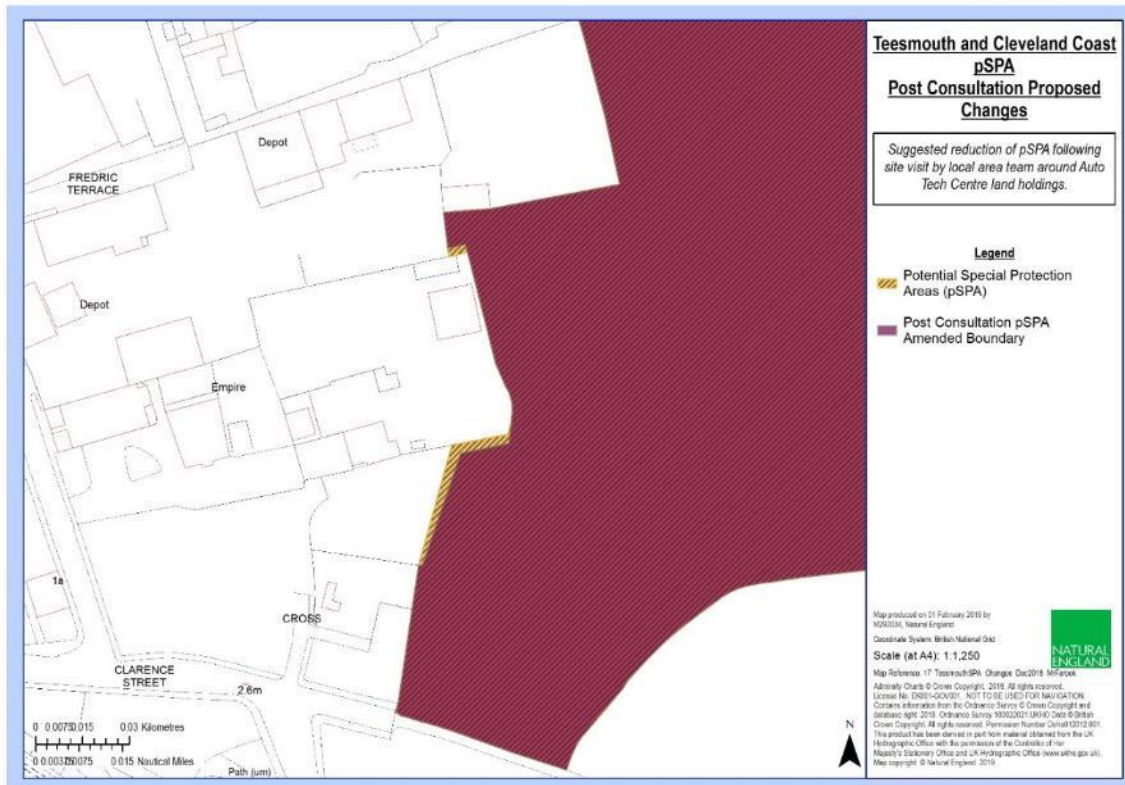


Figure 2.1: Post-consultation recommended boundary amendments for Autotech Centre, Billingham

2.2 Portrack Marsh

Stockton Council in their formal consultation response (dated 30 November 2018) flagged a discrepancy between the pSPA and SSSI boundaries near Portrack Marsh (Figure 2.2.). Whilst there are justifiable reasons for differences between the SSSI and pSPA boundary across the site, the difference here was a mapping error only. Therefore Natural England recommends that the pSPA/pRamsar should match the SSSI boundary around Portrack Marsh. The following change is proposed as a result (see Figure 2.3).



Figure 2.2: Photograph of Portrack Marsh looking North-East (2019)

