Cyfoeth Naturiol Cymru
Natural Resources Wales

Form

Record of a Habitats Regulations Assessment of a project

OGN 200 Form 1

Document owner: Protected Sites Team, EPP

Version History:

Document Version	Date Published	Summary of Changes
1.0	March 2016	Document created
1.1	30 November 2017	References to the 2010 Habitats Regulations updated to reflect new consolidated version of the regulations which entered into force on 30th November 2017; References to KSP and National Services Directorates updated to EPP
1.2	28 June 2018	With marked up changes in light of ruling in CJEU case c-323/17 'People over Wind'.
1.3	27 June 2019	With marked up changes in light of ruling in CJEU case c-323/17 'People over Wind'. See Guidance here

Next review date: April 2019

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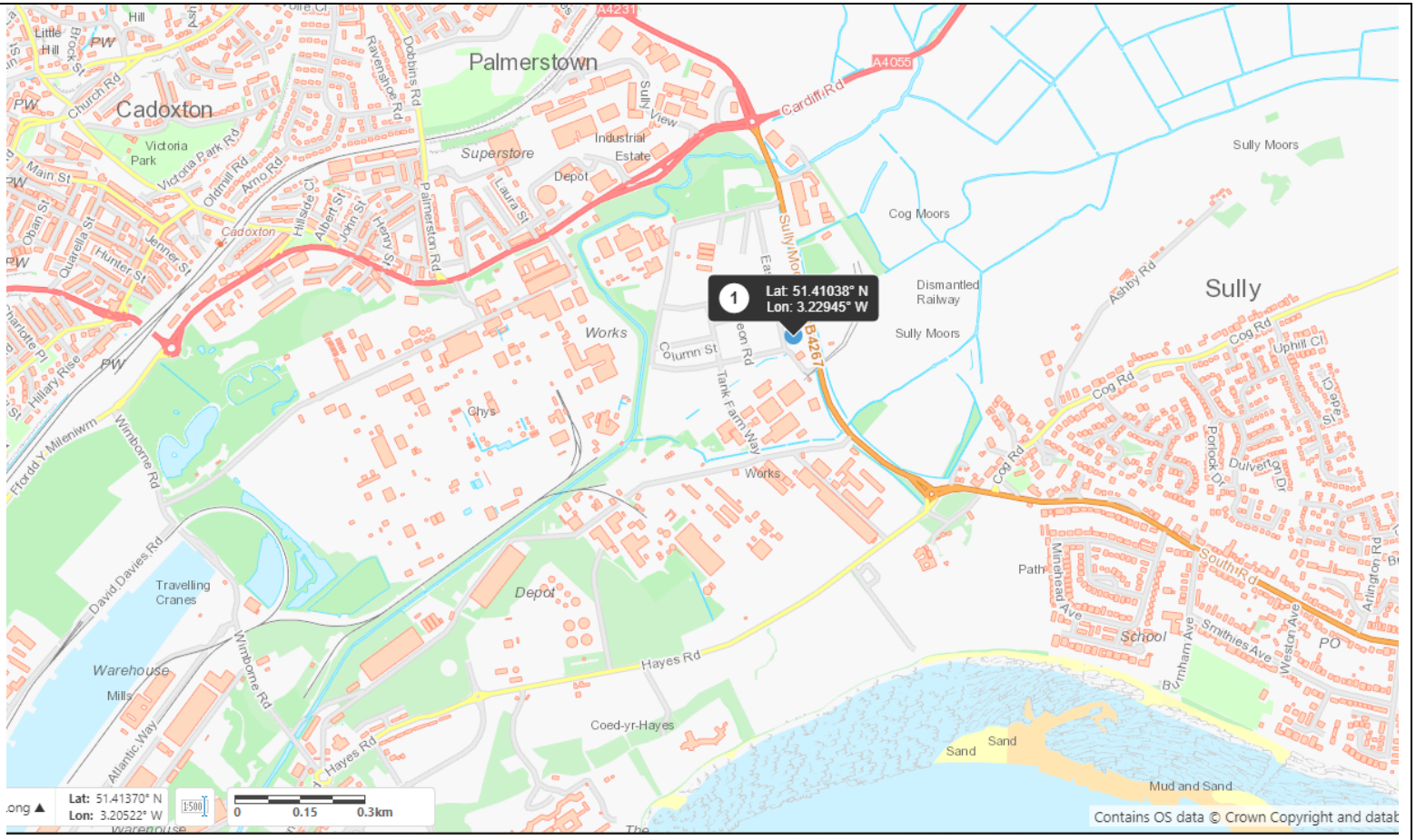
1. Project Details

