

Environmental Impact Assessment Written Confirmation of the EIA Consent Decision

**Marine Works (Environmental Impact Assessment) Regulations
2007 (as amended) (“the Regulations”)**

Old Colwyn Coastal Defence

CML2108

22 October 2021

Contents

Contents	2
1 Introduction	4
2 The Project	4
2.1 Project Background	4
2.2 Location	4
2.3 Statement of need	5
2.4 Regulating regimes.....	5
3 Environmental Impact Assessment.....	5
3.1 The Environmental Statement (ES)	6
3.2 Other Legislative and Policy Framework	6
3.2.1 Water Framework Directive (Council Directive 2000/60/EC).....	6
3.2.2 Waste (England and Wales) Regulations 2011 (2011/988)	7
3.2.3 The Conservation of Habitats and Species Regulations 2017 (as amended) ..	7
3.2.4 Marine Conservation Zones	7
3.2.5 Wildlife and Countryside Act 1981 (as amended)	8
3.2.6 Marine Policy Statement and Welsh National Marine Plan	8
3.2.7 Environment (Wales) Act 2016.....	8
3.2.8 Well-being of Future Generations (Wales) Act 2015	8
3.3 Further information provided by the applicant pursuant to a notification under regulation 14(1)	8
4 Consultation with the public	9
4.1 Public Notices	9
5 Consultation of EEA States	9
6 Technical consultation	9
7 Issues arising during the consideration of the Environmental Statement, Marine Licence Application and representations received	10
7.1 Air Quality	10
7.2 Biodiversity (Terrestrial)	10
7.3 Biodiversity (Marine)	11
7.4 Climate	11
7.5 Coastal Processes and Flood Risk	11
7.6 Landscape	11
7.7 Materials	12
7.8 Noise and Vibrations.....	12
7.9 Population and Health	12
7.10 Other Environmental Disciplines	12
7.11 Cumulative Effects.....	13
8 Mitigation or monitoring measures to be taken	13

8.1	Features or measures to avoid, prevent, reduce, or offset likely significant effects	13
8.2	Mitigation or monitoring required to be attached to the consent (Regulation 22 (c)-(e))	14
9	Regulation 21A Conclusion about Environmental Impact	15
9.1	Population and human health	15
9.2	Biodiversity	15
9.3	Land, soil, water, air and climate	15
9.4	Material assets, cultural heritage and landscape	16
9.5	Risk of major accidents and disasters relevant to the project	16
9.6	Cumulative impacts and in-combination impacts	16
10	Regulation 22 EIA Consent Decision	17

1 Introduction

This document is the Environmental Impact Assessment ('EIA') Written Confirmation document for CML2108 Old Colwyn Coastal Defence ("the Project").

2 The Project

2.1 Project Background

An application for a Marine Licence for the Project was submitted to NRW by Conwy County Borough Council dated 18 February 2021.

The project is to provide increased coastal protection along a section of the frontage in Old Colwyn in order to protect the critical infrastructure which lies behind the existing seawall. The existing seawall is increasingly subject to undermining and localised damage.

The licensable elements of the works consist of:

- The importation and placement of:
 - Primary rock armour (3-6t) approx. 152,700t of granite (or rock of similar physical properties and appearance); *
 - Underlayer (0.3 – 1t) 70,900t of granite or limestone; & *
 - Core material (0.15 – 0.3t) of granite or limestone.*
- To create a rock revetment protruding approximately 30m seawards of the existing seawall for a length of approximately 700m. This will join up to existing revetment immediately east of Porth Eirias and the revetment extending westwards from Splash Point. *
- Construction of 1 fishing platform constructed from open mesh and supported on steel tubular piles, approximate length 29m, protruding perpendicular from existing seawall, T-shaped with approximately 2.5m wide access walkway and 25m x 5m end platform. *
- Construction of 3 perpendicular access steps through revetment, approximately 28m in length. Piled superstructure with a combination of precast concrete step units and cast in situ concrete landing sections. Steps will run from existing seawall through the new revetment to the beach below. *
- Modifications to four existing outfalls along the length of the revetment including extensions and protective slabs where necessary. Widening of the revetment to locally to 7.2m at two locations. Stainless steel grills fixed to the end of each of the culverts which are to be extended. *
- Construction of a new access build out comprising a 2m wide access ramp along the southern boundary of the build out, comprising 10m long ramp sections split by 2m wide landings. Stepped access to the beach comprising 4m wide concrete steps along the northern section of the build out. Landscape areas with pre-cast concrete seating steps set at varying levels with landscaping boulders fixed to the concrete slab. *
- Existing corroded steel access steps and small concrete landings associated with these steps will be removed and disposed of, offsite, as and when the revetment is to be constructed through these locations. *

