

Form

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 th 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 here

Next review date: April 2019

Record of a Habitats Regulations Assessment of a project

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)	PAN-023541 (EPR/BV9683IH/V007)
Date application received	16/10/2023
Applicant details	Dunbia (UK)
Activity proposed	<p>Dunbia (UK) are applying to vary their EPR permit for the meat processing plant in Llanybydder. The DMS link for the application is here: EPR-BV9683IH (sharepoint.com) The variation seeks to:</p> <ol style="list-style-type: none"> 1.Remove from the permit two hot water boilers of 1.4 and 1.2 MW thermal output, with emission points A1 and A2 respectively 2.Add one 2.5MWth input back-up hot water boiler which will run on gas oil (diesel), with new emission point A3 The new boiler is a back-up boiler that will only be used when the site's air source heat pump and electric boiler are non-operational (there are no emissions to air associated with the heat pump and electric boiler) <p>The applicant has carried out a screening assessment using SCAIL to assess the impact of oxides of nitrogen (NOx) from the new point source emission, which has shown a potential impact from nutrient nitrogen deposition on the Afon Teifi SAC.</p> <p>The SCAIL assessment has been completed based on an operating capacity of 8,760 hours per year and the relevant emission limit value (ELV) for NOx (i.e. 200mg/m3). This therefore provides a conservative assessment as in reality and as back-up plant the boiler will operate for far fewer hours per year and will likely emit NOx at a much lower rate than the ELV.</p>
Relevant legislation	The Environmental Permitting (England and Wales) Regulations 2016 Industrial Emissions Directive

	Medium Combustion Plant Directive
Location	<p>Teifi Park Abattoir and Meat Processing Plant, Teifi Park, Lampeter Road, Lyanybydder, Carmarthenshire. SA40 9QE Installation central NGR: SN 52680 44410. The proposed new emission point, A3, is shown on the map below and is less than 1km from the Afon Teifi SAC:</p>  <p>The map shows the Afon Teifi river flowing through the area. A red line indicates a proposed route or boundary. Key locations marked include Llanbydder, Dunbia(UK), Cemetery, Llyn-Crwn House, and the Llanbydder Rugby Club. The proposed Emission Point A3 is marked with a blue dot near Dunbia(UK). The map also shows Highmead Terrace and Market Place in Llanbydder.</p>
Application documents	Internal DMS here: EPR-BV9683IH (sharepoint.com) Public Register here: Public register - Customer Portal (naturalresources.wales)
Environmental Statement	N/A
Pre-application	N/A

correspondence	
NRW team responsible for drafting this HRA report, and name of lead officer	Emma Smith – Permitting Officer RSR and Installations Permitting

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?	NO
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?	<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">• Afon Teifi SAC (UK0012670) <p><i>Afon Teifi management Units 3 and 4. See below for a map taken from the Core Management Plans for the river:</i></p>
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3.2.2 Screening assessment

	Assessment of likelihood of significant effect		
	I Relevant conservation objectives	II Potential impact pathway	
Afon Teifi (UK0012670) Management Units 3 and 4			
1. Rivers with floating vegetation often dominated by water-crowfoot 1.3 Riverine Habitats PLUS:	CORE MANAGEMENT PLAN INCLUDING CONSERVATION OBJECTIVES FOR Afon Teifi / River Teifi SAC CONSERVATION OBJECTIVES FOR N2K SITES http://naturalresources.wales	1.3 Riverine habitats Toxic Contaminants <p>The only emissions to air from the proposal is oxides of nitrogen (NOx) and carbon monoxide (CO). The applicant has supplied a SCAIL assessment for the emissions of NOx. The assessment has assumed worst case scenario which assumes the boiler will be in operation 24 hours a day and 365 days a year (8760 hours) with NOx emitted at rate equal to the maximum permitted level (i.e. 200mg/m3). In reality the emissions will be much lower than this.</p> <p>The long term (annual) process contribution (PC) of NOx is 3.7 µg/m3, which is 12.3% of the critical level of 30 µg/m3. The highest predicted environmental concentration (PEC) (the process contribution and background NOx) is 8.2µg/m3, which is 27.3% of the critical level. As the PEC is less than 70% of the critical level, NOx emissions screen out as insignificant when considered alone.</p> Nutrient Enrichment <p>Critical Loads for nutrient nitrogen deposition are set on APIS for Running Water (Oligo-mesotrophic rivers) at minimum critical load 2kgN/ha/yr and maximum critical load 10kgN/ha/yr. The background concentration of N Dep(kgN/ha/yr) at the receptors edge has been stated in APIS to be 13.36.</p> <p>The long term (annual) process contribution (PC) of NOx is 0.532 which is 26.6% of the lower critical load level of 2</p>	

