Cyfoeth Naturiol Cymru
Natural Resources Wales

Form

Record of a Habitats Regulations Assessment of a project

OGN 200 Form 1

Document owner: Protected Sites Team, EPP

Version History:

Document Version	Date Published	Summary of Changes
1.0	March 2016	Document created
1.1	30 November 2017	References to the 2010 Habitats Regulations updated to reflect new consolidated version of the regulations which entered into force on 30th November 2017; References to KSP and National Services Directorates updated to EPP
1.2	28 June 2018	With marked up changes in light of ruling in CJEU case c-323/17 'People over Wind'.
1.3	27 June 2019	With marked up changes in light of ruling in CJEU case c-323/17 'People over Wind'. See Guidance here

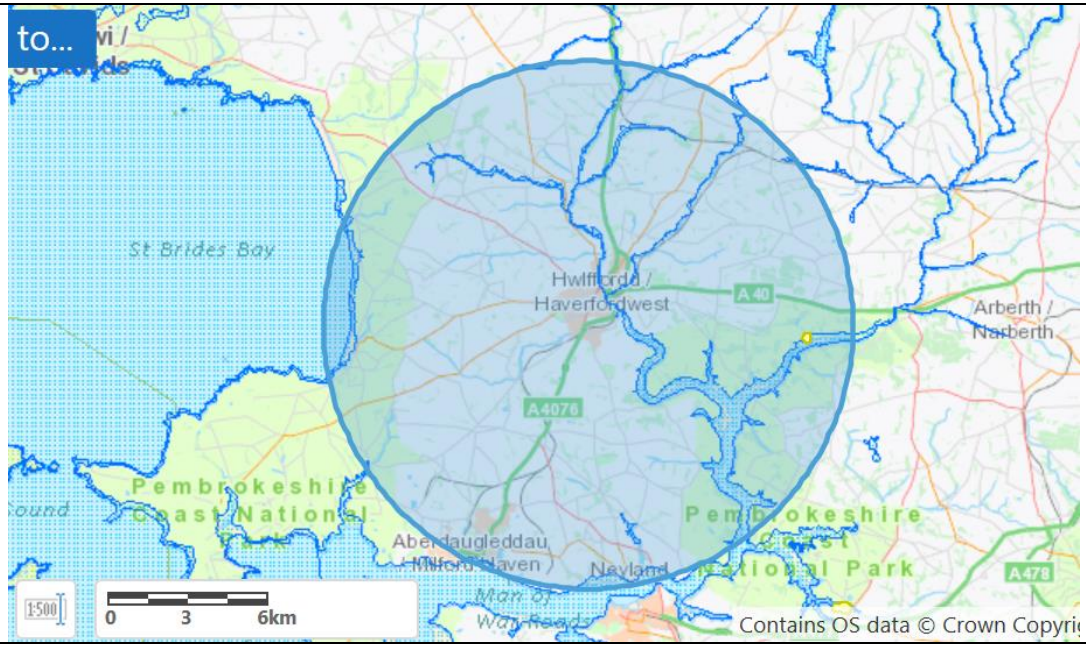
Next review date: April 2019

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)	PAN-010479
Date application received	***21 May 2020***
Applicant details	***First Milk Cheese Company Limited***
Activity proposed	This is a variation application to an existing installation permit. The First Milk Cheese Company Limited propose to install a Combined Heat and Power (CHP) combustion unit at their existing Haverfordwest Creamery site, the site is already permitted under EPR permit number EPR/XP3830UR. The variation is to add a natural gas fuelled 2.7 MW thermal input CHP unit which will provide heat and power to the other processes on site and enable the creamery to reduce their use of external supplied power. The CHP is classed as a new Medium Combustion Plant (MCP) and an excluded Specified Generator as it is part of an installation as defined in Chapter II of the Industrial Emissions Directive. As a natural gas engine, the primary emissions from the CHP unit are emissions to air of oxides of nitrogen (NOx) and carbon monoxide (CO). The applicant has completed an air emissions risk assessment based on the recognised H1 methodology. In line with current NRW guidance the applicant has completed H1 tool air emissions risk assessment and provided detailed air dispersion modelling for any parameters that did not screen out as insignificant. CO emissions screened out as insignificant through the use of the H1 tool, the applicant has submitted the H1 tool which has been checked by us and we confirm we agree with their conclusion. There are no environmental standards for protected conservation areas for CO therefore it will not be discussed in this HRA and NOx emissions will be discussed only. Detailed air dispersion modelling has been completed for the NOx emissions as they did not screen

	out as insignificant in the H1 tool initial screening tests. The detailed air dispersion modelling has been completed at full operational hours (8760 hours per year) and the maximum permitted emission limit value, this provides a conservative approach. There are no changes of emissions to water or ground as part of this variation application.
Relevant legislation	***Environmental Permitting (England and Wales) Regulations 2016 (as amended):*** ***Schedule 25A – Medium Combustion Plant***
Location	Haverfordwest Creamery, Pembroke Road, Merlins Bridge, Haverfordwest, Pembrokeshire, SA61 1JN NGR: 194885, 214495  10 km buffer around the point of the air emissions stack:

	
Application documents	***Application documents on DMS***
Environmental Statement	***N/A***
Pre-application correspondence	***N/A***
NRW team responsible for drafting this HRA report, and name of lead officer	***Rebecca Williams*** ***Permitting Officer 2, Installations & RSR Permitting Team***

2. Determining the need for a Habitats Regulations Assessment

2.1 Is the whole of the project directly connected with or necessary to the management of one or more Natura 2000 sites, for the purposes of conserving the habitats or species for which the Natura 2000 site(s) is/are designated?	**NO**
2.2 Is there a possibility that the project could affect a different Natura 2000 site to the one(s) the project is intended to conserve?	**N/A**
2.3 Is it necessary to carry out an HRA?	**YES**

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

3.1 Renewal of a permission on the same or more restrictive terms as the extant permission

Is this project a renewal of a current permission which complies with NRW approved criteria for ruling out significant effects of renewals (see section 6.2A of OGN 200) without conducting a project-specific LSE test?	**NO**

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: ***SAC Pembrokeshire Marine / Sir Benfro Forol UK0013116*** ***SAC West Wales Marine / Gorllewin Cymru Forol UK0030397*** ***SAC Afonydd Cleddau / Cleddau Rivers UK0030074*** ***SAC Pembrokeshire Bat Sites and Bosherston Lakes / Safleoedd Ystlum Sir Benfro a Llynnoedd Bosherston UK0014793*** **There are no SPA or Ramsar sites located with 10 km of the installation.** 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

Colour coding should be used in the 'impact pathway' column II as follows:

There is no impact pathway from the proposal to the designated feature
There is an impact pathway in principle, but significant effects from the proposal when considered alone can be ruled out
There is an impact pathway and significant effects cannot be ruled out

	Assessment of likelihood of significant effect		
	I **Relevant conservation objectives**	**II** **Potential impact pathway**	~~**III**~~ ~~**Avoidance measure**~~
SAC Pembrokeshire Marine / Sir Benfro Forol UK0013116			
SAC Designated feature 1: Sandbanks which are slightly	All conservation objectives are contained within the following	Toxic Contamination A long-term critical level of 30 µg/m^3 NOx	

covered by seawater all the time *1.13 Submerged marine habitats*	document: Pembrokeshire Marine / Sir Benfro Forol Special Area of Conservation Advice provided by Natural Resources Wales in fulfilment of Regulation 37 of the Conservation of Habitats and Species Regulations 2017 March 2018	(annual) and short-term critical level of 75 µg/m^3 NOx (daily) have been assumed for SAC Pembrokeshire Marine. The maximum long-term process contribution (PC) is <1 % of the long-term critical level therefore long-term impact from NOx emissions can be considered insignificant. The maximum short-term PC is <10 % of the short-term critical level, therefore the short-term impact from NOx emissions can be considered insignificant. Nutrient Enrichment The minimum nutrient nitrogen critical load value of 10 kgN/ha/yr has been assumed for SAC Pembrokeshire Marine. The maximum nitrogen deposition process contribution is <1 % of the lower critical load value, therefore the impacts from nutrient nitrogen deposition can be considered insignificant. Changes in salinity regime Changes in thermal regime Turbidity Siltation No impact pathway as there are no emissions to surface water as part of this variation application. Physical damage No impact pathway as installation is approximately 1 km away from the SAC.	
SAC Designated feature 2: Estuaries *1.12 Estuarine & intertidal habitats*		Toxic Contamination Nutrient Enrichment See above for impacts	
SAC Designated feature 3: Mudflats and sandflats not covered by seawater at low tide *1.12 Estuarine & intertidal habitats*		Changes in salinity regime Changes in thermal regime Turbidity Siltation No impact pathway, see above Physical damage Habitat Loss No impact pathway as installation is	

		approximately 1 km from the SAC Pembrokeshire Marine. Smothering See above for impacts of nutrient enrichment. This feature is not sensitive to acidification. Particulate matter is not an emission of concern for combustion of natural gas.	
SAC Designated feature 4: Coastal lagoons *1.11 Coastal habitats (sensitive to abstraction)*		Toxic Contamination Nutrient Enrichment Smothering See above for impacts Turbidity Siltation Changes in salinity regime Physical damage Habitat Loss No impact pathway, see above	
SAC Designated feature 5: Large shallow inlets and bays *1.12 Estuarine & intertidal habitats*		See above SAC designated features 2 & 3	
SAC Designated feature 6: Reefs *1.13 Submerged marine habitats*		See above SAC designated feature 1	
SAC Designated feature 7: Submerged or partially submerged sea caves *1.13 Submerged marine habitats*			
SAC Designated feature 8: Atlantic salt meadows *1.12 Estuarine & intertidal habitats*		See above SAC designated features 2 & 3	
SAC Designated feature 9: Grey seal *Halichoerus grypus* *2.12 Marine mammals*		Toxic contamination See above for impacts Changes in salinity regime Changes in thermal regime Physical damage Turbidity No impact pathway, see above Disturbance (Noise) No impact pathway as installation site is	

		approximately 1 km from the SAC Pembrokeshire Marine. In addition, noise is not likely to be a concern for this activity.	
SAC Designated feature 10: Otter *Lutra lutra* *2.9 Mammals of riverine habitats*		Toxic contamination Nutrient enrichment See above for impacts Acidification The SAC Pembrokeshire Marine features are either not sensitive to acidification or there are no acid deposition critical loads present on APIS to allow for this assessment. Changes in salinity regime Changes in thermal regime Habitat Loss Physical damage No impact pathway, see above Entrapment No impact pathway as there are no water abstraction activities as part of this variation application Disturbance (Noise) No impact pathway, see above	
SAC Designated feature 11: Alis shad *Alosa alosa* *2.5 Anadromous fish*		Toxic contamination Nutrient enrichment Acidification See above for impacts Changes in salinity regime Changes in thermal regime Habitat Loss Physical damage Turbidity Siltation Entrapment No impact pathway, see above	
SAC Designated feature 12: Twaite shad *Alosa fallax* *2.5 Anadromous fish*			
SAC Designated feature 13: River lamprey *Lampetra fluviatilis* *2.5 Anadromous fish*			
SAC Designated feature 14: Sea lamprey *Petromyzon marinus* *2.5 Anadromous fish*			
SAC Designated feature 15: Shore dock *Rumex rupestris* *2.11 Coastal plants*		Toxic contamination Nutrient enrichment Smothering	

		See above for impacts Changes in salinity regime Habitat Loss Physical damage No impact pathway, see above	
SAC West Wales Marine / Gorllewin Cymru Forol UK0030397			
SAC Designated feature 1: Harbour porpoise *Phocoena phocoena* *2.12 Marine mammals*	All conservation objectives are contained within the following document: Special Area of Conservation: West Wales Marine / Gorllewin Cymru Forol Conservation Objective and Advice on Operations March 2019	Toxic contamination A long-term critical level of 30 µg/m^3 NOx (annual) and short-term critical level of 75 µg/m^3 NOx (daily) have been assumed for SAC West Wales Marine. The maximum long-term process contribution (PC) is <1 % of the long-term critical level therefore long-term impact from NOx emissions can be considered insignificant. The maximum short-term PC is <10 % of the short-term critical level, therefore the short-term impact from NOx emissions can be considered insignificant. Changes in salinity regime Changes in thermal regime Turbidity No impact pathway as there are no emissions to surface water as part of this variation application. Physical damage No impact pathway as installation is over 8 km from the SAC West Wales Marine. Disturbance (Noise) No impact pathway as installation is approximately 8 km from the SAC West Wales Marine. In addition, noise is not like to be a concern for this activity.	
SAC Afonydd Cleddau / Cleddau Rivers UK0030074			
SAC Designated feature 1: Brook lamprey *Lampetra planeri* *2.6 Non-migratory fish & invertebrates of rivers*	All conservation objectives are contained within the following document: Core Management Plan Including Conservation Objectives for	Toxic contamination A long-term critical level of 30 µg/m^3 NOx (annual) and short-term critical level of 75 µg/m^3 NOx (daily) have been assumed for SAC Afonydd Cleddau. The maximum long-term process contribution (PC) is <1 % of the long-	

	Afonydd Cleddau / Cleddau Rivers SAC (Special Area of Conservation) Version 2 September 2017	term critical level therefore long-term impact from NOx emissions can be considered insignificant. The maximum short-term PC is <10 % of the short-term critical level, therefore the short-term impact from NOx emissions can be considered insignificant. Nutrient enrichment The minimum nutrient nitrogen critical load value of 5 kgN/ha/yr (active raised bogs) has been assumed for SAC Afonydd Cleddau. The maximum nitrogen deposition process contribution is <1 % of the lower critical load value, therefore the impacts from nutrient nitrogen deposition can be considered insignificant. Acidification The acid deposition critical load values of 0.321 kEq/ha/yr (Min N), 0.596 kEq/ha/yr (Max N) and 0.275 kEq/ha/yr (Max S) have been assumed for SAC Afonydd Cleddau. The maximum total acid deposition process contribution is <1% of the critical load function. Therefore, acid deposition impacts can be considered insignificant. Smothering See above for impacts from nutrient enrichment and acidification. Particulate matter is not an emission of concern for combustion of natural gas. Changes in salinity regime Changes in thermal regime Turbidity Siltation No impact pathway as there are no emission to surface water as part of this variation application. Habitat loss Physical damage No impact pathway as installation is over 1 km from the SAC Afonydd Cleddau.	

		Entrapment No impact pathway as there are no water abstraction activities as part of this variation application.	
SAC Designated feature 2: River lamprey *Lampetra fluviatillis* *2.5 Anadromous fish*		Toxic contamination Nutrient enrichment Acidification See above for impacts Changes in salinity regime Changes in thermal regime Habitat loss Physical damage Turbidity Siltation Entrapment No impact pathway, see above	
SAC Designated feature 3: Bullhead *Cottus gobio* *2.6 Non-migratory fish & invertebrates of rivers*		See above, SAC designated feature 1	
SAC Designated feature 4: European otter: *Lutra lutra* *2.9 Mammals of riverine habitats*		Toxic contamination Nutrient enrichment Acidification See above for impacts Changes in salinity regime Changes in thermal regime Habitat loss Physical damage Entrapment No impact pathway, see above Disturbance (Noise) No impact pathway as installation is over 1 km from the SAC Afonydd Cleddua and noise is not likely to be a concern for this activity.	
SAC Designated feature 5: Sea lamprey *Petromyzon marinus* *2.5 Anadromous fish*		See above, SAC designated feature 2	
SAC Designated feature 6: Alluvial forests with *Alnus glutinosa and*		Toxic contamination Nutrient enrichment	

Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) *1.1 Fens & wet habitats*		See above for impacts Changes in salinity regime Changes in thermal regime Habitat loss Physical damage Smothering Turbidity Siltation No impact pathway, see above	
SAC Designated feature 7: Water courses of plain to montane levels with the *Rancunculion fluitantis and Callitricho-Batrachion vegetation* *1.3 Riverine habitats & running waters*		Toxic contamination Nutrient enrichment Acidification See above for impacts Changes in salinity regime Changes in thermal regime Habitat loss Physical damage Turbidity Siltation No impact pathway, see above	
SAC Designated feature 8: Active raised bogs *1.2 Bogs & wet habitats*		Toxic contamination Nutrient enrichment Acidification Smothering See above for impacts Changes in thermal regime Habitat loss Physical damage No impact pathway, see above	
SAC Pembrokeshire Bat Sites and Bosherston Lakes / Safleoedd Ystlum Sir Benfro a Llynnoedd Bosherston UK0014793			
SAC Designated feature 1: Hard oligo-mesotrophic waters with benthic vegetation of Chara spp./Calcium-rich nutrient-poor lakes, lochs and pools *1.5 Standing waters (not sensitive to acidification)*	All conservation objectives are contained within the following document: Core Management Plan Including Conservation Objectives for Pembrokeshire Bat Sites and Bosherston Lakes SAC (Special Area of	Toxic contamination A long-term critical level of 30 µg/m^3 NOx (annual) and short-term critical level of 75 µg/m^3 NOx (daily) have been assumed for SAC Pembrokeshire Bat Sites and Bosherston Lakes. The maximum long-term process contribution (PC) is <1 % of the long-term critical level therefore long-term impact from NOx emissions can be considered insignificant. The maximum short-term PC is <10 % of the short-term critical	

	Conservation) Version 10 Date 10 April 2008	level, therefore the short-term impact from NOx emissions can be considered insignificant. Nutrient enrichment The minimum nutrient nitrogen critical load value of 10 kgN/ha/yr (Lesser and Greater Horseshoe Bat) has been assumed for SAC Pembrokeshire Bat Sites and Bosherston Lakes. The maximum nitrogen deposition process contribution is <1 % of the lower critical load value, therefore the impacts from nutrient nitrogen deposition can be considered insignificant. Changes in salinity regime Changes in thermal regime Turbidity Siltation No impact pathway as there are no emission to surface water as part of this variation application. Habitat loss Physical damage No impact pathway as installation is over 5 km from the SAC Pembrokeshire Bat Sites and Bosherston Lakes.	
SAC Designated feature 2: 1304 Greater horseshoe bat *Rhinolophus ferrumequinum* *2.8 Mammals of wooded habitats*		Toxic contamination Nutrient enrichment See above for impacts	
SAC Designated feature 3: 1303 Lesser horseshoe bat *Rhinolophus hipposideros* *2.8 Mammals of wooded habitats*		Acidification The acid deposition critical load values of 0.142 kEq/ha/yr (Min N), 1.697 kEq/ha/yr (Max N) and 1.55 kEq/ha/yr (Max S) have been assumed for SAC Pembrokeshire Bat Sites and Bosherston Lakes. The maximum total acid deposition process contribution is <1% of the critical load function. Therefore, acid deposition impacts can be considered insignificant. Smothering See above for impacts from nutrient enrichment	

		and acidification. Particulate matter is not an emission of concern for combustion of natural gas. Habitat loss Physical damage No impact pathway, see above Disturbance (Noise) No impact pathway as installation is over 5 km from the SAC Pembrokeshire Bat Sites and Bosherston Lakes and noise is not likely to be a concern for this activity.	
SAC Designated feature 4: 1355 Otter *Lutra lutra* *2.9 Mammals of riverine habitats*		Toxic contamination Nutrient enrichment Acidification See above for impacts Changes in salinity regime Changes in thermal regime Habitat loss Physical damage No impact pathway, see above Entrapment No impact pathway as there are no water abstraction activities as part of this variation application. Disturbance (Noise) No impact pathway, see above	

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?**
Toxic contamination Nutrient Enrichment Acidification Smothering	SAC Pembrokeshire Marine	A 10 km radius centred on the closest point of the Natura 2000 site to the installation was completed using MyMap for permitting. A total of 70 permit application points were found. Only permit applications after 2017 have been assessed as those prior to 2017 can be expected to be present in the background used within the air dispersion modelling. Post-2017 permit application points from waste operations and installations total is 12, of which 1 is an installation. Upon further assessment that 1 application point is an active IPCC installation therefore not relevant to this in-combination assessment. There are 6 active IPCC installation sites within the 10 km radius. As they are all active sites they are not required to be	None	NO

		assessed as part of this in-combination assessment.		
Toxic contamination	SAC West Wales Marine	A 10 km radius centred on the closest point of the Natura 2000 site to the installation was completed using MyMap for permitting. A total of 61 permit application points were found. Only permit applications after 2017 have been assessed as those prior to 2017 can be expected to be present in the background used within the air dispersion modelling. Post-2017 permit application points total is 34, of which 1 is an installation. Upon further assessment that 1 application point is an active IPCC installation therefore not relevant to this in-combination assessment. There are 4 active IPCC installation sites within the 10 km radius. As they are all active sites they are not required to be assessed as part of this in-combination assessment.	None	NO
Toxic contamination Nutrient Enrichment Acidification Smothering	SAC Afonydd Cleddau	The in-combination assessment completed for SAC Pembrokeshire Marine can be used for SAC Afonydd Cleddau as the closest point of both SACs to the installation is the same.	None	NO
Toxic contamination Nutrient Enrichment Acidification Smothering	SAC Pembrokeshire Bat Sites & Bosherston Lakes	A 10 km radius centred on the closest point of the Natura 2000 site to the installation was completed using MyMap for permitting. There is only one of the SAC Bat sites within 10 km (Slebech Park). A total of 64	None	NO

		permit application points were found. Only permit applications after 2017 have been assessed as those prior to 2017 can be expected to be present in the background used within the air dispersion modelling. Post-2017 permit application points total is 47, of which 3 are installations. Upon further assessment all 3 application points are operational IPCC installations therefore not relevant to this in-combination assessment. There are a further 2 active IPCC installation sites within the 10 km radius. As they are active sites they are not required to be assessed as part of this in-combination assessment.		
(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, and 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 not 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 cannot 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** • **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: RA Williams

Name: Rebecca Williams

Position: Permitting Officer, Installations & RSR

Date: 28/05/2020

7. Consultation with protected sites advisor(s) and how sections 2, 3, 4 and 5 of this HRA report (as applicable) take into account that advice.

Relevant section of the HRA report	Date(s) of correspondence* and any meeting(s) with protected sites advisor(s)	Description of how the comments from protected sites advisors have been taken into account
2		
3		
4		
5		

8. Conservation Technical Specialist's comments

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: