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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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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)	CML2312
Date application received	17 February 2023
Applicant details	Robert Wynn & Sons Ltd
Activity proposed	Deposit and removal of trackway to facilitate beach landing at Black Rock Sands
Relevant legislation	Marine and Coastal Access Act 2009
Location	Black Rock Sands Beach, Morfa Bychan
Application documents	CML2312 - NRW marine-works-application-form-updated - as sent 16.2.23 CML2312 - Copy of Copy of WNMP signposting doc - 1as sent 16.2.23 CML2312 - NRW wfd_scoping_template - as sent 16..2 23
Environmental Statement	N/A
Pre-application correspondence	N/A
NRW team responsible for drafting this HRA report, and name of lead officer	Marine Licensing Team – Jack Thompson

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: Pen Llyn a`r Sarnau/ Lleyn Peninsula and the Sarnau SAC Northern Cardigan Bay / Gogledd Bae Ceredigion 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: West Wales Marine SAC – This designated site is 50km away from the project site and as such, no impact pathway exists.	
3.2.2 Screening assessment		
<i>There is no impact pathway from the proposal to the designated feature</i> <i>There is an impact pathway in principle, but significant effects from the proposal when considered alone can be ruled out</i> <i>There is an impact pathway and significant effects cannot be ruled out</i>		
	Assessment of likelihood of significant effect	
	I Relevant conservation objectives	II Potential impact pathway
Pen Llyn a`r Sarnau SAC		

Reefs	RANGE The overall distribution and extent of the habitat features within the site, and each of their main component parts is stable or increasing. For the reef feature these include: -Rocky intertidal reefs -Rocky subtidal reefs -Extensive boulder and cobble reefs – the sarnau -Biogenic reefs (horse mussel <i>Modiolus modiolus</i> reef / green crenella <i>Musculus discors</i> reef and Honeycomb worm <i>Sabellaria alveolata</i> reef -Carbonate reef formed by methane gas leaking from the seabed. For the intertidal mudflat and sandflat feature these include: -<i>Mya arenaria</i> and polychaetes in muddy gravel -Eel grass <i>Zostera marina</i> beds. -Muddy gullies in the Mawddach estuary. For the Salicornia feature this includes: -Communities characterised by the species <i>Sarcocornia perennis</i>. For the intertidal mudflats and sandflats and sandbanks features this requires an overall stability or increase in the amount of the feature, taking into account the areas of long term stability and localised losses and additions arising from environmental processes. For estuaries this includes the stability of sandy sediments in proportion to the muddy sediments. Restoration and recovery As part of this objective it should be noted that; for the estuaries feature additional land which should form an integral part of the estuarine ecosystem should be restored 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. Important elements include:	No impact pathway as feature not in proximity to proposed works
Large shallow inlets and bays		Potential impact pathway through pollution from construction plant
Sandbanks which are slightly covered by seawater at low tide		No impact pathway as feature not in proximity to proposed works
Estuaries		Potential impact pathway through pollution from construction plant
Coastal Lagoons		No impact pathway as feature not in proximity to proposed works
Mudflats and sandflats not covered by seawater at low tide		Potential impact pathway through pollution from construction plant
Atlantic salt meadows		No impact pathway as feature not in proximity to proposed works
<i>Salicornia</i> and other annuals colonising mud and sand		No impact pathway as feature not in proximity to proposed works
Submerged or partially submerged sea caves		No impact pathway as laying of trackway will not affect feature

	-geology -sedimentology -geomorphology, -hydrography and meteorology -water and sediment chemistry -biological interactions. This includes a need for nutrient levels in the water column and sediments to be: -at or below existing statutory guideline concentrations within ranges that are not potentially detrimental to the long term maintenance of the features species populations, their abundance and range. Contaminant levels in the water column and sediments derived from human activity to be: -at or below existing statutory guideline concentrations below levels that would potentially result in increase in contaminant concentrations within sediments or biota below levels potentially detrimental to the long-term maintenance of the features species populations, their abundance or range. For Atlantic saltmeadows this includes the morphology of the saltmarsh creeks and pans Restoration and recovery As part of this objective it should be noted that; for the estuaries feature the structure and functions of the estuaries that have been damaged/degraded by the constraints of artificial structures such as flood banks, are restored. TYPICAL SPECIES The presence, abundance, condition and diversity of typical species are such that habitat quality is not degraded. Important elements include: -species richness -population structure and dynamics, -physiological health, -reproductive capacity -recruitment, -mobility -range As part of this objective it should be noted that: -populations of typical species subject to existing commercial fisheries need to be at an abundance	
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	equal to or greater than that required to achieve maximum sustainable yield and secure in the long term -the management and control of activities or operations likely to adversely affect the habitat feature, is appropriate for maintaining it in favourable condition and is secure in the long term. Restoration and recovery As part of this objective it should be noted that; for the reefs feature the potential for expansion of the horse mussel <i>Modiolus modiolus</i> community off the north Llŷn coast is not inhibited.	
Grey Seal	POPULATIONS The population is maintaining itself on a long-term basis as a viable component of its natural habitat. Important elements are population size, structure, production, and condition of the species within the site. As part of this objective it should be noted that : -for bottlenose dolphin, otter and grey seal; contaminant burdens derived from human activity are below levels that may cause physiological damage, or immune or reproductive suppression -grey seal populations should not be reduced as a consequence of human activity 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 for the foreseeable future. As part of this objective it should be noted that for bottlenose dolphin, otter and grey seal -Their range within the SAC and adjacent inter-connected areas is not constrained or hindered -There are appropriate and sufficient food resources within the SAC and beyond The sites and amount of supporting habitat used by these species are accessible and their extent and quality is stable or increasing SUPPORTING HABITATS AND SPECIES The presence, abundance, condition and diversity of habitats and species required to support this species is	Noise will be generated through the laying and removal of track as a result of the machinery in operation however, given that the noise is short term and the works don't involve piling or drilling, a significant effect is unlikely.
Bottlenose dolphin		Noise will be generated through the laying and removal of track as a result of the machinery in operation however, given that the noise is short term and the works don't involve piling or drilling, a significant effect is unlikely.
Otter		Noise will be generated through the laying and removal of track as a result of the machinery in operation however, given that the noise is short term and the works don't involve piling or drilling, a significant effect is unlikely.

	such that the distribution, abundance and populations dynamics of the species within the site and population beyond the site is stable or increasing. Important considerations include; -distribution, -extent, -structure, -function and quality of habitat, -prey availability and quality. As part of this objective it should be noted that; -The abundance of prey species subject to existing commercial fisheries needs to be equal to or greater than that required to achieve maximum sustainable yield and secure in the long term. -The management and control of activities or operations likely to adversely affect the species feature, is appropriate for maintaining it in favourable condition and is secure in the long term. -Contamination of potential prey species should be below concentrations potentially harmful to their physiological health.	
Northern Cardigan Bay / Gogledd Bae Ceredigion SPA		
Red throated diver (<i>Gavia stellata</i>)	POPULATION - The size of the wintering population should be stable or increasing, allowing for natural variability, and sustainable in the long term (peak mean of 1,186 individuals (2000/01 – 2003/4). HABITAT AND PREY SPECIES - There should be sufficient habitat, of sufficient quality, to support the population in the long term. - Supporting habitats include the sarnau reefs.	Noise will be generated through the laying and removal of track as a result of the machinery in operation however, given that the noise is short term and the works don't involve piling or drilling, a significant effect is unlikely. Furthermore, the works are located on a popular, public beach and species frequenting this area will be habituated to noise and visual disturbance as a result of anthropogenic activity. The Sarnau reefs are considered a supporting habitat for red-throated divers and this habitat is not in close proximity to the work site. As such, there will be no detrimental impact.

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.

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?
Pen Lllyn a'r Sarnau SAC				
Large shallow inlets and bays	Potential impact pathway through pollution from construction plant	Pollution from construction plant could occur during the laying and removal of track which in turn, could detrimentally impact this feature.	Pollution may detrimentally impact water quality thus preventing the achievement of favourable conservation status.	No
Estuaries	Potential impact pathway through pollution from construction plant	Pollution from construction plant could occur during the laying and removal of track which in turn, could detrimentally impact this feature.	Pollution may detrimentally impact water quality thus preventing the achievement of favourable conservation status.	No
Mudflats and sandflats not covered by seawater at low tide	Potential impact pathway through pollution from construction plant	Pollution from construction plant could occur during the laying and removal of track which in turn, could detrimentally impact this feature.	Pollution may detrimentally impact habitat quality thus preventing the achievement of favourable conservation status.	No

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?
Large shallow inlets and bays	Pollution may detrimentally impact water quality thus preventing the achievement of favourable conservation status.	Yes	The applicant will ensure that all vehicles are well maintained and inspected for oil leaks before accessing the beach. Oil spill response kits will be available on both the vessel and onshore. Standard pollution prevention conditions will be added to the licence.	Yes
Estuaries	Pollution may detrimentally impact water quality thus preventing the achievement of favourable conservation status.	Yes	The applicant will ensure that all vehicles are well maintained and inspected for oil leaks before accessing the beach. Oil spill response kits will be available on both the vessel and onshore. Standard pollution prevention conditions will be added to the licence.	Yes
Mudflats and sandflats not covered by seawater at low tide	Pollution may detrimentally impact water quality thus preventing the achievement of favourable conservation status.	Yes	The applicant will ensure that all vehicles are well maintained and inspected for oil leaks before accessing the beach. Oil spill response kits will be available on both the vessel and onshore. Standard pollution prevention conditions will be added to the licence.	Yes

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 resolved to 'YES' through mitigation measures identified in Table 4.2	It has not been ascertained that the proposal, when considered alone, will not adversely affect the integrity of one or more Natura 2000 sites.
(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?	Yes

5 In combination assessment

5.1 Identifying possible in combination effects

BLUE impact pathway from Table 3.2 and/or Residual effect (from appropriate assessment in section 4)	Natura 2000 site feature(s) concerned	Other plans/projects with effects that might interact with the effects of the project to render its effects significant (if any)	Nature of the in-combination effect (if any)	Is there likely to be any significant in-combination effect, in view of the site's conservation objectives?
Noise generated through laying of trackway	<u>Pen Llyn a'r Sarnau SAC</u> Grey Seal Bottlenose dolphin Otter <u>Northern Cardigan Bay / Gogledd Bae Ceredigion SPA</u> Red throated diver (<i>Gavia stellata</i>)	N/A	N/A	No
(a) If the right hand column is 'NO' for all rows		The 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 Natura 2000 site.		
(b) If any rows in the right hand column are 'YES' or 'DON'T KNOW'		The project is likely to have a significant effect in combination with other plans or projects.		

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	

- | | |
|---|--|
| <ul style="list-style-type: none">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 | |
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Signed:



Name: Jack Thompson

Position: Marine Licensing Officer

Date: 28 February 2023

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
2,3,4 and 5	29 March 2023	The protected sites advisor agrees with the conclusions of the HRA and therefore, no changes are required.

Form

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

OGN 200 Form 2

Document owner: Protected Sites Team, EPP

Version History:

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1.0	March 2016	Document created
1.1	30 November 2017	Minor changes only

Next review date: April 2018

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

TO: Jack Thompson, Marine Licensing Team

FROM: Delyth Rowlands, Marine Area Advice and Management Team

SUBJECT: Habitats Regulations Assessment (HRA) of CML2312 Deposit and Removal of Trackway to Facilitate Beach Landing at Black Rock Sands

Thank you for consulting the Marine Area Advice and Management Team on the above project and sending us an updated copy of the draft Form 1 HRA report dated 3rd March 2023. Our comments are as follows:

The proposal is relevant to the Pen Llyn a'r Sarnau/ Llyn Peninsula and the Sarnau Special Area of Conservation (SAC) and the Northern Cardigan Bay / Gogledd Bae Ceredigion Special Protection Area (SPA).

We note that you have produced a Habitats Regulations Assessment (HRA) dated 3rd March 2023. We have reviewed the assessment and can confirm that we agree with the overall conclusions in that the proposal will not have an adverse effect on the above SAC and SPA. This is on the basis that the applicant adheres to the mitigations listed in section 4.2 of the assessment and undertakes the work as described in the application documents.

Signed: Delyth Rowlands

Date: 29th March 2023