1(a): Project details where an external party has applied to NRW for any form of authorisation	
Application reference number (if applicable)	PAN-003574/V002
Date application received	29/11/2022
Applicant details	PeakGen Power 6 Limited
Activity proposed	This proposal is a variation to an existing EPR permit (Schedule 25B Specified Generator). The operator has requested the permitted hours be increased from 500 hours per year to 750 hours per year. There is no change to the number of combustion units at the site. Detailed air dispersion modelling has been completed to support the permit application and the results of which will be discussed in this HRA. The EPR permit regulates 10x 4.79 MWth input low sulphur diesel fuelled compression ignition engines fitted with selective catalytic reduction (SCR) abatement. The principle emissions to air are: oxides of nitrogen (NO and NO_2) and small amounts of ammonia due to ammonia slip from the SCR abatement. The emissions of particulate matter and sulphur dioxide are considered negligible due to the use of low sulphur diesel fuel. There are no other emissions controlled by the permit.
Relevant legislation	Schedule 25B of EPR: Specified Generator Schedule 25A of EPR: Medium Combustion Plant
Location	Address: PeakGen Power Limited, East Road off Sully Moors Road, Penarth, South Glamorgan, CF64 5RP Map:


1
Lat: 51.41038° N
Lon: 3.22945° W
/Long ▲
Lat: 51.41690° N
Lon: 3.21872° W
1:500
0
0.15
0.3km

	
Application documents	PAN-003574 (sharepoint.com)
Environmental Statement	N/A
Pre-application correspondence	N/A
NRW team responsible for drafting this HRA report, and name of	Rebecca Williams Lead Specialist Permitting Officer, Installations & RSR permitting team

lead officer	

2. Determining the need for a Habitats Regulations Assessment

2.1 Is the whole of the project directly connected with or necessary to the management of one or more Natura 2000 sites, for the purposes of conserving the habitats or species for which the Natura 2000 site(s) is/are designated?	**NO**
2.2 Is there a possibility that the project could affect a different Natura 2000 site to the one(s) the project is intended to conserve?	**N/A**
2.3 Is it necessary to carry out an HRA?	**YES**

3. Considering the likelihood of a significant effect (LSE)

3.1 Renewal of a permission on the same or more restrictive terms as the extant permission

Is this project a renewal of a current permission which complies with NRW approved criteria for ruling out significant effects of renewals (see section 6.2A of OGN 200) without conducting a project-specific LSE test?	NO

3.2 Likelihood of significant effects (LSE) test

3.2.1 Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: • Severn Estuary SAC (UK0013030), SPA (UK9015022), Ramsar (UK11081) The potential for the project to affect the following Natura 2000 sites was also initially considered, but can be ruled out without further consideration: **N/A**
3.2.2 Screening assessment	

	Assessment of likelihood of significant effect		
	I **Relevant conservation objectives**	**II** **Potential impact pathway**	~~**III**~~ ~~**Avoidance measure**~~ ~~*Briefly describe any measures* **included within the project at this point** *that will ensure that the potential effects are avoided, are not significant or are not likely to occur. If none, put* 'N/A'~~*In light of the ruling of the CJEU in case C-323/17 'People over Wind', avoidance measures should not be considered at this stage of HRA, so this column is left blank.*~~
Severn Estuary SAC UK0013030			
SAC Features: Estuary Subtidal sandbanks Intertidal mud and sand Atlantic salt meadow / salt marshes Reefs Migratory fish (river & sea lamprey & twaite shad) Migratory fish (salmon, eel, sea trout and Allis shad) Assemblage of fish species Internationally important populations of migratory bird species Internationally important populations of wintering bird species Assemblage of nationally important populations of waterfowl Hard substrate habitats (Rocky Shores)	Taken from: *The Severn Estuary European Marine Site – Natural England & Countryside Council for Wales June 2009*	**Toxic contamination** *Oxides of nitrogen (NOx)* A long-term critical level of 30 µg/m^3 has been applied. The maximum predicted long-term process contribution (PC) is 0.12 µg/m^3 which is 0.4 % and <1 % of the long-term critical level. The impact from long-term NOx emissions can be considered insignificant. A short-term critical level of 75 µg/m^3 has been applied. The maximum predicted short-term PC is 7.8 µg/m^3 and 10.4 % of the short-term critical level. The maximum predicted environmental concentration (PEC) (PC + background) is 24.8 µg/m^3 and 33 % of the short-term critical level. Therefore, it is unlikely there will be an exceedance of the short-term critical level and the impact of short-term NOx emissions can be considered not significant. *Ammonia* A long-term critical level of 1 µg/m^3 has been applied for cautionary assessment as per APIS. The maximum predicted long-term PC is 0.004 µg/m^3 and 0.4 % and <1%	

		of the long-term critical level. The impact from long-term ammonia emissions can be considered insignificant. **Nutrient enrichment (nitrogen deposition)** The minimum critical load value of 20 kgN/ha/yr has been applied as per APIS. The maximum predicted PC is 0.037 kgN/ha/yr and 0.19 % and <1 % of the minimum critical load value. The impact from long-term nutrient enrichment (nitrogen deposition) can be considered insignificant. **Smothering** See above for assessment of nitrogen deposition, emissions of particulate matter are considered negligible. **Acidification** As per APIS, features are not considered sensitive to acidification. There are no critical load values on APIS to enable this assessment to be completed. **Physical damage** **Habitat loss** No physical work occurring on the habitat site. Proposal site is located 2.5 km away from habitat site. **Disturbance (noise)** Noise at habitat site expected to be insignificant as proposal site is located 2.5 km away from habitat site. Legislation for this type of proposal does not control noise. **Changes in salinity regime** **Changes in thermal regime** **Siltation**	

		Turbidity No water discharge activities as part of proposal. **Entrapment** No abstraction activities as part of proposal.	
Severn Estuary SPA UK9015022			
SPA Features: Estuary Intertidal mud and sand Atlantic salt meadow / salt marshes Internationally important populations of migratory bird species Internationally important populations of wintering bird species Assemblage of nationally important populations of waterfowl Hard substrate habitats (Rocky Shores) Freshwater grazing marsh / neutral grassland	Taken from: *The Severn Estuary European Marine Site – Natural England & Countryside Council for Wales June 2009*	See above for assessment of impacts.	
Severn Estuary Ramsar			
Ramsar features Estuary Intertidal mud and sand Atlantic salt meadow / salt marshes Internationally important populations of migratory bird species Internationally important populations of wintering bird species Assemblage of nationally important populations of waterfowl	Taken from: *The Severn Estuary European Marine Site – Natural England & Countryside Council for Wales June 2009*	See above for assessment of impacts.	

Hard substrate habitats (Rocky Shores) Freshwater grazing marsh / neutral grassland			

3.2.3 Screening decision of the project 'alone'	
~~(a) If ALL rows in column II of Table 3.2.2 are GREEN~~	~~The project is not likely to have a significant effect on any Natura 2000 site, because there is no impact pathway from the project to any Natura 2000 features, and no further consideration under the Habitats Directive/Regulations is required in order to determine the application.~~
(b) If there are NO rows coloured RED in column II of Table 3.2.2, and there are ANY rows which are BLUE	The project is not likely to have a significant effect on any Natura 2000 sites when considered alone, but the possibility of significant effects in combination with other plans and projects needs to be considered.
~~(c) If ANY rows in Column II of Table 3.2.2 are RED~~	~~The project is likely have a significant effect on one or more Natura 2000 sites and therefore an appropriate assessment is required.~~

5 In combination assessment

5.1 Identifying possible in combination effects

BLUE impact pathway from Table 3.2 and/or Residual effect (from appropriate assessment in section 4)	**Natura 2000 site feature(s) concerned**	**Other plans/projects with effects that might interact with the effects of the project to render its effects significant (if any)**	**Nature of the in-combination effect (if any)**	**Is there likely to be any significant in-combination effect, in view of the site's conservation objectives?**
Toxic contamination Nutrient enrichment Smothering	Severn Estuary SAC, Spa & Ramsar	Other relevant permitting applications on queue and in determination within the relevant screening distance from the habitat site: **None**	Assessment of impacts from NOx emissions are relevant to assessment of the in-combination effect. There are no ammonia emissions from the other proposal (Cog Moors) so ammonia will not be assessed. PC – process contribution PEC – predicted environmental	NO

		Other permitting proposals issued since the APIS background date (01.01.2019) and within the relevant screening distance from the habitat site: **One relevant proposal found – EPR/BBB3891CG (Cog Moors WwTW) issued 05 November 2020 – EPR installation permit that includes combustion units that emit oxides of nitrogen (NOx).**	concentration BG – background concentration **Long-term NOx** PC PeakGen Power 6 = 0.12 µg/m^3 PC Cog moors WwTW = 0.3 µg/m^3 Combined PC = 0.42 µg/m^3 or 1.4 % of the long-term critical level (30 µg/m^3) Background = 10.1 µg/m^3 Combined PEC = PCs + BG Combined PEC = 10.52 µg/m^3 or 35.06 % of the long-term critical level (<70 % of the critical level). <u>Predicted combined long-term NOx emissions considered insignificant and unlikely to lead to exceedance of the critical level.</u> **Short-term NOx** PC PeakGen Power 6 = 7.8 µg/m^3 PC Cog moors WwTW = 3.0 µg/m^3 Combined PC = 10.8 µg/m^3 or 14.4 % of the short-term critical level (75 µg/m^3) Background = 20.2 µg/m^3 Combined PEC = PCs + BG Combined PEC = 31.0 µg/m^3 or 41.3 % of the short-term critical level. <u>Predicted combined short-term NOx emissions considered not significant and unlikely to lead to exceedance of the critical level.</u> **Nutrient Enrichment** PC PeakGen Power 6 = 0.037 kgN/ha/yr PC Cog moors WwTW = 0.1 kgN/ha/yr Combined PC = 0.137 kgN/ha/yr or 0.685 % of the minimum critical load (20 kgN/ha/yr)	

			and <1 % of the minimum critical load. Predicted combined long-term nitrogen deposition considered insignificant and unlikely to lead to exceedance of the critical load. **Smothering** See above for impacts from nitrogen deposition. Particulate matter emissions are considered negligible.	
(a) If the right hand column is 'NO' for all rows		The project, when considered in combination with other plans and projects, is either not likely to have a significant effect on, or will not adversely affect the integrity of any Natura 2000 site.		
~~**(b) If any rows in the right hand column are 'YES' or 'DON'T KNOW'**~~		~~The project is likely to have a significant effect in combination with other plans or projects.~~		

6. Conclusion

HRA is not required because the whole of the project is directly connected with or necessary to the management of one or more Natura 2000/Ramsar sites, for the purposes of conserving the habitats or species for which the site(s) is/are designated, and the project is not likely to have a significant effect on any other Natura 2000/Ramsar sites. (As documented in section 2.1 and 2.2 of this form)	
HRA is not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site (As documented in section 2.3 of this form)	
This project is a renewal of a current permission which complies with NRW agreed criteria for ruling out significant effects of a renewal without conducting a project-specific LSE test. Therefore it is considered not likely to have a significant effect on any Natura 2000/Ramsar sites, either alone or in-combination with other plans and projects. (As documented in section 3.1 of this form)	
The project has been screened for likelihood of significant effects and, taking account of the advice received from protected sites advisors, is considered not likely to have a significant effect on any Natura 2000/Ramsar site (As documented in section 3.2 of this form, or section 5 if applicable)	**X**
In light of the conclusions of an appropriate assessment, and taking account of the advice received from protected sites advisors, it has been established that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, taking into account any conditions or restrictions as applicable, either alone or in-combination with other plans and projects. (As documented in section 4 of this form, and section 5 if applicable)	
In light of the conclusions of the appropriate assessment, it has not been ascertained that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, as documented in section 4 of this form, and section 5 is applicable.	

Approval for the project <u>cannot</u> be given unless either: • **the project specification, and/or the terms under which it might be approved, are modified so as to remove the risk of adverse effects, and a revised HRA report is prepared, or** • **the project satisfies the requirements of Article 6(4) of the Habitats Directive, an Article 6(4) Statement of Case is prepared (OGN 200 Form 3) and submitted for consideration by the appropriate authority, normally Welsh Ministers**	
Signed: RA Williams **Name: Rebecca Williams** **Position: Lead Specialist Permitting Officer** **Date: 13/02/2023**	

7. Consultation with protected sites advisor(s) and how sections 2, 3, 4 and 5 of this HRA report (as applicable) take into account that advice.

Relevant section of the HRA report	Date(s) of correspondence* and any meeting(s) with protected sites advisor(s)	Description of how the comments from protected sites advisors have been taken into account
2		
3		
4		
5		

8. Conservation Technical Specialist's comments

I have reviewed the HRA documented in this form and confirm that I agree/do not agree* with its findings.
(*strike out as applicable)

Additional comments (if any):

Signed:

Name:

Position:

Date: