

Bourne Leisure Ltd.

# Hafan y Môr Holiday Park '2030 Vision' Masterplan

Environmental Statement, Habitats Regulations Appraisal and  
Water Framework Directive Compliance Assessment -  
Volume 2: Appendix K

December 2019



Innovative Thinking - Sustainable Solutions

# K Appropriate Assessment Information

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## Non-Technical Summary

This appendix provides information to underpin a Habitats Regulations Assessment (HRA) and, if required, the preparation of an Appropriate Assessment (AA) for the proposed expansion of Hafan y Môr Holiday Park. This HRA/AA information report is presented in the form of a 'Signposting Document' which identifies those sections of the Environmental Statement (ES) (and supporting documents) where necessary details can be found. This signposting approach has been adopted as best practice. It is designed to avoid unnecessary repetition/replication of information and make it easier for the project's Competent Authorities<sup>1</sup> to access and audit the information they need to carry out the assessments.

The key conclusions and observations presented in this document were informed by the results of the Environmental/Ecological Impact Assessment (EIA/EcIA) work presented in the ES as well as by detailed consultations that were held with the Competent Authorities during the two-year pre-application process. In summary, the key observations (which are all subject to further review, advice and verification by the Competent Authorities) are as follows:

- Under the HRA process, it is expected that this project will be deemed to have a 'likely significant effect' (LSE) on the Pen Llŷn a'r Sarnau Special Area of Conservation (SAC). On this basis an Appropriate Assessment (AA) will be required to evaluate the development's effects on the integrity of the SAC with reference to the site's Conservation Objectives;
- The main/sole effect here is that part of the footprint of the coastal defences (which are designed to improve flood protection, amenity and access functions) necessarily intrudes into the boundary of the SAC and will cover an area of sandflat that is an interest feature of the SAC;
- Another effect that should also be considered in an AA is the indirect effects of the defences on interest feature habitats outside the footprint (e.g. from physical changes at the top of the shore). The AA could also consider, on a precautionary basis, effects on otter, bottlenose dolphin and grey seal which are also SAC features. Following this assessment though these other effects are insignificant and will not compromise relevant SAC Conservation Objectives for these features. For example, the defences will have highly localised and negligible effects on sediment transport and shoreline habitats outside the development footprint.
- The area of direct sandflat loss is 0.15 ha (1,542 m<sup>2</sup>) which is 0.005 % of the 3,358 ha of this habitat within the SAC. Although this is a very small change relative to a large SAC it is recognised that NRW's position is to not adopt a *de minimis* approach. This small loss could therefore constitute a failure of the conservation objectives which require 'an overall stability or increase in the amount of the feature' and on this basis would be judged as an adverse effect on the integrity of the SAC. If the Competent Authorities reach this view then, under legislation, the development (coastal defences) could only proceed if the following requirements are met.
  - There are no less damaging alternative solutions;
  - The project must be carried out for imperative reasons of overriding public interest;
  - Appropriate compensation measures are provided.
- The need to potentially meet these three requirements has been anticipated throughout assessment work and necessary information on these aspects is therefore provided in the documentation. Sections K.12 to K.14 of this appendix provide outline detail on these topics and also identify relevant chapters of the ES which address them in greater detail.

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<sup>1</sup> In this case Gwynedd Council as the Planning Authority and Natural Resources Wales (NRW) as the marine licencing lead authority.

## K.1 Introduction

This appendix provides information needed to underpin a Habitats Regulations Assessment (HRA) of the proposed expansion of Hafan y Môr Holiday Park and associated coastal defences (hereafter referred to as the 'Proposed Development'). These details are provided to assist the two Competent Authorities on this project (i.e. Gwynedd Council as the Planning Authority and Natural Resources Wales (NRW) as the marine licencing lead authority) with their review under Regulation 63 of the Conservation of Habitats and Species Regulations 2017<sup>2</sup> and also with the production, if required, of an Appropriate Assessment (AA) to accompany this Proposed Development.

An outline of the HRA process is shown in Image K1<sup>3</sup> with the two main stages being:

- **Stage 1 (Screening):** determine whether the project is likely to have a significant effect on any European Marine Site; and
- **Stage 2 (Appropriate Assessment):** if it is concluded that the work is likely to have a significant impact, then produce an AA which determines whether the project could or will adversely affect the integrity of any European Marine Site.

An initial HRA screening report, which seeks to address Stage 1 of this process, has already been produced and issued to the Competent Authorities. This was integrated into the EIA scoping report (ABPmer, 2018). That report concluded that there will be a 'likely significant effect' (LSE) of the project on European sites and therefore that an Appropriate Assessment will be required. It is recognised through (and stated in the NRW scoping opinion (NRW, 2019)) that the Competent Authorities are responsible for considering the proposed scheme under the full provisions of Regulation 63 which encompasses both Stages 1 and 2.

This HRA appendix has been prepared to inform the Competent Authorities' considerations of Stages 1 and 2. It has been prepared in the form of an information 'Signposting Document' which identifies, under relevant HRA subject headings, those sections within the Environmental Statement (ES), and any relevant supporting documentation, where the details required to underpin the HRA process (and any AA production) can be found. This Signposting Document is therefore designed to assist with this Regulation 63 review and achieve the following key goals:

1. **Avoid unnecessary repetition of information.** The information required for an Environmental Impact Assessment (EIA) and an HRA often overlap and it is considered good practice to avoid replication of this information. Therefore, where comprehensive data and descriptions already exist in the main ES, cross-references to these sources of relevant information are made here.
2. **Add new information that is specific to implementation of Regulation 63 of the Habitats Regulations.** In those instances where information is needed by a Competent Authority to produce an AA but is not available in the ES (and any relevant supporting documentation) then such additional information has been included here.
3. **Act as an auditable checklist of AA information.** This appendix is designed to provide a confirmatory checklist, which ensures that all the relevant information that is needed for an AA is provided.
4. **Assist the Competent Authority and its consultees.** The overall aim of this document is to provide a concise and readable document that will make it easier for the Competent Authorities to consult on, and produce, an AA.

<sup>2</sup> Regulation 63 of the 'Habitats Regulations' 2017 <http://www.legislation.gov.uk/ukxi/2017/1012/regulation/63/made>

<sup>3</sup> For a concise summary of the HRA process see also <https://naturalresources.wales/permits-and-permissions/marine-licensing/marine-licence-habitats-regulations-assessment/?lang=en>

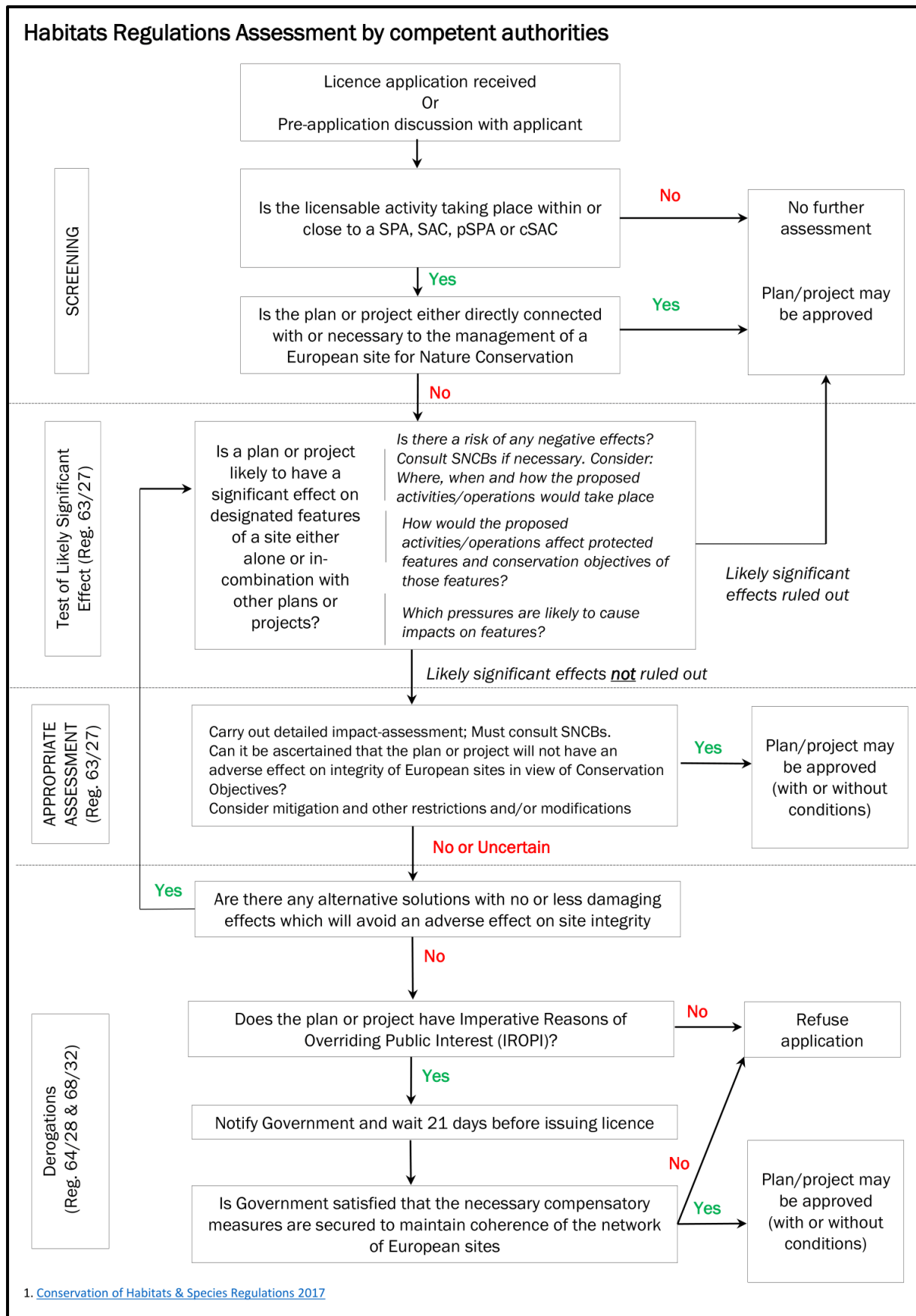


Image K1. Summary of the key stages comprising a HRA process

In producing this appendix, it is recognised that the scope of an HRA can vary on a case-by-case basis. However, the information provided here is considered to represent all the detail required to carry out an assessment. In particular, it is designed to meet the key requirements within the relevant Habitats Regulations guidance such as:

- NRW Marine Licence Habitats Regulations Assessments guidance (NRW, 2017),
- Welsh Assembly Government (WAG) advice (WAG 2009 and 2017) and
- Other UK documents such as that produced by Natural England (2019).

In compiling this information, advice was sought and provided by NRW as the relevant Statutory Nature Conservation Body (SNCB). This includes written advice on the Conservation Objectives provided by NRW under Regulation 37(3)<sup>4</sup> of the Conservation of Habitats and Species Regulations 2017 for the Pen Llŷn a'r Sarnau Special Area of Conservation (SAC) (NRW, 2018).

This assessment has also taken into consideration the specific views on the Proposed Development expressed by NRW and Gwynedd Council within their scoping opinions (NRW, 2019; Gwynedd Council 2019) and during consultations that were undertaken over the two years during which this application has been developed. **Section 1.3** of the ES which provides more details of the consultations and meetings that have been held over this time.

## K.2 Project Description

A detailed description of the Proposed Development can be found in **Section 2** of the Environmental Statement.

## K.3 Need for a Habitats Regulations Assessment

The requirements of the EC Habitats Directive 2/43/EEC (EC, 1992) have been transposed into UK legislation through, most recently, the Conservation of Habitats and Species Regulations 2017 (HM Government, 2017) (referred to hereafter as 'Habitats Regulations'). These regulations provide for the protection for European designated sites including SACs and Special Protection Areas (SPAs). In addition, it is Welsh Assembly Government advice (WAG, 2017) that these regulations apply to Ramsar wetland sites (designated under the 1971 Ramsar Convention for their internationally important wetlands), candidate SACs (cSACs), proposed Special Protection Areas (pSPAs), and proposed and existing European offshore marine sites. These sites are referred to hereafter as European/Ramsar sites.

- In this case, the coastal defences element of the Proposed Development intrudes into boundary of the Pen Llŷn a'r Sarnau SAC (see Figure K1). This intrusion includes a 1,542 m<sup>2</sup> area of upper-shore sandflat habitat which is an interest feature of this site (see Figure K2). Impacts on the Pen Llŷn a'r Sarnau SAC could therefore occur from direct sandflat habitat losses within the development footprint and potentially also potentially from indirect changes to nearby coastal habitat outside this footprint. The potential indirect changes could arise from alterations to the physical/hydrodynamic environment around the defences, from the release of recharge sand that is placed of sediment within fishtail breakwaters and/or from construction or maintenance activities.
- Under the Stage 1 HRA process therefore these known direct and potential indirect impact pathways have been 'screened into' the Stage 2 AA on the basis that they represent an LSE. For this assessment, and on a precautionary basis, effects on otter, bottlenose dolphin and grey seal have been considered as these are also SAC features and they could also be screened into the AA.

