

## Record of a Habitats Regulations Assessment of a project

### OGN 200 Form 1

Document owner: Protected Sites Team, EPP

#### Version History:

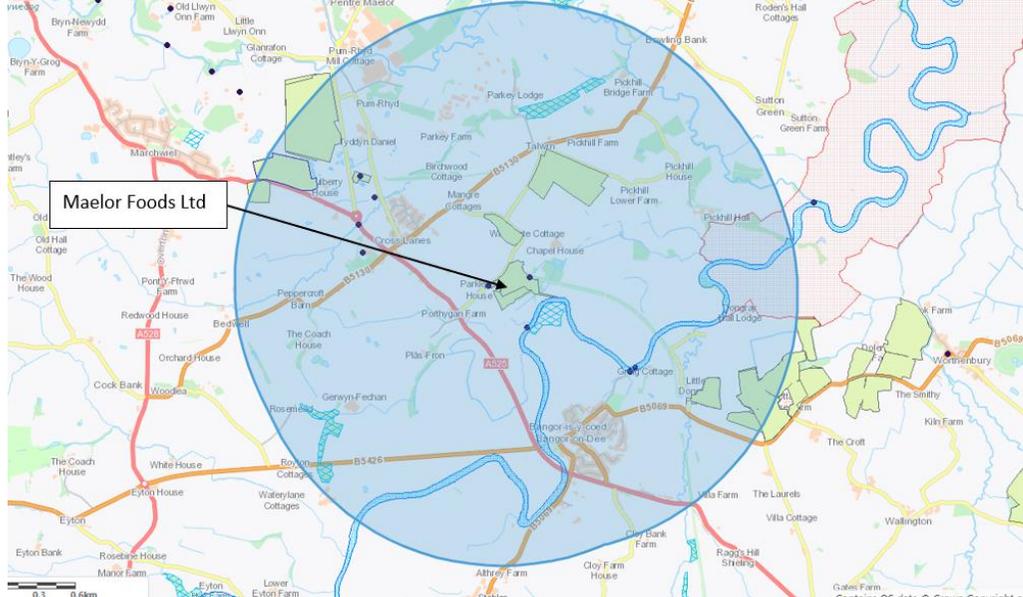
Document Version	Date Published	Summary of Changes
1.0	March 2016	Document created
1.1	30 November 2017	References to the 2010 Habitats Regulations updated to reflect new consolidated version of the regulations which entered into force on 30 <sup>th</sup> November 2017; References to KSP and National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