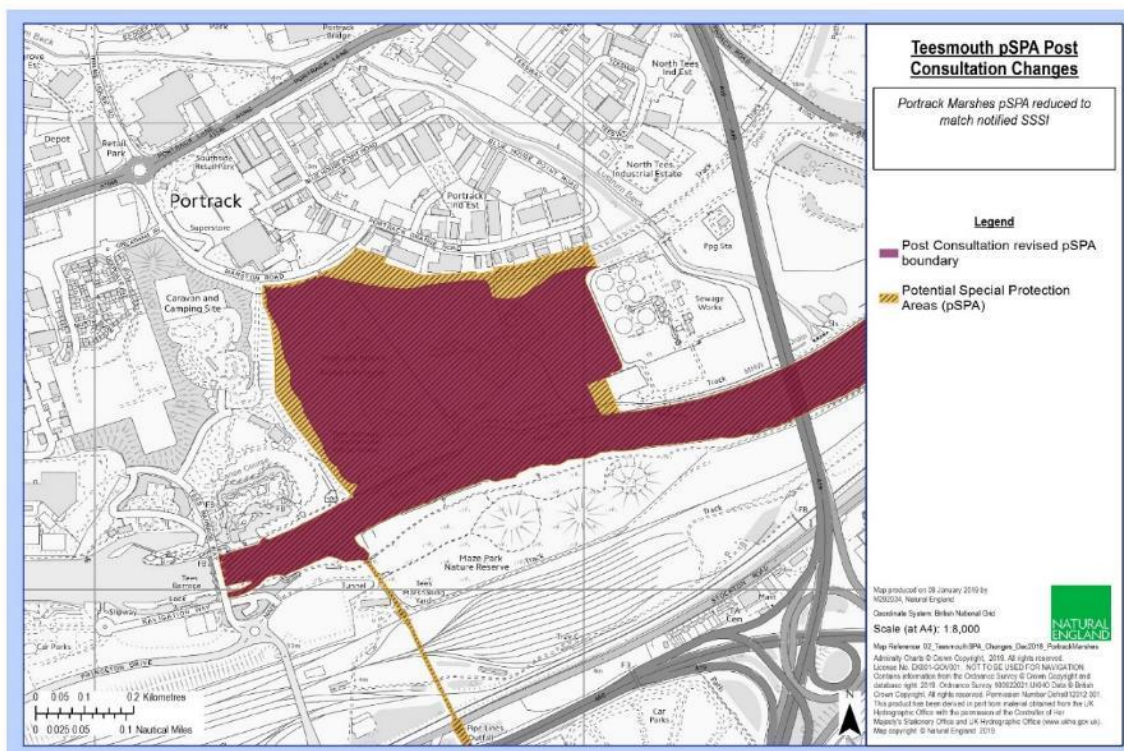


Figure 2.3: Post-consultation recommended boundary amendments for Portrack Marsh

2.3 Coatham Marsh

Both INCA and STDC have raised scientific objections to the inclusion of an area known as 'Warrenby Reedbeds' within this part of the pSPA/Ramsar site. Natural England has visited the site 3 times, including a joint visit with INCA and STDC, and have carefully considered whether the 'Warrenby Reedbeds' provide suitable habitat for the wintering waterbirds that Wetland Bird Survey Core Count data demonstrate that Coatham Marsh as a whole supports.

We consider that whilst the 'Warrenby Reedbeds' (Figure 2.4) may possibly support very low numbers of wintering waterbirds such as Water Rail and Moorhen on occasion (none were recorded on the site visits), it is very unlikely to regularly support them in significant numbers. We have also considered the potential for 'Warrenby Reedbeds' to support wintering waterbirds in the future, should conservation management leading to improved hydrological functioning be carried out. Following the site visits and further deliberation we concluded that, even in these circumstances, the 'Warrenby Reedbeds' would be unlikely to make a meaningful contribution to the important numbers of the wintering waterbirds supported by Coatham Marsh as a whole. This is due to the following ecological factors: the small size of the wetland area (approximately 1ha); the proximity to the industrial area to the north; and the extensive, steeply sloping non-wetland habitat surrounding the wetland, which is likely to have no value for wintering waterbirds.



Figure 2.4: Photograph of Warrenby Reedbeds (2019)

Accordingly, Natural England recommend that the pSPA/pRamsar site boundary be amended so that the 'Warrenby Reedbeds', as well as the large bund that lies between the 'Warrenby Reedbeds' and the main wetland habitats on Coatham Marsh, is excluded from the pSPA/pRamsar site. The following change is proposed as a result (see Figure 2.5).

