

Record of a Habitats Regulations Assessment of a project or spatially-specific plan

OGN 200 Form 1B (with structured tables for likely significant effect screening and appropriate assessment)

Document owner: Head of Business for Natural Resource Management

Version History:

Document Version	Date Published	Summary of Changes
2.0	21/10/2024	Following 2023/24 review of HRA OGNs

Next review date: October 2025

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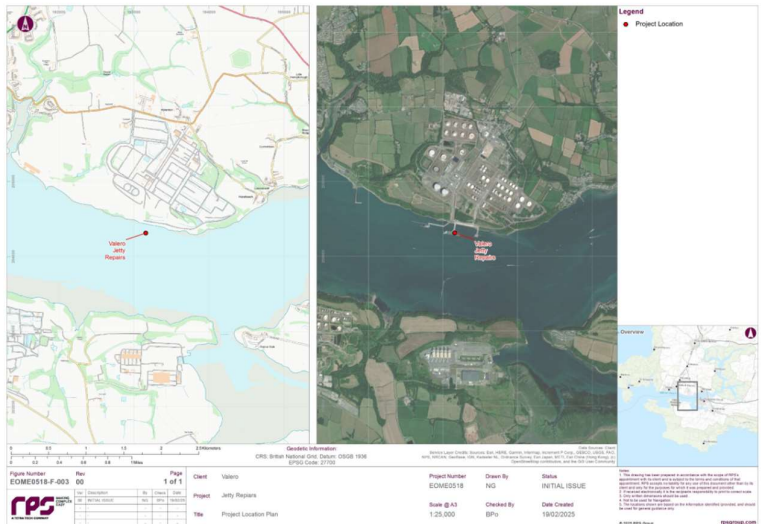
OGN 200 Form 1B

Record of a Habitats Regulations Assessment

Plan or project name, brief description or application reference number	CML2517 Pile repairs at the Valero Pembrokeshire Oil Terminal Ltd. Jetty Berth 2
HRA iteration/version	1

1. Plan or Project Details

Information about the plan or project		
1	Date application received	Application duly made 26 March 2025
2	Applicant details	Valero Pembrokeshire Oil Terminal
3	NRW team responsible for carrying out, or requiring to be carried out, the plan or project, and name of lead officer	NRW Marine Licensing Team
4	Activity/ies proposed	Valero Pembrokeshire Oil Terminal Ltd plans to improve the structural integrity and functionality of Jetty Berth 2 at the Valero Pembrokeshire Oil Terminal Ltd (VPOT). The Jetty Berth 2 extends 120 m in a south-by-south-westerly direction from the northern bank into the Milford Haven Waterway. The Project involves the removal of the existing dual pile, installation of a new permanent casing via vibro-piling, drilling of the permanent casing and installation and grouting of a new monopile within the casing.

5	Relevant legislation or statutory basis	Marine and Coastal Access Act 2009
6	Location	As appropriate: name of application site, and/or street address, and/or grid reference, and/or longitude/latitude. This cell (or Appendix 1) can also contain a map, or screenshot of a map, or link to a map if required or helpful.
7	Plan or project documents, including any application documents	CML2517 - EOME0518 Valero - MEA Final CML2517 - EOME0518-F-003-00-LocationPlan_250219 
8	Environmental Statement	Environmental Report, no ES CML2517 - EOME0518 Valero - MEA Final
9	Pre-application correspondence	CML2517 - DAS_Valero Pembrokeshire Oil Terminal _March_2024
10	NRW team responsible for preparing this HRA report, and lead officer	Maria Alvarez – Lead Specialist, Marine Licensing Team

11	Team or person responsible for approving the plan or project (competent authority role)	As row 10
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2. Determining the need for a Habitats Regulations Assessment

2.1 Is there any possibility that the plan or project could negatively affect any European sites?	Yes
2.2 Is the whole of the plan or project directly and only connected with or necessary to the management of one or more European sites, for the purposes of conserving the habitats or species for which the European site(s) is/are designated?	No
2.3 Is there a possibility that the plan or project could affect any other feature of the European site(s) concerned, or of another European site, in a way that would undermine that feature's conservation objectives?	

3. Considering the likelihood of a significant effect (LSE)

3.1 Renewal of a project authorisation on the same or more restrictive terms as an extant authorisation

Is this a renewal of an extant authorisation which complies with NRW approved criteria for ruling out significant effects of renewals (see Part 2 of OGN200) without conducting a project-specific LSE test?	No
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3.2 Likelihood of significant effects (LSE) test

3.2.1 Which European sites might be affected by the plan or project?

(a)	Based on the plan or project specification, or information provided in the application, it is considered that these European sites have features which could be negatively affected by the plan or project	- Pembrokeshire Marine/Sir Benfro Forol SAC (0 km) - West Wales Marine / Gorllewin Cymru Forol SAC – Harbour Porpoise (6.6 km) - Cardigan Bay/Bae Ceredigion SAC (81.9 km) and Pen Llŷn a'r Sarnau SAC - Bottlenose dolphin
(b)	The potential for the plan or project to negatively affect these European sites was also initially considered, but can be ruled out without further consideration	- Bristol Channel Approaches/ Dynesfeydd Môr Hafren SAC– no impact predicted to harbour porpoise from the closest SAC (West Wales Marine SAC) - Cleddau rivers SAC (11.2 km) – no impact predicted on migratory fish features as they pass through the Pembrokeshire Marine SAC

3.2.2 Screening for likelihood of significant effect

Table 3.2.2 Screening assessment			
Designated site feature	Relevant conservation objectives	Screening conclusion – 'SCREEN OUT', 'SCREEN IN' or 'IN COMB'	Explanation
Pembrokeshire Marine/Sir Benfro Forol SAC (0 km)			
Estuaries Sandbanks which are slightly covered by seawater all the time	NRW conservation objectives: Contents	SCREEN OUT	Increased SSCs and deposition: Whilst there may be some potential for habitat features to be disturbed through increased SSCs and deposition of material during the Project, the effects are all considered to be of small magnitude, localised and reversible (i.e. once the Project is completed it is expected to reduce back to pre-construction levels). Moreover, there is a high level of activity in the Milford Haven Waterway including regular dredging activity which is assumed to have similar

Mudflats and sandflats not covered by seawater at low tide Coastal Lagoons Large shallow inlets and bays Reefs Submerged or partially submerged sea caves Atlantic salt meadows			impacts on these habitats. Therefore, the Project is not considered to result in a LSE.
			<u>Temporary and permanent habitat loss and/or disturbance:</u> there will be temporary and permanent loss to benthic habitat feature 1 the form of temporary loss of 25.12 m ² under the jackup barge (up to 4 weeks) and 4.91 m ² permanent loss under the monopile and casting. The area is considered negligible and expected to recover quickly following completion of the Project. Moreover, the area is regularly dredged (maintenance dredging) and sensitive habitat such as maerl beds are at significant distance (4 km from the Project). Therefore, no LSE is expected.
			<u>Changes in water quality, including the release of sediment bound contaminants:</u> that sediment samples previously undertaken in 2021 and 2023 did show some elevated levels of metals and a number of PAHs. However, relatively small volume of discharged drilling arisings (45m ³) are likely to be rapidly diluted and dispersed and much smaller than maintenance dredging activities at this and adjacent locations. The proposed works are also limited in duration. Therefore, the magnitude is unlikely to have a discernible effects on the benthic communities of the Project. Moreover, the existent Milford Haven's Marine Pollution Management Plan will be followed so no LSE is expected.
		SCREEN IN	<u>Introduction and spread of INNS:</u> A LSE exists as there will be vessels, materials and machinery associated with the project which could be a vector for the introduction and spread of INNS.
		SCREEN IN	<u>Pollution through pumping grout:</u> A LSE exist through the pumping of grout through habitat disturbance and minor changes in the water pH directly adjacent to the works
Grey Seal <i>Halichoerus grypus</i>	NRW conservation objectives: Contents	IN COMB	<u>Disturbance:</u> The activities associated with the installation of the monopile can result in non-impulsive (continuous) underwater noise. Grey seals are highly mobile and can travel great distances and may be affected by underwater noise associated with the Project. Vibropiling, drilling or the use of jack-up barge will produce noise levels that will not exceed PTS, whilst only vibropilling will reach the TTS for this feature at 5m. Disturbance may occur out to a distance of 606m. However, the proposed works area showed low sightings of grey seal in the outer Milford Haven Waterway, with no records in the vicinity of the Project. Modelled data (Carter et al. 2022) shows low densities within the Milford Haven Waterway and the most recent annual seal monitoring report from the Special Committee on Seals (SCOS, 2024) reported low haul

			out densities of grey seal within the Milford Haven Waterway. Finally, grey seal pupping and haul out site data are also available on the NRW DataMap Wales portal (NRW, 2022) indicate that there are none recorded directly within the Milford Haven Waterway. Due to this low numbers of grey seal within the the works, no LSE is predicted.
Otter <i>Lutra lutra</i>	NRW conservation objectives: Contents	SCREEN OUT	Disturbance: The otter population in Wales is increasing and there has been an increase in areas used by otters. Any otters present within the SAC are part of a wider population living around freshwater habitats in Pembrokeshire. It is likely that there are movements and exchanges between areas supporting otters. The risk to otters from the Project due to underwater noise is not expected to exceed the PTS or TTS for the feature, but disturbance will occur to 606m from the source, which may affect behaviour, including foraging. However, the number of otters potentially affected is assumed to be extremely low, considering their terrestrial ecology and the Project effects being localised, short term and reversable. Moreover, vibro-piling and drilling are expected to occur intermittently over a period of up to three days, therefore do not represent a long term impact and any disturbance will be temporary over a very short duration. No LSE is expected
Allis shad <i>Alosa alosa</i> Twaite shad <i>Alosa fallax</i>	NRW conservation objectives: Contents	SCREEN IN	Disturbance: Both species migrate through the SAC in order to reach spawning grounds and travel back through to coastal environments. Both species are highly sensitive to underwater noise. Therefore a LSE is possible
River lamprey <i>Lampetra fluviatilis</i>	NRW conservation objectives: Contents	SCREEN OUT	Disturbance: Both species migrate through the SAC in order to reach spawning grounds and travel back through to coastal environments. Both species are less sensitive to underwater noise. Moreover, all Project works are estimated to be undertaken within a period of 3 to 4 weeks, with vibro-piling and drilling to occur intermittently for up to three days. Therefore, no LSE is expected
Sea lamprey <i>Petromyzon marinus</i>	NRW conservation objectives: Contents		
Shore dock <i>Rumex rupestris</i>	NRW conservation objectives: Contents	SCREEN OUT	No pathway exist
West Wales Marine SAC (6.6 km)			
Harbour porpoise <i>Phocoena phocoena</i>	NRW conservation objectives:	SCREEN IN	Disturbance: The Pembrokeshire coast represents an internationally important area for harbour porpoise, with persistent high densities modelled in both summer and winter. The harbour porpoise population

	West Wales Marine pSAC: Draft Conservation Objectives And Advice On Activities (naturalresources.wales)		density estimate within the area is 0.5 animals per km ² . Project is not expected to produce underwater noise that will exceed PTS for harbour porpoise during vibro-piling, drilling or jack up usage. TTS might be reached at a distance of 7m from the source for vibropilling. Disturbance may occur out to a distance of 606 m. Therefore, LSE is possible No LSE is expected
Cardigan Bay/Bae Ceredigion SAC (81.9 km) and Pen Llŷn a'r Sarnau SAC			
Bottlenose dolphin <i>Tursiops truncatus</i>	NRW conservation objectives Cardigan Bay: Contents (naturalresources.wales) NRW conservation objectives Pen Llŷn a'r Sarnau: Contents (naturalresources.wales)	SCREEN OUT	<u>Disturbance:</u> The Project is located within the Offshore Channel, Celtic Sea and South West England MU for bottlenose dolphin, and close to the Irish Sea MU. An estimated density in the area of approx 0.4 - 0.5 animals per km ² . The threshold for PTS or TTS is not expected to be exceeded during vibro-piling, drilling or jack up usage. Disturbance may occur out to a distance of 606 m. Considering the densities and that the activity will be short lived, no LSE is expected.

TABLE 3.2.3 Screening decision of the plan or project 'alone'	
(a) If the screening conclusion for <u>all</u> features for all sites in Table 3.2.2 is 'SCREEN OUT'	The plan or project is not likely to have a significant effect on any European site, and no further consideration under the Habitats Regulations is required in order to determine the approval/application.
(b) If the conclusion for <u>any</u> features in Table 3.2.2 is 'SCREEN IN'	The plan or project is likely to have a significant effect on one or more European sites and therefore an appropriate assessment is required.

(c) If there are <u>no</u> features in Table 3.2.2 that are 'SCREEN IN' and <u>any</u> features that are 'IN COMB'	The plan or project is not likely to have a significant effect on any European sites when considered alone, but the possibility of significant effects in combination with other plans and projects needs to be considered.
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4. Appropriate assessment of the plan or project when considered alone

4.1 Assessment of plan or project as defined

Table 4.1 Appropriate assessment			
European site feature/s	Description of impacts	Assessment in view of conservation objectives	Can adverse effect on site integrity be ruled out? 'YES' or 'NO'
European site name: Pembrokeshire Marine/Sir Benfro Forol SAC (0 km)			
Estuaries Sandbanks which are slightly covered by seawater all the time Mudflats and sandflats not covered by seawater at low tide	Introduction and spread of INNS	The use of vessels, machinery, and material associated with the Project may facilitate the introduction or spread of INNS. These could act as a vector for the introduction and spread of INNS via fouling on vessel hulls or through ballast water.	NO

Coastal Lagoons Large shallow inlets and bays Reefs Submerged or partially submerged sea caves Atlantic salt meadows			
Estuaries Sandbanks which are slightly covered by seawater all the time Mudflats and sandflats not covered by seawater at low tide Coastal Lagoons Large shallow inlets and bays Reefs Submerged or partially submerged sea caves	Pollution through pumping grout	The activities associated with pumping grout. The permanent casing containing the grout will be larger in diameter than the drilled rock socket. The casing will be vibrated/hammered until refusal by the rock and therefore will be sealed at this joint, eradicating any chance of grout leakage. Therefore, the only means of grout release to the water is over the top of the permanent casing which is a small risk. The annulus between the rock and the pile will require 10.08 m³ of grout, and the annulus between the casting and the pile will require 21.9 m³ of grout. This totalling 32 m³ of grout. The amount and flow of grout will be monitored very carefully, the installer will only pump in 30.5 m³ of grout ensuring the grout ends 1 m from the top of the sleeve.	NO

Atlantic salt meadows			
Allis shad <i>Alosa alosa</i> Twaite shad <i>Alosa fallax</i>	Disturbance	Both species migrate through the SAC in order to reach spawning grounds such as the Cleddau Rivers SAC and travel back through to coastal environments. Both species are thought to be present and migrate through the Pembrokeshire Marine/ Sir Benfro Forol SAC. The recoverable injury distance for both species is 59m but the individuals would need to be exposed to the level of noise for 48 h. For a continuous exposure of 12h the expected TTS is 103m. The vibro-piling and drilling are expected to occur intermittently over a period of up to three days, therefore do not represent a long term impact and any disturbance will be temporary over a very short duration. Moreover, the area is heavily used and the additional underwater noise resulting from the Project is not likely to undermine the conservation objectives for the species of impacting the long-term natural distribution and abundance of both shad species of the Pembrokeshire Marine/ Sir Benfro Forol SAC or create any barrier to migration..	YES
West Wales Marine SAC (6.6 km)			
Harbour porpoise <i>Phocoena phocoena</i>	<u>Disturbance</u>	Although there is the potential for harbour porpoise to enter the Milford Haven Waterway, there are no records of this species occurring within the Waterway on the NBN gateway, and therefore the abundance within the Milford Haven Waterway itself is predicted to be extremely low/negligible, with any animals that do occur more likely to be present at the mouth of the Milford Haven Waterway. The number of individuals potentially affected is assumed to be very low and effects are assessed as being localised, short term and reversible. Project is not expected to produce underwater noise that will exceed PTS for harbour porpoise during vibro-piling, drilling or jack up usage. TTS might be reached at a distance of 7m from the source for vibropilling. Disturbance may occur out to a distance of 606 m. Overall, vibro-piling and drilling are expected to occur intermittently over a period of up to three days, therefore do not represent a long term impact and any disturbance will be temporary over a very short duration. The Project activities are not expected to contravene the conservation objectives affecting the long-term natural distribution and abundance for harbour porpoise feature of the West Wales Marine SAC	YES

4.2 Appropriate assessment of the plan or project taking into account additional conditions or restrictions imposed by the competent authority

Table 4.2 Appropriate assessment of the plan or project taking into account additional conditions or restrictions				
European site name: Pembrokeshire Marine/Sir Benfro Forol SAC (0 km)				
European site Feature	Adverse effect(s)	Can adverse effect(s) be mitigated by additional imposed conditions or restrictions? 'YES' or 'NO'	Additional imposed mitigation measure(s)	Can adverse effect on site integrity be ruled out? 'YES' or 'NO'
Estuaries Sandbanks which are slightly covered by seawater all the time Mudflats and sandflats not covered by seawater at low tide Coastal Lagoons Large shallow inlets and bays	Introduction and spread of INNS	Yes	The control of spread and introcution of INNS to the site can be mitigated by the requirement of a Biosecurity Risk Assessment post consent which will reduce the uncertainty surrounding the source and nature of the vessels utilised for the proposed works.	YES

Reefs Submerged or partially submerged sea caves Atlantic salt meadows				
Estuaries Sandbanks which are slightly covered by seawater all the time Mudflats and sandflats not covered by seawater at low tide Coastal Lagoons Large shallow inlets and bays Reefs Submerged or partially submerged sea caves Atlantic salt meadows	Pollution through pumping grout	YES	The overall impact is small but will be mitigated fully by the implementation of control measures to ensure that excess grout does not escape into the marine environment. This will be agreed post consent through the submission for approval of a Construction Environmental Management Plan (CEMP) conditioned to the marine licence.	YES

