Cyfoeth Naturiol Cymru
Natural Resources Wales

OGN200 Form2

Draft Habitats Regulations Assessment of the fourth cycle Western Wales River Basin Management Plan

Version 1.0: Draft HRA to accompany draft RBMP4 consultation

Crynodeb annhechnegol

Beth yw'r ddogfen hon?

Dyma'r crynodeb annhechnegol o ffurf ddrafft yr Asesiad Rheoliadau Cynefinoedd ar gyfer pedwerydd cylch drafft Cynllun Rheoli Basn Afon Gorllewin Cymru.

Cynllun Rheoli Basn Afon

Mae Cynllun Rheoli Basn Gorllewin Cymru drafft wedi'i lunio gan Cyfoeth Naturiol Cymru (CNC) fel yr awdurdod cyfrifol dros gynllunio basnau afonydd yng Nghymru.

Diben Cynlluniau Rheoli Basnau Afonydd yw gwarchod a gwella'r amgylchedd dŵr er budd ehangach pobl a bywyd gwyllt. Fel rhan o'r cynlluniau, nodir crynodeb o rhaglen o fesurau i gyflawni amcanion statudol, gan gynnwys mesurau cenedlaethol (sy'n berthnasol i Gymru gyfan) a mesurau cyrff dŵr (cyfres o fathau o fesurau sy'n cael eu cymhwyso i gyrff dŵr penodol).

Mae'r rhaglen o fesurau wedi'i halinio â materion sylweddol yn ymwneud â rheoli dŵr sy'n bygwth defnydd presennol a defnydd posibl yn y dyfodol o'r amgylchedd dŵr. Mae'r rhain yn cynnwys addasiadau ffisegol; llygredd o ardaloedd gwledig; llygredd o ddŵr gwastraff; llygredd o drefi, dinasoedd a thrafnidiaeth; llygredd o fwyngloddiau segur; newidiadau i'r llif naturiol a lefelau dŵr; a rhywogaethau estron goresgynnol.

Mae'r Asesiad Rheoliadau Cynefinoedd drafft hwn yn canolbwyntio ar y rhaglen o fesurau ac wedi'i ddatblygu'n ailadroddus gyda hi, a bydd y casgliadau'n llywio datblygiad y Cynllun Rheoli Basn Afon drafft a'r adroddiad amgylcheddol cysylltiedig.

Asesiad Rheoliadau Cynefinoedd

Mae safleoedd Ewropeaidd wedi'u dynodi i warchod mathau o gynefinoedd a rhywogaethau o bwysigrwydd Ewropeaidd; mae'r rhain yn cynnwys Ardaloedd Cadwraeth Arbennig ac Ardaloedd Gwarchodaeth Arbennig. Polisi Llywodraeth Cymru a Llywodraeth y DU yw y dylid trin Safleoedd Ramsar (sydd wedi'u dynodi'n wlyptiroedd o bwys rhyngwladol) fel pe baent yn safleoedd Ewropeaidd, gan gynnwys at ddibenion Asesiad Rheoliadau Cynefinoedd. Yn Ardal Basn Afon Gorllewin Cymru, mae 70 o Ardaloedd Cadwraeth Arbennig, 20 o Ardaloedd Gwarchodaeth Arbennig a chwe Safle Ramsar.

Mae'r pedwerydd cylch o Gynlluniau Rheoli Basnau Afonydd, yn ôl eu natur, wedi'u llunio i wella ein hamgylchedd ac i ategu'r gwaith o reoli safleoedd Ewropeaidd. Fodd bynnag, mae'r cynlluniau'n cynnwys mesurau a allai arwain at ymyriadau ffisegol yn yr amgylchedd ac, o ganlyniad, mae potensial ar gyfer effeithiau ar safleoedd Ewropeaidd yn ardal y mesurau, yn gyfagos iddynt neu'n gysylltiedig â hwy (e.e. yn sgil y mesurau). Felly mae angen Asesiad Rheoliadau Cynefinoedd o'r cynllun.

Mae Asesiad Rheoliadau Cynefinoedd yn cyfeirio at y sawl cam gwahanol o asesiad y mae'n rhaid eu cynnal i benderfynu a all cynllun neu brosiect effeithio ar nodweddion gwarchodedig safle Ewropeaidd cyn penderfynu a ddylid ei gynnal, ei ganiatáu neu ei awdurdodi.

Dim ond os gellir diystyru effeithiau niweidiol ar gyfanrwydd safleoedd Ewropeaidd y gellir cymeradwyo'r cynllun yn gyfreithlon, oni bai ei fod yn gallu bodloni cyfres o brofion:

1. Nid oes unrhyw ddatrysiadau amgen ymarferol a fyddai'n llai niweidiol i'r safle neu'n osgoi ei ddifrodi.
2. Mae angen gweithredu'r cynnig am resymau hanfodol, sef er budd cyhoeddus tra phwysig.
3. Gellir sicrhau'r mesurau cydbwyso angenrheidiol.

Sut mae'r rhaglen o fesurau wedi cael ei hasesu

Rhagsgrinio:

Cynhaliwyd rhagsgrinio cychwynnol fel bod mesurau yn y cynllun – na allant effeithio ar nodweddion safleoedd Ewropeaidd, neu pan nad oes llwybr ar gyfer effeithiau o'r fath – yn cael eu heithrio ar unwaith, a chafodd cyfiawnhad ei ddarparu.

Mae hyn yn gofyn am ddull rhagofalus lle dim ond y mesurau hynny nad oes ganddynt unrhyw effaith 'bosibl' ar safleoedd Ewropeaidd oherwydd natur eu dull (e.e. ymchwiliad wrth ddesg yn unig, datganiad o arfer da, neu ddatganiad cyffredinol o bolisi / dyhead cyffredinol ac ati) sy'n cael eu heithrio yn y cam rhagsgrinio.

Pan fydd unrhyw ansicrwydd yn parhau neu lwybr effaith posibl yn bodoli, mae'r mesur yn parhau i gael ei gynnwys i'w ystyried ymhellach yng ngham nesaf yr asesiad.

O'r 54 mesur cenedlaethol yn y rhaglen o fesurau, cafodd 32 eu diystyru yn y cam rhagsgrinio. O'r 81 math o fesurau ar gyfer cyrff dŵr sydd wedi'u cynnwys yn y rhaglen o fesurau ar draws Cymru, cafodd 46 eu diystyru yn y cam rhagsgrinio.

Sgrinio am effaith arwyddocaol debygol:

Yna, cynhaliwyd asesiad sgrinio ar gyfer 'effaith arwyddocaol debygol' er mwyn ystyried yn fwy manwl y 22 mesur cenedlaethol a'r 35 math o fesurau ar gyfer cyrff dŵr a oedd yn parhau i gael eu cynnwys yn dilyn y broses ragsgrinio gychwynnol ar lefel uchel.

Nid oedd y sgrinio yn cynnwys unrhyw asesiad gofodol – mae hyn yn seiliedig ar y dybiaeth y bydd nifer bach iawn o gyrff dŵr ledled Cymru lle nad yw safleoedd dynodedig yn ffactor i'w ystyried (oherwydd nifer y safleoedd Ewropeaidd, a'r gyfran o'r wlad a gwmpesir ganddynt neu sy'n gysylltiedig â nhw). Yn hytrach, ystyriwyd pob mesur yn strategol mewn perthynas â natur ei weithredu, waeth beth oedd y lleoliad; gweithredwyd, felly, ar y dybiaeth gyffredinol y gallai fod un neu fwy o safleoedd Ewropeaidd (o unrhyw fath neu gyda nodweddion o unrhyw fath) yn agos i'w gilydd, wedi'u cysylltu'n hydrolegol a/neu'n gysylltiedig yn swyddogaethol â'r mesur hwnnw pan gaiff ei gymhwyso.

Dilynwyd dull rhagofalus lle cafodd unrhyw fesurau – y nodwyd y gallent gael effaith arwyddocaol debygol neu lle mae ansicrwydd yn parhau (e.e. mesurau sy'n dal i gael eu datblygu neu pan nad oes digon o wybodaeth ar gael i'w hystyried yn llawn) – eu cyflwyno i broses asesiad priodol i'w hystyried ymhellach. Mae mesurau cenedlaethol a mathau o fesurau cyrff dŵr sy'n parhau i gael eu sgrinio ar gyfer asesiad priodol i gyd yn cynnwys elfen o ddarpariaeth ar lawr gwlad nad yw'n cael ei chyflawni na'i rheoli'n llwyr gan gynllun neu raglen arall.

Yn dilyn y prawf hwn o'r effaith arwyddocaol debygol, cafodd un mesur cenedlaethol arall a saith math o fesurau corff dŵr eu heithrio, gan adael 21 o fesurau cenedlaethol a 28 math o fesurau corff dŵr i'w dwyn ymlaen i asesiad priodol.

<u>Asesiad priodol yn unig:</u>

Mae'r asesiad priodol yn ystyried a fydd effeithiau niweidiol ar gyfanrwydd safle Ewropeaidd yn deillio o'r mesurau na chawsant eu diystyru yn ystod cam prawf yr effaith arwyddocaol debygol.

Ar gyfer cam yr asesiad priodol, dim ond y mathau hynny o fesurau ar gyfer cyrff dŵr sy'n berthnasol i Ardal Basn Afon Gorllewin Cymru a ystyriwyd. O'r 28 math o fesurau ar gyfer cyrff dŵr a gafodd eu dwyn ymlaen yn genedlaethol i'r asesiad priodol, nid yw chwech wedi'u neilltuo i gyrff dŵr o fewn yr ardal basn afon hon, gan adael cyfanswm o 22 math o fesurau ar gyfer cyrff dŵr yn cael eu hasesu ar hyn o bryd ar gyfer Cynllun Rheoli Basn Afon Gorllewin Cymru. Mae pob un o'r 21 mesur cenedlaethol sy'n parhau i gael eu cynnwys ar gyfer asesiad priodol yn berthnasol i'r ardal basn afon hon.

Mae pob un o'r mesurau cenedlaethol a gafodd eu cynnwys a'r mathau o fesurau corff dŵr sy'n cael eu gweithredu yn Ardal Basn Afon Gorllewin Cymru yn debygol o arwain at weithgareddau ffisegol, ac er mai'r nod hirdymor yw gwella'r amgylchedd, mae angen i'r Asesiad Rheoliadau Cynefinoedd gadarnhau nad oes unrhyw ganlyniadau anfwriadol yn deillio o weithredu'r Cynllun Rheoli Basn Afon ar safleoedd Ewropeaidd.

Oherwydd natur lefel uchel y cynllun, ceir anawsterau ac ansicrwydd cynhenid wrth gynnal asesiad priodol ar y raddfa hon.
Ar gyfer y mesurau cenedlaethol, mae yna lwybrau go iawn a chredadwy am effaith a allai ddigwydd ond, ar lefel hon y cynllun, nid oes gennym y manylion ar gael i ddweud ble, sut neu pryd y gallai effeithiau ddigwydd. O ganlyniad, mae mesurau osgoi a lliniaru lefel uchel wedi'u hamlinellu yn yr Asesiad Rheoliadau Cynefinoedd sy'n rhoi hyder y bydd unrhyw effeithiau niweidiol ar safleoedd Ewropeaidd yn cael eu hosgoi neu eu lliniaru'n ddigonol. Bydd gan y rhaglenni a'r prosiectau a fydd yn cael eu datblygu dan y mesurau hyn fwy o fanylion a hyblygrwydd o ran lleoliadau, amseriad ac arfarnu opsiynau sy'n ystyried sensitifrwydd safleoedd a nodweddion Ewropeaidd. Felly, pan fo'n briodol, rydym yn ceisio cyfeirio'r Asesiad Rheoliadau Cynefinoedd i gynlluniau a phrosiectau haen is, lle bydd mwy o fanylion ar gael i lywio'r asesiad, y mesurau lliniaru a'r mesurau cydbwyso.

Ar gyfer y mathau o fesurau corff dŵr, roeddem yn gallu cael mynediad at wybodaeth ofodol sy'n dangos ble bydd pob math o fesur corff dŵr yn cael ei gymhwyso i gorff

dŵr ac felly lefel fwy o fanylder ar y llwybrau ar gyfer effeithiau a allai ddigwydd. Er nad yw hyn yn darparu lleoliad penodol y gwaith nac yn darparu manylion ynghylch y math o waith na'r rhaglen waith ac ati, mae wedi caniatáu adolygiad ychydig yn fwy manwl o ba safleoedd Ewropeaidd a allai gael eu heffeithio arnynt a'r nodweddion cymwys y gallent gael eu heffeithio arnynt mewn ffordd niweidiol. Fodd bynnag, mae yna lawer iawn o ansicrwydd o hyd ynghylch ble, sut neu pryd yn union y gellir cymryd camau gweithredu neu y gallai effeithiau ddigwydd. Felly, mae'r asesiad yn dal i ddibynnu ar amlinelliad o fesurau osgoi a lliniaru lefel uchel sy'n rhoi hyder y bydd unrhyw effeithiau niweidiol ar unrhyw safleoedd Ewropeaidd yn cael eu hosgoi neu eu lliniaru'n ddigonol. Pan fo'n briodol, rydym yn ceisio cyfeirio'r Asesiad Rheoliadau Cynefinoedd i gynlluniau a phrosiectau haen is, lle bydd lefel fwy o fanylder ar gael i lywio'r Asesiad Rheoliadau Cynefinoedd a mesurau lliniaru a chydbwyso.

<u>Asesiad priodol ar y cyd:</u>

Cynhaliwyd adolygiad strategol o gyfuniad o fesurau ar gyfer yr ardal basn afon hon (mesurau cenedlaethol a mathau o fesurau ar gyfer cyrff dŵr). Daeth yr asesiad priodol i'r casgliad, ar ei ben ei hun, y gall y mesurau hyn – drwy'r prosesau rheoleiddio a'r mesurau lliniaru generig a amlinellwyd – osgoi effeithiau niweidiol ar gyfanrwydd safleoedd Ewropeaidd (neu y gellir ystyried dewisiadau amgen); fodd bynnag, nid oes digon o fanylion ar gael i gadarnhau a allai fod effeithiau gweddilliol.

Ystyriwyd y rhyngweithio posibl rhwng mesurau cenedlaethol, yn ogystal â rhwng mathau o fesurau ar gyfer cyrff dŵr, lle maent yn digwydd mewn cyrff dŵr tebyg. Yn unol â natur lefel uchel y cynllun, a chan nad yw manylion ynghylch gweithredu'r mesurau ar gael eto (y gweithgareddau union a fydd yn cael eu cynnal, union leoliad y gwaith, cwmpas gofodol, gwybodaeth amserol ac ati), cynhaliwyd hyn ar lefel strategol yn unig.

At ddibenion yr asesiad, ystyriwyd hefyd gynlluniau neu brosiectau allweddol perthnasol ar lefel uchel, a allai arwain at effeithiau ar y cyd â'r Cynllun Rheoli Basn Afon.

Y prif ganfyddiadau

Ystyriwyd cyfanswm o 21 o fesurau cenedlaethol a 22 o fathau o fesurau ar gyfer cyrff dŵr fel rhan o'r asesiad priodol ar gyfer Ardal Basn Afon Gorllewin Cymru.

Yng Nghynllun Rheoli Basn Afon Gorllewin Cymru, nid yw wedi bod yn bosibl sicrhau na fydd un mesur cenedlaethol ac un math o fesur corff dŵr yn cael effaith niweidiol ar gyfanrwydd safle. Y rhain yw mesur cenedlaethol CYM49 *(gwaith yr Awdurdod Adfer Safleoedd Mwyngloddio drwy Raglen Mwyngloddiau Metel Cymru i gyflawni gwaith adfer i fwyngloddiau metel segur)* a math mesur corff dŵr AM1.0 *(pwynt rheoli ac adfer a/neu ollyngiadau gwasgaredig o fwyngloddiau metel segur)*.

Ar y cam hwn, nid yw wedi bod yn bosibl cadarnhau na fyddai'r gostyngiad yn lefelau halogiad metelau – a fyddai'n deillio o'r mesurau hyn – yn cael effaith niweidiol ar gynefin glaswelltir metelaidd; mae'r cynefin hwn yn arbennig o sensitif i newidiadau yn lefelau metelau ac mae'n nodwedd o rai safleoedd Ewropeaidd o fewn yr ardal

basn afon. Ni fyddai opsiynau amgen yn cyflawni'r nod o adfer ansawdd dŵr; mae'r hyblygrwydd cyfyngedig hwn ar lefel y prosiect yn golygu nad yw gweithredu'r mesurau hyn yn bodloni'r meini prawf ar gyfer cyfeirio i lawr i lefel prosiect haen is.

Bydd angen paratoi datganiad achos a'i gyflwyno i'w ystyried gan yr awdurdod priodol (Llywodraeth Cymru). Bydd hyn yn cael ei ddatblygu ochr yn ochr ag ymgynghori ar y Cynllun Rheoli Basn Afon drafft, yr Asesiad Rheoliadau Cynefinoedd drafft a'r Asesiad Amgylcheddol Strategol fel ei fod ar gael i'w gymeradwyo'n derfynol gan Lywodraeth Cymru. Cydnabyddir na fydd Llywodraeth Cymru yn gallu derbyn Cynllun Rheoli Basn Afon Gorllewin Cymru nes bod hyn wedi'i ddatrys.

Ar gyfer yr holl fesurau cenedlaethol eraill a mesurau sy'n ymwneud â mathau o gyrff dŵr yn y rhaglen o fesurau ar gyfer Cynllun Rheoli Basn Afon Gorllewin Cymru, mae hyder – boed hynny ar eu pennau eu hunain neu ar y cyd – y gellir datblygu a chyflwyno cynlluniau, rhaglenni a phrosiectau haen is. Byddai'r rhain yn gweithredu'r mesurau lliniaru cyffredinol a amlinellwyd, ac yn ystyried effeithiau lleol ar y cyd, heb achosi effaith niweidiol ar gyfanrwydd unrhyw safleoedd Ewropeaidd; fel arall, gellir ceisio cynigion amgen. Felly, gohirir y manylion tan yr Asesiad Rheoliadau Cynefinoedd ar gyfer cynlluniau, rhaglenni a phrosiectau haen is, pan fydd mwy o wybodaeth ar gael i lywio'r asesiad, y mesurau lliniaru a'r mesurau cydbwyso. Dylai asesiad o effeithiau ar y cyd hefyd fod yn rhan o'r Asesiad Rheoliadau Cynefinoedd hwn ar lefel adolygu prosiectau neu gynlluniau lleol. Mae mecanweithiau rheoleiddio, trwyddedu a chydsynio sefydledig yn darparu mesurau diogelwch priodol i sicrhau bod effeithiau ar safleoedd Ewropeaidd yn cael eu hasesu a'u rheoli cyn gwaith gweithredu.

Mae cynlluniau cenedlaethol a rhanbarthol perthnasol wedi cael eu hadolygu ar lefel uchel i benderfynu a oes unrhyw effeithiau arwyddocaol tebygol ‘mewn cyfuniad’. Mae'r holl gynlluniau'n rhannu'r angen i reoli adnoddau naturiol megis dŵr yn gynaliadwy ac yn ceisio addasu yng ngoleuni ein hinsawdd sy'n newid. Nid yw'r adolygiad hwn wedi nodi unrhyw effeithiau posibl nac effeithiau cyfun tebygol sy'n deillio o weithredu'r Cynllun Rheoli Basn Afon ar y cyd â'r cynlluniau a'r rhaglenni eraill hyn.

Non-technical Summary

What is this document?

This is the non-technical summary of the the draft strategic Habitats Regulations Assessment (HRA) of the draft fourth cycle Western Wales River Basin Management Plan.

River Basin Management Plan

The draft Western Wales River Basin Management Plan has been produced by Natural Resources Wales as the responsible authority for river basin planning in Wales.

The purpose of the River Basin Management Plans is to protect and improve the water environment for the wider benefits to people and wildlife. As part of the plans a summary Programme of Measures to achieve statutory objectives is identified including national measures (applicable to the whole of Wales) and Water body measures (a suite of measure types that are applied to specific water bodies).

The Programme of Measures is aligned with Significant Water Management Issues that threaten the current and potential future uses of the water environment. These include physical modifications; pollution from rural areas; pollution from wastewater; pollution from towns, cities and transport; pollution from abandoned mines; changes to natural flow and levels of water and non-native invasive species.

This draft Habitat Regulations Assessment is focussed on and has been developed iteratively with the Programme of Measures and the conclusions will inform the development of the draft River Basin Management Plan and accompanying Environmental Report.

Habitat Regulations Assessment

European sites are designated to protect habitat types and species of European importance, these include Special Areas of Conservation and Special Protection Areas. Welsh Government and UK Government policy is that Ramsar sites (which are designated wetlands of international importance) should also be treated as though they are European sites, including for the purposes of Habitat Regulations Assessment. In the Western Wales River Basin District there are 70 Special Areas of Conservation, 20 Special Protection Areas and six Ramsar Sites.

The fourth cycle River Basin Management Plans by their nature, are designed to improve our environment and to be complementary to the management of European sites. However, the plans include measures that could result in physical interventions in the environment and consequently, there is potential for effects on European sites located on, adjacent to or linked with (e.g. downstream of) measures. Habitat Regulations Assessment of the plan is therefore required.

A Habitats Regulations Assessment refers to the several distinct stages of assessment which must be undertaken to determine if a plan or project may affect

the protected features of a European site before deciding whether to undertake, permit or authorise it.

The plan can only lawfully be approved if adverse effects on integrity of European sites can be ruled out, unless it is able to meet a series of tests:

4. There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
5. The proposal needs to be carried out for imperative reasons of overriding public interest.
6. The necessary compensatory measures can be secured.

How the Programme of Measures have been assessed

Pre-screening:

Initial pre-screening was undertaken so that measures in the plan which cannot affect, or have no pathway for effects on European site features, are screened out immediately, with justification provided.

This requires a precautionary approach where only those measures that have 'no conceivable' impact on European sites due to the nature of their approach (e.g. purely desk-based investigation, statement of good practice, or a general statement of policy/general aspiration etc.), are screened out at the pre-screening stage.

Where any uncertainty remains or a potential impact pathway exists, the measure remains screened in for further consideration in the next stage of assessment.

Of the 54 national measures in the Programme of Measures, 32 were screened out at the pre-screening stage. Of the 81 Water body measure types in the Programme of Measures across Wales, 46 were screened out at the pre-screening stage.

Screening for Likely Significant Effect:

A Likely Significant Effect screening assessment was then undertaken to consider in more detail the 22 national measures and the 35 remaining Water body measure types that remained screened in after the initial high-level pre-screening.

The screening did not include any spatial assessment - this is based on the assumption there will be very few water bodies where designated sites are not a consideration across Wales (due to the number and area of the country covered by European sites, or that are linked to European sites). Instead, each measure was considered strategically in relation to the nature of its delivery, irrelevant of location and therefore working on the general assumption there could be one/more European sites (of any type/with any feature) in proximity, hydrologically linked and/or functionally linked for that measure when applied.

A precautionary approach was followed whereby any measures where a Likely Significant Effect was identified or where uncertainty remains (e.g. measures are still in development, lack sufficient information to fully consider etc.) were taken through

to Appropriate Assessment for further consideration. National measures and Water body measure types remaining screened in for Appropriate Assessment all involve an element of on the ground delivery that is not entirely delivered or controlled by another plan or programme.

Following this Test of Likely Significant Effect, a further 1 national measure and 7 Water body measure types were screened out, leaving 21 national measures and 28 Water body measure types to be taken forward to Appropriate Assessment.

Appropriate Assessment alone:

The Appropriate Assessment is the consideration of whether adverse effects on European site integrity will occur for the measures that have not been screened out at the Test of Likely Significant Effect stage.

For the Appropriate Assessment stage, only those Water body measure types that are of relevance to the Western Wales River Basin District were considered. Of the 28 Water body measure types that were taken forward nationally into the Appropriate Assessment, six have not been assigned to water bodies within this River Basin District, leaving a total of 22 Water body measure types being assessed at this stage for the Western Wales River Basin Management Plan. All 21 national measures remaining screened in for Appropriate Assessment are relevant to this River Basin District.

Each of the screened in national measures and Water body measure types being implemented in the Western Wales River Basin District are likely to result in physical activities and whilst the long-term aim is environmental improvement, the Habitat Regulations Assessment needs to establish that there are no unintended consequences of the implementation of the River Basin Management Plan on European sites.

Because of the high level nature of the plan there are inherent difficulties and uncertainties in carrying out an Appropriate Assessment at this scale.
For national measures there are real and credible pathways for effect that could occur, but at this level of plan we do not have the detail available to say where, how or when effects might occur. As a result, high-level avoidance and mitigation measures are outlined in the Habitat Regulations Assessment that give confidence that any adverse effects on European sites will be avoided or adequately mitigated. The programmes and projects that will be developed under these measures will have greater detail and flexibility in terms of locations, timing and options appraisal that takes into account the sensitivities of European sites and features. Therefore, where appropriate, we seek to defer the Habitat Regulations Assessment to lower tier plans and projects, where a greater level of detail will be available to inform the assessment, mitigation and compensation.

For the Water body measure types, we were able to access spatial information which shows where each Water body measure type will be applied to a water body and therefore a greater level of detail on the pathways for effects that could potentially occur. Whilst this does not provide specific location of works or provide detail regarding the type of works or work programme etc., it has allowed for a slightly

more in-depth review of which European sites may be affected and the qualifying features for which adverse effect could occur. There is still, however a large degree of uncertainty on exactly where, how or when actions may be taken or effects might occur. The assessment is therefore still reliant on an outline of high-level avoidance and mitigation measures that give confidence that any adverse effects on any European sites will be avoided or adequately mitigated. Where appropriate, we seek to defer the HRA to lower tier plans and projects, where a greater level of detail will be available to inform the HRA, mitigation and compensation.

Appropriate Assessment in combination:

A strategic review was undertaken in combination of measures for this River Basin District (national measures and Water body measure types) where the Appropriate Assessment alone concluded that these measures through the regulatory processes and generic mitigation outlined can avoid adverse effects on European site integrity (or alternatives can be considered) but where sufficient detail is not known to confirm whether there may be residual effects.

Consideration was given to potential interaction between national measures and also between Water body measure types where occurring in similar water bodies. In keeping with the high-level nature of the plan and as detail regarding implementation of the measures is not yet available (exact activities that will be undertaken, exact location of works, spatial extent, temporal information etc.) this was conducted at a strategic level only.

For the purpose of the assessment, key relevant high-level plans or projects that could potentially result in in-combination effects with the River Basin Management Plan were also considered.

Key Findings

A total of 21 national measures and 22 Water body measure types were considered as part of the Appropriate Assessment for the Western Wales River Basin District.

In the Western Wales River Basin Management Plan it has not been possible to ascertain that one national measure and one Water body measure type will not have an adverse effect onsite integrity. These are national measure CYM49 (*Mining Remediation Authority work through the Wales Metal Mine Programme to deliver abandoned metal mine remediation*) and Waterbody measure type AM1.0 (*control and remediate point and/or diffuse discharges from abandoned metal mines*).

It has not been possible, at this stage, to ascertain that the reduction in metal contamination levels that would arise as a result of these measures would not adversely affect Calaminarian grassland habitat which is particularly sensitive to changes in metal levels and is a feature of some European sites within the River Basin District. Alternative options would not deliver on the aim of water quality remediation; this limited flexibility at the project level means that implementation of these measures do not meet criteria for deferring down to lower tier project level.

A Statement of Case will need to be prepared and be submitted for consideration by the appropriate authority (Welsh Government). This will be progressed alongside the consultation of the draft River Basin Mamangement Plan, draft Habitat Regulations Assessment and Strategic Environmental Assessment so that it is available for final approval by Welsh Government. It is acknowledged that Welsh Government will not be able to accept the Western Wales River Basin Management Plan until this has been resolved.

For all other national and Water body type measures in the Programme of Measures for the Western Wales River Basin Management Plan, there is confidence, whether alone or in combination, that lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation outlined and considering local in combination impacts, without causing an adverse effect on site integrity for any European sites, or alternative proposals can be sought. Detail is therefore deferred to the Habitat Regulations Assessment of lower tier plans, programmes and projects where a greater level of information will be available to inform the assessment, mitigation and compensation; in combination assessment should also form part of this Habitat Regulations Assessment at a local project/plan review level. Established regulatory, permitting and consenting mechanisms provide appropriate safeguards to ensure that impacts on European sites are assessed and managed before implementation.

Relevant national and regional plans have been reviewed at a high level to determine whether there are any likely significant ‘in combination’ effects. The plans all share the need to sustainably manage natural resources such as water and seek to adapt in light of our changing climate. This review has not indicated any potential or likely in combination effects arising from implementation of the River Basin Management Plan in combination with these other plans and programmes.

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Acronyms

Acronym	Meaning
AA	Appropriate Assessment
AMP	Asset Management Plan
CAP	Common Agricultural Policy
CCW	Consumer Council for Wales
CSO	Combined Sewer Overflow
cSAC	candidate Special Area of Conservation
DCWW	Dwr Cymru Welsh Water
DIN	Dissolved Inorganic Nitrogen
DTA	David Tyldesley and Associates
DrWPA	Drinking Water Protection Area
DWMP	Drainage and Waste Water Management Plan
DWPP	Diffuse Water Pollution Plan
EC	European Commission
EQSD	Environmental Quality Standards Directive
EU	European Union
FCERM	Flood and Coastal Erosion Risk Management
FRMP	Flood Risk Management Plan
GES	Good Ecological Status
HRA	Habitats Regulation Assessment
INNS	Invasive Non-Native Species
LSE	Likely Significant Effect
MPA	Marine Protected Area
MPS	Marine Policy Statement
MRA	Mining Remediation Authority
NASCO	North Atlantic Salmon Conservation Organisation
NEP	National Environment Programme
NFD	National Development Framework
NFM	Natural Flood Management
NMP	Nutrient Management Plan
NRP	Natural Resources Policy
NRW	Natural Resources Wales
NSFCERMW	National Strategy for Flood and Coastal Erosion Risk Management in Wales
OGN	Operational Guidance Note
PoM	Programme of Measures
pSPA	potential Special Protection Area

Acronym	Meaning
RBD	River Basin District
RBMP	River Basin Management Plan
RNAG	Reasons for Not Achieving Good
SAC	Special Area of Conservation
SAT	Strategic Assessment Team
SEA	Strategic Environmental Assessment
SFP	Sustainable Fisheries Programme
SFS	Sustainable Farming Scheme
SMP	Shoreline Management Plan
SMNR	Sustainable Management of Natural Resources
SPA	Special Protection Area
SuDS	Sustainable (urban) Drainage System
SWMI	Significant Water Management Issue
SWPA	Shellfish Water Protected Area
UK	United Kingdom
WFD	Water Framework Directive
WGWE	Welsh Government Woodland Estate
WMMRP	Wales Metal Mine Remediation Programme
WNMP	Welsh National Marine Plan
WRMP	Water Resources Management Plan

1. Introduction

This document sets out the draft strategic Habitats Regulations Assessment (HRA) of the draft fourth cycle Western Wales River Basin Management Plan (RBMP).

The draft Western Wales RBMP has been produced by Natural Resources Wales (NRW) as the responsible authority for river basin planning in Wales.

Figure 1, shows the study area for this HRA.

The neighbouring RBMPs covering the Severn and the River Dee will undergo HRA separately. As these neighbouring RBMPs cover cross border catchments, with some waterbodies in England, these are delivered jointly by NRW and the Environment Agency.

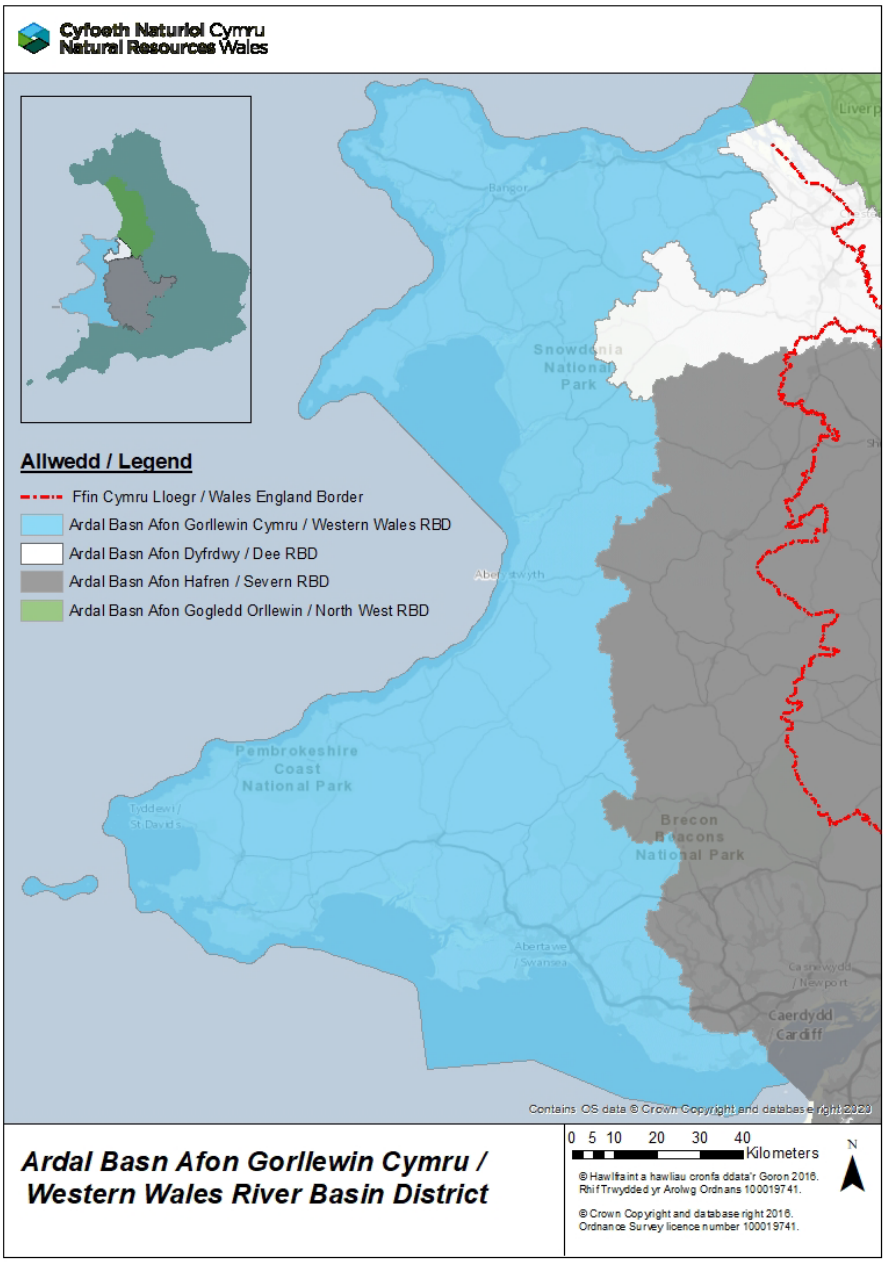


Figure 1. Study area for the Western Wales fourth RBMP

2. Determining the need for a Habitats Regulations Assessment

2.1 Introduction to Habitats Regulations Assessment

The Conservation of Habitats and Species Regulations 2017 (as amended), termed the 'Habitats Regulations', provides the legal framework for the protection of habitats and species of national importance in the UK.

A European site is a Special Area of Conservation (SAC) or Special Protection Area (SPA). European sites are designated to protect habitat types and species of European importance. The designation of each European site includes a list of the particular habitat types and/or species for which it is designated, often referred to as the site's features.

Most European sites in Wales and the rest of the UK were designated under the EC Habitats and Birds Directives when the UK was a member of the European Union and the sites formed part of the EU network of sites called Natura 2000. Since the UK's exit from the EU, SACs and SPAs in the UK no longer form part of the EU's Natura 2000 network, but they are still referred to under UK legislation (and throughout this document) as European sites. For the purposes of this document, the term European site includes European marine sites and European offshore marine sites, unless otherwise indicated. Collectively, the UK's European sites now comprise what is referred to in the Habitats Regulations as the National Site Network.

A number of European sites have also been designated as Ramsar sites, which are wetlands of international importance designated under the 1971 Ramsar Convention on Wetlands. In many cases the Ramsar site features are also European site features, but in some cases Ramsar sites have additional features which are not part of the SAC or SPA designation. Ramsar sites are not legally subject to the Habitats Regulations, but it is Welsh Government and UK Government policy that they should be treated as though they are European sites, including with respect to HRA, and including with respect to any non- SAC/SPA features. It is also Welsh and UK Government policy that protection similar to that given to European sites under the Habitats Regulations should also be given to:

- proposed SACs and SPAs
- areas secured as sites compensating for damage to a European site from a plan or project agreed to as a derogation.

Except where otherwise indicated, all further references in this document to European sites should be taken to include Ramsar sites, proposed SACs and SPAs and compensatory sites.

The Habitats Regulations require that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which is likely to have a significant effect on a European site and is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The aim of the WFD Regulations 2017 is to establish a framework for the protection of all surface waters and groundwater with the aim to reach good status/potential in all waters. Both the Habitats Regulations and the WFD Regulations 2017 promote the achievement of healthy aquatic ecosystems while at the same time ensuring a balance between water, nature protection and the sustainable use and management of natural resources. Indeed, there are many synergies as water dependent SACs and SPA's are also Protected Areas under the WFD Regulations and the implementation of measures will generally benefit the objectives of the nature legislation. However, this HRA has been developed iteratively with the fourth cycle RBMPs to ensure there are no unintended consequences of their implementation on European sites.

2.2 Western Wales RBD European Sites

Figure 2, overleaf, shows all European sites within or close to the study area based on the most up to date information. These include:

- 6 Ramsar Sites
- 70 SACs
- 20 SPAs

Many river and lake waterbodies throughout the RBD are either designated or have protected species associated with them. There are whole rivers that are designated as SACs, such as the Teifi, Tywi, Glaslyn and Gwyrfai. The interest features include Floating Water Plantain, Atlantic Salmon, shad, lamprey, otter and fluvial geomorphology. Even where rivers and streams are not designated, they can still support species that are mobile features of hydraulically linked designated sites, e.g. Atlantic salmon and otter.

There are also a number of Ramsar sites in the RBD, including the Burry Inlet, Cors Caron, Cors Fochno and Dyfi, Anglesey and Llyn Fens, Crymlyn Bog and Llyn Idwal, which is the only high status lake waterbody in Wales. These sites are wetlands of international importance that are of particular importance to waterbirds. For example, Cors Fochno and Dyfi Ramsar site supports the only regular wintering flock of Greenland white-fronted geese in England and Wales.

Approximately 70% of the Wales coast is designated as either SAC or SPA, with a range of habitats such as estuaries, coastal saltmarsh, grazing marsh, mudflats, reedbeds, cliffs, dunes and shingle. Species features of marine SACs and SPAs include diadromous fish, birds and marine mammals. The coastal margin habitats, whether designated or not, provide many ecosystem services, having strong cultural associations, iconic scenery providing a draw for recreation and tourism as well as contributing to natural flood protection.

We do not propose listing names/features of each European site shown on Figure 2 at this stage in this document as the HRA is generally being undertaken at a strategic high level given the nature of the RBMP being considered and as such a significant proportional area of Wales is designated - many European sites being present across the land mass and coastal areas of the RBD.

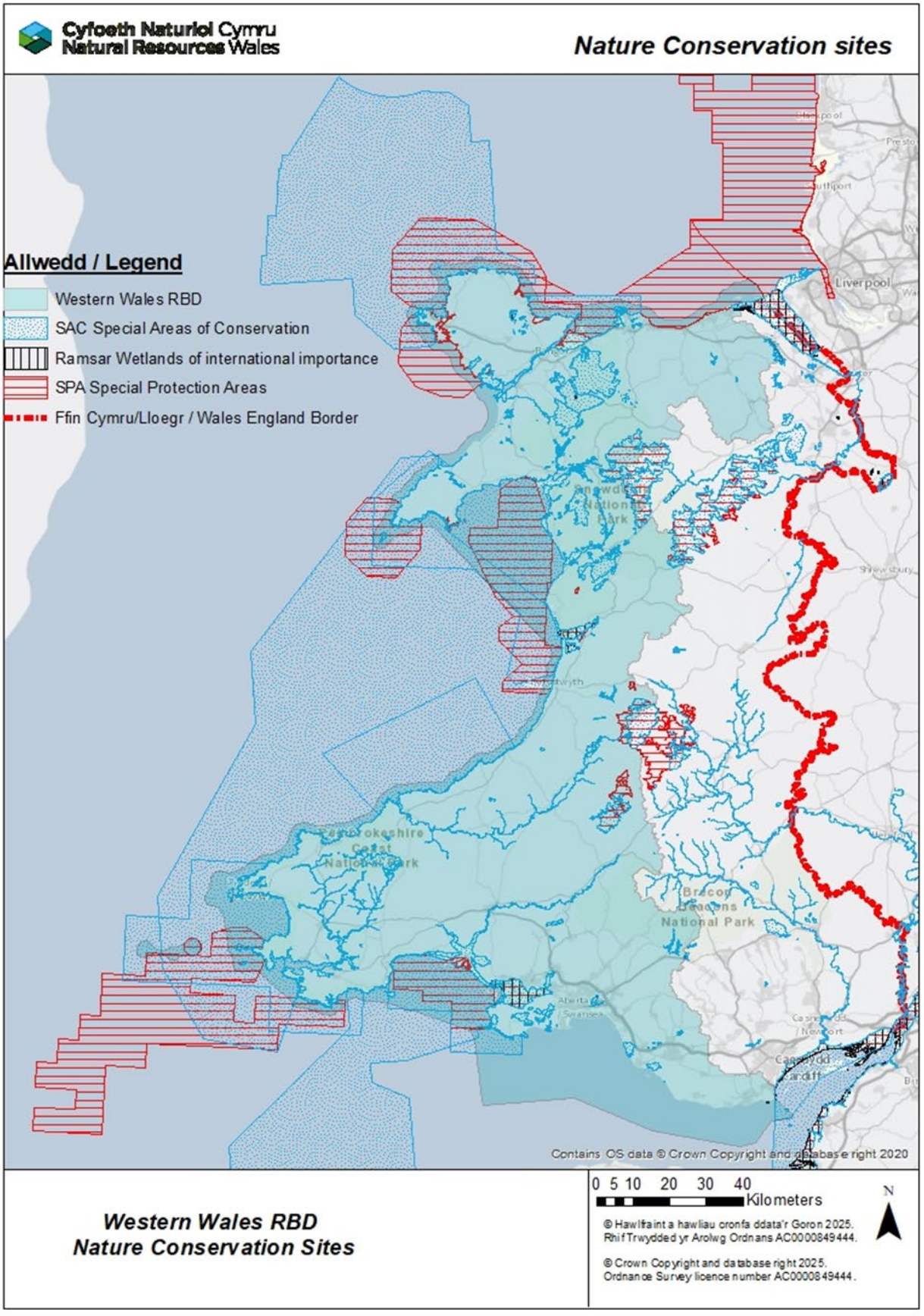


Figure 2. European Sites across the Western Wales RBD.

Where relevant, specific sites (and where appropriate their qualifying features) are considered against Water body measures in the Appropriate Assessment stage of the HRA (Section 6).

Key issues identified for the RBD through the RBMP SEA scoping exercise that are of relevance to European sites include:

- Climate and ecosystem resilience – including sea level rise implications and where constraints to physical processes, such as sea defences, are affecting habitat extent, condition and overall resilience, by impeding their ability to move inland in response to sea level rise (coastal squeeze).
- Pollution pressures - the water environment within the RBD receives pollution pressures from various sources such as abandoned mines, pollution from rural land use, pollution from towns, cities and transport etc.. These have direct and indirect impacts on aquatic biodiversity, flora and fauna for example, pollution from wastewater (and other sources) may increase risk of olfaction inhibition in fish.
- Nutrient enrichment - (nitrogen and phosphorus) in river, lake and groundwater waterbodies and subsequently transitional and coastal waterbodies, can impact on aquatic biodiversity, flora and fauna. In 2024, the SAC river compliance assessments showed water bodies on the Afon Eden, Afon Gwyrfai, Afon Teifi and Afonydd Cleddau exceeded phosphorus targets. Marine Protected Area Condition Assessments published in 2025 include various nutrient failures for Dissolved Inorganic Nitrogen (DIN).
- Physical modifications - impacts associated with physical modification of river, estuarine and coastal physical forms and processes (hydromorphology), for example where barriers to fish migration are present, within the RBD catchments, limiting movement, distribution and population size. Changes to the natural flow and levels of water from abstraction is also a key issue for fish in rivers with particular low flow concerns, and entrainment of fish is a risk for abstractions which are not screened appropriately.
- Non-native invasive species - invasive species in the Western Wales RBD include Japanese Knotweed, Himalayan Balsam, Signal crayfish and American slipper limpet.
- Pests and diseases - for example *Phytophthora ramorum*, a highly destructive organism that can cause extensive damage and death to more than 150 plant species, including some forest species. Damage and loss of plants, trees and woodlands across catchments from insects, pests, and organisms such as bacteria and fungi is likely to increase in future with potentially significant impacts for catchments. Increased human mobility (and movement of goods) as well as changes in climate all contributing to heightened risk of spread of existing or introduction of new pests and diseases.

Specific threats and pressures identified for SACs and SPAs within the RBD through site specific data forms include the above as well as other threats such as: increased recreational pressure on sites, grazing practices, fire and fire suppression, human

resource use such as mining/quarrying, hunting/fishing and other collecting including taking/removal of plants, urbanisation and building in the landscape, forest planting on open ground and other forestry activities, etc. (list not exhaustive).

2.3 Stages of Habitats Regulations Assessment

Official guidance on the Habitats Regulations sets out several stages to the carrying out of assessments required under Regulation 63 of the Habitats Regulations. We refer to this process as 'Habitats Regulations Assessment' (HRA). This HRA follows NRW Operational Guidance Note 200 on the HRA of Plans and Projects.

The HRA process is made up of a series of stages that is summarised below:

7. Screening I: Determining which plans should be subject to HRA.
8. Screening II: Pre-screening and Test of Likely Significant Effects
9. Appropriate Assessment and test of site integrity
10. Derogation

The plan can only lawfully be approved or enacted if adverse effects on site integrity can be ruled out, unless it is able to meet the three tests set out under the derogations, namely:

1. There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
2. The proposal needs to be carried out for imperative reasons of overriding public interest.
3. The necessary compensatory measures can be secured.

2.3.1 Screening II approach

The screening II stage in strategic HRA starts with pre-screening. This is initially undertaken so that measures/policies that cannot affect or have no pathway for effects on European site features are screened out immediately, with justification provided. Those with potential pathways for effects are considered further in the Test of Likely Significant Effects.

3. An overview of the Plan

RBMPs take a holistic approach to managing our waters, looking at the water within the wider ecosystem and taking into account the movement of water through the hydrological cycle from source to sea. The purpose of the RBMPs is to protect and improve the water environment for the wider benefits to people and wildlife.

The first RBMPs were published in 2009 and set the framework for protecting and enhancing the water environment from 2009 to 2015. Some commitments extended to 2021 and /or 2027 and these were reviewed and updated in the second cycle RBMP, published in 2015. The third cycle again, reviewed progress against the objectives and where necessary revised objectives and the associated Programme of Measures (PoM) for delivery between 2021 and 2027. For the fourth cycle NRW has reviewed again progress and the PoM and included measures required at a waterbody scale to meet good status/potential by 2027. There are some waterbodies where the objective of good status/potential has been extended beyond 2027. See Figure 3 below.

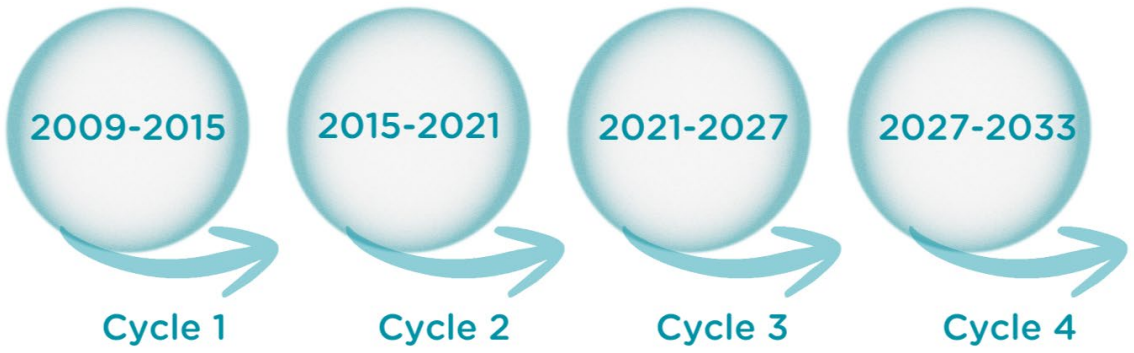


Figure 3. Schematic demonstrating the periods of time covered by each RBMP cycle

The fourth cycle RBMPs are produced by NRW and the Environment Agency under the Water Environment (Water Framework Directive) England and Wales Regulations 2017. The plans include a summary of:

- Classification of water bodies: The baseline status in each water body. This enables us to understand the current condition of the water bodies including all the quality elements. The draft RBMP (Nov 26) is based on the interim cycle 3 classification and the final plan (Dec 27) will include an updated cycle 4 classification. Preventing deterioration from this baseline is a key objective of this plan, and also one of our greatest challenges in protecting the water environment.

- Summary of Programme of Measures to achieve statutory objectives (National and Water body measures). The PoM is all the measures required to restore waterbodies to good status/potential based on the Reasons for Not Achieving Good (RNAG) dataset. It also includes the local actions identified

in cycle 3 for the Opportunity Catchments, focussing on collaborative working and the delivery of multiple benefits for people and wildlife. The HRA focusses on assessing the PoM.

- Statutory objectives for water bodies: Objectives have been set for each quality element in all water bodies, including an objective for the water body as a whole. The default objective is to aim to achieve good status or potential by 2027. However, in some circumstances, we have extended the deadline or set an objective of less than good where this is justified on the basis of natural conditions, ecological recovery time, technical feasibility or disproportionate cost.

Since publishing the third cycle RBMPs, the UK and Welsh governments launched an independent commission in 2024, led by Sir Jon Cunliffe and supported by expert advisors, to recommend reforms to the water sector regulatory system. The review aimed to build consensus for a resilient and innovative water sector and a robust wider regulatory framework that:

- delivers long-term benefits
- restores rivers, lakes, and seas to good health
- provides a reliable and efficient water supply in a changing climate
- ultimately serves both customers and the environment

In addition to the above, the High Court ruling on the Pickering Fishery Association), R (On the Application Of) v Environment Agency [2023] is also now available and has influenced the development of cycle 4 RBMPs.

The PoM is aligned with the list of the Significant Water Management issues (SWMI) that NRW believe threaten the current and potential future uses of the water environment.

Between the 21st October 2025 and 21st April 2026 NRW undertook a public consultation called “challenges and choices” to share an overview of the significant water management issues identified across Wales’ RBD’s. The consultation responses have informed the review of the program of measures.

The SWMI in the fourth cycle of the RBMP remain consistent with the third cycle RBMPs:

- **Physical modifications** Changes made to natural forms and processes of rivers, lakes, estuaries and coastal waters.
- **Pollution from rural areas** Poor agricultural practice and forestry management can result in nutrients, sediment and bacteria affecting the water environment.
- **Pollution from wastewater** Wastewater can contain large amounts of nutrients (such as phosphorus and nitrates), ammonia, harmful bacteria and other contaminants. This includes treated water from wastewater treatment works, untreated intermittent discharges from storm overflows, private wastewater treatment and misconnected household appliances.

- **Pollution from towns, cities and transport** Atmospheric deposition and runoff from man-made surfaces carries pollutants into waters. Some of these contaminants adhere to sediment in our lakes, rivers, estuaries and coastal water bodies. These contaminates are either gradually released or released in larger quantities when there is a disturbance such as high flows or dredging.
- **Pollution from abandoned mines** Contaminated water draining from historic mines.
- **Changes to natural flow and levels of water** Taking too much water from rivers, lakes and underground, causes problems for wildlife, ecosystems and impacts recreational use of water
- **Non-native invasive species** Presence of invasive non-native plants and animals in our watercourses poses a threat to biodiversity, increases flood risk, affects the state of our water environment and costs the economy billions per annum.

These issues can act as sources of the wide-ranging pressures impacting many of our waters, such as chemicals, nutrients, bacteria and invasive non-native species. The nature and climate emergencies are cross-cutting issues which are also impacting water, habitats and species across Wales.

This draft HRA is focussed on and has been developed iteratively with the PoM. The PoM consists of national measures (applicable to the whole of Wales) and Water body measures (a suite of measures that are applied to specific water bodies). The national measures are made up of those carried forward from earlier cycles of the RBMP, modified measures and new measures. There are 81 types of Water body measures, grouped by SWMI, that have been applied to specific waterbodies, not achieving their WFD Regulations objectives.

HRA must be an iterative process and the conclusions will inform the development of the draft RBMP and the SEA. The draft HRA will be discussed with the Appropriate Nature Conservation Body (NRW) and there will be informed public consultations on the draft plans. The HRA will then be revised in light of these discussions, responses to the draft plan consultation and as the RBMPs themselves evolve, concluding in a Final HRA which will be published alongside the adopted RBMPs.

4. Screening I: Determining whether the plan should be subject to HRA

4.1 Is the Plan directly connected with or necessary to the management of a European site for the purposes of conserving the habitats or species for which the European sites are designated?

The fourth cycle RBMPs are not directly connected with or necessary to the management of European sites. By their nature, RBMPs are designed to improve our environment and hence should be complementary to the management of European sites and meet Protected Area objectives for water dependant European sites. However, the plans include measures that could result in physical interventions in the environment and consequently, there is potential for effects on European sites located on, adjacent to or linked with (e.g. downstream of) measures. NRW have therefore determined that the RBMPs should be subject to HRA.

5. Screening II: Test of Likely Significance Alone

5.1 Pre-Screening of measures

Pre-screening is undertaken so that measures or policies in the plan which cannot affect, or have no pathway for effects on European site features, are screened out immediately, with justification provided, and hence transparency.

5.1.1 provides information regarding the categorisation for and pre-screening of the national measures.

5.1.2 provides information regarding the pre-screening of Water body measure types.

5.1.1 Pre-screening of National Measures

National measures are allocated into one of 13 pre-screening categories according to the nature of the measures and the ways in which they could or could not affect European sites, primarily as a result of their delivery mechanism. These pre-screening categories are described in Table 1.

The pre-screening categories are recommended by NRW Operational Guidance Note (OGN 200) and are an accepted methodology for screening high level policies / measures in strategic HRA. *Credit to David Tyldesley and Associates – DTA – for the original publication of these categories in the DTA Publications Habitat Regulations Handbook which has since been withdrawn (January 2026).* It is a high-level precautionary screening to screen out any measures that obviously fall into Categories A-H below and therefore do not require further consideration as part of the HRA process.

Where potential pathways or uncertainties exist, the measures will be taken forward to the Test of Likely Significance in Section 5.2.

Table 1. Pre-screening Assessment Categories (National Measures only)

Category	Description
A	**General statements of policy/general aspirations**. Policies which are no more than general statements of policy or general political aspirations should be **screened out** because they cannot have a significant effect on a site.
B	**Policies listing general criteria for testing the acceptability/sustainability of proposals**. These general policies cannot have any effect on a European site and should be **screened out**.
C	**Proposal referred to but not proposed by the strategy**. **Screen out** any references to specific proposals for projects, such as those which are identified, for example, in higher policy frameworks such as the Future Wales: The National Plan 2040 or National Policy Statements, relating perhaps to nationally significant infrastructure projects. These will be assessed by the Secretary of State or Welsh Ministers. A useful 'test' as to whether a project should be screened out in this step is to ask the question: 'Is the project provided for/proposed as part of another plan or programme and would it be likely to proceed under the other plan or programme irrespective of whether this subject plan is adopted with or without reference to it?' If the answer is 'yes', it will normally be appropriate to screen the project out in this step.
D	**Environmental protection/site safeguarding policies**. These are policies the obvious purpose of which is to protect the natural environment, including biodiversity, and/or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any adverse effect on a European Site. They can be **screened out** because the implementation of the policies is likely to protect rather than adversely affect European sites, and would not undermine their conservation objectives.
E	**Policies or proposals that steer change in such a way as to protect European sites from adverse effects**. These types of policies or proposals will have the effect of steering change away from European sites whose qualifying features may be affected by the change, and they can therefore be **screened out**.

Category	Description
F	**Policies or proposals that cannot lead to development or other change**. Policies that do not themselves lead to development or other change, for example, because they relate to design or other qualitative criteria for development, such as materials for new development. They do not trigger any development or other changes that could affect a European site, and can be **screened out**.
G	**Policies or proposals that could not have any conceivable adverse effect on a site**. Policies which make provision for change, but which could have no conceivable effect on a European site, because there is no causal connection or link between them and the qualifying features of any European site and can therefore be **screened out**.
H	**Policies or proposals the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects)**. Policies or proposals which make provision for change, but which could have no significant effect on a European site, either alone or in combination with other aspects of the same plan, or in combination with other plans or projects, and can therefore be **screened out**. These may include cases where there are some potential effects which (and theoretically even in combination) would plainly be insignificant and could not undermine the conservation objectives.
I	**Policies or proposals with a likely significant effect on a site alone**. Policies or proposals which are likely to have a significant effect on a European site alone should be **screened in**.
J	**Policies or proposals not likely to have a significant effect alone**. These aspects of the plan would have some effect on a site, but the effect would not be likely to be significant; so, they must be checked for in-combination (cumulative) effects. They will then be re-categorised as either Category K (no significant effect in combination) or Category L (likely to have a significant effect in combination), as explained below.

Category	Description
K and L	**Policies or proposals not likely to have a significant effect either alone or in combination (K), or likely to have a significant effect in combination (L) after the in-combination test**. Where an aspect of a plan could have some effect on the qualifying feature(s) or a European site, but the effects of that aspect of the plan alone would not be significant, the effects of that aspect of the plan will need to be checked in combination firstly, with other effects of the same plan, and then with the effects of other plans and projects. i.e. policies or proposals which will have no likely significant effect alone or in combination are classified as Category K. Policies or proposals which are likely to have a significant effect in combination are classified as Category L. Category L policies or proposals will require further consideration in terms of potential in-combination effects. Firstly, this will be with regard to other aspects of the Plan itself, and subsequently with other separate plans or projects, for example neighbouring Local Plans.
M	**Bespoke area, site or case-specific policies or proposals intended to avoid or reduce harmful effects on a European Site.** Examples of these may be policies or proposals which: are area specific; or provide a bespoke mitigation plan or strategy; or require that a particular proposal be accompanied by a detailed "construction management plan", or similar plan; or require a proposed change to be subject to early warning monitoring. In all these cases the policies or proposals will have been included with the intention of avoiding or reducing effects on specific European site(s) whose qualifying features may otherwise be affected by the plan being implemented. If it were not for the need to include such policies to afford protection for the relevant European sites, the plan could lawfully and practically be implemented without them. Following the ruling in People Over Wind these policies cannot be taken into account in the formal screening decision and must therefore be **screened in** for further consideration as part of an appropriate assessment.

Annex 1 provides supplementary information which lists the national measures applicable across Wales - they are grouped under their most relevant SWMI and their delivery mechanism, pre-screening decision and our justification are recorded.

A precautionary approach has been taken where any uncertainty exists because of the following:

- Plans or programmes are still in-development;

- Plans or programmes have no detailed spatial information in terms of their delivery;
- Plans or programmes are being delivered externally to NRW.

In these instances, and for those measures where a potential pathway may be present that needs further investigation (i.e. where potential pathways or uncertainties exist), we have taken the draft RBMP national measures forward for further consideration of pathways in the test of Likely Significant Effects (LSE) on European Sites (further LSE screening as a result of measures being allocated into pre-screening category I-M).

Of the 54 Wales national measures, 32 have been screened out at the pre-screening stage (see Annex 1 for justification) and 22 require further screening consideration and justification for LSE.

A summary of the pre-screening decisions is set out in Table 2 below – see Annex 1 for more detail.

Table 2. National measures pre-screening results

HRA Pre-screening Category	Programme of measures
A	CYM25, CYM32, CYM34, CYM35, CYM36, CYM44, CYM51, CYM60, CYM62, CYM74, CYM82, WAL11, WAL12, WAL22, WAL29, WAL30, WAL31, WAL32, WAL33, WAL34, WW0010, WW0212, WW0216, NEW02, NEW03, NEW05
B	-
C	-
D	CYM61, DrWPA0488
E	CYM69, WAL08, NEW06
F	-
G	WAL24
H	-
Further LSE Screening I to M	CYM2, CYM4, CYM18, CYM31, CYM41, CYM49, CYM50, CYM73, DE0014, WAL02, WAL03, WAL05, WAL06, WAL10, WAL17, WAL19, WAL20, WAL23, WAL25, WW0031, NEW01, NEW04

5.1.2 Pre-screening of Water body Measures

The pre-screening for Water body measures uses a simplified national approach for this initial high-level screening.

A suite of Water body measure types have been developed, aligned with the SWMI's, aimed at application at a water body level for those water bodies that are not achieving good ecological status or potential. The WFD Reasons for Not Achieving Good (RNAG) water bodies informed the development and application of

measures. The HRA initially considers the types of Water body measures and then, where pathways for effects exist, the HRA considers their spatial application.

Each type of Water body measure has a measure description and is identified by a unique ID code that aligns with the relevant SWMI. There are 81 Water body measure types listed nationally which were each pre-screened. Eleven of the Water body measure types do not align directly with any of the SWMI's as they relate to other pressures, other natural causes, suspect data or unknown reasons.

The pre-screening of Water body measure types did not use the national measures pre-screening criteria as this approach is aimed at strategic plan/programme measures. The Water body measure pre-screening considers only the Water body measure description and likely approach to be taken to implement that measure (investigation, regulatory compliance, good practice or if it relates specifically to an on the ground deliverable). This pre-screening identifies and screens out immediately any Water body measure types that cannot affect or have any pathway for effects on European site features, with justification provided for transparency (Annex 2).

This requires a precautionary approach where only those Water body measure types that have 'no conceivable' impact on designated sites due to the nature of their approach (e.g. purely desk-based investigation), are screened out at the pre-screening stage. Where any uncertainty remains or a potential pathway exists, the Water body measure type remains screened in for further consideration in Section 5.2.

This pre-screening stage, consisted of a high-level review of all Water body measure types, without referring to any spatial data (i.e. which water body(ies) the measure is assigned to or which RBD they relate to), nor background context for that measure being allocated at a specific location (i.e. business category or type of background activity). Some Water body measures align with the national measures, but not all, and so the pre-screening was undertaken independently of the national measures.

Annex 2 provides supplementary information which lists each of the Water body measure types by ID together with the pre-screening decision and justification.

Of the 81 Water body measure types, 46 have been screened out at the pre-screening stage and 35 require further screening consideration and justification for LSE alongside their relevant national measure(s). A summary of the pre-screening decision is set out in Table 3 below – see Annex 2 for more detail.

Table 3. Water body measure types pre-screening results

HRA Pre-screening Result	Water body measure ID
Screened Out – Statement of Regulatory Compliance	WW1.0, WW1.3, TC1.0, TC1.1, TC1.7, TC1.10, NN1.1, RA1.0, RA1.10, OT1.1, UN1.0

HRA Pre-screening Result	Water body measure ID
Screened Out – Statement of Good Practice	TC1.4, TC1.8, RA1.1, RA1.3, RA1.4, RA1.5, RA1.7, RA1.8, RA2.0, UN1.1
Screened out – Investigations*	IN2.1, IN2.2, IN2.3, IN2.4, IN2.5, IN2.6, IN2.7, IN2.8.1, IN2.8.2, IN2.9, IN2.10, IN2.11, IN2.12, IN4.0, IN1.0, IN3.0, IN3.1, NA1.1, NA1.2, SU1.1, SU1.2
Screened out – No measure taken forward	PM13, NA1.0, OT1.0, SU1.0
Further LSE Screening	WW1.1, WW1.2, WW1.4, WW1.5, WW2.0, TC1.2, TC1.3, TC1.5, TC1.6, TC1.9, TC1.11, TC1.12, PM7, PM12, PM6, PM8.1, PM8.2, PM9, PM10, PM1, PM4, PM2, PM3, PM5, FL1.0, NA1.3, NN1.0, NN1.2, RA1.2, RA1.6, RA1.9, RA1.11, AM1.0, AM1.1, OT1.2

**investigations in this context are taken to be desk based or walkover only and will therefore not lead to direct physical effect or impact pathway (i.e. no on the ground development or other change).*

5.1.3 Summary of Conclusions from the pre-screening

Of the 54 Wales national measures, 32 have been screened out at the pre-screening stage (see Annex 1 for justification) and 22 require further screening consideration and justification for LSE in Section 5.2.

Of the 81 Water body measure types, 46 have been screened out at the pre-screening stage (see Annex 2 for justification) and 35 require further screening consideration and justification for LSE in Section 5.2.

The measures that remain screened in for further screening for LSE can be broken down by SWMI as below in Table 4. Any Water body measure types remaining screened in that do not align with the SWMI's are presented under "other" as below (this is not relevant for national measures as they all align with SWMI).

Table 4. Pre-screening summary by SWMI – measures remaining screened in for LSE

SWMI	National measures for further LSE screening	Water body measure types for further LSE screening
Pollution from waste water	CYM18, WAL06, WAL10, WAL25, NEW01, WAL23	WW1.1, WW1.2, WW1.4, WW1.5, WW2.0
Pollution from towns, cities and transport	-	TC1.2, TC1.3, TC1.5, TC1.6, TC1.9, TC1.11. TC1.12
Physical modifications	CYM2, CYM4, CYM31, CYM50, WAL02, WAL17, WAL19	PM7, PM12, PM6, PM8.1, PM8.2, PM9, PM10, PM1, PM4, PM2, PM3, PM5
Changes to natural flow and levels of water	CYM73	FL1.0, NA1.3

SWMI	National measures for further LSE screening	Water body measure types for further LSE screening
Non-native invasive species	-	NN1.0, NN1.2
Pollution from rural areas	CYM41, WAL05	RA1.2, RA1.6, RA1.9, RA1.11
Pollution from abandoned mines	CYM49, DE0014, WW0031	AM1.0, AM1.1
All	WAL03, WAL20, NEW04	-
"Other"	Not relevant for national measures	OT1.2 listed under "other pressures" and not aligned to a SWMI
Total	*22*	*35*

The national measures that remain screened in, fall under the following delivery mechanisms: strategic plans, water company investment (Asset Management Plan (AMP)), investigations, partnerships and regulation.

Water body measures that remain screened in are those where an on the ground deliverable is the likely approach to implementation of the measure, or where uncertainty remains.

There are two instances where all national measures for a SWMI have been screened out at pre-screening (Pollution from towns, cities and transport and Non-native invasive species) but one or more Water body measure type aligned with this SWMI remain screened in. In these instances, the national measures have been screened out as they relate to general statements of policy/general aspiration (Category A) or Environmental protection/site safeguarding policies (Category D) rather than on the ground delivery. The aligned Water body measure types, however, relate to more specific on the ground deliverables at a more localised scale, to implement change/improvement at a waterbody level with the aim of contributing to these more general national aspirations and policies. Further consideration of the interaction between aligned national measures and Water body measures remaining screened in for LSE is provided below.

The remaining 22 national measures and 35 Water body measure types following the initial pre-screening are considered further in Section 5.2 – Test of Likely Significant Effect.

5.2 Test of Likely Significant Effect

The text through this section provides a Likely Significant Effect (LSE) screening assessment of the remaining 22 national measures (i.e. measures/policies that fall into categories I to M being considered further to test LSE) and the 35 remaining Water body measure types that remained screened in after the initial high-level pre-screening.

National measures and Water body measure types are grouped together through this section, under their relevant SWMI.

National measures are considered as an overarching measure/policy to identify any potential LSE that may occur. A precautionary approach has been followed whereby any national measures where a LSE is identified or where uncertainty remains (e.g. national measures are still in development, lack sufficient information to fully consider etc.) are taken through to Appropriate Assessment for further consideration.

As for the pre-screening stage, Water body measure types are initially considered from their description, regardless of where or how frequently they are applied. All 35 Welsh Water body measure types taken through to LSE are considered (irrelevant of which RBD they may relate to).

The LSE does not therefore include any spatial assessment at this stage for Water body measure types. This is based on the assumption there will be very few water bodies where designated sites are not a consideration across Wales (due to the number and area of the country covered by European sites, or that are hydrologically linked to European sites). Each measure is considered strategically in relation to the nature of its delivery, irrelevant of location and therefore working on the general assumption there could be one/more European sites (of any type/with any feature) in proximity, hydrologically linked and/or functionally linked for that measure when applied at a water body level.

If the Water body measure type would result in an on the ground deliverable, directly as a result of the RBMP, it is considered there is potential for impact pathway to a European site (irrelevant of location/type/feature) and therefore LSE cannot be ruled out at this stage and this measure is taken through to Appropriate Assessment for further consideration of spatial factors (and to take into account additional mitigation/controls). Where there is any uncertainty (e.g. measures are still in development, lack sufficient information to fully consider, spatial data required to fully assess etc.), measures are also taken through to Appropriate Assessment.

Annex 3 lists the national measures that remain screened in for LSE consideration, grouped under their most relevant SWMI and their delivery mechanism, LSE decision and justification are recorded.

Annex 4 lists the Water body measure types that remain screened in for LSE consideration, grouped under their most relevant SWMI, and their LSE decision and justification are recorded.

A summary of the supplementary information above is included in this section.

As part of the LSE determination, there has also been consideration of the combined national measures and Water body measures LSE screening to check for any contradictions (e.g. if a national measure has been screened out but an associated Water body measure remains screened in).

Where a national measure may have been screened out initially during the LSE process but Water body measure(s) aligned with it remain screened in for Appropriate Assessment, the national measure also now is taken through with that Water body measure or justification is provided in the text below as to why it is appropriate for this measure to remain screened out.

5.2.1 Pollution from waste water

The following measures relating to pollution from waste water remain screened in for LSE consideration following the initial high level pre-screening:

- six national measures – CYM18, WAL06, WAL10, WAL25, NEW01, WAL23
- five waterbody measure types – WW1.1, WW1.2, WW1.4, WW1.5, WW2.0

National measures CYM18, WAL06, WAL10, WAL25, NEW01 and WAL23 all remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- CYM18 - Water companies develop and deliver catchment management options that improve water quality and deliver additional ecosystem services
- WAL06 - Deliver measures in AMP8 (Menai Strait and Bury Inlet SWPA's) to endeavour to achieve the Shellfish Water Protected Area objective. Plans are also in place to continue to gain a better understanding of improvements required to achieve Shellfish Water Protected Area objective in the wider hydrological catchments.
- WAL10 - The Water Industry will deliver a programme of investigations and improvements to sewage discharges (both continuous and intermittent) in order to support delivery of WFD Regulation 2017 and Protected Area objectives through AMP.
- WAL25 - Water Companies will deliver DWMPs (Drainage and Waste Water Management Plans)
- NEW01 - Investigate, identify and deliver a range of catchment measures to achieve and maintain the bathing water standard in all designated bathing waters.
- WAL23 - Water Companies will deliver a programme of investigations and improvements to deal with chemicals to support delivery of WFD Regulations 2017 and Protected Area objectives through AMP

There are clear environmental benefits associated with these measures; however, there is also potential for impact pathways to arise during implementation and in the long-term and the level of detail is not sufficient to rule out LSE on European sites either at the location of works/in proximity or that are hydrologically/functionally linked. The measures are therefore taken through to Appropriate Assessment.

Water body measure types WW1.2, WW1.4, WW1.5 and WW2.0 remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- WW1.2 - Deliver action(s) identified in the NEP / AMP to secure compliance
- WW1.4 - Deliver improved discharge quality/reduce spills from all intermittent point source discharges e.g. CSOs, emergency overflows etc.
- WW1.5 - National chemical measure(s) apply
- WW2.0 - Deliver action(s) identified in the NEP / AMP to restore SAC towards favourable condition

Whilst WW2.0 is specifically aimed at delivering actions to restore SAC water bodies towards favourable condition, impact pathways and LSE cannot be ruled out if work is within/in close proximity to or in a waterbody that is hydrologically/ functionally linked to European sites and their qualifying features. As a precaution these measures will be considered further in the context of additional mitigation/control as part of the Appropriate Assessment stage.

WW1.2, WW1.4 and WW2.0 directly align with national measure WAL10 (The Water Industry will deliver a programme of investigations and improvements to sewage discharges (both continuous and intermittent) in order to support delivery of WFD Regulation 2017 and Protected Area objectives through AMP), and WW1.5 aligns with WAL23 (Water Companies will deliver a programme of investigations and improvements to deal with chemicals to support delivery of WFD Regulations 2017 and Protected Area objectives through AMP). These national measures also remain screened in for further consideration at Appropriate Assessment.

Water body measure type WW1.1 is screened out at this LSE stage.

- WW1.1 - Where required review/amend permits to reduce impact of discharges

This relates to review and where appropriate amendment of permits to reduce impact of discharges. NRW Regulatory Guidance Series RGN 4 sets the standards for environmental protection with regard to environmental permitting. The permitting process in Wales requires that designated wildlife sites are considered. Environmental protection measures and conditions of the permit are imposed as required and specific conditions are included in a permit to avoid adverse effects on any European site, over and above those to ensure compliance with the Regulations. Where an application still threatens an unacceptable impact on such a site, the application would be refused. Enforcement would look to ensure conditions and protection measures are in place.

By its nature and through the regulatory controls already in place on the permitting process, WW1.1 would not create impact pathways to European sites or their qualifying features and there would be no LSE as a result of its inclusion in the RBMP.

5.2.2 Pollution from towns, cities and transport

The following measures relating to pollution from towns, cities and transport remain screened in for LSE consideration following the initial high level pre-screening:

- no national measures
- seven Water body measure types – TC1.2, TC1.3, TC1.5, TC1.6, TC1.9, TC1.11. TC1.12

All national measures relating to this SWMI were screened out at the pre-screening stage.

Water body measure types TC1.2, TC1.3, TC1.5, TC1.6 and TC1.11 remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- TC1.2 - Remediate contaminated land
- TC1.3 - Where appropriate remove/remediate sediment from watercourses and treat contaminated water
- TC1.5 - Improve the drainage Screen outfalls from the transport network and urban environment to reduce levels of contaminants
- TC1.6 - Maintain and improve sewerage drainage system to rectify misconnections and leaks
- TC1.11 - Remediation of landfill and extraction/treatment of leachate

These types of measure could feasibly result in impact pathways and LSE if work is within/in close proximity to or in a waterbody that is hydrologically/ functionally linked to European sites and their qualifying features. Therefore, as a precaution these measures will be considered further in the context of additional mitigation/control as part of the Appropriate Assessment stage.

Water body measure type TC1.9 and TC1.12 are both screened out at this LSE stage.

- TC1.9 - Review and where appropriate vary and/or enforce existing Discharge Permits.
- TC1.12 - National chemical measure(s) apply

Water body measure TC1.9 relates to the review and where appropriate variation and/or enforcement of existing Discharge Permits. TC1.9 looks to, where appropriate, vary existing permits (for overall environmental benefit) - or enforcement of existing permits to ensure regulatory compliance. NRW Regulatory Guidance Series RGN 4 sets the standards for environmental protection with regard to environmental permitting. The permitting process in Wales requires that designated wildlife sites are considered. Environmental protection measures and conditions of the permit are informed by project level HRA and imposed as required. Specific conditions are included in a permit to avoid adverse effects on any European site, over and above those to ensure compliance with the Regulations. Where an application still threatens an unacceptable impact on such a site, the application would be refused. Enforcement would look to ensure conditions and protection measures are in place. By its nature and through the regulatory controls already in place on the permitting process, TC1.9 would not create impact pathways to European sites or their qualifying features and there would be no LSE as a result of its inclusion in the RBMP.

Water body measure type TC1.12 states that national chemical measure(s) should apply at aligned water bodies; no direct on the ground activities are to be implemented as a result of this Water body measure type at these locations. The aligned national measure to this Water body measure type (i.e. the national measure that will therefore apply at these waterbodies) is CYM82 (*Control the release of chemicals, to the environment, at source i.e. production and use, through the implementation of domestic Legislation and International agreements*) which was

screened out during the pre-screening stage as Cat A: General statements of policy/general aspirations. There is therefore nothing tangible for this Water body measure type that would result in an impact pathway or likely significant effect to European sites.

5.2.3 Physical modifications

The following measures relating to physical modifications remain screened in for LSE consideration following the initial high level pre-screening:

- seven national measures – CYM2, CYM4, CYM31, CYM50, WAL02, WAL17, WAL19
- twelve Water body measure types – PM1, PM7, PM12, PM6, PM8.1, PM8.2, PM9, PM10, PM5, PM4, PM2, PM3

National measures CYM2, CYM4, CYM31, CYM50, WAL02, WAL17 and WAL19 all remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- CYM2 - Deliver our statutory duties to maintain, improve and develop salmon, trout, freshwater and eel fisheries
- CYM4 - Deliver the strategic outcomes of the Climate Resilient Fisheries Strategy for the sustainable management of migratory and freshwater fisheries of Wales.
- CYM31 - National Environment Programme schemes to investigate and implement measures to resolve impacts caused by water storage reservoirs
- CYM50 - In waterbodies designated as heavily modified due to flood and coastal protection, mitigation for NRW owned assets and activities will be reviewed and delivered on a prioritised basis
- WAL02 - A programme to develop, support, promote and deliver appropriate river restoration options to deliver multiple benefits at a number of high priority river catchments identified under the integrated River Restoration Programme for Wales
- WAL17 - Support Wales to have a coastline that is sustainable and resilient to climate change. Plan for coastal adaptation in line with Shoreline Management Plan policy for coastal defence management. Enable the National Habitat Creation Programme to deliver compensatory intertidal habitat where required. Integrate, where appropriate, nature-based solutions into the delivery of coastal defence schemes
- WAL19 - Water Companies will address the impacts of water company assets on fish passage causing failure of WFD Regulations 2017 objectives in accordance with objectives in AMP. This will address structures that act as barriers to fish migration which are associated with other aspects of water company operations, such as trunk sewers and mains pipes located in river channels, and associated concrete sills and structures. In some cases, there may be uncertainty over asset ownership which will need to be resolved. Solutions may often be implemented through working in partnership with other sectors

There are clear environmental benefits associated with these measures; however, there is also potential for impact pathways to arise during work and in the long-term

through implementation of these measures and as the level of detail is not sufficient to rule out LSE on any European sites at the location of works/in proximity or that are hydrologically/functionally linked, the measures are carried through to Appropriate Assessment.

Water body measure types PM1, PM7, PM6, PM8.1, PM8.2, PM9, PM10, PM5, PM4, PM2 and PM3 remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- PM1 - Mitigate impacts on fish migration caused by water storage impoundments
- PM7 - Resolve impacts caused by barriers to fish migration and natural continuity in river and tidal channels (e.g., dams, weirs, culverts, sluices, tidal gates)
- PM6 - Resolve impacts caused by hard / engineered protection of river and tidal channel banks (e.g., steel piling, concrete, gabions).
- PM8.1 - Resolve impacts caused by straightening and or re-alignment of river and tidal channels.
- PM8.2 - Resolve impacts caused by artificial modification of river and or tidal channel beds
- PM9 - Resolve impacts caused by hard / engineered out-of bank flood walls, embankments and high ground
- PM10 - Resolve impacts caused by operational water level management for land drainage or flood protection
- PM5 - Improve management of water storage impoundment shorelines
- PM4 - Mitigate impacts on river water temperature and dissolved oxygen downstream of water storage impoundments
- PM2 - Improve insufficient flow regime (baseline flow quantity or flow variability) downstream of water storage impoundments
- PM3 - Improve and or maintain sediment supply and transport downstream of water storage impoundments

As these all include on the ground deliverables there is potential for impact pathways to occur and as the level of detail is not sufficient to rule out LSE on any European sites at the location of works/in proximity or that are hydrologically/functionally linked, the measures are carried through to Appropriate Assessment.

All the Water body measures are aligned with screened in national measures.

Water body measure type PM12 is screened out at this LSE stage.

- PM12 - Resolve impacts of operational and maintenance activities in river and tidal channels managed for flood and coast protection

It seeks to make improvements to the way existing operational and maintenance activities in river and tidal channels managed for flood and coast protection are implemented, to reduce their environmental impact. No new activities are suggested and any changes would form part of ongoing operational good practice. Therefore,

new impact pathways are not expected to arise as a result of this Water body measure type. This measure is therefore screened out at this stage.

5.2.4 Changes to natural flow and levels of water

The following measures relating to changes to natural flow and levels of water remain screened in for LSE consideration following the initial high level pre-screening:

- one national measure – CYM73
- two waterbody measure types – FL1.0, NA1.3

National measure CYM73 remains screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- CYM73 - Support the delivery of the Welsh Government National Peatland Restoration Programme

Despite CYM73 being for the restoration and improvement of peatlands, there is potential for the activities relating to its implementation to have pathways for effects on certain features of European sites, even if they might be benefitting other features; this measure will therefore be considered further in the context of additional mitigation/control as part of the Appropriate Assessment stage.

Water body measure types FL1.0 and NA1.3 are screened out at this LSE stage.

- FL1.0 - Review and where appropriate amend abstraction license / permit
- NA1.3 - Consider nature based solutions for increased ecosystem resilience

They are screened out as a result of more detailed consideration of the measure wording and their approach – full justification is provided in Annex 4, a summary is provided below.

Waterbody measure type FL1.0 relates to the review and where appropriate amendment of abstraction licenses. NRW Regulatory Guidance Series RGN 4 sets the standards for environmental protection with regard to environmental permitting. The permitting process in Wales requires that designated wildlife sites are considered. Environmental protection measures and conditions of the permit are informed by project level HRA and imposed as required. Specific conditions are included in a permit to avoid adverse effects on any European site, over and above those to ensure compliance with the Regulations. Where an application still threatens an unacceptable impact on such a site, the application would be refused. Enforcement would look to ensure conditions and protection measures are in place. By its nature and through the regulatory controls already in place on the permitting process, FL1.0 itself would not create impact pathways to European sites or their qualifying features and therefore no LSE would result as a result of its inclusion in the RBMP.

NA1.3 promotes the incorporation and implementation of nature based solutions in projects for increased ecosystem resilience - it does not relate to any specific on the ground deliverable. This is therefore a general good practice statement of

aspiration/policy rather than an on the ground deliverable in isolation. There is therefore no potential for impact pathway to arise as a result of this measure as on its own it cannot lead to development or other change.

5.2.5 Non-native invasive species

The following measures relating to management of non-native invasive species remain screened in for LSE consideration following the initial high level pre-screening:

- no national measures
- two Water body measure types – NN1.0, NN1.2

All national measures relating to this SWMI were screened out at the pre-screening stage.

Water body measure types NN1.0 and NN1.2 remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- NN1.0 - Reduce the extent and eradicate INNS using sustainable/ cost effective methods of management and control.
- NN1.2 - Restore habitats after control of INNS has taken place

Although the overall aim of these measures is environmental benefit, as the level of detail is not sufficient to rule out LSE on any European sites at the location of works/in proximity or that are hydrologically/functionally linked, as a precaution the measures are carried through to Appropriate Assessment for further consideration.

5.2.6 Pollution from rural areas

The following measures relating to reducing pollution from rural areas remain screened in for LSE consideration following the initial high level pre-screening:

- two national measures – CYM41, WAL05
- four Water body measure types – RA1.2, RA1.6, RA1.9, RA1.11

National measures CYM41 and WAL05 both remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- CYM41 - NRW delivers a prioritised programme of measures on the Welsh Government Woodland Estate to support delivery of WFD Regulations 2017 and Protected Area objectives
- WAL05 - At risk Drinking Water Protection Areas (DrWPAs) (and all upstream water bodies) have been taken forward as Safeguard Zones for funded Asset Management Plan (AMP) Investigations to assess the sources of the raw water failure and to identify viable catchment solutions. Where catchment solutions are found to be possible, and stakeholder agreement can be assured, improvement measures will be delivered through the AMP

CYM41 requires that NRW delivers a prioritised programme of measures on the Welsh Government Woodland Estate to support delivery of WFD Regulations 2017 and Protected Area objectives. This is a measure that has formed part of previous RBMP cycles. There remains uncertainty as to what the prioritised programme of measures are going forward into cycle 4; where these are to be/have been implemented; and how much of this programme has already been completed under previous cycles.

It may be appropriate for this national measure to be removed from the final plan PoM if it has been completed or if it will not be advanced in RBMP4; this however, still requires confirmation so at this stage the measure remains screened in for further consideration. Given uncertainty remains, this measure will be taken through for further consideration at the Appropriate Assessment stage.

Implementation of WAL05 will involve on the ground delivery and therefore has potential for pathways for effects on features of European sites, and LSE cannot be ruled out at this stage; this measure will therefore be considered further in the context of additional mitigation/control as part of the Appropriate Assessment stage.

Water body measure types RA1.2, RA1.6 and RA1.9 all remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- RA1.2 - Improve land management to ensure that all nutrient and fertiliser applications match soil and crop requirements and reduce soil erosion to minimise nutrient and sediment losses from land
- RA1.6 - Where required remove/remediate sediment from watercourses and treat contaminated water
- RA1.9 - Remediate polluted water and or soil/sediment where necessary

These measures could potentially create a direct or indirect impact pathway and therefore LSE to European sites and their qualifying feature, they are therefore taken through to Appropriate Assessment for further consideration.

Water body measure type RA1.2 aligns directly with national measure WAL34 (*Welsh Government and Natural Resources Wales and others will embed checks and balances and deliver a programme of incentives to drive improvements to diffuse pollution in order to support delivery of WFD Regulations 2017 and Protected Area objectives*) which was screened out at pre-screening as Cat A: General statements of policy/general aspirations. On review, the fact WAL34 was screened out but an aligned Water body measure remains screened in (RA1.2) is appropriate given the different aims/aspirations of the measures (national measure WAL34 being more of a general aspiration/policy statement and Water body measure type RA1.2 potentially leading to on the ground changes).

Water body measure types RA1.6 and RA1.9 both align with national measure WAL12 (*Ensure compliance with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 in Wales including: nutrient management planning; sustainable fertiliser applications linked to the requirements of the crop; protection of water from pollution related to when, where and how fertilisers are*

spread; manure storage standards). WAL12 was screened out at the pre-screening stage as Category A: General statements of policy/general aspirations as the measure requests compliance with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 in Wales, rather than on the ground delivery of measures. On review, the fact the national measure (WAL12) was screened out but aligned Water body measures (RA1.6 and RA1.9) remain screened in at this LSE stage is appropriate given the different aims/aspirations of the measures (national measure WAL12 being more of a general aspiration/policy statement and Water body measure types RA1.6 and RA1.9 being delivered as on the ground activities). WAL12 therefore remains screened out despite the link to RA1.6 and RA1.9 and will not be considered further.

Water body measure type RA1.11 is screened out at this LSE stage.

- RA1.11 - National chemical measure(s) apply

It states that national chemical measure(s) should apply at aligned water bodies; no on the ground activities are to be implemented as a result of this Water body measure type at these locations. The aligned national measure to this Water body measure type (i.e. the national measure that will therefore apply at these water bodies) is CYM82 (*Control the release of chemicals, to the environment, at source i.e. production and use, through the implementation of domestic Legislation and International agreements*) which was screened out during the pre-screening stage as Cat A: General statements of policy/general aspirations. There is therefore no on the ground activities for this Water body measure type that would result in an impact pathway or likely significant effect to European sites.

5.2.7 Pollution from abandoned mines

The following measures relating to remediation of pollution from abandoned mines remain screened in for LSE consideration following the initial high level pre-screening:

- three national measures – CYM49, DE0014, WW0031
- two Water body measure types – AM1.0, AM1.1

National measures CYM49, DE0014 and WW031 all remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- CYM49 - Mining Remediation Authority work through the Wales Metal Mine Programme to deliver abandoned metal mine remediation
- DE0014 - Mine Remediation Authority minewater preventative and remediation programme
- WW031 - NRW work through the Wales Metal Mine programme to investigate the impacts of abandoned metal mines

There is potential for the activities associated with these measures to have pathways for effects on certain features of European sites either at the location of the works or if hydrologically linked and LSE cannot be ruled out. These measures are therefore taken through for further consideration at the Appropriate Assessment stage.

Water body measure types AM1.0 and AM1.1 both remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- AM1.0 - Control and remediate point and/or diffuse discharges from abandoned metal mines
- AM1.1 - Control and remediate point and/or diffuse discharges from abandoned coal mines

Both Water body measure types could potentially create impact pathways to European sites on the abandoned mine as well as those hydrologically and functionally linked as a result of direct impact (disturbance, fragmentation, damage) and/or indirect impact as a result of for example changes in flow/erosion or metal concentration in downstream habitats and the impact pathway that may create to sensitive /unique habitats and species. Therefore, LSE cannot be ruled out at this stage and the measures remain screened in for further consideration at Appropriate Assessment.

5.2.8 All

The following measures relating to all SWMIs remain screened in for LSE consideration following the initial high level pre-screening:

- three national measures – WAL03, WAL20, NEW04

WAL03 and NEW04 remain screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- WAL03 - NRW and its partners deliver improvements for water in 'Opportunity Catchments' using the Sustainable Management of Natural Resources (SMNR) principles
- NEW04 - Marine Nature Networks Programme delivering investigations and management actions within the MPA network

Measure WAL03 aims for collaborative working within catchments which can range from education, awareness raising through to influencing land management. The application of the SMNR principles and appropriate engagement should aim to avoid or reduce any impacts. As this measure is very broad however, there remains uncertainty regarding specifics of implementation and therefore of effects. This measure is therefore taken through for further consideration at the Appropriate Assessment stage.

Implementation of on the ground activities relating to the Marine Nature Networks Programme (NEW04) have potential for pathways for effects on certain features of European sites either at the location of the works or if hydrologically linked and LSE cannot be ruled out. This measure is therefore taken through for further consideration at the Appropriate Assessment stage.

National measure WAL20 is screened out at this LSE stage.

- WAL20 - Deliver actions within the annual Marine Protected Area Network Management Action Plan linked to the MPA Network Management Frameworks for Wales. These actions include reviewing impacts of unregulated activities, improving biosecurity for marine invasive species and improving condition of features within European Marine sites

It is screened out as a result of more detailed consideration of the measure wording and its delivery mechanism – full justification is provided in Annex 3, a summary is provided below.

WAL20 seeks to ensure actions within the Marine Protected Area Network Management Action Plan linked to the MPA Network Management Frameworks for Wales are delivered; it does not propose their delivery. These plans are subject to their own SEA and HRA process and their actions would be likely to proceed irrespective of whether this subject plan is adopted with or without reference to it. By ensuring delivery of these actions, WAL20 seeks to support the protection and safeguarding of the Marine Protected Areas Network.

5.2.9 "Other" (measures that do not fit into the SWMI categories)

The following measures that do not fit into the SWMI categories remain screened in for LSE consideration following the initial high level pre-screening:

- one Water body measure type – OT1.2 listed under "other pressures" and not aligned to a SWMI

Water body measure type OT1.2 remains screened in at this LSE stage and will be taken through to Appropriate Assessment as the potential for LSE cannot be ruled out.

- OT1.2 - Implement relevant NASCO Conservation Commitments and the Salmon and Sea trout Plan of Action measures ("other pressures")

Water body measure type OT1.2 is not aligned to a SWMI category, however, it can be linked to national measure CYM4 (Deliver the strategic outcomes of the Climate Resilient Fisheries Strategy for the sustainable management of migratory and freshwater fisheries of Wales).

OT1.2 may result in on the ground deliverables to implement changes where poor salmon recruitment has been identified as a result of "natural" pressures (not from physical barriers to migration). It is therefore not possible to rule out impact pathways or LSE for European sites on/in proximity to waterbodies where works are being undertaken or for functionally/hydrologically linked European sites and their qualifying features.

5.3 Conclusions of Test of likely significant effects (alone)

A total of 22 national measures and 35 Water body measure types were considered as part of the Test of Likely Significant Effects as outlined above and as presented in Annex 3 and 4.

Following this Test of Likely Significant Effect, a further 1 national measure (WAL20) and 7 Water body measure types (RA1.11, TC1.9, TC1.12, WW1.1, PM12, FL1.0 and NA1.3) have been screened out, leaving 21 national measures and 28 Water body measure types to be taken forward to Appropriate Assessment.

The measures that remain screened in for Appropriate Assessment can be broken down by SWMI as below in Table 5. As for Table 4, any Water body measure types remaining screened in that do not align with the SWMI headers are presented under "other".

National measures and Water body measure types remaining screened in for Appropriate Assessment all involve an element of on the ground delivery that is not entirely delivered or controlled by another plan or programme that has been subject to HRA. Where any aligned national measures and Water body measure types differ in relation to their LSE screening; justification has been provided in the text above.

Table 5. LSE summary by SWMI – measures remaining screened in for AA

SWMI	**National measures for Appropriate Assessment**	**Water body measure types for Appropriate Assessment**
Pollution from waste water	CYM18, WAL06, WAL10, WAL25, NEW01, WAL23	WW1.2, WW1.4, WW1.5, WW2.0
Pollution from towns, cities and transport	-	TC1.2, TC1.3, TC1.5, TC1.6, TC1.11
Physical modifications	CYM2, CYM4, CYM31, CYM50, WAL02, WAL17, WAL19	PM1, PM7, PM6, PM8.1, PM8.2, PM9, PM10, PM5, PM4, PM2, PM3
Changes to natural flow and levels of water	CYM73	-
Non-native invasive species	-	NN1.0, NN1.2
Pollution from rural areas	CYM41, WAL05	RA1.2, RA1.6, RA1.9
Pollution from abandoned mines	CYM49, DE0014, WW0031	AM1.0, AM1.1
All	WAL03, NEW04	-
"Other"	-	OT1.2 listed under "other pressures" and not aligned to a SWMI
Total	*21*	*28*

Given the number and spatial spread of European sites across Wales, there is considered to be potential for impact pathways to arise as a result of these national measures and Water body measure types. At this stage, as there is insufficient information to rule out potential for LSE arising from these pathways, a precautionary

approach has been taken to allow for further consideration of the measures in the context of additional mitigation/control through Appropriate Assessment.

As per OGN 200 guidance, no in-combination consideration of LSE is required at this stage:

- Potential for LSE has been identified for certain measures, in this situation, the measures will need to be subject to an appropriate assessment on their own, i.e. without taking into consideration the effects of any other plans or projects. The remaining 21 national measures and 28 Water body measure types following test of LSE are therefore considered further in Section 6 – Appropriate Assessment.

- Some measures have been screened out fully at completion of this LSE stage. By the nature of our precautionary approach to LSE in this assessment, these are measures where it has been determined as not likely to have any effect at all (significant or non-significant) on any European sites (for example because there is no impact pathway or where they will be taken forward by other plans that are also subject to their own HRA etc.). In this situation, by definition, the possibility of significant effects in combination with other plans or projects cannot arise. Therefore, the requirements of the Habitats Regulations have been met, and no further assessment is required.

6. Appropriate Assessment

6.1 Approach to the appropriate assessment

The likelihood and significance of effects of the draft plan have been identified in the earlier parts of this HRA. The Appropriate Assessment (AA) is the consideration of whether adverse effects on site integrity will occur for the measures that have not been screened out at the Test of Likely Significant Effect stage. We have taken these measures forward into the AA because of uncertainty over the scale, location, and /or magnitude of significant effects that we could not conclude were not likely to happen.

Each of the screened in national measures and Water body measure types are likely to result in physical activities and whilst the long-term aim is environmental improvement, the HRA needs to establish that there are no unintended consequences of the implementation of the RBMP on European sites. For example, weir removal aimed at improving fish passage, can result in mobilisation of suspended solids, affect the hydrogeomorphology of a channel, disturb species such as otters or bats, and so impact on other features of European sites.

The RBMP's are overarching plans covering a very wide number of lower tier environmental plans and programmes, all aiming to improve the water environment. Because of the high level nature of the plan there are inherent difficulties and uncertainties in carrying out an AA at this scale. However, adverse effects on the integrity of European sites must be assessed as far as possible using the available detail associated with the screened in measures. This AA must then inform

development of those measures, with lower tier plan, programme and project level HRA increasing in specificity in subsequent stages.

The approach to AA of the national measures and Water body measure types differs due to the level of spatial data available to support the assessment.

For national measures there are real and credible pathways for effect that could occur, but at this level of plan we do not have the detail available to say where, how or when effects might occur. There is therefore insufficient detail available to predict the likelihood and significance of effects in a meaningful and robust way. As a result, we are outlining high-level avoidance and mitigation measures that will give us confidence that any adverse effects on European sites will be avoided or adequately mitigated. The mitigation is not intended to be comprehensive, and it is very likely that there will be other impacts and therefore other mitigation that will be required which it is not possible to identify at plan level because the nature, timing, duration, scale or location is not yet known. This detail is deferred to the HRA of lower tier plans, programmes and projects.

The plans, programmes and projects that will be developed under these measures will have greater detail and flexibility in terms of locations, timing and options appraisal that takes into account the sensitivities of European sites and features. Therefore, where appropriate, we seek to defer the HRA to lower tier plans and projects, where a greater level of detail will be available to inform the HRA, mitigation and compensation. We have shown throughout this assessment that the national scale of the measures lack detail of approaches and spatial extents or locations.

Further information regarding the national measures AA is provided in Section 6.2.

For the Water body measure types, we have been able to access spatial information which shows where each Water body measure type will be applied to a water body and therefore a greater level of detail on the pathways for effects that could potentially occur. Whilst this does not provide specific location of works or provide detail regarding the type of works or work programme etc., it has allowed for a slightly more in-depth review of which European sites may be affected and the qualifying features for which adverse effect could occur. There is still, however a large degree of uncertainty on exactly where, how or when actions may be taken or effects might occur. The assessment is therefore still reliant on an outline of high-level avoidance and mitigation measures that will give us confidence that any adverse effects on any European sites will be avoided or adequately mitigated. Where appropriate, we seek to defer the HRA to lower tier plans and projects, where a greater level of detail will be available to inform the HRA, mitigation and compensation. Further information regarding the Water body measures AA is provided in Section 6.3.

The criteria for any measures that must be met to defer down are:

- The higher-level plan assessment cannot reasonably predict any effect on a European site in a meaningful way; whereas

- The lower tier plan or project level, which will identify more precisely the nature, timing, duration, scale or location of development, and thus its potential effects, will have the necessary flexibility over the exact nature, timing, duration, scale and location of the proposal to enable an adverse effect on site integrity to be avoided; and
- The HRA of the lower tier plan or project is required as a matter of law or Government policy.

Where NRW is developing and delivering programmes and projects they must be delivered following our Operational Guidance Notes. Those of relevance are:

- OGN 84: Screening internal plans, programmes and strategies for SEA
- OGN 85: Undertaking SEA of Internal plans, programmes and strategies
- OGN 86: Environmental screening of internal projects
- OGN 87: Undertaking environmental assessment of internal projects
- OGN 200: Habitats Regulations Assessment approach and technical guidance
- OGN 72: Guidance for assessing activities and projects for compliance with the WFD

6.2 Appropriate Assessment of National Measures

The 21 national measures remaining screened in for Appropriate Assessment are:

- CYM18 - Water companies develop and deliver catchment management options that improve water quality and deliver additional ecosystem services.
- WAL03 - NRW and its partners deliver improvements for water in ‘Opportunity Catchments’ using the Sustainable Management of Natural Resources (SMNR) principles.
- WAL06 - Deliver measures in AMP8 (Menai Strait and Bury Inlet SWPA's) to endeavour to achieve the Shellfish Water Protected Area objective. Plans are also in place to continue to gain a better understanding of improvements required to achieve Shellfish Water Protected Area objective in the wider hydrological catchments.
- WAL10 - The Water Industry will deliver a programme of investigations and improvements to sewage discharges (both continuous and intermittent) in order to support delivery of WFD Regulation 2017 and Protected Area objectives through AMP.
- WAL25 - Water Companies will deliver DWMPs (Drainage and Waste Water Management Plans).
- CYM2 - Deliver our statutory duties to maintain, improve and develop salmon, trout, freshwater and eel fisheries.
- CYM4 - Deliver the strategic outcomes of the Climate Resilient Fisheries Strategy for the sustainable management of migratory and freshwater fisheries of Wales.
- CYM31 - National Environment Programme schemes to investigate and implement measures to resolve impacts caused by water storage reservoirs

- CYM50 - In waterbodies designated as heavily modified due to flood and coastal protection, mitigation for NRW owned assets and activities will be reviewed and delivered on a prioritised basis.
- WAL02 - A programme to develop, support, promote and deliver appropriate river restoration options to deliver multiple benefits at a number of high priority river catchments identified under the integrated River Restoration Programme for Wales.
- WAL17 - Support Wales to have a coastline that is sustainable and resilient to climate change. Plan for coastal adaptation in line with Shoreline Management Plan policy for coastal defence management. Enable the National Habitat Creation Programme to deliver compensatory intertidal habitat where required. Integrate, where appropriate, nature-based solutions into the delivery of coastal defence schemes.
- WAL19 - Water Companies will address the impacts of water company assets on fish passage causing failure of WFD Regulations 2017 objectives in accordance with objectives in AMP. This will address structures that act as barriers to fish migration which are associated with other aspects of water company operations, such as trunk sewers and mains pipes located in river channels, and associated concrete sills and structures. In some cases, there may be uncertainty over asset ownership which will need to be resolved. Solutions may often be implemented through working in partnership with other sectors.
- CYM73 - Support the delivery of the Welsh Government National Peatland Restoration Programme.
- CYM41 - NRW delivers a prioritised programme of measures on the Welsh Government Woodland Estate to support delivery of WFD Regulations 2017 and Protected Area objectives.
- CYM49 - Mining Remediation Authority work through the Wales Metal Mine Programme to deliver abandoned metal mine remediation.
- DE0014 - Mine Remediation Authority minewater preventative and remediation programme.
- WW0031 - NRW work through the Wales Metal Mine programme to investigate the impacts of abandoned metal mines.
- NEW01 - Investigate, identify and deliver a range of catchment measures to achieve and maintain the bathing water standard in all designated bathing waters.
- WAL23 - Water Companies will deliver a programme of investigations and improvements to deal with chemicals to support delivery of WFD Regulations 2017 and Protected Area objectives through AMP.
- WAL05 - At risk Drinking Water Protection Areas (DrWPAs) (and all upstream water bodies) have been taken forward as Safeguard Zones for funded Asset Management Plan (AMP) Investigations to assess the sources of the raw water failure and to identify viable catchment solutions. Where catchment solutions are found to be possible, and stakeholder agreement can be assured, improvement measures will be delivered through the AMP.
- NEW04 - Marine Nature Networks Programme delivering investigations and management actions within the MPA network.

A review of potential impact pathways and appropriate high-level mitigation to avoid or reduce any possible impacts associated with the development and delivery of the screened in national measures is provided in Annex 6 and considered further in Section 6.4, grouped by SWMI.

This generic mitigation outlined in Annex 6 and considered in Section 6.4 provides confidence that for these national measures (with the exception of CYM49 in Western Wales – see below), lower tier plans, programmes and projects can be developed and delivered without causing an adverse effect on site integrity for any European sites. Established regulatory, permitting and consenting mechanisms provide appropriate safeguards to ensure that impacts on European sites are assessed and managed before implementation.

It is possible that under CYM4, CYM73 and WAL02, the fisheries, peatland and river restoration programmes, our partners may be delivering projects under grants from NRW. A condition of these grants is that our partners must ensure all relevant assents and consents are in place when they deliver the work, this would include a HRA.

Any proponent of projects, whether NRW itself, Water Companies, MRA etc, are required by UK law to complete a HRA when undertaking operations that could have pathways for effects on European sites. Or in the case of NRW, Environment Agency or Local Authorities, when determining applications made by external parties for any form of authorisation to undertake projects with the potential to affect European sites.

We are therefore confident that the criteria for deferring down the HRA to a lower tier are met for all national measures (with the exception of CYM49 in Western Wales – see below).

CYM49 involves Mine Remediation Authority (MRA) work through the Wales Metal Mine Remediation Programme (WMMRP) to deliver abandoned metal mine remediation. Through the nature of the metal mine remediation schemes there is potential for onsite and downstream impact pathways to sensitive habitats/species that could be reliant on existing levels of metal loading (Calaminarian grassland and associated unique lower plant species). Alternative options to this water quality ‘improvement’ would not deliver on the measure aims as the reduction in metal loading is the WFD driver for the measure and Reason for Not Achieving Good (RNAG) in associated watercourses.

In Western Wales RBD it is already known that for one of the projects associated with this national measure (Cwmystwyth metal mine remediation) in light of the conclusions of the project draft appropriate assessment, it has not been possible to ascertain that the Project will not adversely affect the integrity of the Elenydd SAC and the hydrologically linked Grogwynion SAC where Calaminarian grassland is a qualifying feature.

There therefore remains for this national measure (CYM49) in the Western Wales RBD an element of doubt regarding whether suitable mitigation can be developed and delivered at the project level without causing an adverse effect on site integrity for any European sites. The second criteria of deferring down to a project level, can

therefore not be met. As a result, national measure CYM49 in the Western Wales RBD requires further consideration.

See Sections 6.4 and 6.5 for more information.

6.3 Appropriate Assessment of Water body Measures

For the AA, only those Water body measure types that are of relevance to the Western Wales RBD are considered.

Of the 28 Water body measure types that were taken forward into AA, six have not been assigned to water bodies within this RBD (WW1.2, PM4, PM1, PM5, NN1.0 and NN1.2).

The remaining 22 Water body measure types in the Western Wales RBD screened in for AA are listed in Table 6 below together with the number of water bodies each Water body measure type has been applied to in the draft cycle 4 Western Wales RBMP (together with the number of associated water bodies at a national scale for context).

Table 6. Water body measure types remaining screened in for Appropriate Assessment that will be implemented within the Western Wales RBD

Water body measure type ID	**Water body measure type description**	**Number of associated water bodies in Western Wales**	***Number of associated water bodies nationally (for context)***
RA1.2	Improve land management to ensure that all nutrient and fertiliser applications match soil and crop requirements and reduce soil erosion to minimise nutrient and sediment losses from land.	**103**	*194*
RA1.6	Where required remove/remediate sediment from watercourses and treat contaminated water.	**1**	*1*
RA1.9	Remediate polluted water and or soil/sediment where necessary	**6**	*7*
AM1.0	Control and remediate point and/or diffuse discharges from abandoned metal mines	**39**	*59*
AM1.1	Control and remediate point and/or diffuse discharges from abandoned coal mines	**2**	*6*
TC1.2	Remediate contaminated land	**3**	*3*

Water body measure type ID	**Water body measure type description**	**Number of associated water bodies in Western Wales**	***Number of associated water bodies nationally (for context)***
TC1.3	Where appropriate remove/remediate sediment from watercourses and treat contaminated water.	**2**	*2*
TC1.5	Improve the drainage screen outfalls from the transport network and urban environment to reduce levels of contaminants.	**2**	*3*
TC1.6	Maintain and improve sewerage drainage system to rectify misconnections and leaks.	**6**	*23*
TC1.11	Remediation of landfill and extraction/treatment of leachate.	**5**	*6*
WW1.4	Deliver improved discharge quality/reduce spills from all intermittent point source discharges e.g. CSOs, emergency overflows etc.	**13**	*19*
WW1.5	National chemical measure(s) apply	**16**	*23*
WW2.0	Deliver action(s) identified in the NEP / AMP to restore SAC towards favourable condition	**16**	*25*
PM7	Resolve impacts caused by barriers to fish migration and natural continuity in river and tidal channels (e.g., dams, weirs, culverts, sluices, tidal gates).	**28**	*70*
PM6	Resolve impacts caused by hard / engineered protection of river and tidal channel banks (e.g., steel piling, concrete, gabions).	**4**	*13*
PM8.1	Resolve impacts caused by straightening and or re-alignment of river and tidal channels.	**4**	*15*
PM8.2	Resolve impacts caused by artificial modification of river and or tidal channel beds.	**5**	*16*
PM9	Resolve impacts caused by hard / engineered out-of bank flood walls, embankments and high ground	**4**	*13*
PM10	Resolve impacts caused by operational water level management for land drainage or flood protection	**4**	*8*

Water body measure type ID	Water body measure type description	Number of associated water bodies in Western Wales	*Number of associated water bodies nationally (for context)*
PM2	Improve insufficient flow regime (baseline flow quantity or flow variability) downstream of water storage impoundments	**11**	*24*
PM3	Improve and or maintain sediment supply and transport downstream of water storage impoundments	**6**	*35*
OT1.2	Implement relevant NASCO Conservation Commitments and the Salmon and Sea trout Plan of Action measures.	**9**	*11*

Generic mitigation outlined in Annex 6 and considered in Section 6.4 provides confidence that for these Water body measure types (with the exception of AM1.0), lower tier plans, programmes and projects can be developed and delivered without causing an adverse effect on site integrity for any European sites. Established regulatory, permitting and consenting mechanisms provide appropriate safeguards to ensure that impacts on European sites are assessed and managed before implementation.

We are therefore confident that the criteria for deferring down the HRA to a lower tier are met for all Water body measure types (with the exception of AM1.0, see below).

Supplementary information is provided in Annex 5 which outlines the consideration that has been given for each Water body measure type relating to spatial spread within the RBD, types of European sites and interest features that these types of measure may result in impact pathways to. Where specific impact pathways have been identified and/or mitigation requirements considered likely, these have been added to the generic mitigation etc. for the relevant SWMI (see Annex 6).

In Western Wales RBD it is already known that for one of the projects associated with Water body measure AM1.0 in water body GB110063041720 (Cwmystwyth metal mine remediation – also driven by RNAG in downstream waterbody GB110063041710), it has not been possible to ascertain that the Project will not adversely affect the integrity of the Elenydd SAC and the hydrologically linked Grogwynion SAC (located within GB110063041710) where Calaminarian grassland is a qualifying feature. There are also known to be other metal mine sites within these water bodies where metal mine remediation projects could be delivered under this Water body measure. AM1.0 is aimed at improving the chemical and ecological status of waterbodies that drain from/through areas of historic metal mining. In delivering these improvements the sensitive habitats that have developed as a result of this contamination, might be impacted. The impact in terms of positive impact on water quality and potential negative impacts on Calaminarian Grassland can extend

downstream of the affected areas. The relationship between the contaminated water and land and the Calaminarian Grassland means alternative options to improve water quality that avoids impacts to features of European sites is uncertain. The second criteria of deferring down to a project level, can therefore not be met and waterbody measure type AM1.0 in the Western Wales RBD requires further consideration.

See Sections 6.4 and 6.5 for more information.

6.4 Avoidance and Mitigation of Impacts

The European Court judgement in the case of People Over Wind (People Over Wind & Sweetman v. Coillte, 2018) has clarified that it is not appropriate at the screening stage to take account of mitigation measures intended to avoid or reduce the harmful effects of a plan or project upon a European site, and such mitigation measures should, instead, be taken into account as part of an appropriate assessment.

There is a legislative requirement for HRA to be undertaken for any plans, strategies or projects that could have pathways for effects on European sites. This is required by NRW, water companies, MRA etc as competent authorities undertaking works on or near sites, or by NRW (or other consenting authorities), permitting or consenting strategies or projects that take place on or near a European site.

Annex 6 outlines mitigatory approaches relevant to those measures scoped into the appropriate assessment. The measures have been grouped by SWMI as these are generally grouped into similar activities - to prevent duplication and repetition. These are not intended to be comprehensive, and it is very likely that there will be other impacts and therefore other mitigation that will be required which it is not possible to identify at plan level because the nature, timing, duration, scale or location is not yet known. However, they should be considered when preparing lower tier programmes and projects.

The mitigatory approaches outlined in Annex 6 have been considered for each SWMI, with a summary of key findings outlined in Sections 6.41-6.4.9 below.

6.4.1 Pollution from waste water

Measures remaining screened in at this AA stage for the Western Wales RBD under this SWMI are as follows:

- National measures – CYM18, WAL06, WAL10, WAL25, WAL23, NEW01
- Water body measure types - WW1.4, WW1.5, WW2.0

As a group of measures these relate to investigation, identification and delivery of a range of measures to alleviate the impact of pollution from waste water – in particular on Shellfish Water Protected Areas and designated bathing waters and those associated with Protected Area objectives. This includes WW2.0 which is specifically aimed at delivering actions identified in the NEP / AMP to restore certain SACs towards favourable condition. Overall, the aims are beneficial to European sites; however, certain on the ground activities will be required in order to implement the measures and therefore adverse impact pathways are possible.

Annex 6, Table A provides an outline of potential impact pathways and generic mitigation that should be applied for lower tier plans, programmes and projects associated with these measures against the identified impact pathway types for measures under this SWMI.

There is confidence that for these measures, lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation above (plus any other specific requirements identified at project level for that location) without causing an adverse effect on site integrity for any European sites, or alternatives can be sought.

There is opportunity for direct long-term benefit to European sites through measures in this SWMI that should be maximised wherever possible.

6.4.2 Pollution from towns, cities and transport

Measures remaining screened in at this AA stage for the Western Wales RBD under this SWMI are as follows:

- Water body measure types – TC1.2, TC1.3, TC1.5, TC1.6, TC1.11

The group of Water body measure types aligned with this SWMI relate to on the ground delivery of improvement measures associated with contamination arising from towns, cities and transport such as remediation of contaminated land/landfill, removal/remediation of sediment from watercourses, treatment of contaminated water and extraction/treatment of leachate from landfill, improvements to drainage screen outfalls from the transport network and urban environment and maintaining and improving the sewerage drainage system to rectify misconnections and leaks. Overall, these measures will be beneficial to water bodies and a range of water dependent European sites and works are likely to be localised. However, certain on the ground activities will be required in order to implement the measures and therefore adverse impact pathways are possible.

Annex 6, Table B provides an outline of potential impact pathways and generic mitigation that should be applied for lower tier plans, programmes and projects associated with these measures against the identified impact pathway types for measures under this SWMI.

There is confidence that for these measures, lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation outlined (plus any other specific requirements identified at project level for that location) without causing an adverse effect on site integrity for any European sites, or project alternatives can be sought.

6.4.3 Physical modifications

Measures remaining screened in at this AA stage for the Western Wales RBD under this SWMI are as follows:

- National measures – CYM2, CYM4, CYM31, CYM50, WAL02, WAL17, WAL19

- Water body measure types - PM7, PM6, PM8.1, PM8.2, PM9, PM10, PM2, PM3

As a group of measures these relate to works associated with fisheries, remediation for existing physical modifications (including but not exclusively those impeding fish movement and natural continuity in river and tidal channels) and habitat restoration. The type of physical modifications where impacts are to be resolved include dams, weirs, culverts, sluices, tidal gates, hard / engineered protection of river and tidal channel banks (e.g., steel piling, concrete, gabions), straightening and or re-alignment of river and tidal channels, artificial modification of river and or tidal channel beds, hard / engineered out-of bank flood walls, embankments and high ground. The measures also look to resolve impacts associated with operational water level management for land drainage or flood protection and insufficient flow regime (baseline flow quantity or flow variability) downstream of water storage impoundments as well as improving/maintaining sediment supply and transport downstream of water storage impoundments. These measures could be disruptive during works and may create change to river hydromorphological processes; however, the overall aim is benefit to the water environment and associated species.

Annex 6, Table C provides an outline of potential impact pathways and generic mitigation that should be applied for lower tier plans, programmes and projects associated with these measures against the identified impact pathway types for measures under this SWMI.

There is confidence that for these measures, lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation outlined (plus any other specific requirements identified at project level for that location) without causing an adverse effect on site integrity for any European sites, or project alternatives can be sought.

6.4.4 Changes to natural flow and levels of water

Measures remaining screened in at this AA stage for the Western Wales RBD under this SWMI are as follows:

- National measures - CYM73

The only remaining measure in this SWMI relates to national peatland restoration, with works relating to peat erosion (reprofiling and revegetation etc.), drainage (ditch blocking etc.), sustainable management of peat (mowing/grazing regime modification, low contour bunding etc.), action for lowland peatlands (addressing major issues which hamper ecosystem recovery and achievement of sustainable management including scrub cover, adverse hydrological/hydrochemical regimes, access, security for grazing etc.), afforested peat (peatland restoration at priority locations etc.).

Annex 6, Table D provides an outline of potential impact pathways and generic mitigation that should be applied for lower tier plans, programmes and projects associated with these measures against the identified impact pathway types for measures under this SWMI.

There is confidence that for this measure, lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation outlined (plus any other specific requirements identified at project level for that location) without causing an adverse effect on site integrity for any European sites, or project alternatives can be sought.

6.4.5 Non-native invasive species

Measures remaining screened in at this AA stage for the draft Western Wales RBD under this SWMI are as follows:

- Water body measure types – Not assigned to any water bodies in the Western Wales RBD.

6.4.6 Pollution from rural areas

Measures remaining screened in at this AA stage are as follows:

- National measures – CYM41, WAL05
- Water body measure types – RA1.2, RA1.6, RA1.9

This group of measures include land management practices, removal/remediation of sediment in watercourses, treatment of contaminated water, application of chemical measures and a programme of measures to be delivered by NRW on the Welsh Government Woodland Estate to support delivery of WFD Regulations 2017 and Protected Area objectives. There is opportunity for direct long-term benefit to European sites through measures in this SWMI that should be maximised wherever possible.

Annex 6, Table F provides an outline of potential impact pathways and generic mitigation that should be applied for lower tier plans, programmes and projects associated with these measures against the identified impact pathway types for measures under this SWMI.

There is confidence that for these measures, lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation outlined (plus any other specific requirements identified at project level for that location) without causing an adverse effect on site integrity for any European sites, or project alternatives can be sought.

6.4.7 Pollution from abandoned mines

Measures remaining screened in at this AA stage for the draft Western Wales RBD under this SWMI are as follows:

- National measures – CYM49, DE0014 and WW031
- Water body measure types – AM1.0 and AM1.1

As a group of measures these relate to works associated with remediation of abandoned metal and coal mines. Activities include investigation of the impacts of abandoned metal mines and delivery of metal mine remediation schemes and the Mining Remediation Authority (MRA) progressing with coal mine remediation schemes.

Annex 6, Table G provides an outline of potential impact pathways and generic mitigation that should be applied for lower tier plans, programmes and projects associated with these measures against the identified impact pathway types for measures under this SWMI.

There is confidence that for measure WW031 which involves investigation of metal mines to inform remediation rather than delivery of remediation itself (with on the ground delivery for investigation likely to be localised and restricted to installation of survey and monitoring equipment such as v-notch weirs, flumes, gauges and telemetery boards) lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation above (plus any other specific requirements identified at project level for that location) without causing an adverse effect on site integrity for any European sites, or an alternative can be sought (e.g. that specific activity does not proceed or its location is moved).

There is confidence that for national measure DE0014 relating to coal mine remediation (to be delivered by the MRA), and associated Water body measure AM1.1, lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation above (plus any other specific requirements identified at project level for that location) without causing an adverse effect on site integrity for any European sites, or an alternative can be sought.

Appropriate Assessment at deferred project level for national measure CYM49 and Water body measure type AM1.0 in the Western Wales RBD however, may not be able to ascertain that individual projects will not adversely affect the integrity of a European site as a result of direct disturbance, changes to water contamination levels (reduction in metal loading through nature of project) or hydromorphological changes (e.g. sediment deposition/erosion alteration) and so there is potential for adverse effects on sensitive habitats within or hydrologically linked to European sites. Due to the nature of the projects (capping and water quality remediation driven by WFD Regulations), alternatives to project design and a potential reduction in metal loading downstream are unlikely to be possible.

In Western Wales, for one of the projects associated with national measure CYM49 and Water body measure type AM1.0 in waterbody GB110063041720 (Cwmystwyth mine remediation) it has not been ascertained (in light of the conclusions of the draft HRA) that the Project will not adversely affect the integrity of the Elenydd SAC and the hydrologically linked Grogwynion SAC, downstream from the Cwmystwyth site. The Grogwynion SAC is located along the River Ystwyth and Annex I habitats that are a primary reason for selection of this site being 6130 Calaminarian grasslands of the *Violetalia calaminariae*.

Other projects that could be implemented under AM1.0 could also have impacts on Calaminarian grassland. Figure 4, overleaf, shows the location of AM1.0 measure application in relation to SACs that have Calaminarian Grassland as a feature. At the RBMP scale and without knowledge of the detailed projects coming forwards it is not possible to say with confidence that lower tier plans, programmes and projects can be developed and delivered without causing an adverse effect on site integrity for any European sites, or an alternative can be sought.

See Section 6.5 for more information regarding further consideration required for CYM49 and AM1.0.

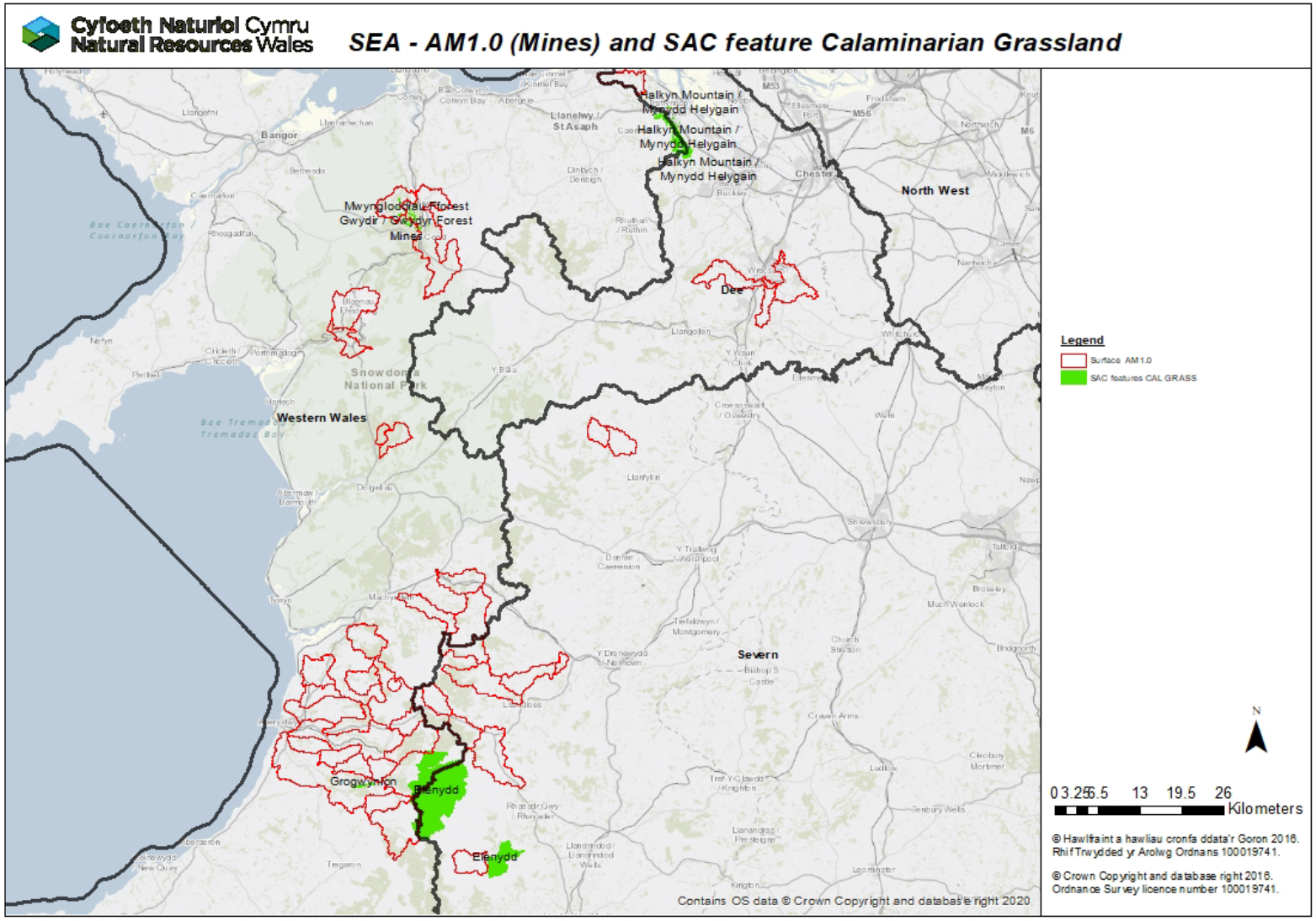


Figure 4: Map of Water bodies where Measure AM1.0 have been applied and SACs with Calaminarian Grassland as a feature

6.4.8 All

Measures remaining screened in at this AA stage for the draft Western Wales RBD under this SWMI are as follows:

- National measures – NEW04

The only remaining measure in this category relates to the Marine Nature Networks Programme delivering investigations and management actions within the MPA network. Whilst this will have overall benefit, impacts could occur during delivery of on the ground actions.

Annex 6, Table H provides an outline of potential impact pathways and generic mitigation that should be applied for lower tier plans, programmes and projects associated with this measure against the identified impact pathway types for measures under this category.

There is confidence that for this measure, lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation outlined (plus any other specific requirements identified at project level for that location) without causing an adverse effect on site integrity for any European sites, or project alternatives can be sought.

6.4.9 "Other" (measures that do not fit into the SWMI categories)

Measures remaining screened in at this AA stage for the Western Wales RBD under this SWMI are as follows:

- Waterbody measure types – OT1.2

The only remaining measure in this SWMI relates to ensuring relevant NASCO Conservation Commitments and the Salmon and Sea trout Plan of Action measures are implemented in selected water bodies.

As the measure here specifically relates to safeguarding for fish species, activities are likely to be controlled suitably to ensure benefit for the environment; however there remains some potential for impact pathways that may require mitigation to be implemented.

Annex 6, Table I provides an outline of potential impact pathways and generic mitigation that should be applied for lower tier plans, programmes and projects associated with this measure against the identified impact pathway types for measures under this category.

There is confidence that for this measure, lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation outlined (plus any other specific requirements identified at project level for that location) without causing an adverse effect on site integrity for any European sites, or project alternatives can be sought.

6.5 Conclusions of Appropriate Assessment (alone)

It has not been possible to ascertain that national measure CYM49 and Water body measure type AM1.0 will not have an adverse effect on site integrity specifically those European sites that have 6130 Calaminarian grasslands of the *Violetalia calaminariae* as a feature.

Water body measure type AM1.0 has been identified for the water bodies as a direct result of the metal loading being the main reason that the water body is not achieving its WFD Regulations objective of good status/potential (RNAG); remediation is therefore driven by WFD Regulations objectives. It has not been possible, at this stage, through HRA to ascertain that the reduction in metal contamination levels would not adversely affect Calaminarian grassland which is an interest feature of certain European sites in Wales.

Therefore, Water body measure type AM1.0 and its associated national measure CYM49 in the Western Wales RBD do not meet the criteria for deferring down to a lower tier as outlined in Section 6.2 – specifically the second criteria:

- *The lower tier plan or project level, which will identify more precisely the nature, timing, duration, scale or location of development, and thus its potential effects, will have the necessary flexibility over the exact nature, timing, duration, scale and location of the proposal to enable an adverse effect on site integrity to be avoided*

This is due to the limited flexibility of the on the ground requirements of this particular Water body measure type and associated national measure when implemented at the lower tier/project scale. The driver for the measure being the RNAG associated with abandoned metal mine contamination in specific waterbodies; the measures therefore looking to remediate this contamination both in relation to metal loading in the waterbody itself and potential transport of contaminated sediment downstream. This measure therefore by its nature is looking to remove what potentially could be a contributing factor to the spread/extent/condition of downstream Calaminarian habitats (that are sensitive to changes in metal loading); or where uncertainty remains regarding the influence of the existing water body metal contamination level on the habitat where it is an interest feature of a European site.

Therefore, further consideration of national measure CYM49 and Water body measure type AM1.0 is required and the Western Wales RBMP will need to satisfy the requirements of Section 64 of the Habitats Regulations.

A Section 64 Statement of Case will need to be prepared (OGN 200 Form 3) and be submitted for consideration by the appropriate authority (Welsh Government). This will be progressed alongside the consultation of the draft RBMP, draft HRA and SEA so that it is available for final approval by Welsh Government. It is acknowledged that Welsh Government will not be able to accept the Western Wales RBMP until this has been resolved.

There is confidence that for all other national measures and Water body measure types proposed in the Programme of Measures for the draft Western Wales RBMP cycle 4 (with the exception of specific issues associated with CYM49 and AM1.0 as

above) can be developed and delivered implementing the generic mitigation outlined (plus any other specific requirements for that location) without causing an adverse effect on site integrity for any European sites, or project alternatives can be sought (when considered alone).

6.6 Assessment of potential in-combination effects

The Habitats Regulations require competent authorities to include within an appropriate assessment, the consideration of any residual effects of the measures/ policies included in the plan under consideration on European site/s in combination with other plans or projects.

This is applied for measures where AA has found they will not on their own adversely affect the integrity of any European site, but there remains a possibility they may have some residual effects (taking into account any mitigation measures). For these measures, it is necessary to consider those effects in combination with the residual effects of other plans or projects. In this context a 'residual effect' is an effect which on its own is not significant but which could become significant in combination with the effects of other plans/projects.

This in-combination assessment has been split into two sections below – in combination between measures within the plan where residual effects may apply and consideration of the overall plan in combination with other projects/plans.

6.6.1 Measures in combination with other measures within the RBMP

For the purpose of the assessment, a strategic review has been undertaken in combination of measures for this RBD (national measures and Water body measure types) where the Appropriate Assessment alone concluded that these measures through the regulatory processes and generic mitigation outlined etc. can avoid adverse effects on European site integrity (or alternatives can be considered) but where sufficient detail is not known to confirm whether there may be residual effects.

Consideration is given to potential interaction between national measures and also between Water body measure types where occurring in similar water bodies. In keeping with the high-level nature of the plan and as detail regarding implementation of the measures is not yet available (exact activities that will be undertaken, exact location of works, spatial extent, temporal information etc.) this has been conducted at a strategic level only.

Measures where further consideration is required as it has not been possible to ascertain they would not result in adverse effects to European site integrity are not included in this in combination assessment (CYM49 and AM1.0 both associated with abandoned metal mines).

National measures

National measures remaining screened in at this stage that are being considered for in combination effects are: CYM18, WAL06, WAL10, WAL25, NEW01, WAL23, CYM2, CYM4, CYM31, CYM50, WAL02, WAL17, WAL19, CYM73, CYM41, WAL05, DE0014, WW0031, WAL03, NEW04. These relate to remediation of pollution from

waste water, abandoned mines and rural areas as well as physical modifications and changes to natural flow and levels of water.

There is potential for in combination effects on European sites as a result of implementation of one/more of these measures at a local scale – e.g. implementation of on the ground works within similar water bodies or with potential for effects on similar European sites. However, this would only occur as a result of specific project delivery arising from these measures, particularly if location and timing of the projects are close. There is insufficient detail on the timing and design of these projects and so in combination effects will need to be considered through the project level HRAs. This will identify any potential effects on European sites alone and in combination at a project level, as more detail emerges. HRA input to the options appraisal process will seek to avoid, reduce or mitigate potential effects. There is confidence that deferring to the lower tier will be sufficient and that through the regulatory processes any adverse effects on site integrity as a result of in combination effects of local projects driven by these measures can be avoided (or alternatives can be considered).

Combination of these national measures at a more strategic scale is considered likely to be one of benefit. The aim of the measures overall being to address issues arising from pollution (various sources) and physical modifications that currently impede physical processes and impact on water quality.

Water body measure types

The interactions between Water body measure types remaining screened in for this in appropriate assessment in combination is grouped by SWMI below.

Pollution from waste water –WW1.4, WW1.5, WW2.0

- In some water bodies, more than one of the waste water measure types will be implemented.
- The following Water body measure types also interact at water bodies where the above measures are to be implemented: PM7, PM10, TC1.2, TC1.6, TC1.9, TC1.11, TC1.12, RA1.2, RA1.2, RA1.9, TC1.11. These fall into the following SWMIs – physical modifications; pollution from towns, cities and transport; and pollution from rural areas.
- Water body measure type AM1.0 that is being taken through for further consideration also interacts at some locations.
- There may be in combination effects as a result on a range of European site including: terrestrial, freshwater and marine/coastal.

Pollution from towns, cities and transport – TC1.2, TC1.3, TC1.5, TC1.6, TC1.11

- In some water bodies, more than one of the pollution from towns, cities and transport measure types will be implemented.
- The following Water body measure types also interact at waterbodies where the above measures are to be implemented: PM7, PM10, RA1.2, RA1.6, WW1.4, WW1.5, WW2.0. These fall into the following SWMIs – physical modifications; pollution from rural areas; and pollution from waste water.
- Water body measure type AM1.0 that is being taken through for further consideration also interacts at some locations.

- There may be in combination effects as a result on a range of European site including: terrestrial, freshwater and marine/coastal.

Physical modifications – PM2, PM3, PM6, PM7, PM8.1, PM8.2, PM9, PM10

- Many of the water bodies where physical modification Water body measure types apply have more than one measure that will be implemented that may cause potentially significant disruption – e.g. to resolve impacts caused by artificial modification of river and or tidal channel beds (PM8.2) as well as impacts caused by hard / engineered out-of bank flood walls, embankments and high ground (PM9). Lower tier programming of projects should consider how best to integrate these works to reduce in combination effects.
- The following Water body measure types also interact at waterbodies where the above measures are to be implemented: AM1.1, RA1.2, RA1.9, TC1.2, TC1.6, WW1.4, WW1.5, WW2.0. These fall into the following SWMIs – pollution from abandoned mines; pollution from rural areas; pollution from towns, cities and transport; and pollution from waste water.
- Water body measure type AM1.0 that is being taken through for further consideration also interacts at some locations.
- There may be in combination effects as a result on a range of European site including: terrestrial, freshwater and marine/coastal.

Pollution from rural areas – RA1.2, RA1.6, RA1.9

- In some water bodies, more than one of the pollution from rural areas measure types will be implemented.
- The following Water body measure types also interact at water bodies where the above measures are to be implemented: PM2, PM6, PM7, PM8.1, PM8.2, PM9, PM10, TC1.2, TC1.3, TC1.5, TC1.6, TC1.11, WW1.4, WW1.5 WW2.0, OT1.2. These fall into the following SWMIs – physical modification; pollution from towns, cities and transport; pollution from waste water; and “other”.
- Water body measure type AM1.0 that is being taken through for further consideration also interacts.
- There may be in combination effects as a result on a range of European site including: terrestrial, freshwater and marine/coastal.

Pollution from abandoned mines – AM1.1

- The following Water body measure type interacts at a water body where the above measure is to be implemented: PM7 in the physical modification SWMI. At this water body (GB110058026140) there is no directly linked European site to consider so no in combination effects.

“Other” – OT1.2

- The following Water body measure type also interact at water bodies where the above measure is to be implemented: RA1.7 in the pollution from rural areas SWMI.
- There may be in combination effects as a result on a range of European site including: terrestrial, freshwater and marine/coastal.

There is potential for in combination effects on European sites as a result of implementation of one/more of the above measures at a local scale – e.g. implementation of on the ground works or long-term changes as a result of works, impacting on European sites within/in proximity to works or hydrologically/functionally linked.

However, this would only occur as a result of specific project delivery arising from these measures, particularly if location and timing of the projects are close. There is insufficient detail on the timing, location and design of these various projects and so in combination effects will need to be considered through the project level HRAs. This will identify any potential effects on European sites alone and in combination at a project level, as more detail emerges. HRA input to the options appraisal process will seek to avoid, reduce or mitigate potential effects.

There is confidence that deferring to the lower tier for these Water body measure types will be sufficient and that through the regulatory processes any adverse effects on site integrity on the above (or any other) European sites that may be affected by Water body measures under this SWMI as a result of in combination effects of local projects driven by these measures can be avoided (or alternatives can be considered).

Within SWMIs, consideration should be given at lower level to how to combine activities – in particular most disruptive activities such as remediation of various physical modifications within the same water body.

6.6.2 Overall plan in combination with other plans and projects

For the purpose of the assessment, and in keeping with the high-level nature of the plan, only key relevant high-level plans or projects that could potentially result in in-combination effects have been considered.

6.6.2.1 Introduction to the plans

At this scale, it is not possible to provide an extensive list of all plans and projects which may lead to in-combination effects together with the Plan. These will however need to be considered further where appropriate assessment is required in lower tier assessments.

The key high-level plans and projects considered are summarised below:

- **Area Statements** were published in Spring 2020 and set out the themes, priorities and actions required across 7 areas of Wales to promote the sustainable management of natural resources. The statements promote collaborative working and will be developed over coming years to work towards delivery of the **Natural Resources Policy** priorities. Themes and priorities include sustainable management of the water environment and there are many synergies with the RBMPs. The synergies are drawn out in the sector specific information on Area Statements and Water. The Statements and their HRA's will inform RBMP projects and plans and their HRA's.

- **The UK Marine Policy Statement (MPS) and Welsh National Marine Plan (WNMP)**: implements the requirements of The Marine and Coastal Access Act 2009, and sets out a framework for a system of marine planning, providing the high level policy context for the sustainable development of the United Kingdom marine area, and in the case of the WNMP, for the Wales marine area, supporting the vision for clean, healthy, safe, productive and biologically diverse oceans and seas. The MPS places a duty on marine plan authorities to prepare Marine Plans for the Welsh inshore and offshore regions. The WNMP was adopted in November 2019 and the neighbouring plans, the North West Marine Plan and the South West Marine Plan were adopted in June 2021. They set the planning framework that applicants and public authorities must use in applying for and determining proposals and licence applications.
- **Welsh Governments Future Wales: the national plan 2040** sets the long-term spatial direction for Government policy, action and investment and for others who the Government work with. The vision is to help deliver sustainable places by supporting positive placemaking and ensuring that our spatial choices direct development to the right places, make the best use of resources, create and sustain accessible, healthy communities, protect our environment and support prosperity for all. Future Wales was adopted in Spring 2021.
- **Shoreline Management Plans (SMPs)**: are the regional strategic plans that set out the priorities and strategic direction for all flood and coastal erosion risk management on the coast. SMPs have a geographic framework set out according to an area of coastline known as a sub-cell within a littoral sediment cell (length of coastline that is relatively self-contained in terms of the movement of sediment). A policy is assigned to each sub-cell to direct FRM activities around the coast.
- **Flood Risk Management Plans (FRMPs)**: are high-level planning tools that set out objectives for flood risk management across each river catchment and estuary. The second cycle of national FRMP for Wales was adopted in 2023 by NRW. It considers inland flood risk from rivers, surface water, groundwater and tidal flooding, and is designed to set the overall direction of flood risk management on a catchment basis. The plan sets the national direction and also the priorities within each region of Wales. It identifies broad flood risk management policies that are economically practical, have a potential life of 50 to 100 years, and will help NRW work with others to put them in place.
- **National Strategy for Flood and Coastal Erosion Risk Management in Wales (NSFCERMW)**: in response to the Flood and Water Management Act 2010, the National FCERM Strategy was adopted in 2020 to manage flood and coastal erosion risk management in Wales. The FCERM strategy described what needed to be done and by whom to manage the risk of flooding and coastal erosion, and to manage its consequences. It set out the national approach to flood and coastal risk in Wales, describing the long-term

goals for managing flooding from rivers and the sea and how these will be achieved.

- **Water Resources Management Plans (WRMPs)**: WRMPs are written in response to, primarily, the Water Act (2003); though many other regulatory documents are linked to the plans (e.g. Water Strategy for Wales 2015, Well-being for Future Generations (Wales) Act 2015, Environment (Wales) Act 2016, and the English equivalents). Every five years these plans are published to deal with water supply and demand pressures identified across the set RBDs, with a view to the challenges of at least the next 25 years. In England and Wales the most recent updates were published (as Final) in 2024 or 2025 (depending upon the water company).
- **Drainage and Waste Water Management Plans:** These plans are produced by each of the water companies and are assessments of risk, opportunities and options to manage sewage and rainfall over a minimum of 25years. They were published, with accompanying SEA's and HRA's in 2024 and will be reassessed every 5 years.
- **Woodlands for Wales Strategy**: This Strategy (last updated in 2021) sets out Welsh Government's approach to sustainably manage woodland across Wales over 50years.The Strategy vision is that "Wales will be known for its high-quality woodlands that enhance the landscape, are appropriate to local conditions and have a diverse mixture of species and habitats". Achieving this vision will provide social and community benefit and contribute to a better quality environment throughout Wales.
- The **Sustainable Farming Scheme** is designed to support land managers in Wales in the sustainable production of high-quality food, help improve productivity, and adapt to the impacts of climate change. The SFS consists of Universal, Optional and Collaborative layers to achieve these aims. Land managers will receive a Universal payment for completing a set of Universal Actions. Examples of Universal Actions include: Soil health, Integrated Pest Management, Habitat Maintenance, Tree and Hedgerow maintenance and planting etc.
- **Nutrient Management Plans** are in place for all SAC rivers in Western Wales. The NMPs focus on the reduction of diffuse pollutants (nitrogen, phosphorous and sediment) and to facilitate new development to achieve nutrient neutrality. The NMPs also aim to deliver wider benefits through nature-based solutions such as constructed wetlands, riparian buffer strips and SuDS. **Catchment Nutrient Recovery Plans** are under development and so cannot be considered further at this stage.

6.6.2.2 Consideration of the plans

Natural Resources Policy and Area Statements

The Natural Resources Policy (NRP) sets out the priorities for the SMNR as:

- Delivering nature-based solutions
- Renewable energy
- Circular economy
- Place based approach

The RBMP has been developed to support and deliver these priorities, where relevant. For example, river restoration and peatland restoration are nature-based solutions that not only benefit the ecology of those habitats but will provide multiple benefits such as water quality improvements and run-off reduction to benefit flood risk management. The measure delivery at a waterbody scale reflect the place-based approach and will promote collaborative working. This will be developed over RBMP4 cycle to work towards delivery of the NRP priorities. Area Statement themes and priorities include sustainable management of the water environment which complements the RBMPs. The synergies are drawn out in the sector specific information on Area Statements and Water. The delivery of nature-based solutions and collaborative and place-based approach promoted through area statements will benefit RBMP delivery of measures and is not anticipated to result in in-combination effects.

Note that it is expected that the Climate and Nature Action Plan is expected to replace the NRP in 2028.

Welsh National Marine Plan

The WNMP HRA focussed on the potential effects of sector policies promoting or supporting development on European sites. The high level nature of the plan, meaning uncertainties in location, scale, type and timing of future activities, meant that the HRA could not identify specific effects on European sites. Uncertainties are inevitable and common in high level plans and the HRA recommended that the general policy safe-guards, a requirement for project level HRA and regular review of the WNMP will ensure no adverse effect on the integrity of European sites.
The WNMP explicitly supports the achievement of Good Environmental Status (GES) under the UK Marine Strategy. Its goal is to achieve or maintain GES in coastal and marine waters, which is defined through 11 “Descriptors” covering the whole marine environment. The policies set out in the WNMP play a key role in supporting the achievement of GES. The RBMP measures scoped into the AA, in particular WAL06 and measures that will reduce diffuse pollution, will complement the WNMP and would be unlikely to result in significant effects on European sites.

Future Wales: The National Plan 2040

Future Wales is Welsh Governments national development framework which was adopted in February 2021. It sets the long term spatial direction for Government policy, action and investment and for others who the Government work with. The vision is to help deliver sustainable places by supporting positive placemaking and ensuring that our spatial choices direct development to the right places, make the best use of resources, create and sustain accessible, healthy communities, protect our environment and support prosperity for all. The framework sets out 11 outcomes that the Government aim to achieve in its 20-year life. This includes “the environmental, social and cultural value of our natural resources will be managed,

maintained and enhanced, while economic benefits will be utilised sustainably and appropriately by promoting nature-based solutions and a circular economy. Across Wales better resource choices will be reflected in more sustainable places, which benefit from reductions in levels of pollution, and be healthier and more liveable."

The RBMP measures in the appropriate assessment that are associated with water company measures are aimed at improving the status of water courses and the marine environment. Development will inevitably require infrastructure associated with water resources and wastewater treatment, but the WFD Regulations 2017 itself requires that such development will be undertaken in a manner that does not result in detriment to the ecological potential or status of waterbodies.

The framework sets the context for lower tier plans and projects, including safeguarding in relation to European sites. Therefore, no in combination effects can be predicted at this level. The main potential for in combination effects on European sites will come from lower tier plans and projects arising from the plan, so consideration will be required in their HRAs.

National Strategy for Flood and Coastal Erosion Risk Management in Wales

The aim of the NSFCERMW is to reduce the risks to people and communities from flooding and coastal erosion. The strategy describes the roles and responsibilities of those involved in managing the risk of flooding and coastal erosion, the approaches to managing those risks and their consequences, and the way funding for flood and coastal erosion risk management is allocated. It sets out the national approach to flood and coastal erosion risk in Wales, describing the long-term goals for managing flooding from surface water, rivers and the sea, as well as coastal erosion, and how these will be achieved.

The strategy promotes Natural Flood Management (NFM) and nature-based solutions which will have synergies with the RBMP objectives. This encourages interventions that will slow the flow of water and utilise natural flood plains with the indirect benefits this provides in reducing diffuse pollution. The strategy seeks to prevent inappropriate development on the floodplain and develop approaches to coastal adaptation which will have indirect benefits for the RBMP in maintaining and restoring coastal and fluvial habitats.

However, potential conflicts with the RBMP arise where hard engineering in fluvial and coastal environments are required to protect existing communities that are at flood risk. The HRA of the strategy concluded that its implementation could affect the integrity of European sites as a result of interventions required to protect communities. The HRA documented the alternatives considered, the imperative reasons of overriding public interest and the measures proposed to compensate for the loss of any features of European Sites. It is not anticipated that the RBMP would have any in combination effects with the elements of the strategy that did not go through the derogations. The measures scoped into the AA that aim to improve fish passage, habitat and river restoration aim to restore a legacy of hard engineering, some of which was associated with FRM activities.

The strategy requires that NFM is included in the options appraisal for all projects, this coupled with the need for project level WFD Regulations 2017 Compliance Assessment and Habitats Regulations Assessment will mitigate the risk on European sites.

Shoreline Management Plans

Shoreline Management Plans (SMPs), the second generation of which were adopted in Wales in 2013, set out the priorities and the strategic direction for all flood and coastal erosion risk management on the coast. They support and help to achieve the objectives of the NSFCERMW and so the in-combination assessment above is also valid for the SMPs.

Flood Risk Management Plans

The second cycle FRMP was adopted in 2023. It is a high-level planning tool that set out objectives for flood risk management across each river catchment and estuary. The FRMP is designed to set the overall direction of flood risk management, prioritised depending upon risk to communities. It identifies broad flood risk management policies that are economically practical, have a potential life of 50 to 100 years, and help NRW to work with others to put them in place. As with SMPs, it will support and help to achieve the objectives of the NSFCERMW and so the in-combination assessment above is also valid for the existing FRMP.

Water Resource Management Plans

In Wales the most recent WRMP were published (as Final) in 2024 or 2025. They provide details of how Water Companies will ensure that adequate water is available to meet the planned growth in population, housing and economic activity in its supply area, while taking account of climate change and minimising impacts on customers' bills and the environment.

Options to address a deficit in water supply include:

- encouraging water efficiency,
- reducing leakages and
- seeking water resource through new or existing sources.

The HRAs of the WRMPs concluded that they will have no adverse effects, alone or in combination, on the integrity of any European sites.

There are links with the RBMPs as certain infrastructure such as reservoirs have a shared function of providing water resource but also allowing control of releases during periods of high flows. However, the main potential for in combination effects on European sites will come from project delivery arising from the two plans, particularly if location and timing are close. There is insufficient detail on the timing and design of these projects and so in combination effects will need to be considered through the project level HRAs.

Projects delivered from the WRMP will undergo Environmental Impact Assessment and HRA at a project level where necessary. This will identify any potential effects on European sites alone and in combination at a project level, as more detail emerges.

Environmental Impact Assessment and HRA input to the options appraisal process will seek to avoid, reduce or mitigate potential effects.

Drainage and Waste Water Management Plans

The DWMP's set out how the water companies intend to extend, improve and maintain a robust and resilient drainage and wastewater system. They take a long term view of 25 years. DCWW plan sets objectives to reduce the risk of flooding to communities, manage water quality, services and the environment and adapt to change while maintaining critical services and protecting the environment. The proposed options were assessed and the HRA concluded that the DWMP will have no adverse effects on the integrity of European Sites, subject to appropriate consideration of residual uncertainties at a project level.

Woodlands for Wales Strategy

The Woodlands for Wales Strategy sets out Welsh Government's approach to sustainably manage woodlands across Wales. Forestry operations have the potential to affect water quality and the hydromorphology of watercourses. However, the Woodlands for Wales Strategy requires that "all woodlands and trees are managed sustainably to high standards of environmental stewardship, safeguarding and enhancing the full range of ecosystem services through more widespread and effective application of the United Kingdom Forestry Standard and greater uptake of auditable standards such as UK Woodland Assurance Standard ". The Woodlands for Wales Strategy has synergies with the RBMPs as it:

- promotes woodland creation as integral elements of land management,
- promotes urban woodlands and trees as making a contribution to water management and
- recognises the carbon storage capacity of woodlands

Measures for habitat restoration and peatland restoration are likely to be undertaken within areas of forestry and so there could be potential for in combination effects. However, there is insufficient detail on the timing and design of these projects and so in combination effects will need to be considered through the project level HRAs.

The **Sustainable Farming Scheme** Universal layer underwent HRA as universal actions can be undertaken when relevant on European sites. The HRA proposed embedded mitigation within the scheme that would provide protection to the water environment. For example, Universal Action 6: Create temporary habitat on improved land, recommends that any such action requiring cultivation within a catchment of a lake or within 100m of any river or other water dependent European site. The application of the proposed mitigation, as set out in the HRA of the Universal Layer of the SFS concluded no adverse effect on European site integrity. The mitigation is aimed at protecting the water environment and is considered to be complementary with the RBMP4.

6.6.2.3 Conclusion of In Combination Assessment of Plans

Relevant national and regional plans have been reviewed at a high level to determine whether there are any likely significant 'in combination' effects. The plans all share the need to sustainably manage natural resources such as water and seek

to adapt in light of our changing climate. This review has not indicated any potential or likely in combination effects. However, the scale of assessments of these strategic plans is high level and the timing, location and methods of delivery is uncertain. Each strategic HRA defers to a project level and it is recommended that integrated planning of projects affecting the same waterbodies and working collaboratively would be beneficial in reducing effects on European sites and delivering wider benefits.

6.7 Conclusions of the appropriate assessment (considering alone and in combination outcomes)

A total of 21 national measures and 22 Water body measure types were considered as part of the Appropriate Assessment for the Western Wales RBD as outlined above and as presented in Annex 5 (Water body measures AA datasheets) and Annex 6 (impact pathways and generic mitigation).

For all national measures and Water body measure types, there are real and credible pathways for effect that could occur, but at this level of plan we do not have the detail available to say where, how or when effects might occur. It is therefore considered appropriate (for most measures) to defer the HRA to lower tier plans and projects, where a greater level of detail will be available to inform the HRA, mitigation and compensation.

Consideration of the types of impact pathway likely to occur and high-level avoidance and mitigation measures is presented (grouped by SWMI) in Section 6.4 (supplementary information regarding impact pathways and generic mitigation being provided in Annex 6). The mitigation is not intended to be comprehensive, and it is very likely that there will be other impacts and therefore other mitigation that will be required which it is not possible to identify at plan level because the nature, timing, duration, scale or location is not yet known. This detail is deferred to the HRA of lower tier plans, programmes and projects. In combination assessment should also form part of this HRA at a local project/plan review level.

It has not been possible to ascertain that national measure CYM49 and associated Water body measure type AM1.0 will not adversely affect the integrity of European sites where, Calaminarian grassland is a feature. This is as a result of the nature of the remediation schemes forming CYM49 and AM1.0 – with potential for direct disturbance / destruction and downstream impact pathway to sensitive habitats/qualifying features of European sites as a result of the reduction in metal loading (WFD Regulations driver for the projects) and adverse effect on site integrity not being possible to rule out at this stage. Alternative options would not deliver on the aim of water quality remediation; this limited flexibility at the project level means that implementation of these measures do not meet criteria for deferring down to lower tier project level.

The measures that require further consideration (i.e. where they must satisfy the requirements of Section 64 of the Habitats Regulations Statement of Case is prepared (OGN 200 Form 3) to be submitted for consideration by the appropriate authority (Welsh Government)) are national measures CYM49 and Water body measure AM1.0. They will be considered further in Section 7 in the final version of this HRA.

For all other (national and Water body type measures), there is confidence that measures, lower tier plans, programmes and projects can be developed and delivered implementing the generic mitigation outlined in Annex 6 and considering local in combination impacts, without causing an adverse effect on site integrity for any European sites, or alternative proposals can be sought, alone or in combination.

7. Statement of Case

To be completed for the final version of this HRA (see above).

8. References

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Supplementary Material (Available upon request)

Annex 1. Pre-screening justification for national measures – Wales

Annex 2. Pre-screening justification for Water body measure types - Wales

Annex 3. LSE screening justification for national measures – Wales

Annex 4. LSE screening justification for Water body measure types – Wales

Annex 5. Water body measure types AA data sheets – Western Wales RBD

Annex 6. Impact Pathways and Generic Mitigation – Western Wales RBD