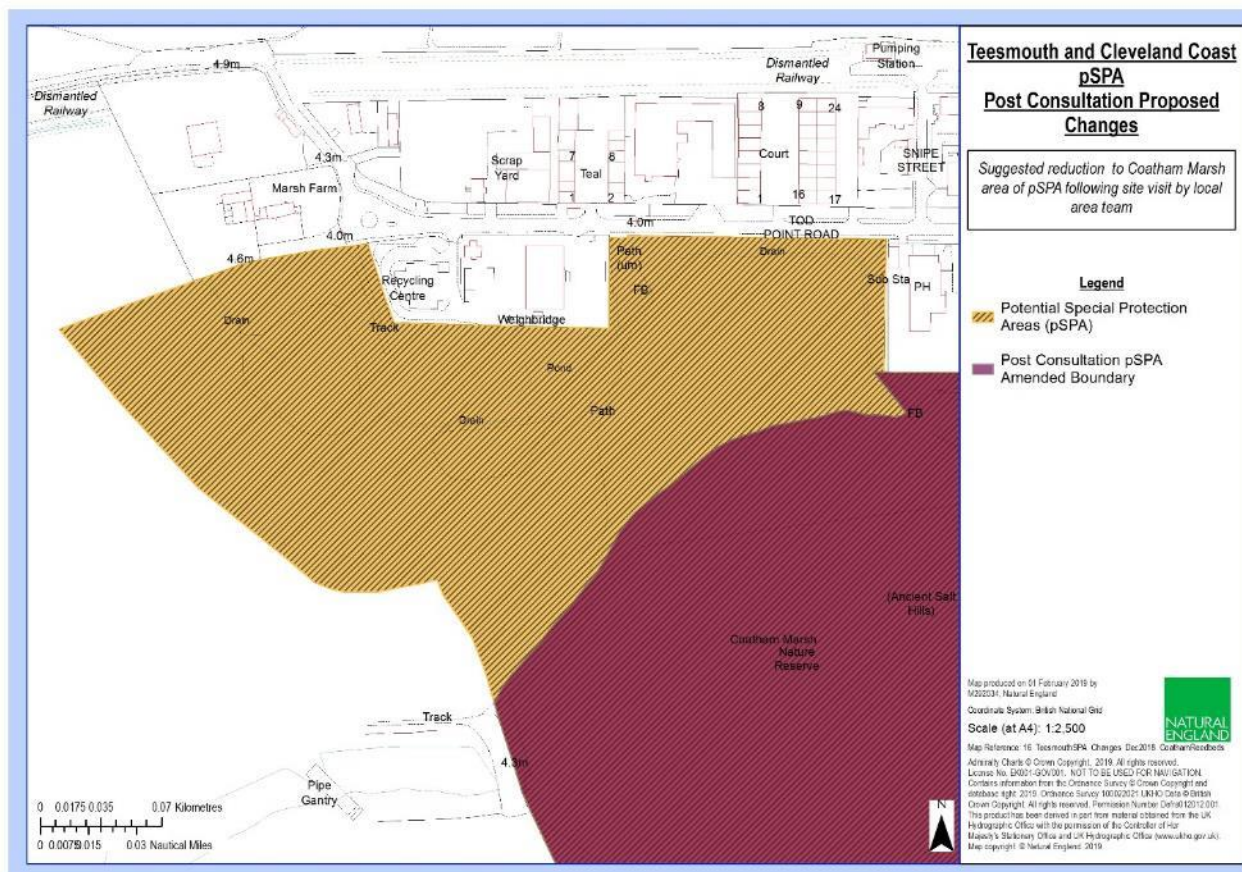


Figure 2.5: Post-consultation recommended boundary amendments for Coatham Marsh

2.4 South-west corner of Bran Sands

During the review of the SSSI boundaries it was identified that the pSPA/Ramsar site boundary had inadvertently extended beyond that of the SSSI. It is proposed that the pSPA/Ramsar site boundary be amended to follow the SSSI boundary in this location, as there is no reason for the land in question to be included in any of the designated sites (see Figures 2.6 and 2.7).



