

Llandulas to Kinmel Bay Coastal Defence Improvements

Habitats Regulations Screening Assessment

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Contract

This report describes work commissioned by Amey Consulting, on behalf of Conwy County Borough Council. Hannah Bard and Jonathan Harrison of JBA Consulting carried out this work.

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Purpose

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Abbreviations

COSHH	Control of Substances Hazardous to Health
HRA	Habitats Regulation Assessment
OBC	Outline Business Case
SAC	Special Area of Conservation
SCI	Sites of Community Importance
SMP	Shoreline Management Plan
SPA	Special Protection Area

1 Project Details

1.1 Introduction

JBA Consulting are currently working with Conwy County Borough Council (CCBC) to deliver the Llanddulas to Kinmel Bay Coastal Defence Improvements scheme. Part of the requirements of the scheme is to undertake an assessment of impacts on sites designated under the 'Habitats Directive' (See section 1.3). This report undertakes a preliminary habitats regulation assessment, so that relevant receptors that may be impacted by the works can be identified. A more detailed, formal Habitats Regulation Assessment will be undertaken at a later date in order to comply with any marine licence planning consent. If any designs change, an additional assessment of the detailed design stage will be required.

1.2 Project Summary

The proposed scheme seeks to improve the standard of coastal flood protection between the village of Llanddulas and the seaside resort of Kinmel Bay, on the coast of North Wales. Figure 1-1 shows the proposed location of the scheme.

The coastal frontage of the study area consists of a wide shingle beach, creating a popular tourist destination. The section of beach to be developed is designated under the EU Bathing Waters Directive with the sub-tidal area designated as part of the Liverpool Bay Special Protection Area (SPA).

