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Form

Record of a Habitats Regulations Assessment of a project

March 2016

OGN 200 Form 1

Document owner: Protected Sites Team, KSP

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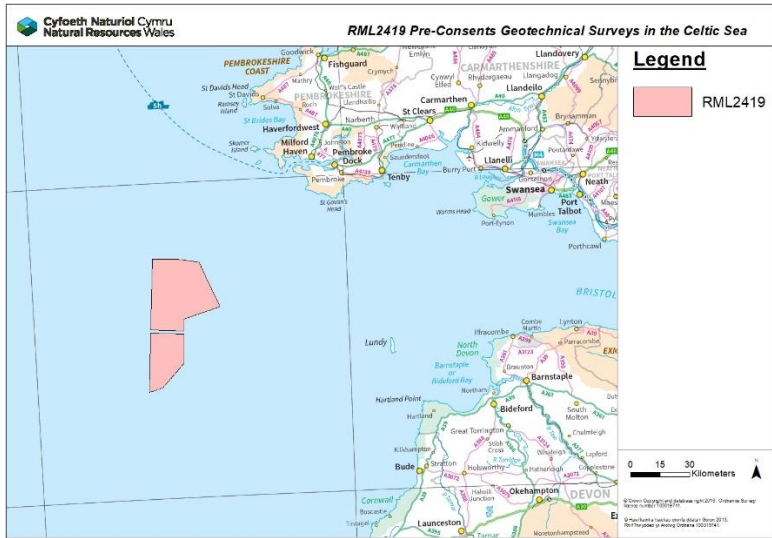
Record of a Habitats Regulations Assessment of a project

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1. Project Details

1(a): Project details where an external party has applied to NRW for any form of authorisation	
Application reference number	RML2419
Duly made date	25 March 2024
Applicant details	The Crown Estate
Activity proposed	Pre-Consents Geotechnical Surveys in the Celtic Sea To provide an overview of the ground conditions near surface and at depth across the site, vibrocores and CPTs will be undertaken at up to 80 locations. The vibrocore footprint is 2.4 m x 2.8 m and the approximate volume of each sample is 0.5334m³ (depending on penetration due to soil conditions). Each vibrocore will take around 1.5 hrs.
Relevant legislation	Marine and Coastal Access Act 2009
Location	Project Development Area 1 and 2 (PDA 1 and 2), Celtic Sea 

	Coordinates have been provided in the documents entitled “RML2419 - Geotechnical-marine-works-application-form-v0.2_Redacted” and “RML2419 - PDA 2 Coordinates”
Application documents	RML2419 - Geotechnical-marine-works-application-form-v0.2_Redacted RML2407 - wnmp-signposting_TCE_Geotechnical Survey Licence Application RML2419 - Biosecurity Plan RML2419 - Equipment Sheet - SEACALF MkIV CDS RML2419 - High Performance Corer flyer_US RML2419 - Method Statement HPC Launch and Recovery onboard Normand Mermaid RML2419 - Method Statement SEACALF MKV Launch and Recovery Procedure onboard Normand Mermaid RML2419 - SPT-BRIDGE24020714570
Environmental Statement	N/A
Pre-application correspondence	N/A
NRW team responsible for drafting this HRA report, and name of lead officer	Jack Thompson – Marine Licensing Team

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

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: Bristol Channel Approaches SAC Skomer, Skokholm and the Seas off Pembrokeshire SPA Pembrokeshire Marine SAC The potential for the project to affect the following Natura 2000 sites was also initially considered, but can be ruled out without further consideration: • North Anglesey Marine SAC The above had initially been considered for Harbour porpoise and Grey seal respectively as the activity falls within the Celtic & Irish Seas (Marine Mammal Management Unit). However, the Bristol Channel Approaches SAC is the closest marine mammal SAC and therefore, by inference/iterative assessment, a similar conclusion can be made for marine mammal SACs further away. As such, this site have not been taken through to the screening assessment. • West Wales Marine SAC The above had initially been considered for Harbour porpoise as the activity falls within the Celtic & Irish Seas (Marine Mammal Management Unit). However, the Bristol Channel Approaches SAC is the closest marine mammal SAC and therefore, by inference/iterative assessment, a similar conclusion can be made for marine mammal SACs further away. As such, this sites has not been taken through to the screening assessment. • Pen Llŷn a'r Sarnau SAC • Cardigan Bay SAC The above had initially been considered for Bottlenose dolphin and Grey seal as the activity falls within the Celtic & Irish Seas (Marine Mammal Management Unit). However, the Pembrokeshire Marine SAC (grey seal) and is the closest marine mammal SAC and therefore, by inference/iterative assessment, a similar conclusion can be made for marine mammal SACs further away. As such, these sites have not been taken through to the screening assessment.
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3.2.2 Screening assessment

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

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

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

	Assessment of likelihood of significant effect	
	I Relevant conservation objectives	II Potential impact pathway
Bristol Channel Approaches SAC		
Harbour Porpoise (Phocoena phocaena)	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: 1. The species is a viable component of the site. 2. There is no significant disturbance of the species. 3. The supporting habitats and processes relevant to harbour porpoises and their prey are maintained.	Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~12km away from the Bristol Channel Approaches SAC. It is unlikely that the noise generated would lead to auditory injury however, some behavioural disturbance for harbour porpoise may occur, but this will be temporary. Assuming a precautionary disturbance radius of 7 km, this will not overlap with the Bristol Channel Approaches SAC and thus, we can conclude no LSE.
Skomer, Skokholm and the seas off Pembrokeshire SPA		
Breeding population of storm petrel	The size of the population should be stable or increasing, allowing for natural variability, and sustainable in the long term.	Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~500m away from the SPA at their closest points.

(<i>Hydrobates pelagicus</i>)	• The distribution of the population should be being maintained, or where appropriate increasing. • There should be sufficient habitat, of sufficient quality, to support the population in the long term. • Factors affecting the population or its habitat should be under appropriate control.	Assuming a precautionary disturbance radius of 7 km, there will be overlap with the SPA however, when viewed in context of the size of the SPA (1668km²), any effects will be minimal. Other suitable foraging grounds exist outside of this disturbance radius and, given the mobile nature of the receptor, no likely significant effect is expected.
Breeding population of lesser black-backed gull (<i>Larus fuscus</i>)	• The size of the population should be stable or increasing, allowing for natural variability, and sustainable in the long term. • The distribution of the population should be being maintained, or where appropriate increasing. • There should be sufficient habitat, of sufficient quality, to support the population in the long term. • Factors affecting the population or its habitat should be under appropriate control.	
Breeding population of Manx shearwater (<i>Puffinus puffinus</i>)	• The size of the population should be stable or increasing, allowing for natural variability, and sustainable in the long term. • The distribution of the population should be being maintained, or where appropriate increasing. • There should be sufficient habitat, of sufficient quality, to support the population in the long term. • Factors affecting the population or its habitat should be under appropriate control.	

Breeding population of Atlantic puffin (<i>Fratercula arctica</i>)	• The size of the population should be stable or increasing, allowing for natural variability, and sustainable in the long term. • The distribution of the population should be being maintained, or where appropriate increasing. • There should be sufficient habitat, of sufficient quality, to support the population in the long term. • Factors affecting the population or its habitat should be under appropriate control.	
Pembrokeshire Marine SAC		
LARGE SHALLOW INLETS & BAYS	<u>RANGE</u> The overall distribution and extent of the habitat features within the site, and each of their main component parts is stable or increasing. For the inlets and bays feature these include; • The embayment of St.Brides Bay • The ria of Milford Haven • Peripheral embayments and inlets For the coastal lagoons feature this is subject to the requirements for maintenance of the artificial impoundment structure and maintenance of the lagoons for the original purpose or subsequent purpose that pre-dates classification of the site. <u>STRUCTURE AND FUNCTION</u> The physical biological and chemical structure and functions necessary for the long-term maintenance and quality of the habitat are not degraded. Important elements include; - geology,	Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~23.5km away from the Pembrokeshire Marine SAC. As such, there is no pathway from source to receptor.
ESTUARIES & MILFORD HAVEN WATERWAY COMPLEX		
ATLANTIC SALT-MEADOW		
MUD-FLATS AND SAND-FLATS NOT COVERED BY SEAWATER AT LOW TIDE		
COASTAL LAGOONS		
REEFS		
SUBMERGED OR PARTIALLY SUBMERGED SEA CAVES		

SANDBANKS WHICH ARE SLIGHTLY COVERED BY SEAWATER ALL THE TIME	- sedimentology, - geomorphology, - hydrography and meteorology, - water and sediment chemistry, - 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 long term maintenance of the features species populations, their abundance and range. Contaminant levels in the water column and sediments derived from human activity to be: • at or below existing statutory guideline concentrations • below levels that would potentially result in increase in contaminant concentrations within sediments or biota • below levels potentially detrimental to the long-term maintenance of the features species populations, their abundance or range. <u>Restoration and recovery</u> As part of this objective it should be noted that; the Milford Haven waterway complex would benefit from restorative action, for example through the removal of non-natural beach material, and the removal, replacement or improved maintenance of rock filled gabions. There is also need for some restoration of the populations of several typical species of the Milford Haven waterway complex that are severely depleted with respect to historical levels as a consequence primarily of human exploitation. In the Milford Haven waterways complex inputs of nutrients and contaminants to the water column and sediments derived from human activity must remain at or below levels at the time the site became a candidate SAC. For the lagoons feature this is subject to the requirements for maintenance of the artificial impoundment structures of coastal lagoons and maintenance of the lagoons for their original purpose or subsequent purpose that pre-dates classification of the site.	
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	<u>TYPICAL SPECIES</u> The presence, abundance, condition and diversity of typical species are such that habitat quality is not degraded. Important elements include - species richness: - population structure and dynamics, - physiological health, - reproductive capacity - recruitment, - mobility - range As part of this objective it should be noted that: • populations of typical species subject to existing commercial fisheries need to be at an abundance equal to or greater than that required to achieve maximum sustainable yield and be secure in the long term • the management and control of activities or operations likely to adversely affect the habitat feature is appropriate for maintaining it in favourable condition and is secure in the long term. <u>Restoration and recovery</u> For the inlets and bays features this includes the need for some restoration of the populations of several typical species which are severely depleted with respect to historical levels as a consequence, primarily of human exploitation. In the Milford Haven waterways complex inputs of nutrients and contaminants to the water column and sediments derived from human activity must remain at or below levels at the time the site became a candidate SAC.	
Grey Seal	<u>POPULATIONS</u> The population is maintaining itself on a long-term basis	Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~12km away from the Bristol Channel Approaches SAC.

	as a viable component of its natural habitat. Important elements are population size, structure, production, and condition of the species within the site. As part of this objective it should be noted that for otter and grey seal; • Contaminant burdens derived from human activity are below levels that may cause physiological damage, or immune or reproductive suppression For grey seal, populations should not be reduced as a consequence of human activity	It is unlikely that the noise generated would lead to auditory injury however, some behavioural disturbance for harbour porpoise may occur, but this will be temporary. Assuming a precautionary disturbance radius of 7 km, this will not overlap with the Bristol Channel Approaches SAC and thus, we can conclude no LSE.
Bottlenose dolphin	<u>RANGE</u> The species population within the site is such that the natural range of the population is not being reduced or likely to be reduced for the foreseeable future. As part of this objective it should be noted that for otter and grey seal • Their range within the SAC and adjacent inter-connected areas is not constrained or hindered • There are appropriate and sufficient food resources within the SAC and beyond • The sites and amount of supporting habitat used by these species are accessible and their extent and quality is stable or increasing	Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~12km away from the Bristol Channel Approaches SAC. It is unlikely that the noise generated would lead to auditory injury however, some behavioural disturbance for harbour porpoise may occur, but this will be temporary. Assuming a precautionary disturbance radius of 7 km, this will not overlap with the Bristol Channel Approaches SAC and thus, we can conclude no LSE.
Otter	<u>SUPPORTING HABITATS AND SPECIES</u> The presence, abundance, condition and diversity of habitats and species required to support this species is such that the distribution, abundance and populations dynamics of the species within the site and population beyond the site is stable or increasing. Important considerations include; - distribution, - extent, - structure, - function and quality of habitat, - prey availability and quality.	Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~23.5km away from the Pembrokeshire Marine SAC. As such, there is no pathway from source to receptor.
Shad		Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~23.5km away from the Pembrokeshire Marine SAC. Noise levels at source are very unlikely to cause mortality/injury, and disturbance effects will be localised, short-term and temporary. The activity is also occurring far offshore so fish will have ample space to avoid/navigate around during migration or use other areas when feeding.
River Lamprey		Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~23.5km away from the Pembrokeshire Marine SAC.

	As part of this objective it should be noted that; • The abundance of prey species subject to existing commercial fisheries needs to be equal to or greater than that required to achieve maximum sustainable yield and secure in the long term. • The management and control of activities or operations likely to adversely affect the species feature is appropriate for maintaining it in favourable condition and is secure in the long term. • Contamination of potential prey species should be below concentrations potentially harmful to their physiological health. • Disturbance by human activity is below levels that suppress reproductive success, physiological health or long-term behaviour • For otter there are sufficient sources within the SAC and beyond of high quality freshwater for drinking and bathing.	Noise levels at source are very unlikely to cause mortality/injury, and disturbance effects will be localised, short-term and temporary. The activity is also occurring far offshore so fish will have ample space to avoid/navigate around during migration or use other areas when feeding.
Sea Lamprey		Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~23.5km away from the Pembrokeshire Marine SAC. Noise levels at source are very unlikely to cause mortality/injury, and disturbance effects will be localised, short-term and temporary. The activity is also occurring far offshore so fish will have ample space to avoid/navigate around during migration or use other areas when feeding.
Shore Dock	<u>Restoration and recovery</u> In the Milford Haven waterways complex inputs of nutrients and contaminants to the water column and sediments derived from human activity must remain at or below levels at the time the site became a candidate SAC. As part of this objective it should be noted that for the otter, populations should be increasing	Up to 80 vibrocores will be taken as part of the works. The proposed activity will take place ~23.5km away from the Pembrokeshire Marine SAC. As such, there is no pathway from source to receptor.

3.2.3 Screening decision of the project 'alone'	
(a) If ALL rows in column II of Table 3.2.2 are GREEN	The project is not likely to have a significant effect on any Natura 2000 site, because there is no impact pathway from the project to any Natura 2000 features, and no further consideration under the Habitats Directive/Regulations is required in order to determine the application.
(b) If there are NO rows coloured RED in column II of Table 3.2.2, and there are ANY rows which are BLUE	The project is not likely to have a significant effect on any Natura 2000 sites when considered alone, but the possibility of significant effects in combination with other plans and projects needs to be considered.
(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.

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)	X
In light of the conclusions of an appropriate assessment, and taking account of the advice received from protected sites advisors, it has been established that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, taking into account any conditions or restrictions as applicable, either alone or in-combination with other plans and projects. (As documented in section 4 of this form, and section 5 if applicable)	
In light of the conclusions of the appropriate assessment, it has <u>not</u> been ascertained that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, as documented in section 4 of this form, and section 5 is applicable. Approval for the project <u>cannot</u> be given unless either: - the project specification, and/or the terms under which it might be approved, are modified so as to remove the risk of adverse effects, and a revised HRA report is prepared, or - 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: 02 April 2024	

7. Consultation with protected sites advisor(s) and how sections 2, 3, 4 and 5 of this HRA report (as applicable) take into account that advice.

Relevant section of the HRA report	Date(s) of correspondence* and any meeting(s) with protected sites advisor(s)	Description of how the comments from protected sites advisors have been taken into account
3	14 June 2024	The HRA initially ruled out Pembrokeshire Marine SAC for assessment based on inference/iterative assessment of the Bristol Channel Approaches SAC. However, Grey seal is not a feature of the Bristol Channel SAC and therefore, iterative assessment could not be used. Pembrokeshire Marine SAC must therefore be considered individually within the HRA and it's conclusions could then be applied to the Pen Llŷn a'r Sarnau and Cardigan Bay SACs. Initially, the West Wales Marine SAC had not been considered in the HRA. However, the HRA has now been updated. The Bristol Channel Approaches SAC is the closest marine mammal SAC and therefore, by inference/iterative assessment, a similar conclusion can be made for marine mammal SACs further away. As such, the West Wales Marine SAC was not taken through to the screening assessment. The distances from the works site to the Bristol Channel Approaches SAC and Pembrokeshire Marine SAC were updated accordingly. NRWA agreed with the conclusions of the HRA that there would be no LSE. Further comments are detailed within the advice memo provided however, these additions were only to improve the robustness of the assessment, and would not alter the conclusion of no LSE. As such, not all changes have been made. The advice has been noted, and will be applied to future HRAs for similar cases.

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 Team

FROM: Delyth Rowlands, Marine Area Advice and Management Team

SUBJECT: Habitats Regulation Assessment of RML2419 Pre-Consents Geotechnical Surveys in the Celtic Sea

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 17th May 2023. Our comments are as follows:

We agree with the overall conclusions of the Habitats Regulations Assessment (HRA) conducted in that the proposal is considered not likely to have a significant effect on any Natura 2000/Ramsar site.

We recommend that the Marine Licensing Team (MLT) include further information pertaining to marine mammals within the assessment to ensure that it is robust. This detail of this additional information is provided within NRW (A)'s response Memo.

Signed: *Delyth Rowlands*

Date: 14th June 2024