

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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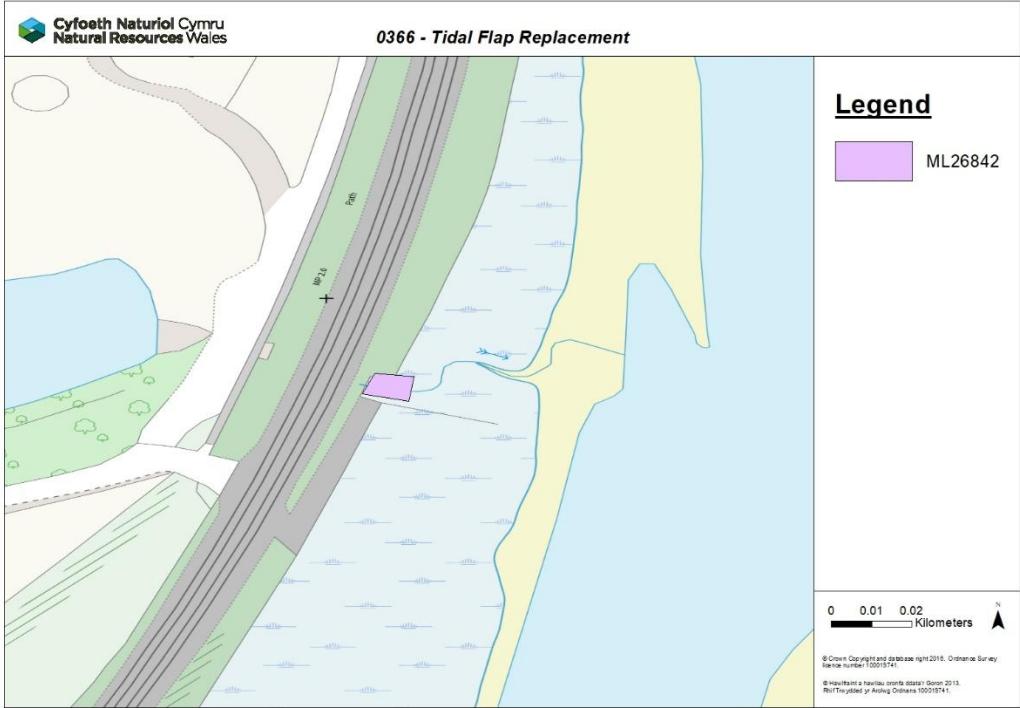
OGN 200 Form 1B

Record of a Habitats Regulations Assessment

Plan or project name, brief description or application reference number	ML26842 – Loughor Estuary Tidal Flap Replacement and Repointing Works
HRA iteration/version	N/A

1. Plan or Project Details

Information about the plan or project		
1	Date application received	02/07/2026
2	Applicant details	M Group Transport Rail and Aviation Limited
3	NRW team responsible for carrying out, or requiring to be carried out, the plan or project, and name of lead officer	N/A
4	Activity/ies proposed	Carry out minor repointing to scour pockets below outer wing walls. Replace tidal flap.
5	Relevant legislation or statutory basis	Marine and Coastal Access Act 2009

6	Location	Loughour, Bynea Area 
7	Plan or project documents, including any application documents	• ML26842 Application Form • ML26842 Flap valve ATQ-A 1700x1350 mm • ML26842 LLA Tidal Flap (0366) - EV002567-AA-HRA-2026 -Rev2 • ML26842 MGroup Methodology Outline - LLA Tidal Flap (0366) – Rev2 • ML26842 Site Location • ML26842 0366 (LLA Tidal Flap) - Location
8	Environmental Statement	N/A
9	Pre-application correspondence	N/A

10	NRW team responsible for preparing this HRA report, and lead officer	Vicky Fisk, Marine Licensing Team
11	Team or person responsible for approving the plan or project (competent authority role)	As row 10

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?	Yes

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	No
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significant effects of renewals (see Part 2 of OGN200) without conducting a project-specific LSE test?	
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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	Carmarthen Bay and Estuaries/ Bae Caerfyrddin ac Aberoedd SAC - UK0020020 Carmarthen Bay SPA - UK9014091 Burry Inlet SPA and RAMSAR site
(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	N/A

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
European site name: Carmarthen Bay and Estuaries/ Bae Caerfyrddin ac Aberoedd SAC			

1110 Sandbanks which are slightly covered by sea water all the time	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN IN	The works are located close to the sandbanks feature and there is potential that concrete used during repointing or fuel from equipment used (through accidental spillage or equipment failure) could enter the habitat.
1130 Estuaries	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN IN	The works are located at the edge of the estuary feature and there is potential that concrete used during repointing or fuel from equipment used (through accidental spillage or equipment failure) could enter the estuary.
1140 Mudflats and sandflats not covered by seawater at low tide	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN IN	The works are located close to the mudflats feature and there is potential that concrete used during repointing or fuel from equipment used (through accidental spillage or equipment failure) could enter the habitat so a likely significant effect cannot be ruled out. Any interaction with the habitat by equipment would be temporary and the habitat would recover when sediment is remobilised, so would not cause a likely significant effect.
1160 Large shallow inlets and bays	conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN OUT	The closest habitat is located more than 11km away from the work site and therefore there is no pathway for impacts.
1310 Salicornia and other annuals colonizing mud and sand	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN OUT	The closest habitat is located more than 150m away from the work site and therefore there is no pathway for potential contamination or direct impacts due to equipment use.
1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN IN	The works are located at the edge of the Atlantic salt meadow feature and there is potential that concrete used during repointing or fuel from equipment used (through accidental spillage or equipment failure) could enter the habitat.
1103 Twaite shad <i>Alosa fallax</i>	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN OUT	Works may take place during the spawning season, however works will occur at low tide and fish will still have access to the flowing section of the estuary to migrate. Works will occur at bed level and the footprint of the replacement tidal flap is the same so no habitat will be lost. It is therefore expected that there will be no likely significant effects.
1095 Sea lamprey <i>Petromyzon marinus</i>	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN OUT	Works may take place during the spawning season, however works will occur at low tide and fish will still have access to the flowing section of the estuary to migrate. Works will occur at bed level and the footprint of the replacement tidal flap is the

			same so no habitat will be lost. It is therefore expected that there will be no likely significant effects.
1099 River lamprey <i>Lampetra fluviatilis</i>	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN OUT	Works may take place during the spawning season, however works will occur at low tide and fish will still have access to the flowing section of the estuary to migrate. Works will occur at bed level and the footprint of the replacement tidal flap is the same so no habitat will be lost. It is therefore expected that there will be no likely significant effects.
1102 Allis shad <i>Alosa alosa</i>	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN OUT	Works may take place during the spawning season, however works will occur at low tide and fish will still have access to the flowing section of the estuary to migrate. Works will occur at bed level and the footprint of the replacement tidal flap is the same so no habitat will be lost. It is therefore expected that there will be no likely significant effects.
1355 Otter <i>Lutra lutra</i>	NRW conservation objectives: conservation-advice-for-carmarthen-bay-and-estuaries-sac.pdf	SCREEN IN	The works will not result in a loss of habitat for otter as the footprint for the replacement tidal flap is the same as the existing. However, there is the possibility for disturbance due to the requirement for one shift of night work and therefore there is the potential for a likely significant effect.
European site name: Carmarthen Bay SPA			
A065 Common Scoter <i>Melanitta nigra</i>	NRW conservation objectives: conservation-advice-for-carmarthen-bay-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
European site name: Burry Inlet SPA and RAMSAR site			
Curlew <i>Numenius arquata</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Dunlin <i>Calidris alpina alpina</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter

			during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Grey plover <i>Pluvialis squatarola</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Knot <i>Calidris canutus</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Oystercatcher <i>Haematopus ostralegus</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Pintail <i>Anas acuta</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Redshank <i>Tringa totanus</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Shelduck <i>Tadorna tadorna</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Shoveler <i>Anas clypeata</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter

			during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Teal <i>Anas crecca</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Wigeon <i>Anas penelope</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.
Turnstone <i>Arenaria interpres</i>	NRW conservation objectives: conservation-advice-for-burry-inlet-spa.pdf	SCREEN OUT	Any noise generated is not expected to exceed that of the nearby railway line. Noise and visual disturbance will be temporary and avoided during poor weather to allow for shelter during storms. Impacts are considered to be temporary, localised and therefore not likely to be significant.

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'	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.

and any features that are 'IN COMB'	
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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: Carmarthen Bay and Estuaries/ Bae Caerfyrddin ac Aberoedd SAC			
1110 Sandbanks which are slightly covered by sea water all the time	There is the potential that the feature could be contaminated due to either an accidental hydrocarbon spill from the equipment used during the works or through the repointing of masonry in the tidal area. This has been mitigated through: • a refuelling procedure utilising plant nappies • Following Guidance for Pollution Prevention (GPP) 5, 7, 21 and 22, • Production of an emergency plan • Mixing mortar on the railway track corridor and away from designated habitats where possible and safe to do so, • Utilising spill kits, and • Utilising plastic screening during masonry repairs to collect debris. Further information on mitigation proposed is available in the supporting document ML26842 LLA Tidal Flap (0366) - EV002567-AA-HRA-2026 -Rev1.	Any potential impacts will be temporary, small scale and mitigated by the measures detailed. Therefore, the proposed works will not undermine the following conservation objectives: • The overall distribution and extent of the sandbanks feature within the SAC is stable or increasing, subject to natural change. • The hydro-morphological and chemical elements necessary for the structure and function of the sandbanks feature are stable or improving, subject to natural change. • The abundance, distribution and diversity of species within component habitats and communities necessary for the structure and function of the sandbanks feature are stable or improving, subject to natural variability.	YES

1130 Estuaries	As above.	Any potential impacts will be temporary, small scale and mitigated by the measures detailed. Therefore, the proposed works will not undermine the following conservation objectives: • The overall distribution and extent of the estuaries feature within the SAC and each of its main component habitats are stable or increasing, subject to natural change. • The hydro-morphological and chemical elements necessary for the structure and function of the estuaries feature are stable or improving, subject to natural change. The abundance, distribution and diversity of species within component habitats and communities necessary for the structure and function of the estuaries feature are stable or improving, subject to natural variability.	YES
1140 Mudflats and sandflats not covered by seawater at low tide	As above.	Any potential impacts will be temporary, small scale and mitigated by the measures detailed. Therefore, the proposed works will not undermine the following conservation objectives: • The overall distribution and extent of the mudflats and sandflats feature within the SAC and each of its main component habitats are stable or increasing, subject to natural change. • The hydro-morphological and chemical elements necessary for the structure and function of the mudflats and sandflats feature are stable or improving, subject to natural change. • The abundance, distribution and diversity of species within component	YES

		habitats and communities necessary for the structure and function of the mudflats and sandflats feature are stable or improving, subject to natural variability.	
1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	As above. To specifically mitigate against potential contamination or damage through equipment use to saltmarsh habitats, no refuelling is permitted adjacent to the habitat and vulnerable areas of the habitat will be covered through measures such as tarp placement to further prevent contamination.	Any potential impacts will be temporary, small scale and mitigated by the measures detailed. Therefore, the proposed works will not undermine the following conservation objectives: • The overall distribution and extent of the Atlantic salt meadow feature within the SAC and each of its main plant communities are stable or increasing, subject to natural change. • The hydro-morphological and chemical elements necessary for the structure and function of the Atlantic salt meadow feature are stable or improving, subject to natural change. • The abundance, distribution and diversity of plant communities necessary for the structure and function of the Atlantic salt meadow feature are stable or improving, subject to natural variability.	YES
1355 Otter <i>Lutra lutra</i>	Otters are known to be present within the Loughor Estuary and could be disturbed by night working within the SAC. In order to mitigate this impact, the following will be implemented: • A pre-works assessment for otters will be undertaken to ensure no changes since the initial surveys have been accounted for • Toolbox talks to identify Annex II species will be given prior to works commencing	Whilst some individuals may still be disturbed by the presence of operational lights despite the mitigation, this is not considered to hinder the conservation objective to restore the otter population in the SAC to favourable condition due to the small scale and limited temporary use of the lights and equipment. The disturbance at night will last for one work shift and conditions will return to those pre-works following the conclusion of the works, which will	YES

	• An Ecological Clerk of Works (ECoW) will monitor the works • Works will be conducted during daylight hours where possible • During the required night work shift, directional lighting will be used to minimise light spill into the wider estuary and floodlights will be prohibited • If an otter is sighted, work will stop until the individual has vacated the area	last for an estimated period of two weeks total (to be kept to daylight working hours only outside of the one night shift). The tidal flap replacement and repairs to the wall will utilise the same footprint as the previous flap, so will result in no loss of habitat. During the period of works (estimated to be two weeks) there may be restricted access to the area however the works are small scale and there is habitat in the surrounding area of the estuary that will not be impacted by the works. The habitat will be available to otters as before once the works are complete. The works will not impact on food supply as the works will not impede the flow of the estuary, ensuring primary food sources are still available at all times.	
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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:				
European site Feature	Adverse effect(s)	Can adverse effect(s) be mitigated by additional	Additional imposed mitigation measure(s)	Can adverse effect on site

		imposed conditions or restrictions? 'YES' or 'NO'		integrity be ruled out? 'YES' or 'NO'
European site name:				

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?	No

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: Vicky Fisk Name: Vicky Fisk Position: Marine Licensing Officer Date: 04 August 2026	

Was this HRA conclusion an escalated decision? YES or NO	<i>NO</i>
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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
2	Meeting held with NRW (A) following issue of the original Form 3 which disagreed with the conclusion of the HRA regarding otter.	In agreement with NRW (A), the applicant was asked to update the method statement to make specific reference to the mitigation planned for otter, and to provide previous survey data for otter at the site if available. The updated method statement included one shift of night work, which led to otter being screened in for LSE and added to the Appropriate Assessment. This has been sent to NRW (A) for additional consultation and accepted in another Form 3 (included in Section 9).
3	Updated HRA and application documents sent for additional consultation after updates to night working methodology.	NRW (A) agreed with the conclusion for otter, and noted that the sandbank feature did not need to be screened through to AA based on the closest location of sandbanks within the SAC to the project.
4		
5		

9. Appendix - Supporting information

Form 3 for original documents:



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

This form should be completed by the team or individual providing the ANCB advice to the competent authority team

TO: Vicky Fisk, Marine Licencing

FROM: Siân Cuthbertson, Marine Area Advice and Management Team

SUBJECT: Habitats Regulation Assessment of ML26842 Tidal Flap Replacement

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

Marine Ornithology

We welcome the Applicant's approach to the utilisation of an Ecological Clerk of Works (ECOW) who will keep a watching brief for roosting and foraging birds before commencing work each day. To completely remove the risk of disturbance to wintering bird features, NRW (A) would advise the Applicant to avoid works during September-March inclusive. However, where this is not possible, limited working hours to avoid high tide would be acceptable for the proposed duration of 2 weeks.

With the ECOW present and the avoidance of work at high tide, NRW(A) agree that there will be minimal disturbance to the wintering bird features of the Bury Inlet SPA due to the limited spatial and temporal nature of the proposed works. We agree with the conclusion of no likely significant effect.

Otter

NRW(A) note that the HRA states in Section 3.2.2, "No otter holts are noted nearby". However, there is currently no evidence presented with the application to support this statement. NRW(A) would ideally like to see evidence that otters are not present, usually in the form of a survey of the area carried out by a suitably qualified ecologist. NRW(A) would like to highlight that should an activity disturb an otter breeding or resting place then a European Protected Species Licence could be required alongside the marine licence.

NRW(A) agrees with the conclusion of no likely significant effect, provided works are restricted to daylight hours, supervised by an ECOW, supported by toolbox talks on Annex II species, and subject to a stop-work procedure should an otter be observed until it has vacated the area. These measures should be clearly set out in the method statement.

Other receptors

For all other receptors, NRW(A) agree with the conclusion of no likely significant effect.

Signed:

Date: 30/07/2026

Form 3 after updated documents regarding otter mitigation and changes to night working



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

This form should be completed by the team or individual providing the ANCB advice to the competent authority team

TO: Vicky Fisk, Marine Licencing

FROM: Siân Cuthbertson, Marine Area Advice and Management Team

SUBJECT: Habitats Regulation Assessment of **ML26842 Tidal Flap Replacement Additional Consultation**

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

NRW(A) agree with taking otter through to appropriate assessment and with the stated mitigation.

NRW(A) would again like to highlight that should an activity disturb an otter breeding or resting place then a European Protected Species Licence could be required alongside the marine licence.

NRW(A) agree with the conclusion of the HRA, that with the stated mitigation there will be no adverse effect of site integrity.

Signed: 

Date: 05/08/2026