



## FORM

### Screening & Habitats Regulations Assessment of a project

**Section 28H of the Wildlife and Countryside Act 1981, as amended and under Regulation 20 of the Conservation of Habitats & Species**

#### 1. Project details and screening

| Project details where an external party has applied to NRW for any form of authorisation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application/Site name &amp; reference number</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | SH50.1 Broadwater<br>Clear accumulated shingle at mouth of Afon Dysynni                                                                                                                     |
| <b>Location within SSSI /N2K</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Broadwater SSSI<br>Pen Llyn a'r Sarnau SAC                                                                                                                                                  |
| <b>Grid Reference</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | SH56113 03278                                                                                                                                                                               |
| <b>Other Protected Sites Potentially affected and why ?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A                                                                                                                                                                                         |
| <b>Date Notice of Intent /application received</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 03/06/2019                                                                                                                                                                                  |
| <b>Applicant and contact details</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Aled Iorwerth Jones,<br>Maes y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW<br><a href="mailto:aled.i.jones@cyfoethnaturiolcymru.gov.uk">aled.i.jones@cyfoethnaturiolcymru.gov.uk</a> |
| <p><b>Proposal:</b><br/>Clearing accumulated shingle at mouth of Afon Dysynni</p> <p><u>General method of work</u></p> <p>Ensure all machinery is clean before moving to site.<br/>Track machinery along foreshore from car park in Tywyn.<br/>Set up welfare unit at footbridge, travel to work site using Kubota Mule.<br/>Refuelling access from the railway bridge alongside river.<br/>Excavate material from area 1 and dump on North side. Cut new channel approx. 25m wide through shingle, following line of old channel training wall. Dozer to move material northwards towards existing channel.<br/>Excavate area 2, as above.<br/>Excavate area 3, opening cut between new and existing channels. Push excavated material into old channel to divert flow down new cut. Create a weir structure to enable the flow to be carried down to the new channel.</p> |                                                                                                                                                                                             |

Weir to be constructed to the same level as the top of the foundations of the railway bridge. This will allow water to flow down new channel and allow water to pass over if the new channel isn't at an adequate depth for the river to flow during the works. Grade excavated shingle as required, to allow natural drift of material northwards. On completion power wash plant and remove from site to the South.

Annual gravel movement is planned after these works are complete (using similar methodology) to prevent blocking of the channel when needed.

<https://cyfoethnaturiolcymru.sharepoint.com/:u:r/teams/landmanps1/psm/bsssi/Site%20Management%20Plans%20%20Agreements/SH50.1%20GENERAL/20190604%20SH50.1%20%20Scoping%20Mouth%20of%20the%20River%20Dysynni.msg?csf=1>



**Map 1:**

### SSSI 'Operations requiring consultation' or 'Operations Likely to Damage Special Interest' (OLDSI)

- 7. Dumping, spreading or discharging of any waste materials.
- 13b. Modification to rivers, streams, ditches, dykes, including their banks and beds, by re-alignment, regarding, dredging or cleaning.
- 19. Erection of sea defences or coast protection works.

- |                                                                                                                                         |
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| 20. Extraction of minerals including shingle, sand and gravel.<br>26. Use of vehicles likely to damage shingle or saltmarsh vegetation. |
|-----------------------------------------------------------------------------------------------------------------------------------------|

## 2. Considering the likelihood of a significant effect (LSE)

List all N2K Features on all sites potentially affected and initial screening of likely significant effect (LSE)

| SAC Features                        | LSE |
|-------------------------------------|-----|
| 1150 Coastal lagoons                | Y   |
| 1355 Otter <i>Lutra lutra</i>       | Y   |
| 1170 Reefs                          | Y   |
| SSSI Features                       |     |
| H.6 Sand dune                       | N   |
| G.1G Standing water – brackish      | N   |
| LagIsol.SSSI Isolated saline lagoon | N   |

List relevant SAC/SPA Management Plans and confirm whether consulted or not

|                         |   |
|-------------------------|---|
| Broadwater SSSI         | Y |
| Pen Llyn a'r Sarnau SAC | Y |

### 3. Determining the need for a Habitats Regulations Assessment

|                                                                                                                                                                                                                                                                                   |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Is the whole of the project directly connected with or necessary to the management of <u>all the relevant features</u> on one or more Natura 2000 sites, for the purposes of conserving all the relevant habitats or species for which the Natura 2000 site(s) is/are designated? | N |
| Brief reason/rationale:                                                                                                                                                                                                                                                           |   |
| Clearing accumulated shingle at mouth of Afon Dysynni                                                                                                                                                                                                                             |   |
| 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 |
| Is it necessary to carry out an HRA?                                                                                                                                                                                                                                              | Y |

Renewal of a permission on the same or more restrictive terms as the extant Permission ?

|                                                                                                                                                                                                                                                                                                                                                 |   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Is this project a renewal of an identical current permission with <u>exactly the same details including timing and dates</u> ? <b>If yes, you must consult the NRM team/officer in case new features have been recorded and/or SPA bird species are nesting in new locations and resubmit the previous HRA amended and dated appropriately.</b> | N |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|

### 4. Appropriate assessment

|                                                                                                                                                                                                                  |                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Which Natura 2000 site features might be affected by the proposal?                                                                                                                                               | Coastal lagoons, otter, reefs |
| List potential hazards to all relevant features; outline likely risks/exposures, mechanisms and pathways of effect . Refer to the core N2K Plan and quote the conservation objectives and vision as appropriate. |                               |
| N2K/Ramsar interest feature 1 name: Coastal lagoons                                                                                                                                                              |                               |
| Likely risk/exposure of feature to hazard, mechanism(s), pathway of effect on the conservation status of feature.                                                                                                |                               |
| Potential impact on the hydrology of the saline lagoon to the south of the river. Its dependence on water levels in the river channel are not well studied or fully understood.                                  |                               |
| Mitigation condition(s): describe                                                                                                                                                                                |                               |
| - No over-deepening of the Dysynni channel                                                                                                                                                                       |                               |
| N2K/Ramsar interest feature 1 name: Otter                                                                                                                                                                        |                               |
| Likely risk/exposure of feature to hazard, mechanism(s), pathway of effect on the conservation status of feature.                                                                                                |                               |
| Otter are known to use the Afon Dysynni and may use the area for breeding, feeding and resting sites.                                                                                                            |                               |
| Mitigation condition(s): describe                                                                                                                                                                                |                               |
| No night time working<br>If an otter is seen, captured, injured or killed during the work, all work must stop immediately and NRW (0300 065 3000) and an experienced ecologist contacted for advice.             |                               |

|                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>N2K/Ramsar interest feature 1 name:</b> Reefs                                                                                                                                                             |
| <b>Likely risk/exposure of feature to hazard, mechanism(s), pathway of effect on the conservation status of feature.</b>                                                                                     |
| No <i>Sabellaria alveolate</i> reef in the disposal area. Works to mimic natural gravel movements in storm events/ long shore drift. The reef is 0.8km north of the river and will not be directly impacted. |
| <b>Mitigation condition(s): describe</b>                                                                                                                                                                     |
|                                                                                                                                                                                                              |

## 5. Conclusion

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |   |
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| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |
| 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. <b>The NRM team/officer have been consulted in case new features have been recorded and/or SPA bird species are nesting in new locations and the previously approved HRA has been amended and dated appropriately and resubmitted.</b> 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.                                                                                                                                                                                                                            |   |
| 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |   |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                           | ✓ |
| <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"> <li>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</li> <li>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</li> </ul> |   |

|                                                                                                                                                                        |  |
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|                                                                                                                                                                        |  |
| <p><b>Signed: Katrina Jenkinson</b></p> <p><b>Name:</b> Katrina Jenkinson</p> <p><b>Position:</b> Conservation Officer, Meirionnydd</p> <p><b>Date:</b> 11/06/2019</p> |  |

## 6. Team Leader's comments

I have reviewed the HRA documented in this form and confirm that **I agree** with its findings.

**Additional comments (if any):** Agree

**Signed:**



**Name:** Arfon Hughes

**Position:** Team Leader

**Date:** 14/6/19

## 7. SSSI S28 Assent Text and Conditions required following HRA

### Proposal

Clearing accumulated shingle at mouth of Afon Dysynni

#### General method of work

Ensure all machinery is clean before moving to site.

Track machinery along foreshore from car park in Tywyn.

Set up welfare unit at footbridge, travel to work site using Kubota Mule.

Refuelling access from the railway bridge alongside river.

Excavate material from area 1 and dump on North side. Cut new channel approx. 25m wide through shingle, following line of old channel training wall. Dozer to move material northwards towards existing channel.

Excavate area 2, as above.

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Annual gravel movement is planned after these works are complete (using similar methodology) to prevent blocking of the channel when needed.



**Map 1:**

## **Conditions**

### **Conditions:**

This assent is valid until 11<sup>th</sup> June 2029

### **Reason**

To allow opportunity to review.

### **Conditions:**

The river channel must not be over-deepened.

### **Reason**

To protect the coastal lagoon feature of the Pen Llyn a'r Sarnau SAC and the Broadwater SSSI.

### **Conditions:**

If an otter is seen, captured, injured or killed, work must stop immediately, and NRW (0300 065 3000) and an experienced ecologist contacted for advice.

### **Reason**

To protect the otter feature of the Pen Llyn a'r Sarnau SAC and the Broadwater SSSI.

**Conditions:**

No night time working

**Reason**

To avoid disturbance to the otter feature of the Pen Llyn a'r Sarnau SAC and the Broadwater SSSI.

**Condition:**

No refuelling or machine maintenance shall be permitted within the SSSI or SAC. PPG5 must be strictly adhered to during operations.

**Reason**

To prevent a pollution incident in the Pen Llyn a'r Sarnau SAC and the Broadwater SSSI.