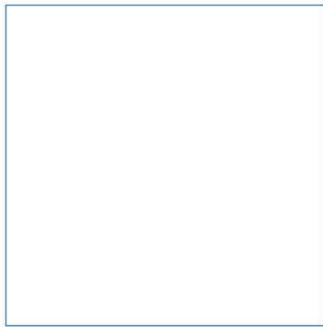
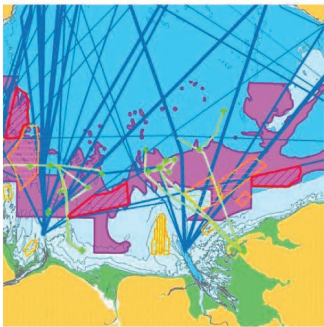
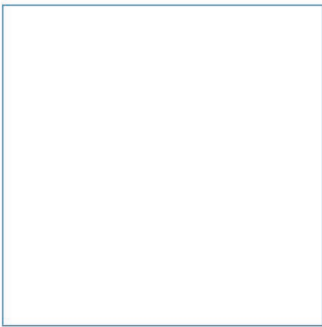
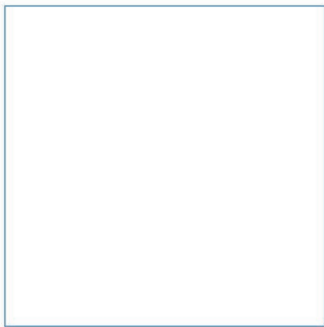


Associated British Ports

Future Port Talbot Ground Investigations

Habitats Regulations Assessment Information for Screening

February 2024



Innovative Thinking - Sustainable Solutions



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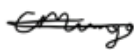
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ABPmer

Quayside Suite, Medina Chambers, Town Quay, Southampton, Hampshire SO14 2AQ
T: +44 (0) 2380 711844 W: <http://www.abpmer.co.uk/>

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1 Introduction

Future Port Talbot is a proposal by Associated British Ports (ABP) to develop the port to support the transition to a net zero-carbon by providing the facilities to support the construction of Floating Offshore Wind (FLOW) developments. The proposals include construction of new quay walls and stone pads, quayside land reclamation, upgrade of the North Jetty and existing loading jetties, new pontoons and dredging for jack-up operations at Port Talbot. ABP is the Statutory Harbour Authority for Port Talbot.

Marine Ground Investigations (GI) are required to investigate the ground conditions around the proposed quay walls. This includes assessing the depth of marine sediment and the depth to bedrock, determining the condition and depth of existing harbour structures, informing the geotechnical design parameters for the geological material encountered including the materials for dredging and disposal, undertaking geo-environmental testing to inform the Environmental Impact Assessment (EIA), and facilitate the production of a Ground Investigation Report (GIR).

ABPmer has been commissioned by ABP to prepare this Habitats Regulations Assessment (HRA) Information for Screening report. This report provides the necessary evidence to determine whether the proposed GI works has the potential to result in a likely significant effect (LSE) on the interest features of designated sites either alone or in-combination with other plans and projects.

This HRA Screening report has been structured as follows:

- Section 1:** **Introduction** provides a brief introduction to the proposed GI works and need for this report;
- Section 2:** **Legislative Context and HRA Guidance** provides background to the legislation underpinning the requirement for an Appropriate Assessment (AA) and the steps involved in undertaking an HRA in accordance with available guidance;
- Section 3:** **Stage 1 -Screening** reviews the potential for the proposed GI works to result in an LSE on the interest features of European/Ramsar sites and the site's conservation objectives either alone or in-combination with other plans and projects; and
- Section 4:** **Conclusions** presents a brief summary of the findings of the initial screening and LSE stage of the HRA.

2 Legislative Context and HRA Guidance

2.1 Requirement for an Appropriate Assessment

EU legislation which applied directly or indirectly to the UK before 11.00 p.m. on 31 December 2020 has been retained in UK law as a form of domestic legislation known as 'retained EU legislation'. This is set out in Sections 2 and 3 of the EU (Withdrawal) Act 2018 (c. 16). Section 4 of the 2018 Act ensures that any remaining EU rights and obligations, including directly effective rights within EU treaties, continue to be recognised and available in domestic law after exit.

