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Form

Record of a Habitats Regulations Assessment of a project

March 2016

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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)	CML2359
Date application received	18 October 2023
Applicant details	MPH Construction
Activity proposed	<p>The proposed works are required to repair damage caused to the sea defences at Afon Wen. Repeated exposure to storm wave activity has resulted in damage, and removal of several sheet piles that front the seawall. The loss of the sheet piles has opened up a series of voids below the concrete base of the seawall. This currently affects roughly a 10m stretch of the sea defence.</p> <p>The proposed works are planned to fill the void spaces with pumped concrete and reinstate approximately eight sheet piles using a piling hammer positioned on the beach. The proposal is to then install rock armour in front of the piles to protect them from wave attack and limit movement in future.</p> <p>Envisaged sequence of works is as follows:</p> <ol style="list-style-type: none"> 1. Removal of existing sheet piles and demolition of concrete overhang. 2. Demarcation of voids beneath existing apron. 3. Installation of new sheet piles. 4. Concrete backfill in 0.5 m thick layers, waiting for curing between layers. 5. Grout injection into known voids through existing apron. 6. Placement of rock armour scour protection.
Relevant legislation	Marine and Coastal Access Act 2009
Location	<p>Afon Wen</p> <p>SH 44797 37186 SH 44815 37190 SH 44799 37180 SH 44817 37183</p>

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?	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: Lleyn Peninsula and the Sarnau SAC Northern Cardigan Bay SPA 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		
<div>There is no impact pathway from the proposal to the designated feature</div> <div>There is an impact pathway in principle, but significant effects from the proposal when considered alone can be ruled out</div> <div>There is an impact pathway and significant effects cannot be ruled out</div>		
	Assessment of likelihood of significant effect	
	I Relevant conservation objectives	II Potential impact pathway
Pen Lllyn a'r Sarnau SAC		
Reefs	RANGE 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 reef feature these include: -Rocky intertidal reefs -Rocky subtidal reefs -Extensive boulder and cobble reefs – the sarnau	This feature is not present within the works site and therefore, there will be no damage or direct loss of habitat as a result of the works. There may be a loss of habitat due to coastal squeeze. During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.

Large shallow inlets and bays	-Biogenic reefs (horse mussel <i>Modiolus modiolus</i> reef / green crenella <i>Musculus discors</i> reef and Honeycomb worm <i>Sabellaria alveolata</i> reef	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.
Sandbanks which are slightly covered by seawater at low tide	-Carbonate reef formed by methane gas leaking from the seabed. For the intertidal mudflat and sandflat feature these include: - <i>Mya arenaria</i> and polychaetes in muddy gravel -Eel grass <i>Zostera marina</i> beds. -Muddy gullies in the Mawddach estuary.	The closest sandbank feature to the works site is ~20km away. As such, there is no impact pathway from source to receptor.
Estuaries	For the Salicornia feature this includes: -Communities characterised by the species <i>Sarcocornia perennis</i> .	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.
Coastal Lagoons	For the intertidal mudflats and sandflats and sandbanks features this requires an overall stability or increase in the amount of the feature, taking into account the areas of long term stability and localised losses and additions arising from environmental processes.	There are no coastal/saline lagoons within 20km of the works site. As such, there is no impact pathway from source to receptor.
Mudflats and sandflats not covered by seawater at low tide	For estuaries this includes the stability of sandy sediments in proportion to the muddy sediments. Restoration and recovery As part of this objective it should be noted that; for the estuaries feature additional land which should form an integral part of the estuarine ecosystem should be restored STRUCTURE AND FUNCTION	The works will be confined to the existing concrete seawall embankments and sandflats at the rear of the beach. The rock armour will be 13m in length and extend 2.75m seaward of the emplaced sheet pile therefore, the total area of the rock armour is 35.75m ² . A site visit by NRW Advisory (NRWA) has confirmed that the footprint of the rock armour will not impact on the intertidal sandflat and mudflat habitat, as the mudflat and sandflat habitat is located further down the intertidal zone (> 2.75m from the new piles). There may be a loss of habitat due to coastal squeeze. During the construction phase, accidental fuel or concrete spills could detrimentally impact this feature.
Atlantic salt meadows	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:	The closest Atlantic salt meadow to the works site is ~12km away. As such, there is no impact pathway from source to receptor.
<i>Salicornia</i> and other annuals colonising mud and sand	-geology -sedimentology -geomorphology, -hydrography and meteorology -water and sediment chemistry	The closest salicornia to the works site is ~12km away. As such, there is no impact pathway from source to receptor.
Submerged or partially submerged sea caves	-biological interactions. 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	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.

