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Form

Record of a Habitats Regulations Assessment of a project

March 2016

OGN 200 Form 1

Document owner: Protected Sites Team, KSP

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Record of a Habitats Regulations Assessment of a project

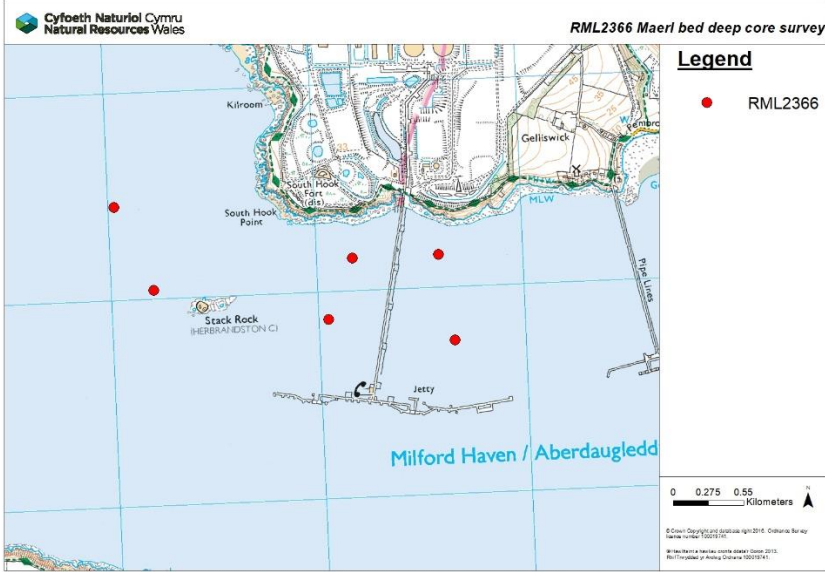
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1. Project Details

1(b): Project details where NRW is the project proponent/instigator	
NRW Project reference	The maerl bed is being investigated under the Nature Networks Program. Project Title: Investigations into the decline of a number of species and benthic habitats and identification and delivery of management measures required to reverse biodiversity loss and increase marine resilience.
Activity proposed	The survey would consist of a total of 6 sites with 3 x 2m cores to be taken per site, each core would be 7cm in diameter. Sampling to take place from a vessel (a Lochin 33 survey vessel, the 'Sea Leopard'), using a gravity corer with mechanical hammer. A Bruce anchor (40cm) would be needed to hold the vessel in position. Sites have been chosen areas that will provide an idea of historic maerl bed depth and extent and how conditions in deeper and shallower areas have changed over time. In addition, sites have been chosen based on having little (less than 1%, live maerl) to minimise impact to the reef.
Statutory basis	Essential management of the site
Location	Milford Haven maerl bed Longitude Latitude -5.09829 51.7069 -5.09547 51.7033 -5.07555 51.7049 -5.08165 51.7047 -5.08329 51.7020 -5.07448 51.7011

	
NRW team responsible for carrying out the project, and name of lead officer	Marine Projects Team Frances Ratcliffe
NRW team responsible for drafting this HRA report, and name of lead officer	Jack Thompson – Marine Licensing Team
Project documents	BP2199 – BJC Investigations.docx
Environmental Statement	N/A

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?	Yes The work proposed seeks to gain an understanding of the extent and structure of the bed as well as gain insight into past sediment regimes that allowed a healthy maerl bed to form. This would help us understand what conditions are needed to allow for regeneration of the bed. The conservation objectives for the Pembrokeshire Marine SAC (Reg. 37) state that 'the Milford Haven waterway complex would benefit from restorative action...' and the data gained from this survey would be used to inform the feasibility of any restoration initiatives.
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?	No – however, HRA is still required to ensure that appropriate mitigation has been applied to minimise further damage to the maerl bed during sampling.
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
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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: Pembrokeshire Marine SAC 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
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3.2.2 Screening assessment

There is no impact pathway from the proposal to the designated feature

There is an impact pathway in principle, but significant effects from the proposal when considered alone can be ruled out

There is an impact pathway and significant effects cannot be ruled out

	Assessment of likelihood of significant effect	
	I Relevant conservation objectives	II Potential impact pathway
Pembrokeshire Marine SAC		
LARGE SHALLOW INLETS & BAYS	<u>RANGE</u> The overall distribution and extent of the habitat features within the site, and each of their main component parts is stable or increasing. For the inlets and bays feature these include; • The embayment of St.Brides Bay • The ria of Milford Haven • Peripheral embayments and inlets For the coastal lagoons feature this is subject to the requirements for maintenance of the artificial impoundment structure and maintenance of the lagoons for the original purpose or subsequent purpose that pre-dates classification of the site. <u>STRUCTURE AND FUNCTION</u> The physical biological and chemical structure and functions necessary for the long-term maintenance and quality of the habitat are not degraded. Important elements include; - geology, - sedimentology, - geomorphology,	Although the method statement suggests that coring and anchoring will only take place in areas with <1% live maerl to minimise damage, there may be instances where this isn't achieved. As such, although the works are connected to the management of the SAC, and are seeking to inform future conservation/management decisions, the activity proposed has the potential to inadvertently damage the maerl bed which is listed as a habitat of conservation importance. Given the size and scale of the works, no significant impacts on other habitats listed under this feature are expected.
ESTUARIES & MILFORD HAVEN WATERWAY COMPLEX		Due to the size and scale of the works, no significant impact on this feature is expected.
ATLANTIC SALT-MEADOW		There are no Atlantic salt meadows within close proximity of the sample sites and as such, no pathway exists from source to receptor.
MUD-FLATS AND SAND-FLATS NOT COVERED BY SEAWATER AT LOW TIDE		There are no mudflats or sandflats within close proximity of the sample sites and as such, no pathway exists from source to receptor.
COASTAL LAGOONS		There are no coastal lagoons within close proximity of the sample sites and as such, no pathway exists from source to receptor.
REEFS		During sampling, there is a risk of inadvertently damaging habitat or removing sensitive species that were not the intended target. As there are areas of reef located near the proposed sampling sites, there is a risk that the corer will be deployed over them, resulting in damage.
SUBMERGED OR PARTIALLY		There are no sea caves within close proximity of the sample sites and as such, no pathway exists from source to receptor.

SUBMERGED SEA CAVES	- hydrography and meteorology, - water and sediment chemistry, - biological interactions.	
SANDBANKS WHICH ARE SLIGHTLY COVERED BY SEAWATER ALL THE TIME	This includes a need for nutrient levels in the water column and sediments to be: • at or below existing statutory guideline concentrations • within ranges that are not potentially detrimental to the long term maintenance of the features species populations, their abundance and range. Contaminant levels in the water column and sediments derived from human activity to be: • at or below existing statutory guideline concentrations • below levels that would potentially result in increase in contaminant concentrations within sediments or biota • below levels potentially detrimental to the long-term maintenance of the features species populations, their abundance or range. <u>Restoration and recovery</u> As part of this objective it should be noted that; the Milford Haven waterway complex would benefit from restorative action, for example through the removal of non-natural beach material, and the removal, replacement or improved maintenance of rock filled gabions. There is also need for some restoration of the populations of several typical species of the Milford Haven	There are no sandbanks within close proximity of the sample sites and as such, no pathway exists from source to receptor.

	waterway complex that are severely depleted with respect to historical levels as a consequence primarily of human exploitation. In the Milford Haven waterways complex inputs of nutrients and contaminants to the water column and sediments derived from human activity must remain at or below levels at the time the site became a candidate SAC. For the lagoons feature this is subject to the requirements for maintenance of the artificial impoundment structures of coastal lagoons and maintenance of the lagoons for their original purpose or subsequent purpose that pre-dates classification of the site. <u>TYPICAL SPECIES</u> The presence, abundance, condition and diversity of typical species are such that habitat quality is not degraded. Important elements include - species richness: - population structure and dynamics, - physiological health, - reproductive capacity - recruitment, - mobility - range As part of this objective it should be noted that: • populations of typical species subject to existing commercial fisheries need to be at an abundance equal to or greater	
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	than that required to achieve maximum sustainable yield and be secure in the long term • the management and control of activities or operations likely to adversely affect the habitat feature is appropriate for maintaining it in favourable condition and is secure in the long term. <u>Restoration and recovery</u> For the inlets and bays features this includes the need for some restoration of the populations of several typical species which are severely depleted with respect to historical levels as a consequence, primarily of human exploitation. In the Milford Haven waterways complex inputs of nutrients and contaminants to the water column and sediments derived from human activity must remain at or below levels at the time the site became a candidate SAC.	
Grey Seal	<u>POPULATIONS</u> The population is maintaining itself on a long-term basis as a viable component of its natural habitat. Important elements are population size, structure, production, and condition of the species within the site. As part of this objective it should be noted that for otter and grey seal; • Contaminant burdens derived from	Given the nature and scale of the works, there is not expected to be a likely significant effect on grey seals. A gravity corer is being used and therefore, no piling is required. As such, both noise and sediment disturbance will be minimal.
Otter		Given the nature and scale of the works, there is not expected to be a likely significant effect on otters. A gravity corer is being used and therefore, there is no requirement for it to be driven or hammered in to the sediment. As such, both noise and sediment disturbance will be minimal.
Shad		Given the nature and scale of the works, there is not expected to be a likely significant effect on shad.

