

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 30 th 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

Notes on completing this form

- *This form should be used for recording all project-level HRAs carried out NRW. It should be read in conjunction with section 6 or 7 (as applicable) of OGN 200.*
- *All text in blue italic (this colour) throughout this form, including these notes, is guidance on completing the form, and should be deleted when using the form to record an actual HRA. All other text in this template, where relevant to the individual case concerned, should be included in the record of an HRA.*
- *The term 'project' covers both operations which are the subject of an application for any kind of permission, and proposed operations to be undertaken by NRW. It also includes statutory orders issued by NRW.*
- *In this form, the term 'Natura 2000 site' covers SACs, SPAs and, as a matter of Welsh and UK Government policy, Ramsar sites. It also includes proposals for any such sites, or for extensions to existing sites, from the start of a formal public consultation on the proposal agreed to by WG or UK Government.*
- *Not all sections of this form will need to be completed in every case. Only relevant sections should be completed and irrelevant sections can be deleted. There are guidance notes on this throughout the form.*
- *If necessary you can insert additional rows in any of the Tables. If any separate documents are to form part of the record of this HRA, they should be clearly referenced at the relevant point(s) in this form.*
- *There are different stages at which the HRA can be considered to have been completed and can be 'signed off'. In all cases responsibility for signing off the HRA is at the same grade/level as responsibility for approving the project/permission itself. Sections 6 and 7 (whichever applies) of OGN 200 contain further guidance on the circumstances when signing off an HRA should be escalated.*

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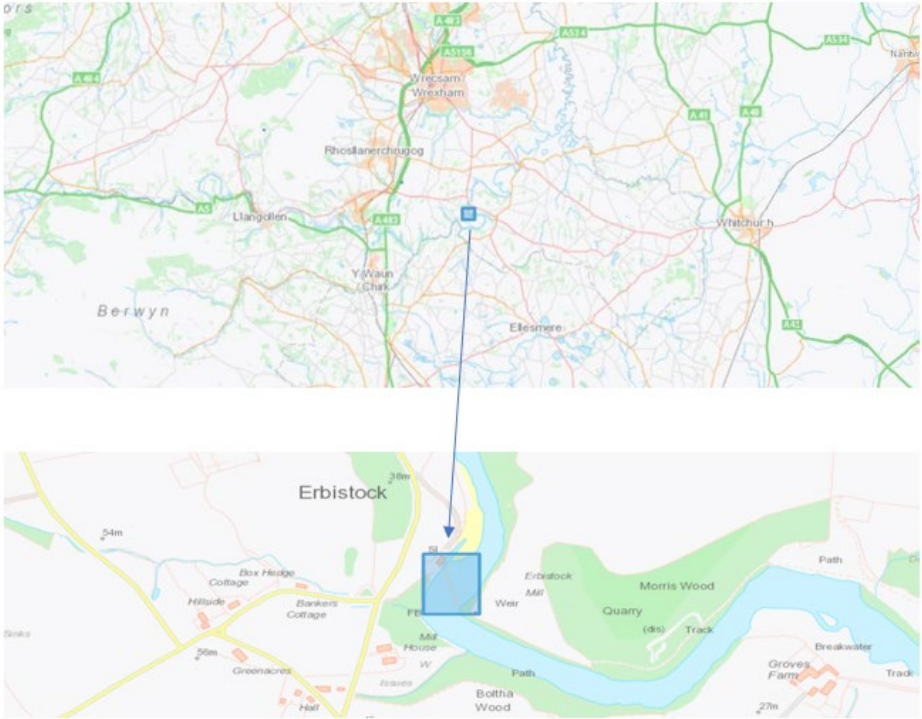
1. Project Details

1(b): Project details where NRW is the project proponent/instigator	
NRW Project reference	Restoration of freshwater features in River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC (LIFE Dee River) LIFE18 NAT/UK/000743
Activity proposed	Partial removal of a 40m section of the Erbistock weir to allow better fish passage and improved ecological connectivity. The work will improve fish passage at the weir to open up upstream habitats to a wider range of fish species. This is also likely to result in the establishment of additional spawning habitats, and the provision of access for fish species to further spawning habitats, upstream of the weir. 



Erbistock weir is believed to be the upper limit for sea lamprey and a partial barrier to many fish species including salmon. Currently the bulk fish pass is in a very bad condition and if it continues to deteriorate it could become impassable.