	<p>long term maintenance of the features species populations, their abundance and range.</p> <p>Contaminant levels in the water column and sediments derived from human activity to be:</p> <ul style="list-style-type: none"> -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. <p>For Atlantic saltmeadows this includes the morphology of the saltmarsh creeks and pans</p> <p>Restoration and recovery</p> <p>As part of this objective it should be noted that; for the estuaries feature the structure and functions of the estuaries that have been damaged/degraded by the constraints of artificial structures such as flood banks, are restored.</p> <p>TYPICAL SPECIES</p> <p>The presence, abundance, condition and diversity of typical species are such that habitat quality is not degraded. Important elements include:</p> <ul style="list-style-type: none"> -species richness -population structure and dynamics, -physiological health, -reproductive capacity -recruitment, -mobility -range <p>As part of this objective it should be noted that:</p> <ul style="list-style-type: none"> -populations of typical species subject to existing commercial fisheries need to be at an abundance 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 habitat feature, is appropriate for maintaining it in favourable condition and is secure in the long term. <p>Restoration and recovery</p> <p>As part of this objective it should be noted that; for the reefs feature the potential for expansion of the horse</p>	
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	mussel <i>Modiolus modiolus</i> community off the north Llŷn coast is not inhibited.	
Grey Seal	<p>POPULATIONS</p> <p>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 :</p> <p>-for bottlenose dolphin, otter and grey seal; contaminant burdens derived from human activity are below levels that may cause physiological damage, or immune or reproductive suppression</p> <p>-grey seal populations should not be reduced as a consequence of human activity</p> <p>- Disturbance by human activity is below levels that suppress reproductive success, physiological health or long-term behaviour”.</p> <p>RANGE</p> <p>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 bottlenose dolphin, otter and grey seal</p> <p>-Their range within the SAC and adjacent inter-connected areas is not constrained or hindered</p> <p>-There are appropriate and sufficient food resources within the SAC and beyond</p> <p>The sites and amount of supporting habitat used by these species are accessible and their extent and quality is stable or increasing</p> <p>SUPPORTING HABITATS AND SPECIES</p> <p>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;</p> <p>-distribution, -extent, -structure, -function and quality of habitat,</p> <p>-prey availability and quality.</p>	<p>Operations such as the removal of existing structures and pilling, is likely to cause noise disturbance to seals.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>
Bottlenose dolphin		<p>Operations such as the removal of existing structures and pilling, is likely to cause noise disturbance to bottlenose dolphins.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>
Otter		<p>Operations such as the removal of existing structures and pilling, is likely to cause noise disturbance to otters.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>

	<p>As part of this objective it should be noted that;</p> <ul style="list-style-type: none"> -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. 	
Northern Cardigan Bay / Gogledd Bae Ceredigion SPA		
Red throated diver (<i>Gavia stellata</i>)	<p>POPULATION</p> <ul style="list-style-type: none"> • The size of the wintering population should be stable or increasing, allowing for natural variability, and sustainable in the long term (peak mean of 1,186 individuals (2000/01 – 2003/4). <p>HABITAT AND PREY SPECIES</p> <ul style="list-style-type: none"> • There should be sufficient habitat, of sufficient quality, to support the population in the long term. • Supporting habitats include the sarnau reefs. 	<p>Operations such as the removal of existing structures and pilling, is likely to cause noise disturbance to red throated divers.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>

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	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.

Table 3.2.2, and there are ANY rows which are BLUE	
(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.

