

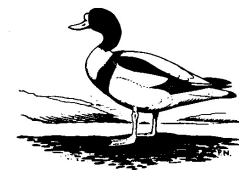
TEES VALLEY JOINT MINERALS AND WASTE DEVELOPMENT PLAN

COMMENTS BY THE TEESMOUTH BIRD CLUB ON THE POLICIES AND SITES DOCUMENTS



COWPEN MARSH AND COWPEN BEWLEY LANDFILL SITE

Ted Parker



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RPT019/TBC/E.C. PARKER

1.0 INTRODUCTION

1.1 Teesmouth Bird Club

- 1.1.1 The Teesmouth Bird Club (TBC) was founded in 1960 and is one of the longest-standing nature conservation bodies in the Tees Valley. We produce the annual '*Cleveland Bird Report*' and are responsible reviewing all bird records within our recording area (defined by the boundary of the former County of Cleveland, now the 4 unitary authorities of Hartlepool, Stockton-on-Tees, Middlesbrough and Redcar and Cleveland). Our membership stands at over 350 and many of our members undertake the monthly Wetland Bird Survey (WeBS) counts for the Wildfowl and Wetlands Trust, as well as national and local census work. We have a very detailed knowledge of the habitats and birds of Cleveland and have recently completed an 8-year-long breeding birds survey, the first time this has ever been undertaken for our area. Our book, '*The Breeding Birds of Cleveland*', is to be published in late 2008.
- 1.1.2 TBC is represented on a number of important regional and local bodies, including the Tees Valley Biodiversity Steering Group, the Local Strategic Partnership and RSPB Saltholme Liaison Group. The Club is also a member of the Industry and Nature Conservation Association (INCA).

1.2 Teesmouth Bird Club's Appraisal Process

- 1.2.1 This report outlines the TBC's response to the Tees Valley Joint Minerals and Waste Development Plan documents (Core Strategy - Preferred Options Report (February 2008) and Policies and Sites (February 2008)), which have been reviewed by the TBC's Conservation Sub-Committee. The comments contained herein are the official views of the Club.
- 1.2.2 We respectfully point out that, prior to the issue of these documents, we have not been consulted as part of the stakeholder workshops held in December 2006 or at any other time, despite the fact that our members are major recreational users of the sites adjacent to some of the proposed developments. We also have a considerable knowledge of the birds of the Tees Estuary and have broadly monitored the impact of the three existing tips on the birds of this internationally important area.
- 1.2.3 Our comments fall into two categories, viz:
- general comments and background information, which we consider to be of relevance to the DPDs, and,
 - specific comments on various aspects of the DPDs, as requested on the feedback form, and these are contained in Table 1.

2.0 GENERAL COMMENTS

2.1 Existing Environment

- 2.1.1 Any proposed development in the Tees Estuary must be viewed against the loss of habitats in the area in the past and the impact this has had on its bird life. During prehistoric times the inter-tidal area of the Tees Estuary covered a massive 10,000 hectares but, by 1850, this area was reduced to 2,400 hectares due to the construction of embankments to create marshlands for summer grazing. Despite industrialisation during the 19th century, in the 1950's large tracts of mudflat and marshland still remained untouched and Teesmouth was still a relatively wild place.

- 2.1.2 During the late 1960's and 1970's, the industrialisation of the Tees Estuary gathered new momentum and there was ultimately a near-continuous expanse of steelworks between Middlesbrough and Redcar. Other major developments included a new oil wharf at Teesport, the Phillips oil and Shell petroleum refineries on the north and south sides of the estuary respectively and work on the Hartlepool Nuclear Power Station started in 1967. A large area of the western part of Cowpen Marsh was lost beneath ICI's gypsum tip and a major rubbish dump at Redcar irreparably damaged excellent habitat at Coatham Marsh. British Titan Products built its Greatham Works on a sizeable section of pristine marshland at Greenabella Marsh, thereby reducing the available feeding areas still further for wetland birds. By far the worst impact, however, was the reclamation of huge areas inter-tidal mudflats at Seal Sands, particularly during 1968-73, using material dredged from the River Tees navigable channel. The end result was extremely depressing – out of an original total of over 10,000 ha of inter-tidal habitat, only 200 hectares remained (140ha at Seal Sands and 60ha at Bran Sands). On the south side of the Tees, the mudflats have virtually gone.
- 2.1.3 Over the past decade, further developments have impacted severely on the birds of the Tees Estuary. Three huge landfill sites at Hargreave's Quarry (Port Clarence), Seaton Meadows and Cowpen Bewley now cover formerly prime habitat, including relict marshland, wetland and species-rich, base-rich grasslands. Work has recently begun to infill the Reclamation Pond, one of the most important sites in the Tees Estuary, with nationally important numbers of certain species and, whilst two compensatory sites are being created (one at Port Clarence Pools (now nearly complete) and one at Cowpen Bewley Landfill), these will not atone for the loss of a single, large water body. Other planned developments include energy and biofuels plants by Thor Cogeneration and Vireol plc respectively adjacent to Dormans Pool (a SSSI), an energy plant and LPG terminal by ConocoPhillips on reclaimed Seal Sands, a new deepwater container facility at Teesport (which may ultimately include the loss of Bran Sands Lagoon, the main breeding area for Shelduck in the Tees area) and a disposal area for ships at Seaton Channel by Able UK, which will require more dredging of a prime area (Seaton Channel) adjacent to Seal Sands.
- 2.1.4 In view of the continuing contraction of wildlife habitats around the Tees, it is perhaps understandable why local Clubs and societies such as ours, and local people in general, are protective about what little remains.

2.2 Existing Waste Tips

- 2.2.1 From the TBC's perspective, the three existing waste disposal sites have severely compromised the ecological and visual character of the Tees Estuary. There have been major problems during their operation. For example, in early 2008, the Environment Agency received a number of calls concerning the Seaton Meadows landfill site, which caused severe pollution of the adjacent Teesmouth and Cleveland Coast SPA and Ramsar site, Seaton Dunes and Common SSSI and National Nature Reserve. Large quantities of wind-blown rubbish, including plastic bags, contaminated a huge area, collecting in hedgerows, fence lines, vegetation, pools and ditches at the start of the breeding season. Manual collection of the rubbish only partly resolved the situation and much unsightly litter remains. At the time of writing this report, the problem is still ongoing. Similarly, the Cowpen Bewley landfill has occasionally polluted the adjacent Cowpen Marsh with airborne litter. The end result is that large tracts of residual, scheduled habitat are now visually and physically contaminated and it only remains to be seen what impact this will have on both birds (which are known to ingest plastic) and cattle, which graze the wet grasslands and are so vital to sustaining their long-term ecology.
- 2.2.2 In 2001, Hargreave's Landfill was used for the disposal of animal carcasses during the Foot and Mouth outbreak. During the summer months, the smell and dust from this particular tip are often very unpleasant. Exploding drums have also been seen here by some of our members.

- 2.2.3 The waste tips have been built up to a considerable height and have heavily engineered profiles. They are consequently visually obtrusive and out of place in an otherwise flat, estuarine landscape. They also impair the attractive views out towards the Cleveland Hills and have altered the character of the Tees Estuary forever.
- 2.2.4 Waste tips not only attract huge numbers of gulls but also *Corvid* species, such as Carrion Crows and Jackdaws. During the early breeding season, these often take the eggs and young of many ground-nesting birds, such as Lapwing and Redshank, thus increasing predation and reducing breeding success. This could impact on RSPB Saltholme, where water management is actively encouraging higher breeding densities of ground nesting species. Any increase in waste disposal around the Tees Estuary will almost certainly result in an increase in predation by *Corvids*.

2.3 RSPB Saltholme

- 2.3.1 The RSPB and Teesside Environmental Trust are currently building a new, £7 million, state-of-the-art bird reserve at Saltholme, which is due to open in the summer, 2008. This will have one of the most modern visitor centres of any reserve in the UK, at a cost of £2.4 million. RSPB Saltholme is expected to attract 100,000 visitors a year from all parts of the UK and beyond, and bring £1.4 million to the local economy. Unfortunately, the new reserve will have 3 working waste tips within a kilometre (more if the DPDs are implemented) and one can only imagine visitors' perceptions of an area that is strewn with litter and rubbish as it is at present. Visiting birders already remark on this to our members and question how we live in an area like this.

2.4 General Comments on the DPDs

- 2.4.1 Having made these points, however, we consider the two documents to be well written and researched, within the constraints of the data available. We all produce rubbish and TBC understands that it has to be disposed of in some way. In our response, however, we do not consider it appropriate to become embroiled in the pros and cons of the various forms of disposal. Our comments are focused solely on the recommendations of the Core Strategy as they affect the habitats of the Tees Estuary and their birds.

2.5 Specific Comments on the DPDs

- 2.5.1 As requested, our specific comments are aligned to the response sheet prepared by Entec UK Limited and these are contained in Table 1 below.
- 2.5.2 The term 'brownfield' does not necessarily mean 'ecologically poor' and, therefore, ripe for re-development. Indeed, some of the best sites around the Tees Estuary are brownfield in origin, eg the Reclamation Pond and its surrounding plateau (shortly to be infilled), Hargreave's Quarry and the Power Station Field on the seaward side of the Hartlepool Nuclear Power Station, which holds Brent Geese, Twite and large numbers of Dunlin, Ringed Plover and Wheatear during spring passage.
- 2.5.3 We consider thorough and objective EIAs of any further development as the way forward, coupled with rigorous conditions at approval stage that are monitored and enforced, and high quality, professional site management, particularly to prevent wind-borne litter.

2.6 Future Consultation

- 2.6.1 We have a major interest in the Tees Estuary and would welcome further consultation as the DPDs are developed. Our contact details are: **Ted Parker (Chairman – Teesmouth Bird Club), 9 Morton Carr Lane, Nunthorpe, Middlesbrough, TS7 0JU. Tel: 01642 275369 Email: ecparker@supanet.com**

**TABLE 1
TBC'S SPECIFIC COMMENTS ON THE DPDs**

CORE STRATEGY/POLICIES AND SITES	POLICY OR SECTION	COMMENTS
CORE STRATEGY –PREFERRED OPTIONS REPORT		
Statement of Community Involvement	1.4.2	TBC was not consulted on this document, nor were we part of the Stakeholder Workshop of December 2006.
Core Strategy	2.2.7	HRAs only cover sites in the upper echelons of ecological grading. In Appropriate Assessments, environmental impacts on sites other than those with European Natura 2000 designations are not considered and, therefore, do not reflect the true situation.
Core Strategy	2.2.8	<p>The Joint Tees Valley Core Strategy aims to <i>"manage wastes so as to minimise adverse environmental effects"</i>.</p> <p>Sadly, around the Tees Estuary, this has not always been the case, with serious spills of naphtha on Greenabella Marsh (with devastating impacts); tip fires and explosions and, more recently, vast quantities of airborne rubbish from Seaton Meadows Landfill, polluting the Teesmouth and Cleveland Coast SPA/Ramsar site. Proper management of waste sites is critical.</p>
Core Strategy	2.3.5	It is very unfortunate that all of the three municipal waste tips are within about 1km of each other at the Tees Estuary and all have utilised formerly important bird habitats, including Hargreave's Quarry, Cowpen Marsh and Seaton Meadows. These 'bad neighbours' will affect visitors' perceptions when visiting RSPB Saltholme and may reduce the number of repeat visits.
Core Strategy	4.1.1/4.1.2: Policy MWC1	<p>Based on TBC's experience of development proposals around the Tees Estuary, some EIAs are not objective in their research and their conclusions merely support what the developer wants by understating the adverse environmental impacts. Mitigation and enhancement measures are often totally inadequate or inappropriate in relation to the scale or nature of the development. EIAs, particularly for waste developments, must be far more rigorous, objective and, above all, not afraid to state that a development is environmentally inappropriate for an area, particularly where it impacts on the SPA, Ramsar site, SSSIs and National Nature Reserve, though it is unlikely that this will ever happen.</p> <p>Factors we consider should be considered include educational uses, quality of landscape, existing land-use of the site and the surrounding area (including informal recreation) and biodiversity. There are opportunities for these elements during site operations and after decommissioning (eg Little Ringed Plover habitat creation).</p>
Core Strategy (Other Minerals)	5.5.1	TBC would be totally opposed to the storage of hazardous liquids in the brine caverns , as proposed in 2004 by Coastal Caverns (UK) Limited for Brinefield No 5, which lies beneath Greenabella Marsh (part of the SPA and a SSSI). Fortunately, this development met with huge local opposition and did not come to fruition.

CORE STRATEGY/POLICIES AND SITES	POLICY OR SECTION	COMMENTS
Safeguarding Minerals from Sterilisation	5.6: Policy MWC5	The policy states that areas around designated or existing sites should not be allocated for housing. In this case, the opportunities for wildlife gain in "sterilised" areas should be considered and the owners encouraged to take appropriate action, eg. a financial contribution to undertake environmental works as a compensation for land sterilisation.
Core Strategy	6.3.3, Policy MWC9	Preferred Option: These sites are clustered around the Tees Estuary; people's perceptions of this formerly ecologically unique area will now be that it is merely a 'dumping ground'. This stigma has frequently been applied to Teesside (eg the 'Ghost Ships'). <i>"Previously developed land"</i> has evolved over the years into important wildlife habitats, such as Hargreave's Quarry. We support the use of appropriate brownfield sites for waste disposal but only after rigorous EIAs and full consultation with leading statutory and non-statutory environmental groups, such as TBC. More assessment of the cumulative impacts is required.
POLICIES AND SITES – PREFERRED OPTIONS REPORT		
Assessing Proposed Minerals and Waste Development	2.1.2: Policy MWP1	We fully endorse these criteria and reiterate our comments concerning the need for rigorous, objective EIAs, with full and early consultation with key stakeholders.
Development Control Policies	2.1.4	Powers exist under Development Control procedures but are often under-used against large developers. Planning Conditions imposed on potentially harmful developments do not, at times, seem to be rigorously monitored or enforced due to staffing or other reasons. This must be tightened up.
Landscape and Visual Impact	2.1.5: Policy MWP2	The Policy recommends that <i>"waste developments will only be permitted where.....they are in keeping with the landscape or townscape character of their location"</i> . The scale and height of the existing Seaton Meadows, Cowpen Bewley and Hargreave's Quarry (Port Clarence) Landfills have clearly not been subject to these criteria. The flat landscape of the Tees Estuary, with its views out to the Cleveland Hills and Pennines, has been severely compromised by large, high tips with heavily engineered, steep profiles. We have not been consulted on the restoration schemes for any of these sites, where we may have brought added value. Post-operational work should include the 'wilding' of the sites, which are all too often smoothed over, seeded and left as grass mounds. Woodland and scrub planting, wildflower meadows and water features should be considered.
Biodiversity and Geodiversity	Policy MWP3	We fully endorse that mitigation and enhancement proposals should be appropriate and deliverable (please see our comments under Policy MWC1).

CORE STRATEGY/POLICIES AND SITES	POLICY OR SECTION	COMMENTS
Operational Practices	2.1.10	<p>Entec's report states that: <i>"The operational practices undertaken on minerals and waste sites have the potential to lead to adverse effects on local communities from issues such as dust, noise, vibration, odour, vermin and litter if the operations connected with a site are not managed in an appropriate way. However, the modern management of minerals and waste sites can effectively remove the risk of the effects occurring in the majority of instances through the use of good practice working techniques"</i>.</p> <p>Witness the huge amounts of wind-blown rubbish currently around the Tees Estuary from the three existing waste tips, with that at Seaton Meadows being particularly bad. Large tracts of Cowpen Marsh, Seaton Dunes and Common, and adjacent areas have been repeatedly affected. There must be more rigorous conditions imposed on those operators who fail to meet basic control of lightweight rubbish and stiffer penalties, including temporary closure, until appropriate measures are in place. The rubbish is both polluting and visually unsightly and detracts immeasurably from visitors' perceptions of the Tees Estuary and our region in general.</p>
Operational Practices	Policy MWP4	<p>This states that: <i>"Proposals for minerals and waste developments will not be permitted where the proposed operations would lead to an unacceptable effect on the amenity of surrounding land uses, from effects which include dust, noise, vibration, odour, vermin and litter"</i>.</p> <p>The three existing tips have caused significant problems during their operation with HGVs, dust, noise (all three tips have loud bird scarers, which also frighten birds on adjacent scheduled sites), smell (particularly during the summer) and severe litter pollution. This policy was clearly not applied in these cases during the Planning process. The litter problem has repeatedly been reported to the Environment Agency but it still persists at Seaton Meadows and Cowpen Bewley.</p>
Reclamation of Minerals and Landfill Sites	2.1.4: Policy MWP6	<p>We endorse the reclamation of waste sites following the operational stage, provided that these are appropriate visually and environmentally to the areas in which they are located. Where waste sites have destroyed existing ecologically important areas, their reclamation should be rigorously enforced by the relevant authorities, as at Cowpen Bewley Landfill, where six new lagoons are being created by the operator as part of a new wildlife area. We are not aware of similar proposals for Seaton Meadows or Hargreave's Quarry.</p>
Allocating Sites	3.3.4: The Prairie Site	<p>In November 2007, TBC provided Entec UK Limited with breeding bird and other data in connection with the Eston Grange Power Station, which included the Prairie site Report ref RPT027/ECP). This highlighted that, typical of mature brownfield sites, a number of UK Local BAP and Red List species occur either within the site, or adjacent to it. These include Grey Partridge, Barn Owl, Lesser Black-backed and Herring Gulls, Skylark, Barn Owl, Song Thrush, Starling, House Sparrow, Linnet and Reed Bunting. We have no objections in principle to this site being used, provided it is subject to a detailed ecological survey and rigorous EIA.</p>

CORE STRATEGY/POLICIES AND SITES	POLICY OR SECTION	COMMENTS
Allocating Sites	3.3.9: Port Clarence (Augean Waste)	<p>We do not support the use of the Port Clarence site for further expanded waste disposal.</p> <p>It was known locally by birders as 'Hargreave's Quarry' but is now referred to as 'Hargreave's Tip'. It was formerly a mature, brownfield site of significant ecological value, comprising species-rich grasslands, pools, willow and hawthorn scrub, quarries and areas of reedswamp. The River Tees is nearby and internationally and nationally designated sites (eg Dormans Pool, Saltholme Marsh and Seal Sands). It has held some of the Cleveland's rarest birds, including Golden Oriole, Lesser Grey Shrike, Red-footed Falcon, Nightjar and Penduline Tit. It is still a regular wintering site for Long-eared Owl and Little Owls used to breed in the quarry.</p> <p>The southern part remains intact and the proposed expansion of waste disposal will destroy this and make the area a huge waste disposal site, overlooking the new RSPB Saltholme Reserve, the newly created Port Clarence Pools and the rapidly developing Middlehaven area of Middlesbrough.</p> <p>Entec conclude that this site has the potential to impact on the adjacent designated sites and we endorse their view that a rigorous EIA must be carried out before any further development is considered. Teesside would undoubtedly suffer from yet more hazardous waste on its roads and it is doubtful whether developments such as this would be allowed on the outskirts of Eton, Oxford or Cambridge!</p>
Allocating Sites	3.3.13/3.3.22: Haverton Hill	TBC supports proposals for the composting of solid green waste and other waste management on this site, as it will not involve additional land-take and is consistent with existing operations. Our endorsement is subject to a rigorous EIA to assess the impacts on nearby designated sites, including air pollution.
Allocating Sites	3.3.15: Bowesfield, Stockton	TBC supports proposals for a waste recycling centre on this site but draw attention to the nearby Bowesfield Marsh Reserve to the southeast. The impacts of this development on the reserve should be rigorously assessed.
Allocating Sites	3.3.19: Graythorp Industrial Estate (Youngs Recycling Group)	TBC supports the use of redundant buildings at Graythorp for waste recycling but endorse Entec's comment that its impact on adjacent designated sites would need to be fully assessed.
Allocating Sites	3.2.9: Port Clarence	Please see comments under 3.3.9. We are very concerned about the use of the site for the disposal of hazardous waste and do not support this in view of its juxtaposition to important designated sites and the Middlehaven development.
Allocation Sites	3.2.9: Former Anhydrite Mines, Billingham	TBC does not support the use of the former anhydrite mines for the treatment/disposal of hazardous waste. We believe that this would also meet with enormous political and local opposition.
Allocating Sites.	3.3.24: Carlin Howe Farm (SITA)	TBC has no objections to the use of 1 ha of land for waste recycling, though we point out that a Schedule 1 species, Barn Owl, breeds nearby and often hunts over the waste ground near the old farm and tip.

CORE STRATEGY/POLICIES AND SITES	POLICY OR SECTION	COMMENTS
Monitoring and Implementation	4.1.2	TBC supports the measures outlined in the table.

TEES ESUARY SHOWING SOME OF THE WASTE DISPOSAL SITES AND DESIGNATED SITES



PHOTOGRAPH COURTESY OF PD TEESPORT