



**Cyfoeth
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Wales**

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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1.0	March 2016	Document created

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Record of a Habitats Regulations Assessment of a project

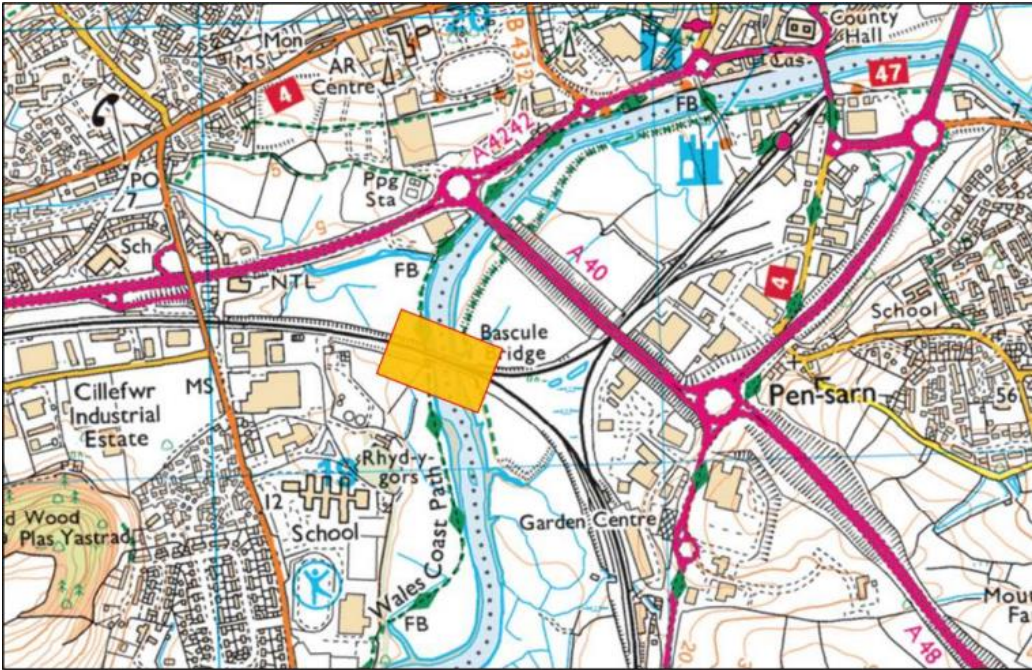
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1. Project Details

1(a): Project details where an external party has applied to NRW for any form of authorisation													
Application reference number (if applicable)	CML2458												
Date application duly made	03 September 2024												
Applicant details	Dyer and Butler Ltd												
Activity proposed	Carmarthen Swing Bridge Fender Removal												
Relevant legislation	Marine and Coastal Access Act 2009												
Location	Carmarthen Swing Bridge <table><thead><tr><th>Latitude</th><th>Longitude</th></tr></thead><tbody><tr><td>51.849384</td><td>-4.31724</td></tr><tr><td>51.848799</td><td>-4.31718</td></tr><tr><td>51.848581</td><td>-4.31636</td></tr><tr><td>51.849064</td><td>-4.3165</td></tr><tr><td>51.849414</td><td>-4.31665</td></tr></tbody></table>	Latitude	Longitude	51.849384	-4.31724	51.848799	-4.31718	51.848581	-4.31636	51.849064	-4.3165	51.849414	-4.31665
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Application documents	CML2458 - marine-works-application-form-updated - Carmarthen Swing Bridge - RA2490 - 2024.pdf CML2458 - Carmarthen Swing Bridge - RA2490 - EV000991-AA-HRA-2024.pdf CML2458 - Carmarthen Swing Bridge - RA2490 - EV000991-WFD-2024.pdf CML2458 - Appendix A - Carmarthen Swing Bridge -RA2490 - Biosecurity Management Plan & Risk Assessment - 2024 - Rev 1.pdf CML2458 - Appendix B - Carmarthen Swing Bridge - RA2490 - WNMP SIGNPOST DOCUMENT.xlsx CML2458 - Appendix C - Carmarthen Bridge - Fender Removal Method Statement - May 2024.pdf CML2458 Updated Coordinates.msg
Environmental Statement	N/A
Pre-application correspondence	N/A
NRW team responsible for drafting this HRA	Jack Thompson – Marine Licensing Team

report, and name of lead officer	
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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?	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: Afon Tywi / River Tywi SAC – UK0013010 The potential for the project to affect the following Natura 2000 sites was also initially considered, but can be ruled out without further consideration: N/A	
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
Afon Tywi / River Tywi SAC		
Brook lamprey <i>Lampetra planeri</i>	The vision of this feature is for it to be in a favourable conservation status, where all the following conditions are satisfied: 1) The natural range of the feature in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches where predominantly suitable habitat for each life stage exists over the long term. Suitable habitat is	There is the potential for contamination of the Tywi to occur from spillage of hydrocarbons during refuelling of equipment or due to equipment failure as well as from debris entering the river during removal. There is the potential for noise and visual disturbance given that the works will be taking place within the river.
River lamprey <i>Lampetra fluviatilis</i>		
Sea lamprey <i>Petromyzon marinus</i>		
Bullhead <i>Cottus gobio</i>		
Allis shad <i>Alosa alosa</i>		
Twaite Shad <i>Alosa fallax</i>		

	defined in terms of near-natural hydrological and geomorphological processes and forms e.g. suitable flows to allow upstream migration, depth of water and substrate type at spawning sites, and ecosystem structure and functions e.g. food supply. Suitable habitat need not be present throughout the SAC but where present must be secured for the foreseeable future. Natural factors such as waterfalls may limit the natural range of individual species. Existing artificial influences on natural range, such as physical barriers to migration, should be modified where possible, to allow passage 2) Water quality should not be injurious to any life stage. All reaches within the site that contain, or should contain twaite shad, allis shad, sea lamprey, brook lamprey, river lamprey or bullhead under conditions of high environmental quality will comply with the targets given. While the current SAC boundary encompasses core areas of habitat for twaite shad, allis shad, sea lamprey, brook lamprey, river lamprey or bullhead, the long term security and resilience of the population is dependent on suitable habitat both within and outside of the protected site boundary.	
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	3) The population will be at least maintained or increasing and there will be evidence of recent recruitment. Extent and quality of available spawning habitat should be sufficient to maintain the population levels. 4) Factors affecting the population or its habitat (including fishing, poaching, siltation, air pollution, abstraction, entrainment, discharges and reservoir releases) should be under appropriate control.	
European otter <i>Lutra lutra</i>	The vision of this feature is for it to be in a favourable conservation status, where all the following conditions are satisfied: 1) The population of otters in the SAC is stable or increasing over the long term and reflects the natural carrying capacity of the habitat within the SAC, as determined by natural levels of prey abundance and associated territorial behaviour. 2) The natural range of otters in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches that are potentially suitable to form part of a breeding territory and/or	Otter populations are known to be present along the River Tywi. A pathway therefore exists for noise and visual disturbance. There is the potential for contamination of the Tywi to occur from spillage of hydrocarbons during refuelling of equipment or due to equipment failure as well as from debris entering the river during removal.

	provide routes between breeding territories. The whole area of the Teifi SAC is considered to form potentially suitable breeding habitat for otters. The size of breeding territories may vary depending on prey abundance. The population size should not be limited by the availability of suitable undisturbed breeding sites. Where these are insufficient they should be created through habitat enhancement and where necessary the provision of artificial holts. No otter breeding site should be subject to a level of disturbance that could have an adverse effect on breeding success. Where necessary, potentially harmful levels of disturbance must be managed. 3) The safe movement and dispersal of individuals around the SAC is facilitated by the provision, where necessary, of suitable riparian habitat, and underpasses, ledges, fencing etc at road bridges and other artificial barriers. 4) Water quality parameters, as defined in Appendix 2 must be met. There should be no reduction in availability of otter prey (e.g. eel), as a result of anthropogenic activities or factors.	
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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.

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 Tywi / River Tywi SAC				
Brook lamprey <i>Lampetra planeri</i>	Contamination of the River Tywi as a result of hydrocarbon	Spillages and debris from the removal works have the potential to cause contamination of the estuary.	Contamination has the potential to reduce the size, structure, production, and condition of the species within the site.	No

River lamprey <i>Lampetra fluviatilis</i>	spillage or debris entering river during removal. Noise and visual disturbance.	Potential noise and visual disturbance during the works.	Noise and visual disturbance has the potential to reduce the abundance and distribution of the feature through displacement.	
Sea lamprey <i>Petromyzon marinus</i>				
Bullhead <i>Cottus gobio</i>				
Allis shad <i>Alosa alosa</i>				
Twaite Shad <i>Alosa fallax</i>				
European otter <i>Lutra lutra</i>				

4.2 Assessment of the project taking into account additional mitigating measures, conditions or restrictions

Natura 2000 Feature (from Table 4.1 – ‘NO’ rows only)	Description of adverse effect(s)	Can adverse effect(s) be mitigated?	Description of mitigation measures, and how they would be applied (e.g. contractual obligations, consent conditions)	Can adverse effect on site integrity be ruled out?
Brook lamprey <i>Lampetra planeri</i>	Spillages and debris from the removal works have the potential to cause contamination of the estuary.	Yes	All works set up and audited on a regular basis by the Environmental Clerk of Works (ECoW).	Yes
River lamprey <i>Lampetra fluviatilis</i>			A refuelling procedure will be implemented, whereby plant nappies will be placed beneath fuelling apertures during fuelling and refuelling will only be undertaken by designated, trained individuals.	
Sea lamprey <i>Petromyzon marinus</i>	Potential noise and visual disturbance during the works.		National Rail have a spillage plan and specialised contractor in place to respond to and clean up spills. An Emergency Awareness and Response Plan will also be implemented. The plan will appoint an Incident Coordinator, define roles and responsibilities during an incident, detail response procedures and contain an inventory of response equipment to be maintained on site.	
Bullhead <i>Cottus gobio</i>				
Allis shad <i>Alosa alosa</i>				
Twaite Shad <i>Alosa fallax</i>				

European otter <i>Lutra lutra</i>		near water, will be implemented. This includes: ☐ GPP 5 - Works and maintenance in or near water ☐ GPP 7 - Safe storage – The safe operation of refuelling facilities, ☐ GPP 21 - Pollution incident response planning, ☐ GPP 22 - Dealing with spills All sections of the fender, along with any debris trapped within the fender, will as far as reasonably practicable be retrieved and placed within the working platform for offsite removal. The fender will be cut incrementally. The above water elements will be cut first, followed by the lower elements. The lower elements will be cut during a falling tide. Maintenance work will result in a period of noise and visual disturbance for approximately 4-5 weeks. Noise levels are unlikely to exceed those currently generated by rail traffic and nearby human activity, although the temporary source will be of a different output. Works will only occur during daytime hours, when background noises created by normal human activity is most prominent. Night time working will be avoided. Best practice will be used in terms of the construction methodology to limit noise i.e., modern well silenced vessel propulsion. Wildlife will be habituated to activity within the river due to the adjacent rowing club and other leisure activities. The works will only work on one section of an individual fender at a given time, ensuring that there is ample opportunity for migrating fish species to avoid the location of works and utilise another section of the flowing river. Toolbox talks will be provided by the Environmental Clerk of Works prior to works commencing. This will identify potential impacts and direct localised mitigation where required. Otter populations are known to be present near Ferryside North embankment. Toolbox Talks (TBTs) will inform site personnel on identifying the Annex II Species.	
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			No otter holts have been noted to date within proximity to the structure and are unlikely to be found during works on the seaward facing wall sections. No equipment will be left in such a manner that an animal could become snared and trapped within the working area. Should an Otter be encountered during works, personnel will temporarily stand down until the animal has vacated the immediate area under its own volition. Salmon and other species of the assemblage, which are a prey of Otter, will not be prevented from travelling up the estuary during the project. Although there will be an elevated human presence around the structure, it is unlikely that this will present a significant determinantal impact to salmon and other species of fish migrating to spawn during the coming winter months, as working hours will be limited.	
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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	No

considered in combination with the effects of other plans or projects?	
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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)	
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)	X

In light of the conclusions of the appropriate assessment, it has not 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: 12 September 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	17 October 2024	Advisory agreed with conclusion of the 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: Carmarthen Swing Bridge Fender Removal - CML2458

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 12 September 2024. Our comments are as follows:

The Marine Area Advice and Management Team agree with the conclusion of the HRA that the proposal will not adversely affect the integrity of any Natura 2000 site taking into account any conditions or restrictions as applicable.

Signed:



Date: 17 October 2024