<sup>4</sup> Regulation 37 of the 'Habitats Regulations' 2017 <http://www.legislation.gov.uk/ukxi/2017/1012/regulation/37/made>

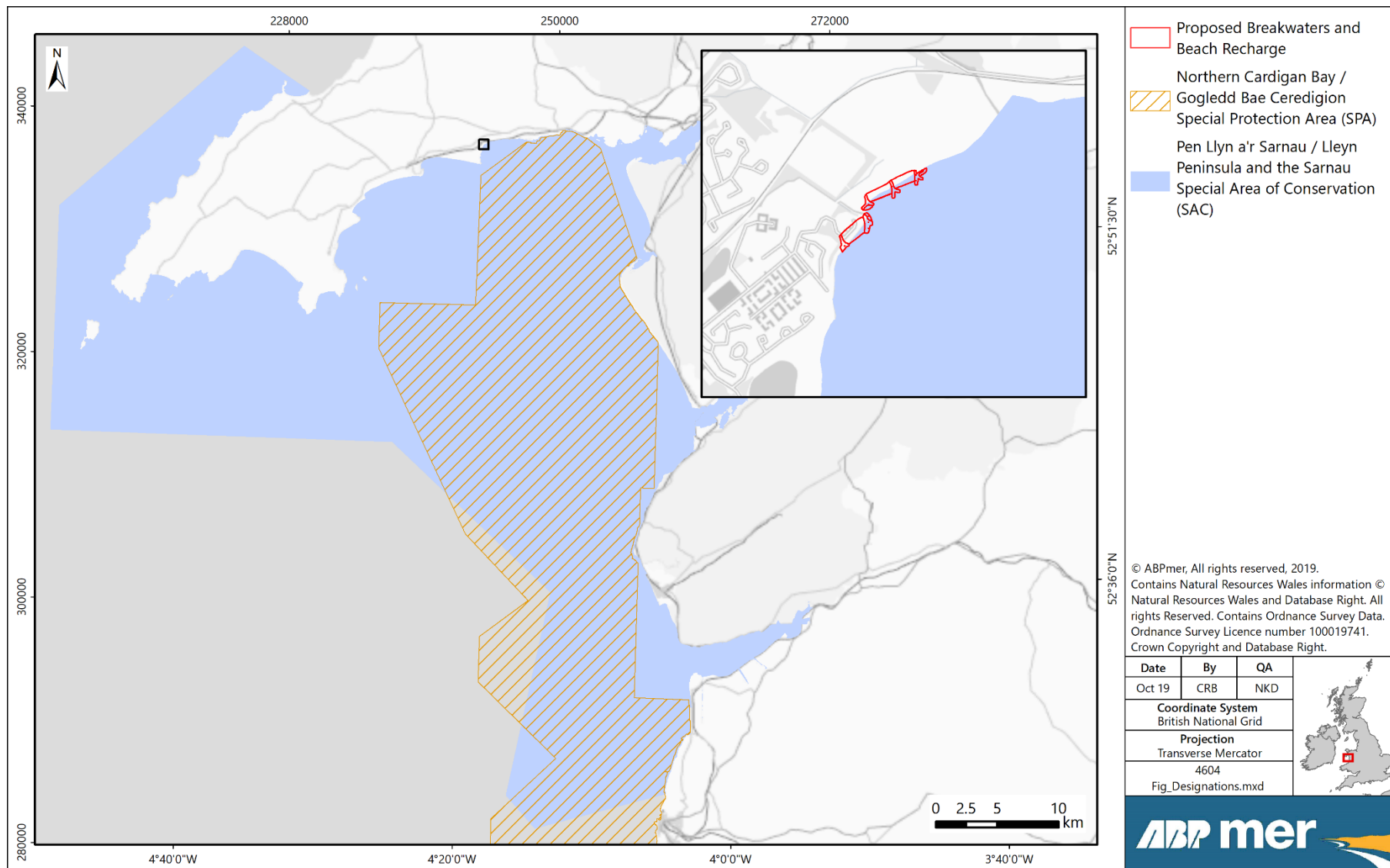


Figure K1. Area of coastal defence intrusion into the Pen Llŷn a'r Sarnau SAC

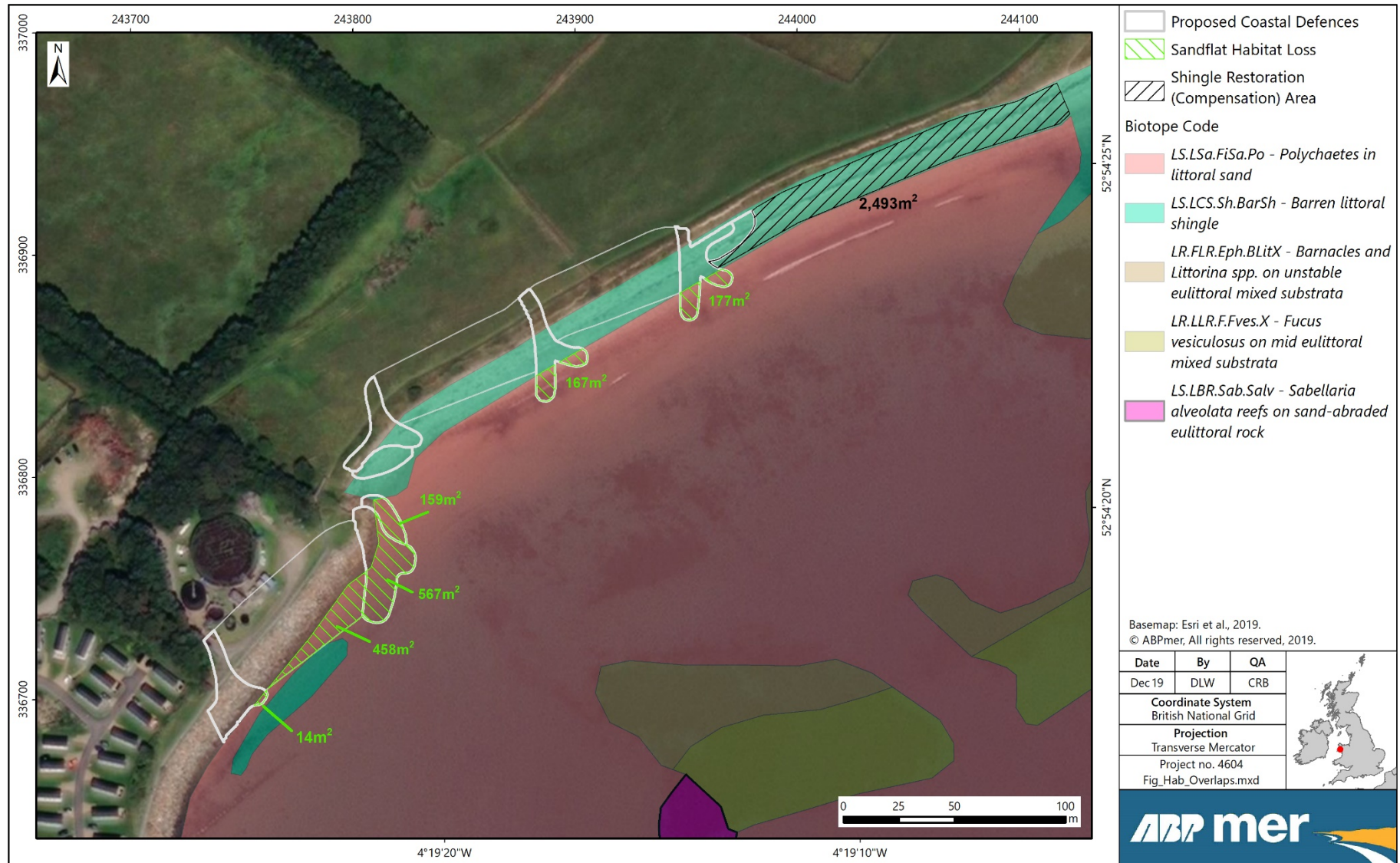


Figure K2. Outline of coastal defences showing areas of intrusion over SAC sandflat interest feature (Total 1,542 m<sup>2</sup>)

Other possible (indirect) impacts to the Northern Cardigan Bay SPA (see Figure K1) were also considered but are not thought to be relevant to this assessment (i.e. there will be no LSE on this designated site). This SPA site is designated for nationally important non-breeding, wintering population of Red-throated Diver *Gavia stellata*. It was important to consider therefore whether effects on this SPA could have arisen from changes to, or losses of, habitats or, alternatively, from disturbance effects as a result of the main construction work which will be carried out in the winter months. However, no such effects are expected to occur. This is because the site lies approximately 1.5 km away to the south east of the Proposed Development and at this distance no effects on overwintering or passage waterbirds are anticipated from the Proposed Development. The type of habitats that will be affected by the Proposed Development (i.e. upper-shore sand and barren shingle) are not used by Red-throated Diver. This SPA site has, therefore, been 'screened out' of the HRA process.

As the Proposed Development has the potential to directly and/or indirectly affect Pen Llŷn a'r Sarnau SAC, Gwynedd Council and NRW, as Competent Authorities, need to take account of the Habitats Regulations, carry out an HRA and potentially produce an AA. As summarised above, Regulation 63 states that:

*"A competent authority, before deciding to undertake, or give any consent, permission, or other authorisation for a plan or project which:*

- a) is likely to have significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and*
- b) is not directly connected with or necessary to the management of the site*

*must make an appropriate assessment of the implications for the site in view of that site's conservation objectives".*

The decision as to whether a 'Stage 2' AA is required is based on a 'Stage 1' assessment of LSE (see Image K1). LSE is recognised as being a 'coarse filter' judgement or a statement that the anticipated effects of the proposal will be more than trivial (i.e. that the anticipated changes resulting from a proposal have the potential to impact on an interest feature of a European/Ramsar Site.

If a project (or plan) could have an LSE on a European/Ramsar site, it does not automatically follow that an impact will occur. The decision of LSE is purely an indication of the need for an AA. Therefore, the interpretation of the term 'significant' under the Habitats Regulations is therefore very different to its use under the EIA process, with LSE under the HRA process effectively being analogous to a Screening Decision under the EIA process. Further information on the requirements of an HRA is included in **Section 4.4** of the main ES report.

## K.4 Information on the Need for the Proposed Development

A comprehensive description of the Proposed Development's rationale is presented in **Section 2.4** and **Section 3.1** of the main ES.

## K.5 Consultation with Stakeholders

Relevant consultations with a wide range of stakeholders were carried out throughout the pre-application process. These included consultations with NRW and Gwynedd Council about the HRA requirements and the LSE judgement as the basis for this assessment. These consultations were held to ensure that these issues were carefully considered and were communicated in detail during the assessment process. There were also consultations with the Cardigan Bay Coastal Group regarding the SMP policy which is relevant to the HRA. These consultations are described in **Section 1.3** of the ES.

As part of this process a formal Scoping Report for the Proposed Development was submitted to Gwynedd Council and NRW in October 2018 (ABPmer, 2018). The Scoping Opinions and responses provided by statutory consultees are provided in **Section 5.1.1** of the main ES and copies of these opinions are included in **Appendix B** of the ES.

Following receipt of the Scoping Opinions, further pre-application advice was obtained from NRW regarding various aspects of the assessment requirements, including, the HRA process. This included a meeting with NRW on 2 May 2019 and subsequent written pre-application consultations with NRW which focused on HRA issues. The outcomes of this advice are also discussed in **Section 5.1.1** of the main ES.

## K.6 Designated Features and Conservation Objectives

Further information about the qualifying criteria and interest features of the Pen Llŷn a'r Sarnau SAC are provided in **Section 8** of the main ES. The qualifying interest features and conservation objectives for Pen Llŷn a'r Sarnau SAC (from advice provided by NRW in fulfilment of Regulation 37 of the Habitats Regulations (NRW, 2018)) are presented in Table K1 of this appendix.

## K.7 Baseline Description of Relevant Interest Features

The existing/baseline condition of relevant interest features and sub-features (in this case intertidal habitats and otter) are addressed in the ES under the following categories:

- **Section 8.2** of the main ES covers marine ecology and nature conservation and includes a description of the existing/baseline habitats across the foreshore;
- **Section 9.3** of the main ES which covers terrestrial ecology and nature conservation including information on the use of the site by Otter.

Baseline review of bottlenose dolphin and grey seal have not been included in the ES as these species were not screened into the EIA. They are reviewed further below on a precautionary basis.

## K.8 Impacts on Relevant Interest Features

The impacts of the Proposed Development on relevant interest features and sub-features (in this case intertidal habitats and otter) are addressed in the ES under the following categories:

- **Section 8.3** of the main ES describes the direct and indirect effects on sandflat habitat and other intertidal habitat; and
- **Section 9.4** of the main ES which covers terrestrial ecology and reviews the effects on otter.

To summarise these details and allow for the preparation of the HRA/AA reports, Table K2 of this appendix further outline describes the potential impacts and effects of the Proposed Development on the Pen Llŷn a'r Sarnau SAC interest features and cross-refers to sections of the main ES where relevant.

In this table, the 'EIA significance' of the effects with any proposed mitigation measures and residual effects are described to provide a context for the HRA/AA. Alongside the EIA significance information additional detail 'HRA information' is also provided in Table K2.

When reviewing this table, it should be emphasised again that 'EIA significance' judgement is different to the definition of significance under the Habitats Regulations (i.e. the HRA Stage 1 LSE determination) as described above in Section K.3. Also, assessments of impacts under the Stage 2 AA are also different

to EIA assessments and they relate to understanding the effects on the integrity of a European/Ramsar sites in the context of a site's Conservation Objectives and favourable condition targets. Although there is this clear distinction between EIA and HRA processes and their significance judgments, reference to the EIA impacts in Table K2 is clearly a valuable guide to understanding and evaluating the ecological effect of the Proposed Development on the Pen Llŷn a'r Sarnau SAC.

## K.9 Mitigation and Monitoring

As with considerations about impact significance and the different assessment approaches required under EIA and HRA processes (described in the preceding section), care also needs to be taken with considering the role of mitigation the context of the EIA and HRA processes. In particular under the HRA process 'mitigation measures, which aim to avoid or reduce impacts or prevent them from happening in the first place, must not be confused with compensatory measures' (EC, 2018) (see also Section K.14 of this appendix).

Also, the timing of mitigation measures is different in EIA and HRA processes. It can be considered at the screening stage for the former but not the latter (EC, 2018). This has been reinforced in recent months there have been some key EU and UK court decisions which need to be taken into account to ensure that the HRA process is compliant with this case law. These judgments are:

- April 2018 Case C323/17 People over Wind, Peter Sweetman v Coillte Teoranta;
- July 2018 Case C-164/17 - Grace and Sweetman v An Bord Pleanala; and
- August 2018 Case EWHC 2190 -Langton v SoS for Environment, Food and Rural Affairs, Natural England.

In simple terms however, a key outcome of these judgments is that there is a need to be careful when considering the influence and benefits of future anticipated mitigation measures (or measures to avoid or reduce likely significant effects on a European site) during the HRA screening process. The April 2018 case, in particular, has the effect of directing developers and planners to avoid relying on such future mitigation measures when making decisions about whether a project will have a likely significant effect. Instead mitigation measures should be taken into account after the screening process when the Stage 2 AA and HRA record are being undertaken. Therefore, while the identified EIA mitigation measures are referred to in this section for information. These measures they have not been used as a basis for screening the HRA.

Table K2 details any EIA-derived mitigation measures (i.e. measures that have been incorporated into the design of the Proposed Development or the proposed methodology for the construction phase to minimise potential impacts as far as possible). Where effects are identified as either 'insignificant' or of 'minor' significance (under the standardised definitions of impact significance that are applied within the EIA) then no specific mitigation measures are considered to be necessary. However, in some instances where such impact levels are identified, relevant impact verification monitoring is proposed as best practice, and these are included in Table K2. Where greater effects have been predicted to be of 'moderate' or 'major' significance, appropriate mitigation measures have been identified in detail in **Section 12** of the main ES and are summarised in Table K2.

Table K2 then also provides details of the following

- **'EIA significance'** the final assessment of the residual impact (i.e. the impact remaining once mitigation has been taken into account) and
- **'HRA Information'**; an initial view of the implications of the predicted impact on the Pen Llŷn a'r Sarnau SAC in relation to the site's Conservation Objectives and favourable condition target.

## K.10 In-combination Effects

Under the Habitats Regulations, it is necessary to consider the in-combination effects of a proposal with other plans and/or projects specifically on features protected within the Pen Llŷn a`r Sarnau SAC. A cumulative (and in-combination) assessment of the effects of this Proposed Development alongside those arising from other extant and relevant developments has been undertaken and is presented in **Section 11** of the main ES.

## K.11 Integrity of the European Marine Site

In an AA (as Stage 2 of the HRA process), it is necessary to determine whether the project or plan would adversely affect the integrity of the European/Ramsar site in view of the site's Conservation Objectives. The integrity of a site has been defined as the coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified (DETR, 1994). Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC' which cites that 'The integrity of the site involves its ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the site's conservation objectives.

Where it cannot be demonstrated that a project will not have an AEoI, or there is insufficient certainty of an avoidance of an adverse effect, the proposed project can only proceed if it can be demonstrated that there are no more suitable (less damaging) alternatives (Section K.12) and that there are Imperative Reasons of Over-riding Public Interest (IROPI) sufficient to justify the proposed project (Section K.13).

In certain circumstances, the Secretary of State may be required to ensure that adequate compensation, usually in the form of replacement habitat, has been provided to protect the overall coherence of the Natura 2000 network (Section K.14).

The decision on whether integrity is affected will be made by the Competent Authorities (NRW and Gwynedd Council). However, to assist this decision, Table K2 includes 'HRA information' describing the potential effects of the Proposed Development on the Pen Llŷn a`r Sarnau SAC.

## K.12 Alternative Approaches

The availability of alternatives is a key consideration under the HRA process in the event that a proposal is judged to have an adverse effect on the integrity of a designated site (or where the possibility of such an effect cannot be excluded). Under article 6(4) of the Habitats Directive, a plan or project can only proceed provided there are no feasible alternative solutions to the plan or project which are less damaging to the affected European/Ramsar sites. This is enforced in England and Wales under Regulation 64 of the Conservation of Habitats and Species Regulations 2017<sup>5</sup> which requires the competent authority is satisfied that, there being no alternative solutions.

In this case, following a through consideration of this aspect, there are no feasible alternative options which would meet all the objectives of the project (see **Section 3.2** of the main ES). The Proposed Development achieves all the required goals for the Hafan y Môr Holiday Park 2030 Vision but it has also deliberately been designed to minimise effects to the environment and on the SAC. It is also designed to be adaptable to future environmental changes.

## K.13 Imperative Reasons of Overriding Public Interest

Consideration of the Imperative Reasons of Overriding Public Interest (IROPI) of a project becomes relevant in the event of a negative assessment of the implications for the European site or the European offshore marine site. Under Article 6(4) of the Habitats Directive (and Regulation 64 of the Conservation of Habitats and Species Regulations 2017<sup>6</sup>), a plan or project can proceed provided there are grounds for IROPI that justify the plan or project despite the environmental damage it will cause. This requires consideration of the different elements of the term IROPI and the objectives of the Proposed Development (see **Section 3.1** of the main ES).

In this case the Proposed Development site does not have the potential to affect any priority interest features<sup>7</sup>, and, therefore, the competent authority can consider IROPI issues that relate to social or economic benefit in addition to those of human health, public safety, or beneficial consequences of primary importance to the environment. In other words, the following considerations are relevant:

- **Imperative:** The Proposed Development will maximise the potential for human health and public safety benefits to be realised through the enhanced enjoyment of, and safe access to, the shoreline area, whilst addressing coastal protection issues and climate change;
- **Overriding:** the larger and longer-term coastal defence and other benefits served by the Proposed Development are considered to outweigh the uncertainty over the potential risk of harm to the integrity of the European/Ramsar site; and
- **Public Interest:** a public benefit will be delivered to the visitors and employees of Hafan y Môr as well as the wider community.

## K.14 Compensation Measures

In the event of a negative assessment of the implications for a European site, under Regulation 68 of the Conservation of Habitats and Species Regulations 2017<sup>8</sup> the appropriate competent authority must secure that any necessary compensatory measures. For this project compensation measures have been developed, if needed, to address the loss of SAC intertidal habitat under the footprint of the coastal defence works.

Potential requirements to compensate for the loss of habitat as a result of the Proposed Development were discussed with NRW. It was noted that compensation should ideally be as close to the area of loss as possible and of a comparable habitat to that which would be lost. It was concluded that there were opportunities for compensation within the development footprint (recessed areas) as well as in an area at the top of the shore just to the east of the defences where enhancements could be introduced.

At the top of the shore, there is currently a surface layer of exposed shingle which includes imported rock and demolition hardcore. This introduced material provides a rudimentary coastal protection function. It has been agreed with NRW (following the PAC process) that compensation for the loss of SAC habitat beneath the footprint of the works would therefore involve removal of this rubble within the shingle to enhance the quality of this habitat (see NRW letter dated 3 December 2019 in Appendix B). This shingle restoration area will cover a 2,493 m<sup>2</sup> area of shingle to the east of the defences. The location of the compensation area to the east is shown on Figure K2.

<sup>6</sup> Regulation 64: <http://www.legislation.gov.uk/ukxi/2017/1012/regulation/64/made>

<sup>7</sup> The only priority feature of the Pen Llyn a'r Sarnau SAC is coastal lagoons, specifically Morfa Gwylt lagoon, a small percolation lagoon that consists of a depression in a shingle bar across the mouth of the Afon Dysynni which is located more than 20 km from the Proposed Development site.

<sup>8</sup> Regulation 68: <http://www.legislation.gov.uk/ukxi/2017/1012/regulation/68/made>

In addition, and as also guided by NRW (and described in Section 2.7), any suitable material of marine origin within the footprint of the coastal defence work that needs to be excavated during construction will be reused within the marine zone and not removed from the site. This suitable sediment will include coarser-grained sands and shingle.

Further information regarding the proposed compensation measures and discussions with NRW are provided in **Section 5.1.1** of the main ES.

Table K1. Qualifying interest features and conservation objectives for the Pen Llŷn a'r Sarnau SAC

Pen Llŷn a'r Sarnau SAC	
Area (ha)	146,010.52
General Site Characteristics	Marine areas, Sea inlets (92.6 %) Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins) (5.4 %) Salt marshes, Salt pastures, Salt steppes (1.2 %) Coastal sand dunes, Sand beaches, Machair (0.5 %) Shingle, Sea cliffs, Islets (0.2 %) Bogs, Marshes, Water fringed vegetation, Fens (0.1 %)
Qualifying Interest Features	Annex I habitats that are a primary reason for selection of this site: <ul style="list-style-type: none"> <li>▪ 1110 Sandbanks which are slightly covered by sea water all the time</li> <li>▪ 1130 Estuaries</li> <li>▪ 1150 Coastal lagoons</li> <li>▪ 1160 Large shallow inlets and bays</li> <li>▪ 1170 Reefs</li> </ul> Annex I habitats that are present as a qualifying feature, but not a primary reason for selection of this site: <ul style="list-style-type: none"> <li>▪ 1140 Mudflats and sandflats not covered by seawater at low tide</li> <li>▪ 1310 <i>Salicornia</i> and other annuals colonizing mud and sand</li> <li>▪ 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</li> <li>▪ 8330 Submerged or partially submerged sea caves</li> </ul> Annex II species that are present as a qualifying feature, but not a primary reason for site selection: <ul style="list-style-type: none"> <li>▪ Bottlenose dolphin <i>Tursiops truncatus</i></li> <li>▪ Otter <i>Lutra lutra</i></li> <li>▪ Grey seal <i>Halichoerus grypus</i></li> </ul>
Conservation Objectives	<b>Habitat features</b> <b>Range</b> The overall distribution and extent of the habitat features within the site, and each of their main component parts is stable or increasing. For the <b>reef</b> feature these include: Rocky intertidal reefs: <ul style="list-style-type: none"> <li>▪ Rocky subtidal reefs</li> <li>▪ Extensive boulder and cobble reefs – the Sarnau</li> </ul>

Pen Llŷn a'r Sarnau SAC	
	<ul style="list-style-type: none"> <li>▪ Biogenic reefs (horse mussel <i>Modiolus</i> reef / green crenella <i>Musculus discors</i> reef and Honeycomb worm <i>Sabellaria alveolata</i> reef</li> <li>▪ Carbonate reef formed by methane gas leaking from the seabed.</li> </ul> <p>For the <b>intertidal mudflat and sandflat</b> feature these include:</p> <ul style="list-style-type: none"> <li>▪ <i>Mya arenaria</i> and polychaetes in muddy gravel</li> <li>▪ Eel grass <i>Zostera marina</i> beds</li> <li>▪ Muddy gullies in the Mawddach estuary</li> </ul> <p>For the <b>Salicornia</b> feature this includes:</p> <ul style="list-style-type: none"> <li>▪ Communities characterised by the species <i>Sarcocornia perennis</i></li> </ul> <p>For the <b>intertidal mudflats and sandflats</b> and <b>sandbanks</b> features this requires an overall stability or increase in the amount of the feature, taking into account the areas of long term stability and localised losses and additions arising from environmental processes. For <b>estuaries</b> this includes the stability of sandy sediments in proportion to the muddy sediments.</p> <p><u>Restoration and recovery</u></p> <p>As part of this objective it should be noted that; for the <b>estuaries</b> feature additional land which should form an integral part of the estuarine ecosystem should be restored.</p> <p><b>Structure and function</b></p> <p>The physical biological and chemical structure and functions necessary for the long-term maintenance and quality of the habitat are not degraded. Important elements include: geology; sedimentology; geomorphology; hydrography and meteorology; water and sediment chemistry; and biological interactions.</p> <p>This includes a need for nutrient levels in the water column and sediments to be: at or below existing statutory guideline concentrations; and within ranges that are not potentially detrimental to the long-term maintenance of the features species populations, their abundance and range.</p> <p>Contaminant levels in the water column and sediments derived from human activity to be: at or below existing statutory guideline concentrations; below levels that would potentially result in increase in contaminant concentrations within sediments or biota; and below levels potentially detrimental to the long-term maintenance of the feature species populations, their abundance or range taking into account bioaccumulation and biomagnification.</p> <p>For <b>Atlantic saltmeadows</b> this includes the morphology of the saltmarsh creeks and pans</p>

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	<p><u>Restoration and recovery</u> As part of this objective it should be noted that; for the <b>estuaries</b> feature the structure and functions of the estuaries that have been damaged/degraded by the constraints of artificial structures such as flood banks, are restored.</p> <p><b>Typical species</b> The presence, abundance, condition and diversity of typical species is such that habitat quality is not degraded. Important elements include: species richness; population structure and dynamics; physiological health; reproductive capacity; recruitment; mobility; and range. As part of this objective it should be noted that: populations of typical species subject to existing commercial fisheries need to be at an abundance equal to or greater than that required to achieve maximum sustainable yield and secure in the long term; and the management and control of activities or operations likely to adversely affect the habitat feature is appropriate for maintaining it in favourable condition and is secure in the long term.</p> <p><u>Restoration and recovery</u> As part of this objective it should be noted that; for the <b>reefs</b> feature the potential for expansion of the horse mussel <i>Modiolus</i> community off the north Llŷn coast is not inhibited.</p> <p><b>Species features</b></p> <p><b>Populations</b> The population is maintaining itself on a long-term basis as a viable component of its natural habitat. Important elements include: population size; structure, production; and condition of the species within the site. As part of this objective it should be noted that for <b>bottlenose dolphin</b> and <b>grey seal</b>: contaminant burdens derived from human activity are below levels that may cause physiological damage, or immune or reproductive suppression. For grey seal populations should not be reduced as a consequence of human activity.</p> <p><b>Range</b> The species population within the site is such that the natural range of the population is not being reduced or likely to be reduced for the foreseeable future. As part of this objective it should be noted that for <b>bottlenose dolphin</b> and <b>grey seal</b>: their range within the SAC and adjacent inter-connected areas is not constrained or hindered; there are appropriate and sufficient food resources within the SAC and beyond; and the sites and amount of supporting habitat used by these species are accessible and their extent and quality is stable or increasing.</p>

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	<p><b>Supporting habitats and species</b></p> <p>The presence, abundance, condition and diversity of habitats and species required to support this species is such that the distribution, abundance and populations dynamics of the species within the site and population beyond the site is stable or increasing. Important considerations include: distribution; extent; structure; function and quality of habitat; and prey availability and quality.</p> <p>As part of this objective it should be noted that: the abundance of prey species subject to existing commercial fisheries needs to be equal to or greater than that required to achieve maximum sustainable yield and secure in the long term; the management and control of activities or operations likely to adversely affect the species feature is appropriate for maintaining it in favourable condition and is secure in the long term; contamination of potential prey species should be below concentrations potentially harmful to their physiological health; and disturbance by human activity is below levels that suppress reproductive success, physiological health or long-term behaviour.</p> <p>For <b>otter</b> there are sufficient sources within the SAC and beyond of high quality freshwater for drinking and bathing.</p> <p><u>Restoration and recovery</u></p> <p>As part of this objective it should be noted that for the bottlenose dolphin and otter, populations should be increasing.</p>

Table K2. Potential environmental effects to adjacent European sites

Relevant European Sites	Potential Impacts	Potential Effect	Justification
<b>Habitat features (sandflats)</b>			
Pen Llŷn a'r Sarnau SAC	Physical disturbance of sandflat habitat during construction	No adverse effect on site conservation objectives and integrity expected.	<p>There is the potential for physical disturbance of upper shore intertidal sandflat habitat by heavy machinery working within and immediately adjacent to the development footprint during construction. Construction material will not be delivered by sea during the works and therefore no vessels will access or disturb the intertidal habitats.</p> <p>Potential physical disturbance from the land-based construction plant will be localised to the direct vicinity of the works (within 50 m). These physical disturbance effects will be temporary with recovery of the sandflat habitat expected to occur over a relatively short timescale (days/weeks).</p> <p>The sandflat which will be disturbed in this area lies at the very top of the shore and will have typical species-poor and almost abiotic, macrofaunal community. To illustrate this, benthic sampling work carried out further down the shoreline (on the less tidally exposed middle shore area) show that this tide swept sandflat habitat has only low numbers of species such as the polychaete <i>Nephtys</i> spp. and mobile crustaceans <i>B. pulchella</i> and <i>B. pilosa</i> (see <b>Appendix E</b> of the ES). These species are well adapted to living in a dynamic and disturbed tide swept environment. These disturbance-tolerant species have high recoverability rates and are capable of rapidly recolonising disturbed habitat (Budd, 2005; Tillin, 2016). In and around the development footprint (i.e. on the more tidally exposed upper shore) there will be even lower abundances of disturbance-tolerant species than were recorded in the middle shore area.</p> <p><b>EIA Assessment:</b> The potential impact of physical disturbance to sandflat habitat during construction is assessed as minor. Further details are provided in <b>Section 8.3.1</b> of the ES.</p>

Relevant European Sites	Potential Impacts	Potential Effect	Justification
			<p><b>HRA Information:</b> As there will be no sandflat habitat losses, these temporary effects on sandflat habitats will not constitute a failure of the conservation objectives which require <i>'an overall stability or increase in the amount of the feature'</i>.</p>
Pen Llŷn a'r Sarnau SAC	Direct loss of sandflat habitat under the coastal defences	A potential adverse effect on site conservation objectives and integrity cannot be excluded.	<p>The coastal defences will extend over, and result in the direct loss of, around 0.15 ha (1,542 m<sup>2</sup>) of sandflat habitat beneath the footprint of the rock armour groynes. Of this area around two thirds will underly the introduced rock armour and the remaining one third (some 458 m<sup>2</sup>) will be part of the easternmost sandy beach recharge area (see Figure K2). For the purposes of this assessment the introduced sand recharge is not being treated as 'sandflat habitat' although the sedimentary composition and, to some degree, the ecology will be very similar to the baseline condition.</p> <p>The remainder of the footprint will be outside the SAC boundary or overlying barren shingle and rubble/debris at the top of the shore which is not an interest features of the SAC.</p> <p><b>EIA Assessment:</b> The loss of sandflat habitat is assessed as moderate in advance of any mitigation/compensation measures. With the inclusion of compensation, the effect is assessed as minor. Further details are provided in <b>Sections 8.3.2</b> of the ES.</p> <p><b>HRA Information:</b> This loss of sandflat habitat represents less than 0.005 % of the 3,358 ha of this habitat across the SAC that will be offset through compensatory measures. Although this is a very small change in the context of a large designated site it is recognised that NRW's position to not adopt a de minimis approach. This loss therefore is expected to constitute a failure of the conservation objectives which require <i>'an overall stability or increase in the amount of the feature'</i> and on this basis would be judged as having an adverse effect on the integrity of the European/Ramsar site. If the competent authorities</p>

Relevant European Sites	Potential Impacts	Potential Effect	Justification
			<p>reach this view then this part of the proposed development could only proceed if three key aspects are met:</p> <ul style="list-style-type: none"> <li>▪ There are no alternatives solutions;</li> <li>▪ The project must be carried out for imperative reasons of overriding public interest</li> <li>▪ Appropriate compensation measures are provided</li> </ul> <p>The background to these three topics in an HRA context are also outlined in the Sections K.12 to K.14 of this appendix. These sections then refer to the section of the ES which review them in greater detail.</p>
<p>Pen Llŷn a'r Sarnau SAC</p>	<p>Physical disturbance of sandflat habitat during operational phase maintenance work</p>	<p>No adverse effect on site conservation objectives and integrity expected.</p>	<p>During the operational phase of the work, there is also potential for physical disturbance of upper shore intertidal sandflat habitat by heavy machinery working within and immediately adjacent to the development footprint. The coastal defences will be monitored and maintained over their service life on an annual basis to fulfil the design concept of continual adaptability. Management activities will include maintenance raking, cleaning and response (rebuilding) as required after major storms. This may involve landside plant to replenish and if needed re-shape the beach or adjust the rock armouring. As with the disturbance from the land-based plant during construction these effects will be localised to the direct vicinity of the works (within 50 m) and will be temporary. Recovery of the sandflat habitat expected to occur over a relatively short timescale (days/weeks).</p> <p><b>EIA Assessment:</b> The potential impact of physical disturbance to sandflat habitat during maintenance work is assessed as minor. Further details are provided in <b>Sections 8.3.4</b> of the ES.</p> <p><b>HRA Information:</b> As there will be no sandflat habitat losses, these temporary effects on sandflat habitats will not constitute a failure of the conservation objectives which require <i>'an overall stability or increase in the amount of the feature'</i>.</p>

Relevant European Sites	Potential Impacts	Potential Effect	Justification
<b>Habitat features (large shallow inlets and bays and reefs)</b>			
Pen Llŷn a'r Sarnau SAC	Changes to habitats as a result of changes in hydromorphology and sediment transport (including releases of recharge sediment from the defences during the operational phase)	No adverse effect on site conservation objectives and integrity expected.	<p>The changes to hydrodynamic and sediment transport processes as a result of the proposed coastal defences are considered to be negligible and confined to the immediate environs of the defences (within 50 m). This is because of the high elevation of the proposed coastal defences in the tidal frame and the fact that the breakwater structures will only be inundated on some tides and for limited periods (over high water). Therefore, any changes in coastal processes are limited and can only occur during these short immersion periods. Furthermore, any losses of material from beach nourishment are expected to be undetectable against natural fluctuations in the area. The habitats and species on the foreshore, including <i>Sabellaria alveolata</i> reef, are considered to have a low sensitivity to changes in concentrations of suspended sediment or smothering (Ashley, 2016; Tillin, 2016; Jackson, 2008; Budd and Hughes, 2005; Tyler-Walters, 2008). Overall, the potential changes to habitats as a result of changes in hydromorphology and sediment transport is considered to be negligible.</p> <p><b>EIA Assessment:</b> The potential impact to large shallow inlets and bays and reefs is assessed as negligible. Further details are provided in <b>Sections 6.3.1</b> and <b>8.3.3</b> of the ES.</p> <p><b>HRA Information:</b> No significant loss of sandflat habitat or adverse effects on other SAC habitats are anticipated from the indirect physical changes and any negligible changes in the immediate locality of the defences (within 50 m) would not constitute a failure of the conservation objectives which require '<i>an overall stability or increase in the amount of the feature</i>'.</p>

Relevant European Sites	Potential Impacts	Potential Effect	Justification
<b>Marine mammal features (otter)</b>			
Pen Llŷn a'r Sarnau SAC	Habitat loss and disturbance of otters during construction work (including potential for sediment run-off and contamination of watercourses used by this species)	No adverse effect on site conservation objectives and integrity expected assuming suggested mitigation is implemented.	<p>Some existing otter 'resting' or 'lying up' sites will be lost or disturbed as a result of the construction of the Proposed Development (i.e. from the park expansion around the WC1 watercourse rather than the coastal defences). These are not used regularly by otters and there are no signs that they are used by female otters for breeding/rearing cubs. Furthermore, otters typically have approximately 30 resting sites within their home range and therefore the potential impact of the loss and disturbance of these sites is considered to be minor.</p> <p>Pollution prevention control guidelines, sensitive working measures and no works buffer zones will be applied during construction as outlined within a Construction Environment Management Plan (CEMP). In addition, the loss of resting site features during the construction phase will be mitigated through the provision of two artificial pipe and chamber holts at a suitable location within the bank of WC1 watercourse.</p> <p><b>EIA Assessment:</b> With the adoption of the proposed mitigation measures no significant adverse impact to otters is expected during the construction phase of the work. Further details are provided in <b>Sections 9.4.5</b> and <b>9.5.10</b> of the ES.</p> <p><b>HRA Information:</b> Irrespective of the proposed mitigation measures there will be no failure of the conservation objectives which require that for otter '<i>there are sufficient sources within the SAC and beyond of high quality freshwater for drinking and bathing</i>'.</p>
Pen Llŷn a'r Sarnau SAC	Disturbance to otter during operational phases of the development, including	No adverse effect on site conservation objectives and integrity expected assuming suggested	As part of the assessment process consideration was given to whether the operational phase of the Proposed Development could hinder otter movements along watercourse WC1. This could take the form of otters either avoiding the watercourse or being involved in road traffic accidents as they are forced to leave the channel during periods of high

Relevant European Sites	Potential Impacts	Potential Effect	Justification
	modifications to dispersal routes	mitigation is implemented.	<p>flow and cross over access roads with increased traffic volumes (albeit low numbers of vehicles travelling at relatively slow speeds). Additionally, there will be increased levels of direct human disturbance due to the proximity of new static caravans which may further deter use of this watercourse by otters both for commuting and resting. Given that watercourse WC1 links the coast to potential breeding habitat to the north of the site, this impact is considered to be moderate in the absence of mitigation.</p> <p>It is proposed that bridges (rather than culverts) will be constructed for the road and pedestrian crossings over the watercourse. This will ensure that an open and continuous watercourse channel is provided to ensure that the movement of otters can be maintained underneath and allow them to remain in the watercourse during high flows.</p> <p>The existing habitat corridor between the various parcels of the Proposed Development provides a wildlife dispersal function for otters. A strip of dense vegetation along the bank top of WC1 will also be maintained to help ensure that the stream corridor is protected from direct human disturbance. The implementation of these mitigation measures will reduce the overall impact to minor.</p> <p>The proposed coastal defences have been deliberately designed to avoid causing an obstruction at the exit of watercourse WC1 and therefore they will not interrupt or disturb movements of otters or their access to marine (fish or mollusc) prey species.</p> <p><b>EIA Assessment:</b> By adopting the proposed design measure, there will be no impact on the corridor function of the watercourse. Further details are provided in <b>Sections 9.4.6</b> and <b>9.5.11</b> of the ES.</p>

Relevant European Sites	Potential Impacts	Potential Effect	Justification
			<b>HRA Information:</b> Irrespective of the proposed mitigation measures there will be no failure of the conservation objectives which require that for otter ' <i>there are sufficient sources within the SAC and beyond of high quality freshwater for drinking and bathing</i> '.
<b>Marine mammal features (bottlenose dolphin and grey seal)</b>			
Pen Llŷn a'r Sarnau SAC	Habitat loss and disturbance of bottlenose dolphin and grey seal during construction	No adverse effect on site conservation objectives and integrity expected.	<p>The coastal defences will be installed using land-based vehicles during periods when the upper shore is not tidally inundated. No significant changes in underwater noise or vibration levels will, therefore, arise from construction activities. Furthermore, the coastal defences will be high up on the foreshore and the existing habitats that overlap with the works are not functionally important for marine mammal species.</p> <p><b>EIA Assessment:</b> Not screened into the assessment and therefore not considered.</p> <p><b>HRA Information:</b> No likely significant effect (LSE) on bottlenose dolphin or grey seal expected.</p>
* Following advice from NRW, the direct loss of habitat under the footprint of the coastal defences are those areas that lie on intertidal sandflat habitat. As such, the assessment of direct loss of habitat focusses on the effects on this sandflat interest feature specifically.			

## K.15 References

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## Contact Us

ABPmer

Quayside Suite,  
Medina Chambers  
Town Quay, Southampton  
SO14 2AQ

T +44 (0) 23 8071 1840

F +44 (0) 23 8071 1841

E [enquiries@abpmer.co.uk](mailto:enquiries@abpmer.co.uk)

[www.abpmer.co.uk](http://www.abpmer.co.uk)