It is proposed to remove a 40m section of the weir to riverbed level, leaving a small section of wall on the right bank

	and a larger section on the left bank. The owners of the weir and mill are requesting that these sections are repaired and left in place as the structure has a historic value. Removing a 40m section will return the river to its original width, matching the surrounding river in this area.
Statutory basis	Environmental Permitting (England and Wales) Regulations 2010
Location	The site is situated on the River Dee in north-east Wales, approximately 700m north of Erbistock on the east side of a road running south off the A528 from Overton Bridge. The weir is centred on NGR SJ 35446 42164. 
NRW team responsible for carrying out the project, and name of	LIFE Dee River Project Team leader: Joel Rees-Jones

lead officer	
NRW team responsible for drafting this HRA report, and name of lead officer	LIFE Dee River Project Lead officer: Gethin Morris
Project documents	Please note that a Generic Plan level HRA for in-channel works has been approved by NRW's Strategic Assessment Team. This Plan HRA will serve as an 'umbrella' HRA to this Project HRA. The HRA can be located here:  Plan HRA - in-channel works.pdf - Generic method statement for in-channel works and associated ground work:  Generic In-River Method Statement.pdf - Specific Method Statement for the works: Provided with application. - Justification for a partial removal of the Erbistock weir is set out in the project application document: LIFE Nature and Biodiversity project application - LIFE18 NAT/UK/000743:  LIFE Dee River Bid.pdf - AECOM report - collating pre-construction information including on ecology, geomorphology, hydrology, heritage, topographic survey, utilities and contaminated land to assess the preferred option, determine a recommended option and produce conceptual designs.

	 AECOM Outline Design Report.pdf <i>Note on p. 46, “The Scheme is located within the River Dee and Bala Lake SAC, which is designated for aquatic habitats and species, and is also designated as a SSSI. It is not considered that there will be any adverse impacts on the SAC/SSSI; however, the relevant statutory bodies should be consulted to undertake Habitats Regulations Assessment screening, to determine whether the Scheme requires Appropriate Assessment”.</i> - Preliminary Ecological Appraisal  AECOM - Preliminary Ecological Appraisal.p LIFE River Dee - Weir Fish Pass Detailed Design Erbistock Weir Appendix B.d - Sediment Sampling note detailing risk on downstream habitats  60627686_Erbistock_ Appendix_B_d_ 2022-
Environmental Statement	N/A

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?	Yes
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?	No It should be noted that Dee Estuary / Aber Dyfrdwy SAC UK0030131 is 57.2km downstream of the project site. UK0030131 has not been included as the project will not impact on the features of SAC UK0030131. The only conceivable impacts are on Annex II species 1095 (Sea Lamprey) and 1099 (River lamprey) once they've migrated into the Afon Dyfrdwy to spawn. However, these are also features of the Afon Dyfrdwy a Llyn Tegid SAC and are included within this assessment.
2.3 Is it necessary to carry out an HRA?	Yes. There is a conceivable negative impact on some features of the Afon Dyfrdwy a Llyn Tegid SAC which is why this HRA has been prepared, despite Q2.1 being for the benefit of the N2K site.

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
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3.2 Likelihood of significant effects (LSE) test

Unless it has been established that the project does not need HRA (section 2) or that it is a renewal of a current permission for which LSE can be ruled out (section 3.1), the relevant protected sites advisor should always be consulted, and their advice taken into account, in completing sections 3.2.1 and 3.2.2 below. Their written advice (Form 2) should be appended to this form, and section 7 of this form completed.

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: River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid UK0030252
3.2.2 Screening assessment <i>The screening assessment should indicate the possible pathways through which the project may impact upon relevant Natura 2000 site features. Each designated feature (taken from the official Natural 2000 designation documents) should be recorded in the left hand column below. If more than one Natura 2000 site is identified from section 3.2.1, deal with each Natura 2000 site separately.</i> <i>The assessment should be made in view of the conservation objectives for the Natura 2000 site(s) concerned, as set out in either the current NRW Core Management Plan for a terrestrial Natura 2000 site, or in NRW's extant advice issued under Regulation 35 (or 37) of the Conservation of Habitats and Species Regulations 2010 (or 2017) for a marine Natura 2000 site.</i> <i>Colour coding should be used in the 'impact pathway' column II as follows:</i> <i>There is no impact pathway from the proposal to the designated feature</i> <i>There is an impact pathway in principle, but significant effects from the proposal when considered alone can be ruled out</i> <i>There is an impact pathway and significant effects cannot be ruled out</i>	

	Assessment of likelihood of significant effect		
	I Relevant conservation objectives	II Potential impact pathway	<i>In light of the ruling of the CJEU in case C-323/17 'People over Wind', avoidance measures should not be considered at this stage of HRA, so this column is left blank.</i>
River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid			
'Water course' <i>(Conservation objective relates to all River Dee SAC features)</i>	- The ecological status of the water environment should be sufficient to maintain a stable or increasing population of each feature. This will include elements of water quantity and quality, physical habitat and community composition and structure (it is anticipated that these limits will concur with the relevant standards used by the Review of Consents process). - There will be no deterioration in water quality other than that temporarily generated by natural variations in water flow or by man-made variations occurring as a result of operating the River Dee flow control regime within its normal operating parameters. - The Dee flow regime should remain within 10% of 'recent actual flow' as described by Bethune (2006). - The river planform and profile should be predominantly unmodified. Physical modifications having an adverse effect on the integrity of the SAC will be avoided.	Weir removal activity causing a disturbance to fish and their movement during the migrating/spawning period. Short-term deterioration in water quality (turbidity) over a short distance during weir removal due to sediment release.	

	• Artificial factors impacting on the capability of each feature to occupy the full extent of its potential range should be modified where necessary to allow passage, eg. weirs, bridge sills, or other forms of barrier. <i>(note: proposed activity aligns with this objective)</i> • Natural limiting factors such as waterfalls, which may limit the natural range of a feature or its dispersal between naturally isolated populations, should not be modified. • Flow objectives for assessment points in the Dee Catchment Abstraction Management Strategy will be agreed between EA and CCW as necessary. • Levels for nutrients, in particular phosphate, will be agreed between EA and CCW for each Water Framework Directive water body in the River Dee and Bala Lake SAC, and measures taken to maintain nutrients below these levels (it is anticipated that these limits will concur with the standards used by the Review of Consents process). • The levels of water quality parameters, in addition to those deemed to be nutrients and including levels of		
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	suspended solids, that may affect the distribution and abundance of SAC features will be agreed between EA and CCW for each Water Framework Directive water body in the River Dee and Bala Lake SAC, and measures taken to maintain them below these levels (It is anticipated that these limits will concur with the standards used by the Review of Consents process). • Potential sources of pollution, nutrient enrichment and/or suspended solids that have not been addressed in the Review of Consents such as, but not confined to, diffuse pollution or disturbance to sediments, will be considered in assessing plans and projects		
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation	• The conservation objective for the water course as defined must be met • The extent of this feature within its potential range in this SAC should be stable or increasing • The extent of the sub-communities that are represented within this feature should be stable or increasing. • The conservation status of the feature's typical species should be favourable. • All known, controllable	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage. Potential direct damage to the features through in-river use of machinery. Potential damage to feature from sediment release during and following weir removal (but short term and over a short distance).	

	factors, affecting the achievement of these conditions are under control (many factors may be unknown or beyond human control)		
Atlantic salmon	• The conservation objective for the water course as defined must be met • The SAC feature populations will be stable or increasing over the long term. • The natural range of the features in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. • There will be no reduction in the area or quality of habitat for the feature populations in the SAC on a long-term basis • All known, controllable factors, affecting the achievement of these conditions are under control (many factors may be unknown or beyond human control).	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage. Potential direct damage to the features through in-river use of machinery. Weir removal activity causing a disturbance to fish and their movement during the migrating/spawning period. Excess sediment created during weir removal affecting developing ova during salmon spawning (but short term and over a short distance).	
Bullhead	• The conservation objective for the water course as defined must be met • The SAC feature populations will be stable or increasing over the long term. • The natural range of the features in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. • There will be no reduction in	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage. Potential direct damage to the features through in-river use of machinery. Excess sediment created during weir removal affecting developing ova during spawning (but short term and over a short distance).	

	the area or quality of habitat for the feature populations in the SAC on a long-term basis • All factors affecting the achievement of these conditions are under control		
River lamprey, Brook lamprey and Sea lamprey	• The conservation objective for the water course as defined must be met • The SAC feature populations will be stable or increasing over the long term. • The natural range of the features in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. • There will be no reduction in the area or quality of habitat for the feature populations in the SAC on a long-term basis • All factors affecting the achievement of these conditions are under control	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage. Potential direct damage to the features through in-river use of machinery. Weir removal activity causing a disturbance to lamprey and their movement during the migrating/spawning period. Excess sediment created during weir removal affecting developing ova during spawning (but short term and over a short distance).	
Floating water-plantain	• There will be no contraction of the current <i>L. natans</i> extent and distribution, and the populations will be viable throughout their current distribution & will be able to maintain themselves on a long-term basis. Each <i>L. natans</i> population must be able to complete sexual and/or vegetative reproduction successfully. • The lake will have sufficient habitat to support existing <i>L. natans</i> populations within their current distribution and	Note this feature is only present in Management Unit 1 and 2 Llyn Tegid (Bala Lake) and Tegid outfall to gauging weir. So this feature can be discounted as Erbistock weir is downstream of Llyn Tegid.	

	- for future expansion. - All factors affecting the achievement of these conditions are under control.		
Otter	- The conservation objective for the water course as defined must be met - The SAC otter population is stable or increasing over the long term, both within the SAC and within its catchment. - There will be no loss of otter breeding or resting sites other than by natural means (such as naturally occurring river processes) within the SAC or its catchment. - The number of potential resting sites within the SAC will not be a factor limiting that limits the otter population's size or extent - There should be no reduction of fish biomass within the SAC or its tributaries except for that attributable to natural fluctuations - There should be no loss of amphibian habitat likely to provide a source of prey for members of the SAC otter population. - The potential range of otters in the within the SAC or its catchment is neither being reduced nor is likely to be reduced for the foreseeable future. - All known or potential access	Damage to feature from machinery - erosion, rutting and causing run off. pollution fuel spillage. Potential direct damage to the features through in-river use of machinery.	

	or dispersal routes within the catchment for otters that might be considered part of the SAC population should be maintained such that their function is not impaired including the incorporation of measures or features required to avoid disturbance. • Off-site habitats likely to function as 'stepping stones' within the catchment for members of the SAC otter population will be maintained for migration, dispersal, foraging and genetic exchange purposes. • All man-made structures within or likely to be used by otters from the SAC population must incorporate effective measures to facilitate the safe movement and dispersal of otters. • All known, controllable factors, affecting the achievement of these conditions are under control (many factors may be unknown or beyond human control)		
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3.2.3 Screening decision of the project 'alone'

(a) If ALL rows in column II of

~~The project is not likely to have a significant effect on any Natura 2000 site, because there is no impact~~

Table 3.2.2 are GREEN	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. <i>Strike out rows (b) and (c) below, delete sections 4 and 5 of the form and <u>complete sections 6 and 7</u> (and section 8 if applicable).</i>
(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. <i>Strike out row (a) above and row (c) below, delete section 4 of the form and go to Section 5.</i>
(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. <i>Strike out rows (a) and (b) above, and go to section 4 of the form. If there <u>also</u> are any BLUE rows, list them in Table 5.1 below (we'll come back to them in the in-combination assessment)</i>

4. Appropriate assessment of the project when considered alone

Tables 4.1 and 4.2 should document the appropriate assessment for the project. The two left hand columns should list the designated features and the impact pathways identified in **RED** from section 3.2.2 above, where likely significant effects are anticipated or cannot be ruled out. Any features recorded in section 3.2.2 as green should not be considered further. Any features recorded in section 3.2.2 as blue should not be considered at this stage, but only in section 5.

Table 4.1 should first consider the potential impact of the project as currently defined and in the absence of any mitigating measures, conditions or restrictions that may be applied.¹ Table 4.2 should then consider measures to mitigate any adverse effects.¹

Table 4.1, and 4.2 if applicable, **MUST** be completed having sought and had regard to the advice of the relevant protected sites advisor, and section 7 of the form must be completed.

4.1 Assessment of project as currently defined

Natura 2000 site feature (from Table 3.2.2 – RED rows only)	Impact pathway(s) (from Table 3.2.2)	Description of impacts	Assessment in view of conservation objectives	Can adverse effect on site integrity be ruled out? 'YES' or 'NO'*
Natura 2000 site name River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC				
Feature 'Water course' (Conservation objective relates to all River Dee SAC features)	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage Potential direct damage to the features through in-river use of machinery. Weir removal activity	Biodegradable hydraulic oil (less toxic) used for hydraulics therefore reduced impact on feature. Fuel tank diesel spillage would float as a surface film affecting aquatic ecology & causing acute toxic impacts on invertebrates due to coating of their respiratory surfaces and contamination of their food (detritus, bacteria, algae, higher plants and invertebrates).	Fuel tank diesel spillage would have detrimental impacts on water quality, possibly compromising "stable or increasing populations of each feature". Disruption to fish migration during the spawning period possibly compromising "stable or increasing populations" of salmon and lamprey. Disruption to feature from sediment release compromising "stable or increasing populations" of feature species. However note that AECOM	No

¹ Highlighted text deleted in light of CEU ruling in case C-323/17 'People over Wind'.

	causing a disturbance to fish and their movement during the migrating/spawning period. Temporary deterioration in water quality (turbidity) due to sediment release during weir removal.	Impacts dependant on size of spill, location, flow characteristics, physical river parameters (sediment etc), species ecology and sensitivity. Recovery likely over time. Excess sediment coating respiratory surfaces	study report Appendix B.d - Sediment Sampling note (Section 1 above) indicates that the impact of sediment is considered a minor risk, with no long terms impacts. By doing nothing, there would be a continued delay to upstream movement for spawning, with fish holding/waiting below the weir and prolonged exposure to predation.	
Feature Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage Potential direct damage to the features through in-river use of machinery. Temporary deterioration in water quality (turbidity) due to sediment release during weir removal.	Biodegradable hydraulic oil (less toxic) used for hydraulics therefore reduced impact on feature. Fuel tank diesel spillage would float as a surface film, causing acute toxic impacts on algae and higher plants affecting respiratory surfaces and any associated invertebrate fauna. Excess sediment coating respiratory surfaces and smothering feature, restricting growth. Japanese knotweed is found on the left bank (when looking downstream). All work will take place from an access ramp from the right bank, so this small stand will not be impacted.	Fuel tank diesel spillage has the potential to affect the extent of this feature & its sub-communities in the SAC (dependant on size of spill, location, flow characteristics, physical river parameters (sediment etc), species ecology and sensitivity. Disruption to feature from sediment release compromising "stable or increasing populations" of feature. However note that AECOM study report Appendix B.d - Sediment Sampling note (Section 1 above) indicates that the impact of sediment is considered a minor risk, with no long terms impacts.	No
Feature Atlantic salmon	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage Potential direct	Biodegradable hydraulic oil (less toxic) used for hydraulics therefore reduced impact on feature. Fuel tank diesel spillage would float as a surface film, causing acute toxic impacts and mortality on salmon due to coating	Likely localised reduction in the quality of river habitat for Salmon. Possible mortality of fish but unlikely to impact significantly on Salmon populations. Disruption to salmon migration during the spawning period possibly compromising "stable	No

	damage to the features through in-river use of machinery. Weir removal activity causing a disturbance to salmon during fish migration period and disruption to their movement. Excess sediment created during weir removal affecting developing ova during salmon spawning.	of their respiratory gills and contamination of their food. Delay to upstream movement for spawning, with fish holding/waiting below the weir and prolonged exposure to predation. Excess sediment affecting developing ova during salmon spawning.	or increasing populations” of salmon. Excess sediment during the spawning period possibly compromising “stable or increasing populations” of salmon. However note that AECOM study report Appendix B.d - Sediment Sampling note (Section 1 above) indicates that the impact of sediment is considered a minor risk, with no long terms impacts.	
Feature Bullhead	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage Potential direct damage to the features through in-river use of machinery. Excess sediment created during weir removal affecting developing ova during spawning.	Biodegradable hydraulic oil (less toxic) used for hydraulics therefore reduced impact on feature. Fuel tank diesel spillage would float as a surface film, causing acute toxic impacts and mortality due to coating of their respiratory gills and contamination of their food. Excess sediment affecting developing ova during salmon spawning.	Possible localised reduction in the quality of river habitat, but recovery likely over time. Possible mortality of fish but unlikely to impact significantly on populations on a long term basis. Excess sediment during the spawning period possibly compromising “stable or increasing populations”. However note that AECOM study report Appendix B.d - Sediment Sampling note (Section 1 above) indicates that the impact of sediment is considered a minor risk, with no long terms impacts.	No
Feature River lamprey, Brook lamprey and Sea lamprey	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage	Biodegradable hydraulic oil (less toxic) used for hydraulics therefore reduced impact on feature. Fuel tank diesel spillage would float as a surface film, causing acute toxic impacts	Possible localised reduction in the quality of river habitat, but recovery likely over time. Possible mortality of fish but unlikely to impact significantly on populations on a long term basis. Disruption to lamprey migration during the	No

	Potential direct damage to the features through in-river use of machinery. Weir removal activity causing a disturbance to salmon during fish migration period and disruption to their movement. Excess sediment created during weir removal affecting developing ova during spawning	and mortality due to coating of their respiratory gill pores and contamination of their food. Excess sediment affecting developing ova during salmon spawning.	spawning period possibly compromising “stable or increasing populations”. Excess sediment during the spawning period possibly compromising “stable or increasing populations” of salmon. However note that AECOM study report Appendix B.d - Sediment Sampling note (Section 1 above) indicates that the impact of sediment is considered a minor risk, with no long terms impacts. By doing nothing, there would be a continued delay to upstream movement for spawning, with fish holding/waiting below the weir and prolonged exposure to predation.	
Feature Floating water-plantain		<i>Note this feature is only present in Management Unit 1 and 2 Llyn Tegid (Bala Lake) and Tegid outfall to gauging weir. So can be discounted.</i>	discounted	Yes
Feature Otter	Damage to feature from machinery - erosion, rutting and causing run off, pollution fuel spillage Potential direct damage to the features through in-river use of machinery.	Direct capture, damage or harm through the disturbance to resting and or breeding sites. Potential for damage to otter resting site/ holt or disturbance of otters using such a site if tree works proposed are carried out without site specific otter survey and mitigation if present. Disturbance if works are carried out at night. Potential for otter mortality if deep trenches are left on site. Potential disturbance during works for otter.	Potential impact of a fuel spillage on conservation objective “There should be no reduction of fish biomass within the SAC or its tributaries except for that attributable to natural fluctuations”, and on “There should be no loss of amphibian habitat likely to provide a source of prey for members of the SAC otter population”. There will be no reduction or disturbance long term of any resting places	No

4.2 Assessment of the project taking into account mitigating measures, conditions or restrictions²

Natura 2000 Feature (from Table 4.1 – ‘NO’ rows only)	Description of adverse effect(s)	Can adverse effect(s) be mitigated? <i>Insert ‘YES’ or ‘NO’*</i>	Description of mitigation measures, and how they would be applied (e.g. contractual obligations, consent conditions) <i>If required, further details can be provided in separate clearly referenced documents.</i>	Can adverse effect on site integrity be ruled out? <i>Insert ‘YES’ or ‘NO’ *</i>
Feature 1 ‘Water course’ <i>(Conservation objective relates to all River Dee SAC features)</i>	Localised water pollution from any fuel spillage affecting water quality and aquatic ecology. Potential direct damage to the features through in-river use of machinery. Weir removal activity causing a disturbance to fish and their movement during the spawning period.	Yes	• Pollution Prevention Guidelines followed by contractors during works. • Contractor management process followed (toolbox talk, day 1 sign off, site visits during work, project signoff). These will be secured through the letting of the contract and permission/licence conditions ensuring their implementation would be welcomed. Invasives: • Pollution Prevention Guidelines followed by contractors during works. • All machinery cleaned and bio-security measures followed Spawning period: • Weir removal work to be carried out between 15th May and 17th October, outside of fish spawning period (17th October to 1st May in any year). Sediment management plan to be drawn up and adhered to by contractor Standard measures: • Do not access in wet conditions likely to cause rutting/ground damage. • Repair and make good any access points.	Yes

² Highlighted text deleted in light of CEU ruling in case C-323/17 ‘People over Wind’.

			- Do not track over same route repeatedly. - Access parallel to river wherever possible (not leading to/from river). - Use ground protection mats if needed to prevent damage. LIFE team will work with procurement colleagues to award framework for this work ensuring highly skilled and experienced contractors are involved to minimise environmental impact. LIFE team project officers will have a high level of oversight through frequent visits and supervision of contractors.	
3260. Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation	Localised water pollution from any fuel spillage affecting water quality and aquatic ecology. Potential direct damage to the features through in-river use of machinery.	Yes	Pollution Prevention Guidelines followed by contractors during works. - Contractor management process followed (toolbox talk, day 1 sign off, site visits during work, project signoff). - These will be secured through the letting of the contract Invasives: Pollution Prevention Guidelines followed by contractors during works. - All machinery cleaned and bio-security measures followed Sediment management plan to be drawn up and adhered to by contractor Standard measures: - Do not access in wet conditions likely to cause rutting/ground damage. - Repair and make good any access points. - Do not track over same route repeatedly. - Access parallel to river wherever possible (not leading to/from river). - Use ground protection mats if needed to prevent damage. LIFE team will work with procurement colleagues to award framework for this work ensuring highly skilled and experienced contractors are involved to minimise environmental impact. LIFE team project officers will have a high level of oversight through frequent visits and supervision of contractors.	Yes
1106. Atlantic	Localised water pollution from any fuel spillage affecting water	Yes	Pollution Prevention Guidelines followed by contractors during works. - Contractor management process followed (toolbox talk, day 1 sign	Yes

salmon	quality and aquatic ecology. Potential direct damage to the features through in-river use of machinery. Weir removal activity causing a disturbance to fish and their movement during the migrating/spawning period		off, site visits during work, project signoff). - These will be secured through the letting of the contract Invasives: Pollution Prevention Guidelines followed by contractors during works. - All machinery cleaned and bio-security measures followed Spawning & migration period: - Weir removal work to be carried out between 15th May and 17th October, outside of fish spawning period (17th October to 1st May in any year). Sediment management plan to be drawn up and adhered to by contractor Standard measures: - Do not access in wet conditions likely to cause rutting/ground damage. - Repair and make good any access points. - Do not track over same route repeatedly. - Access parallel to river wherever possible (not leading to/from river). - Use ground protection mats if needed to prevent damage. LIFE team will work with procurement colleagues to award framework for this work ensuring highly skilled and experienced contractors are involved to minimise environmental impact. LIFE team project officers will have a high level of oversight through frequent visits and supervision of contractors.	
1163. Bullhead	Localised water pollution from any fuel spillage affecting water quality and aquatic ecology. Potential direct damage to the features through in-river use of machinery.	Yes	Pollution Prevention Guidelines followed by contractors during works. - Contractor management process followed (toolbox talk, day 1 sign off, site visits during work, project signoff). - These will be secured through the letting of the contract Invasives: Pollution Prevention Guidelines followed by contractors during works. - All machinery cleaned and bio-security measures followed Spawning period: - Weir removal work to be carried out between 15th May and 17	Yes

			October, outside of fish spawning period (17th October to 1st May in any year). Sediment management plan to be drawn up and adhered to by contractor Standard measures: • Do not access in wet conditions likely to cause rutting/ground damage. • Repair and make good any access points. • Do not track over same route repeatedly. • Access parallel to river wherever possible (not leading to/from river). • Use ground protection mats if needed to prevent damage. LIFE team will work with procurement colleagues to award framework for this work ensuring highly skilled and experienced contractors are involved to minimise environmental impact. LIFE team project officers will have a high level of oversight through frequent visits and supervision of contractors.	
1099. River lamprey, 1096. Brook lamprey 1095. Sea lamprey	Localised water pollution from any fuel spillage affecting water quality and aquatic ecology. Potential direct damage to the features through in-river use of machinery. Weir removal activity causing a disturbance to fish and their movement during the migrating/spawning period.	Yes	• Pollution Prevention Guidelines followed by contractors during works. • Contractor management process followed (toolbox talk, day 1 sign off, site visits during work, project signoff). • These will be secured through the letting of the contract Invasives: • Pollution Prevention Guidelines followed by contractors during works. • All machinery cleaned and bio-security measures followed Spawning & migration period: • Weir removal work to be carried out between 15th May and 17th October, outside of fish spawning period (17th October to 1st May in any year). Sediment management plan to be drawn up and adhered to by contractor Standard measures: • Do not access in wet conditions likely to cause rutting/ground damage. • Repair and make good any access points.	Yes

			- Do not track over same route repeatedly. - Access parallel to river wherever possible (not leading to/from river). - Use ground protection mats if needed to prevent damage. LIFE team will work with procurement colleagues to award framework for this work ensuring highly skilled and experienced contractors are involved to minimise environmental impact. LIFE team project officers will have a high level of oversight through frequent visits and supervision of contractors.	
1831. Floating water-plantain	Localised water pollution from any fuel spillage affecting water quality and aquatic ecology.	Yes	Note this feature is only present in Management Unit 1 and 2 Llyn Tegid (Bala Lake) and Tegid outfall to gauging weir. So can be discounted as Erbistock weir is downstream of Llyn Tegid.	Yes
1355. Otter	Localised water pollution from any fuel spillage affecting water quality and aquatic ecology. Potential direct damage to the features through in-river use of machinery.	Yes	Pollution Prevention Guidelines followed by contractors during works. Contractor management process followed (toolbox talk, day 1 sign off, site visits during work, project signoff). preliminary ecological assessment highlighted the potential presence of otter within the local area but did not identify any specific holts/resting places. However, as a precautionary measure, before any work is carried out, a walkover assessment will be carried out by a suitably qualified and licensed person to check for holts and current presence of otter. If otter are at that time present within the work area, work will stop and advice be sought from NRW's licensing team / local species officer. Each day prior to work being started, a daily walk over of the work site will take place by a suitably qualified person. No working at night will be carried out to reduce the risk of otter being present during work. No lights shall be left on in any compounds associated with the works to reduce risk of disturbing otter in the area.	Yes

			Any holes that are dug will be covered every night or a suitable escape ramp provided to prevent otter being trapped. If otter are spotted at any period during the work, all work will immediately cease, and advice will be sought from a suitably qualified officer. LIFE team project officers will have a high level of oversight through frequent visits and supervision of contractors.	
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4.3 Concluding the appropriate assessment of the project alone

(a) If the right hand column of Table 4.1 and Table 4.2 (if applicable) is 'YES' for all features	It has been ascertained that the proposal, when considered alone, will not adversely affect the integrity of any Natura 2000 sites. <i>Strike out row (b) below and go to row (c)</i>
(b) If there are any 'NO's in the right hand column of Table 4.1 that have not been resolved to 'YES' through mitigation measures identified in Table 4.2	It has not been ascertained that the proposal, when considered alone, will not adversely affect the integrity of one or more Natura 2000 sites. <i>Strike out row (a) above and row (c) below, delete section 5 of the form and <u>complete sections 6 and 7, and section 8 if applicable</u></i>
(c) Are there any residual effects of the project (net of any mitigation measures identified) which, though insignificant on their own, could be significant if considered in combination with the effects of other plans or projects?	NO

6. Conclusion

Where the conclusion is in accordance with the protected sites advice, this section should be completed by the team or individual responsible for carrying out and recording the HRA. This will normally be the same as the team/individual responsible for determining the permission or otherwise approving the project, unless responsibility for preparing the HRA has been delegated to another team (e.g. EAT or one of the NRM teams).

Where the HRA has been subject to an escalation process, due to significant unresolved differences of view between the protected sites advisors and the team preparing the HRA, this section of the form should be completed by the relevant Leadership Manager (see sections 6.3/7.3 of OGN 200). Any additional documents or correspondence forming part of the escalation process should be appended to this form, or reported in section 7.

Select which of the following conclusions applies by placing an X the right hand column. Only ONE option can apply. Sign and date the bottom of the table.

HRA is not required because the whole of the project is directly connected with or necessary to the management of one or more Natura 2000/Ramsar sites, for the purposes of conserving the habitats or species for which the site(s) is/are designated, <u>and</u> the project is not likely to have a significant effect on any other Natura 2000/Ramsar sites. (As documented in section 2.1 and 2.2 of this form)	
HRA is not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site (As documented in section 2.3 of this form)	
This project is a renewal of a current permission which complies with NRW agreed criteria for ruling out significant effects of a renewal without conducting a project-specific LSE test. Therefore it is considered not likely to have a significant effect on any Natura 2000/Ramsar sites, either alone or in-combination with other plans and projects. (As documented in section 3.1 of this form)	
The project has been screened for likelihood of significant effects and, taking account of the advice received from protected	

sites advisors, is considered not likely to have a significant effect on any Natura 2000/Ramsar site (As documented in section 3.2 of this form, or section 5 if applicable)	
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)	X
In light of the conclusions of the appropriate assessment, it has <u>not</u> been ascertained that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, as documented in section 4 of this form, and section 5 is applicable. Approval for the project <u>cannot</u> be given unless either: - the project specification, and/or the terms under which it might be approved, are modified so as to remove the risk of adverse effects, and a revised HRA report is prepared, or - the project satisfies the requirements of Article 6(4) of the Habitats Directive, an Article 6(4) Statement of Case is prepared (OGN 200 Form 3) and submitted for consideration by the appropriate authority, normally Welsh Ministers	
 Signed: Name: Joel Rees-Jones Position: Team Leader, LIFEDeeRiver Date: 8th November 2022	

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

Delete any rows that do not apply.

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

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

8. Conservation Technical Specialist's comments

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

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

Additional comments (if any):

Comments from Richard May, Protected Sites Officer



Richard May -
Protected Sites Officer