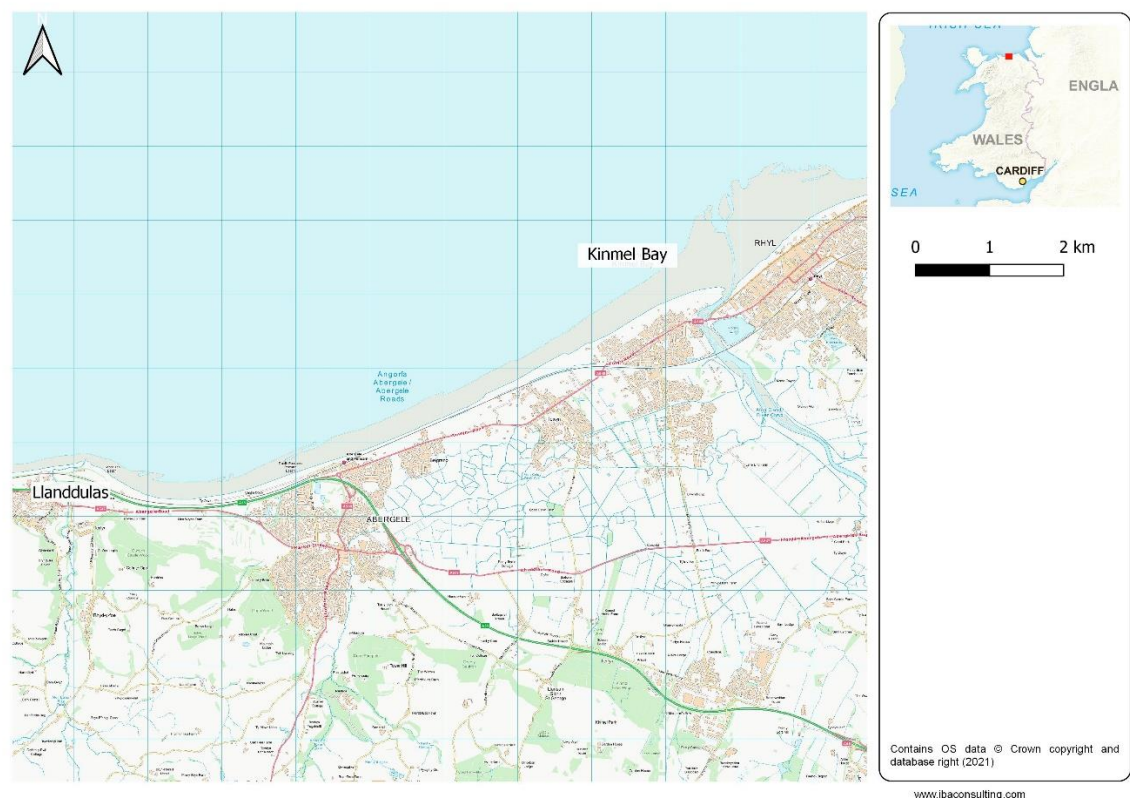


Figure 1-1 Site location and extent

The existing coastal defences comprise of a combination of timber groynes, rock revetment, cobbled beaches, sea walls and floodgates. The stretch is subject to frequent wave over-topping of the primary defences leading to flooding of nearby homes and local infrastructure.

The preferred option has been sub-divided into 8 sections, as shown in **Error! Reference source not found.** The proposed works for each section are shown in Table 1-1 below.



Figure 1-2: Scheme overview

Table 1-1 Proposed works

Reference	Location	Proposed works
CMU 3-2A	Llandulas Revetment	Improvements to the public realm including enhancements to the main car park, widening the main cycle path, development of a parklet within the secondary car park, rest benches and lighting along the route.
CMU 3-2B	Llanddulas Beach	Upgrade the existing rock armour defence and increase the embankment elevation.
CMU 3-3	Llanddulas Tip	Public realm improvements including a parklet and reting point.
CMU 3-4	Pensarn Beach	Initial capital beach nourishment with periodical beach recharge to follow. Set back the flood wall along the western end of the CMU. Add a parklet at the western end of Pensarn Promenade.
CMU 3-5A	Belgrano Beach	New rock armour defences at each end of the CMU. Provision of new beach access points.
CMU 3-5B	Towyn Revetment	Increase the crest width and height of current rock armour unit. Raise existing sea wall. Public realm improvements, including enhancing the existing meadows and a parklet at the eastern end of Towyn Revetment.

CMU 3-5C	Kimnel Bay Beach	Increase the height of the seawall crest along the entire unit. Upgrade/ replace the flood gate at the carpark to be the same level as the wall. Reprofile the level of the entrance of the car park at St Asaph Avenue. Enhance the rock revetment at the western end. Re-instate the sand dunes where necessary. Periodical recharge at the western end of the unit. Public realm enhancements including: a parklet at Sandy Cove, widening the footpath between Sandy Cove and Baysville Grill, enhancements to St Asaph Avenue car park and beach access improvements.
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The coastal frontage consists of a wide shingle beach, creating a popular tourist destination. Part of the beach (Traeth Pensarn) has been designated as a SSSI to recognise the vegetated shingle bank. At the eastern extent of the study area, at the mouth of the River Clwyd, lies an extensive system of sand dunes forming the Kimnel Dunes LDR.

1.3 Relevant Legislation

European Union (EU) Directive 92/43/EEC on the conservation of habitats and of wild flora and fauna (known as the 'Habitats Directive') protects habitats and species of European nature conservation importance. Together with Directive 2009/147/EC on the conservation of wild birds (the 'Birds Directive'), the Habitats Directive establishes a network of internationally important sites designated for their ecological status. SACs and Sites of Community Importance (SCIs) are designated under the Habitats Directive and promote the protection of flora, fauna and habitats. SPAs are designated under the Birds Directive to protect rare, vulnerable and migratory birds. These sites combine to create a Europe-wide Natura 2000 network of designated sites, which are generally (and hereafter in this report) referred to as 'European Sites'.

The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') incorporate all SPAs into the definition of 'European Sites' and, consequently, the protections afforded to European Sites under the Habitats Directive apply to SPAs designated under the Birds Directive.

In addition to sites designated under European nature conservation legislation, UK Government policy (ODPM Circular 06/2005) states that internationally important wetlands designated under the Ramsar Convention 1971 (Ramsar sites) are afforded the same level of protection as SPAs and SACs for the purpose of considering development proposals that may affect them.

A Planning Application, Marine Licence and Flood Risk Activity Permit will be required to consent the scheme at a future stage of the project's development.

1.4 Precautionary Principle

The Habitats Regulations Assessment (HRA) process is underpinned by the precautionary principle, especially in the assessment of potential impacts and their resolution. Following recent case law, screening does not consider mitigation measures. If there is any uncertainty, and it is not possible, based on the information available, to confidently determine that there will be no significant effects on a site, then the precautionary principle will be applied,

and the project will be subject to an Appropriate Assessment (HRA Stage 2). This represents a precautionary approach to the assessment.

If the Appropriate Assessment cannot determine without reasonable scientific doubt that there will be no adverse effects on site integrity, if no feasible alternative solutions can be found with no or reduced adverse effects, and if there are imperative reasons of overriding public interest (IROPI), compensatory measures are considered. These are distinct from mitigation measures and are required to ensure the coherence of the Natura 2000 network is protected, where adverse effects on site integrity cannot be discounted.

2 Habitats Regulations Assessment Methods

2.1 Overview

Habitat Regulations Assessment follows a four-stage process as outlined in the Habitats Regulations Assessment Handbook (DTA, 2019) and summarised in Table 2-1 **Error! Reference source not found.** below.

This report provides evidence to support Stage 1 and Stage 2 of the HRA process, to provide the Competent Authority(s) with information to make their assessment.

Table 2-1. The HRA Process

HRA stage	Description
Stage 1: Screening	This process identifies the likely significant effects upon a European site of a project or plan, either alone or in-combination with other projects or plans and determines whether these impacts are likely to be significant. Following the recent ECJ judgement in the case of "people over wind" (Case C-323/17). Measures that are necessary to avoid or reduce impacts on the European site, even when considered standard environmental best-practice, can only be at Stage 2. If no likely significant effect is determined, the project or plan can proceed. If a likely significant effect is identified, stage 2 is commenced.
Stage 2: Appropriate Assessment	Stage 2 is subsequent to the identification of likely significant effects upon a European site in stage 1. This assessment determines whether a project or plan would have an adverse impact on the integrity of a European site, either alone or in-combination with other projects or plans. This assessment is confined to the effects on the internationally important habitats and species for which the site is designated (i.e. the interest features of the site). Appropriate Assessments, in line with ECJ Case C-461/17 Holohan v An Bord

HRA stage	Description
	Pleanála, must also consider impacts upon habitats and species within or outside of a site boundary if they support a qualifying feature and could impact upon the conservation objectives of the site. If no adverse impact is determined, the project or plan can proceed. If an adverse impact is identified, stage 3 is commenced.
Stage 3: Assessment where no alternatives and adverse impacts remain	Where a plan or project has been found to have adverse impacts on the integrity of a European site, potential avoidance/mitigation measures or alternative options should be identified. If suitable avoidance/mitigation or alternative options are identified, that result in there being no adverse impacts from the project or plan on European sites, the project or plan can proceed. If no suitable avoidance/mitigation or alternative options are identified, as a rule the project or plan should not proceed. However, in exceptional circumstances, if there is an 'imperative reason of overriding public interest' for the implementation of the project or plan, consideration can be given to proceeding in the absence of alternative solutions. In these cases, compensatory measures will have to be put in place to offset any negative impacts.
Stage 4: Compensatory measures	Stage 4 comprises an assessment of the compensatory measures where, in light of an assessment of imperative reasons of overriding public interest, it is deemed that the project should proceed.

2.2 Guidance

The methodology used for this assessment is based on guidance in The Habitats Regulations Assessment Handbook (DTA, 2019). In addition, the following guidance documents were also consulted:

- European Commission Notice: Managing Natura 2000 sites. The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018)
- UK Government Guidance on the Use of Habitats Regulations Assessment (UK Government, 2019).

2.3 Assumption and Limitations

Information on the works and conditions on site are based on current knowledge at the time of writing.

Cumulative impacts are based on published documentation. If other projects with the potential for cumulative impacts are identified, it may be necessary to re-assess this project.

3 European Sites

3.1 Identification of European Sites

European sites within a 5km radius of the proposed works were screened.

The following site was identified in this process:

- The Liverpool Bay SPA

This European site is shown in relation to the proposed works in Figure 3-1 below.

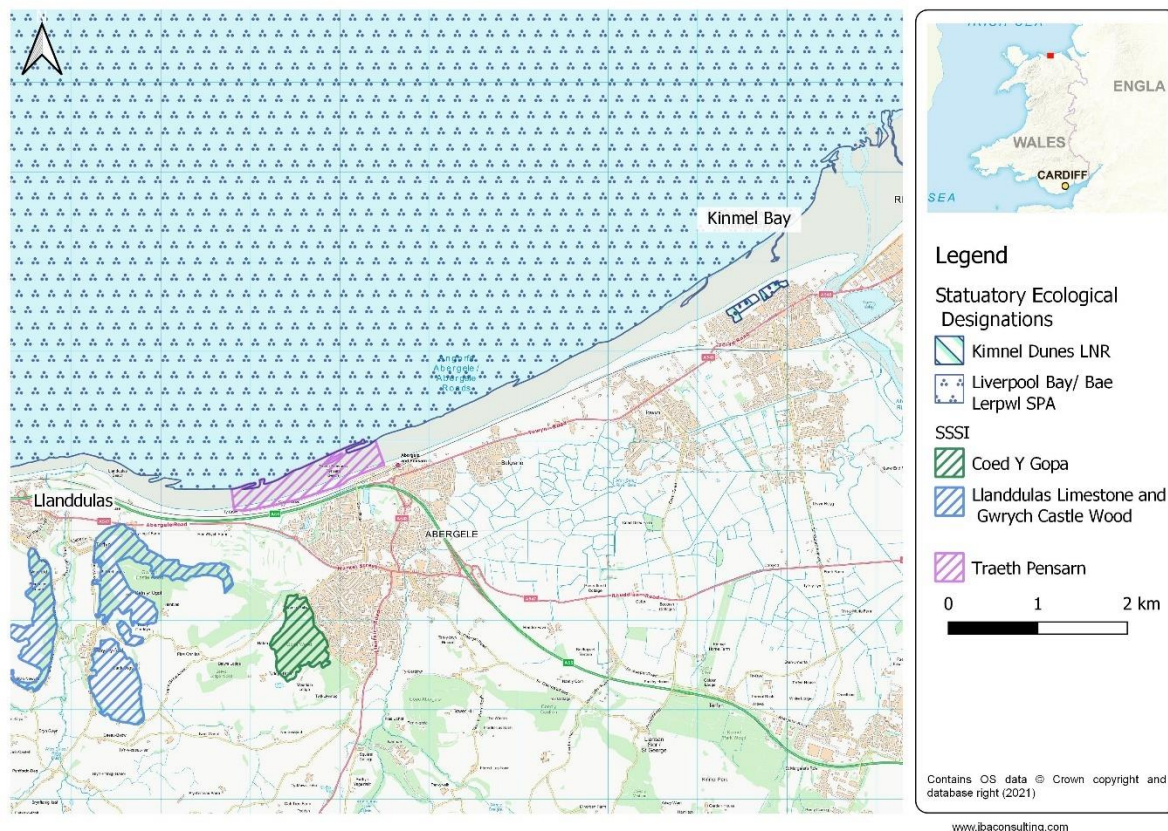


Figure 3-1: European and other statutory designated sites identified.

3.2 Liverpool Bay (Bae Lerpwl) SPA

3.2.1 Qualifying Features

- The site qualifies under Article 4.1 of the Birds Directive (2009/147/EC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:
 - Red-throated diver *Gavia stellata* (non-breeding)
 - Little gull *Hydrocoloeus minutus* (non-breeding)
 - Little tern *Sternula albifrons* (Breeding)
 - Common tern *Sterna hirundo* (Breeding)
- The site qualifies under Article 4.2 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season:
 - Common scoter *Melanitta nigra* (non-breeding)

- The site qualifies under SPA selection stage 1.3 as it is used regularly by over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season:
 - In the non-breeding season, the site regularly supports at least 69,687 (2004/05 – 2010/11) individual waterbirds.
- The main components of the assemblage include all of the non-breeding qualifying features listed above, as well as an additional two species present in numbers exceeding 1% of the GB total:
 - Red-breasted merganser *Mergus serrator* (non-breeding) and
 - Great cormorant *Phalacrocorax carbo*. (non-breeding).

3.2.2 Conservation Objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

4 Determining the need for a Habitats Regulations Assessment

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

5 Considering the likelihood of a significant effect (LSE)

Table 5-1. Likelihood of significant effects

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
Screening assessment			
	Assessment of likelihood of significant effect The screening assessment should indicate the possible pathways through which the project may impact upon relevant Natura 2000 site features. Each designated feature (taken from the official Natura 2000 designation documents) should be recorded in the left-hand column below. Column II should indicate whether there is a potential impact pathway that would result in significant effects upon a Natura 2000 site. Column III proposes any mitigation that could remove the impact pathway or reduce the significant effects. If there are no impact pathways, then mitigation is labelled as N/A.		
	There is no impact pathway for significant effects to occur		
	There is an impact pathway in principle, but there are likely no significant effects		
	There is an impact pathway and significant effects cannot be ruled out		
	I	II	III
	Potential Hazards	Potential impact pathway	Proposed mitigation
Liverpool Bay SPA			
Interest Feature: Annex I species (non-breeding) Red-throated diver Little Gull	Land-take during construction and operation	The works will result in loss of terrestrial habitat; however, this habitat is seen as low value to birds listed as qualifying features of the SPA. No loss of intertidal habitat is expected that could impact upon the designated site. All works will be undertaken in the dry and therefore no impacts to	N/A

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
		offshore bird assemblages are foreseen.	
	Noise and visual disturbance during construction	Several overwintering bird surveys have been completed within the scheme area during which no significant numbers of Red-throated diver or Little Gull were recorded. There is already regular noise generated from the sea front at Kinmel Bay and the caravan parks, and additional noise from construction is unlikely to be significant. Given the number of birds recorded within the scheme area and the amount of intertidal habitat available it is considered that in the unlikely event that disturbance occurs, birds have the ability to move and therefore there will be no significant impact to bird species listed as qualifying features of the SPA as part of the proposed works.	N/A
	Release of harmful chemicals from machinery or works during construction	Appropriate pollution prevention measures (as outlined below in section 5.2) will be carried out as part of the works with standard	N/A

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
		procedures to be outlined and followed as part of the CEMP. Any harmful chemicals will be stored in accordance with COSHH within the secure construction compounds. Most chemicals entering the tidal zone will be contained within vehicles, and therefore of small volume. With the appropriate pollution prevention measures put in place it is not considered that any pollution events will occur and cause a significant impact to bird species within the SPA.	
	Alteration of coastal morphology processes during operation	A detailed coastal processes study has been undertaken and concluded that the changes to the morphology of the coastline as a result of the proposed scheme will have no foreseen impact on the longshore coastal processes within the site boundary or the wider area.	N/A
Interest Feature: Annex I species (Breeding) Little Tern	Land-take during construction and operation	The works will result in loss of terrestrial habitat; however, this habitat is seen as low value to birds listed as qualifying features of the SPA. No loss of intertidal	N/A

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
Common Tern		habitat is expected that could impact upon the designated site.	
	Noise and visual disturbance during construction	Several breeding bird surveys have been completed within the scheme area during which no significant numbers of Little tern or Common were recorded. There is already regular noise generated from the sea front at Kinmel Bay and the caravan parks, and additional noise from construction is unlikely to be significant. Given the number of birds recorded within the scheme area and the amount of intertidal habitat available it is considered that in the unlikely event that disturbance occurs, birds have the ability to move and therefore there will be no significant impact to bird species listed as qualifying features of the SPA as part of the proposed works.	N/A
	Release of harmful chemicals from machinery or works during construction	Appropriate pollution prevention measures (as outlined below in section 5.2) will be carried out as part of the works with standard procedures to be outlined and	N/A

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
		followed as part of the CEMP. Any harmful chemicals will be stored in accordance with COSHH within the secure construction compounds. Most chemicals entering the tidal zone will be contained within vehicles, and therefore of small volume. With the appropriate pollution prevention measures put in place it is not considered that any pollution events will occur and cause a significant impact to bird species within the SPA.	
	Alteration of coastal morphology processes during operation	A detailed coastal processes study has been undertaken and concluded that the changes to the morphology of the coastline as a result of the proposed scheme will have no foreseen impact on the longshore coastal processes within the site boundary or the wider area.	N/A
Interest Feature: Migratory Species: Common scoter	Land-take during construction and operation	The works will result in loss of terrestrial habitat; however, this habitat is seen as low value to birds listed as qualifying features of the SPA. No loss of intertidal habitat is expected that could impact upon the designated site.	N/A

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
		All works will be undertaken in the dry and therefore no impacts to offshore bird assemblages are foreseen.	
	Noise and visual disturbance during construction	Several overwintering bird surveys have been completed within the scheme area during which no significant numbers of Common scoter were recorded. There is already regular noise generated from the sea front at Kinmel Bay and the caravan parks, and additional noise from construction is unlikely to be significant. Given the number of birds recorded within the scheme area and the amount of intertidal habitat available it is considered that in the unlikely event that disturbance occurs, birds have the ability to move and therefore there will be no significant impact to bird species listed as qualifying features of the SPA as part of the proposed works.	N/A

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
	Release of harmful chemicals from machinery or works during construction	Appropriate pollution prevention measures (as outlined below in section 5.2) will be carried out as part of the works with standard procedures to be outlined and followed as part of the CEMP. Any harmful chemicals will be stored in accordance with COSHH within the secure construction compounds. Most chemicals entering the tidal zone will be contained within vehicles, and therefore of small volume. With the appropriate pollution prevention measures put in place it is not considered that any pollution events will occur and cause a significant impact to bird species within the SPA.	N/A
	Alteration of coastal morphology processes during operation	A detailed coastal processes study has been undertaken and concluded that the changes to the morphology of the coastline as a result of the proposed scheme will have no foreseen impact on the longshore coastal processes within the site boundary or the wider area.	N/A
Interest Feature:	Land-take during construction and operation	The works will result in loss of terrestrial habitat; however, this	N/A

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
Waterbird assemblage		habitat is seen as low value to birds listed as qualifying features of the SPA. No loss of intertidal habitat is expected that could impact upon the designated site. All works will be undertaken in the dry and therefore no impacts to offshore bird assemblages are foreseen.	
	Noise and visual disturbance during construction	Several overwintering bird surveys have been completed within the scheme area during which no significant numbers of overwintering birds were recorded. There is already regular noise generated from the sea front at Kinmel Bay and the caravan parks, and additional noise from construction is unlikely to be significant. Given the number of birds recorded within the scheme area and the amount of intertidal habitat available it is considered that in the unlikely event that disturbance occurs, birds have the ability to move and therefore there will be no significant impact to bird species listed as qualifying features	N/A

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
		of the SPA as part of the proposed works.	
	Release of harmful chemicals from machinery or works during construction	Appropriate pollution prevention measures (as outlined below in section 5.2) will be carried out as part of the works with standard procedures to be outlined and followed as part of the CEMP. Any harmful chemicals will be stored in accordance with COSHH within the secure construction compounds. Most chemicals entering the tidal zone will be contained within vehicles, and therefore of small volume. With the appropriate pollution prevention measures put in place it is not considered that any pollution events will occur and cause a significant impact to bird species within the SPA.	N/A
	Alteration of coastal morphology processes during operation	A detailed coastal processes study has been undertaken and concluded that the changes to the morphology of the coastline as a result of the proposed scheme will have no foreseen impact on the longshore coastal processes within	N/A

Which Natura 2000 sites might be affected by the proposal?	Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Liverpool Bay SPA.		
		the site boundary or the wider area.	

5.1 Pollution Prevention Measures

Appropriate pollution prevention measures will be implemented to ensure that the habitats within proximity of the works, including the Liverpool Bay SPA are not degraded as a result of pollution events during the construction phase. This mitigation will include:

- Following relevant guidance e.g. CIRIA Guidance: Control of water pollution from construction sites. Guidance for consultants and contractors (C532D) (Masters-Williams, 2001), including the delivery of toolbox talks to site staff.
- Any chemical, fuel and oil stores will be located on impervious bases within a secured bund with a storage capacity 110% of the stored volume.
- Biodegradable oils and fuels will be used where possible.
- Drip trays will be placed underneath any standing machinery to prevent pollution by oil/fuel leaks. Refuelling of vehicles and machinery will be carried out on an impermeable surface in one designated area well away from any watercourse or drainage (at least 10m) with capture of any spillages.
- Emergency spill kits will be available on site and staff trained in their use.
- Operators will check their vehicles on a daily basis before starting work to confirm the absence of leakages. Any leakages will be reported immediately.
- Daily checks will be carried out and records kept on a weekly basis and any items that have been repaired/replaced/rejected noted and recorded. Any items of plant machinery found to be defective will be removed from site immediately or positioned in a place of safety until such time that it can be removed.
- This mitigation is industry standard practice and as a result will be incorporated into the project through the Environmental Management Plan (EMP).

6 Cumulative Impacts

Table 6-1. Assessment of Cumulative Impacts

Development	Description	Potential for cumulative effects
East Rhyl Coastal Defence Scheme	The East Rhyl Coastal Defence Scheme is a proposed development to add a rock armour revetment to strengthen the East Rhyl area from coastal flooding. The rock armour would be approximately 600m long and 30m wide. It is also proposed that the current sea wall be replaced with a larger structure. It is expected that the construction phase of the site would be completed by the time any work on this scheme would begin.	Works should be completed by time works start, so unlikely for cumulative impact
Central Rhyl Coastal Defence Scheme	The Central Rhyl Coastal Defence Scheme is a proposed development to add rock armour revetment, stepped concrete revetment and other defences along 3km of Rhyl's coastline. There is the potential for the construction phase of this project to occur at the same time as this project.	Potential for cumulative effect of noise and visual impacts upon designated sites. Given the number of birds recorded within the scheme area and the amount of intertidal habitat available it is considered that in the unlikely event that disturbance occurs, birds have the ability to move and therefore there will be no significant cumulative impact to qualifying features of the SPA.
Former Interleisure site, Abergele, housing development	The proposal consists of erecting 131 new dwellings at the coastal frontage of Abergele, between Harts Caravan Park and Lyndale Holiday Park. This development is currently in the planning process. If approved, works may coincide with the Llandulas to Kinmel Bay Coastal Improvement Scheme.	Potential for cumulative effect of noise and visual impacts upon designated sites. Given the number of birds recorded within the scheme area and the amount of intertidal habitat available it is considered that in the unlikely event that disturbance occurs, birds have the ability to move and therefore there will be no significant cumulative impact to qualifying features of the SPA.

7 Conclusions

This assessment has found that no significant effects are likely to impact the qualifying features of the Liverpool Bay SPA as part of the proposed scheme.

A cumulative impact assessment was also carried out as part of the HRA screening process. Whilst three other developments were identified as taking place in proximity to the proposed scheme, given the nature of each development no cumulative effects are foreseen to impact upon the qualifying features of the Liverpool Bay SPA during construction works as part of the proposed scheme.

In conclusion, as the scheme is currently understood, the proposed scheme will not have an adverse impact upon the Liverpool Bay SPA either alone or in combination with any other plans or projects

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