

# Habitats Regulations Assessment Screening for Special Areas of Conservation with Marine Mammal Features

**Reference number:** [PS006]

**Document Owner:** Marine Programme Planning and Delivery Group

## What is this document about?

This document sets out Natural Resources Wales' (NRW) advice on screening approaches in Habitats Regulations Assessments (HRA) for Special Areas of Conservation (SACs) with marine mammal features. It should be read in conjunction with the supporting information in Annex 1.

This advice does not represent a legal opinion. Competent authorities and applicants are advised to seek their own legal advice in respect of a specific activity or development project.

This advice does not prejudice any advice that NRW might provide in our capacity as a statutory advisor or regulatory decision maker.

NRW will update this advice as new evidence becomes available.

## Who is this document for?

The advice is aimed at:

- Those within NRW who may be advising on HRA
- Competent authorities conducting HRA, including those undertaking transboundary consultation
- Developers and consultants submitting information to allow a competent authority to undertake HRA

## Version History

Document Version	Date Published	Summary of Changes
<b>1.0</b>	Oct 2020	Document published
<b>1.1</b>	Nov 2022	Accessibility update. Following a review, there is no recent published evidence that would warrant a substantive update of this document
<b>2.0</b>	January 2025	Advice revised to better describe the range of screening approaches and other changes to clarify intent. Version 1.0 and 1.1 withdrawn.

Review Date: January 2026

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## Summary

This document summarises NRW's advice on the spatial scale that should be used to determine Likely Significant Effects (LSEs) within HRA for plans or projects that could affect, either alone or in-combination, marine mammal features of SACs. The aim of this part of HRA, also known as screening, is to determine which SACs and plans and projects should be considered in Appropriate Assessments (AA) (see Annex 1).

Marine mammal management units (MMMUs) are underpinned by information about the distribution and management of marine mammal populations. They have multiple purposes, such as the spatial scale for assessing the conservation status of species, the area in which Marine Protected Areas are identified, as well as screening in HRA.

For marine mammal species that are features of SACs, NRW recommends the use of MMMUs for screening in HRA. However, NRW recognises that the use of MMMUs covering extensive geographical areas can lead to AAs that involve a large number of SACs and plans/projects, and this may, at times, be disproportionate to the risk to a marine mammal SAC feature. Screening distances and the use of a sequential approach to assessment of LSE may therefore be acceptable depending on the impact pathway, details of the plan or project and there being sufficient evidence to justify the chosen approach. The use of such approaches will usually require discussion with NRW.

## NRW's Advice on the Approach to Screening for Likely Significant Effects

The following advice describes the approaches that NRW considers can be appropriate for screening within HRA.

The use of MMMUs is NRW's preferred approach to screening, particularly in consideration of in-combination effects and where impacts have the potential to cause mortality.

Screening distances can be applicable for impacts that result in disturbance subject to there being good evidence that they represent a robust approach. Similarly, a sequential approach can also be appropriate for the assessment of disturbance.

This advice must be read alongside the supporting information in Annex 1 which describes the MMMU screening concept, the use of screening distances and the sequential approach to assessment in more detail. If the screening approach adopted is anything other than the use of MMMUs, the species specific considerations described in Annex 1 will apply.

## Marine Mammal Management Units

The use of MMMUs is NRW's preferred approach to screening especially for impacts that have the potential to result in mortality.

The approach requires that all SACs in the MMMU within which the plan or project is located are screened in to AA. All plans and projects within the MMMU should also be screened into an in-combination assessment.

Our advice is based on existing MMMUs, which are underpinned by current evidence on the distribution and management of marine mammal populations that are features of SACs and the impacts they may face. The underlying evidence will remain under review and our advice will be updated as appropriate. MMMU boundaries may also be updated if and when any new evidence about marine mammal distribution and management becomes available.

Despite the existence of alternative approaches, it is important to recognise that the use of MMMUs for screening will often be more efficient for competent authorities, minimise the information that applicants need to provide and reduce the need for consultation with NRW that may be necessary if alternative approaches are being considered.

## Screening Distances

While MMMUs remain NRW's preferred approach, the use of screening distances can be appropriate in some circumstances especially for impacts that have the potential to result in disturbance.

Where screening distances are adopted, they must reflect the scale of the plan or project and the extent of their likely effects. For example, percussive piling would require large screening distances (c. '0s – '00s km) whilst screening distances for minor geophysical activity might be more limited (c. '0s km).

Screening distances must be appropriate for the activity type, species and local conditions and must be based on good evidence to justify their use.

## Sequential Approach

Screening on the basis of MMMUs or screening distances can result in AAs that encompass a large number of sites. For smaller scale plans and projects with effects over a more restricted geographical area, screening may adopt a sequential assessment approach that, for each marine mammal feature, initially examines the implications for the SAC closest to the source of impact. The closest SAC for each feature would be screened in and then subject to AA. SACs further away would only be considered following conclusion of an adverse effect upon the integrity of the closest SAC.

# Annex 1

## Information to Support Screening in Habitats Regulations Assessment of Special Areas of Conservation with Marine Mammal Features

### Marine Mammals and Habitats Regulations Assessment

HRA comprises the following steps:

1. A preliminary examination to determine whether a plan or project would be likely to have a significant effect on a European Site(s) (aka 'test of likely significance' (TLSE) or 'screening')
2. An appropriate assessment of the implications of the plan or project for the site(s) in view of that site's conservation objectives
3. Deciding whether there are alternative solutions to delivering the plan or project
4. Considering imperative reasons of overriding public interest and compensatory measures.

This document is concerned with step 1: how to determine whether a plan or project is likely to have a significant effect on marine mammal features of a European Site(s) and thereby identify which site(s) and pressures should be screened in to an AA and which plans and projects should be included in an in-combination assessment.

An AA is usually required for impacts from projects that occur inside or overlap with SAC boundaries. However, activities beyond the site boundary may also adversely affect features of a site(s) where there is 'functional linkage' between the two areas. The extent of functional linkage depends on the strength of evidence for that linkage which varies for species and location.

At the screening stage, the competent authority considers whether a plan or project - either alone or in-combination with other plans and projects – could have an LSE on a European site(s). Although competent authorities may choose the level of detail in screening assessments, the TLSE is typically a preliminary examination of a 'possible' significant effect whose occurrence cannot be excluded on the basis of objective information. If the competent authority does not believe there is an impact pathway or the risk to be credible, it can be ruled out at the screening stage.

This advice highlights three main approaches to screening based on:

- Marine mammal management units
- Screening distances
- A sequential approach

Further information about these approaches is provided below alongside some species specific considerations that are relevant to the use of screening distances and the sequential approach.

## Marine Mammal Management Units

MMMUs have been adopted as the relevant spatial scales for conservation advice for the seven most common cetacean species in the UK by the Inter-Agency Marine Mammal Working Group (comprising representatives of the UK's Statutory Nature Conservation Bodies (SNCBs)) (IAMMWG, 2015; 2022; 2023) (Figures 1, 2).

While Seal Monitoring Units (SMUs) are used for some purposes by SNCBs (see SCOS 2021 p69 for discussion on SMUs), grey seal MMMUs have not yet been developed by the IAMMWG. A wider spatial area has been used for UK and NE Atlantic reporting on grey seal status (OSPAR, 2023), and NRW currently advocates the use of the OSPAR Region III: Celtic Seas area as an appropriate management unit for screening (Figure 3).

We consider that there is the potential for the MMMU to be 'functionally linked' to SACs within it, because evidence demonstrates connectivity between marine mammals using the SACs and the wider population of the MMMU.

For impact pathways associated with potential mortality or physical injury, NRW advises the use of MMMUs as the most appropriate spatial scale for screening because the impact of the loss of, or injury to individuals is more direct and permanent and must be considered against the population as a whole.

Where there is evidence of functional linkage between an area of disturbance and the site, there is a potential for disturbance to affect site integrity even when the impact footprint does not overlap with the site boundary.

## Screening Distances

The degree to which disturbance might represent LSE may not apply over the entire MMMU. For impact pathways such as disturbance, from underwater noise for example, screening distances can, in some cases, be considered as an acceptable alternative to MMMUs for screening, subject to there being good evidence that they represent a robust approach.

Where screening distances are adopted, they must reflect the scale of the plans or projects and their likely effects. For example, screening for disturbance from percussive piling would require large screening distances (c. '0 - '00s km) whilst screening distances for minor geophysical activity might be more limited (c. '0s km).

While a wide variety of screening distances have been used in existing applications, ranging from 5 km to 200 km and beyond, many of these are arbitrarily assigned and the rationale/evidence to support their use is sometimes weak. NRW are unable to recommend a robust set of predefined screening distances and their use will need to be agreed with NRW on a case by case basis. Where screening distances are used, NRW will need to be provided with supporting evidence and adequate justification for their use.

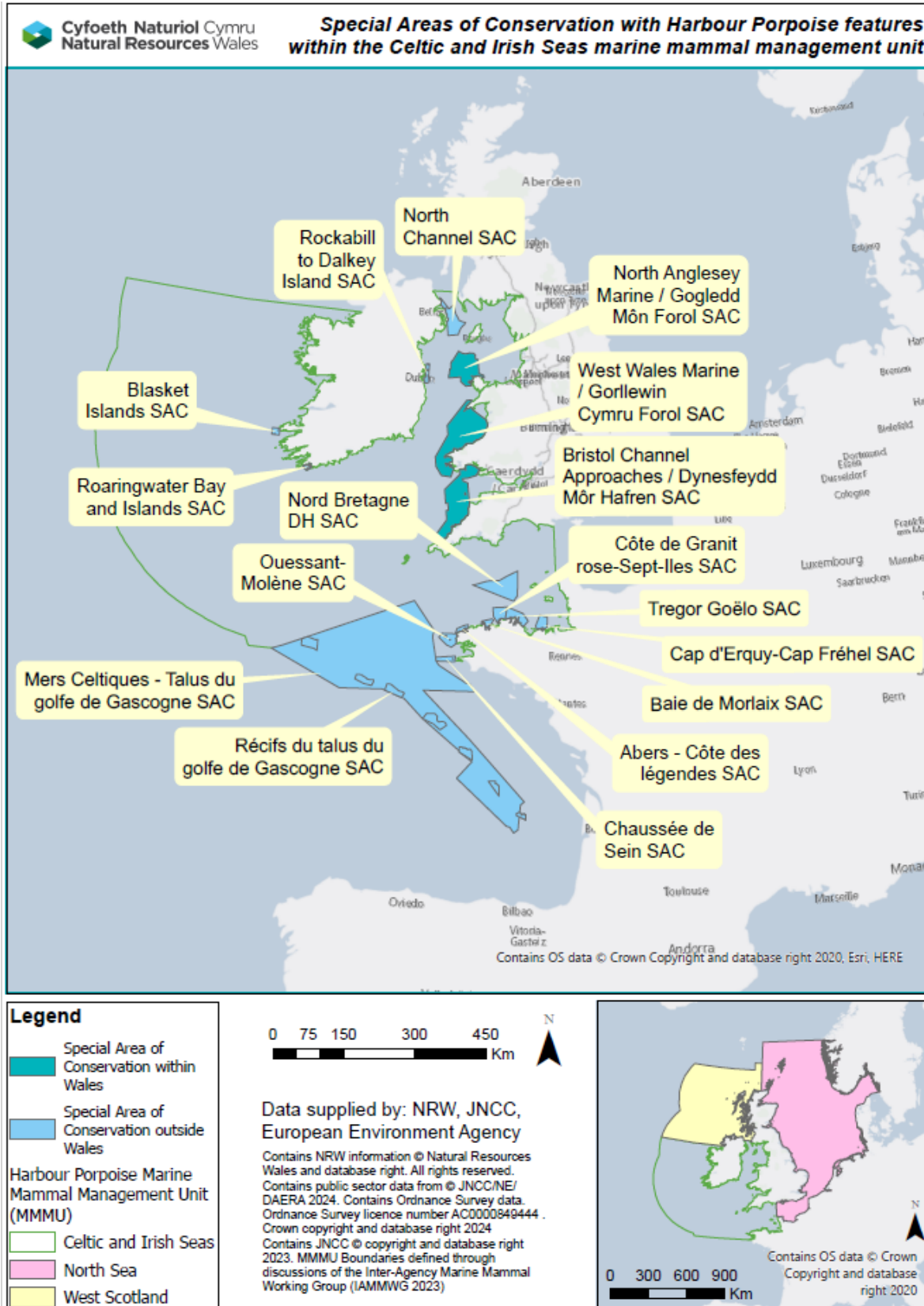


Figure 1. SACs with harbour porpoise features within the Celtic and Irish Seas MMMU.

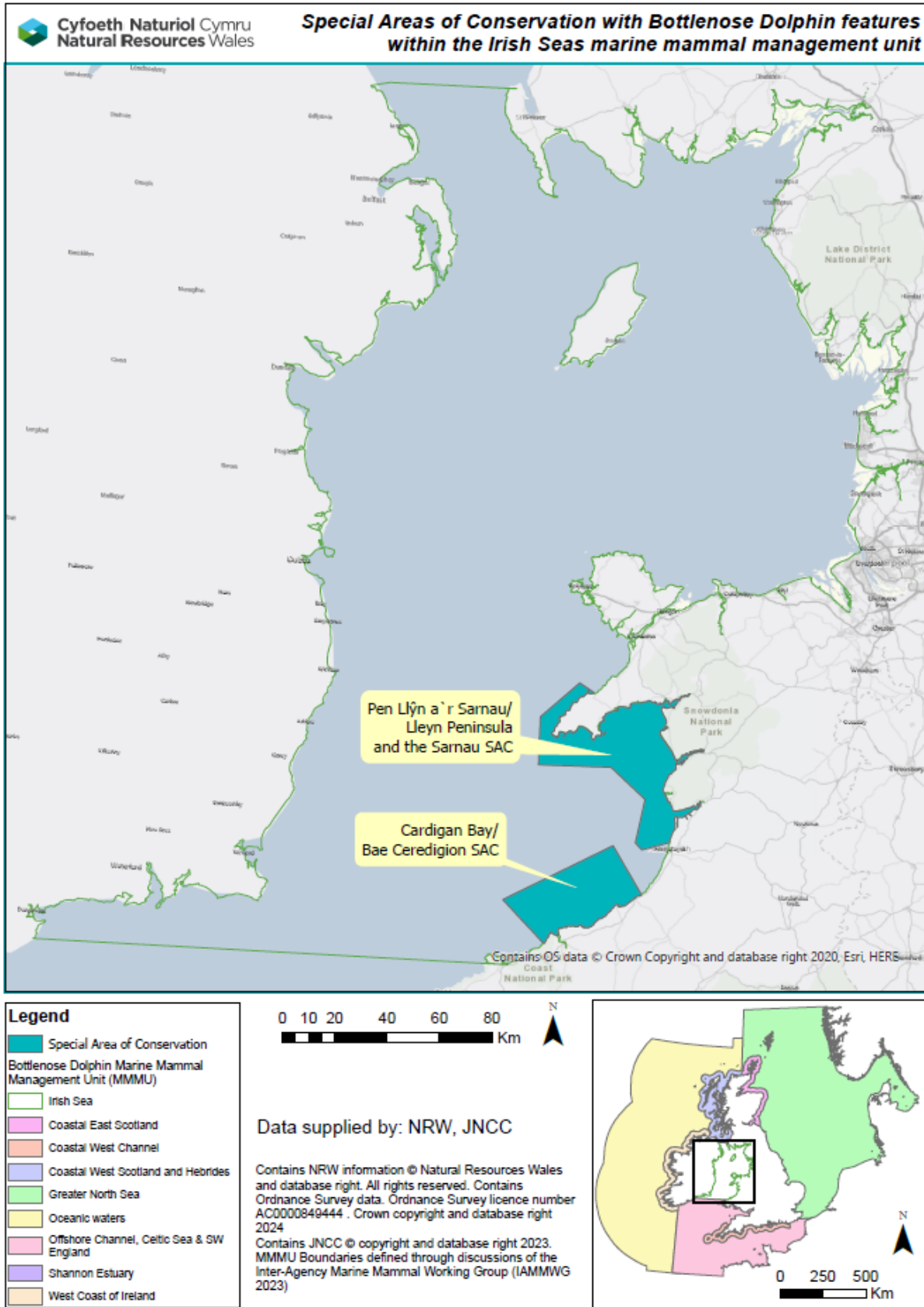


Figure 2. SACs with bottlenose dolphin features within the Irish Sea MMMU.



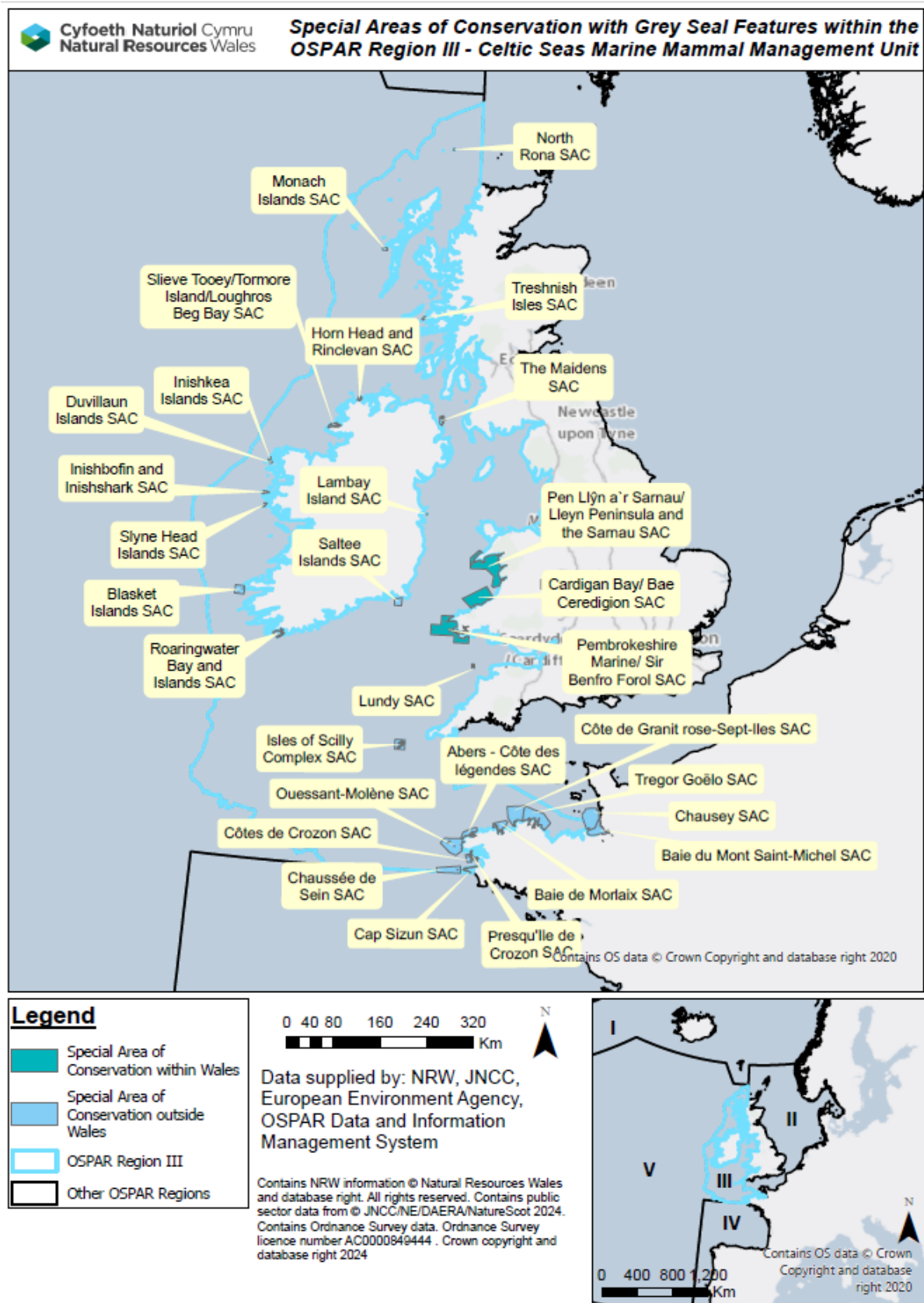


Figure 3. SACs with grey seal features within the OSPAR Region III Celtic Seas MMMU.

## Sequential Approach

A sequential approach to HRA encompassing both screening and AA in a potentially iterative cycle, can in some cases be an acceptable approach alongside or instead of the use of MMMUs or screening distances. Although this approach might apply to all impact pathways, it would usually be suitable and more efficient for smaller scale projects that may have effects over a more restricted geographical area.

This approach is applied incrementally (Figure 4). Firstly, if the screening indicates the project has no LSE on the closest SAC containing marine mammal features, then it can be assumed that all SACs containing the same feature within the MMMU or screening distance will have no LSE. All sites can be automatically ruled out at the screening stage.

Secondly, if the closest marine mammal SAC is screened in as having LSE, it is subjected to AA. If AEOSI is ruled out at this site, with no residual effect required to be assessed in-combination, then no further assessment of more distant sites with that marine mammal feature is required. If AEOSI cannot be ruled out at the closest site, the next nearest site is screened in and subjected to AA and so on until no AEOSI is concluded.

In some cases no AEOSI can only be concluded if mitigation is applied. This could mean that sites further away could also be subject to AEOSI and mitigation may also be necessary for those sites. However, all known mitigation of potential effects on marine mammals are applied at the location of the activity concerned and would be equally effective for sites whether they are the closest site or further away.

The sequential approach is only appropriate under certain conditions and we therefore recommend consultation with NRW before adopting its use. As with all HRAs, one utilising the sequential approach will be conducted by competent authorities with the required information provided by applicants.

The sequential assessment must be repeated separately for each of the different marine mammal features (bottlenose dolphin, harbour porpoise and grey seal).

Use of the sequential approach may also be dependent upon the level of detail that the competent authority wishes to include within screening assessments. It may be helpful to apply the sequential approach at the AA stage when a more detailed assessment is made.

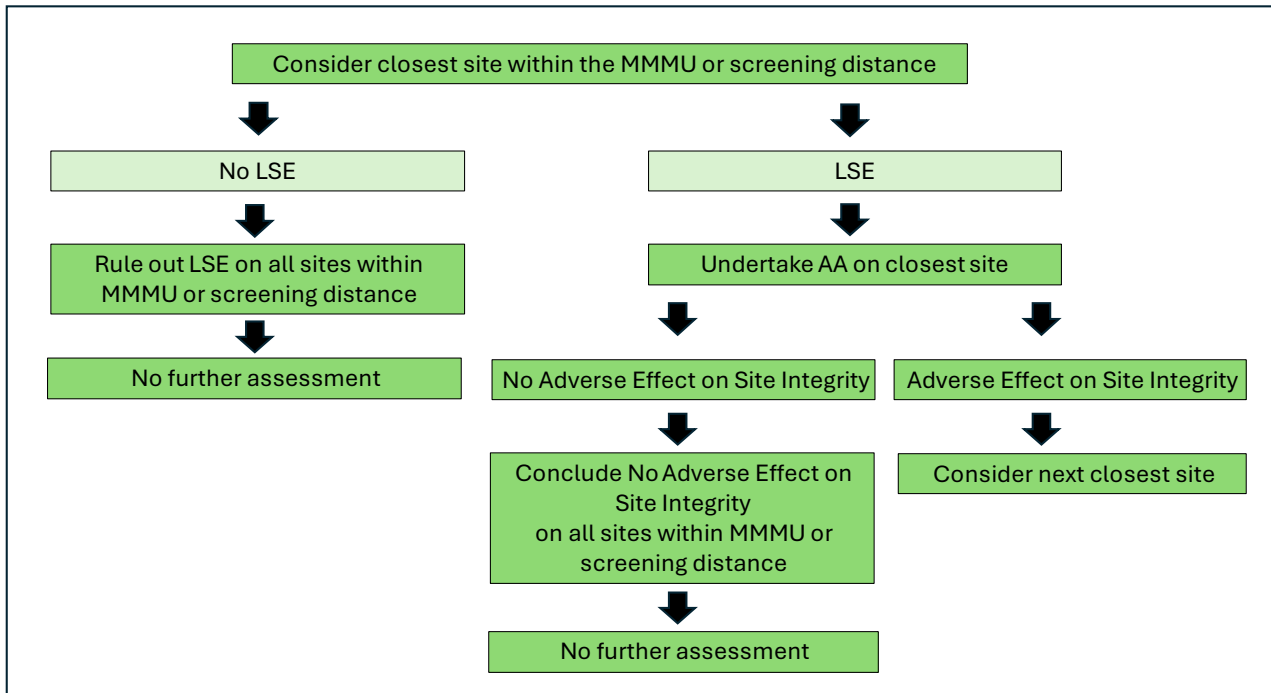


Figure 4. The sequential approach to screening within HRA.

## Species Specific Notes Relevant to Screening Distances and the Sequential Approach

The following species specific considerations should be taken into account when using screening distances or the sequential approach.

### Bottlenose dolphin

There are only two SACs with bottlenose dolphin as a feature in the Irish Sea MMMU and both are in Wales. Pen Llŷn a'r Sarnau and Cardigan Bay SACs are very close to one another and there is strong evidence that there is a single population of bottlenose dolphins using both sites. This means that it is likely that an activity affecting one site would also affect the other. As a consequence, both SACs should be examined during screening and assessment.

### Grey seal

The connectivity of pupping and haul-out sites outside of SACs and their association with SACs should be considered when deciding which SACs to screen in to an AA; expert judgement and consultation with NRW will likely be required on assessments of grey seal on a case-by-case basis.

More information about marine protected areas that host marine mammal site features, including the management and conservation objectives for each site, is available at:

[Natural Resources Wales / Find protected areas of land and sea.](#)

## References

IAMMWG. 2015. Management Units for cetaceans in UK waters (January 2015). JNCC Report No. 547, JNCC Peterborough. <https://data.jncc.gov.uk/data/f07fe770-e9a3-418d-af2c-44002a3f2872/JNCC-Report-547-FINAL-WEB.pdf>

IAMMWG. 2022. Updated abundance estimates for cetacean Management Units in UK waters. JNCC Report No. 680 (Revised March 2022), JNCC Peterborough, ISSN 0963-8091. [Updated abundance estimates for cetacean Management Units in UK waters \(Revised 2022\) \(jncc.gov.uk\)](#)

IAMMWG. 2023. Review of Management Unit boundaries for cetaceans in UK waters (2023). JNCC Report 734, JNCC, Peterborough, ISSN 0963-8091. <https://hub.jncc.gov.uk/assets/b48b8332-349f-4358-b080-b4506384f4f7>

OSPAR QSR. 2023. OSPAR Quality Status Report. 2023. [Quality Status Report 2023 - OSPAR-OAP \(Prod\)](#)

Special Committee on Seals - SCOS. 2021. Scientific advice on matters related to the management of seal populations. Sea Mammal Research Unit, St Andrews. [SCOS-2021.pdf \(st-andrews.ac.uk\)](#)