Under Article 6(3) of the EC Directive on the Conservation of Natural Habitats and of Wild Fauna & Fauna (the Habitats Directive), an Appropriate Assessment (AA) is required where a plan or project is likely to have a significant effect upon a National Site Network site (herein referred to as a 'European

Site') either individually or in-combination with other plans or projects. The following sites comprise the National Site Network:

- Special Areas of Conservation (SACs) designated under the Habitats Directive; and
- Special Protection Areas (SPAs) sites classified under the EC Directive on the Conservation of Wild Birds (the Birds Directive).

In the UK, these requirements also extend to the consideration of effects on Ramsar Sites listed under the 1971 Ramsar Convention on Wetlands of International Importance, proposed SACs, potential SPAs and areas secured as sites compensating for damage to a European site.

All the above designated, proposed and compensation sites are collectively referred to as European/Ramsar sites in this report.

The Habitats Directive is transposed into UK law through a number of Regulations¹, of which the following are relevant in Wales and its territorial waters:

- The Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012) which consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments; and
- The Conservation of Offshore Marine Habitats and Species Regulations 2017 (SI 2017 No. 1013) which consolidate and update the Offshore Marine Conservation (Natural Habitats) Regulations 2017.

This legislation provides the framework for HRA and is collectively referred to in this report as the Habitats Regulations. An AA considers a plan or project's environmental and ecological effect against the European/Ramsar sites' Conservation Objectives, and it is produced by the competent authority in compliance with the Habitats Directive. The competent authority can adopt a plan or grant consent for a project only after having ascertained that it will not adversely affect the integrity of any European/Ramsar site(s) (either alone or in-combination with other plans or projects). However, where Adverse Effect on Site Integrity (AEOI) cannot be ruled out, Article 6(4) of the Habitats Regulations will be triggered. This allows the 'competent authority' to only authorise a project (or plan) where the 'derogation tests' can be satisfied.

2.2 Project-level HRA guidance

HRA is a step-by-step process which helps determine firstly, whether there is going to be a LSE and then (where appropriate) whether there will be any adverse impacts on the integrity of a European/Ramsar site, recognising alternative solutions, and providing justification for Imperative Reasons for Overriding Public Interest (IROPI). Comprehensive guidance on undertaking HRAs is provided by the European Commission (EC, 2001). This guidance has been updated by more recent guidance on undertaking project-level HRAs in Wales (Welsh Government, 2021) and new advice continues to emerge through case-law judgements.

In accordance with the Habitats Regulations, it is the responsibility of the developer to provide sufficient information to the competent authority to allow them to determine whether an AA is required. Information on whether an AA is required is included within this HRA report. The competent authority will confirm if there is a requirement for an AA through the screening response, on advice from the relevant Statutory Nature Conservation Bodies (SNCBs), in this case Natural Resources Wales (NRW).

¹ These have been modified by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (HMSO, 2019).

3 Screening

In accordance with Welsh Government (2021) guidance, the screening stage involves a simple assessment to check or screen if a proposal:

- Is directly connected with or necessary for the conservation management of a European site; and
- Risks having a significant effect on a European site on its own or in combination with other proposals.

In accordance with HRA guidance, the characteristics of the proposed works (e.g. location, layout, timing etc.) have informed the screening review.

At this stage, mitigation measures included by the proposer for the purpose of avoiding or minimising risk to a European site should not be considered. These mitigation measures should be considered at the AA stage (if the risk of a LSE is not possible to avoid and there is a need to undertake an AA).

No European/Ramsar sites (i.e. SACs, SPAs or Ramsar sites) overlap with the proposed GI works.

The nearest international nature conservation site to the proposed GI works is Kenfig SAC (approximately 4 km east). This site is designated for its sand dunes and saltmarsh.