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?
Pen Llyn a'r Sarnau SAC				
Reefs	Loss of habitat due to coastal squeeze	By building coastal structures, there is the potential for coastal squeeze to occur. This is defined as 'the loss of natural habitats or deterioration of their quality arising from anthropogenic structures or actions, preventing the landward transgression of those habitats that would otherwise naturally occur in response to sea level rise in conjunction with other coastal processes'.	<p>The proposed works are considered to be maintenance activities falling within the definition in NRW Guidance Note 062, section 1.4.2.</p> <p>WG's 2021 Policy Clarification Note: Use of the National Habitat Creation Programme in delivering Flood and Coastal Erosion Risk Management projects, paragraph 5.5 states: 'The Welsh Government does not consider section 63(1) of the Conservation of Habitats and Species Regulations 2017 to apply to any coastal squeeze attributed to the existence and maintenance of a historic flood defence, for example through the interaction of a historic defence and sea level rise.'</p> <p>Therefore, whilst coastal squeeze may occur in relation to the presence of the structure, it is not considered by Welsh Government to be attributable to maintenance activities. Therefore, coastal squeeze is not considered further in this HRA in line with WG policy, and any effects on</p>	Yes

	Pollution from accidental fuel or concrete spills.	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.	<p>the National Site Network arising from these activities will be considered as part of the wider deterioration to the National Site Network.</p> <p>Alterations in water chemistry may detrimentally impact the chemical structure and function necessary for the long-term maintenance and quality of the habitat.</p> <p>In turn, this may detrimentally impact the presence, abundance, condition and diversity of typical species that this feature supports.</p>	No
Large shallow inlets and bays	Pollution from accidental fuel or concrete spills.	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.	<p>Alterations in water chemistry may detrimentally impact the chemical structure and function necessary for the long-term maintenance and quality of the habitat.</p> <p>In turn, this may detrimentally impact the presence, abundance, condition and diversity of typical species that this feature supports.</p>	No
Estuaries	Pollution from accidental fuel or concrete spills.	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.	<p>Alterations in water chemistry may detrimentally impact the chemical structure and function necessary for the long-term maintenance and quality of the habitat.</p> <p>In turn, this may detrimentally impact the presence, abundance, condition and diversity of typical species that this feature supports.</p>	No
Mudflats and sandflats not covered by seawater at low tide	Loss of habitat due to coastal squeeze	By building coastal structures, there is the potential for coastal squeeze to occur. This is defined as 'the loss of natural habitats or deterioration of their quality arising from anthropogenic structures or actions, preventing the landward transgression of those habitats that would otherwise naturally occur in	<p>The proposed works are considered to be maintenance activities falling within the definition in NRW Guidance Note 062, section 1.4.2.</p> <p>WG's 2021 Policy Clarification Note: Use of the National Habitat Creation Programme in delivering Flood and Coastal Erosion Risk Management projects, paragraph 5.5 states: 'The</p>	Yes

		<p>response to sea level rise in conjunction with other coastal processes’.</p>	<p>Welsh Government does not consider section 63(1) of the Conservation of Habitats and Species Regulations 2017 to apply to any coastal squeeze attributed to the existence and maintenance of a historic flood defence, for example through the interaction of a historic defence and sea level rise.’</p> <p>Therefore, whilst coastal squeeze may occur in relation to the presence of the structure, it is not considered by Welsh Government to be attributable to maintenance activities. Therefore, coastal squeeze is not considered further in this HRA in line with WG policy, and any effects on the National Site Network arising from these activities will be considered as part of the wider deterioration to the National Site Network.</p>	
	Pollution from accidental fuel or concrete spills.	<p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>	<p>Alterations in water chemistry may detrimentally impact the chemical structure and function necessary for the long-term maintenance and quality of the habitat.</p> <p>In turn, this may detrimentally impact the presence, abundance, condition and diversity of typical species that this feature supports.</p>	No
Submerged or partially submerged sea caves	Pollution from accidental fuel or concrete spills.	<p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>	<p>Alterations in water chemistry may detrimentally impact the chemical structure and function necessary for the long-term maintenance and quality of the habitat.</p> <p>In turn, this may detrimentally impact the presence, abundance, condition and diversity of typical species that this feature supports.</p>	No