		<p>and 5.329% of the maximum critical load of 10 for Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoeto-Nanojuncetea and Luronium natans</p> <p>Acidification The long term (annual) process contribution (PC) of SO₂ is 0µg/m³, which is 0% of the critical level of 20 µg/m³. The highest predicted environmental concentration (PEC) (the process contribution and background NO_x) is 3µg/m³, which is 15% of the critical level. As the PC is less than 1% of the Critical Level and the PEC is less than 70% of the Critical Level, NO_x emissions screen out as insignificant when considered alone.-There are no Critical Loads set on APIS for Running Water (Oligo-mesotrophic rivers) as the habitat is not sensitive to acid pollution. No further assessment is required</p> <p>Changes in salinity regime No Impact Pathway- no discharge to water.</p> <p>Changes in thermal regime No Impact Pathway- no discharge to water.</p> <p>Habitat loss and Physical damage by IPC/PPC Processes No impact pathway as no work going on on the SAC itself</p> <p>Turbidity No Impact Pathway- no discharge to water.</p> <p>Siltation No Impact Pathway- no discharge to water.</p>	
<p>5. Atlantic salmon 2.5 Andromous Fish</p>		<p>Toxic contamination No impact pathway – Atlantic Salmon are not sensitive to deposition of NO_x</p> <p>Nutrient enrichment Air pollutants associated with nutrient enrichment are assessed for designated habitats within a protected site, rather than the protected species living within the site. This is because it is the vegetation that is sensitive to change as a result of the presence of these pollutants. There are no Critical Loads set on APIS for Atlantic Salmon because the</p>	

		<p>species is not sensitive to aerial pollution. No further assessment is required.</p> <p>Acidification</p> <p>Air pollutants associated with acidification are assessed for designated habitats within a protected site, rather than the protected species living within the site. This is because it is the vegetation that is sensitive to change as a result of the presence of these pollutants. There are no Critical Loads set on APIS for Atlantic Salmon because the species is not sensitive to aerial pollution. No further assessment is required</p> <p>Changes in salinity regime</p> <p>No Impact Pathway- no discharge to water.</p> <p>Changes in thermal regime</p> <p>No Impact Pathway- no discharge to water.</p> <p>Habitat loss and Physical damage by IPC/PPC Processes</p> <p>No Impact Pathway as no work going on on the SAC itself</p> <p>Turbidity</p> <p>No Impact Pathway- no discharge to water.</p> <p>Siltation</p> <p>No Impact Pathway- no discharge to water.</p> <p>Entrapment</p> <p>No Impact Pathway</p>	
<p>7. European otter</p> <p>2.9 Mammals of riverine habitats</p>		<p>Toxic contamination</p> <p>No impact pathway – there are no discharge to water. European Otters are not sensitive to airborne concentrations of NOx</p> <p>Nutrient enrichment</p> <p>Air pollutants associated with nutrient enrichment are assessed for designated habitats within a protected site, rather than the protected species living within the site. This is because it is the vegetation that is sensitive to change as a result of the presence of these pollutants. There are no Critical Loads set on APIS for European Otter because the species is not sensitive to aerial pollution. No further</p>	

		<p>assessment is required.</p> <p>Acidification Air pollutants associated with acidification are assessed for designated habitats within a protected site, rather than the protected species living within the site. This is because it is the vegetation that is sensitive to change as a result of the presence of these pollutants. There are no Critical Loads set on APIS for European Otter because the species is not sensitive to aerial pollution. No further assessment is required</p> <p>Changes in salinity regime No Impact Pathway- no discharge to water.</p> <p>Changes in thermal regime No Impact Pathway- no discharge to water.</p> <p>Habitat loss and Physical damage by IPC/PPC No Impact Pathway as no work going on on the SAC itself</p> <p>Entrapment No impact pathway</p> <p>Disturbance/noise No impact pathway</p>	
<p>8. Floating water plantain 1.3 Riverine Habitats</p>		<p>Toxic Contamination The only emissions to air from the proposal is oxides of nitrogen (NOx) and carbon monoxide (CO). The applicant has supplied a SCAIL assessment for the emissions of NOx. The assessment has assumed worst case scenario which assumes the boiler will be in operation 24 hours a day and 365 days a year (8760 hours) with NOx emitted at rate equal to the maximum permitted level (i.e. 200mg/m³). In reality the emissions will be much lower than this. The long term (annual) process contribution (PC) of NOx is 3.7 µg/m³, which is 12.3% of the critical level of 30 µg/m³. The highest predicted environmental concentration (PEC) (the process contribution and background NOx) is 8.2µg/m³, which is 27.3% of the critical level. As the PEC is less than 70% of the critical level, NOx emissions screen out as insignificant when considered alone.</p> <p>Nutrient enrichment</p>	

		<p>Critical Loads for nutrient nitrogen deposition are set on APIS for Running Water (Oligo-mesotrophic rivers) at minimum critical load 2kgN/ha/yr and maximum critical load 10kgN/ha/yr.</p> <p>The long term (annual) process contribution (PC) of NO_x is 0.532 which is 26.6% of the lower critical load level of 2 and 5.329% of the maximum critical load of 10 for Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoetes-Nanojuncetea and Luronium natans</p> <p>Acidification</p> <p>The long term (annual) process contribution (PC) of SO₂ is 0µg/m³, which is 0% of the critical level of 20 µg/m³. The highest predicted environmental concentration (PEC) (the process contribution and background NO_x) is 3µg/m³, which is 15% of the critical level. As the PC is less than 1% of the Critical Level and the PEC is less than 70% of the Critical Level, NO_x emissions screen out as insignificant when considered alone.-There are no Critical Loads set on APIS for Running Water (Oligo-mesotrophic rivers) as the habitat is not sensitive to acid pollution. No further assessment is required</p> <p>Changes in salinity regime</p> <p>No Impact Pathway- no discharge to water.</p> <p>Changes in thermal regime</p> <p>No Impact Pathway- no discharge to water.</p> <p>Habitat loss and Physical damage by IPC/PPC Processes</p> <p>No Impact Pathway as no work going on on the SAC itself</p> <p>Turbidity</p> <p>No Impact Pathway- no discharge to water.</p> <p>Siltation</p> <p>No Impact Pathway- no discharge to water.</p>	

<p><i>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoeto-Nanojuncetea</i> 1.4 standing waters acidification sensitive</p>		<p>Toxic Contamination The only emissions to air from the proposal is oxides of nitrogen (NOx) and carbon monoxide (CO). The applicant has supplied a SCAIL assessment for the emissions of NOx. The assessment has assumed worst case scenario which assumes the boiler will be in operation 24 hours a day and 365 days a year (8760 hours) with NOx emitted at rate equal to the maximum permitted level (i.e. 200mg/m³). In reality the emissions will be much lower than this. The long term (annual) process contribution (PC) of NOx is 3.7 µg/m³, which is 12.3% of the critical level of 30 µg/m³. The highest predicted environmental concentration (PEC) (the process contribution and background NOx) is 8.2µg/m³, which is 27.3% of the critical level. As the PEC is less than 70% of the critical level, NOx emissions screen out as insignificant when considered alone.</p> <p>Nutrient enrichment Critical Loads for nutrient nitrogen deposition are set on APIS for Running Water (Oligo-mesotrophic rivers) at minimum critical load 2kgN/ha/yr and maximum critical load 10kgN/ha/yr. The long term (annual) process contribution (PC) of NOx is 0.532 which is 26.6% of the lower critical load level of 2 and 5.329% of the maximum critical load of 10 for Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoeto-Nanojuncetea and Luronium natans</p> <p>Acidification The long term (annual) process contribution (PC) of SO₂ is 0µg/m³, which is 0% of the critical level of 20 µg/m³. The highest predicted environmental concentration (PEC) (the process contribution and background NOx) is 3µg/m³, which is 15% of the critical level. As the PC is less than 1% of the Critical Level and the PEC is less than 70% of the Critical Level, NOx emissions screen out as insignificant when considered alone.-There are no Critical Loads set on APIS for Running Water (Oligo-mesotrophic rivers) as the</p>	
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		<p>habitat is not sensitive to acid pollution. No further assessment is required</p> <p>Changes in salinity regime No Impact Pathway- no discharge to water.</p> <p>Changes in thermal regime No Impact Pathway- no discharge to water.</p> <p>Habitat loss and Physical damage by IPC/PPC Processes No Impact Pathway as no work going on on the SAC itself</p> <p>Turbidity No Impact Pathway- no discharge to water.</p> <p>Siltation No Impact Pathway- no discharge to water.</p>	

3.2.3 Screening decision of the project 'alone'

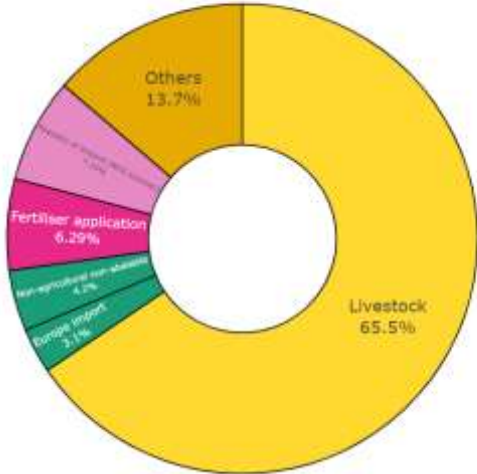
(a) If ALL rows in column II of Table 3.2.2 are GREEN	The project is not likely to have a significant effect on any Natura 2000 site, because there is no impact pathway from the project to any Natura 2000 features, and no further consideration under the Habitats Directive/Regulations is required in order to determine the application.
(b) If there are NO rows coloured RED in column II of 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	The project is likely have a significant effect on one or more Natura 2000 sites and therefore an appropriate

Table 3.2.2 are RED	assessment is required.
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4. Appropriate assessment of the project when considered alone

4.1 Assessment of project as currently defined

Natura 2000 site feature (from Table 3.2.2 – RED rows only)	Impact pathway(s) (from Table 3.2.2)	Description of impacts	Assessment in view of conservation objectives	Can adverse effect on site integrity be ruled out?
Afon Teifi (UK0012670) Management Units 3 and 4				
<ul style="list-style-type: none"> <i>Rivers with floating vegetation often dominated by water-crowfoot</i> <i>Floating water plantain</i> 	Nutrient Enrichment	<p>Nutrient Enrichment</p> <p>The deposition of atmospheric NOx onto the habitats can cause damage through increasing nutrient nitrogen and cause smothering to vegetation. The applicant has assessed the long term impacts from nitrogen deposition from the site under worst case scenario i.e. operating at the emission limit and 24 hours a day, 365 days a year. As the PEC is above 70% of the critical load (due to high background) we have taken these impact pathways to appropriate assessment.</p>	<p>The relevant conservation objectives for each feature which could be impacted by the emissions and deposition of NOx are as follows:</p> <p>Rivers with floating vegetation often dominated by water-crowfoot: Patches of whiteflowered water-crowfoots will continue to be widespread in the main river and in many of the tributaries. The SAC will have sufficient suitable habitat to support floating water plantain populations within their current distribution. There will be no contraction of the current floating water-plantain distribution in the SAC.</p> <p>Floating water plantain: The SAC will have sufficient suitable habitat to support floating water plantain populations within their current distribution. There will be no contraction of the current floating water-plantain distribution in the SAC.</p> <p>The floating water-plantain populations will be viable throughout their current distribution in the SAC, maintaining themselves on a long term basis.</p> <p>Although the process contribution (PC) did not screen out as insignificant, this does not mean that it will have an</p>	Yes

		<p>adverse impact. The PC is 0.5329, 26.6% of the lower critical load of 2 and 5.329% of the maximum critical load of 10. The predicted environmental concentration PEC is above 100% of the higher critical load of 10 due to the high background in the area. The core management plan confirms that “the catchment has been grazed for centuries” The background nitrogen deposition is 13.36kg N//Ha/Yr. The air pollution inventory system shows that the local contributions to the high background is from livestock farming (65.5%) while the non agricultural non abatable contribution is 4.2%.</p> <p>Local contributions to Nitrogen deposition (KgN/ha/yr) from sources (UK)</p>  <table><tr><th>Source</th><th>Contribution (%)</th></tr><tr><td>Livestock</td><td>65.5%</td></tr><tr><td>Others</td><td>13.7%</td></tr><tr><td>Fertiliser application</td><td>6.25%</td></tr><tr><td>Non-agricultural non-abatable</td><td>4.2%</td></tr><tr><td>Europe imports</td><td>3.1%</td></tr><tr><td>Air pollution from UK</td><td>2.25%</td></tr></table> <p>As the PC is 26.6% of the lower critical load and 5.3% of the higher critical load it can be concluded that while the emission is not insignificant, the site alone will not cause an adverse impact. Reasons:</p>	Source	Contribution (%)	Livestock	65.5%	Others	13.7%	Fertiliser application	6.25%	Non-agricultural non-abatable	4.2%	Europe imports	3.1%	Air pollution from UK	2.25%	
Source	Contribution (%)																
Livestock	65.5%																
Others	13.7%																
Fertiliser application	6.25%																
Non-agricultural non-abatable	4.2%																
Europe imports	3.1%																
Air pollution from UK	2.25%																

			<p>The Favourable Conservation Status in the CMP indicates that phosphate run-off has been a problem, and there is no reference to nutrient nitrogen deposition. The Nox from the existing boilers will already be 'counted' in the background on APIS, and therefore when the variation is issued the Operator will no longer be able to use these boilers and their contribution to the background will cease.</p> <p>Therefore this process would when taken alone not lead to any real likelihood of damage to the features of the site.</p>	
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4.3 Concluding the appropriate assessment of the project alone

(a) If the right hand column of Table 4.1 and Table 4.2 (if applicable) is 'YES' for all features	It has been ascertained that the proposal, when considered alone, will not adversely affect the integrity of any Natura 2000 sites.
(b) If there are any 'NO's in the right hand column of Table 4.1 that have not been resolved to 'YES' through mitigation measures identified in Table 4.2	It has not been ascertained that the proposal, when considered alone, will not adversely affect the integrity of one or more Natura 2000 sites.
(c) Are there any residual effects of the project (net of any mitigation measures identified) which, though insignificant on their own, could be significant if considered in combination with the effects of other plans or projects?	No

5 In combination assessment

5.1 Identifying possible in combination effects

BLUE 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)	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?

Toxic Contamination	Afon Teifi	N/A	N/A	NO
Acidification	Afon Teifi	N/A	N/A	NO
(a) If the right hand column is 'NO' for all rows		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.		
(b) If any rows in the right hand column are 'YES' or 'DON'T KNOW'		The project is likely to have a significant effect in combination with other plans or projects. <i>Strikeout option (a) above and go to section 5.2</i>		

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>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>	X
<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"> the project specification, and/or the terms under which it might be approved, are modified so as to remove the risk of 	

<p>adverse effects, and a revised HRA report is prepared, or</p> <ul style="list-style-type: none">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	
<p>Signed: Emma Smith</p> <p>Name: Emma Smith</p> <p>Position: Permitting Officer Installations RSR</p> <p>Date: 01/10/2024 and 11/11/24</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.

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	Email on 21 st October	To add existing background levels for Nitrogen from APIS to this section To add standing waters into SAC habitat 3130 in this section
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: