

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	Mostyn Culvert Tidal Flap Replacement
HRA iteration/version	N/A

1. Plan or Project Details

Information about the plan or project		
1	Date application received	20/11/2025
2	Applicant details	MPH Construction 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	A 21t excavator will be utilised to excavate material in front of the defective tidal flap. The existing tidal flap will be removed with the use of burning equipment to remove the existing corroded bolts, this will then be lifted out and removed with the use of the 21t excavator. The new tidal flap will be installed in the same position as the existing using the 21t excavator, with new fixing points drilled in situ. All excavated material will be reinstated once the tidal flap is installed.

5	Relevant legislation or statutory basis	Marine and Coastal Access Act (2009)
6	Location	Mostyn, Dee Estuary LatitudeLongitude 1. 53.321234 -3.2759817 2. 53.321423 -3.2758985 3. 53.321334 -3.2754473 4. 53.320889 -3.2739177 5. 53.320572 -3.2726195 6. 53.320527 -3.2732955 7. 53.320950 -3.2746848

8	Environmental Statement	N/A
9	Pre-application correspondence	N/A
10	NRW team responsible for preparing this HRA report, and lead officer	Marine Licencing Team – Stephen Treby
11	Team or person responsible for approving the plan or project (competent authority role)	Marine Area Advice and Management Team

2. Determining the need for a Habitats Regulations Assessment

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

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

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

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

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

(a)	Based on the plan or project specification, or information provided in the application, it is considered that these European sites have features which could be negatively affected by the plan or project	Dee Estuary SAC [UK0030131] Dee Estuary SPA [UK9013011] Dee Estuary RAMSAR
(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

1) Dee Estuary SAC

Mudflats and sandflats not covered by seawater at low tide	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN IN	SAC feature maps suggests there is overlap between the feature and the proposed activity. Impact pathways likely to have a significant effect are: - Accidental pollution due to use of machinery - Habitat loss
Salicornia and other annuals colonising mud and sand	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	There is no direct overlap between the proposed activities and the feature

Atlantic salt meadows (Glaucopuccinellietalia maritimae)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	There is no direct overlap between the proposed activities and the feature
Estuaries	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN IN	SAC feature maps suggests there is overlap between the feature and the proposed activity. Impact pathways likely to have a significant effect are: - Accidental pollution due to use of machinery - Habitat loss
Annual vegetation of drift lines	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	There is no direct overlap between the proposed activities and the feature
Vegetated sea cliffs of the Atlantic and Baltic Coasts	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	Habitat is above Highest Astronomical Tide (HAT)
Embryonic shifting dunes	NRW and Natural England conservation objectives:	SCREEN OUT	Habitat is above HAT.

	Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994		
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes')	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	Habitat is above HAT.
Fixed coastal dunes with herbaceous vegetation ('grey dunes')	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	Habitat is above HAT.
Humid dune slacks	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	Habitat is above HAT.
Sea lamprey <i>Petromyzon marinus</i>	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	No works will take place within the water column.

River lamprey <i>Lampetra fluviatilis</i>	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	No works will take place within the water column.
Petalwort <i>Petalophyllum ralfsii</i>	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994	SCREEN OUT	Species occurs above HAT.

2) Dee Estuary SPA

Sandwich tern <i>Thalasseus sandvicensis</i> (passage)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	Owing to the limited nature of the project scope, period of works (2 working weeks in early 2026) and minimal physical disturbance within the SPA area (any excavated material will be replaced) the likelihood of significant effect to these features is low. Additionally, the worksite is within an industrial setting sited adjacent to a significant port (Port of Mostyn, 400m) and railway. Any disturbance would be expected to be lower than baseline levels associated with the port and railway.
Common tern <i>Sterna hirundo</i> (breeding)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the	SCREEN OUT	As above.

	Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)		
Little tern <i>Sternula albifrons</i> (breeding)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Pintail <i>Anas acuta</i> (wintering)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Teal <i>Anas crecca</i> (wintering)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Dunlin <i>Calidris alpina</i> (wintering)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Knot <i>Calidris canutus</i>	NRW and Natural England conservation objectives:	SCREEN OUT	As above.

(wintering)	Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)		
Oystercatcher <i>Haematopus ostralegus</i> (wintering)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Bar-tailed godwit <i>Limosa lapponica</i>	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Black-tailed godwit <i>Limosa limosa</i> (wintering)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Curlew <i>Numenius arquata</i> (wintering)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.

Grey plover <i>Pluvialis squatarola</i> (wintering)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Shelduck <i>Tadorna tadorna</i> (wintering)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Redshank <i>Tringa totanus</i> (passage)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Redshank <i>Tringa totanus</i> (wintering)	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Waterbird assemblage (wintering) species	NRW and Natural England conservation objectives:	SCREEN OUT	As above.

in addition to those above: Sanderling <i>Callidris alba</i>, Cormorant <i>Phalacrocorax carbo</i>, Great crested grebe <i>Podiceps cristatus</i>, Lapwing <i>Vanellus vanellus</i>, Wigeon <i>Anas penelope</i>	Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)		
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3) Dee Estuary RAMSAR

Internationally important wetland regularly supporting 20,000 or more waterbirds.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	Owing to the limited nature of the project scope, period of works (2 working weeks in early 2026) and minimal physical disturbance within the SPA area (any excavated material will be replaced) the likelihood of significant effect to these features is low. Additionally, the worksite is within an industrial setting sited adjacent to a significant port (Port of Mostyn, 400m) and railway. Any disturbance would be expected to be lower than baseline levels associated with the port and railway.
Internationally important wetland, regularly supporting 1% or more redshank of the eastern Atlantic	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the	SCREEN OUT	As above.

population on passage.	Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)		
Internationally important wetland, regularly supporting 1% or more wintering shelduck of the North-western European population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Internationally important wetland, regularly supporting 1% or more wintering teal of the North-western European population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Internationally important wetland, regularly supporting 1% or more wintering pintail of the North-western Europe population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Internationally important wetland, regularly supporting 1% or more wintering oystercatcher of the Europe and North-western Africa population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.

Internationally important wetland, regularly supporting 1% or more wintering grey plover of the Eastern Atlantic population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Internationally important wetland, regularly supporting 1% or more wintering knot of the North-western Canada to North-western Europe population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Internationally important wetland, regularly supporting 1% or more wintering dunlin of the Northern Siberia, Europe and Northern Africa population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Internationally important wetland, regularly supporting 1% or more wintering black-tailed godwit of the Icelandic population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Internationally important wetland, regularly supporting	NRW and Natural England conservation objectives:	SCREEN OUT	As above.

1% or more wintering bar-tailed godwit of the Western Palearctic population.	Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)		
Internationally important wetland, regularly supporting 1% or more wintering curlew of the European population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.
Internationally important wetland, regularly supporting 1% or more wintering redshank of the Eastern Atlantic population.	NRW and Natural England conservation objectives: Natural England & the Countryside Council for Wales' advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (naturalresources.wales)	SCREEN OUT	As above.

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

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

4.1 Assessment of plan or project as defined

Table 4.1 Appropriate assessment			
European site feature/s	Description of impacts	Assessment in view of conservation objectives	Can adverse effect on site integrity be ruled out? 'YES' or 'NO'
European site name: Dee Estuary SAC [UK0030131]			
Mudflats and sandflats not covered by seawater at low tide Estuaries	Accidental pollution due to use of machinery	In line with the conservation objectives <u>there is the potential</u> that without additional mitigation measures the works may affect this feature.	NO
Mudflats and sandflats not covered by seawater at low tide Estuaries	Habitat loss	The excavation will be limited to the area immediately surrounding the outfall and all beach material will be replaced following replacement of the tidal flap. The material around the outfall was recently excavated and returned to it's original profile under marine licence CML2463.	YES

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

Table 4.2 Appropriate assessment of the plan or project taking into account additional conditions or restrictions

European site name: Dee Estuary SAC [UK0030131]

European site Feature	Adverse effect(s)	Can adverse effect(s) be mitigated by additional imposed conditions or restrictions? 'YES' or 'NO'	Additional imposed mitigation measure(s)	Can adverse effect on site integrity be ruled out? 'YES' or 'NO'
			The methodology states that operatives will ensure: - All vehicles on site utilise a plant nappy/drip tray. - A spill kit is located within vehicles and on site at all times, and all staff will be trained in its use. - During the works, all materials will be stored at least 10m away from any watercourses and drains. - All fuels, materials, tools and vehicles to be stored off site within a compound on hardstanding, to avoid damage to any grasslands or spills near watercourses when left unattended. - Refuelling (if needed) to be completed away from works area (at hardstanding compound). - All vehicles on site to use bio-oil to reduce the likelihood of any harmful fuels entering a watercourse In addition, standard licence conditions state that: - Bunding, storage facilities and spill kits will be employed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. - Plant, vehicles and machinery will not be refuelled on the foreshore.	YES

			- The licence holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to the Licensing Authority as soon as possible.	
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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 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: S. Treby Name: Stephen Treby Position: Senior Marine Licencing Officer Date: 27 November 2025	

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
3		NRW Advisory was consulted and agreed with the conclusion of the HRA that the project will not have an adverse effect on any European Site.

8. Countersignature

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: Marine Licensing Team

FROM: Marine Area Advice and Management Team

SUBJECT: Habitats Regulations Assessment of the Mostyn Culvert Tidal Flap Replacement, CML2569

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

We agree with the conclusion of the above mentioned HRA, with respect to the marine features of the Dee Estuary SPA, Dee Estuary SPA and Dee Estuary Ramsar.

We agree that the project has been taken to appropriate assessment, that suitable measures to minimise the pollution risk are included, and it is established that that the project will not adversely affect the integrity of the above-named Natura 2000 and Ramsar sites.

Signed: *Natalie Muirhead-Davies*

Date: 09/12/2025