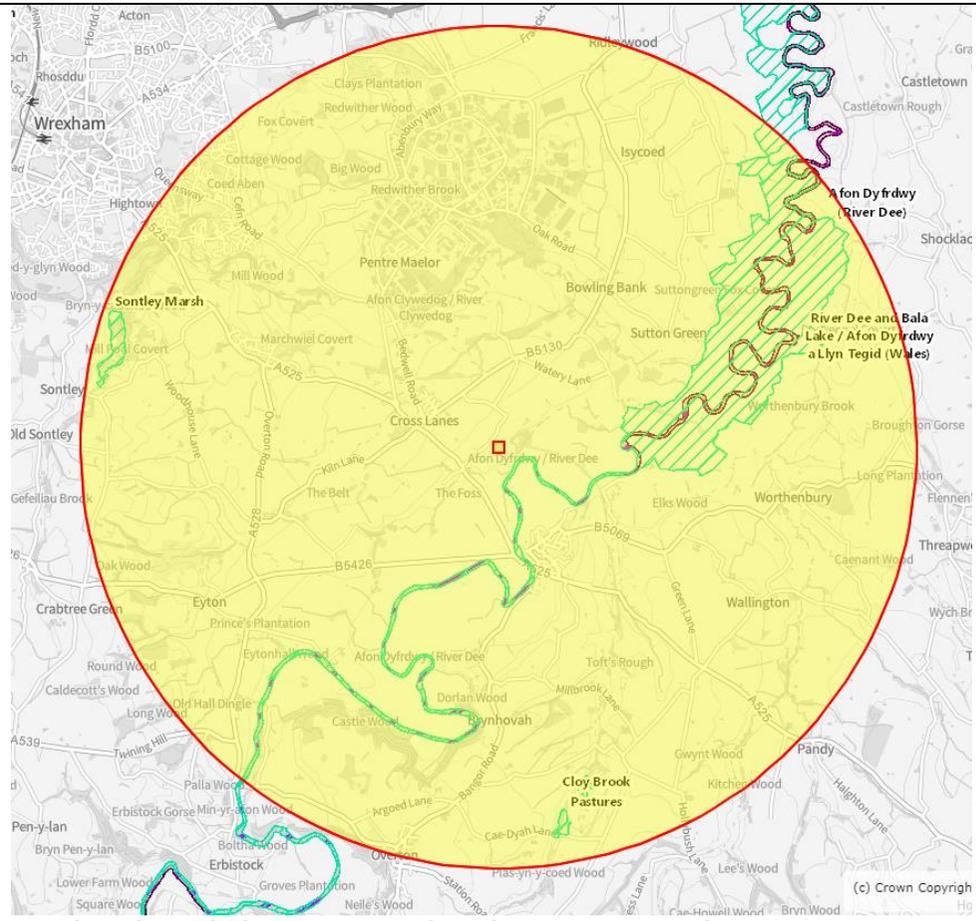
Next review date: April 2019

## Record of a Habitats Regulations Assessment of a project

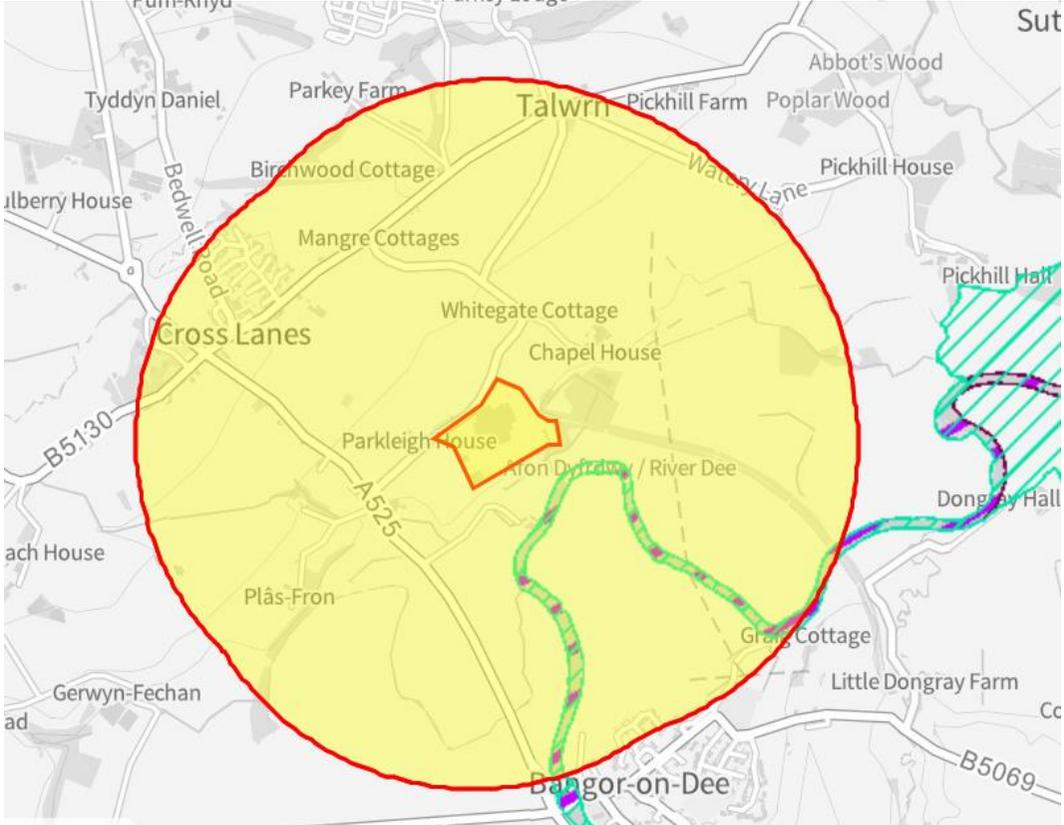
### 1. Project Details

<b>1(a): Project details where an external party has applied to NRW for any form of authorisation</b>	
<b>Application reference number (if applicable)</b>	PAN-020892 Maelor Foods
<b>Date application received</b>	Received 22.02.2023 – app duly made 11.05.2023 (app on hold for 10 months at operator request for extension of time to respond to Sch 5 Notice for NIA)
<b>Applicant Details</b>	Maelor Foods Limited
<b>Activity Proposed</b>	<p>Maelor Foods Limited are applying to vary Permit EPR/AB3591ZQ to increase their poultry processing facility capacity from 1 million birds per week to 2 million birds per week by installing a second processing line, a new module handling system and an additional chiller plant inside the existing buildings. The changes proposed will include the upgrading and improving of their existing effluent treatment plant to cope with the increased arisings of effluent, and also increase the sites treated wastewater discharge volume into the River Dee.</p> <p>The site currently operates four boilers with the proposed increase in processing capacity requiring one additional boiler. The pollutants emitted to air of concern for habitats are Oxides of nitrogen (expressed as nitrogen dioxide) and sulphur dioxide leading to potential long term and short-term nitrogen oxide and longer-term sulphur dioxide airborne impacts, potential long term nutrient nitrogen deposition and potential long term acidity deposition impacts.</p> <p>The applicant has submitted detailed air dispersion modelling. The detailed air dispersion modelling includes existing and new point source emissions to air. It has been completed at 8760 operational hours per year (maximum hours) and at the relevant maximum emission limit values, therefore providing a conservative assessment. The modelling has included assessment of airborne nitrogen oxide and sulphur dioxide impacts, nutrient nitrogen deposition impacts and acidity deposition impacts (where relevant) of predicted emissions on SPA, SAC and RAMSAR sites within 1km of the site.</p> <p>This Form 1 HRA has been completed using the data obtained from all the air dispersion modelling scenarios as well as emissions to surface waters modelling.</p>

<b>Relevant Legislation</b>	Environmental Permitting (England & Wales) Regulations 2016 Industrial Emissions Directive NRW powers under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016 to vary existing permits
<b>Location</b>	Maelor Poultry Processing Plant, Pickhill Lane, Cross Lanes, Wrexham, LL13 0UE SJ 38542 46706 338542 (E) Easting; 346706 (Y) Northing; latitude 53.014113; longitude -2.9175069  <p><b>Site Location</b></p>



**Location of designated habitat sites within 5 km screening distance – shown in yellow.**

	 <p><b>Location of designated habitat sites within 1 km screening distance – shown in yellow.</b></p>
<b>Application Documents</b>	Internal DMS Folder here: <a href="https://sharepoint.com/EPR-AB3591ZQ">EPR-AB3591ZQ (sharepoint.com)</a> External Public Register here: <a href="#">Public register - Customer Portal (naturalresources.wales)</a>
<b>Environmental Statement</b>	N/a
<b>Pre-application correspondence</b>	N/a
<b>NRW team responsible for drafting this HRA report, and name of lead officer</b>	Lucinda Hall - Permitting Consultant Installations and RSR Permitting Team

## 2. Determining the need for a Habitats Regulations Assessment

<b>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?</b>	<b>No</b>
<b>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?</b>	<b>N/a</b>
<b>2.3 Is it necessary to carry out an HRA?</b>	<b>Yes</b>

### 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

<b>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?</b>	<b>No</b>
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### 3.2 Likelihood of significant effects (LSE) test

<p><b>3.2.1 Which Natura 2000 sites might be affected by the proposal?</b></p>	<p>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:</p> <ul style="list-style-type: none"><li>• River Dee and Bala Lake SAC UK0030252 (Distance from site boundary ~0) Site boundary includes discharge point into River Dee</li></ul> <p>The potential for the project to affect the following Natura 2000 sites was also initially considered, but can be ruled out without further consideration:</p> <ul style="list-style-type: none"><li>• Johnstown Newt Site SAC UK0030173 (Distance from site boundary ~7km W) Whilst there is a theoretical pathway via atmosphere from the proposed new boiler, the impacts can be screened out requiring no further assessment, as the distance to this Ramsar is over 7 kilometres (and screening distances for MCPs sized between 1-5MWth is 1km – thus does not require further assessment). There is no impact pathway for effluent discharge as no hydraulically linked to this SAC.</li><li>• Midland Meres and Mosses Ramsar UK11080 (Distance from site boundary ~7km NNW &amp; 9.4km SW) Whilst there is a theoretical pathway via atmosphere from the proposed new boiler, the impacts can be screened out requiring no further assessment, as the distance to this Ramsar is over 7 kilometres (and screening distances for MCPs sized between 1-5MWth is 1km – thus does not require further assessment). There is no impact pathway for effluent discharge as no hydraulically linked to Ramsar Site.</li></ul>
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### 3.2.2 Screening assessment

The screening assessment should indicate the possible pathways through which the project may impact upon relevant Natura 2000 site features. Each designated feature (taken from the official Natural 2000 designation documents) should be recorded in the left hand column below. If more than one Natura 2000 site is identified from section 3.2.1, deal with each Natura 2000 site separately.

The assessment should be made in view of the conservation objectives for the Natura 2000 site(s) concerned, as set out in either the current NRW Core Management Plan for a terrestrial Natura 2000 site, or in NRW's extant advice issued under Regulation 35 (or 37) of the Conservation of Habitats and Species Regulations 2010 (or 2017) for a marine Natura 2000 site.

Colour coding should be used in the 'impact pathway' column II as follows:

**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**

Examples of types of impact pathways that may be relevant:

- Direct capture, damage or harm to a designated species feature
- Damage to a designated habitat feature (including through direct physical impact, pollution, changes in thermal regime, hydrodynamics, light, etc.)
- Damage to the habitat of designated species features (including through direct physical impact, pollution, changes in thermal regime, hydrodynamics, light, etc.)
- Damage to a designated habitat feature via removal of, or other detrimental impact on, typical species
- Removal of prey species of a designated species feature
- Damage to habitat of prey species
- Indirect effects on habitats and species

Note that several impact pathways may be relevant to the same designated feature

	Assessment of likelihood of significant effect		
	I Relevant conservation objectives <i>Reference relevant conservation objectives from Natura 2000 site Core Management Plan, or NRW</i>	II Potential impact pathway <i>For each row assign appropriate colour (as above) and give short explanation as required</i>	III Avoidance measure <i>Briefly describe any measures included within the project at this point that will ensure that the potential effects are avoided.</i>

	<i>Regulation 35 advice (as applicable)</i>		<i>are not significant or are not likely to occur. If none, put 'N/A'</i>
<b>Name of Natura 2000 site: River Dee and Bala Lake SAC UK0030252</b>			
1. Watercourses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion Vegetation  <b>1.3 Riverine habitats &amp; running waters</b>	<p>CORE MANAGEMENT PLAN INCLUDING CONSERVATION OBJECTIVES FOR</p> <p>River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC</p> <p>Version: 3 September 2022 Approved by: Dave Powell</p> <p><a href="#">CONSERVATION OBJECTIVES FOR N2K SITES</a> <a href="http://naturalresources.wales"> (naturalresources.wales)</a></p>	<p><b>Toxic contamination</b> There is an impact pathway due to emissions to air of NOx (oxides of Nitrogen), nitrogen deposition (N-dep), as well as emissions to the River Dee from Effluent Treatment Plant discharge which will contain BOD, Total suspended solids, Ammonia, Orthophosphate, Iron, Chloride, Temperature, pH, therefore significant effects cannot be ruled out at this stage.</p> <p><b>Nutrient enrichment</b> There is an impact pathway due to emissions to air of NOx (oxides of Nitrogen), nitrogen deposition (N-dep), as well as emissions to the River Dee from Effluent Treatment Plant discharge which will contain BOD, Total suspended solids, Ammonia, Orthophosphate, Iron, Chloride, Temperature, pH, therefore significant effects cannot be ruled out at this stage.</p> <p><b>Acidification</b> There is an impact pathway due to emissions to air of NOx (oxides of Nitrogen), nitrogen deposition (N-dep), as well as emissions to the River Dee from Effluent Treatment Plant discharge which will contain BOD, Total suspended solids, Ammonia, Orthophosphate, Iron, Chloride, Temperature, pH, therefore significant effects cannot be ruled out at this stage.</p> <p><b>Changes in salinity regime</b> There is no impact pathway from air emissions. No impact pathway from water</p>	<p>Technical review of the AQA concluded that following the changes required to accommodate the increase in processing capacity, the predicted long (annual) and short term (24 hour) PCs at habitat receptors will all be below 1% of the long- term and short-term environmental standards for protected conservation areas respectively. The review indicated that the predicted short-term PC may exceed 1% at the River Dee and Bala Lake SSSI and SAC (short term: 3.6%), however this remains below 10% of the short-term environmental standard for protected conservation areas.</p> <p>Modelling checked by AQN indicates that the predicted short term PC may exceed 1% at the River Dee and Bala Lake SSSI and SAC (short term: 3.6%), this remains below 10% of the short term environmental standard for protected conservation areas. Modelling also did not indicate that the Predicted Environmental Concentrations (PEC) were likely to exceed 70% of the long and short term environmental standards at habitat receptors.</p> <p>PC of nitrogen deposition (N-dep) at habitat receptors is below 1% of the lower critical load (CLo) with the exception of three receptors representing the River Dee and Bala Lake SSSI and SAC (maximum: 2.4%), however the PC due to emissions from the proposed new boiler alone account for less than 1% of the N-dep critical load at these three receptors (maximum: 0.4%). AQN</p>
2. Atlantic salmon Salmo salar  <b>2.5 Anadromous fish</b>			
3. Floating water-plantain Luronium natans  <b>2.1 Vascular plants of aquatic habitats</b>			
4. Sea lamprey Petromyzon marinus  <b>2.5 Anadromous fish</b>			
5. Brook lamprey Lampetra planeri  <b>2.6 Non-migratory fish &amp; invertebrates of rivers</b>			
6. River Lamprey Lampetra fluviatilis  <b>2.5 Anadromous fish</b>			
7. Bullhead Cottus gobio  <b>2.6 Non-migratory fish &amp; invertebrates of rivers</b>			
8. European otter Lutra lutra			

<p><b>2.9 Mammals of riverine habitats</b></p>		<p>discharge as there will be no saline content within the effluent.</p>	<p>assessment confirmed that whilst checks indicated that the maximum PC may exceed 1% of the N-dep CLo at the River Dee and Bala Lake SSSI and SAC (maximum: 2.8%), the contribution from the proposed new boiler alone is unlikely to exceed 1% of the CLo.</p>
<p>9. The lake and aquatic / emergent vegetation.</p>		<p>Changes in thermal regime There is an impact pathway in principle due to temperature of discharge, however no changes proposed to existing discharge temperature.</p>	
<p><b>1.5 Standing waters (not sensitive to acidification)</b></p>			
<p>10. Lake fen /swamp incl. wet woodland.</p>		<p>Habitat loss There is an impact pathway due to emissions to air of NOx (oxides of Nitrogen) as well as emissions to the River Dee from Effluent Treatment Plant discharge which will contain BOD, Total suspended solids, Ammonia, Orthophosphate, Iron, Chloride, Temperature, pH, therefore significant effects cannot be ruled out at this stage.</p>	<p>The pollutants emitted to surface waters of concern for downstream river quality of SSSI are BOD, ammonia, orthophosphate, iron, chloride, and pH.</p>
<p><b>1.1 Fens &amp; wet habitats</b></p>			
<p>11. Fish. Coregonus lavaretus Gwyniad.</p>			<p>For the full assessment and all the proposed limits please see attached assessment: 'PAN-020892 WFD Assessment New Form'.</p>
<p><b>2.5 Anadromous fish</b></p>			
<p>12. Invertebrate. Myxas glutinosa Glutinous snail.</p>		<p>Physical damage by IPC/PPC Processes There is an impact pathway</p>	
<p><b>2.2 Vascular plants lower plants and invertebrates of wet habitats</b></p>		<p>Smothering There is an impact pathway from air emissions pathway from NOx (oxides of Nitrogen) and nitrogen deposition (N-dep)</p>	
<p></p>		<p>Turbidity &amp; Siltation There is an impact pathway from air emissions. There is an impact pathway for suspended solids (SS) within the water discharge</p>	
<p></p>		<p>Entrapment There is an impact pathway from air emissions No impact pathway from water discharge as there is no water abstraction activity.</p>	
<p></p>		<p>Disturbance (noise) There is an impact pathway in principle due</p>	

		to noise emissions, however the installation is located a sufficient distance away from the SAC to expect no likely significant effect.	
<b>Name of Natura 2000 site: Johnstown Newt Site SAC UK0030173</b>			
<b>Name of Natura 2000 site: Midland Meres and Mosses Ramsar UK11080</b>			

### 3.2.3 Screening decision of the project 'alone'

<p><b>(a) If ALL rows in column II of Table 3.2.2 are GREEN</b></p>	<p>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.</p> <p><b><i>Strike out rows (b) and (c) below, delete sections 4 and 5 of the form and <u>complete sections 6 and 7 (and section 8 if applicable).</u></i></b></p>
<p><b>(b) If there are NO rows coloured RED in column II of Table 3.2.2, and there are ANY rows which are BLUE</b></p>	<p>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.</p> <p><b><i>Strike out row (a) above and row (c) below, delete section 4 of the form and go to Section 5.</i></b></p>
<p><b>(c) If ANY rows in Column II of Table 3.2.2 are RED</b></p>	<p>The project is likely to have a significant effect on one or more Natura 2000 sites and therefore an appropriate assessment is required.</p> <p><b><i>Strike out rows (a) and (b) above, and go to section 4 of the form. If there <u>also</u> are any BLUE rows, list them in Table 5.1 below (we'll come back to them in the in-combination assessment)</i></b></p>

## 4. Appropriate assessment of the project when considered alone

Tables 4.1 and 4.2 should document the appropriate assessment for the project. The two left hand columns should list the designated features and the impact pathways identified in RED from section 3.2.2 above, where likely significant effects are anticipated or cannot be ruled out. Any features recorded in section 3.2.2 as green should not be considered further. Any features recorded in section 3.2.2 as blue should not be considered at this stage, but only in section 5.

Table 4.1 should first consider the potential impact of the project as currently defined and in the absence of any mitigating measures, conditions or restrictions that may be applied. Table 4.2 should then consider measures to mitigate any adverse effects.<sup>1</sup>

Table 4.1, and 4.2 if applicable, MUST be completed having sought and had regard to the advice of the relevant protected sites advisor, and section 7 of the form must be completed.