Figure 2.6: Photograph of Bran Sands viewed from South Gare

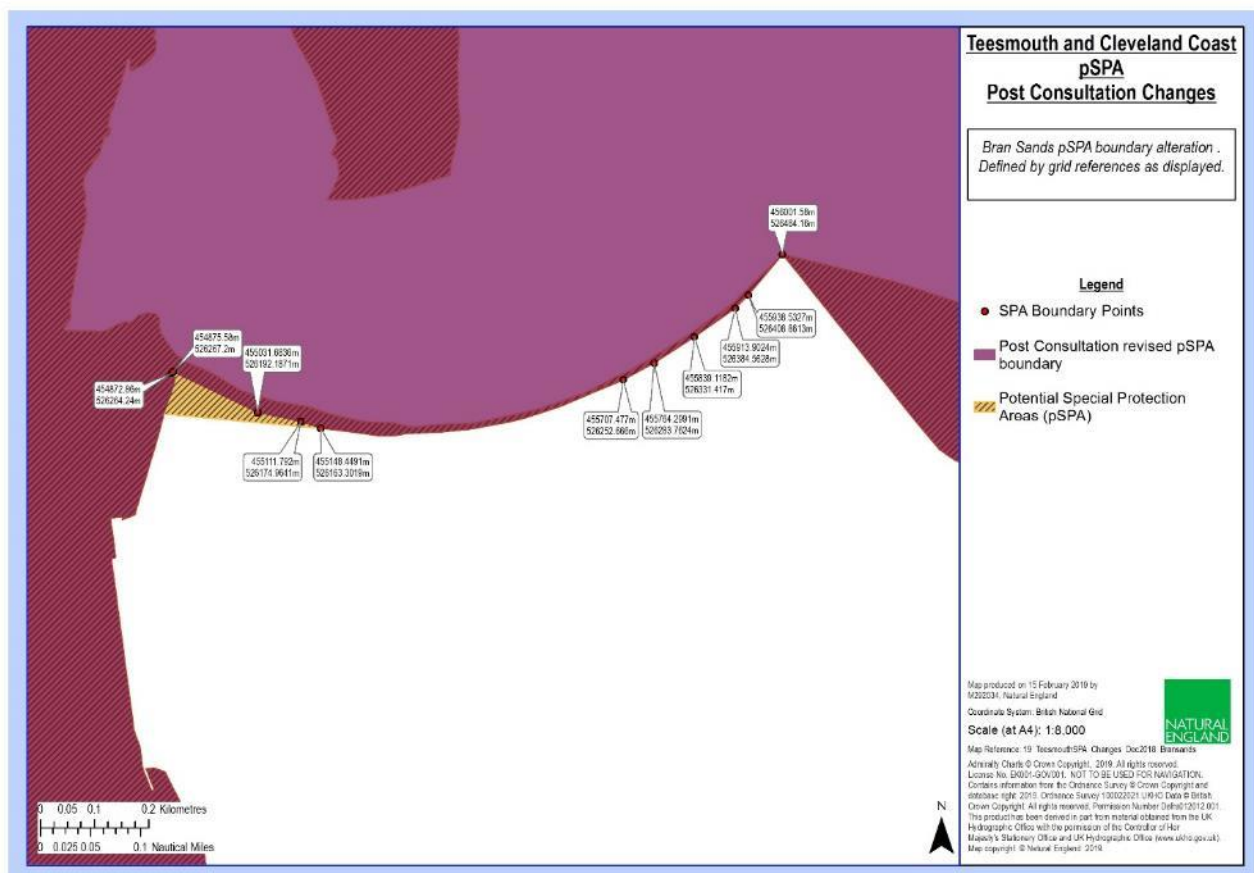


Figure 2.7: Post-consultation recommended pSPA boundary amendments for Bran Sands

3 Minor boundary changes

A number of minor changes to the pSPA/Ramsar boundary were identified as part of a detailed comparison with the Teesmouth & Cleveland Coast SSSI boundary, which used more recent OS Mastermap data layers to set the boundary compared to the pSPA/Ramsar. These Positional Accuracy Improvements (PAI) are proposed to align the pSPA/Ramsar with both the SSSI and mapped features, and are listed below:

