

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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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)	CML2442
Date application received	24 May 2024
Applicant details	Amalgamated Construction Ltd
Activity proposed	Pwll Sea Wall Void Repairs The works involve repairing the sea defence wall which has been damaged in three places by scour. These scour voids will be infilled and repaired using soluform bags fixed into position with stainless steel pins. This will help ensure that the structure is supported. The work is anticipated to take 2 days and 1 night. The work needs to be undertaken when the tide is below 8 meters.
Relevant legislation	Marine and Coastal Access Act 2009
Location	Pwll Sea Wall 51.681189 , -4.1834381 51.681122 , -4.1831889 51.681058 , -4.1832581 51.681125 , -4.1835073

	 CML2442 Pwll Sea Wall Void Repairs  Legend CML2442 0 0.0225 0.045 Kilometers © Crown Copyright and database right 2015. Ordnance Survey licence number 100013141. © Hawflaent a hawlau orlleddol Goron 2015. Rhestrwydys y mwyd Ordnance 100013141.
Application documents	CML2442 - marine-works-application-form-updated (MWC1979s Pwll Sea Wall).docx CML2442 - MCGA Navigational Safety Email (MWC1979s Pwll Sea Wall).pdf CML2442 - Trinity House Email (MWC1979s Pwll Sea Wall).pdf CML2442 - Appendix 1 - Scoping Document (MWC1979s Pwll Sea Wall).pdf CML2442 - Appendix 2 -Tak Brief (MWC1979s Pwll Sea Wall).pdf CML2442 - Appendix 3 - Soluform-Bagwork-Datasheet (MWC1979s Pwll Sea Wall).pdf CML2442 - Method Statement (MWC1979s Pwll Sea Wall).pdf CML2442 - Water Framework Directive (MWC1979s Pwll Sea Wall).odt CML2442 - wnmp-signposting (MWC1979s Pwll Sea Wall).xlsx
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

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?	Consult protected sites advisors 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: Carmarthen Bay SAC Burry Inlet SPA Burry Inlet Ramsar The potential for the project to affect the following Natura 2000 sites was also initially considered, but can be ruled out without further consideration: Camarthen Bay SPA – The site is located 7km away and therefore, there is no impact pathway from source to receptor. <u>Coastal Squeeze</u> Shoreline Management Plan: 20 - Lavernock Point to St Ann's Head Policy Unit: 12.10 – ‘Hold the Line for all 3 epochs The proposed works are considered to be maintenance activities falling within the definition in NRW Guidance Note 062, section 1.4.2. 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.’ 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.
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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
Carmarthen Bay SAC		
Sandbanks which are slightly covered by seawater all the time	<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.	The closest sandbanks are 18km away and therefore, no pathway exists from source to receptor.
Estuaries	<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, sedimentology, geomorphology, hydrography and meteorology, water and sediment chemistry, biological interactions.	The works are located adjacent to the estuary habitat however, given the nature and scale of the works, no impacts are expected. The scour voids will be infilled and repaired using soluform bags fixed into position with stainless steel pins. The soluform bags cure in place and avoid the need to use pumped, liquid concrete. As such, there is no risk of mortar wash out and subsequent pollution incidents. No vehicles are required as all works will be completed using hand tools, thus preventing the risk of fuel or oil spillage. Any dust or sediment suspension will be minimal. Furthermore, all works will be undertaken at low tide.
Mudflats and sandflats not covered by seawater at low tide	40 CARMARTHEN BAY REGULATION 33 ADVICE FEBRUARY 2009 This includes a need for nutrient levels in the water column and sediments to be: at or below existing statutory guideline concentrations	The works are located adjacent to mudflat habitat however, given the nature and scale of the works, no impacts are expected. The scour voids will be infilled and repaired using soluform bags fixed into position with stainless steel pins. The soluform bags cure in place and avoid the need to use pumped, liquid concrete. As such, there is no risk of mortar wash out and subsequent pollution incidents. No vehicles are required as all works will be completed using hand tools, thus preventing the risk of fuel or oil spillage. Any dust or sediment suspension will be minimal. Furthermore, all works will be undertaken at low tide.

	within ranges that are not potentially detrimental to the long term maintenance of the features species populations, their abundance and range.	
Large shallow inlets and bays		Closest large shallow inlet and bay is ~5km away. Given the nature and scale of the works, no pathway exists from source to receptor.
Atlantic salt meadows		Closest salt meadow is ~2.5km away. Given the nature and scale of the works, no pathway exists from source to receptor.
Salicornia and other annals colonising mud and sand	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. For Atlantic saltmeadows this includes the morphology of the saltmarsh creeks and pans <u>TYPICAL SPECIES</u> The presence, abundance, condition and diversity of typical species is such that habitat quality is not degraded. Important elements include: species richness,s population structure and dynamics, physiological heath, 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	Closest salicornia is 2km away. Given the nature and scale of the works, no pathway exists from source to receptor.

	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.	
Otter	<u>POPULATIONS</u> 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:	The works are located in the upper intertidal area and will be completed at low tide. No vehicles are required as all works will be completed using hand tools, thus preventing the risk of fuel or oil spillage. Any dust or sediment suspension will be minimal. The works are expected to take 2 days and 1 night and therefore, any noise disturbance will be short-term, especially given the works area is very small when viewed in context of the total SAC. As such, no detrimental impacts are expected.
Shad <i>Alosa</i> spp	Contaminant burdens derived from human activity are below levels that may cause physiological damage, or immune or reproductive suppression <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	The works are located in the upper intertidal area and will be completed at low tide. No vehicles are required as all works will be completed using hand tools, thus preventing the risk of fuel or oil spillage. Any dust or sediment suspension will be minimal. As such, no impact pathway from source to receptor exists.
River lamprey	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	The works are located in the upper intertidal area and will be completed at low tide. No vehicles are required as all works will be completed using hand tools, thus preventing the risk of fuel or oil spillage. Any dust or sediment suspension will be minimal. As such, no impact pathway from source to receptor exists.
Sea lamprey	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	The works are located in the upper intertidal area and will be completed at low tide. No vehicles are required as all works will be completed using hand tools, thus preventing the risk of fuel or oil spillage. Any dust or sediment suspension will be minimal. As such, no impact pathway from source to receptor exists.

	accessible and their extent and quality is stable or increasing <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. 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	
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	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.	
Burry Inlet SPA		
Curlew	To achieve favourable conservation status all the following, subject to natural processes, need to be fulfilled and maintained in the long-term. If these objectives are not met restoration measures will be needed to achieve favourable conservation status. (i) The numbers of all SPA bird species are stable or increasing. (ii) The abundance and distribution of suitable prey are sufficient and appropriate to support the numbers of all SPA bird species. (iii) All SPA birds are allowed to inhabit their feeding grounds and resting areas with minimum disturbance, and are allowed to move unhindered between them. (iv) All states of the Conservation Objectives for the supporting habitats and species, subject to natural processes, are fulfilled and maintained in the long-term. Supporting habitats for bird species of the Burry Inlet SPA include: Estuaries Mudflats and sandflats not covered by seawater at low tide Atlantic salt meadows <i>Salicornia</i> and other annuals colonising mud and sand	The works are located in the upper intertidal area and will be completed at low tide. No vehicles are required as all works will be completed using hand tools, thus preventing the risk of fuel or oil spillage. Any dust or sediment suspension will be minimal. The works are expected to take 2 days and 1 night and therefore, any noise disturbance will be short-term. The works area is very small when viewed in context of the total SPA and, given the mobile nature of the species, no detrimental impacts are expected.
Dunlin		
Grey plover		
Knot		
Oystercatcher		
Pintail		
Redshank		
Shelduck		
Shoveler		
Teal		
Turnstone		
Wigeon		

	'Large shallow inlets and bays' are the supporting habitat for the common scoter of the Carmarthen Bay SPA. (v) The management and control of activities or operations likely to be of significant effect to the oystercatchers, is appropriate for maintaining the feature at FCS and is secure in the long-term.	
Burry Inlet RAMSAR		
Conservation objective for the Burry Inlet Ramsar	The Burry Inlet SPA and Ramsar will be considered to be in a favourable conservation status when each of the following conditions are met: (i) the number of migratory and over-wintering birds of international importance, i.e. knot <i>Calidris canutus</i>, oystercatcher <i>Haematopus ostralegus</i>, pintail <i>Anas acuta</i>, and redshank <i>Tringa tetanus</i>, as expressed by rolling 5-year peaks, is at or above the respective 1985/86-1989/90 peaks; (ii) the number of migratory and over-wintering assemblage waterfowl, including curlew <i>Numenius arquata</i>, dunlin <i>Calidris alpina alpina</i>, grey plover <i>Pluvialis squatarola</i>, shelduck <i>Tadorna tadorna</i>, shoveler <i>Anas clypeata</i>, teal <i>Anas crecca</i>, turnstone <i>Arenaria interpres</i>, and wigeon <i>Anas penelope</i>, as expressed by rolling 5-year peaks, is at or above the 1985/86-1989/90 peak;	The works are located in the upper intertidal area and will be completed at low tide. No vehicles are required as all works will be completed using hand tools, thus preventing the risk of fuel or oil spillage. Any dust or sediment suspension will be minimal. The works are expected to take 2 days and 1 night and therefore, any disturbance will be short-term. The works area is very small when viewed in context of the total SPA and, given the mobile nature of the species, no detrimental impacts are expected.

	(iii) the extent and quality of supporting habitats is at 1998-2000 values (see Box 1.1), ; (iv) the abundance of prey and diversity of prey species is at or above 1999/2000 values, and at levels meeting the requirements of the number of birds present within the site (see Box 1.2); (v) unrestricted bird sightlines of at least 200 m exist in every direction around both roosting sites and feeding areas; (vi) the migratory and over-wintering birds of international importance and of assemblage waterfowl are allowed to inhabit their feeding grounds and resting areas with minimum disturbance, and are allowed to move unhindered between them.	
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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.
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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)	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 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: 17 July 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
6	22 August 2024	NRW A agree with conclusions of HRA. No changes required.



Protected sites advisor response to an internal consultation on the Habitats Regulations Assessment of a project

TO: Jack Thompson, Marine Licensing Team
FROM: Stephen Treby, Marine Area Advice & Management Team
SUBJECT: Pwll Sea Wall Scour Repairs - CML2442

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 17 July 2024. Our comments are as follows:

The Marine Area Advice and Management Team agree with the conclusion of the HRA that the proposal is unlikely to have a significant effect on any Natura 2000 site.

Signed:

A handwritten signature in blue ink, appearing to read 'Stephen Treby', is written over a horizontal line.

Date: 22 August 2024