### 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? 'YES' or 'NO'*
<b>Natura 2000 site name</b> <b>River Dee and Bala Lake SAC UK0030252</b>				
1. Watercourses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium Vegetation <b>1.3 Riverine habitats &amp;</b>	<b>Toxic contamination</b> <b>Nutrient enrichment</b> <b>Acidification</b> <b>Habitat loss</b> <b>Smothering</b> <b>Turbidity</b>	<b>Toxic contamination</b> The Operator/Applicant has submitted detailed air dispersion modelling for the primary emission of concern for habitat impacts: Oxides of Nitrogen (NOx) and nitrogen deposition (N-dep):  <b>NOx (Oxides of Nitrogen) emissions</b> A long-term critical level of 30 µg/m <sup>3</sup> NOx (annual) and short-term critical level of 75 µg/m <sup>3</sup>	Using UK Atmospheric Dispersion Modelling System (ADMS) modelling software, the applicant assessed changes required to accommodate the increase in processing capacity. The predicted short term PC may exceed 1% at the River Dee and Bala Lake SSSI and SAC (short term: 3.6%), but remains below 10% of the short term environmental standard for protected conservation areas. Modelling did not indicate that the Predicted Environmental Concentrations (PEC) were likely to exceed 70% of the long and short term environmental standards at any	Yes

<sup>1</sup> Highlighted text deleted in light of CEU ruling in case C-323/17 'People over Wind'.

<b>running waters</b>	<b>Siltation</b>	<b>Nutrient enrichment</b> Elevated levels of BOD, ammonia and phosphorus can cause excess algae growth which can in turn reduce dissolved oxygen levels within the receiving watercourse.	receptor.  Effluent is treated in an effluent treatment facility prior to discharge  Modelling checked by AQN indicates that the predicted short term PC may exceed 1% at the River Dee and Bala Lake SSSI and SAC (short term: 3.6%), this remains below 10% of the short term environmental standard for protected conservation areas. Modelling also did not indicate that the Predicted Environmental Concentrations (PEC) were likely to exceed 70% of the long and short term environmental standards at habitat receptors.  Technical review of the AQA concluded that following the changes required to accommodate the increase in processing capacity, the predicted long (annual) and short term (24 hour) PCs at habitat receptors will all be below 1% of the long-term and short-term environmental standards for protected conservation areas respectively. The review indicated that the predicted short-term PC may exceed 1% at the River Dee and Bala Lake SSSI and SAC (short term: 3.6%), however this remains below 10% of the short-term environmental standard for protected conservation areas.  PC of nitrogen deposition (N-dep) at habitat receptors is below 1% of the lower critical load (CLo) with the exception of three receptors representing the River Dee and Bala Lake SSSI and SAC (maximum: 2.4%), however the PC due to emissions from the proposed new boiler alone account for less than 1% of the N-dep critical load at these three receptors (maximum: 0.4%). AQN assessment confirmed that whilst checks indicated that the maximum PC may exceed 1%
2. Atlantic salmon Salmo salar  <b>2.5 Anadromous fish</b>		<b>Acidification</b> As above	
3. Floating water-plantain Luronium natans  <b>2.1 Vascular plants of aquatic habitats</b>		<b>Habitat loss</b> As above	
4. Sea lamprey Petromyzon marinus  <b>2.5 Anadromous fish</b>		<b>Smothering</b> There is no environmental standard for particulate matter to assess smothering	
5. Brook lamprey Lampetra planeri  <b>2.6 Non-migratory fish &amp; invertebrates of rivers</b>		<b>Turbidity &amp; Siltation</b> There is currently a limit of 30 mg/L for suspended solids (SS) on the discharge. Maximum discharge limit set will be reduced to 15 mg/L in line with the treatment specifications of the ETP, offering betterment.	
6. River Lamprey Lampetra fluviatilis  <b>2.5 Anadromous fish</b>			
7. Bullhead Cottus gobio  <b>2.6 Non-migratory fish &amp; invertebrates of rivers</b>			
8. European otter			

<p>Lutra lutra</p> <p><b>2.9 Mammals of riverine habitats</b></p>			<p>of the N-dep CLo at the River Dee and Bala Lake SSSI and SAC (maximum: 2.8%), the contribution from the proposed new boiler alone is unlikely to exceed 1% of the CLo.</p>	
<p>9. The lake and aquatic / emergent vegetation.</p> <p><b>1.5 Standing waters (not sensitive to acidification)</b></p>			<p>The pollutants emitted to surface waters of concern for downstream river quality of SSSI are BOD, ammonia, orthophosphate, iron, chloride, and pH.</p>	
<p>10. Lake fen /swamp incl. wet woodland.</p> <p><b>1.1 Fens &amp; wet habitats</b></p>			<p>A review of current and proposed water quality in the receiving watercourse has been undertaken to ensure the proposed emission limits are acceptable in terms of the Habs Directive and WFD. Refer to 'PAN-020892 WFD Assessment New Form' for full assessment. Increased discharge proposed by the applicant as detailed in document Appendix 9: Maelor Foods Wrexham - Proposed Increased Discharge Impact Assessment - Final Report table 2.3 for BOD 10mg/l, Ammonia 2mg/l and Phosphorus 1000ug/l (1mg/l) considered acceptable.</p>	
<p>11. Fish. Coregonus lavaretus Gwyniad.</p> <p><b>2.5 Anadromous fish</b></p>				
<p>12. Invertebrate. Myxas glutinosa Glutinous snail.</p> <p><b>2.2 Vascular plants lower plants and invertebrates of wet habitats</b></p>				

*\* If it is not known whether adverse effect can be ruled out, record 'NO' in the right hand column*

*If any rows in the right hand column are 'NO' go to section 4.2*

*If all adverse effects can be ruled out without the need for additional mitigation (i.e. the right hand column is 'YES' in all rows) go to section 4.3*

#### 4.2 Assessment of the project taking into account mitigating measures, conditions or restrictions<sup>2</sup>

Natura 2000 Feature (from Table 4.1 – ‘NO’ rows only)	Description of adverse effect(s)	Can adverse effect(s) be mitigated? <i>Insert ‘YES’ or ‘NO’*</i>	Description of mitigation measures, and how they would be applied (e.g. contractual obligations, consent conditions) <i>If required, further details can be provided in separate clearly referenced documents.</i>	Can adverse effect on site integrity be ruled out? <i>Insert ‘YES’ or ‘NO’ *</i>
<i>Feature 1</i>				
<i>Feature 2</i>				
<i>...etc</i>				

*\* If it is not known whether adverse effects can be mitigated, or whether adverse effect on site integrity can be ruled out, insert ‘NO’*

*In all cases, go to section 4.3*

#### 4.3 Concluding the appropriate assessment of the project alone

<b>(a) If the right hand column of Table 4.1 and Table 4.2 (if applicable) is ‘YES’ for all features</b>	It has been ascertained that the proposal, when considered alone, will not adversely affect the integrity of any Natura 2000 sites.
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<sup>2</sup> Highlighted text deleted in light of CEU ruling in case C-323/17 ‘People over Wind’.

	<i>Strike out row (b) below and go to row (c)</i>
<b>(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</b>	<p>It has not been ascertained that the proposal, when considered alone, will not adversely affect the integrity of one or more Natura 2000 sites.</p> <p><i><u>Strike out row (a) above and row (c) below, delete section 5 of the form and complete sections 6 and 7, and section 8 if applicable</u></i></p>
<b>(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?</b>	<p><i><u>Insert 'YES' or 'NO'</u></i></p> <p><i><u>If 'YES' go to section 5 of the form</u></i></p> <p><i><u>If 'NO' delete section 5 of the form and complete sections 6 and 7, and section 8 if applicable</u></i></p>

## 5 In combination assessment

### 5.1 Identifying possible in combination effects

*This section covers the in combination assessments for both the LSE test and the appropriate assessment.*

*The other plans or projects which should be considered for potential in-combination effects with the proposal under consideration are any of the following whose effects could interact with the residual (i.e. insignificant when considered alone) effects of the project described in section 1 of this form, for example by adding to or magnifying its effects, or by making a habitat or species feature more sensitive its effects.*

- *projects started but not yet completed*
- *projects consented but not started*
- *ongoing projects subject to repeated authorisations (e.g. annual licences)*
- *applications lodged but not yet determined*
- *refusals subject to appeals procedures not yet determined*

- *projects not requiring consent but which have been approved by the competent authority concerned*
- *proposals in adopted plans*
- *proposals in draft plans published for consultation*
- *allocations or other forms of proposals in adopted development plans*
- *allocations or other forms of proposals in draft development plans published for consultation*

*Do not include projects which have not yet been applied for, unless the project is well defined and there are solid reasons for believing that it will be taken forward. Do not include completed projects. Consult with protected sites advisors and others as required.*

*In the left hand column of the table below you should list, as applicable:*

- *Any impact pathways recorded as **BLUE** in section 3.2 of this form (no LSE alone but potential for LSE in combination); and*
- *Any residual effects from section 4.3 (no adverse effect alone, but residual effect may be significant).*

<b>BLUE</b> impact pathway from Table 3.2  and/or  Residual effect (from appropriate assessment in section 4)	Natura 2000 site feature(s) concerned	Other plans/projects with effects that might interact with the effects of the project to render its effects significant (if any) <i>If none, put 'N/A'</i>	Nature of the in-combination effect (if any)	Is there likely to be any significant in-combination effect, in view of the site's conservation objectives? <i>Insert 'YES' or 'NO' or 'DON'T KNOW'</i>
<b>Changes in thermal regime</b>  <b>Disturbance (noise)</b>	River Dee and Bala Lake SAC UK0030252	None.  6 permit / variation applications were identified upstream, including variations to effluent discharges, and water resources abstraction (and return).  On examination, none had the potential to interact with this application and render its effects significant.  No projects in England have been assessed.	None	No

<p><b>(a) If the right hand column is 'NO' for all rows</b></p>	<p>The project, when considered in combination with other plans and projects, is either not likely to have a significant effect on, or will not adversely affect the integrity of any Natura 2000 site.</p> <p><i>Strikeout option (b) below, delete section 5.2 and <u>complete sections 6 and 7, and section 8 if applicable.</u></i></p>
<p><b>(b) If any rows in the right hand column are 'YES' or 'DON'T KNOW'</b></p>	<p>The project is likely to have a significant effect in combination with other plans or projects.</p> <p><i>Strikeout option (a) above and go to section 5.2</i></p>

## 5.2—Addressing in-combination effects

<p><b>In combination effect</b> <i>List any 'YES' or 'DON'T KNOW' impacts from the right hand column of the table in section 5.1</i></p>	<p><b>Describe any conditions, restrictions or other measures, if any, applicable to the subject project, and/or to the other plans/projects giving rise to the in combination effect, which could remove the risk of adverse effects on the Natura 2000 site features. Include details of how such measures would be applied, and who would be responsible for applying them.</b> <i>If required, further details can be provided in separate clearly referenced documents.</i></p>	<p><b>Taking into account any additional measures identified and how they would be applied, can adverse effects on site features from in-combination effects be ruled out?</b> <i>'YES' or 'NO' or 'DON'T KNOW'</i></p>
<p><b>(a) If the right hand column is 'YES' in all cases</b></p>	<p>It can be concluded that the project will not adversely affect the integrity of any Natura 2000 sites, either alone or in combination with other plans or projects.</p> <p><i>Strike out option (b) below and <u>complete sections 6 and 7, and section 8 if applicable.</u></i></p>	

<b>(b) If any row is 'NO' in the right hand column</b>	<p><del>It cannot be concluded that the project will not adversely affect the integrity of any Natura 2000 sites, when considered in combination with other plans or projects.</del></p> <p><i><del>Strike out option (a) above and <u>complete sections 6 and 7, and section 8 if applicable.</u></del></i></p>
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## 6. Conclusion

*Where the conclusion is in accordance with the protected sites advice, this section should be completed by the team or individual responsible for carrying out and recording the HRA. This will normally be the same as the team/individual responsible for determining the permission or otherwise approving the project, unless responsibility for preparing the HRA has been delegated to another team (e.g. EAT or one of the NRM teams).*

*Where the HRA has been subject to an escalation process, due to significant unresolved differences of view between the protected sites advisors and the team preparing the HRA, this section of the form should be completed by the relevant Leadership Manager (see sections 6.3/7.3 of OGN 200). Any additional documents or correspondence forming part of the escalation process should be appended to this form, or reported in section 7.*

*Select which of the following conclusions applies by placing an X the right hand column. Only ONE option can apply. Sign and date the bottom of the table.*

<p><b>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)</b></p>	
<p><b>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)</b></p>	
<p><b>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)</b></p>	
<p><b>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)</b></p>	<p><b>X</b></p>

<p>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)</p>	
<p>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.</p> <p>Approval for the project <u>cannot</u> be given unless either:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> </ul>	
<p>Signed: Lucinda Hall</p> <p>Name: Lucinda Hall</p> <p>Position: Permitting Consultant Installations &amp; RSR</p> <p>Date: 04/04/2024</p>	

**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.**

*Delete any rows that do not apply.*

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

*\*Attach copies of all written representations (Form 2) received from protected sites advisor(s)*

## 8. Conservation Technical Specialist's comments

*This section should be completed in any cases where the protected sites advice and sign off of the HRA report (section 6) is within the same team. Otherwise this section should be deleted*

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

**Additional comments (if any):**

**Signed:**

**Name:**

**Position:**

**Date:**