Grey Seal	<p>Noise disturbance</p> <p>Pollution from accidental fuel or concrete spills.</p>	<p>Operations such as the removal of existing structures and pilling, is likely to cause noise disturbance to seals.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>	<p>Noise has the potential to displace seals and impair breeding and foraging success.</p> <p>Alterations in water chemistry may detrimentally impact the chemical structure and function necessary for the long-term maintenance and quality of supporting habitat as well as have direct impacts on the health of seals themselves.</p> <p>These detrimental impacts prevent the distribution, abundance and population dynamics of the species remaining stable or increasing.</p>	No
Bottlenose dolphin	<p>Noise disturbance</p> <p>Pollution from accidental fuel or concrete spills.</p>	<p>Operations such as the removal of existing structures and pilling, is likely to cause noise disturbance to bottlenose dolphins.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>	<p>Noise has the potential to displace bottlenose dolphins and impair breeding and foraging success.</p> <p>Alterations in water chemistry may detrimentally impact the chemical structure and function necessary for the long-term maintenance and quality of supporting habitat as well as have direct impacts on the health of the dolphins themselves.</p> <p>These detrimental impacts prevent the distribution, abundance and population dynamics of the species remaining stable or increasing.</p>	No
Otter	<p>Noise disturbance</p> <p>Pollution from accidental fuel or concrete spills.</p>	<p>Operations such as the removal of existing structures and pilling, is likely to cause noise disturbance to otters.</p> <p>During the construction phase, accidental fuel or concrete spills could</p>	<p>Noise has the potential to displace otters and impair breeding and foraging success.</p> <p>Alterations in water chemistry may detrimentally impact the chemical structure and function necessary for the long-term maintenance and</p>	No

		cause changes in water chemistry and detrimentally impact this feature.	quality of supporting habitat as well as have direct impacts on the health of otters themselves. These detrimental impacts prevent the distribution, abundance and population dynamics of the species remaining stable or increasing.	
Northern Cardigan Bay SPA				
Red Throated Diver	Noise disturbance Pollution from accidental fuel or concrete spills.	Operations such as the removal of existing structures and pilling, is likely to cause noise disturbance to red throated divers. During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.	Noise has the potential to displace red throated divers and impair breeding and foraging success. Alterations in water chemistry may detrimentally impact the chemical structure and function necessary for the long-term maintenance and quality of supporting habitat as well as have direct impacts on the health of red throated divers themselves. These detrimental impacts prevent the distribution, abundance and population dynamics of the species remaining stable or increasing.	No

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?
Reefs	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.	Yes	<u>Pollution Prevention</u> The applicant has proposed a series of mitigation measures to minimise the potential of pollution incidents occurring:	Yes

Large shallow inlets and bays	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.	Yes	<ul style="list-style-type: none"> All pumped concrete should be injected into void spaces when the tide is receding, opposed to incoming. This will provide additional time for the concrete to cure. Plant machinery should avoid movement on the beach, particularly when using concrete, when the tide is in. Work should be conducted during dry conditions. This will require tide tables and weather forecasts to be referenced and work schedules arranged accordingly in advance of any works taking place. Following relevant guidance e.g. CIRIA Guidance: Control of water pollution from construction sites. Guidance for consultants and contractors (C532D) (Masters-Williams, 2001), including the delivery of toolbox talks to site staff. Any chemical, fuel and oil stores will be located on impervious bases within a secured bund with a storage capacity 110% of the stored volume. Biodegradable oils and fuels will be used where possible. Drip trays will be placed underneath any standing machinery to prevent pollution by oil/fuel leaks. Refuelling of vehicles and machinery will be carried out on an impermeable surface in one designated area well away from the high tide mark with capture of any spillages. Emergency spill kits will be available on site and staff trained in their use. Operators will check their vehicles on a daily basis before starting work to confirm the absence of leakages. Any leakages will be reported immediately. Daily checks will be carried out and records kept on a weekly basis and any items that have been repaired/replaced/rejected noted and recorded. Any items of plant machinery found to be defective will be removed from site immediately or positioned in a place of safety until such time that it can be removed. This mitigation is industry standard practice and as a result will be incorporated into the project through the Environmental Management Plan (EMP). 	Yes
Estuaries	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.	Yes		Yes
Mudflats and sandflats not covered by seawater at low tide	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.	Yes		Yes
Submerged or partially submerged sea caves	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.	Yes		Yes
Grey Seal	<p>Operations such as the removal of existing structures and pilling, is likely to cause noise disturbance to seals.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>	Yes		Yes