The nearest European/Ramsar site with mobile features is the Carmarthen Bay and Estuaries SAC and is located approximately 25 km west of the GI works. Twaite shad *Alosa fallax* is an Annex II species that is a primary reason for its designation. Sea lamprey *Petromyzon marinus*, river lamprey *Lampetra fluviatilis*, Allis shad *Alosa alosa* and otter *Lutra lutra* are Annex II species that are present as qualifying features. Bristol Channel Approaches SAC (SAC) is located approximately 35 km west of the GI works. This site has been identified for the protection of harbour porpoise *Phocoena phocoena*. The nearest SAC with grey seal as a qualifying feature is the Pembrokeshire Marine SAC (approximately 70 km away).

Burry Inlet SPA and Ramsar and Carmarthen Bay SPA are the nearest European/Ramsar sites to the GI works designated for bird features. These sites are located approximately 20 km and 30 km away respectively from the proposed GI works.

The location of these European/Ramsar sites in relation to the proposed GI works is shown in Figure 1.

The potential for LSE on these designated sites is provided in Table 1.

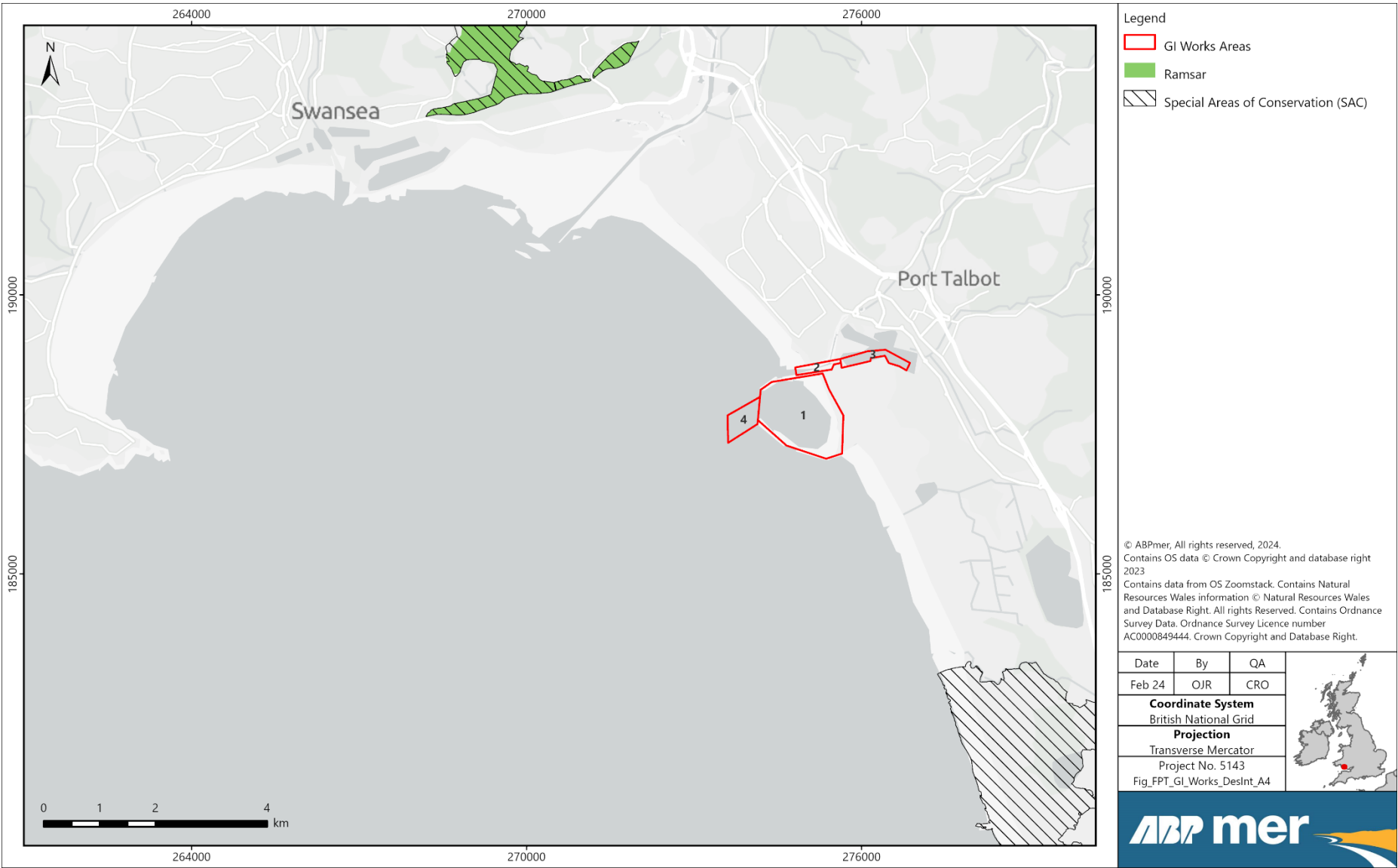


Figure 1: Location of European/Ramsar sites in relation to the proposed GI works.

Table 1. Potential for LSE on European sites

Site	Relevant Qualifying Interest Features	Conservation Objectives	Potential for LSE
Kenfig Sands SAC	Annex I habitats that are a primary reason for selection of this site: - Fixed coastal dunes with herbaceous vegetation ("grey dunes") - Dunes with <i>Salix repens ssp. argentea</i> (<i>Salicion arenariae</i>) - Humid dune slacks Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site: - Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) Annex II species that are a primary reason for selection of this site: - Petalwort <i>Petalophyllum ralfsii</i> - Fen orchid <i>Liparis loeselii</i>	The expression of the desired conservation status of a feature is expressed as a vision for the features. The vision for humid dune slacks and dune slacks with <i>Salix repens ssp argentea</i> are for them to be in a favourable conservation status, where all of the following conditions are satisfied: - Dunes with <i>Salix repens</i> and humid dune slacks will occur as part of the dune system, their location will be determined by natural processes and appropriate grazing management; - A range of successional stages will be found in both features; - Factors affecting the features will be under control. The vision for fixed dune with herbaceous vegetation is for it to be in a favourable conservation status, where all of the following conditions are satisfied: - Fixed dunes with herbaceous vegetation (grey dunes) will occur where older, shifting dunes become more stabilised and in early successional stages become colonised by lichens and other species indicative of the transition from less mobile habitat;	Saltmarsh and dune features are not in the zone of influence of direct habitat changes (such as physical disturbance, sediment deposition etc) which will be restricted to the localised vicinity of the GI works. Given the scale of the GI works, no indirect habitat changes (as a result of changes to physical processes) will occur, with changes in water quality (such as SSC and associated sediment bound contaminants) predicted to be highly localised and of negligible magnitude. On this basis, there is considered to be no potential for a LSE on features of this site.

Site	Relevant Qualifying Interest Features	Conservation Objectives	Potential for LSE
		▪ The habitat will encompass a range of successional stages throughout the area, determined by patterns of natural factors and grazing; ▪ Grey dunes will comprise a significant part of the dune system but will increase and decrease in extent and location as natural processes determine the landscape of the dune systems; ▪ All factors are under management control. The vision for Petalwort, is that it will continue to be found at its current locations within each of the two component SSSIs and for it to be in a favourable conservation status, where all of the following conditions are satisfied: ▪ The species will be found where conditions are suitable in sufficient numbers to form a viable and sustainable population; ▪ The population will vary from year to year depending on conditions, especially in drier years but the long term population will remain steady and sustainable; ▪ Suitable dune slacks will have patches of bare ground that is being colonised by jelly lichens (<i>Collema</i> spp.) and <i>Barbula</i> mosses; ▪ The factors affecting the feature are under control.	

Site	Relevant Qualifying Interest Features	Conservation Objectives	Potential for LSE
		The vision for Fen Orchid, is that it will be in a favourable conservation status, where all of the following conditions are satisfied: ▪ Sufficient suitable habitat is present to support the populations; ▪ The factors affecting the feature are under control.	
Carmarthen Bay and Estuaries SAC	Annex II species that are a primary reason for selection of this site: ▪ Twaite shad <i>Alosa fallax</i>. Annex II species present as a qualifying feature, but not a primary reason for site selection: ▪ Sea lamprey <i>Petromyzon marinus</i>; ▪ River lamprey <i>Lampetra fluviatilis</i>; ▪ Allis shad <i>Alosa</i>;	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. 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: ▪ 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; and ▪ The sites and amount of supporting habitat used by these species are accessible and their extent and quality is stable or increasing. The presence, abundance, condition and diversity of habitats and species required to	There is the potential for underwater effects on lamprey and shad as a result of the proposed GI works. Geotechnical drilling and standard penetration testing (SPT) during marine GI will generate underwater noise Source Levels (SLs) circa 142-145 dB re 1 µPa rms @1 m for drilling and 151-160 dB re 1 µPa_{2s} @1 m for SPT (Erbe and McPherson, 2017). These levels are comparable or less than the SLs generated by passenger or recreational vessels (MMO, 2015). Based on these source noise levels, no injury effects in fish species would be predicted based on applying standard underwater noise thresholds (NOAA, 2018; Popper <i>et al.</i>, 2014; Southall <i>et al.</i>, 2019). In addition, only mild behavioural responses for fish in relative proximity to the GI works are anticipated with noise levels unlikely to be discernible above ambient levels in the wider Port Talbot and Swansea Bay area given the relatively high levels of existing background vessel noise in the area. Underwater noise at the levels predicted would also not cause a barrier to the movement of migratory diadromous fish in the

Site	Relevant Qualifying Interest Features	Conservation Objectives	Potential for LSE
		support this species is such that the distribution, abundance and population dynamics of the species within the site and population beyond the site is stable or increasing. Important considerations include: distribution; extent; structure; function and quality of habitat; and, prey availability and quality.	region. On this basis, there is considered to be no potential for a LSE on features of this site in the context of the sites conservation objectives.
Bristol Channel Approaches SAC	Annex II species that are a primary reason for selection of this site: Harbour porpoise <i>Phocoena phocoena</i>.	To avoid deterioration of the habitats of the harbour porpoise or significant disturbance to the harbour porpoise, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to maintaining Favourable Conservation Status (FCS) for the UK harbour porpoise. To ensure for harbour porpoise that, subject to natural change, the following attributes are maintained or restored in the long term: - The species is a viable component of the site; - There is no significant disturbance of the species; and - The supporting habitats and processes relevant to harbour porpoises and their prey are maintained.	Relatively high densities of harbour porpoise <i>Phocoena phocoena</i> have been recorded in Swansea Bay (including in the Port Talbot area), with this species considered to have a year-round presence in this region (Nuuttila <i>et al.</i>, 2018; Oakley <i>et al.</i>; 2016 Oakley <i>et al.</i>, 2017; Tidal Lagoon Swansea Bay plc, 2014). Harbour porpoise in the Port Talbot area form part of the Celtic and Irish Seas (CIS) Management Unit with this highly mobile species potentially showing movements and connectivity with the Bristol Channel Approaches SAC (IAMMWG, 2021). There is the potential for underwater effects on harbour porpoise as a result of the proposed GI works. Geotechnical drilling and standard penetration testing (SPT) during marine GI will generate underwater noise Source Levels (SLs) circa 142-145 dB re 1 µPa rms @1 m for drilling and 151-160 dB re 1 µPa2s @1 m for SPT (Erbe and McPherson, 2017). These levels are comparable

Site	Relevant Qualifying Interest Features	Conservation Objectives	Potential for LSE
			or less than the SLs generated by passenger or recreational vessels (MMO, 2015). Based on these source noise levels, no injury effects on harbour porpoise would be predicted based on applying standard underwater noise thresholds (NOAA, 2018; Popper <i>et al.</i>, 2014; Southall <i>et al.</i>, 2019). In addition, only mild behavioural responses for harbour porpoises in relative proximity to the GI works are anticipated with noise levels unlikely to be discernible above ambient levels in the wider Port Talbot and Swansea Bay area given the relatively high levels of existing background vessel noise in the area. Therefore, the highly localised and negligible magnitude disturbance effects will have no consequences in terms of species distribution or population levels even at a local level. On this basis, there is considered to be no potential for a LSE on this site in the context of the sites conservation objectives.
Pembrokeshire Marine SAC	Annex II species that are a primary reason for selection of this site. ▪ Grey seal <i>Halichoerus grypus</i>	The species population is maintaining itself on a long-term basis as a viable component of its natural habitat. Important elements include: population size; structure, production and condition of the species. The species range stays within its natural range, and no reductions have occurred or are likely to occur. In this respect, their range within the SAC and adjacent inter-connected	Grey seals <i>Halichoerus grypus</i> are recorded relatively frequently in low numbers in Swansea Bay and could show some connectivity and movement with haul out sites in the Pembrokeshire Marine SAC. There is the potential for underwater effects on grey seal as a result of the proposed GI works.

Site	Relevant Qualifying Interest Features	Conservation Objectives	Potential for LSE
		areas is not constrained or hindered. In addition, there are appropriate and sufficient food resources within the SAC and beyond. Finally, the sites and amount of supporting habitat used by these species are accessible and their extent and quality is stable or increasing. The presence, abundance, condition and diversity of habitats and species required to support this species is such that the distribution, abundance and population dynamics of the species within the site and population beyond the site is stable or increasing. Important considerations include: distribution; extent; structure; function and quality of habitat; prey availability and quality.	Geotechnical drilling and standard penetration testing (SPT) during marine GI will generate underwater noise Source Levels (SLs) circa 142-145 dB re 1 μPa rms @1 m for drilling and 151-160 dB re 1 μPa2s @1 m for SPT (Erbe and McPherson, 2017). These levels are comparable or less than the SLs generated by passenger or recreational vessels (MMO, 2015). Based on these source noise levels, no injury effects on grey seal would be predicted based on applying standard underwater noise thresholds (NOAA, 2018; Popper <i>et al.</i>, 2014; Southall <i>et al.</i>, 2019). In addition, only mild behavioural responses for grey seal in relative proximity to the GI works are anticipated with noise levels unlikely to be discernible above ambient levels in the wider Port Talbot and Swansea Bay area given the relatively high levels of existing background vessel noise in the area. Therefore, the highly localised and negligible magnitude disturbance effects will have no consequences in terms of species distribution or population levels even at a local level. On this basis, there is considered to be no potential for a LSE on this site in the context of the sites conservation objectives.
Burry Inlet SPA and Ramsar	Article 4.2 Qualification (79/409/EEC)	To achieve favourable conservation status all the following, subject to natural processes, need to be fulfilled and maintained in the long-term. If these objectives are not met	Non-breeding populations overwinter in Burry Inlet from September to March. Due to the suitable intertidal habitat present in Swansea Bay, there is potential for qualifying birds of Bury Inlet

Site	Relevant Qualifying Interest Features	Conservation Objectives	Potential for LSE
	- Oystercatcher <i>Haematopus ostralegus</i>; and - Pintail <i>Anas acuta</i>. Article 4.2 Qualification (79/409/EEC) - Assemblage qualification: regularly supporting at least 20,000 waterfowl Ramsar Criterion 5 - Assemblages of international importance: 41655 waterfowl (peak winter) Ramsar Criterion 6 - Common redshank <i>Tringa totanus tetanus</i> (autumn); - Northern pintail <i>Anas acuta</i>; - Eurasian oystercatcher <i>Haematopus ostralegus ostralegus</i>; and	restoration measures will be needed to achieve FCS: - The numbers of all SPA bird species are stable or increasing; - The abundance and distribution of suitable prey are sufficient and appropriate to support the numbers of all SPA bird species; - All SPA birds are allowed to inhabit their feeding grounds and resting areas with minimum disturbance, and are allowed to move unhindered between them; and - All states of the Conservation Objectives for the supporting habitats and species, subject to natural processes, are fulfilled and maintained in the long-term.	SPA and Ramsar to be present. Possible impact pathways from the works include anthropogenic disturbance via visual, noise and vibration and localised impacts on prey availability (benthic invertebrates). Only mild behavioural responses for qualifying birds in relative proximity to the GI works are anticipated with noise levels unlikely to be discernible above ambient levels in the wider Port Talbot and Swansea Bay area given the relatively high levels of existing background vessel noise in the area. Therefore, the highly localised and negligible magnitude disturbance effects which will have no consequences in terms of species distribution or population levels even at a local level. In addition, there is no evidence to suggest that qualifying bird populations associated with Bury Inlet SPA and Ramsar are functionally linked to Swansea Bay. On this basis, no LSE have been identified on these Habitats Sites in the context of the site's conservation objectives.

Site	Relevant Qualifying Interest Features	Conservation Objectives	Potential for LSE
	- Red knot <i>Calidris canutus islandica</i>. Possible future consideration under criterion 6 - Northern shoveler <i>Anas clypeata</i>.		
Carmarthen Bay SPA	Article 4.2 Qualification (79/409/EEC) Common scoter <i>Melanitta nigra</i>.	To achieve favourable conservation status all the following, subject to natural processes, need to be fulfilled and maintained in the long-term. If these objectives are not met restoration measures will be needed to achieve FCS. - The numbers of all SPA bird species are stable or increasing; - The abundance and distribution of suitable prey are sufficient and appropriate to support the numbers of all SPA bird species; - All SPA birds are allowed to inhabit their feeding grounds and resting areas with minimum disturbance, and are allowed to move unhindered between them; and - All states of the Conservation Objectives for the supporting habitats and species, subject to natural processes, are fulfilled and maintained in the long-term.	Non-breeding populations of common scoter arrive in south Wales from early September to October and leave for breeding grounds from mid- February to March (Cornell University, 2024). Due to the suitable offshore habitat and mussel beds present in Swansea Bay, there is potential for common scoter to be present. Possible impact pathways from the works include anthropogenic disturbance via visual, noise and vibration (diving ducks) and localised impacts on prey availability (largely molluscs). Geotechnical drilling and standard penetration testing (SPT) during marine GI will generate underwater noise Source Levels (SLs) circa 142-145 dB re 1 µPa rms @1 m for drilling and 151-160 dB re 1 µPa2s @1 m for SPT (Erbe and McPherson, 2017). These levels are comparable to, or less than, the SLs generated by passenger or recreational vessels (MMO, 2015). Based on these source noise levels, no injury effects on common scoter would be predicted based on applying standard underwater noise

Site	Relevant Qualifying Interest Features	Conservation Objectives	Potential for LSE
			thresholds (NOAA, 2018; Popper <i>et al.</i>, 2014; Southall <i>et al.</i>, 2019). In addition, only mild behavioural responses for common scoter in relative proximity to the GI works are anticipated with noise levels unlikely to be discernible above ambient levels in the wider Port Talbot and Swansea Bay area given the relatively high levels of existing background vessel noise in the area. Therefore, the highly localised and negligible magnitude disturbance effects which will have no consequences in terms of species distribution or population levels even at a local level. In addition, there is no evidence to suggest that common scoter populations associated with Carmarthen Bay are functionally linked to Swansea Bay. On this basis, no LSE have been identified on this Habitats Site in the context of the site's conservation objectives.

4 Conclusions

This report has reviewed the available evidence and has determined that there is no significant pathway linking the sources of change from the proposed GI works to the interest features of European/Ramsar sites. The proposed GI works, therefore, do not have the potential to result in an LSE on the interest features of European/Ramsar sites either alone and/or in-combination with other plans and projects.

As such it is not considered necessary to proceed to the next stage of the HRA and undertake an AA to determine if the proposed GI works has the potential to generate an adverse effect on the integrity (AEOI) of a European/Ramsar site in the context of the site's conservation objectives.

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Contact Us

ABPmer

Quayside Suite,
Medina Chambers
Town Quay, Southampton
SO14 2AQ

T +44 (0) 23 8071 1840

F +44 (0) 23 8071 1841

E enquiries@abpmer.co.uk

www.abpmer.co.uk

