

Note

**HaskoningDHV UK Ltd.
Water & Maritime**

To: Natural Resources Wales
From: Royal HaskoningDHV on behalf of Milford Haven Port Authority
Date: 14 November 2024
Copy:
Our reference: PC1477-RHD-ZZ-ZZ-FN-EV-0001
Classification: Project related
Checked by

Subject: Habitats Regulations Assessment: Port Authority Jetty Improvements

1 Introduction

1.1 Background

The Milford Haven Port Authority (MHPA) Port Authority Jetty (PAJ) is situated on Milford Haven's northern shore, approximately 7.5km from the estuary mouth (See **Figure 1.1**). The original jetty structure was installed in the 1960's and while the installation date of the pontoons is not known, it has been in service in its current use for an excess of 20 years. Operations at the jetty are on a 24/7 basis with daily operation by the pilot boats and currently the jetty provides permanent berthing for the pollution response capabilities of the port. The RNLI all-weather lifeboat (ALB) is currently operating under a temporary agreement from PAJ due to operational constraints at their normal base at Angle. To secure the capability of their service, RNLI hope to be expected to shift their base of operation from Angle to the north shore, with a permanent berth allocation at PAJ.

With the development in the Port's pilot fleet seeing increases in vessel size over time, the current berthing arrangements are not designed to accommodate the current fleet as effectively as possible. With a larger 22m pilot boat expected to be operational from November 2025, the existing berthing arrangements will be insufficient to accommodate the new vessel alongside the existing fleet. A redesign is therefore required to maximise berthing capability (primarily for the ports own fleet) and to identify opportunities for further developments to accommodate third party vessels including the RNLI.

1.2 Legislation and Purpose

This Habitats Regulations Assessment (HRA) has been compiled on behalf of MHPA in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). This assessment is provided in support of a Marine Works Licence application for the project 'Port Authority Jetty Improvement Works' and forms a Screening for Likely Significant Effect (LSE) in light of the conservation objectives of potentially connected nature conservation designations within the UK's National Site Network (NSN).

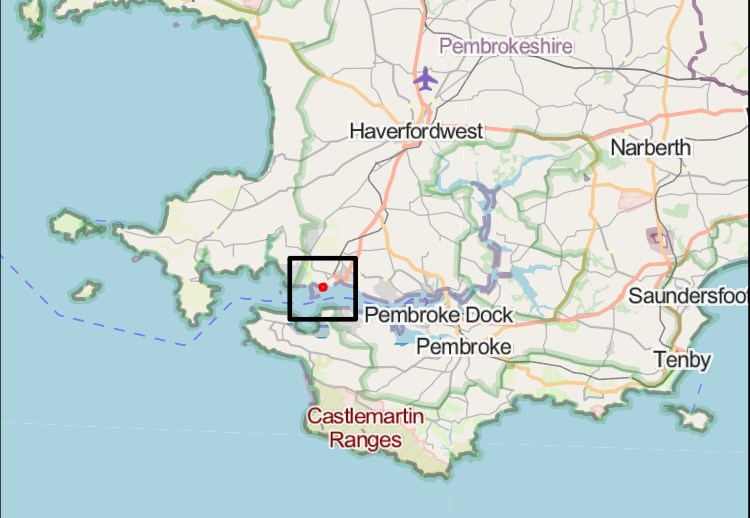
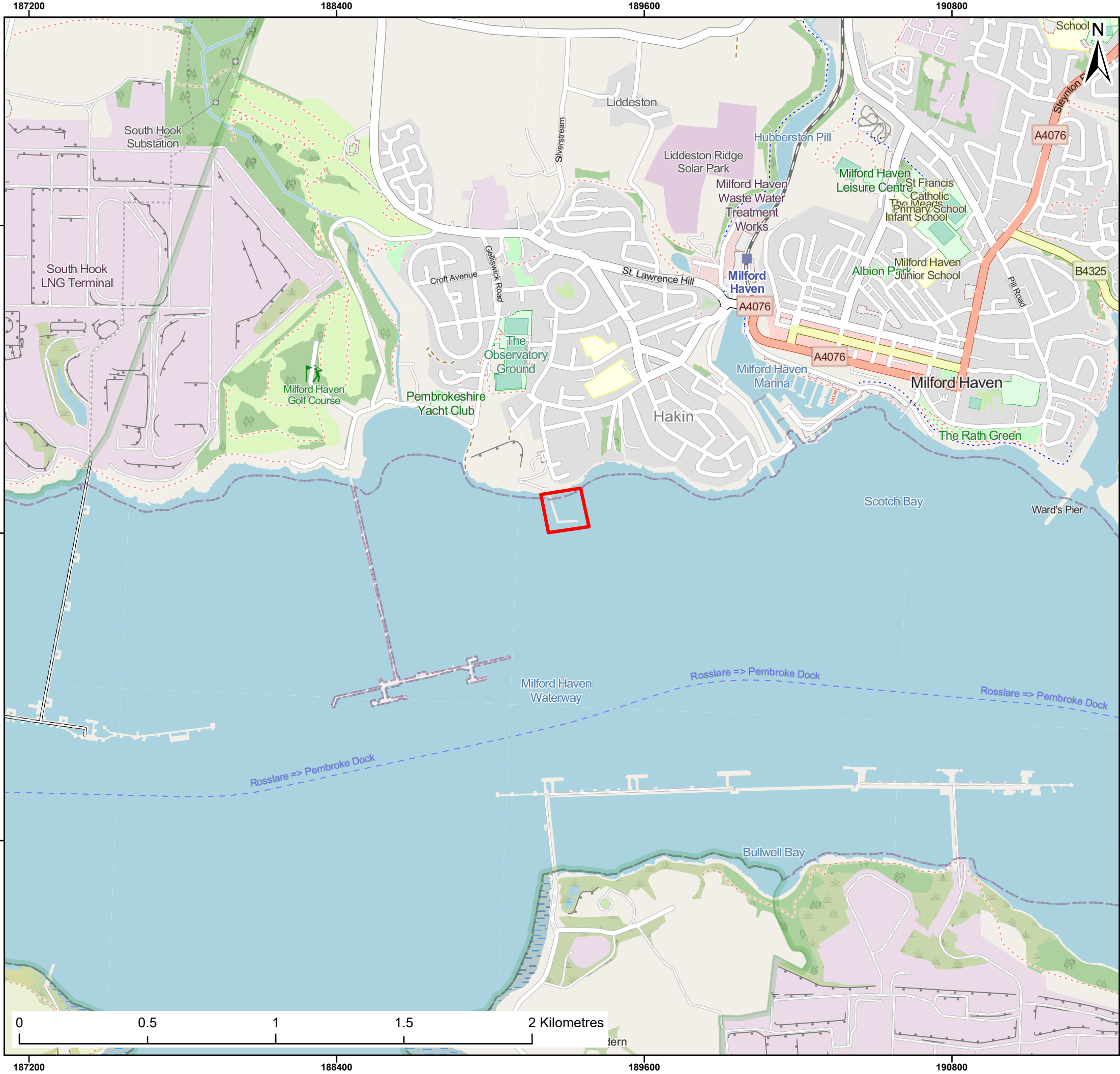
1.3 Proposed Works

MHPA is planning works to the PAJ at Milford Haven to improve its berthing capabilities. This is provided in detail in Section 2 of the Environmental Report (PC1477-RHD-ZZ-ZZ-RP-EV-0001) and summarised here.

- Removal of the existing welfare cabin, gangway, pontoons and two restraining piles.
- Installation of a new gangway and full-length pontoon (West-East leg of jetty) adjacent to the jetty head extending its full length supported by up to 16 piles. Based on 70m available length and a generous pile distribution at 3m intervals. The pile diameter is anticipated to be up to 600mm in diameter.
- Installation of a new finger pontoon, extending perpendicular from the North-South jetty leg at its northern extent, supported by up to 8 piles also up to 600mm in diameter.
- Installation of a full-length pontoon (North-South) adjacent to the jetty head extending its full length supported by up to 8 piles. Based on 30m available length and a generous pile distribution at 3m intervals. The pile diameter is anticipated to be up to 600mm in diameter.
- Installation of one new and one replacement welfare cabins on the jetty deck. One on the short leg and the other on the long leg.
- Installation of a replacement diesel fuel hose as part of the existing fuel dispensing station on the jetty head as well as one additional fuel dispenser and an onshore diesel storage tank.
- Reinstallation of water and electrical systems from existing landside services

A plan of the proposed works is presented in **Drawing CPS-MHP-020-CS-1000**.

Once the pontoons have been installed the use of the jetty is not anticipated to differ significantly from current activities.



Legend:
 Area of works

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Client:	Project:
Milford Haven Port Authority (MHPA)	Port Authority Jetty MLA

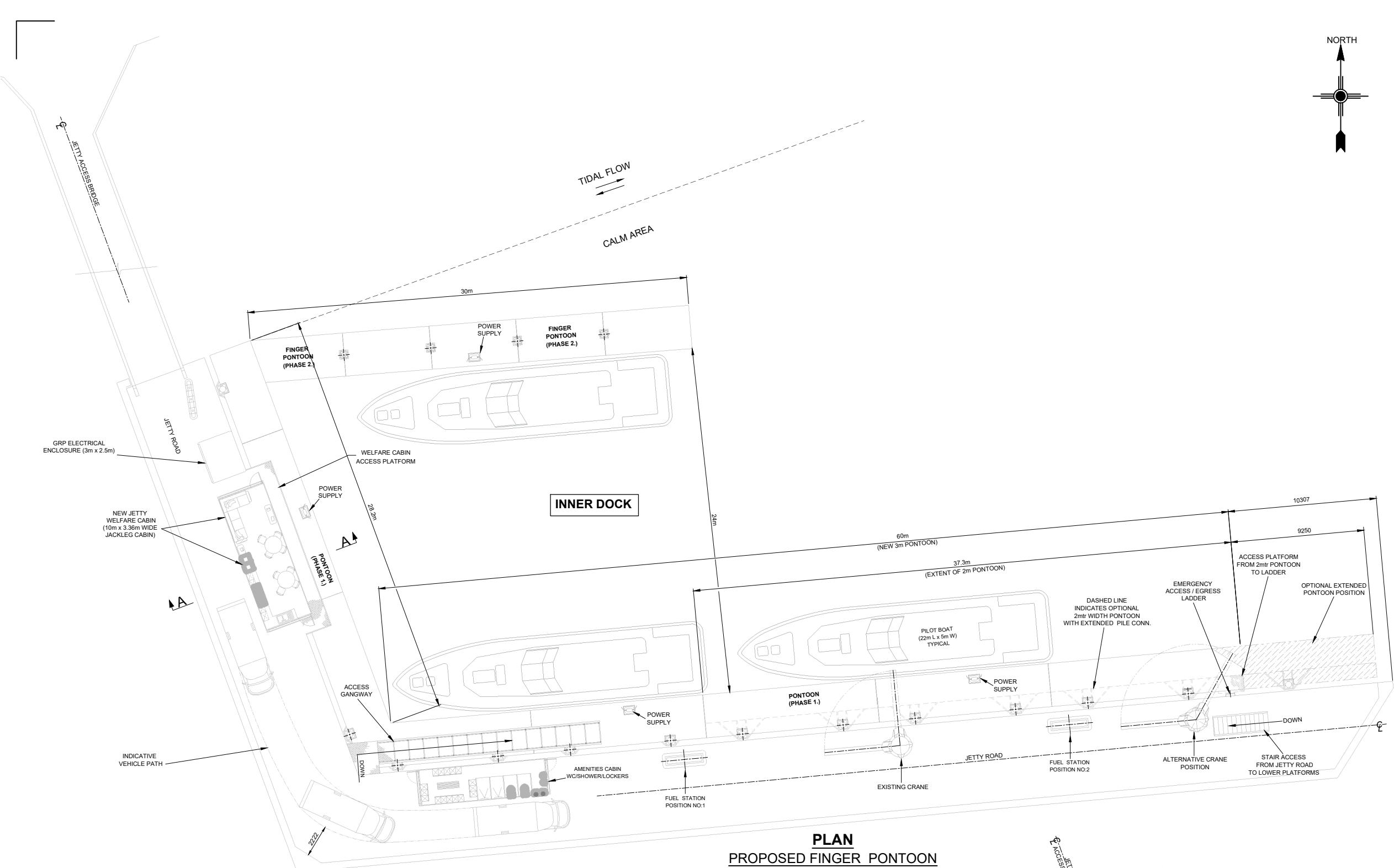
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Area of proposed works

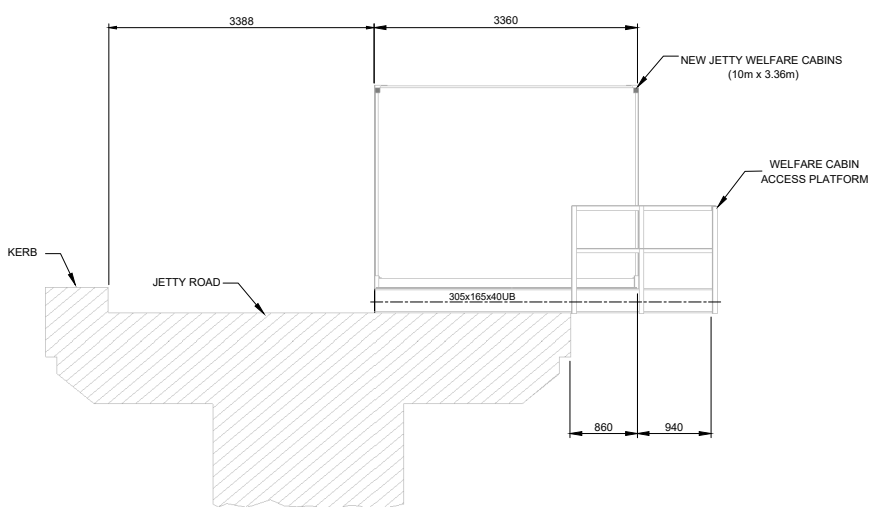
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Co-ordinate system: British National Grid



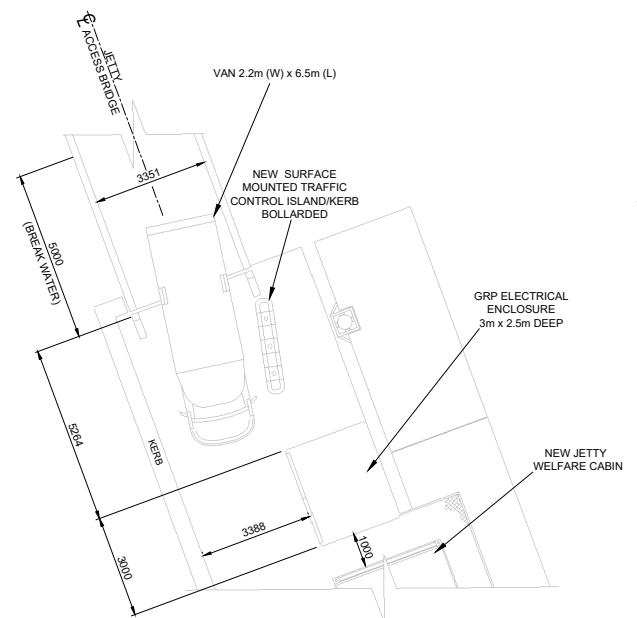


PLAN
PROPOSED FINGER PONTOON
(SCALE 1:150)

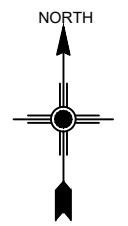


VIEW ON A-A
NEW WELFARE CABINS
RE-POSITIONED

OPTION 1



VEHICULAR ACCESS
FROM BRIDGE
TO JETTY



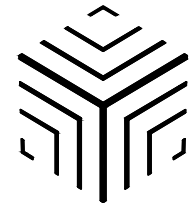
NOTES

1. ALL DIMENSIONS ARE GIVEN IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE GIVEN IN METRES AND ARE RELATIVE TO ORDNANCE SURVEY DATUM.

KEY PLAN

REFERENCE DRAWINGS

REV	DATE	DESCRIPTION OF REVISION
A1	15.04.24	UPDATE DIMENSIONS
A2	28.06.24	CLIENT UPDATE
A3	22.10.24	CLIENT UPDATE



6 Cedar Court,
Havens Head Business Park,
Milford Haven,
Pembrokeshire,
SA73 3LS

DRAWN SW DATE 28.06.24	CHECKED LC DATE 28.06.24	APPROVED NC DATE 28.06.24
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MILFORD HAVEN PORT AUTHORITY
PILOT JETTY IMPROVEMENTS
OPTION 1

PROJECT No C3D-MHP-24-020	Sht No 01	SCALE AS NOTED
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DRAWING NUMBER C3D-MHP-024-CS-1000	REVISION A3
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2 Requirement for HRA

2.1 Overview

Regulation 63 the Habitats Regulations defines the procedure for HRA, which is the assessment of the implications of projects (such as the proposed works at the PAJ) on protected sites within the NSN. Sites that contribute to the Site Network include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). Under Regulation 63(1) of the Habitats Regulations, if a proposed project or plan may have LSE on a protected site(s) (either alone or in-combination with other projects and plans) and is not directly connected with, or necessary to, the management of that site, the competent authority must undertake an 'Appropriate Assessment' of the project in view of the conservation objectives. As Statutory Harbour Authority, MHPA are the competent authority for the purpose of the Marine Works Licence application.

The Pembrokeshire Marine / Sir Benfro Forol SAC (UK0013116) overlaps with the footprint of the proposed works and the West Wales Marine / Gorllewin Cymru Forol SAC (UK0030397) is located 4.5km West of the proposed works. Given this distance from the proposed works, significant effects are unlikely to extend to the boundary of the West Wales Marine / Gorllewin Cymru Forol SAC and therefore this site is not considered further.

The works are over 12km away from the nearest Marine Conservation Zone (MCZ), Skomer, and would not be affected by the proposed works as described and as such potential effects on MCZs are not considered further.

2.2 LSE Screening Process

HRA screening (i.e. stage 1 of the HRA process) comprises an assessment of the potential for LSE to arise from a proposed scheme, either alone or in-combination with other plans and projects. A significant effect is any effect that would undermine the conservation objectives for a given site within the NSN (for example, by reducing the area or quality of protected habitat for which the site was designated, or by the disturbance or displacement of species for which the site was designated). In terms of HRA screening, a 'likely' significant effect should be concluded if the effect cannot be excluded, on the basis of objective information.

Subsequent to the 'People over Wind' ruling in the Court of Justice of the EU¹, it is not appropriate to take account of any measures specifically intended to avoid or reduce adverse effects when assessing the potential for LSE. The robustness of such mitigation measures should instead be considered during Appropriate Assessment (i.e. stage 2 of the HRA process) if, without them in place, LSE cannot be excluded.

Should the proposed scheme have zero or de minimis effect on protected sites, there is no requirement for Appropriate Assessment, although sufficient justification must be provided.

In the event that LSE is concluded, an Appropriate Assessment must be undertaken by the competent authority (in this instance, NRW) to determine whether the project in question would have an 'adverse effect on site integrity' of the protected site(s) screened in, in view of the site's conservation objectives.

¹ Case C-323/17 *People Over Wind & Peter Sweetman v Coillte Teoranta* ('People over Wind')

3 Designated sites

3.1 Pembrokeshire Marine / Sir Benfro Forol SAC

Pembrokeshire Marine / Sir Benfro Forol SAC extends just North of Abereiddy on the North Pembrokeshire coast to just East of Manorbier in the South, and includes the coast of the islands of Ramsey, Skomer, Grassholm, Skokholm, the Bishops and Clerk and The Smalls (see **Figure 3.1**). The site encompasses areas of sea, coast and estuary that support a wide range of marine habitats and wildlife, some of which are unique in Wales.

The site is a multiple-interest site that has been selected for the presence of eight marine habitat features and seven species features.

For the qualifying habitats and species, the site is considered to be one of the best areas in the UK for:

- H1160: Large shallow inlets and bays;
- H1130: Estuaries;
- H1170: Reefs; and
- Grey seal (*Halichoerus grypus*).

The site also supports a significant presence of:

- H1330: Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*);
- H1140: Mud-flats and sand-flats not covered by seawater at low tide;
- H1150: Coastal lagoons;
- H8330: Submerged or partially submerged sea caves;
- H1110: Sandbanks which are slightly covered by water all the time;
- Allis shad (*Alosa allosa*);
- Twaite shad (*Alosa fallax*);
- River lamprey (*Lampetra fluviatilis*);
- Sea lamprey (*Petromyzon marinus*);
- Otter (*Lutra lutra*); and
- Shore dock (*Rumex rupestris*).

The features are distributed throughout the SAC with no single feature occupying the entire SAC and with features overlapping some locations. Based on the nature of the proposed works, there is not expected to be potential connectivity with any other coastal habitat features outside the SAC.

For habitat features (including Annex I reef), the Conservation Objectives of the site (NRW, 2018a) are:

- Range – the overall distribution and extent of the habitat features is stable or increasing;
- Structure and function – the physical, biological and chemical structure and functions necessary for the long-term maintenance and quality of the habitat are not degraded; and

- Typical species – the presence, abundance, condition and diversity of typical species is such that habitat quality is not degraded.

Annex I reef (H1170) and estuaries (H1130) features are classified as being in unfavourable condition, principally due to high levels of nutrients in the water column and contaminants in sediments in the Milford Haven Waterway (NRW, 2018b). Specific to the Milford Haven Waterway, 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. Annex I sandbank (H1110) feature is classified as being in unfavourable condition based on declines species richness, abundance and diversity (NRW, 2018b).

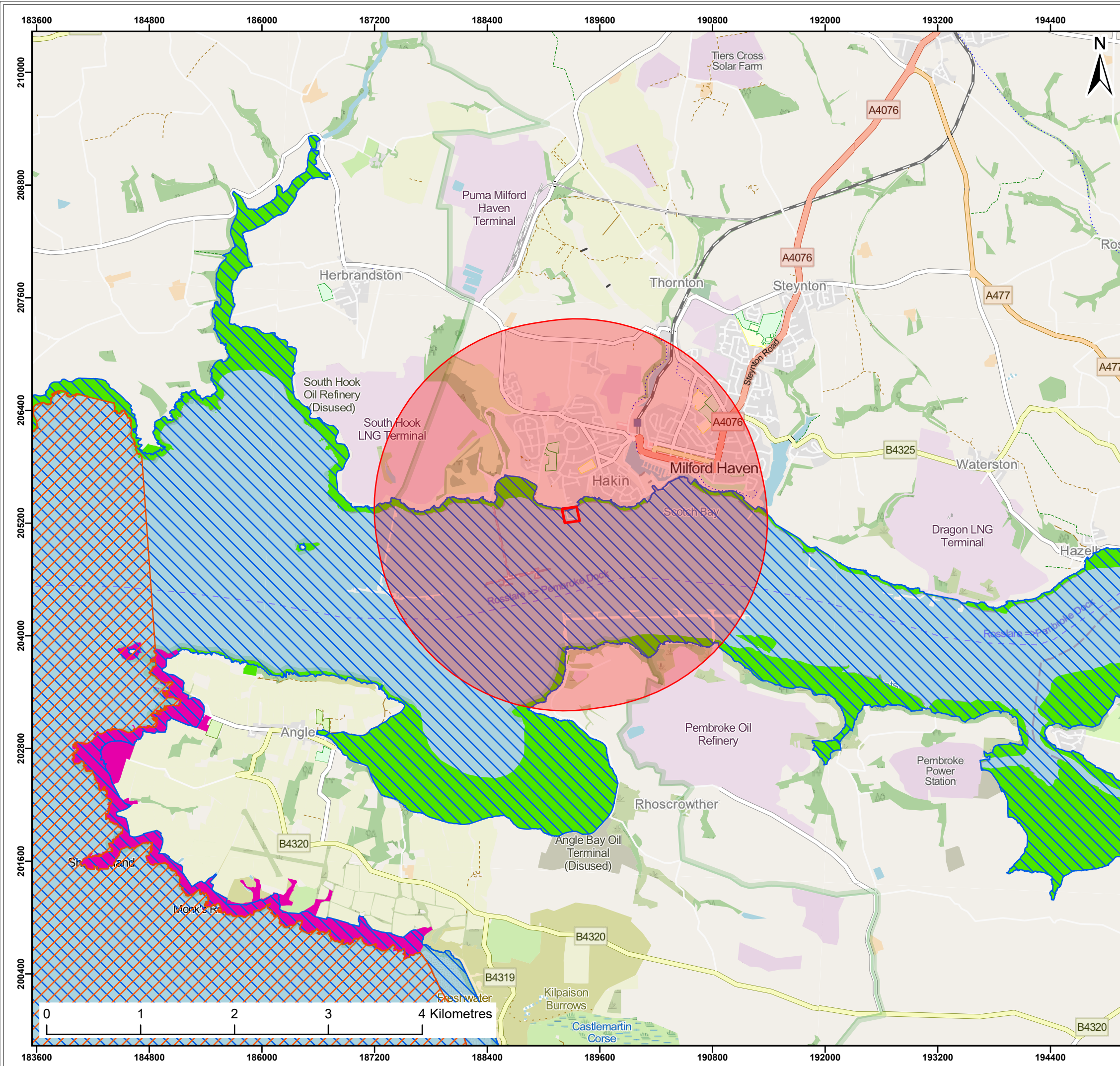
For species features (i.e. grey seal, otter and transitional fish), the Conservation Objectives for the site (NRW, 2018a) are:

- Population – the population is maintaining itself as a viable component of its natural habitat;
- Range – the species population within the site is such that the natural range of the population is not being reduced or likely to be reduced in the near future; and
- Supporting habitats and species – the presence, abundance, condition and diversity of habitats and species required to support this species is such that the distribution, abundance and population dynamics of the species within the site and population beyond the site is stable or increasing.

3.2 Milford Haven Waterway SSSI

Both the northern and southern shorelines in the area surrounding the PAJ are designated under the Milford Haven Waterway SSSI (see **Figure 3.1**). Adjacent to the jetty approach, a small area of the SSSI falls within the proposed works boundary. The jetty approach has been included within the boundary of the works as a means of access, however the proposed works (including piling) will be undertaken on the jetty head, and not within the SSSI. There is potential for disturbance as a result of deliveries by road and personnel access in this area. However, any disturbance above existing levels would be minimal and is expected to be short term and temporary during the works.

Additionally, as the Milford Haven Waterway SSSI legally underpins Pembrokeshire Marine / Sir Benfro Forol SAC, the designated features overlap between the protected features of these sites. Therefore, Milford Haven SSSI has not been screened as designated features are covered by assessments undertaken in **Section 4** and **5**.



Legend:

- Area of works
- 2km from area of works

Special Areas of Conservation (SAC)

- West Wales Marine / Gorllewin Cymru Forol
- Pembrokeshire Marine / Sir Benfro Forol

Site of Special Scientific Interest (SSSI)

- Milford Haven Waterway
- Arfordir Penrhyn Angle / Angle Peninsula Coast

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Client:	Project:
Milford Haven Port Authority (MHPA)	Port Authority Jetty MLA

Title:

Relevant designated sites in relation
to the area of proposed works

Figure:	3.1	Drawing No:	PC1477-RHD-ZZ-XX-DR-EV-0001			
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Co-ordinate system: British National Grid

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4 Screening for LSE

4.1 Pembrokeshire Marine / Sir Benfro Forol SAC

For the Pembrokeshire Marine / Sir Benfro Forol SAC, NRW have identified where there is potential for operations and activities to have an adverse effect on qualifying features (NRW, 2018a). This does not imply a significant actual or existing causal impact, as the potential for (and magnitude of) any effect is dependent on variables such as location, extent, scale, timing and duration of activities, as well as proximity to sensitivities. However, it is prudent to consider the pressures associated with such operations and activities when undertaking screening for LSE.

The proposed works would fall under the category of 'dock, harbour and marinas structures: maintenance' in the NRW (2018) advice on operations. The most likely relevant components and effects of activities within this category are as follows:

- Noise / visual disturbance affecting mobile species, particularly mammals;
- Loss of / reduction in habitat extent;
- Localised elevated suspended material and contaminants limiting growth of benthic flora, smothering sessile benthic fauna and increasing likelihood of toxic bioaccumulation; and
- Modification to biological processes including food contamination and availability.

Screening for LSE relating to the proposed works alone is presented in **Table 4.1**. For each feature and for each of the receptor-effect pathways listed above, the table provides rationale on the screening decision.

Data provided on DataMapWales indicates that the following SAC habitat features are within the footprint of the scheme:

- Reefs (subtidal), and
- Large shallow inlets and bays.

Other habitats that are present within 1km of the PAJ are:

- Mudflats and sandflats not covered by seawater at low tide and
- Reefs (intertidal).

Table 4.1 LSE screening for the proposed works alone: Pembrokeshire Marine / Sir Benfro Forol SAC

Effect	Receptor	Rationale	Decision
Noise / visual disturbance affecting mobile species	Grey seal, allis shad, twaite shad, river lamprey, sea lamprey, otter.	The proposed works would require use of a small number of vessels, which would be in keeping with baseline vessel usage in the Milford Haven Waterway. Whilst works on site are on-going, percussive piling activities included in the proposed works have the potential to impact migratory fish and marine mammals resulting from changes in underwater noise.	LSE
Loss of / reduction in habitat extent	Reefs (subtidal) and large shallow inlets and bays	There is potential for a loss of subtidal habitat as a result of the proposed works, but this will be limited to the area of the new piles (up to 9.04m²). Additionally, the removal of the existing pontoon piles could expose previously lost habitat areas (up to 0.32m²). Given the nature of the area, with regular vessel movement and occasional maintenance dredging operations, the likelihood of reef habitat within this area is minimal. It is therefore concluded there will be no direct impacts to reef as a result of the proposed works. However, a small loss of the large shallow inlets and bays feature of the SAC is expected.	LSE
Localised elevated suspended material / contaminants limiting growth of benthic flora, smothering sessile benthic fauna and increasing likelihood of toxic bioaccumulation	Reef (intertidal and subtidal), mudflats and sandflats not covered by water at low tide, large shallow inlets and bays	Piling activities have the potential to resuspend small volumes of sediments resulting in short term, localised increases in turbidity, which may temporarily lead to increased sediment deposition within the vicinity of the proposed works. However, due to the small scale of the proposed piling activities, any plume of suspended sediment is expected to be small and quickly dispersed by tidal and surface currents. Any effects are therefore considered to be temporary and no potential for any significant effects on benthic habitats and species is predicted.	No LSE
Availability of food resources	Grey seal, allis shad, twaite shad, river lamprey, sea lamprey, otter. Benthic community components of SAC habitats.	Underwater noise Piling activities included in the proposed works may result in changes in underwater noise which may affect food resource. However, piling will use a vibrating hammer and the use of percussive piling will be minimal and would only be used in combination with other methodologies to fully secure the piles where required. With a pile diameter of up to 600mm, it is expected that minimal percussive piling will be required to fully secure the piles, representing a short-term and temporary impact on the wider ecology of the Waterway, however there is the potential for a significant effect on species in close proximity to the proposed works. Resuspension of sediment Piling activities have the potential to resuspend sediments resulting in short term, localised increases in turbidity, which may temporarily lead to increased suspended sediment in the water column within the immediate vicinity of the proposed works. However, due to the small scale of the proposed piling activities, any plume of suspended sediment is expected to be small and quickly dispersed by tidal and surface currents. Also, given the small volumes expected deposition of any resuspended sediment resulting from the proposed works will be minimal. Any effects	LSE (underwater noise only)

Effect	Receptor	Rationale	Decision
		are therefore considered to be temporary and no potential for any significant effects on food resources which could have an indirect effect on SAC species.	

5 Appropriate Assessment

5.1 Noise / visual disturbance affecting mobile species and prey resource

As potential LSE has been identified for 'noise / visual disturbance affecting mobile species' as a result of the proposed works Appropriate Assessment has been undertaken. The potential LSE is specifically related to grey seal and migratory fish, allis shad, twaite shad, sea and river lamprey.

There are limited records of lamprey within the Pembrokeshire Marine SAC however populations have been identified in the Eastern and Western Cleddau rivers that flow into the Milford Haven Waterway. As lamprey are qualifying and the primary features of the Afonydd Cleddau/ Cleddau Rivers SAC, they are expected to pass through the Milford Haven Waterway. Young adults of both species migrate downstream during darkness to estuaries between July and September. Migration of both species at both stages occurs at night when conditions are suitable, hiding under stones and vegetation during the day.

Grey seals (*Halichoerus grypus*) are present throughout the Celtic and Irish Sea in varying numbers, with a relatively high presence of grey seal around St David's Head and Skomer Island. The latest grey seal count for Wales is provided in the Special Committee on Seals (SCOS, 2021), which states that an estimated 900 grey seal were counted in the most recent counts. The closest grey seal haul-out sites to the proposed development are at Skomer Island (approximately 12km from the proposed works) which is within an SAC designated for grey seal.

Significant increases in underwater noise can result in lethal effects, physical injury or behavioural effects on fish and marine mammals. The sensitivity of fish species to underwater noise is dependent on the presence and use of a swim bladder. River and sea lamprey are considered to have a low sensitivity to noise as a swim bladder is not present.

Changes in underwater noise resulting from the piling activities included in the proposed works has the potential to impact migratory fish and marine mammal species. However, the majority of piling will be undertaken using a vibrating hammer and the use of percussive piling will be minimal and would only be used in combination with other methodologies to fully secure the piles where required. With a pile diameter of up to 600mm, it is expected that minimal percussive piling will be required to fully secure the piles, representing a short-term and temporary impact on the ecology of the Waterway. Though percussive piling is considered unlikely to have a significant effect on migratory fish and marine mammals, due to the short-term and temporary nature of the impact and limited pathway for effect, to minimise the potential for impacts the following mitigation measures will be implemented:

- All percussive piling will be undertaken in line with Joint Nature Conservation Committee (JNCC) guidance (JNCC, 2010), to minimise the potential for impacts to migratory fish that may be present in the vicinity of the works.
- All percussive piling will be undertaken using soft-start procedures to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of no less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Following the implementation of the above mitigation measures, the proposed piling works will not adversely affect the integrity of the Pembrokeshire Marine / Sir Benfro Forol SAC.

5.2 Loss of / reduction in habitat extent

As potential LSE has been identified for 'Loss of / reduction in habitat extent' as a result of the installation of piles associated with the proposed works. Given the nature of the area, with regular vessel movement and occasional maintenance dredging operations, the likelihood of Annex I reef habitat within this area is minimal and no loss of this habitat is expected. However, large shallow inlets and bays are also qualifying features of the SAC, and a small area of this habitat is expected to be lost as a result of the pile installation. The expected loss has been calculated as up to 9.04m² and therefore represents a small proportion of the overall SAC area (approximately 0.00000066%). Additionally, the removal of the existing pontoon piles could expose previously lost habitat areas (up to 0.32m²).

Regular vessel movements likely cause significant propeller wash which would clear surface sediments in the vicinity of the proposed works. As such it is considered that the area within the footprint of the works does not support the diversity of sediments nor support the well-developed zonation of benthic communities included in the definition of the large shallow inlets and bays SAC habitat complex.

As such, the expected habitat loss as a result of the proposed works will not adversely affect the integrity of the Pembrokeshire Marine / Sir Benfro Forol SAC.

6 In-combination effects

Given that the proposed works comprise short-term, temporary improvement works to an existing structure and are expected to have no significant adverse effects on features of the Pembrokeshire Marine / Sir Benfro Forol SAC, there is considered to be no risk of in-combination effects with any other projects or plans.

7 Conclusion

The screening process presented above indicates that there is the potential for a LSE on the Pembrokeshire Marine / Sir Benfro Forol SAC. The following pressures were taken forward to Appropriate Assessment:

- Noise / visual disturbance affecting mobile species and availability of food resources
- Loss of / reduction in habitat extent.

With the implementation of mitigation measures to reduce potential adverse effects arising from underwater noise (i.e. soft-start piling) adverse effects on designated species (migratory fish and marine mammals) as well as food resources would not occur. The proposed works will result in a small loss of subtidal habitat beneath the footprint of the piles. Given the current frequent use of the area, propeller wash will regularly scour sediments and as a result the value of the subtidal habitat is not anticipated to represent the large shallow inlets and bays SAC habitat. The small scale loss of subtidal habitat is not therefore anticipated to cause an adverse effect on this SAC habitat.

Consequently, an adverse effect on the integrity of the Pembrokeshire Marine / Sir Benfro Forol SAC as a result of the proposed works will not occur.

8 References

Heinänen, S. and Skov, H., 2015. The identification of discrete and persistent areas of relatively high harbour porpoise density in the wider UK marine area. JNCC Report No. 544.

JNCC, 2010. Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise.

NRW, 2018a. Pembrokeshire Marine / Sir Benfro Forol Special Area of Conservation: Advice provided by Natural Resources Wales in fulfilment of Regulation 37 of the Conservation of Habitats and Species Regulations 2017. March 2018.

NRW, 2018b. Pembrokeshire Marine / Sir Benfro Forol Special Area of Conservation: Indicative site level feature condition assessments 2018. NRW Evidence Report No. 233.