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Form

Record of a Habitats Regulations Assessment of a project

March 2016

OGN 200 Form 1

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Record of a Habitats Regulations Assessment of a project

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)	DML1840
Date application received	16/07/2018
Applicant details	Denbighshire County Council
Activity proposed	Dredging of Rhyl Harbour to enable safe navigation. The dredging will take place between October to March and last for a approximately 2 weeks. It is anticipated that 1,200 tonnes of material will be dredged per tide by a land based excavator and loaded onto 3 ten tonne vehicles. These vehicles will each make approximately 40 trips each to collect the excavated material. The total anticipated amount of material to be removed per year is 17,000 tonnes. This has previously been undertaken under an older licence (BUML1472) for 22,000 tonnes.
Relevant legislation	Marine and Coastal Access Act 2009
Location	Rhyl Harbour
Application documents	Marine Licence application Biosecurity Risk Assessment Rhyle Harbour Maintenance dredging WFD assessment Marine Licence Foryd ES Addendum
Environmental Statement	N/A
Pre-application correspondence	N/A
NRW team responsible for drafting this HRA report, and name of lead officer	Debbie Nicholas MLT

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?	
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?	Yes -HRA BUML1472
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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: Dee Estuary SPA, Liverpool Bay SPA, Dee Estuary SAC, Dess Estuary Ramsar The potential for the project to affect the following Natura 2000 sites was also initially considered, but can be ruled out without further consideration: N/A		
3.2.2 Screening assessment			
	Assessment of likelihood of significant effect		
	I Relevant conservation objectives	II Potential impact pathway	III In light of the ruling of the CJEU in case C-323/17 ‘People over Wind’, avoidance measures should not be considered at this stage of HRA, so this column is left blank.
Dee Estuary SPA			
Conservation objective for the internationally important population of the regularly occurring Annex I species: wintering bar-tailed godwit	The conservation objective for the “wintering bar-tailed godwit” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “wintering bar-tailed godwit” will be considered to	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering bar-tailed godwit population is no less than 1,150 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained iii. the extent and spatial distribution³ of vegetation less than 10cm in height across the saltmarsh⁵ is maintained; iv. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁶ and feeding areas; v. aggregations of bar-tailed godwit roosting⁶ or feeding on the intertidal flats or saltmarsh⁴ are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-6 above is provided in Box 1. NB. Other conservation objectives are to be produced relating to the use of North Wirral Foreshore by bar-tailed godwit because they are a feature of the Mersey Narrows and North Wirral Foreshore pSPA, which directly abuts The Dee Estuary SPA and forms part of the area of the Dee Estuary SAC. North Wirral Foreshore includes the key feeding areas for the Dee Estuary bar-tailed godwit population and therefore the Dee	
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	Estuary wintering bar-tailed godwit feature can only be in favourable condition if the conservation objectives pertaining to the Mersey Narrows and North Wirral Foreshore pSPA bar-tailed godwit feature are also met in full.		
Interest feature 2: Conservation objective for the internationally important population of the regularly occurring Annex I species: breeding common tern	The conservation objective for the “breeding common tern” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “breeding common tern” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year mean population size for the breeding common tern population is no less than 392 breeding pairs [<i>i.e. the 5 year mean between 1995-1999</i>]; ii. the five year mean productivity of the breeding common tern population is no less than 1.34 chicks fledging per breeding pair per year [<i>i.e. the 5 year mean between 1995-1999</i>]; iii. the abundance of common tern prey species² within the estuary is maintained; iv. common terns are able to pass freely between the Dee Estuary and their breeding site at Shotton Lagoons and Reedbeds without obstruction;	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	v. aggregations of common terns roosting³ on the upper shore over high tide are not subject to significant disturbance; Further explanatory information clarifying the meaning of terms 1-3 above is provided in Box 2. NB. Additional conservation objectives are provided relating to the use by common terns of areas of The Dee Estuary SPA above highest astronomical tide, which are outside the Dee Estuary European marine site. These areas include the artificial islands used by the breeding colony at Shotton Lagoons and Reedbeds SSSI. Thus The Dee Estuary SPA breeding common tern feature can only be in favourable condition if the conservation objectives pertaining to their use of Shotton Lagoons and Reedbeds SSSI are also met. These objectives (a-b) are provided below for information but they do not qualify as Advice under Regulation 33 (2) of the Conservation (Natural Habitats & c.) Regulations, 1994: the size of the breeding colony is not limited by availability of space on artificial nesting platforms; breeding birds are not subject to significant disturbance.		
Conservation objective for the internationally important population of the regularly occurring Annex I species: breeding little tern	The conservation objective for the “breeding little tern” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “breeding little tern” will be considered to be in	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year mean population size for the breeding little tern population is no less than 69 breeding pairs [<i>i.e. the 5 year mean between 1995-1999</i>]; ii. the five year mean productivity of the breeding little tern population is no less than 0.80 chicks fledging per breeding pair per year [<i>i.e. the 5 year mean between 1995-1999</i>]; iii. the breeding site² is not subject to significant disturbance; iv. the extent of shingle habitat³ at Gronant, which is suitable for nesting little terns is maintained; v. aggregations of little terns roosting on the beach at Gronant or Point of Ayr over high tide are not subject to significant disturbance.		
Conservation objective for the internationally important population of the regularly occurring Annex I species: passage Sandwich tern	The conservation objective for the “passage Sandwich tern” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “passage Sandwich tern” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year mean peak population size for the autumn passage sandwich tern population is no less	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	than 957 individuals [<i>i.e. the 5 year mean peak between 1995-1999</i>]; ii. aggregations of Sandwich terns roosting² on the upper shore over high tide are not subject to significant disturbance.		
Conservation objective for the internationally important population of the regularly occurring migratory species: passage redshank	The conservation objective for the “passage redshank” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “passage redshank” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the passage redshank population is no less than 8,795 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained; iii. the abundance and dispersion⁵ of redshank prey species⁶ are maintained at levels sufficient to support the population size in (i); iv. the extent and spatial distribution³ of saltmarsh vegetation less than 10cm in height is maintained; v. existing unrestricted bird sightlines of at least 200m are maintained in	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	every direction around both roosting sites⁷ and feeding areas⁸; vi. aggregations of roosting⁷ or feeding⁸ redshank are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-8 above is provided in Box 5. NB. Additional conservation objectives are provided relating to the use by redshank of areas of the Dee Estuary SPA above highest astronomical tide, which are outside the Dee Estuary European marine site. These areas include the coastal fields along the Welsh shore within the Dee Estuary SSSI used by redshank for feeding. Thus The Dee Estuary SPA passage redshank feature can only be in favourable condition if the conservation objectives pertaining to their use of these coastal fields are also met. These objectives (a-f) are provided below for information but they do not qualify as Advice under Regulation 33 (2) of the Conservation (Natural Habitats & c.) Regulations, 1994: the extent of coastal grazing marsh is maintained; the extent of all coastal fields is maintained; the extent of wet grassland with standing water including, pools, ditches and channels is maintained; the abundance of redshank prey species including earthworms and leatherjackets is maintained;	
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	existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites and feeding areas; aggregations of redshank roosting or feeding on the coastal fields are not subject to significant disturbance.		
Conservation objective for the internationally important population of the regularly occurring migratory species: wintering shelduck	The conservation objective for the “wintering shelduck” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “wintering shelduck” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering shelduck population is no less than 7,725 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained iii. the abundance and dispersion⁵ of shelduck prey species⁶ are maintained at levels sufficient to support the population size in (i); iv. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁷ and feeding areas⁸; v. aggregations o	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