	human activity are below levels that may cause physiological damage, or immune or reproductive suppression	A gravity corer is being used and therefore, there is no requirement for it to be driven or hammered in to the sediment. As such, both noise and sediment disturbance will be minimal.
River Lamprey	For grey seal, populations should not be reduced as a consequence of human activity	Given the nature and scale of the works, there is not expected to be a likely significant effect on river lamprey.
	<u>RANGE</u>	A gravity corer is being used and therefore, there is no requirement for it to be driven or hammered in to the sediment. As such, both noise and sediment disturbance will be minimal.
Sea Lamprey	The species population within the site is such that the natural range of the population is not being reduced or likely to be reduced for the foreseeable future. As part of this objective it should be noted that for otter and grey seal	Given the nature and scale of the works, there is not expected to be a likely significant effect on sea lamprey.
	• Their range within the SAC and adjacent inter-connected areas is not constrained or hindered • There are appropriate and sufficient food resources within the SAC and beyond • The sites and amount of supporting habitat used by these species are accessible and their extent and quality is stable or increasing	A gravity corer is being used and therefore, there is no requirement for it to be driven or hammered in to the sediment. As such, both noise and sediment disturbance will be minimal.
Shore Dock	<u>SUPPORTING HABITATS AND SPECIES</u> The presence, abundance, condition and diversity of habitats and species required to support this species is such that the distribution, abundance and populations dynamics of the species within the site and population beyond the site is stable or increasing. Important considerations include; - distribution,	There is no shore dock within close proximity of the sample sites and as such, no pathway exists from source to receptor.

	- extent, - structure, - function and quality of habitat, - prey availability and quality. As part of this objective it should be noted that; • The abundance of prey species subject to existing commercial fisheries needs to be equal to or greater than that required to achieve maximum sustainable yield and secure in the long term. • The management and control of activities or operations likely to adversely affect the species feature is appropriate for maintaining it in favourable condition and is secure in the long term. • Contamination of potential prey species should be below concentrations potentially harmful to their physiological health. • Disturbance by human activity is below levels that suppress reproductive success, physiological health or long-term behaviour • For otter there are sufficient sources within the SAC and beyond of high quality freshwater for drinking and bathing. <u>Restoration and recovery</u> In the Milford Haven waterways complex inputs of nutrients and contaminants to the water column and sediments derived from human activity must remain at or below levels at the time the site became a candidate SAC. As part of this	
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	objective it should be noted that for the otter, populations should be increasing	
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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.
© 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.

4. Appropriate assessment of the project when considered alone

4.1 Assessment of project as currently defined

Natura 2000 site feature (from Table 3.2.2 – RED rows only)	Impact pathway(s) (from Table 3.2.2)	Description of impacts	Assessment in view of conservation objectives	Can adverse effect on site integrity be ruled out?
Pembrokeshire Marine SAC				
LARGE SHALLOW INLETS & BAYS	Damage/removal of live maerl	During sampling, there is a risk of inadvertently damaging habitat by taking samples from areas with >1% live maerl.	Within the SAC, maerl is one of a number of typical species which is severely depleted with respect to historical levels. As such, there is a need to ensure that the presence, abundance, condition and diversity of maerl is such that habitat quality does not continue to degrade. By damaging/removing habitat or species, this conservation objective is undermined.	No
REEFS	Damage/removal of habitat	During sampling, there is a risk of of deploying the gravity corer over reef habitat resulting in inadvertent damage.	The footprint for the removals is very small with each core impacting a 38.5cm ² area. The survey as a whole (18 cores) would therefore impact 693cm ² (0.0693m ²). Given the small scale nature of the works, no adverse effect is expected.	Yes

4.2 Assessment of the project taking into account additional mitigating measures, conditions or restrictions

Natura 2000 Feature (from Table 4.1 – ‘NO’ rows only)	Description of adverse effect(s)	Can adverse effect(s) be mitigated?	Description of mitigation measures, and how they would be applied (e.g. contractual obligations, consent conditions)	Can adverse effect on site integrity be ruled out?
LARGE SHALLOW INLETS & BAYS	During sampling, there is a risk of inadvertently damaging habitat or removing sensitive species that were not the intended target.	Yes	To ensure that damage to non-target habitat is minimised, the applicant has included a series of mitigation measures within their methodology: • Sampling will only take place during calm water to minimise the need for a second bruce anchor. • Sampling will take place at slack water to allow any suspended sediment to settle quickly and minimise movement of the anchor on the sea bed. • If multiple rhodoliths (fragments) of live maerl are detected in any core, coring will cease at that location and the vessel will move a minimum of 20m from the site of the detection, before resuming coring.	Yes
ESTUARIES & MILFORD HAVEN WATERWAY COMPLEX				

4.3 Concluding the appropriate assessment of the project alone

(a) If the right hand column of Table 4.1 and Table 4.2 (if applicable) is ‘YES’ for all features	It has been ascertained that the proposal, when considered alone, will not adversely affect the integrity of any Natura 2000 sites.
(b) If there are any ‘NO’s in the right hand column of Table 4.1 that have not been resolved to ‘YES’ through mitigation measures identified in Table 4.2	It has not been ascertained that the proposal, when considered alone, will not adversely affect the integrity of one or more Natura 2000 sites.

(c) Are there any residual effects of the project (net of any mitigation measures identified) which, though insignificant on their own, could be significant if considered in combination with the effects of other plans or projects?	No

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, <u>and</u> 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)	
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)	X
In light of the conclusions of the appropriate assessment, it has <u>not</u> 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	

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| <ul style="list-style-type: none">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 | |
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Signed:

J. Thompson

Name: Jack Thompson

Position: Marine Licensing Officer

Date: 11 January 2024

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	14 December 2023	Previously, no HRA was conducted as the activities were connected to the ongoing management and maintenance of the site. However, despite this, advisory explained that the activity proposed has the potential to damage the habitat and as such, should be subject to HRA, particularly as maerl is listed as a habitat of conservation importance under the Large Shallow Inlets and Bays and Estuaries feature. Advisory suggested that an additional step/wording in the method statement should be included that discusses what happens if the team encounter live maerl i.e. if the observed core reveals a high % of live maerl, the vessel will be repositioned and further cores will be taken Xm away. This could then be included in the HRA as a mitigation measure. The applicant has since provided an updated method statement to include the mitigation suggested above, and this has been added in to the AA section of the HRA.
3 - 6	24 January 2024	Applicant provided an updated method statement and a HRA was undertaken. To mitigate against damage to the maerl, the following mitigation was included: • Sampling will only take place during calm water to minimise the need for a second bruce anchor. • Sampling will take place at slack water to allow any suspended sediment to settle quickly and minimise movement of the anchor on the sea bed. • If multiple rhodoliths (fragments) of live maerl are detected in any core, coring will cease at that location and the vessel will move a minimum of 20m from the site of the detection, before resuming coring. Advisory agreed with the conclusions of the HRA that an adverse effect on site integrity can be ruled out given the implementation of the above mitigation measures.

Form

Protected sites advisor response to an internal consultation on the Habitats Regulations Assessment of a project

OGN 200 Form 2

Document owner: Protected Sites Team, EPP

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1.0	March 2016	Document created
1.1	30 November 2017	Minor changes only

Next review date: April 2018

Protected sites advisor response to an internal consultation on the Habitats Regulations Assessment of a project

TO: Jack Thompson

FROM: Poppy Brewer, Assistant Marine Advisor, Marine Area Advice & Management team

SUBJECT: Habitats Regulation Assessment of [Maerl bed deep core survey](#) comprising of a total 18 cores over 6 sites in the Milford Haven maerl bed.

Thank you for consulting [Marine Area Advice and Management team](#) on the above project and sending us a copy of the draft Form 1 HRA report dated [\[11.01.2024\]](#). Our comments are as follows:

The Marine Area Advice Management team are in agreement with the conclusions made in the HRA report provided. That after appropriate assessments and taking into account advice from the protected sites advisors that the project will not adversely affect the integrity of any Natura 2000/Ramsar site.

Signed: Poppy Brewer

Date: 25.01.2024

A handwritten signature in black ink, appearing to read 'A. Cooper', is positioned to the right of the text 'Adam Cooper, Senior Marine Advisor'.

Adam Cooper, Senior Marine Advisor

Date: 25/01/2024