- 3.1 **South-east section of Port Clarence Flood:** a minor PAI extension to the pSPA/Ramsar site boundary in this location is proposed to follow a mapped feature and match that of the SSSI.
- 3.2 **Billingham Reach, River Tees:** a minor PAI extension to include the small inset dock on the west bank of the River Tees in the pSPA/Ramsar site, thereby aligning it with the SSSI boundary.
- 3.3 **North-east section of 'Saltholme East':** a minor PAI reduction of the pSPA/Ramsar site boundary so that it aligns with the SSSI and follows a mapped feature - the north bank of a west-east ditch.
- 3.4 **South-west section of Cowpen Marsh:** a minor PAI extension to use west bank of Holme Fleet watercourse as western boundary, thereby following a mapped feature and aligning with the SSSI boundary.
- 3.5 **Southern end of Long Drag Pools:** a minor PAI extension to align with a mapped feature and with the SSSI boundary, the pSPA/Ramsar site not currently following a mapped feature for a short distance.

Annex 4: Additional correspondence received by South Tees Development Corporation (STDC)

The table below outlines further correspondence received by South Tees Development Corporation following the close of formal consultation (dated 17th January 2019). No new concerns have been raised. Detail is documented in Table 3, page 38.

South Tees Development Corporation concerns dated 17 th January 2019	Natural England's response to these concerns was issued 4 th February 2019
<p>1. Suggest that consistency was not applied to a section of the SSSI boundary at South Gare, which is also the SPA/Ramsar site boundary.</p> <p>STDC do not stipulate in further response whether they wish to maintain, amend or withdraw this representation based on the initial response from Natural England dated 21st December 2018</p>	<p>This query was raised in their initial representation and we responded to this concern in our response dated 21st December 2018. In their subsequent response dated 17th January 2019 this point was not highlighted. Natural England therefore requested STDC to confirm whether STDC wish to maintain, amend or withdraw their representation dated 28th November 2018 regarding the inclusion of the South Gare Road within the designated sites.</p>
<p>2. Challenge the inclusion of an area of grassland currently included in SPA and SSSI boundary at Coatham Lagoons and requested for additional evidence for the inclusion of this area.</p> <p>3. Suggest the SSSI boundary at Coatham Lagoon should also be redefined around finer scale spatial distribution of the features.</p> <p>STDC do not stipulate in further response whether they wish to maintain, amend or withdraw these representations based on the initial response from Natural England dated 21st December 2018</p>	<p>This query was raised in their initial representation and we responded to this concern in our response dated 21st December 2018. In their subsequent response dated 17th January 2019 this point was not highlighted. Natural England therefore requested STDC to confirm whether STDC wish to maintain, amend or withdraw their representation dated 28th November 2018 regarding the inclusion of Coatham Lagoons within the designated sites.</p>
<p>4. Bran Sands Reedbed (as documented in Table 3 above)</p>	<p>SSSI only. This was reported in the paper to Natural England's Board.</p>
<p>5. Disputes an area referred to as 'Warrenby Reedbeds' included within SSSI and proposed SPA and requests further demonstration of scientific justification for its inclusion.</p>	<p>Natural England confirmed that Natural England visited the site to confirm whether Warrenby Reedbeds provide suitable habitat for the wintering waterbirds that Wetland Bird Survey Core Count data demonstrate that Coatham Marsh as a whole supports.</p> <p>Natural England considered that whilst the Warrenby Reedbeds may currently support very low numbers of wintering waterbirds such as Water Rail and Moorhen, this likely minimal level of usage indicates that the site is unlikely to regularly support important numbers of the wintering waterbirds on Coatham Marsh at present.</p> <p>Natural England considered that the potential for Warrenby Reedbeds to support wintering waterbirds in the future, should conservation management</p>