Conservation objective for the internationally important population of the regularly occurring migratory species: wintering teal	The conservation objective for the “wintering teal” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “wintering teal” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering teal population is no less than 5,251 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained iii. the extent of saltmarsh⁵ and the spatial distribution³ of its constituent vegetation community types⁶ is maintained; iv. greater than 25% cover of seed bearing plants⁷ is maintained during winter across the saltmarsh; v. the extent of standing water pools or ‘flashes’ in the saltmarsh is maintained; vi. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁸ and feeding areas⁹;	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	
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	vii. aggregations of loafing⁸ or feeding⁹ teal are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-9 above is provided in Box 7. NB. Additional conservation objectives are provided relating to the use by teal of areas of the Dee Estuary SPA above highest astronomical tide, which are outside The Dee Estuary European marine site. These areas include the coastal fields and pools along the Welsh shore within the Dee Estuary SSSI and at Inner Marsh Farm SSSI, which are used for loafing and feeding. Thus The Dee Estuary SPA wintering teal feature can only be in favourable condition if the conservation objectives pertaining to their use of these habitats are also met. These objectives (a-d) are provided below for information but they do not qualify as Advice under Regulation 33 (2) of the Conservation (Natural Habitats & c.) Regulations, 1994: the extent of coastal grazing marsh is maintained; the extent of all coastal fields is maintained; the extent of wet grassland and standing water including pools, ditches and channels is maintained; aggregations of teal loafing or feeding on pools and coastal fields are not subject to significant disturbance.		
Conservation objective for the internationally	The conservation objective for the “wintering pintail” feature of The	There is potential that a reduced sediment supply from the estuary could affect the	

important population of the regularly occurring migratory species: wintering pintail	Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “wintering pintail” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering pintail population is no less than 5,407 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained; iii. the extent of saltmarsh⁵ and the spatial distribution³ of its constituent vegetation community types⁶ is maintained; iv. the abundance and dispersion⁷ of pintail prey species⁸ is maintained at levels required to support the population size in (i); v. greater than 25% cover of soft leaved herbs and grasses⁹ is maintained during winter across the saltmarsh; vi. existing unrestricted bird sightlines of at least 200m are maintained in every direction around loafing areas¹⁰, and feeding areas¹¹;	sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	
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	vii. aggregations of loafing¹⁰ or feeding¹¹ pintail are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-11 above is provided in Box 8. NB. Additional conservation objectives are provided relating to the use by pintail of areas of The Dee Estuary SPA above highest astronomical tide, which are outside the Dee Estuary European marine site. These areas include the coastal fields and pools at Inner Marsh Farm SSSI, which are used for loafing and feeding. Thus The Dee Estuary SPA wintering pintail feature can only be in favourable condition if the conservation objectives pertaining to their use of these habitats are also met. These objectives (a-d) are provided below for information but they do not qualify as Advice under Regulation 33 (2) of The Conservation (Natural Habitats & c.) Regulations, 1994: the extent of coastal grazing marsh is maintained; the extent of all coastal fields is maintained; the extent of wet grassland and standing water including pools, ditches and channels is maintained; d) aggregations of pintail loafing or feeding on pools and coastal fields are not subject to significant disturbance.		
Conservation objective for the internationally	The interest feature “ wintering oystercatcher ” will be considered to	There is potential that a reduced sediment supply from the estuary could affect the	

important population of the regularly occurring migratory species: wintering oystercatcher	be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering oystercatcher population is no less than 22,677 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained iii. the abundance and dispersion⁵ of oystercatcher prey species⁶ are maintained at levels sufficient to support the population size in (i); iv. the extent and spatial distribution³ of saltmarsh vegetation less than 10cm in height is maintained; v. the extent of rocky shore⁷ at Hilbre Island, Middle Eye, Little Eye and Tanskey Rocks is maintained; vi. the extent and height of the shingle spit⁸ at Point of Ayr is maintained; vii. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁹ and feeding areas¹⁰; viii. aggregations of roosting⁹ or feeding¹⁰ oystercatcher are not subject to significant disturbance.	sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	
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	Further explanatory information clarifying the meaning of terms 1-10 above is provided in Box 9. NB. Additional conservation objectives are provided relating to the use by oystercatcher of areas of The Dee Estuary SPA above highest astronomical tide, which are outside the Dee Estuary European marine site. These areas include the coastal fields along the Welsh shore within the Dee Estuary SSSI used by oystercatcher for feeding and roosting. Thus The Dee Estuary SPA wintering oystercatcher feature can only be in favourable condition if the conservation objectives pertaining to their use of these coastal fields are also met. These objectives (a-f) are provided below for information but they do not qualify as Advice under Regulation 33 (2) of The Conservation (Natural Habitats & c.) Regulations, 1994: - the extent of coastal grazing marsh is maintained; - the extent of all coastal fields is maintained; - the extent of wet grassland and standing water including pools, ditches and channels is maintained; - the abundance of oystercatcher prey species including earthworms and leatherjackets is maintained; 159 existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites and feeding areas;	
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	aggregations of oystercatcher roosting or feeding on the coastal fields are not subject to significant disturbance. Oystercatcher are known to use North Wirral Foreshore SSSI in numbers of significance. North Wirral Foreshore SSSI directly abuts The Dee Estuary SPA and forms part of the area of both the Dee Estuary SAC and the Mersey Narrows and North Wirral Foreshore pSPA. North Wirral Foreshore SSSI includes some of the key feeding areas for the Dee Estuary oystercatcher population and therefore the condition of North Wirral Foreshore SSSI is important in maintaining the overall wintering oystercatcher population in the wider estuary.		
Conservation objective for the internationally important population of the regularly occurring migratory species: wintering grey plover	The conservation objective for the “wintering grey plover” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “wintering grey plover” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering grey plover population is no less than 1,643 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	constituent sediment community types⁴ is maintained; iii. the abundance and dispersion⁵ of grey plover prey species⁶ are maintained at levels sufficient to support the population size in (i); iv. the extent and spatial distribution of saltmarsh vegetation less than 10 cm in height is maintained; v. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁷ and feeding areas⁸; vi. aggregations of roosting⁷ or feeding⁸ grey plover are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-8 above is provided in Box 10. NB. Grey plover are known to use North Wirral Foreshore SSSI in numbers of national significance. North Wirral Foreshore SSSI directly abuts The Dee Estuary SPA and forms part of the area of both the Dee Estuary SAC and the Mersey Narrows and North Wirral Foreshore pSPA. North Wirral Foreshore SSSI includes some of the key feeding areas for the Dee Estuary wintering grey plover population and therefore the condition of North Wirral Foreshore SSSI is important in maintaining the overall wintering grey plover population in the wider estuary.		
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Conservation objective for the internationally important population of the regularly occurring migratory species: wintering knot	The conservation objective for the “wintering knot” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “wintering knot” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering knot population is no less than 12,394 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained iii. the abundance and dispersion⁵ of knot prey species⁶ are maintained at levels sufficient to support the population size in (i); iv. the extent and spatial distribution³ of saltmarsh vegetation less than 10cm in height is maintained v. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁷ and feeding areas⁸; vi. aggregations of roosting⁷ or feeding⁸ knot are not subject to significant disturbance.	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	
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	Further explanatory information clarifying the meaning of terms 1-8 above is provided in Box 11. NB. Conservation objectives are also to be produced relating to the use of North Wirral Foreshore by knot because they are a feature of the Mersey Narrows and North Wirral Foreshore pSPA and pRamsar Site, which directly abuts The Dee Estuary SPA and forms part of the area of the Dee Estuary SAC. North Wirral Foreshore includes some of the key feeding areas for the Dee Estuary knot population and therefore the Dee Estuary wintering knot feature can only be in favourable condition if the conservation objectives pertaining to the Mersey Narrows and North Wirral Foreshore pSPA and pRamsar Site wintering knot feature are also met in full.		
Conservation objective for the internationally important population of the regularly occurring migratory species: wintering dunlin	The conservation objective for the “wintering dunlin” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “wintering dunlin” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering dunlin population is no less than 27,769 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	constituent sediment community types⁴ is maintained; iii. the abundance and dispersion⁵ of dunlin prey species⁶ are maintained at levels sufficient to support the population size in (i); iv. the extent and spatial distribution³ of saltmarsh vegetation less than 10cm in height is maintained; v. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁷ and feeding areas⁸; vi. aggregations of roosting⁷ or feeding⁸ dunlin are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-8 above is provided in Box 12. NB. Conservation objectives are also to be produced relating to the use of North Wirral Foreshore SSSI by dunlin because they are a feature of this SSSI, which directly abuts The Dee Estuary SPA and forms part of both the area of the Dee Estuary SAC and the Mersey Narrows and North Wirral Foreshore pSPA. North Wirral Foreshore SSSI includes some of the key feeding areas for the Dee Estuary wintering dunlin population and therefore the Dee Estuary wintering dunlin feature can only be in favourable condition if the conservation objectives pertaining to	
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	the North Wirral Foreshore SSSI dunlin feature are also met in full.		
Conservation objective for the internationally important population of the regularly occurring migratory species: wintering black-tailed godwit	The interest feature “wintering black-tailed godwit” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering black-tailed godwit population is no less than 1,747 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained; iii. the abundance and dispersion⁵ of black-tailed godwit prey species⁶ are maintained at levels sufficient to support the population size in (i); iv. the extent and spatial distribution³ of saltmarsh vegetation less than 10cm in height is maintained; v. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁷ and feeding areas⁸; vi. aggregations of roosting⁷ and feeding⁸ black-tailed godwit are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-8 above is provided in Box 13.	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	NB. Additional conservation objectives are provided relating to the use by black-tailed godwit of areas of The Dee Estuary SPA above highest astronomical tide, which are outside the Dee Estuary European marine site. These areas include pools and coastal fields along the Welsh shore within the Dee Estuary SSSI, and at Inner Marsh Farm SSSI, used by black-tailed godwit for feeding and roosting. Thus The Dee Estuary SPA wintering black-tailed godwit feature can only be in favourable condition if the conservation objectives pertaining to their use of these pools and coastal fields are also met. These objectives (a-f) are provided below for information but they do not qualify as Advice under Regulation 33 (2) of The Conservation (Natural Habitats & c.) Regulations, 1994: the extent of coastal grazing marsh is maintained; the extent of all coastal fields is maintained; the extent of wet grassland and standing water including pools, ditches and channels is maintained; the abundance of black-tailed godwit prey species including earthworms, leatherjackets and chironomids is maintained; existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites and feeding areas; 168	