Bottlenose dolphin	<p>Operations such as the removal of existing structures and piling, is likely to cause noise disturbance to bottlenose dolphins.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>	Yes	<p>Standard pollution prevention conditions will be added to the licence. Many of these have been covered by the mitigation proposed by the applicant however, there are some additional conditions such as:</p> <ul style="list-style-type: none"> The Licence Holder must ensure that any coatings/treatments used in carrying out the Licensed Activities are suitable for use in the marine environment and are used in accordance with best environmental practice. The Licence Holder must ensure that no waste concrete slurry or wash water from the use of concrete or cement are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of runoff entering a watercourse. The Licence Holder must ensure that if concrete is to be sprayed in the vicinity of the marine environment (e.g. bridges, retaining walls, etc.), suitable pollution prevention measures are taken to prevent rebounded or windblown concrete from entering the water environment. The Licence Holder must ensure materials used are suitable for use in the marine environment and works should be timed to ensure maximum concrete cure time. 	Yes
Otter	<p>Operations such as the removal of existing structures and piling, is likely to cause noise disturbance to otters.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>	Yes	<p><u>Grey Seals</u></p> <ul style="list-style-type: none"> Prior to works commencing each day, the works area and immediate vicinity will be checked for hauled out seals. If any seals are present within 200m of the works, site staff will keep their distance and no works will take place until the seal has moved off of its own accord. Soundex Noise Sound Barriers will be erected at the proposed site during the proposed piling works. Noise Sound barriers will reduce noise to <60dbs and act as a visual barrier to reduce human visual presence. Work will be carried out on the intertidal and not during the high tide period, therefore as no piling will be carried out in the water column then this would ensure no impact to any marine mammals from the noise. <p><u>Bottlenose Dolphins</u></p>	Yes

			<ul style="list-style-type: none"> • Soundex Noise Sound Barriers will be erected at the proposed site during the proposed piling works. Noise Sound barriers will reduce noise to <60dbs • Work will be carried out on the intertidal and not during the high tide period, therefore as no piling will be carried out in the water column then this would ensure no impact to any marine mammals from the noise. <p><u>Otters</u></p> <ul style="list-style-type: none"> • Prior to works commencing each day, the works area and immediate vicinity will be checked for Otter presence. Should an Otter be encountered on site during the works, all works should cease immediately, and advice be obtained from an experienced ecologist. • Soundex Noise Sound Barriers will be erected at the proposed site during the proposed piling works. Noise Sound barriers will reduce noise to <60dbs and act as a visual barrier to reduce human visual presence. • Works should not be undertaken at night and watercourses should not be illuminated by lighting, such as security lights, during works. Excavations left overnight should either be covered, or an escape ramp installed to prevent the trapping of Otter. <p>The following mitigation has also been proposed to prevent noise disturbance:</p> <ul style="list-style-type: none"> • A suitably qualified ecologist will be assigned to the project and will monitor bird behaviour throughout the proposed works and if necessary, halt works where disturbance is observed. • The works should be timed to avoid the overwintering period for birds in order to reduce impacts. <p>The following conditions will also be added to the licence to further mitigate the noise generated through piling and construction activities:</p>	
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			<ul style="list-style-type: none"> The Licence Holder must ensure that if percussive piling is used, soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of no less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated. 	
Northern Cardigan Bay SPA				
Red Throated Diver	<p>Operations such as the removal of existing structures and piling, is likely to cause noise disturbance to red throated divers.</p> <p>During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and detrimentally impact this feature.</p>	Yes	<p><u>Pollution Prevention</u></p> <p>The applicant has proposed a series of mitigation measures to minimise the potential of pollution incidents occurring:</p> <ul style="list-style-type: none"> All pumped concrete should be injected into void spaces when the tide is receding, opposed to incoming. This will provide additional time for the concrete to cure. Plant machinery should avoid movement on the beach, particularly when using concrete, when the tide is in. Work should be conducted during dry conditions. This will require tide tables and weather forecasts to be referenced and work schedules arranged accordingly in advance of any works taking place. Following relevant guidance e.g. CIRIA Guidance: Control of water pollution from construction sites. Guidance for consultants and contractors (C532D) (Masters-Williams, 2001), including the delivery of toolbox talks to site staff. Any chemical, fuel and oil stores will be located on impervious bases within a secured bund with a storage capacity 110% of the stored volume. Biodegradable oils and fuels will be used where possible. Drip trays will be placed underneath any standing machinery to prevent pollution by oil/fuel leaks. Refuelling of vehicles and machinery will be carried out on an impermeable surface in one designated area well away from the high tide mark with capture of any spillages. Emergency spill kits will be available on site and staff trained in their use. 	Yes

			<ul style="list-style-type: none"> • Operators will check their vehicles on a daily basis before starting work to confirm the absence of leakages. Any leakages will be reported immediately. • Daily checks will be carried out and records kept on a weekly basis and any items that have been repaired/replaced/rejected noted and recorded. Any items of plant machinery found to be defective will be removed from site immediately or positioned in a place of safety until such time that it can be removed. • This mitigation is industry standard practice and as a result will be incorporated into the project through the Environmental Management Plan (EMP). <p>Standard pollution prevention conditions will be added to the licence. Many of these have been covered by the mitigation proposed by the applicant however, there are some additional conditions such as:</p> <ul style="list-style-type: none"> • The Licence Holder must ensure that any coatings/treatments used in carrying out the Licensed Activities are suitable for use in the marine environment and are used in accordance with best environmental practice. • The Licence Holder must ensure that no waste concrete slurry or wash water from the use of concrete or cement are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of runoff entering a watercourse. The Licence Holder must ensure that if concrete is to be sprayed in the vicinity of the marine environment (e.g. bridges, retaining walls, etc.), suitable pollution prevention measures are taken to prevent rebounded or windblown concrete from entering the water environment. • The Licence Holder must ensure materials used are suitable for use in the marine environment and works should be timed to ensure maximum concrete cure time. <p>The following mitigation has also been proposed to prevent noise disturbance:</p>	
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			<ul style="list-style-type: none"> • A suitably qualified ecologist will be assigned to the project and will monitor bird behaviour throughout the proposed works and if necessary, halt works where disturbance is observed. • Soundex Noise Sound Barriers will be erected at the proposed site during the proposed piling works. Noise Sound barriers will reduce noise to <60dbs and act as a visual barrier to reduce human visual presence. • The works should be timed to avoid the overwintering period for birds in order to reduce impacts. <p>The following conditions will also be added to the licence to further mitigate the noise generated through piling and construction activities:</p> <ul style="list-style-type: none"> • The Licence Holder must ensure that if percussive piling is used, soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of no less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated. 	
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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	No

considered in combination with the effects of other plans or projects?	
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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 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 cannot 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:



Name: Jack Thompson

Position: Marine Licensing Officer

Date: 12 December 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
4	19/01/2024	<p>NRWA explained that the footprint of the rock armour was not provided and as such, they were unsure as to whether or not it would encroach on mudflat/sandflat habitat and result in habitat loss. Further information was requested from the applicant to clarify this.</p> <p>The applicant responded and explained that the rock armour will be 13m in length and extend 2.75m seaward of the emplaced sheet pile therefore, the total area of the rock armour is 35.75m².</p> <p>This detail was added to the HRA and NRWA were reconsulted.</p>
3 and 4	21/03/2024	<p>NRWA explained that as the rock armour only extends 2.75m seaward of the new piles, this will not impact on the intertidal sandflat and mudflat habitat. As such, there will be no habitat loss. Habitat loss was therefore ruled out at the LSE stage and only pollution impacts upon the mudflat and sandflat habitats were taken through to AA.</p> <p>NRWA suggested that as works are being undertaken at low tide, the impact of noise on marine mammals has been mitigated. This was added to the AA mitigation section.</p> <p>NRWA noted that temporary sand bags will be placed at the base of the new piling until the rock armour is installed. They have requested that the sand in the bags is free from any invasive non-natives, which could escape if the bags split. They have suggested the use of local sand from the beach which is returned or sand from another clean source. This was raised with the applicant and they subsequently submitted an updated methodology which explains that hessian bags will be filled with sand from the beach. The sand bags will be in place for a short period of time and once removed, all sand will be deposited back where it was taken from.</p>

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: Delyth Rowlands, Marine Area Advice and Management Team

SUBJECT: Habitats Regulations Assessment (HRA) of CML2359 Afon Wen Sheet Pile Repairs

Thank you for consulting the Marine Area Advice and Management Team on the above project and sending us an updated copy of the draft Form 1 HRA report dated 15th December 2023. Our comments are as follows:

The HRA has considered impacts to the following sites:
Pen Llŷn a'r Sarnau Special Area of Conservation (SAC)
Northern Cardigan Bay Special Protection Area (SPA)

We agree with the conclusions of the assessment in terms of the Northern Cardigan Bay SPA and the marine mammal and otter features of the Pen Llŷn a'r Sarnau SAC for all aspects of the works proposed.

We advise that we do not have any concerns regarding the sheet piling aspect of the works, together with the filling of the void with concrete in terms of marine ecology and marine physical processes. We would agree that these aspects of the work will not have an adverse effect on the SAC's habitat features.

We do however require further information regarding the additional rock armour placement proposed from the applicant in order to fully assess the impact of undertaking this aspect of the works. These concerns are raised from a marine ecology and marine physical processes perspective and further detail on the information required may be found in the MAAMT response memo. We advise that we cannot currently agree with the conclusions of the HRA (habitat features of the Pen Llŷn a'r Sarnau Special Area of Conservation (SAC)) with respect to the additional rock armouring element of the works until the information requested is presented for consideration.

Signed: ~~Rowland Sharp~~ Senior Marine Advisor

Date: 19th January 2024

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, Marine Licensing Officer, Marine Licencing Team

FROM: Rowland Sharp, Marine Area Advice and Management Team

SUBJECT: Habitats Regulation Assessment of CML2359 Afonwen Sheet Pile repairs

Thank you for consulting the Marine Area Advice and Management Team on the above project and sending us a copy of the draft Form 1 HRA report dated 12/12/2023. Our comments are as follows:

We agree with the conclusion of the HRA that the proposed works will not have an Adverse Effect on any European Marine Site.

We would however like to suggest some additions/amendments to the HRA for completeness –

1. The method statement states that the work will be carried out on the intertidal and not during the high tide period, therefore as no piling will be carried out in the water column then this would ensure no impact to any marine mammals from the noise.
2. There are some temporary sand bags proposed to be placed at the base of the new piling until the rock armour is installed. The sand in the bags needs to be free from any Invasive non-natives, which could escape if the bags split. Use of local sand from the beach which is returned or from another clean source.

3. The HRA states that the rock armour will be placed on intertidal mudflat and sandflat habitat of the SAC. A site visit has confirmed that the footprint of the rock armour will not impact on the intertidal sandflat and mudflat habitat, as the mudflat and sandflat habitat is further down the intertidal than the 2.75 metres distance from the new piles.

These amendments do not change our conclusion of the HRA

Signed: ~~Rowland Sharp~~ Senior Marine Advisor

Date: 21/03/2024
