

Record of a Habitats Regulations Assessment of a project

March 2016

OGN 200 Form 1

Document owner: Protected Sites Team, KSP

Version History:

Document Version	Date Published	Summary of Changes
1.0	March 2016	Document created

Review Date: February 2017

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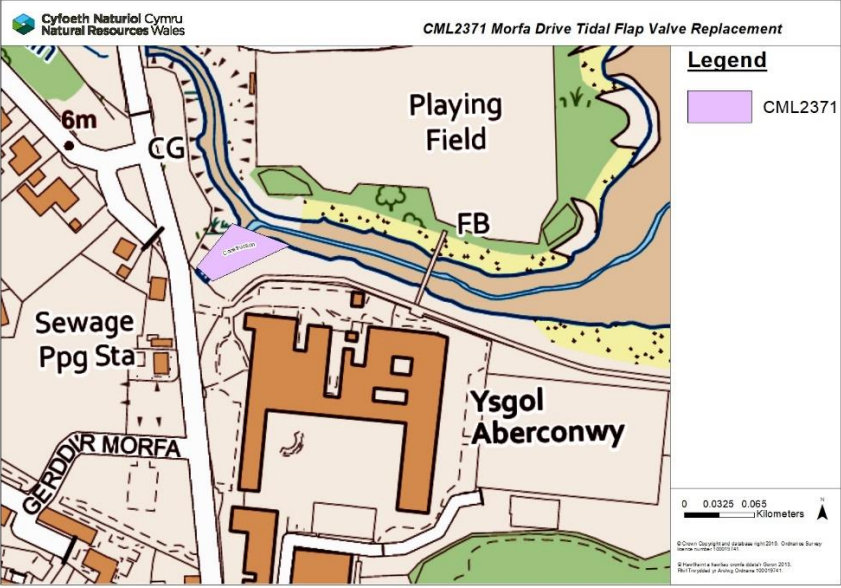
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1. Project Details

1(a): Project details where an external party has applied to NRW for any form of authorisation	
Application reference number (if applicable)	CML2371
Date application received	28 November 2023
Applicant details	Conwy County Borough Council
Activity proposed	Morfa Drive Tidal Flap Valve Replacement
Relevant legislation	Marine and Coastal Access Act 2009
Location	Morfa Drive, Conwy Latitude 53.287415 53.287634 53.287522 53.287345 Longitude -3.8383452 -3.8380473 -3.8375637 -3.8382104

	
Application documents	CML2371 - Application Form CML2371 - DOC 1 ERCF2310N T101 Morfa Drive Location CML2371 - DOC 2 ERCF2310N T501 Morfa Drive Valve CML2371 - DOC 3 ERCF2310N T502 Morfa Drive Details CML2371 - DOC 4 MCGA Correspondence CML2371 - DOC 5 TH Correspondence CML2371 - DOC 6 WAT Correspondence CML2371 - DOC 7 RCAHMW Correspondence CML2371 - MWT Flap Valve replacement - Method statement CML2371 Finalised Coordinates
Environmental Statement	N/A
Pre-application correspondence	N/A

NRW team responsible for drafting this HRA report, and name of lead officer	Jack Thompson – Marine Licensing Team
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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?	No An excavator will be used to remove silt blocking the existing valve to expose it. Material will be discharged and graded onto the riverbank next to the working area, and works will be conducted at low tide. The Liverpool Bay SPA is >3km downstream from the works site whilst the Menai Strait and Conwy Bay SAC is ~850m from the works site. Given the small scale and nature of the works, there is no conceivable impact pathway to either of these designated sites.

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)	X
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)	
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: 23 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
6	13 February 2024	Advisory agreed with conclusion that HRA is not required as there is no conceivable impact pathway.

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

Version History:

Document Version	Date Published	Summary of Changes
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, Marine Licensing Team

FROM: Katie Reynolds, Marine Area Advice & Management team

SUBJECT: Habitats Regulation Assessment of CML2371 Morfa Drive Tidal Flap Valve Replacement.

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 24/1/2024. Our comments are as follows:

Many thanks for your consultation. We agree with the conclusions of the HRA in that a HRA is not required for this application as there is no conceivable impact pathway from the works site to either the Liverpool Bay SPA or the Menai Strait and Conwy Bay SAC, given the small scale nature of the works.

Signed: *KReynolds*

Date: 13/02/2023