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	aggregations of black-tailed godwit feeding or roosting on the coastal fields are not subject to significant disturbance.		
Conservation objective for the internationally important population of the regularly occurring migratory species: wintering redshank	The conservation objective for the “wintering redshank” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “wintering redshank” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering redshank population is no less than 5,293 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained; iii. The abundance and dispersion⁵ of redshank prey species⁶ are maintained at levels sufficient to support the population size in (i); iv. the extent and spatial distribution³ of saltmarsh vegetation less than 10 cm is maintained; v. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁷ and feeding areas⁸;	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	vi. aggregations of roosting⁷ or feeding⁸ redshank are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-8 above is provided in Box 15. NB. Additional conservation objectives are provided relating to the use by redshank of areas of The Dee Estuary SPA above highest astronomical tide, which are outside the Dee Estuary European marine site. These areas include the coastal fields along the Welsh shore within the Dee Estuary SSSI used by redshank for feeding and roosting. Thus The Dee Estuary SPA wintering redshank feature can only be in favourable condition if the conservation objectives pertaining to their use of these coastal fields are also met. These objectives (a-f) are provided below for information but they do not qualify as Advice under Regulation 33 (2) of the Conservation (Natural Habitats & c.) Regulations, 1994: the extent of coastal grazing marsh is maintained; the extent of all coastal fields is maintained; the extent of wet grassland with standing water including, pools, ditches and channels is maintained; the abundance of redshank prey species including earthworms and leatherjackets is maintained; existing unrestricted bird sightlines of at least 200m are maintained in every	
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	direction around both roosting sites and feeding areas; aggregations of redshank feeding or roosting on the coastal fields are not subject to significant disturbance. 172 Conservation objectives are also to be produced relating to the use of North Wirral Foreshore SSSI by redshank because they are a feature of the Mersey Narrows and North Wirral Foreshore pSPA and pRamsar Site, which directly abuts The Dee Estuary SPA and forms part of the area of the Dee Estuary SAC. North Wirral Foreshore includes some of the key feeding areas for the Dee Estuary redshank population and therefore the Dee Estuary wintering redshank feature can only be in favourable condition if the conservation objectives pertaining to the Mersey Narrows and North Wirral Foreshore pSPA and pRamsar Site wintering redshank feature are also met in full.		
Conservation objective for the internationally important population of the regularly occurring migratory species: wintering curlew	The conservation objective for the “wintering curlew” feature of The Dee Estuary SPA is to maintain the feature in favourable condition, as defined below: The interest feature “wintering curlew” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year peak mean population size for the wintering curlew population is no less than 3,899	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the extent of intertidal flats² and the spatial distribution³ of their constituent sediment community types⁴ is maintained; iii. the abundance and dispersion⁵ of curlew prey species⁶ are maintained at levels sufficient to support the population size in (i); iv. the extent and spatial distribution³ of saltmarsh vegetation less than 10cm in height is maintained; v. existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites⁷ and feeding areas⁸; vi. aggregations of roosting⁷ or feeding⁸ curlew are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-8 above is provided in Box 14. NB. Additional conservation objectives are provided relating to the use by curlew of areas of The Dee Estuary SPA above highest astronomical tide, which are outside the Dee Estuary European marine site. These areas include pools and coastal fields along the Welsh shore within the Dee Estuary SSSI used for feeding and roosting. Thus The Dee Estuary SPA wintering curlew feature can only be in favourable condition if	
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	the conservation objectives pertaining to their use of these pools and coastal fields are also met. These objectives (a-f) are provided below for information but they do not qualify as Advice under Regulation 33 (2) of the Conservation (Natural Habitats & c.) Regulations, 1994: the extent of coastal grazing marsh is maintained; the extent of all coastal fields is maintained; the extent of wet grassland and standing water including pools, ditches and channels is maintained; the abundance of curlew prey species including earthworms and leatherjackets is maintained; existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites and feeding areas; aggregations of curlew feeding or roosting on the coastal fields are not subject to significant disturbance.		
Interest feature 16: Conservation objective for the internationally important assemblage of regularly occurring waterbirds	The conservation objective for the “internationally important assemblage of regularly occurring waterbirds” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “internationally important assemblage of regularly occurring waterbirds” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met:	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	i. the 5 year peak mean population size for the wintering waterbird assemblage is no less than 120,726 individuals [<i>i.e. the 5 year mean peak between 1994/95-1998/99</i>]; ii. the relative proportions² of waders and wildfowl comprising the wintering waterbird assemblage is maintained; iii. the extent of intertidal flats³ and the spatial distribution⁴ of their constituent sediment community types⁵ is maintained; iv. the extent of saltmarsh⁶ and the spatial distribution⁴ of its constituent vegetation community types⁷ is maintained; v. the extent and spatial distribution⁴ of saltmarsh vegetation less than 10 cm in height is maintained; vi. the extent of rocky shore⁸ at Hilbre Island, Middle Eye, Little Eye and Tanskey Rocks is maintained; vii. the extent and height of the shingle spit⁹ at Point of Ayr is maintained; viii. the abundance of waterbird prey species¹⁰ are maintained at levels sufficient to support the population size in (i); ix. greater than 25% cover of both seed bearing plants¹¹ and soft leaved herbs and grasses¹² is maintained during winter across the saltmarsh;	
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	x. existing unrestricted bird sightlines of at least 200m are maintained in every direction around roosting sites¹³, loafing¹⁴ and feeding areas¹⁵; xi. aggregations of roosting¹³, loafing¹⁴ or feeding¹⁵ waterbirds are not subject to significant disturbance. Further explanatory information clarifying the meaning of terms 1-15 above is provided in Box 16. NB. Additional conservation objectives are provided relating to the use by waterbirds of areas of The Dee Estuary SPA above highest astronomical tide, which are outside the Dee Estuary European marine site. These areas include pools and coastal fields along the Welsh shore 174 within the Dee Estuary SSSI, at Shotton Lagoons and Reedbeds SSSI and at Inner Marsh Farm SSSI, used by waterbirds for feeding, roosting and loafing. Thus The Dee Estuary SPA internationally important assemblage of regularly occurring waterbirds feature can only be in favourable condition if the conservation objectives pertaining to their use of these pools and coastal fields are also met. These objectives (a-f) are provided below for information but they do not qualify as Advice under Regulation 33 (2) of The Conservation (Natural Habitats & c.) Regulations, 1994: the extent of coastal grazing marsh is maintained;	
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	the extent of all coastal fields is maintained; the extent of wet grassland and standing water including pools, ditches and channels is maintained; the abundance of waterbird prey species including earthworms, leatherjackets and chironomids is maintained; existing unrestricted bird sightlines of at least 200m are maintained in every direction around both roosting sites and feeding areas; aggregations of waterbirds roosting, loafing or feeding on the coastal fields are not subject to significant disturbance.		
Breeding Little Tern	Conservation objective for the internationally important population of the regularly occurring Annex I species: breeding little tern The conservation objective for the “breeding little tern” feature of The Dee Estuary SPA is to maintain the feature in a favourable condition, as defined below: The interest feature “breeding little tern” will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the 5 year mean population size for the breeding little tern population is no less than 69 breeding pairs [i.e. the 5 year mean between 1995-1999];	There is potential that a reduced sediment supply from the estuary could affect the sediment supply and therefore affect nesting birds. However, given the distance of the proposed works from the SPA, this is not likely and we can conclude no likely significant effect.	

