

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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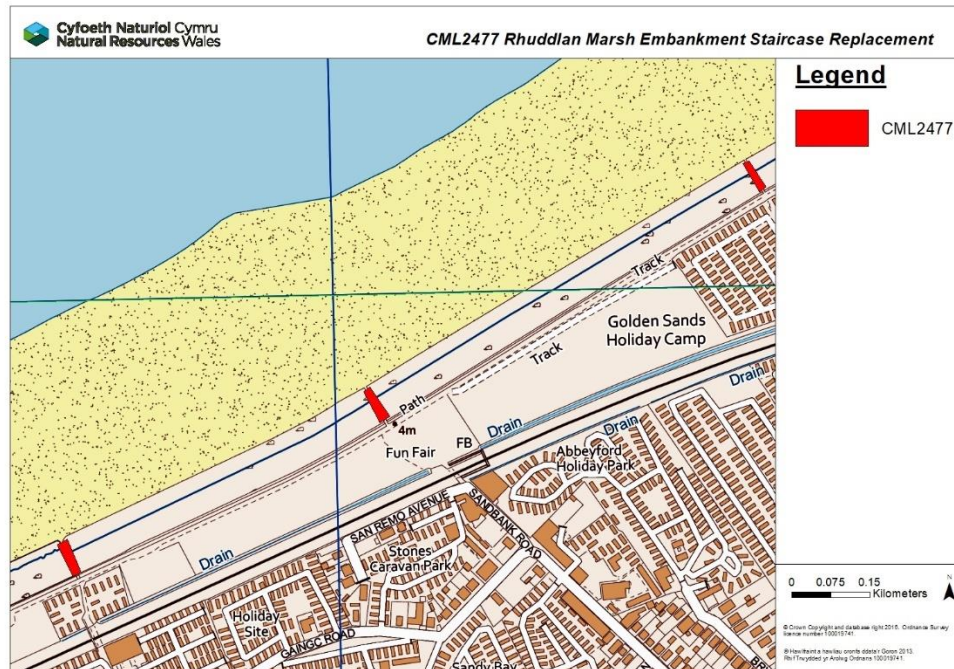
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1. Project Details

1(a): Project details where an external party has applied to NRW for any form of authorisation	
Application reference number (if applicable)	CML2477
Date application received	31 October 2024
Applicant details	MPH Construction
Activity proposed	Rhuddlan Marsh Embankment Staircase Replacement The works will involve the following steps: • Locate lifting equipment in a safe and agreed positions as necessary. • Disconnect corroded steel balustrades from existing concrete staircase. • Detach the existing staircase units from concrete plinths. • Remove existing concrete units and dispose. • Check suitability of existing sub-strata (existing concrete plinth). • Drill dowel bars into existing concrete plinth, ready for installation of new staircase. • Lift new staircase units into position onto existing plinth, using dowel bars as guidance. • Provide polyurethane sealant at joint between new staircase and existing plinth. Allow time to set. • Install new steel balustrades onto new staircase. This sequence will be repeated for each of the three staircases.
Relevant legislation	Marine and Coastal Access Act 2009
Location	Rhuddlan Marsh Embankment, Towyn



Application documents

CML2477 - 1010A_WAL_MPH - marine-works-licence-application-form
 CML2477 - 1010A_WAL_MPH - Location Plan
 CML2477 - 1010A_WAL_MPH - Site Plan (Part 1)
 CML2477 - 1010A_WAL_MPH - Site Plan (Part 2)
 CML2477 - 23047W-DRG-000 B02 – Staircase Specification
 CML2477 - 23047W-DRG-003 B02 – Staircase 1
 CML2477 - 23047W-DRG-004 B02 – Staircase 2
 CML2477 - 23047W-DRG-005 B02 – Staircase 3
 CML2477 - 23047W-DRG-006 B02 – Staircase Schematics
 CML2477 - Staircase 1 -297234-1250-1010A_WAL_MPH
 CML2477 - Staircase 2 -297234-1250-1010A_WAL_MPH
 CML2477 - Staircase 3 -297234-1250-1010A_WAL_MPH
 CML2477 1010A_WAL_MPH - Marine License Continuation Sheet (Final)
 CML2477 1010A_WAL_MPH - WNMP Signposting Document_Completed (Final)
 CML2477 - 23047W-FRM-G-001 – B02 – Design Check
 CML2477 - 23047W-RAR-001 B02 – Design Risk Assessment

	CML2477 - NND-JBA-XX-XX-RP-EN-0001-A1-C01-Rhuddlan_Steps_WFD
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 Officer

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: Liverpool Bay SPA 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
Liverpool Bay SPA		
Red-Throated Diver	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Internationally important non-breeding population of red-throated diver (<i>Gavia stellata</i>) Subject to natural change, maintain or restore the red-throated diver population and its supporting habitats in favourable condition. The interest feature red-throated diver will be considered to be in	The works involve the removal of three existing staircases by using a telehandler and excavator. These staircases will then be replaced, like for like, with pre-cast concrete staircases and new handrails will be fitted. Each of the work sites are located within 250m of the Liverpool Bay SPA Pollution: Due to the plant involved, there is the potential for spillage or leakage to result in contamination of Liverpool Bay. Furthermore, during excavation, there is the potential for dust and debris to enter the watercourse. Noise, Visual and Light Disturbance: The works are not located within the Liverpool Bay SPA however, the area may be functionally linked as it has the potential to serve as a roosting or foraging site. Increased anthropogenic activity is unlikely to have an impact

	favourable condition only when each of the following three conditions are met: (i) The red-throated diver population shows only non-significant fluctuation around the mean population at the time of classification of the SPA, with due consideration to the potential for natural change. (ii) Red-throated diver distribution and ability to use the site does not significantly change (subject to natural fluctuations and variation). (iii) The extent and distribution of the supporting habitat available to the red throated diver population within the site, including its structure, function and supporting processes, is maintained.	given that the area is located next to two caravan parks and is often frequented by members of the public. The increased noise however, may have an impact and, given that there will be some overnight working, periods which are normally quieter may experience noise in excess of typical levels. Lighting will also be used during night time working and as such, there is potential for light spill and subsequent disturbance.
Common Scoter	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Internationally important non-breeding population of common scoter (<i>Melanitta nigra</i>). Subject to natural change, maintain or restore the common scoter population and its supporting habitats in favourable condition. The interest feature common scoter will be considered to be in favourable condition only when each of the following three conditions is met: (i) The common scoter population shows only non-significant fluctuation around the mean population at the time of classification of the SPA, with	

	due consideration to the potential for natural change. (ii) Common scoter distribution and ability to use the site does not significantly change (subject to natural fluctuations and variation) (iii) The extent and distribution of the supporting habitat available to the common scoter population within the site, including its structure, function and supporting processes, is maintained	
Little Gull (<i>Hydrocoloeus minutus</i>) (over winter)	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Internationally important non-breeding population of Little Gull (<i>Hydrocoloeus minutus</i>). Subject to natural change, maintain or restore the little gull population and its supporting habitats in favourable condition. The interest feature little gull will be considered to be in favourable condition only when each of the following three conditions is met: (i) The little gull population shows only non-significant fluctuation around the mean population at the time of classification of the SPA, with due consideration to the potential for natural change. (ii). Little gull distribution and ability to use the site does not significantly change (subject to natural fluctuations and variation). (iii) The extent and distribution of the supporting habitat available to the little gull population within the site, including its structure, function and supporting processes, is maintained.	

Little Tern (<i>Sternula albifrons</i>) (breeding)	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Internationally important non-breeding population of little tern (<i>Sternula albifrons</i>). Subject to natural change, maintain or restore the little tern population and its supporting habitats in favourable condition. The interest feature little tern will be considered to be in favourable condition only when each of the following three conditions is met: (i) The little tern population shows only non-significant fluctuation around the mean population at the time of classification of the SPA, with due consideration to the potential for natural change. (ii) Little tern distribution and ability to use the site does not significantly change (subject to natural fluctuations and variation) (iii) The extent and distribution of the supporting habitat available to the little tern population within the site, including its structure, function and supporting processes, is maintained	
Common Tern (<i>Sterna hirundo</i>) (breeding)	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Internationally important non-breeding population of Common Tern (<i>Sterna hirundo</i>). Subject to natural change, maintain or restore the common tern population and its supporting habitats in favourable condition. The interest feature common tern will be considered to be in favourable	

	condition only when each of the following three conditions is met: (i) The common tern population shows only non-significant fluctuation around the mean population at the time of classification of the SPA, with due consideration to the potential for natural change. (ii) Common tern distribution and ability to use the site does not significantly change (subject to natural fluctuations and variation). (iii) The extent and distribution of the supporting habitat available to the common tern population within the site, including its structure, function and supporting processes, is maintained.	
Assemblage of over 20,000 waterbirds	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Non-breeding assemblage of over 20,000 waterbirds Subject to natural change, maintain or restore the waterbird assemblage and its supporting habitats in favourable condition The interest feature waterbird assemblage will be considered to be in favourable condition only when each of the following three conditions is met: (i) The waterbird assemblage population shows only non-significant fluctuation around the mean population at the time of classification of the SPA, with due consideration to the potential for natural change (ii) The waterbird assemblage population and ability to use the site	

	does not significantly change (subject to natural fluctuations and variation) (iii) The extent and distribution of the supporting habitat available to the waterbird assemblage population within the site, including its structure, function and supporting processes, is maintained. Explanatory information for the waterbird objectives In the period 2004/05 – 2010/11 a five year peak mean of 69,687 individual waterbirds was estimated (Lawson and others, 2016). The most recent four-year peak mean population estimate for the waterbird assemblage in Liverpool Bay / Bae Lerpwl SPA is 157,952 individuals based on recent digital aerial surveys (HiDef, in prep.).	
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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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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?
Liverpool Bay SPA				
Red-Throated Diver	Pollution from spillage/leakage, dust and debris. Noise, visual and light disturbance.	Potential for spillage or leakage to result in contamination of Liverpool Bay. Furthermore, during excavation, there is the potential for dust and debris to enter the watercourse. Increased noise may have an impact and, given that there will be some overnight working, periods which are normally quieter may experience noise in excess of typical levels. Lighting will also be used during night time working and as such, there is potential for light spill and subsequent disturbance.	Pollution of the SPA can have direct effects on the health of the bird species through ingestion. It can also have an indirect effect through increased mortality of prey species resulting in reduced foraging success and the degradation of supporting habitat. Increased noise, visual and light disturbance can result in the displacement of species. This undermines the conservation objectives of the site which seek to maintain or restore populations.	No
Common Scoter				
Little Gull (<i>Hydrocoloeus minutus</i>) (over winter)				
Little Tern (<i>Sternula albifrons</i>) (breeding)				
Common Tern (<i>Sterna hirundo</i>) (breeding)				
Assemblage of over 20,000 waterbirds				

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?
Red-Throated Diver Common Scoter Little Gull (<i>Hydrocoloeus minutus</i>) (over winter) Little Tern (<i>Sternula albifrons</i>) (breeding) Common Tern (<i>Sterna hirundo</i>) (breeding) Assemblage of over 20,000 waterbirds	Potential for spillage or leakage to result in contamination of Liverpool Bay. Furthermore, during excavation, there is the potential for dust and debris to enter the watercourse. Increased noise may have an impact and, given that there will be some overnight working, periods which are normally quieter may experience noise in excess of typical levels. Lighting will also be used during night time working and as such, there is potential for light spill and subsequent disturbance.	Yes	Any materials or fuels stored on site will be a minimum of 10mts above high tide levels, and stored to both manufacturer and COSHH guide lines including bunded drip trays and spill mats where applicable. All plant and machinery needing to access below the high tide level will run on bio diesel and fluids, be fitted with non-drip plant nappies and have additional spill kits in the cab with full instructions attached for the containment of any spills on site. Should the base of the steps require any further improvement then c40 marine grade concrete will be used with a fast set additive to allow setting times within the return tide time frame. All waste materials and packaging will be removed at the end of each shift and disposed of at licenced skip sites. All plant and equipment will be washed down clean and serviceable with proven test certification before access is granted to the access road and beach. Tidal conditions to be noted prior to works and work shifts arranged accordingly. Reduced interaction between the waterbody and concrete; all pumped concrete should be injected into void spaces when the tide is receding, opposed to incoming. Plant machinery should avoid movement on the beach, particularly when using concrete, when the tide is in. Work should be conducted during dry conditions.	Yes

			Pollution prevention measures including daily machinery checks to be completed and recorded. Any concrete and fuel left on-site is to be located in the works compound away from the water body. Fuel should be stored in bunded fuel bowzers. The works compound will be fenced off and padlocked for security. Spill kits will be available on site in the event of any fuel/chemical spillage. Noise abatement barriers such as Echo Acoustic Barrier H10 or similar, will be installed to HERAs fencing surrounding large plant when operating at night. Nocturnal lighting is to be kept to access routes & work areas only Nocturnal lighting to be directed away from water to minimise any potential otter disturbance. A construction environmental management plan (CEMP) will be produced and issued to NRW prior to commencement of works. This will give further details on mitigation methods that will be implemented to prevent the adverse impact of noise and light on the surrounding environment.	
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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	It has not been ascertained that the proposal, when considered alone, will not adversely affect the integrity of one or more Natura 2000 sites.

resolved to 'YES' through mitigation measures identified in Table 4.2	
(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

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 <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 <u>cannot</u> 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: 10 December 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	05 February 2025	NRW A agree with conclusions of HRA.

Appropriate nature conservation body (ANCB) response to an internal HRA consultation

OGN 200 Form 3

TO: Jack Thompson, Marine Licensing Team

FROM: Delyth Rowlands, Marine Area Advice and Management Team

SUBJECT: Habitats Regulations Assessment of Rhuddlan Marsh Embankment Staircase Replacement CML2477

Thank you for consulting the Marine Area Advice and Management Team on the above. Our comments are as follows:

We agree that the proposal will not have an adverse effect on the Liverpool Bay Special Protection Area (SPA) provided that the mitigation listed in Section 4.2 of the assessment is adhered to.

Signed: Delyth Wyn Rowlands

Date: 5th February 2025