2.2 Location

The Project is located along a section of frontage in Old Colwyn, bounded by the following sets of coordinates:

Eastings	Northings
285904	378899
285898	378881
286294	378813
286288	378785
286756	378752
286756	378723

Eastings	Northings
286957	378751
286957	378712
287021	378751
287004	378711

2.3 Statement of need

The primary function of works across the Old Colwyn frontage is to safeguard the integrity of the shoreline, provide protection to local and national infrastructure and safeguard life. The primary objectives associated with the Scheme are, therefore, to:

- limit overtopping of the existing defences to appropriate levels commensurate with the primary hinterland receptors;
- mitigate the risk of failure of the coastal defences and the erosion of the shoreline that would take place without on-going shoreline management;
- safeguard the active travel routes, utilities, rail and transport infrastructure at risk from damage resulting from overtopping and/or erosion; and in addition,
- regenerate the Promenade area and provide environmental enhancements along with improved amenity commensurate with the overarching Waterfront Regeneration Plan.

2.4 Regulating regimes

The Project overlaps between two consenting main regimes.

A marine licence under the Marine and Coastal Access Act 2009, administered by Natural Resources Wales acting on behalf of the Licensing Authority, Welsh Ministers. Aspects applied for via a Marine Licence are identified by * in the list detailed in 2.1.

Planning permissions under the Town and Country Planning Act 1990 for additional aspects of the project. To date two planning permissions have been secured, the first (ref: 0/46896) was obtained on 31 January 2020, and the second (ref: 0/48546) was obtained on 15 September 2021. It is anticipated that a further planning permission will also be required to cover the rest of the scheme.

3 Environmental Impact Assessment

Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted.

The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the Regulations”) transpose the EIA Directive in Wales and England for marine licence applications.

Pursuant to Regulation 5 of the Regulations, it was agreed between NRW and Conwy County Borough Council that the proposed works constitute an EIA development under the Regulations. Accordingly, the Marine Licence application required for the Project was accompanied by an Environmental Statement (ES).

3.1 The Environmental Statement (ES)

The Environmental Statement outlined the proposed project organised under the following topic headings.

Technical chapters:

- Introduction
- Need for Scheme, Assessment of Alternatives and Basis of Design
- Scheme Description
- Scheme Construction
- Consultation
- Policy Context
- Air Quality
- Biodiversity (Marine and Terrestrial)
- Climate
- Coastal Processes and Flood Risk
- Landscape
- Materials
- Noise and Vibrations
- Population and Health
- Other Environmental Disciplines
- Cumulative Effects
- Summary

The ES is considered to satisfy the requirements of Regulation 12 (2) and Schedule 3 of the Regulations. Specific comments pertinent to each ES chapter can be found in section 7.

3.2 Other Legislative and Policy Framework

Relative considerations under other legislation and/or policy are set out below:

3.2.1 Water Framework Directive (Council Directive 2000/60/EC)

The sea from the mean low water mark up to 1 nautical mile from shore is protected under the WFD which requires a project or activity does not cause or contribute to deterioration in status of European Union (EU) water bodies or ‘prevent the water body achieving ‘good status’.

The Potential effect of the Project was also screened against the Water Framework Directive objectives for the following waterbody:

- North Wales

A Water Framework Directive Compliance Assessment was undertaken and concluded that the proposal, when considered alone and in-combination, will not pose a risk to deterioration of the above listed waterbody. Further details are described within the Water Framework Directive Compliance Assessment.

3.2.2 Waste (England and Wales) Regulations 2011 (2011/988)

‘Establishes a legal framework for treating waste in the EU. This is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use.’ Waste generated by a project or activity must be dealt with in an environmentally friendly way. To do this it applies the waste hierarchy from the Waste Regulations, which gives an order of preference for how waste is dealt with (prevention, re-use, recycling, recovery, disposal at sea).

See consideration under Section 7.

3.2.3 The Conservation of Habitats and Species Regulations 2017 (as amended)

European sites are those designated under The Conservation of Habitats and Species Regulations 2017 (as amended) (“Habitats Regulations”) as Special Protection Areas (“SPAs”), Special Areas of Conservation (“SACs”) or Sites of Community Importance (“SCIs”).

The proposal is located within a European Protected Site.

The effects of proposal on the following European Sites, their features and conservation objectives have been considered by NRW during the licence determination:

- Liverpool Bay SPA
- Menai Strait and Conwy Bay SAC

The following protected sites only assess the Harbour Porpoise (*Phocoena phocaena*), Grey Seal (*Halichoerus grypus*) and Bottlenose Dolphin (*Tursiops*), due to the high mobility of the feature:

- North Anglesey Marine Special Area of Conservation (SAC)
- West Wales Marine SAC
- Bristol Channel Approaches SAC
- Pen Llyn a'r Sarnau SAC
- Cardigan Bay SAC
- Pembrokeshire Marine SAC

A test of likely significant effect (TLSE) was undertaken and to identify the potential significant effects on features of the European Sites listed above could be ruled out. It was concluded that the proposal, when considered alone and in-combination, will not adversely affect the integrity of the European site(s) concerned.

Further details are described within the Habitats Regulations Assessment.

3.2.4 Marine Conservation Zones

Section 116 of the Act provides powers to Welsh Ministers to designate Marine Conservation Zones (“MCZs”) with the aim of contributing to the achievement of a network of ecologically coherent and well-managed marine protected areas.

The Project is not within a Marine Conservation Zone and was not identified to have an impact on any Marine Conservation Zone.

3.2.5 Wildlife and Countryside Act 1981 (as amended)

Sites of special scientific interest (“SSSIs”) are protected by law to conserve their wildlife or geology. The Wildlife and Countryside Act 1981 (as amended) ensures that SSSIs are protected and managed effectively.

See consideration under Section 7.

3.2.6 Marine Policy Statement and Welsh National Marine Plan

The UK Marine Policy Statement (“MPS”) is the framework for preparing Marine Plans and taking decisions affecting the marine environment. NRW must make licensing decisions in accordance with the MPS and the Welsh National Marine Plan unless relevant considerations indicate otherwise. This is supported by the submission of the WNMP Assessment, dated May 2021.

3.2.7 Shoreline Management Plan (SMP)

SMPs are non-statutory policy documents with the purpose of providing a large-scale assessment to support coastal support management planning.

The proposed works lie within Policy Unit 2.2 of the Western Wales SMP2. The policy for the unit is Hold The Line. Therefore, the enhancement of the Old Colwyn Coastal Defence is in line with the SMP policy for the area of marine Licensed Activities.

3.2.8 Environment (Wales) Act 2016

Article 4 of the Natural Resources Body for Wales (Establishment) Order 2012, as amended by the Environment (Wales) Act 2016 requires NRW to pursue the sustainable management of natural resources in relation to Wales, and apply the principles of sustainable management of natural resources in the exercise of its functions, so far as consistent with their proper exercise.

NRW considers that the procedures outlined in this Written Confirmation in the consideration of EIA consent are consistent with this requirement.

3.2.9 Well-being of Future Generations (Wales) Act 2015

This Act requires NRW, as a public body, to take reasonable steps in exercising its functions to work in accordance with the sustainable development principle, as set out in Section 5 of the Act.

NRW considers that the EIA process is consistent with the sustainable development principle described in the Act, and that the processes outlined in this Written Statement are sufficient to properly demonstrate the sustainable development principle. In particular, NRW acknowledges that the principles of sustainable management include taking account of all relevant evidence and gathering evidence in respect of uncertainties, and taking account of the short, medium- and long-term consequences of actions. NRW further acknowledges that it is an objective of sustainable management to: (1) maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing, meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and (2) contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.

3.3 Further information provided by the applicant pursuant to a notification under regulation 14(1)

No further information was requested from the applicant pursuant to a notification under Regulation 14 (1).

4 Consultation with the public

4.1 Public Notices

Pursuant to Regulation 16, public notices were advertised to notify interested parties of the proposed works and give any interested parties or members of the public an opportunity to make representation on the application as necessary.

The application documents were made available as follows:

- A translated public notice was placed in the North Wales Pioneer on 10 June 2021 & 17 June 2021; &
- The application documents were made available to the public via the [public register](#) and they could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP, for 42 days following the publication of the first public notice.

0 public representations were received.

5 Consultation of EEA States

A Transboundary Screening Assessment did not identify potential for effects to any other EEA State.

Consequently, no material was provided to other EEA member States in relation to the application.

6 Technical consultation

The Marine Licence application was consulted upon on 28 May 2021 for a period of 42 days, in accordance with Regulation 17 of the regulations. It was sent to the following consultation bodies:

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	N	
NRW	Y	09 July 2021
MoD - Safeguarding Defence	Y	29 June 2021
Maritime & Coastguard Agency	Y	24 June 2021
Trinity House	Y	09 June 2021
Royal Yachting Association	N	
Local Biodiversity Officer	Y	19 July 2021

Local Planning Authority	Y	19 July 2021
Local Harbour Authority	N	
Local Port Authority	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government / Marine Enforcement Officers	N	
Welsh Archaeological Trust	Y	01 June 2021
Royal Commission on Historic Monuments Wales	N	
Cadw	Y	07 June 2021
Department for Transport (DFT)	N	
Chamber of Shipping	N	
NERL Safeguarding	Y	04 June 2021

Details of the issues raised by the Consultation Bodies and how they have been addressed is set out in Section 7.

Consultees who did not provide a response were assumed to have no comment.

7 Issues arising during the consideration of the Environmental Statement, Marine Licence Application and representations received

Material issues that were highlighted by the ES and consultation process and the extent to which they have been addressed are detailed in this section.

7.1 Air Quality

No comments were provided in relation to Air Quality. Therefore, NRW PS concluded that the potential impacts due to the project has been adequately addressed in the ES.

7.2 Biodiversity (Terrestrial)

NRW TE consultation response confirmed that the ES adequately assesses terrestrial species. Therefore, NRW PS concluded that the potential impacts due to the project on terrestrial species has been adequately addressed in the ES.

7.3 Biodiversity (Marine)

NRW TE did not agree with the assessment presented in the ES that the *Sabellaria alveolata* on site is of low-quality and stated that further mitigation is required. The applicant agreed with NRW TE conclusions and have committed to implementing additional mitigation such as buffer zones. To ensure this, conditions have been included to ensure a Construction and Environmental Management Plan (CEMP) is submitted for approval prior to commencement of Licensed Activities. It has been agreed that the CEMP will include the appropriate *Sabellaria alveolata* mitigation.

NRW TE did not consider the biosecurity measures presented sufficient to mitigate against the introduction of invasive non-native species (INNS). However, since the applicant has committed to not delivering any materials via the sea (see Section 7.7), impacts from INNS can be ruled out.

No other comments were provided in relation to marine species. Therefore, NRW PS concluded that the potential impacts due to the project on marine species has been adequately addressed in the ES.

7.4 Climate

No comments were provided in relation to Air Quality. Therefore, NRW PS concluded that the potential impacts due to the project has been adequately addressed in the ES.

7.5 Coastal Processes and Flood Risk

NRW TE stated that there was a lack of detail surrounding the rock stockpiling and sediment management on the foreshore of excavated sediments. Detailed methods of rock stock piling and sediment management is to be agreed prior to commencement of activities. To ensure this, conditions have been included to ensure a CEMP is submitted for approval prior to commencement of Licensed Activities. It has been agreed that the CEMP will include a detailed method of rock stockpiling and sediment management.

NRW TE stated that if the groynes are being rebuilt, extended, or altered in any way it may cause changes to coastal processes during construction and/or operation and that clarification surrounding this was required. The applicant confirmed that the groynes which run perpendicular to the seawall are not being rebuilt or extended. The only areas in which the groynes will be modified are for the first 30m, where the new revetment will be constructed over the existing groyne. NRW TE confirmed that all concerns have been clarified through the applicant's response. Therefore, NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

No other comments were provided in relation to Coastal Processes and Flood Risk. Therefore, NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

7.6 Landscape

No comments were provided in relation to landscape/seascape receptors. Therefore, NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

7.7 Materials

No comments were provided in relation to Materials. Therefore, NRW PS concluded that the potential impacts due to the project has been adequately addressed in the ES.

7.8 Noise and Vibrations

NRW TE raised concerns about the noise generated by unloading of rocks from the barge, which will occur, “onto an area slightly covered by water”, and thus will generate underwater noise. NRW TE stated that it is not possible to reach a conclusion as to whether this noise level will impact marine mammals, particularly if it poses an injury risk, without further information. Following discussions with the developer they have instead committed to only delivering materials via land, thus, eliminating the noise potential impacts. To ensure this, conditions have been included which do not allow delivery of materials by sea, see section 8.2.

NRW TE also stated that there is the potential for noise disturbance through piling activity, however, the ES states that piling works, “would be timed to occur during hours of low tide” and, “not occur within the water column” and thus “As a result, piling would not occur within the water column and impacts on marine mammals and fish species from underwater noise and vibration associated with piling are not considered within this assessment.”

No other comments were provided in relation to noise and disturbance. Therefore, NRW PS concluded that the potential impacts due to the project has been adequately addressed in the ES.

7.9 Population and Health

No comments were provided in relation to Population and Health. Therefore, NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

7.10 Other Environmental Disciplines

The MCA raised a concern that changes to navigational aids and topography could pose a hazard to safe navigation. Therefore, conditions have been included to ensure that the area is returned to the original profile, or as close as reasonably practicable, following the completion of Licensed Activities.

They also stated that the UK Hydrographic Office must be notified before and after completion of Licensed Activities to permit the promulgation of Maritime Safety Information (e.g., updated nautical charts and publications) to ensure other vessels in the vicinity can safely plan and conduct their passage. Therefore, conditions have been included to ensure that the UK Hydrographic Office are notified before and after the commencement and completion of Licensed Activities.

NRW PS concluded that the potential impacts on navigation due to the project has been adequately addressed in the ES.

Cadw advised that the proposed development includes coastal defence works and will be located inside 3km of the designated heritage assets listed below. However, intervening topography and structures block views between the heritage assets and the proposed development.

Scheduled Monuments

DE077 Bryn Euryn Camp

DE146 Llys Euryn Medieval House, Llandrillo-yn-Rhos

Registered Parks and Gardens

PGW (Gd) 60(CON) Colwyn Bay: Cotswold, Brackley Avenue (grade II)
PGW (Gd) 61(CON) Colwyn Bay: The Flagstaff (grade II)

An archaeological assessment completed in 2010 by Birmingham Archaeology showed a generally low archaeological potential in the area of the proposed revetment works and a watching brief on the geotechnical investigation pit works and this was completed by the Gwynedd Archaeological Trust. The test pitting showed no archaeological deposits of significance and no additional archaeological works are required on the proposed revetment. Therefore, NRW PS concluded that the potential impacts on Archaeology and Cultural Heritage due to the project has been adequately addressed in the ES.

No other comments were provided in relation to Other Environmental Disciplines. Therefore, NRW PS concluded that the potential impacts due to the project has been adequately addressed in the ES.

7.11 Cumulative Effects

No comments were provided in relation to Cumulative Effects. Therefore, NRW PS concluded that the potential impacts due to the project has been adequately addressed in the ES.

As detailed in section 3.2.4, NRW PS carried out a Habitat Regulations Assessment, as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation detailed in section 8, that the works would not cause a significant impact alone or in combination on a European designated site.

8 Mitigation or monitoring measures to be taken

8.1 Features or measures to avoid, prevent, reduce, or offset likely significant effects

In reaching the Conclusion about Environmental Impact (Regulation 21A of the Regulations), NRW must consider any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects (regulation 21A (1)(f)).

NRW considers that the following features of the project, or measures included within the project proposal, as described in the application form, Environmental Statement and other supporting information, would avoid, prevent, reduce or offset any likely significant adverse environmental effects:

An increase in carbon emission is predicted during the construction phase and mitigation is proposed within Sections 9.6 and 9.7 of the ES to reduce the project emissions.

Piling works would be undertaken at exposed low tides. This would avoid piling within the marine water body, therefore, avoiding the propagation of underwater noise through the water column.

Enhancement measures have been built into the Scheme design including new rocky shore habitats and biodiverse landscaping.

Throughout the construction and operational phases, best practice guidance in reference to pollution prevention would be followed.

Should vessels be used, the core wintering bird season (October to March inclusive) would be avoided for the delivery of revetment rock via barge. They would also not be allowed to drop anchor and instead barges would be guided and positioned by tugs or small support vessels. This

would avoid any potential impact on mussel beds or *Sabellaria alveolata* habitat as a result of coming into contact with anchors.

A CEMP will be produced by the contractor which will include measures to manage and reduce potential risks to the environment. The CEMP will also include a Materials Management Plan, Waste Management Plan and Dust Management Plan.

During construction, to reduce short term negative impact on hydrodynamics and the sediment transport regime, materials, such as rock armour used for revetment construction, should be stored as high up the beach as practicable.

Primary mitigation and enhancement measures have been incorporated into the Scheme proposals, in terms of working methodology and Scheme design to reduce impact on population and human health.

8.2 Mitigation or monitoring required to be attached to the consent (Regulation 22 (c)-(e))

In reaching the EIA Consent Decision required under Regulation 22, NRW must make consideration of the requirement for any mitigation measures or monitoring required to be attached to the consent.

Section 7 outlines where NRW PS considers that there is a requirement for mitigation and/or monitoring and sets out the measures we consider necessary to address potential impacts identified through the EIA process. These are summarised below:

Licence conditions will be required to ensure that pollution prevention best practice will be adhered to, this would include that appropriate bunding and storage facilities are installed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. This will mitigate possible impacts on water quality.

Licence conditions will be required to ensure a CEMP is submitted to the Licensing Authority for approval prior to commencement of Licensed Activities. This will ensure appropriate pollution preventions are implemented.

Licence conditions will be required to ensure all delivery of materials is made via the land and not the sea. This will ensure no impacts on marine mammals through underwater noise and mitigate the risk of spread and introduction of marine INNS.

Licence conditions will be required to ensure the UK Hydrographic Office are notified before and after the commencement and completion of Licensed Activities. This will ensure the promulgation of Maritime Safety Information and the updating of nautical charts and publications to ensure other vessels in the vicinity can safely plan and conduct their passage.

Licence conditions will be required to ensure the area is returned to the original profile, or as close as reasonably practicable, following the completion of the Licensed Activities. This will ensure the profile does not pose a hazard to safe navigation.

Licence conditions will be required to ensure the appropriate use of render and concrete to minimise risk of damage to the marine environment by wet concrete contamination.

In considering the monitoring requirements outlined above we do not consider that these requirements can be met by existing monitoring arrangements.

9 Regulation 21A Conclusion about Environmental Impact

In reaching a Conclusion about Environmental Impact, as required by Regulation 21A, NRW has considered the following (Regulation 21A(1)):

- The application for a Marine Licence.
- The Environmental Statement submitted.
- Further information provided, as outlined in Section 3.3.
- The responses to the technical consultation outlined in Sections 6 and 7; &
- Any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects as outlined in Section 8.

NRW, as appropriate authority, has considered the likely significant effects of the project, and reached a conclusion of the likely significant effects of the project with regard to the following (Regulation 21A(2)):

- Population and human health (9.1);
- Biodiversity (9.2);
- Land, soil, water, air and climate (9.3);
- Material assets, cultural heritage and landscape (9.4);
- Risk of major accidents and disasters relevant to the project (9.5); &
- Cumulative impacts and in-combination impacts (9.6).

9.1 Population and human health

The ES has assessed the impact on population and the human health. Due to the embedded mitigation detailed in Section 8.1, and the scale and nature of the project, significant impact on population is not predicted during the construction phase. The ES also considered that during the construction phase there was the potential to generate impact in terms of traffic and transportation, noise and air quality and visual impact; however, NRW PS consider that the design of the project and embedded mitigation ensures that there will be no significant impact on population or human health as a result of the project.

9.2 Biodiversity

The project is located within the Liverpool Bay SPA and surrounded by other designated areas. NRW PS carried out a Habitat Regulation Assessment and concluded, subject to appropriate conditions detailed in Section 8.2, the Licensed Activities will not adversely affect the integrity of any of the European Sites.

The ES considers the potential further impact on biodiversity including that of a pollution event, or increased sedimentation caused during excavation. NRW PS conclude that considering mitigation proposed within the ES and the licence conditions outlined in Section 8 related to pollution prevention best practice and adherence to a CEMP, no significant impact on biodiversity is predicted.

9.3 Land, soil, water, air and climate

There is an impact pathway to water quality and land through a pollution event. In addition, there is the potential to impact on water quality through sediment disturbance during excavation and vehicle movements during construction phase. The ES has assessed these impacts and proposed mitigation including adherence to a CEMP which would include pollution prevention best practice. NRW consider that the works have been appropriately assessed and that, subject to the mitigation

proposed within the ES and the licence conditions outlined in section 8, no significant impact on water quality is predicted.

There is an impact pathway to air during the construction phase, such as production of dust during demolition operations and depositing of material. However, NRW PS considers that the ES has adequately assessed the impact and that, based on the mitigation proposed by the applicant (including details within Section 8.1) and the adherence to best practice, no significant impact on air quality is predicted.

Potential impact on climate has been considered within the ES, an increase in carbon emission is predicted during the construction phase and mitigation is proposed within Sections 9.6 and 9.7 of the ES to reduce the project emissions.

9.4 Material assets, cultural heritage and landscape

The ES has assessed the impact on material assets, cultural heritage and landscape. NRW PS consider that due to the design, installation methods and previous assessments carried out detailed in Section 7.9, there will be no adverse effect on material assets, cultural heritage and landscape as a result of the project.

9.5 Risk of major accidents and disasters relevant to the project

Due to the nature of the operation, the measures proposed to reduce the risk of a major accident or pollution event, and conditions within the marine licence (see Section 8.2), NRW PS consider the risk of a major accident or disaster to be extremely low.

9.6 Cumulative impacts and in-combination impacts

As detailed in Section 3.2.4, NRW PS carried out a Habitat Regulation Assessment, as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.

NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

Produced By: Joe Thomas

Signed: 

Date: 22 October 2021

Approved by: Wendy Dodds

Signed: 

Date: 22 October 2021

10 Regulation 22 EIA Consent Decision

The Marine Licensing Team has considered the application CML2108 and information provided in support of the application and is now in a position to make an EIA consent decision to Conwy County Borough Council.

In accordance with Regulation 22 of the Regulations, NRW PS, as appropriate authority, have considered:

- The application for a Marine Licence;
- The Environmental Statement submitted;
- Further information provided, as outlined in Section 3.3;
- The Conclusion of the Environmental Impact (under Regulation 21A(2)) in section 9 (dated 22 October 2021), which we consider to be up to date;
- The responses to the technical consultation outlined in Sections 6 and 7; &
- Whether monitoring of the significant adverse environmental effects of the Project is appropriate (as outlined in Section 8), including whether:
 - Existing monitoring can be relied upon
 - Conditions should be attached to the regulatory approval
 - Whether conditions to make provision for potential remedial action are required, as outlined in Section 8
 - Whether any other conditions need to be attached to the regulatory approval, with respect to the likely significant environmental effects of the Project, as outlined in Section 8.

After conducting a full and comprehensive review of the Project and applying appropriate additional external expertise, we conclude that the environmental impacts of the Project have been adequately identified, described and assessed. Accordingly, we conclude a favourable determination and that EIA consent for the project should be given.

Adequate mitigation strategies have been agreed to minimise, or altogether remove, the potential significant impacts associated with the construction and operational phases of the Project.

We consider that the monitoring and mitigation conditions outlined in section 8 should be considered in the regulatory decision.

This Written Confirmation of the EIA Consent Decision will be sent to the following, in accordance with Regulation 23 of the Regulations:

- Conwy County Borough Council
- All consultation bodies listed in Section 6

This Written Confirmation of the EIA Consent Decision is available on the NRW online public register at <https://publicregister.naturalresources.wales/>

Produced By: Joe Thomas

Signed: 

Date: 22 October 2021

Approved by: Wendy Dodds

W. J. Dods

Signed:

Date: 22 October 2021