	ii. the five year mean productivity of the breeding little tern population is no less than 0.80 chicks fledging per breeding pair per year [i.e. the 5 year mean between 1995-1999]; iii. the breeding site² is not subject to significant disturbance; iv. the extent of shingle habitat³ at Gronant, which is suitable for nesting little terns is maintained; v. aggregations of little terns roosting on the beach at Gronant or Point of Ayr over high tide are not subject to significant disturbance.		
Liverpool Bay SPA			
Red-Throated Diver	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Internationally important non-breeding population of red-throated diver (<i>Gavia stellata</i>) Subject to natural change, maintain or enhance the red-throated diver population and its supporting habitats in favourable condition. The interest feature red-throated diver will be considered to be in favourable condition only when both of the following two conditions are met: (i) The size of the red-throated diver population is at, or shows only non-significant fluctuation around the mean population at the time of designation of the SPA. to account for natural change; (ii) The extent of the supporting habitat within the site is maintained.	There is potential that the feature could be disturbed through noise from vehicles, however the works are going to be carried out over a short timescale, therefore there is not likely to be an expected impact.	

Common Scoter	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Internationally important non-breeding population of common scoter (<i>Melanitta nigra</i>). Subject to natural change, maintain or enhance the common scoter population and its supporting habitats in favourable condition. The interest feature common scoter will be considered to be in favourable condition only when each of the following two conditions is met: (i) The size of the common scoter population is at, or shows only non-significant fluctuation around the mean population at the time of designation of the SPA to account for natural change; (ii) The extent of the supporting habitat within the site is maintained.	There is potential that the feature could be disturbed through noise from vehicles, however the works are going to be carried out over a short timescale, therefore there is not likely to be an expected impact.	
Assemblage of over 20,000 waterbirds	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Non-breeding assemblage of over 20,000 waterbirds Subject to natural change, maintain or enhance the waterbird assemblage and its supporting habitats in favourable condition The interest feature waterbird assemblage will be considered to be in favourable condition only when each of the following two conditions is met: (i) The size of the waterbird assemblage population shows only non-significant fluctuation around the mean at the time of designation to allow for natural change;	There is potential that the feature could be disturbed through noise from vehicles, however the works are going to be carried out over a short timescale, therefore there is not likely to be an expected impact.	

	(ii) The extent of the waterbird assemblage supporting habitat within the site is maintained. Explanatory information for the waterbird objectives The peak mean waterbird population of 55,597 is a combination of the red-throated diver and common scoter estimates in the surveys 2001/02 – 2006/07.		
Little Tern <i>Sternula albifrons</i>	The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature: Breeding population of little tern <i>Sternula albifrons</i> -The size of the population should be stable or increasing, allowing for natural variability, and sustainable in the long term. -The distribution of the population should be being maintained, or where appropriate increasing. There should be sufficient habitat, of sufficient quality, to support the population in the long term. -Factors affecting the population or its foraging habitat should be under appropriate control	There is potential that the feature could be disturbed through noise from vehicles, however the works are planned to be undertaken outside of the timings in which the feature feed within the SPA and are going to be carried out over a short timescale, therefore there is not likely to be an expected impact.	
Dee Estuary SAC			
Estuary	The conservation objective for the “estuaries” feature of the Dee Estuary SAC is to maintain the feature in favourable condition, as defined below: The “estuaries” feature will be considered to be in favourable condition when, subject to natural	There is potential that this feature could be affected due to sediment being removed from the system, and therefore not reaching the Dee Estuary SAC through the process of longshore drift, from west to east. However, the current situation means that sediment is diverted into Rhyl Harbour since the construction of the Foryd Harbour	

	processes¹, each of the following conditions are met: i. the aggregate total extent of all estuarine communities² within the site is maintained; ii. the spatial distribution³ of estuarine communities² within the site is maintained; iii. the extent of individual estuarine habitat features⁴ within the site is maintained; iv. the variety and relative proportions of sediment and rocky substrates within the estuary is maintained; v. the variety and extent of any notable subtidal sediment communities⁵ is maintained; 61 vi. the variety and extent of notable intertidal hard substrata communities⁶ is maintained; vii. the spatial and temporal patterns of salinity, suspended sediments and nutrients concentrations are maintained within limits sufficient to satisfy the requirements of statements (i) to (vi) above.	Scheme, and is no longer being transported consistently within the system. Removal of the sediment would therefore have a negligible impact as the current situation only allows the sediment to be naturally returned to the system after heavy rainfall/river levels flushing the accumulated sediment into the sea.	
Mudflats and sandflats not covered by seawater at low tide	The conservation objective for the “mudflats and sandflats” feature of the Dee Estuary SAC is to maintain the feature in favourable condition, as defined below:	There is potential that these features could be affected due to sediment being removed from the system, and therefore not reaching the Dee Estuary SAC and providing sediment to these features. However, the current situation means that sediment is	

	The “mudflats and sandflats” feature will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the total extent of mudflat and sandflat communities² within the site is maintained; ii. the proportions of individual mudflat and sandflat communities² within the site are maintained; iii. the topography of the intertidal flats and the dynamic processes of channel migration and sinuosity across the flats are maintained; iv. the abundance of typical species³ of the mudflat and sandflat feature within the site is maintained.	diverted into Rhyl Harbour since the construction of the Foryd Harbour Scheme, and is no longer being transported consistently within the system. Removal of the sediment would therefore have a negligible impact as the current situation only allows the sediment to be naturally returned to the system after heavy rainfall/river levels flushing the accumulated sediment into the sea.	
<i>Salicornia</i> and other annuals colonising mud and sand	The conservation objective for the “<i>Salicornia</i> and other annuals colonising mud and sand” feature of the Dee Estuary SAC is to maintain the feature in favourable condition, as defined below: The “<i>Salicornia</i> and other annuals colonising mud and sand” feature will be considered to be in favourable condition when both: subject to natural processes¹, each of the following conditions (i) to (v) are met: i. the total extent of pioneer saltmarsh vegetation communities² within the site is maintained;	No likely affect due to the location of the feature.	

	ii. the presence of pioneer saltmarsh vegetation communities² as part of transitions from intertidal sediment communities to higher saltmarsh are maintained; iii. the abundance of the typical species³ of the pioneer saltmarsh vegetation communities² is maintained; iv. the abundance of the notable species⁴ of the pioneer saltmarsh vegetation communities² is maintained. and, regardless of natural processes¹, condition (v) is also met: v. the overall extent and abundance of common cord grass <i>Spartina anglica</i> is not increasing within the pioneer saltmarsh zone.		
Atlantic salt meadow	The conservation objective for the “Atlantic salt meadow” feature of the Dee Estuary SAC is to maintain the feature in favourable condition, as defined below: The “Atlantic salt meadow feature” feature will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the total extent of Atlantic salt meadow vegetation communities² within the site is maintained; ii. the proportions of individual Atlantic salt meadow vegetation communities² within the site are maintained;	No likely affect due to the location of the feature.	

	iii. the zonation of Atlantic salt meadow vegetation communities² and their transitions to fresh water and terrestrial vegetation are maintained; iv. the morphology of saltmarsh creeks and pans and the process of their evolution are maintained; v. the extent of ungrazed areas of salt meadow within the estuary is maintained and there is no increase in grazing intensity over the rest of the salt meadow; vi. the relative abundance of the typical species³ of the Atlantic salt meadow vegetation communities² is maintained; vii. the abundance of the notable species⁴ of the Atlantic salt meadow vegetation communities² is maintained.		
Annual vegetation of drift lines	The conservation objective for the “annual vegetation of drift lines” feature of the Dee Estuary SAC is to maintain the feature in a favourable condition, as defined below: The “annual vegetation of drift lines” feature will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the extent of coarse sediment / shingle formations capable of supporting drift line vegetation	No likely affect due to the location of the feature.	

	communities² within the site is maintained; ii. the presence of annual drift line vegetation communities³ within the site is maintained; iii. the presence of the typical species⁴ of the annual drift line vegetation communities² is maintained.		
<i>Lampetra fluviatilis</i> (river lamprey)	The conservation objective for the “<i>Lampetra fluviatilis</i> (river lamprey)” feature of the Dee Estuary SAC is to maintain the feature in a favourable condition, as defined below: The “river lamprey” feature will be considered to be in favourable condition when, subject to natural processes¹, each of the following conditions are met: i. the migratory passage of both adult and juvenile river lamprey through the Dee Estuary between Liverpool Bay and the River Dee is unobstructed by physical barriers and / or poor water quality; ii. the five year mean count of river lampreys recorded by the Chester Weir fish trap is no less than 55 under the monitoring regime² in use prior to notification [<i>i.e. 100% of the mean annual count during the five years for which data are available prior to notification: 1993, 1997-2000</i>]; iii. the abundance of prey species³ forming the river lamprey’s food	No likely affect due to the location of the feature.	

	resource within the estuary, is maintained.		
Embryonic shifting dunes	DRAFT CONSERVATION OBJECTIVES The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied: 1. The total extent of the embryo dune vegetation is maintained with ideally at least the area present in 1991 and 2000 in Wales and in 2000 in England but subject to natural processes¹ (see Annex 1). However, the extent and location of the embryo dune habitat may be subject to periodic spatial variation. 2. A typical zonation from beach to fixed dune is intact over at least an established baseline which needs to be determined 3. The embryonic dune vegetation should be made up of typical species listed in Table 5. 4. All factors affecting the achievement of these conditions are under control and there are no further anthropogenic factors (e.g. structures, operations or management) which lead to the decrease in natural mobility of the dune system including the circulation of sand.	There is potential that this feature could be affected due to sediment being removed from the system, and therefore not reaching the Dee Estuary SAC through the process of longshore drift, from west to east. However, the current situation means that sediment is diverted into Rhyl Harbour since the construction of the Foryd Harbour Scheme, and is no longer being transported consistently within the system. Removal of the sediment would therefore have a negligible impact as the current situation only allows the sediment to be naturally returned to the system after heavy rainfall/river levels flushing the accumulated sediment into the sea. During consistently heavy rainfall spells, the harbour will need less dredge maintenance due to the sediment being naturally flushed back into the system.	
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> - "white dunes"	DRAFT CONSERVATION OBJECTIVES The vision for this feature is for it to be in a favourable conservation status,	There is potential that this feature could be affected due to sediment being removed from the system, and therefore not reaching the Dee Estuary SAC through the process of longshore drift, from west to east.	

	where all of the following conditions are satisfied: 1. The total extent of the shifting dune vegetation is maintained ideally with at least the area present in 1991 in Wales and in 2000 in England but subject to natural processes¹ (see Annex 1). However, the extent and location of shifting dune habitat feature may be subject to periodic spatial variation. 2. A typical zonation from beach to fixed dune is intact over at least an established baseline which needs to be determined. Shifting dunes with <i>Ammophila arenaria</i> are present along the dune front facing prevailing winds where sediment supply is adequate. 3. The shifting dune vegetation should be made up of typical species listed in Table 7. 4. The shifting dune vegetation should be free from scrub and alien species 5. All factors affecting the achievement of these conditions are under control and there are no further anthropogenic factors (e.g. structures, operations or management) which lead to the decrease in natural mobility of the dune system including the circulation of sand.	However, the current situation means that sediment is diverted into Rhyl Harbour since the construction of the Foryd Harbour Scheme, and is no longer being transported consistently within the system. Removal of the sediment would therefore have a negligible impact as the current situation only allows the sediment to be naturally returned to the system after heavy rainfall/river levels flushing the accumulated sediment into the sea. During consistently heavy rainfall spells, the harbour will need less dredge maintenance due to the sediment being naturally flushed back into the system.	
Fixed dunes with herbaceous vegetation - ""grey dunes	DRAFT CONSERVATION OBJECTIVES The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:	There is potential that this feature could be affected due to sediment being removed from the system, and therefore not reaching the Dee Estuary SAC through the process of longshore drift, from west to east. However, the current situation means that sediment is diverted into Rhyl Harbour	

	1. The total extent of the grey dune vegetation is maintained with at least the area present in 1991 in Wales and in 2000 in England but subject to natural processes¹ (see Annex 1). However, the extent and location of grey dune habitat features may be subject to spatial variation over time. 2. A typical zonation from beach to fixed dune is intact over at least an established baseline which needs to be determined 3. The grey dune vegetation should be made up of typical species listed in Table 9. 4. The grey dune vegetation should be free from scrub and alien species and species indicative of successional change including the coarse grass species, <i>Arrhenatherum elatius</i> and <i>Dactylis glomerata</i>, should be absent 5. All factors affecting the achievement of these conditions are under control and there are no further anthropogenic factors (e.g. structures, operations or management) which lead to the decrease in natural mobility of the dune system including the circulation of sand.	since the construction of the Foryd Harbour Scheme, and is no longer being transported consistently within the system. Removal of the sediment would therefore have a negligible impact as the current situation only allows the sediment to be naturally returned to the system after heavy rainfall/river levels flushing the accumulated sediment into the sea. During consistently heavy rainfall spells, the harbour will need less dredge maintenance due to the sediment being naturally flushed back into the system.	
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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.

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?
Decreasing the volume of sediment within the system	Mudflats and sandflats not covered by seawater at low tide	DML1542 Port of Mostyn Dredge and Dispose	Additional material being removed from the sediment system. Unlikely to be significant as material to be excavated is from a region	N

			where sediment is accreting and causing navigational issues.	
Decreasing the volume of sediment within the system	Estuary	DML1542 Port of Mostyn Dredge and Dispose	Another marine licence which has the potential to have in-combination affects is the Port of Mostyn dredge licence DML1542. The Port of Mostyn are allowed to dredge 900,000 tonnes per year, and dispose of 800,000 tonnes back into the system, however this means that they remove 100,000 tonnes of sediment from the system, per year, compared to the proposed removal of 17,000 tonnes from Rhyl Harbour. The Port of Mostyn are located directly within the Dee Estuary SAC, unlike Rhyl Harbour, which is over 10km from the designated site. The current situation means that sediment accumulates un-naturally within Rhyl Harbour, and is no longer supplying a consistent sediment supply to the Dee Estuary SAC, and therefore the in-combination affect should be ruled out, due to the volume of sediment proposed to be removed and the fact that sediment is not in consistent supply from west to east.	N
Decreasing the volume of sediment within the system	Fixed dunes with herbaceous vegetation - ""grey dunes	DML1542 Port of Mostyn Dredge and Dispose	Another marine licence which has the potential to have in-combination affects is the Port of Mostyn dredge licence DML1542. The Port of Mostyn are allowed to dredge 900,000 tonnes per year, and dispose of 800,000 tonnes back into the system, however this means that they remove 100,000 tonnes of sediment from the system, per year, compared to the	N

			proposed removal of 17,000 tonnes from Rhyl Harbour. The Port of Mostyn are located directly within the Dee Estuary SAC, unlike Rhyl Harbour, which is over 10km from the designated site. The current situation means that sediment accumulates un-naturally within Rhyl Harbour, and is no longer supplying a consistent sediment supply to the Dee Estuary SAC, and therefore the in-comination affect should be ruled out, due to the volume of sediment proposed to be removed and the fact that sediment is not in consistent supply from west to east.	
Decreasing the volume of sediment within the system	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> - "white dunes"	DML1542 Port of Mostyn Dredge and Dispose	Another marine licence which has the potential to have in-combination affects is the Port of Mostyn dredge licence DML1542. The Port of Mostyn are allowed to dredge 900,000 tonnes per year, and dispose of 800,000 tonnes back into the system, however this means that they remove 100,000 tonnes of sediment from the system, per year, compared to the proposed removal of 17,000 tonnes from Rhyl Harbour. The Port of Mostyn are located directly within the Dee Estuary SAC, unlike Rhyl Harbour, which is over 10km from the designated site. The current situation means that sediment accumulates un-naturally within Rhyl Harbour, and is no longer supplying a consistent sediment supply to the Dee Estuary SAC, and therefore the in-combination affect should be ruled out, due to the volume of sediment proposed to be removed and the fact that sediment is not in consistent supply from west to east.	N

Decreasing the volume of sediment within the system	Embryonic shifting dunes	DML1542 Port of Mostyn Dredge and Dispose	Another marine licence which has the potential to have in-combination affects is the Port of Mostyn dredge licence DML1542. The Port of Mostyn are allowed to dredge 900,000 tonnes per year, and dispose of 800,000 tonnes back into the system, however this means that they remove 100,000 tonnes of sediment from the system, per year, compared to the proposed removal of 17,000 tonnes from Rhyl Harbour. The Port of Mostyn are located directly within the Dee Estuary SAC, unlike Rhyl Harbour, which is over 10km from the designated site. The current situation means that sediment accumulates un-naturally within Rhyl Harbour, and is no longer supplying a consistent sediment supply to the Dee Estuary SAC, and therefore the in-combination affect should be ruled out, due to the volume of sediment proposed to be removed and the fact that sediment is not in consistent supply from west to east.	N
(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)	X
In light of the conclusions of an appropriate assessment, and taking account of the advice received from protected sites advisors, it has been established that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, taking into account any conditions or restrictions as applicable, either alone or in-combination with other plans and projects. (As documented in section 4 of this form, and section 5 if applicable)	
In light of the conclusions of the appropriate assessment, it has <u>not</u> been ascertained that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, as documented in section 4 of this form, and section 5 is applicable. Approval for the project <u>cannot</u> be given unless either: the project specification, and/or the terms under which it might be approved, are modified so as to remove the risk of adverse effects, and a revised HRA report is prepared, or	

- | | |
|---|--|
| <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 | |
|---|--|

Signed:



Name: Elenaor Ellick

Position: Senior Permitting Team Leader

Date: 14 December 2018

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.

Delete any rows that do not apply.

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	Comments received from Chris Jones (Planning North)	HRA amended to consider the impacts of the in-combination affects of the Port of Mostyn and the impacts of staving sediment from the system.
3	Ammended HRA sent to North Planning	Delyth Rowlands sent signed Form 2 05/12/2018
4		
5		

**Attach copies of all written representations (Form 2) received from protected sites advisor(s)*

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

TO: *Debbie Nicholas, Marine Licensing Team*

FROM: *Delyth Rowlands, Development Planning Advice Service*

SUBJECT: *Habitats Regulations Assessment of DML1840 Rhyl Harbour Annual Dredging*

We broadly agree with the conclusions reached in the HRA. This is on the basis that we can condition adequate monitoring of the potential effects of taking sediment out of the system.

8. Conservation Technical Specialist's comments

This section should be completed in any cases where the protected sites advice and sign off of the HRA report (section 6) is within the same team. Otherwise this section should be deleted

I have reviewed the HRA documented in this form and confirm that I agree/do not agree* with its findings.
(*strike out as applicable)

Additional comments (if any):

Signed:

Name:

Position:

Date: