

## 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 Guidance <a href="#">here</a>

Next review date: April 2019

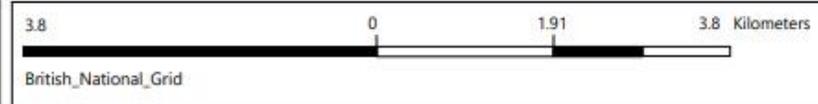
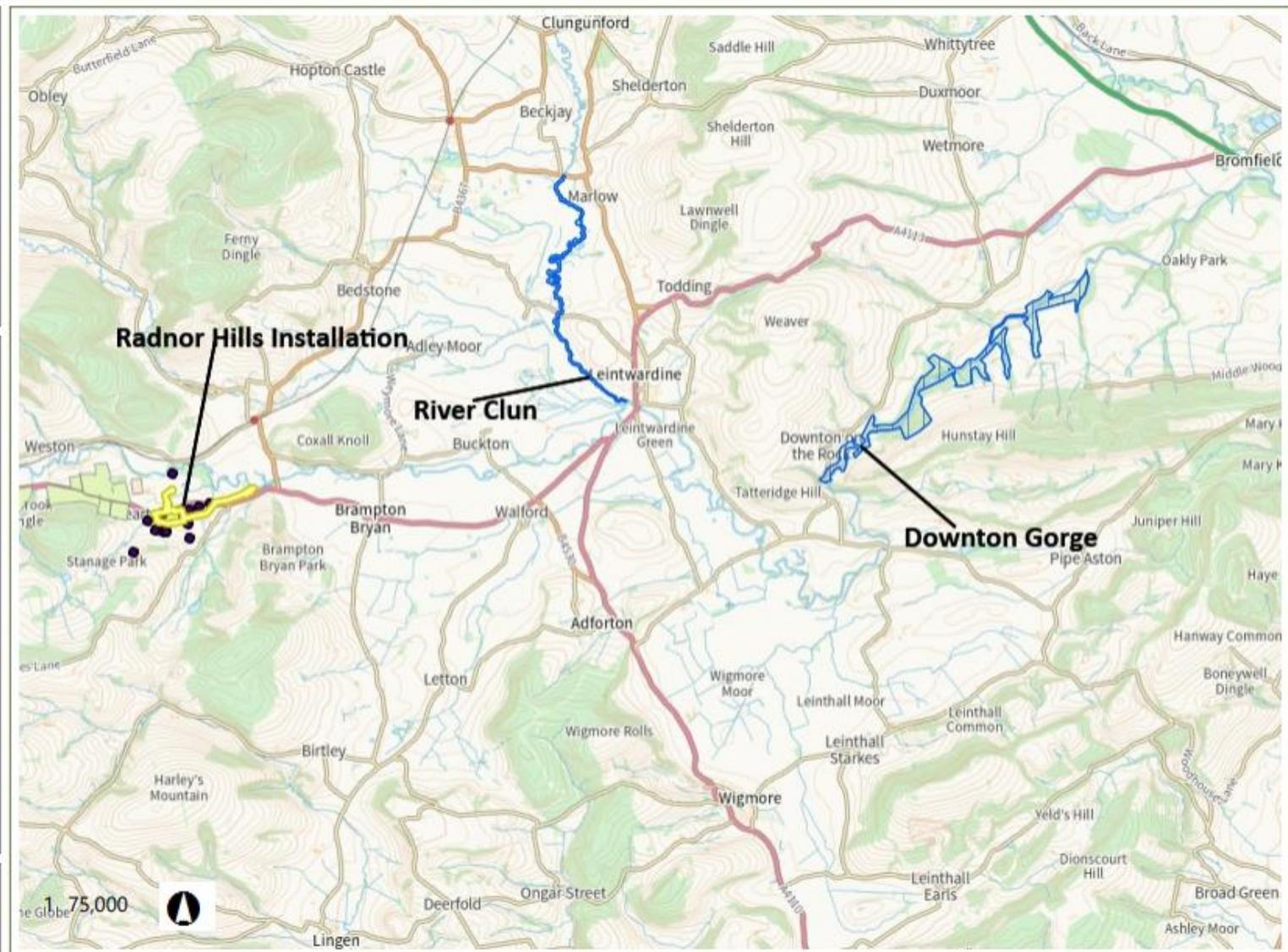
## Contents

### Section

1. **Project details**
  - External applications to NRW
  - Internal NRW projects
2. **Determining whether HRA is required**
- ~~3. **Test of likely significant effect**~~
  - ~~- Screening of renewals~~
  - ~~- Identifying likely significant effects~~
- ~~4. **Appropriate assessment**~~
  - ~~- In the absence of additional conditions or restrictions~~
  - ~~- Taking into account additional conditions or restrictions~~
- ~~5. **In combination assessment**~~
6. **Conclusion**
7. **Record of consultation with protected sites advisors**
8. **Conservation Technical Specialist's comments (to be completed only where HRA sign off and protected sites advice are done by the same team)**

## 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-024069 (EPR/AB3697CN/V004)
<b>Date application received</b>	<i>Duly Made 02/05/2024</i>
<b>Applicant details</b>	<i>Radnor Hills Mineral Water Company Limited</i>
<b>Activity proposed</b>	<p>Radnor Hills Mineral Water Company Limited have applied for a variation to allow the addition of a ferric chloride dosing system. The purpose of the ferric chloride dosing system is to reduce the phosphate being discharge from the site through precipitation of the phosphate (as a result of the reaction between the iron) and removal of the solid precipitate using an ultrafiltration membrane. The sludge/precipitate is disposed of using existing sludge disposal methods. This method of removing phosphorous is a recognised best available technique (BAT) in the BAT conclusions for food, drink and milk industries.</p> <p>The proposal would result in discharge of iron, chloride and lead (impurities in the ferric chloride) into the River Teme.</p> <p>As the variation could lead to a discharge of chloride to the water course as a result of the ferric chloride the applicant are required by BAT to monitor for chloride emission but there would be no ELV set</p>
<b>Relevant legislation</b>	<i>Environmental Permitting Regulations 2016 Industrial Emissions Directive 2010</i>
<b>Location</b>	<p>Installation Address: Radnor Hills, Heartsease, Knighton, Powys, LD7 1LU</p> <p>Installation NGR: SO 34383 72493</p> <p>Discharge point: SO 35555 72794</p>



© Crown Copyright and database rights Ordnance Survey Natural Resources Wales, 100019741, 2015. © Haelffant y Goron a hawl cronfa ddata Arolwg Ordians Cyfoeth Naturiol Cymru, 100019741, 2015. This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Application documents	<i>Available on the online public portal (<a href="#">here</a>)</i>
Environmental Statement	<i>N/A</i>
Pre-application correspondence	<p><i>Site had undertaken a trial run on the use of ferric chloride dosing between the 19th September and the 3rd October 2023</i></p> <p><i>Details of the trial can be found on the public register (<a href="#">here</a>):</i></p> <ul style="list-style-type: none"> <li><i>• Compliance Assessment Report CAR_NRW0041875 dated 05/06/2023</i></li> <li><i>• Email dated 02/11/2023 (<a href="#">here</a>)</i></li> </ul>
NRW team responsible for drafting this HRA report, and name of lead officer	<p><i>William Wallace</i>  <i>Senior Officer, Installation and RSR permitting</i></p>

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

<p><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></p>	<p><b>No</b></p>
<p><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></p>	<p><b>N/A</b></p>
<p><b>2.3 Is it necessary to carry out an HRA?</b></p>	<p><b>No</b></p> <p>Although there are two SACs located within 10 km, as the only discharge to surface water (River Teme) the SACs can be ruled out for the following.</p> <p><b>Downton Gorge</b> (UK0012735) - Although located within 10 km from the installation, hydrologically distances (via the water course) is approximately 13.5 km and therefore is outside the risk screening distance.</p> <p><b>River Clun-</b> Although the point where the River Clun SAC connected with the River Teme is located within 5.4 km of the installation. As the SAC is upriver from where the River Teme joins the River Clun there is no direct impact pathway for the substances discharged from the installation to reach this SAC.</p> <p>The main designation is for the SAC are listed here:  <a href="https://naturalengland.org.uk/nature/scotland/river-clun-sac">UK0030250 River Clun SAC Published 28 Mar 2024 (naturalengland.org.uk)</a></p> <p>The site is also connected to the River Teme (designated as a SSSI) and shares some features with this site. These have been assessed in more detail in the assessment for the River Teme SSSI (Appendix 4 assessment) which had concluded no mechanism of impact. The H1 assessment carried out by the applicant has shown that the</p>

	substances iron, chloride and lead (present as impurities) screen out as insignificant at stage 2 of the assessment.
--	--

## 6. Conclusion

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

- |   |  |
|---|--|
| <ul style="list-style-type: none"><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> |  |
|---|--|

**Signed: W Wallace**

**Name: William Wallace**

**Position: Senior Officer, Installation and RSR permitting**

**Date: 02/07/2024**

**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
2		
3		
4		
5		