4.3 Concluding the appropriate assessment of the plan or project alone

Table 4.3 Conclusion of the appropriate assessment alone	
(a) If Table 4.1, or the right hand column of Table 4.2 if applicable, is 'YES' for all features	It has been ascertained that the plan or project, when considered alone, will not adversely affect the integrity of any European sites.
(b) If there are any 'NO's in the right hand column of Table 4.2	It has not been ascertained that the plan or project, when considered alone, will not adversely affect the integrity of one or more European sites.
(c) Are there are any residual effects of the plan or project (net of mitigation measures) which, though not adverse on their own, could be significant when considered in combination with the effects of other plans or projects?	

5. In combination assessment

Table 5.1 Identification and assessment of in combination effects				
European site name: Pembrokeshire Marine/Sir Benfro Forol SAC (0 km)				
'INCOMB' impacts from screening Table 3.2.2 and/or residual effect from appropriate assessment in section 4	European site feature(s) concerned	Other plans or projects with effects that might interact with the effects of the plan or project to render its effects significant/adverse (if any)	Nature of the in combination effect (if any) and assessment in view of conservation objectives	Can significant or adverse in combination effects be ruled out for all features?
Disturbance	Grey Seals	N/A - No other relevant projects within the ZoI of 1km for in combination assessment	N/A	Yes
(a) If the right hand column is 'YES' for all rows		The plan or project, when considered in combination with other plans and projects, is either not likely to have a significant effect on, or will not adversely affect the integrity of, any European site.		
(b) If any rows in the right hand column are 'NO'		The plan or project is likely to have a significant effect on, or an adverse effect on, European site/s in combination with other plans or projects.		

6. Conclusion

HRA is not required because there is no conceivable impact on any European sites. (As documented in section 2.1)	
HRA is not required because the whole of the plan or project is directly connected with or necessary to the management of one or more European sites, for the purposes of conserving the habitats or species for which the site(s) is/are designated, <u>and</u> the plan or project is not likely to have a significant effect on any other European sites. (As documented in section 2.2 and 2.3)	
This project is a renewal of a current permission which complies with NRW agreed criteria for ruling out likely 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 European sites, either alone or in-combination with other plans or projects. (As documented in section 3.1 of this form)	
The plan or project has been screened for likelihood of significant effects and is considered not likely to have a significant effect on any European sites. (As documented in section 3.2 of this form, and section 5 if applicable)	
In light of the conclusions of an appropriate assessment it has been established that the plan or project will not adversely affect the integrity of any European sites, taking into account any conditions or restrictions as applicable, either alone or in-combination with other plans or 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 plan or project will not adversely affect the integrity of any European sites, as documented in section 4 of this form, and section 5 if applicable. Approval for the plan or project <u>cannot</u> be given unless either: - the plan or 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 is prepared, or - the plan or project (not being an SSSI consent*) satisfies the requirements for a derogation and a Derogation Notice is prepared and submitted for consideration by the appropriate authority, normally Welsh Ministers (*SSSI consents cannot be given as derogations)	
Signed: Name: Maria Alvarez Position: Lead Sopecialist Officer, Marine Licensing Team Date: 09 June 2025	
Was this HRA conclusion an escalated decision? YES or NO	No

7. Consultation with the ANCB 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	Correspondence and/or meetings with the ANCB	Description of how the comments from the ANCB have been taken into account
3, 4 and 5	09 May 2025	NRW TE requested some further information which was provided on 05 June 2025 regarding the following: • Preventive measures to avoid grout escaping to the environment and requirement for a CEMP • Sightings of seals data to support impact level • Clarification on disturbance thresholds used for harbour porpoise and grey seals • Clarification on noise modelling regarding fish impacts

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

TO: Maria Alvarez, Marine Licensing Team

FROM: Emma Lowe, Marine Area Advice Team

SUBJECT: Habitats Regulations Assessment of CML2517 Pile repairs at the Valero Pembrokeshire Oil Terminal Ltd. Jetty Berth 2

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

We agree with the conclusion of the above mentioned HRA, with respect to the marine features of the Pembrokeshire Marine SAC, West Wales Marine SAC, Cardigan Bay SAC and Pen Llyn a'r Sarnau SAC.

We agree that the project has been taken to appropriate assessment and taking in advice received from protected site advisors that suitable conditions have been applied (including the submission of a CEMP for approval), and it is established that that the project will not adversely affect the integrity of the above named Natura 2000/Ramsar site/s.

Signed: 

Date: 13/06/2025