	<p>leading to improved hydrological functioning be carried out. Natural England concluded that, even in these circumstances, the Warrenby Reedbeds would be unlikely to regularly support important numbers of the wintering waterbirds supported by Coatham Marsh as a whole. This is due to the following ecological factors: the small size of the wetland area (approximately 1ha); the proximity to the industrial area to the north; and the extensive, steeply sloping non-wetland habitat surrounding the wetland, which is likely to have no value for wintering waterbirds.</p> <p>For the above reasons, Natural England confirmed that the Warrenby Reedbeds should not be considered a 'most suitable territory' for wintering waterbirds. Accordingly, Natural England propose to recommend to Defra's Minister that the pSPA/pRamsar site boundary be amended so that the Warrenby Reedbeds, as well as the large bund that lies between the Warrenby Reedbeds and the main wetland habitats on Coatham Marsh, is excluded from the pSPA/pRamsar site. The proposed alternative boundary, which follows mapped features and retains the rest of the wetland habitats at Coatham Marsh within the pSPA/pRamsar site, was shared with STDC (included in annex 3).</p>
6. Inclusion of wharves and jetties	<p>Natural England confirmed the agreement with STDC at the 10th January 2019 meeting, that STDC would welcome the proposed annotation of the SPA maps to clarify that wharves and jetties are not included within the designated sites, using the same wording as used on the SSSI maps:</p> <p><i>'Except where specifically annotated to the contrary, the site excludes bridges and other raised or suspended structures (such as jetties and gantries); however, the site does include any exposed land or water beneath the aforementioned structures. Other structures (not raised or suspended) are included in the site as mapped.'</i></p> <p>Natural England requested clarification regarding whether this proposal addresses this specific aspect of STDC's objection, or whether you wish to maintain it. Rationale included in Annex 3.</p>
7. Evidence for inclusion of river Tees channel for foraging common tern STDC confirmed that they would like to maintain their objection with regards to the evidence to include the river Tees channel for foraging terns.	<p>Natural England notes that STDC maintains its objection to the boundary in this location. Regarding the common tern modelling and verification surveys that evidence the boundary of the pSPA and SSSI in the river Tees channel, Natural England provided STDC with an email signposting them to sections of the pSPA/Ramsar site departmental brief and the underpinning reports on</p>

	24 th January 2019, and offering a webinar presentation of how the boundary was produced.
8. Lackenby Channel	<p>Natural England confirmed, as set out in Natural England letter dated 21st December, that Natural England will recommend that the boundary be amended to exclude Lackenby Channel within STDC's landholdings. Natural England recommend an amendment to the boundary to exclude Lackenby Channel within STDC's landholdings when considering whether to classify the extensions to the SPA.</p> <p>Natural England requested if STDC could confirm whether this addresses their objection regarding this particular point.</p>
Socio economic	<p>As noted in the letter of 21st December 2018, the IA presented alongside the pSPA/Ramsar site proposals can only consider any developments that are in the planning domain and will be developed within the next 10 years. Therefore, a general description of the STDC site was only included as no development is advanced enough to be included.</p> <p>Nevertheless, Natural England confirmed STDC's concerns regarding the potential for the extended boundary of the designations to deter investors and developers from the area, irrespective of local initiatives to facilitate sustainable development alongside environmental enhancement (such as the Tees Estuary Partnership). Natural England informed STDC that Natural England will update the Impact Assessment to make it more explicit that there could be potential financial impacts associated with this issue, although as there is no way this can be estimated with any accuracy, the IA will not contain specific monetised costs regarding this.</p>
Management and Impact concerns	<p>Natural England noted the comment from STDC (in the context of 'Bran Sands Reedbeds' and elsewhere) that <i>'it is essential for Natural England to acknowledge that ecological systems, habitat value and their contribution to supporting the qualifying and special features of the SPA and SSSI varies throughout the current designations and proposed boundary extensions.'</i> As noted at the meeting on 10th January 2019, Natural England is updating the sensitivity mapping contained within the Memorandum of Understanding (MoU) and will provide this to STDC in due course. This map will clarify the varying sensitivities within the estuary and river Tees channel for ongoing operations and emerging development proposals, including from land-based activities adjacent to the river. However, Natural England informed STDC</p>

that the MoU focusses on the marine elements of the designation, and it is not proposed to extend it into terrestrial areas such as the Bran Sands Reedbed, given the large number of terrestrial areas of different habitat types across the site as a whole. Natural England suggest that the long-term SSSI consent discussed previously and/or the Environment and Biodiversity Strategy would be appropriate locations to provide this information, and that Natural England commit to providing appropriate input to achieve this.

With respect to future developments, at the meeting on 10th January 2019 Natural England provided a draft 'letter of comfort' confirming that the designations do not, as STDC states in their letter as regards 'Warrenby Reedbeds', *'necessarily represent an impediment to development which is appropriately located and designed'*.

Natural England noted the comment in section 4.3. of their letter that their concerns regarding implications for existing and future developments *'can only be resolved through the establishment of a management framework to guide both ongoing operations and emerging development proposals...'*

The Tees Estuary Partnership MoU already provides a framework to assist port-related developers regarding regularly occurring activities such as routine maintenance, and was developed in partnership with a wide range of local stakeholders, including operators and regulators. As such, Natural England considers that the MoU provides the best mechanism for setting out the potential implications for operational activities.

Regarding emerging development proposals in the STDC area, Natural England again considers that the Environment and Biodiversity Strategy provides the most appropriate mechanism to deliver such guidance. As noted in our draft 'letter of comfort', the Strategy could include a section that sets out the likely environmental issues and potential solutions for developers to consider.

Natural England acknowledged STDC's confirmation for Natural England and STDC to work together to produce a long-term management consent (i.e. a SSSI consent) for regular and routine activities. Natural England is willing to progress this with STDC once the relevant areas of land, in particular the South Gare and Coatham Dunes area have been acquired.

Annex 5: Additional late correspondence from South Tees Development Corporation (STDC)

Natural England wrote to STDC on 15 March 2019 to address the unresolved grounds for objection set out by STDC in its letter received on 12 March (the day documents were finalised).

STDC letter (12 March 2019)	Subsequent Natural England response (15 March 2019)
1. STDC questioned the evidence base for sand-dune habitats at South Gare and Coatham.	1. This issue relates to the SSSI only and was reported to the Natural England Board on 20 th March 2019.
2. STDC questioned the justification for including the west-east and north-south sections of South Gare Road within pSPA and pRamsar boundaries.	<p>2. Natural England clarified that the north-south stretch of South Gare Road is already designated within the existing SPA and Ramsar sites and that this consultation exercise solely relates to the new areas being proposed as an extension to these sites along with the new features being proposed for classification, rather than land or features that have already been classified or designated.</p> <p>Sand-dune habitats are directly adjacent to parts of the road and coastal processes (e.g. wind-blown sand) operate from one side of the road to the other. Excluding the road here would produce an overly complicated boundary and artificially bisect what is a single ecological unit. The surface of the road itself has been included within the boundary for practical reasons. The use of the 'inner edge' of a road as a boundary (thereby excluding the road) is only applied by Natural England where the boundary is <u>following</u> the line of a road.</p> <p>The west-east section of South Gare Road is the proposed pSPA and pRamsar site boundary, thereby excluding the road from the sites along this stretch. In addition, Natural England restated that Natural England does not draw boundaries tightly around complex features such as wetlands, not least because activities adjacent to wintering waterbird habitat are likely to have implications for those waterbirds.</p>

	<p>The lagoons themselves are less than 10 metres from the northern edge of the road in places. In addition, the edge of the road is an easily identifiable boundary both on the ground and on maps. For these reasons, Natural England continues to advise the northern edge of the road represents the most suitable boundary for the pSPA/pRamsar site in order to protect the features of interest.</p>
3. STDC questioned the evidence base for Bran Sands 'Reedbed' (SSSI only)	3. This issue relates to the SSSI only and was reported to the Natural England Board on 20 th March 2019.
4. Objected to the inclusion of the South Bank of the River Tees and challenged the evidence base for its inclusion in the pSPA	4. Natural England noted that this is considered an outstanding objection but that no additional comments on the evidence have been presented. Natural England also noted that all evidence used to produce the common tern foraging boundary remains available and that STDC has not accepted the offer for a webinar with Natural England's senior ornithologist to review and explain the evidence used to inform the designation.
5. Confirmed that the following objections may be considered resolved: Warrenby Reedbeds, the inclusion of wharves and jetties and the inclusion of Lackenby Channel.	5. Natural England welcomes STDC's clarification on the status of these resolved objections.
6. Highlighted STDC's non-representation on the Tees Estuary Partnership (TEP) and suggested that STDC could be treated less favourably as a result.	<p>6. Natural England notes that STDC has been invited to join TEP in writing and at face-to-face meetings. INCA, who chair TEP, have also tried to engage with STDC. Natural England would recommend that STDC contacts INCA to request representation on the TEP.</p> <p>All stakeholders are treated equally irrespective of being represented on the TEP. Natural England notes that this engagement would be welcomed by all parties.</p> <p>In addition, The MoU was produced to give current operators</p>

	<p>assurance and confidence that existing operations can continue as it gives up-front advice to regulators on current activities to inform the review of consents process. Operations within STDC land ownership can only be included in the MoU when the site is operational. Natural England has offered the inclusion of any operational activities in the future within the STDC site when these occur.</p> <p>Natural England is committed to working with STDC to agree a 'letter of comfort' and long-term management plan. Natural England will also work with STDC to inform the Environment and Biodiversity Strategy, as agreed.</p> <p>CONCLUSION: STDC maintain their objection to South Gare Road and the South Bank of the Tees River. However, Natural England believes that STDC has not provided scientific evidence in support of its objections and note that STDC has not taken up Natural England's offers for further engagement to explain the scientific rationale.</p>
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Annex 6: Additional late correspondence from ARUP, on behalf of Tees Valley Combined Authority (TVCA) and Stockton-On-Tees Borough Council (SBC)

ARUP response (14 March 2019)	Subsequent Natural England response (18 March 2019 and 4 th April 2019)
1. Thanks Natural England for clarifying the protected interest features and reasons for designation of Portrack Marsh within the pRamsar and pSPA.	1. Natural England understands that ARUP are not objecting to inclusion of pSPA or pRamsar features at Portrack Marsh, but that their objection relates to the northern boundary. On 19 March 2019, ARUP confirmed in writing that they do not object to the interest features for the pSPA or pRamsar.
2. ARUP propose a new boundary for the northern section of Portrack Marsh, based on a combination of swales and other paths, which they believe would be much more logical and effective by excluding 1.5 ha of habitat from pSPA and pRamsar which they consider not to support qualifying species. In addition, excluding this area at the north of Portrack Marsh would aid the development of the Portrack Relief Road scheme by reducing future conflict between development and environmental protection.	<p>2. On 19 March 2019, ARUP confirmed that they acknowledge the ecological importance of designating a SSSI boundary that encompasses the SSSI breeding bird assemblage within Portrack Marsh, and acknowledge the difficulty of establishing boundaries using physical features which do not appear on a map. However, they maintain their objection to the boundary in the northern section of Portrack Marsh, including on the basis that the pSPA/pRamsar features (as opposed to SSSI features) are not likely to use the area between the wetlands themselves and the proposed boundary.</p> <p>A letter was issued to ARUP on the 4th April 2019 confirming that on 20 March 2019 Natural England's Board confirmed the SSSI without the modification proposed by ARUP, and that the Board also agreed that the Teesmouth and Cleveland Coast pSPA and pRamsar will be submitted to the Minister for consideration without this modification. As documented, the Board accepted that, as set out in our letter to ARUP dated 21st December 2018, in order to provide sufficient clarity to owner-occupiers, regulators and the general public regarding designated sites, designated site boundaries on land should be drawn to features that are identifiable both with reference to a map and then on the ground, which was not the case with the boundaries proposed by ARUP. If this is not achieved, this creates significant uncertainty. In other words, the boundary reflects land necessary to support the</p>

	<p>interest features and the practical necessities of site management, in addition to the extent of land directly occupied by particular habitats, species and geological features at any given time. In this context, and whilst acknowledging that the area between the northern boundary and the wetlands on Portrack Marsh is not likely to have significant value for pSPA and pRamsar site features, the Board agreed that the path, being both mapped and clearly identifiable on the ground, represented the appropriate boundary for the pSPA and pRamsar as well as the SSSI.</p>
<p>3. ARUP understands that Natural England will recommend that the Old River Tees and Billingham Beck are removed from the pSPA boundary. ARUP would welcome this and requests confirmation that this is the case.</p>	<p>3. Confirmed that Natural England are recommending the removal of the Old River Tees and Billingham Beck from the pSPA. On 19 March 2019, ARUP confirmed that they consider this objection to be resolved, pending the confirmation of boundary amendments.</p>
<p>4. Confirms that they maintain representations made during the consultation period and looks forward to ongoing engagement.</p>	<p>CONCLUSION: ARUP maintain their objection to the northern boundary of Portrack Marsh but all other objections may be considered resolved.</p>