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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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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)	DEML2475
Date application received	16 October 2024
Applicant details	Alun Phillips
Activity proposed	The Ogmore River Clean Project aims to remove 13-15,000 tyres from the Ogmore estuary.
Relevant legislation	Marine and Coastal Access Act 2009
Location	Ogmore River: Latitude Longitude 1. 51.471954 -3.634605 2. 51.472305 -3.634911 3. 51.475249 -3.623364 4. 51.474915 -3.622827
Application documents	DEML2475 - Application Form_Redacted DEML2475 Method Statement to NRW - Ogmore River Clean 2025 DEML2475 - 1-25K OS Map area of river clean DEML2475 – HMCG DEML2475 - Trinity House
Environmental Statement	N/A
Pre-application correspondence	N/A
NRW team responsible for drafting this HRA report, and name of lead officer	Joe Thomas Marine Licensing

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: Cynffig SAC 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		
	Assessment of likelihood of significant effect	
	I Relevant conservation objectives	II Potential impact pathway
Cynffig SAC		
Humid dune slacks	NB The division between ‘humid dunes’ and ‘dunes with <i>Salix repens</i> ssp. <i>argentea</i> is unclear and difficult to define. The humid dune slack habitat includes both successional young and mature slacks, which equate to NVC communities SD13-16. The dunes with <i>Salix repens</i> spp. <i>argentea</i> equate to drier areas of mature dune slack, and the low hummocks found around dune slacks which support <i>Salix repens</i> . These are sometimes known as hedgehog dunes. Because of the difficulties in separating these two habitats, for the purposes of monitoring these features are considered together.	No impact pathway. All works are accessed from the true left riverbank, opposite side of the SAC.
Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>)	Vision for feature 1 The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:	No impact pathway. All works are accessed from the true left riverbank, opposite side of the SAC.

	☐ ☐ Dunes with <i>Salix repens</i> and humid dune slacks will occur as part of the dune system, their location will be determined by natural processes and appropriate grazing management ☐ ☐ A range of successional stages will be found in both features ☐ ☐ Factors affecting the features will be under control	
Fixed dunes with herbaceous vegetation ('grey dunes')	The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied: ☐ ☐ Fixed dunes with herbaceous vegetation (grey dunes) will occur where older, shifting dunes become more stabilised and in early successional stages become colonised by lichens and other species indicative of the transition from less mobile habitat. ☐ ☐ The habitat will encompass a range of successional stages throughout the area, determined by patterns of natural factors and grazing. ☐ ☐ Grey dunes will comprise a significant part of the dune system but will increase and decrease in extent and location as natural processes determine the landscape of the dune systems ☐ ☐ All factors are under management control	No impact pathway. All works are accessed from the true left riverbank, opposite side of the SAC.
Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. 3140	The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied: ☐ ☐ Submerged <i>Chara</i> beds (mainly <i>Chara aspera</i> and <i>C. virgata</i>) growing in relatively shallow water form the predominant submerged macrophyte vegetation throughout most of the lake. ☐ ☐ <i>Chara</i> occur at more than 50% frequency along regular surveillance transects within the Western and Central arms. ☐ ☐ Charophyte species and uncommon pondweeds such as <i>Potamogeton gramineus</i> and <i>P. x nitens</i> are present in other embayments and pools, including <i>Tolypella glomerata</i> in dune pools. ☐ ☐ The lake is spring-fed so nutrient levels remain low. One of the main nutrients (phosphorus) reaches no more than 25 micrograms per litre in regular sampling areas. Nitrogen levels in the water are low (less than 1 milligram per litre) and declining or stable. ☐ ☐ The lake water is clear, but well vegetated with dense beds of submerged and marginal plants. A Secchi disc is visible on the lake bed in the deepest part of the lake (2.6m). ☐ ☐ Water depth is relatively stable, fluctuating naturally with groundwater.	No impact pathway. All works are accessed from the true left riverbank, opposite side of the SAC.

	☐ ☐ Reed, swamp and fringing bur-reed are restricted to shallow zones – covering not more than 10 % of the site. ☐ ☐ All factors affecting the achievement of these conditions are under control.	
Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)	The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied: ☐ ☐ The quality of the saltmarsh is within specified limits ☐ ☐ There is no increase in erosion along the length of the transition from salt marsh to sand dune ☐ ☐ The saltmarsh flora will continue to include the following scarce species; <i>Limonium binervosum</i> , and <i>Frankenia laevis</i> ☐ ☐ Light grazing by rabbits and /or stock will continue to be tolerated within limits ☐ ☐ The damaging effects of pony riding will have been reduced or eliminated	No impact pathway. All works are accessed from the true left riverbank, opposite side of the SAC.
Petalwort <i>Petalophyllum ralfsii</i>	<i>Petalophyllum ralfsii</i> will continue to be found at its current locations in each of the two SSSI within the SAC. The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied: ☐ ☐ The species will be found where conditions are suitable in sufficient numbers to form a viable and sustainable population ☐ ☐ The population will vary from year to year depending on conditions, especially in drier years, but the long term population will remain steady and sustainable ☐ ☐ Suitable dune slacks will have patches of bare ground that is being colonised by jelly lichens (<i>Collema</i> spp.) and <i>Barbula</i> mosses. ☐ ☐ The factors affecting the feature are under control	No impact pathway. All works are accessed from the true left riverbank, opposite side of the SAC.
Fen orchid <i>Liparis loeselii</i>	The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied: ☐ ☐ Sufficient suitable habitat is present to support the populations ☐ ☐ The factors affecting the feature are under control	No impact pathway. All works are accessed from the true left riverbank, opposite side of the SAC.

3.2.3 Screening decision of the project 'alone'

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(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.

6. Conclusion

HRA is not required because the whole of the project is directly connected with or necessary to the management of one or more Natura 2000/Ramsar sites, for the purposes of conserving the habitats or species for which the site(s) is/are designated, <u>and</u> the project is not likely to have a significant effect on any other Natura 2000/Ramsar sites. (As documented in section 2.1 and 2.2 of this form)	
HRA is not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site (As documented in section 2.3 of this form)	
This project is a renewal of a current permission which complies with NRW agreed criteria for ruling out significant effects of a renewal without conducting a project-specific LSE test. Therefore it is considered not likely to have a significant effect on any Natura 2000/Ramsar sites, either alone or in-combination with other plans and projects. (As documented in section 3.1 of this form)	

The project has been screened for likelihood of significant effects and, taking account of the advice received from protected sites advisors, is considered not likely to have a significant effect on any Natura 2000/Ramsar site (As documented in section 3.2 of this form, or section 5 if applicable)	X
In light of the conclusions of an appropriate assessment, and taking account of the advice received from protected sites advisors, it has been established that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, taking into account any conditions or restrictions as applicable, either alone or in-combination with other plans and projects. (As documented in section 4 of this form, and section 5 if applicable)	
In light of the conclusions of the appropriate assessment, it has <u>not</u> been ascertained that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, as documented in section 4 of this form, and section 5 is applicable. Approval for the project <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: Joe Thomas Position: Senior Marine Licensing Officer Date: 03 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	19/12/2024 - NRW	NRW agreed with the conclusions of the HRA

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

March 2016

OGN 200 Form 2

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

TO: Joseph Thomas (Marine Area Advice and Management Team)

FROM: Nick Sharp (Cwm Taff and Bridgend Environment Team)

SUBJECT: DEML2475 NRW Consultation (Ogmore River Clean)

Thank you for consulting the Cwm Taff and Bridgend Environment Team on the above project and sending us a copy of the draft Form 1 HRA report dated 16 October 2024. This form also represents the views of the Cardiff and Vale Environment Team who were also consulted on these proposals. The comments are as follows:

We agree with the conclusion of 'No Likely Significant Effect' with regard to the relevant designated sites, namely Kenfig Special Area of Conservation SAC.

This is due to the absence of an impact pathway (as outlined in the HRA), as the entirety of the works will be undertaken within the channel and all access will be limited to the Ogmore side (left hand, bank), opposite the Merthyr Mawr SSSI designation, therefore there is no conceivable mechanism for the following features to be affected or their conservation objectives undermined:

2130 "Fixed coastal dunes with herbaceous vegetation ("grey dunes")

2170 Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*)

2190 Humid dune slacks

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

In addition there is an absence of an impact pathway for the following features as they only occur on the Cynffig SSSI portion of Kenfig SAC and not on the Merthyr Mawr SSSI portion and are therefore located a considerable distance further away again from the proposed works:

3140 Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.

1903 Fen orchid *Liparis loeselii*

Signed: N. J. Sharp

Date: 16/12/24
