

Environmental Impact Assessment Written Confirmation of the EIA Consent Decision

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

**Aberaeron Coastal Defence Scheme
CML2133**

03 January 2023

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1. Introduction

This document is the Environmental Impact Assessment ('EIA') Written Confirmation document for CML2133 Aberaeron Coastal Defence Scheme ("the Project").

2. The Project

2.1 Project Background

An application for a Marine Licence for the Project was submitted to NRW by Ceredigion County Council on 14 July 2021.

Aberaeron Coastal defence scheme aims to improve the existing coastal defences to provide improved protection to people and property of Aberaeron.

The project comprises of five elements, which include:

- Construction of a new rock breakwater extending out from the North Pier.
- Refurbishment and re-building of the pier-head of South Pier, including grouting repairs of the walls.
- Flood wall construction at the following locations:
 - Removal of the existing set back flood wall along Quay Parade/Pen Cei and reconstruction of a new masonry and glass wall, as well as grouting repairs of the existing quayside wall;
 - Raising of the existing River Aeron flood wall between the rear of the Monachty Hotel and the A487 referred to as the River Aeron wall; and
 - Construction of a new masonry and glass wall flood wall between Pwll Cam and the Monachty Hotel (and connecting with the existing adjacent River Aeron flood wall between the Monachty Hotel and A487).
- Construction of a flood gate at Pwll Cam inner harbour.
- Improvements to the existing defences on South Beach:
 - Replacement of existing timber groynes;
 - Replacement and extension of the existing rock revetment; and
 - Beach renourishment.

All activities listed above require a Marine Licence under Part 4, (Chapter 1) Section 66 of the Marine and Coastal Access Act.

2.2 Location

The Project is located from Southwest end of rock revetment on South Beach (Easting 245107, Northing 262545) and Northeast end of rock revetment on South Beach (Easting 245348, Northing 262809) up to the start of Quay Parade flood wall (Easting 245503, Northing 263025) and eastern end of River Aeron flood wall (Easting 245810, Northing 262841).



2.3 Statement of need

The objectives of the Project are:

- Reduce the risk associated with coastal flooding in the town to provide protection against predicted sea level rise, and to maintain the South Beach defences and Grade II Listed South Pier for the future.
- Reconstruction of South Pier as this feature maintains the shingle on the South Beach.
- Replacement of timber groynes at South Beach.
- Reconstruction of revetment with a larger size and extent of rock and will be extended to the northeast. Shingle nourishment will be used to replenish the beach.
- Biodiversity enhancements and amenity improvements are also included.

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 in section 2.1.

Planning permission under the Town and Country Planning Act 1990 for additional aspects of the project. This was still under determination at the time of this decision by Ceredigion County Council LPA.

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 of Regulation 8 of the Regulations, Natural Resources Wales (NRW) considered under SC1901 that the proposed works fell under Schedule A2, Paragraph 69 of the Regulations on the assessment of the effects of the project on the environment, specifically:

69. Coastal work to combat erosion and maritime works capable of altering the coast through the construction of, for example, dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.

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:

- Non-Technical Summary
- Chapter 1 - Introduction
- Chapter 2 – Scheme Development
- Chapter 3 – Scheme Description
- Chapter 4 – Planning Policy Context
- Chapter 5 – Stages of the EIA Process
- Chapter 6 – Recreation and Tourism
- Chapter 7 – Human Health
- Chapter 8 – Socio-Economics
- Chapter 9 – Ecology
- Chapter 10 – Historic Environment
- Chapter 11 – Landscape and Visual Amenity
- Chapter 12 – Coastal Processes
- Chapter 13 – Water Quality
- Chapter 14 – Soils and Ground Conditions
- Chapter 15 – Traffic and Transport

- Chapter 16 – Noise and Vibration
- Chapter 17 – Air Quality
- Chapter 18 – Climate Change
- Chapter 19 – Cumulative Effects
- Chapter 20 – Conclusions
- Chapter 21 – References
- Chapter 22 - Abbreviations
- Appendices - supporting information and analysis undertaken as part of the EIA process.

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 Marine and Coastal Access Act 2009, Section 66, Part 4 (Chapter 1) ('the Act')

Council Directive 2011/92/EU 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 into UK law for marine licence applications.

3.2.2 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 Water Bodies:

- GB651009030000 Cardigan Bay Central
- GB110063041450 Aeron
- GB41002G203300 Teifi and Coastal Ceredigion

A Water Framework Directive Compliance Assessment was conducted for the proposal. NRW A raised initial concerns that further detail on the anticipated magnitude/extent of change in hydro morphological conditions of the Cardigan Bay Central Water body should be provided, including consideration on the sensitivity of these habitats to these changes in order to judge the significance of this impact. Detail on the extent of habitat

loss was also required to understand the impact. In addition, further clarification was required on underwater noise impacts and the addition of a Construction Environment Management Plan (CEMP).

Further clarifications submitted by the applicant on the 17 December 2021 confirmed that works will only occur at low tide, allowing impact of underwater noise to be scoping out. An update coastal process assessment was subsequently submitted on the 28 October 2022 which underpinned the assessment of hydro morphological impacts and allowed the adequate assessment of impact to *Sabellaria spinulosa* reef.

Following consultation on the additional information, no further comments were raised on the Water Framework Directive Compliance Assessment.

Following consideration of the evidence presented and representation received NRW PS completed a Water Framework Compliance Assessment and concluded when considered alone and in-combination, the proposal will not pose a risk to deterioration of the above listed waterbodies.

Further details are described within the Water Framework Directive Compliance assessment.

3.2.3 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.

3.2.4 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:

- Cardigan Bay / Bae Ceredigion SAC
- West Wales Marine / Gorllewin Cymru Forol SAC
- Llyn Peninsula and the Sarnau / Pen Llyn a'r Sarnau SAC
- Northern Cardigan Bay / Gogledd Bae Ceredigion SPA
- Dyfi Estuary / Aber Dyfi SPA

A test of likely significant effect (TLSE) was undertaken and potential significant effects on features of the European Sites listed above initially could not be ruled out for the Cardigan Bay SAC.

NRW A raised concerns that there was not enough information/evidence provided to adequately assess the impact of the scheme on coastal processes through construction or operation. In relation to this, NRW A stated that no assessment could be completed on impacts to Benthic Ecology until the zone of influence had been clearly identified. NRW PS issued a request for further information/clarification from the applicant on 28 January 2022. Following this, the applicant engaged directly with NRW A as they looked to address the concerns.

On 28 October 2022 the applicant provided a final version of the coastal processes assessment/modelling which was considered by NRW PS. A further consultation with NRW A started on 07 November 2022. NRW A provided a response on 28 November 2022 and raised concerns surrounding the modelling and assessment carried out and considered that there was not enough information to rule out the disruption of some sediment pathways that supply sediment to the *Sabellaria* reef. However, although concerns remained surrounding the assessment and modelling carried out, NRW A were able to conclude that they did not consider that the impact to *Sabellaria* would lead to adverse effect on the integrity of the site, they came to this conclusion as the main sources supplying sediment to the reef remained undisturbed.

NRW A also raised concerns initially over underwater noise impacts to marine mammals. However, these concerns were alleviated following further clarifications by the applicant on 17 December 2021 confirming that the majority of works will be completed at low tide outside the water, including piling activities.

NRW A raised initial concerns that impacts to river lamprey and sea lamprey of Cardigan Bay SAC had not been considered by the applicant, specifically clarifications were needed in regard to piling activity for the South Pier. After further clarifications provided on 17 December 2021, NRW A requested seasonal timing restriction from 1st April to 31st October inclusive and no night-time working all year for any works within the estuary, the restriction does not apply to works outside the watercourse.

A lighting plan was also considered necessary to mitigate for impacts to otters during the construction phase of the works.

NRW PS carried out a Habitat Regulation Assessment, and in light of conclusions of an appropriate assessment and taking into account conditions or restrictions as applicable, either alone or in-combination with other plans and projects, it has been established that the project will not adversely affect the integrity of the any designated site.

NRW PS consider that the mitigation proposed within Appendix F Habitat Regulation Assessment of the Environmental Statement as well as those discussed above will need to be incorporated into a CEMP which will be secured through Marine Licence conditions.

Further details are described within the Habitats Regulations Assessment.

3.2.5 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.

3.2.6 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.

3.2.7 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.

3.2.8 Shoreline Management Plan

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 the West of Wales Shoreline Management Plan 2 (SMP2) policy units Aberaeron South Beach (8.2) and Aberaeron Harbour (8.3). The policy for these units is Hold the Line in all epochs except unit 8.2 in the third epoch which is Managed Realignment. The works take place in a small proportion of Policy unit 8.2 and does not preclude managed realignment taking place within the unit in future. Additionally, a full coastal squeeze assessment has been completed by the applicant which concluded that HTL would not lead to a significant effect on the integrity of the designated site as a result of coastal squeeze.

NRW PS would encourage the applicant to engage with NRW A in future as it considers opportunities for Managed Realignment in policy unit 8.2.

3.2.9 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, therefore, consistent with this requirement.

NRW A highlighted the requirements on Ceredigion County Council as a public authority under the Environment (Wales) Act 2016 - Section 6. Under the Act, the Local Authority has a duty to maintain and enhance biodiversity in the exercise of its functions. Sabellaria alveolate reef (Section 7 habitat under Environment (Wales) Act 2016) present in the north of the proposed breakwater and the wider environment could be enhanced by incorporating biodiversity enhancement measures into the breakwater design. NRW A advised that measures such as careful orientation of rock armour and the incorporation of ecostructures could be used to encourage the settlement of local marine species including *Sabellaria alveolata* reef which would increase biodiversity of the structure. NRW PS has reminded the applicant of their duties as a public authority to maintain and enhance biodiversity under the Environment (Wales) Act 2016 and encourage the applicant to engage further with NRW A as it considers biodiversity enhancement measures.

3.2.10 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 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 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 Cambrian News on 29 July 2021 & 05 August 2021.
- a notice was also published on NRW's website.

The application documents were made available to the public via the NRW Public Register following the publication of the first public notice.

No 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 02 August 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	Y	02 August 2021
NRW	Y	17 September 2021 27 January 2022 28 November 2022
MoD - Safeguarding Defence	Y	09 September 2021
Maritime & Coastguard Agency	Y	14 September 2021
Trinity House	Y	13 October 2021
Royal Yachting Association	Y	24 August 2021

Local Biodiversity Officer [Ceredigion County Council]	Y	03 September 2021
Local Planning Authority [Ceredigion County Council]	N	
Local Harbour Authority [Ceredigion]	N	
Local Port Authority [Ceredigion]	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Archaeological Trust	Y	07 September 2021
Royal Commission on Historic Monuments Wales	Y	06 September 2021
Cadw	N	
Department for Transport (DFT)	N	
Chamber of Shipping	N	
NERL Safeguarding	Y	11 August 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 Ecology -

During the first consultation concerns were raised by both NRW A and the Biodiversity Officer from Ceredigion County Council regarding potential impacts on seal pups at the Project site. Following further information presented by the applicant and representation from consultees, it is anticipated that works will start during winter which is in advance of the pupping season and as a result of the ongoing work in the following 12 months, it is predicted that the beaches will not be sufficiently quiet to create a suitable location for

pupping. However, in the event of seal pups being present on the beaches at Aberaeron, there will be a need to wait for seal pups to mature and to have gone to sea. To secure this a pre-construction surveys will be required to identify presence of seal pups throughout July to November. In the event of seal pups being present on the beaches at Aberaeron there may be a need to restrict activities that will disturb seal pups.

NRW PS are satisfied that mitigation can be secured through the provision of appropriate conditions, more information is included in Section 8 of this document.

NRW A also raised concerns initially over underwater noise impacts to marine mammals. However, these concerns were alleviated following further clarifications by the applicant on 17 December 2021 confirming that the majority of the works will be completed at low tide outside the water, including piling activities.

NRW A raised initial concerns that impacts to river lamprey and sea lamprey of Cardigan Bay SAC had not been considered by the applicant, specifically clarifications were needed in regard to piling activity for the South Pier. After further clarifications provided on 17 December 2021, NRW A requested seasonal timing restriction from 1st April to 31st October inclusive and no night-time working all year for any works within the estuary, the restriction does not apply to works outside the watercourse.

A lighting plan was also considered necessary to mitigate for impacts to otters during the construction aspect of the works.

The applicant has committed to produce a Construction Environmental Management Plan (CEMP) prior to commencement of works. The CEMP will detail the environmental management and mitigation actions required prior and during the construction phase to avoid impacts to the environment, and will incorporate measure set out within Appendix F Habitat Regulation Assessment of the Environmental Statement. Further details are in section 8.

Due to the nature of the works, there is a risk of spread of Invasive Non-Native Species (INNS). A Biosecurity Risk Assessment will be produced prior to commencement of works to reduce the risk of transfer or movement of INNS. Further details are in section 8.

Consideration surrounding *Sabellaria* reef was closely linked to the impacts of the works on coastal processes therefore is discussed within section 7.2 below.

NRW PS are satisfied that biodiversity and nature conservation have been appropriately assessed and that the mitigation required can be secured using appropriate conditions. These include timing restrictions and requirements to produce and implement a CEMP, Lighting Management Plan, and a Biosecurity Risk Assessment. Further detail of the mitigation is detailed in section 8.

7.2 Coastal Processes –

NRW A raised significant concerns over the coastal processes modelling submitted with the application, NRW A considered there was not enough evidence presented in the reports to adequately assess the impact of the scheme on coastal processes through the construction and operation aspects. There was low confidence in the modelling provided, and NRW A considered that the sediment modelling report did not provide an adequate representation of baseline understanding of tidal currents (speed, direction, spring neap, ebb, flood), extreme waves, water levels, sediment transport (source, pathway, sink),

seabed morphology and seabed type for the study area. NRW A also requested the inclusion of the river flow from the River Aeron.

As initially the zone of influence and other aspects of the model were uncertain, it was not possible to ascertain impacts on the Annex 1 features (geogenic and biogenic reef) of the Cardigan Bay SAC. It was considered that indirect loss of Annex 1 *Sabellaria alveolata* (biogenic) reef had not been adequately assessed along with direct loss of Annex 1 (geogenic) reef.

NRW A advised the applicant on the model parameters to be used and the updated model was submitted on 28 October 2022. NRW A confirmed based on the information received that there would not be an adverse effect on site integrity as a result of the project. NRW A also confirmed that the direct loss of blue mussel bed and cobble reef under the footprint of the breakwater will not result in an adverse effect on site integrity.

As detailed in section 2.1.4 NRW A still considered there to be limitations within the modelling carried out in support of the application including that there was not enough information to rule out the disruption of some sediment pathways that supply sediment to the *Sabellaria* reef. However, although concerns remained surrounding the assessment and modelling carried out, NRW A were able to conclude that they did not consider that the impact to *Sabellaria* would be significant, they came to this conclusion as the main sources supplying sediment to the reef remained undisturbed. Therefore, NRW PS is satisfied based on the evidence presented and representations received that significant impact is not predicted for either direct loss or indirect loss of habitat as a result of the scheme.

To further support sediment supply to reef *Sabellaria alveolata* reef in future, NRW A have advised the applicant to explore the potential to deposit dredge arising from the harbour maintenance to the southern end of South Beach. NRW PS has encouraged the applicant to engage with NRW A to look at ways to support sediment supply to reef.

NRW A advised that no sediment excavated from the footprint of the structure are used as sediment infill in order to maintain the sediment within the active marine environment. The applicant amended *Drawing 5182114-ATK-MAR0GEN-DR-C-6000 C04* confirming that excavated material will not be used in the core structure, rather imported rock will be used. Excavated beach sediment will be used for beach nourishment activities and therefore maintaining the sediment in the active marine environment. NRW PS consider this issue resolved.

A Coastal Squeeze Impact Assessment was completed and submitted on the 28 October. The works lie within the West of Wales Shoreline Management Plan 2 (SMP2) policy units Aberaeron South Beach (8.2) and Aberaeron Harbour (8.3) The policy for these units is Hold the Line in all epochs except unit 8.2 in the third epoch which is Managed Realignment. The Shoreline Management Plan and the coastal squeeze assessment completed by the applicant do not identify significant loss of designated habitat as a result of coastal squeeze, subject to relevant mitigation, namely that the managed realignment policy is implemented in policy Unit 8.2 from 2055), NRW A agree with this conclusion. The works take place in a small proportion of Policy unit 8.2 and does not preclude managed realignment taking place within the unit in future. NRW PS would encourage the applicant to engage with NRW A in future as it considers opportunities for Managed Realignment in policy unit 8.2.

7.3 Historic Environment –

As identified within the ES the works will have an impact to the historic fabric of the South Pier and works to the North Pier would alter the pier and its role in defining the harbour entrance. The applicant provided mitigations for this in Appendix G Table 7-1 and the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) agreed with these, specifically to produce an accompanying Written Scheme of Investigation (WSI) in advance of work, along with a watching brief. The record produced as part of the WSI should be digital and 3D in nature and be shared with RCAHMW.

The ES identified that two fish traps located on South Beach could be damaged during the construction phase, therefore, as advised by RCAHMW a full archaeological survey should be conducted in advance of construction works and should be applied for both fish traps on the south beach so that a baseline of their condition is fully established in advance of construction. In addition, a survey should be undertaken on Aberaeron fish trap 2 (NPRN 518839) located on the North Beach, due to potential long-term impact from a changed sediment regime.

NRW PS consider that the historic environment has been adequately assessed and consider that a requirement to produce and implement a Written Scheme of Investigation can be secured through the provision of appropriate conditions in any marine licence issued.

7.4 Climate Change

The scheme will provide improved resilience to flooding to the surrounding area in response to the consequences of climate change (Chapter 18 of the ES). The scheme has been designed to incorporate climate change allowances and therefore adapts to future climate change. A significant reduction in flood risk and coastal erosion will provide long-term benefits to the local community, commercial properties, and highways infrastructure.

The ES further considers the potential for carbon emissions from the construction of the proposed development, and highlights opportunities to reduce the emissions such as the use of hybrid or electric plant, biofuels, and low carbon concrete and increasing carbon sequestration through enhanced vegetation. No representations were made on the subject of Climate Change.

NRW PS is satisfied that the potential impacts due the Project have been adequately addressed within the ES.

7.5 Landscape and Visual Amenity

NRW A agreed with the assessment within the ES, and considered that the landscape and visual impacts would be localised due to the steep rising surrounding topography. Therefore, NRW PS is satisfied that the potential impacts due the Project have been adequately addressed within the ES.

The work landward of MHWS of the project fall outside the marine licensable area and will be further considered under the associated planning application.

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

The Project has committed to producing a Construction Environment Management Plan (CEMP) which will include measures to manage and reduce potential risks that construction activities could cause to the environment.

Impacts on archaeological environment will be mitigated through the submission of a Written Scheme of Investigation and a Watching Brief. Additionally, a full Archaeological Survey is to be conducted in advance of construction works.

The Project has committed to producing a Biosecurity Risk Assessment and Management Plan to control the risk of the spread of Invasive Non-Native Species.

As detailed within drawing *5182114-ATK-MAR0GEN-DR-C-6000 C04* excavated material will not be used in the core structure, rather imported rock will be used. Excavated beach sediment will be used for beach nourishment activities and therefore maintaining the sediment in the active marine environment.

Prior to construction, the developer has agreed to carry out an assessment to identify seal pups on the beaches and will have continued surveillance during July – November.

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 condition will be required to ensure that the CEMP is submitted to and approved by the licensing authority prior to commencement of licensed activities. This document will detail management measures to reduce impacts during the construction phase such as adherence to pollution control legislation and guidance, and measures to avoid and mitigate impact to seal pups and reef features. The CEMP will also need to incorporate the mitigation detailed in Appendix F Habitat Regulation Assessment of the Environmental Statement.

Licence condition will be required to ensure that a full archaeological survey is conducted prior to construction works. There will also be a requirement to produce a Written Scheme of Investigation which will be submitted to and approved by the licensing authority prior to commencement of licensed activities. This document will detail management measures including a watching brief.

Licence conditions will be required to ensure that the Biosecurity Risk Assessment and Management Plan is submitted to and approved by the licensing authority prior to commencement of licensed activities this will ensure that the potential for the introduction and spread of INNS will be minimised.

A licence condition is required to ensure a seasonal timing (1st April-31st October inclusive and no night-time working all year) during which time no works within water in the estuary may take place, in order to minimise impact to migratory fish.

Licence condition will be required to ensure that a Lighting Plan is produced which will be submitted to and approved by the licensing authority prior to the commencement of licensed activities. The document will detail management measures to avoid impacts on otters.

In considering the requirements outlined above we do not consider that these requirements can be met by existing mitigation 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 public consultation outlined in sections 4 and 7
- The responses to the technical consultation outlined in sections 6 and 7
- Any comments received from another EEA state, as outlined in section 5 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 Aberaeron Coastal Defence Scheme aims to improve the existing coastal and fluvial defences to provide protection to the local community and property. NRW PS is satisfied that by its nature it will provide beneficial outputs for population and human health. The risks to human health associated with the proposed works are considered to be low and with the proposed controls and mitigations in relation to pollution/contamination and landscape the risks are negligible. NRW PS are satisfied that there will be no significant impact on population or human health as a result of the project.

9.2 Biodiversity

There are several protected areas which had the potential to be affected by the Project. This was assessed in the Habitat Regulation Assessment, and it was concluded that adverse effect on site integrity can be ruled out, as detailed in section 3.2.4. The ES considered the impact on biodiversity and through the ES and representation received impacts upon a number of receptors including, marine mammals, fish, and benthic habitat where identified and additional mitigation was proposed, such as implementation of a CEMP and Biosecurity Risk Assessment.

NRW PS consider that biodiversity has been appropriately assessed and conclude that considering mitigation proposed within the ES and the licence conditions as outlined in section 8, no significant impact on biodiversity is predicted.

9.3 Land, soil, water, air and climate

The installation, operation and maintenance of the Project will not give rise to the production of any hazardous waste. However, there is an impact pathway to water quality through an accidental pollution event also an increase in greenhouse emission from the construction of the Project. The ES has assessed impacts to land, soil, water, and air and proposed mitigation measures which include management of risks of accidental pollution events through pollution prevention best practice and implementation of a CEMP.

NRW PS consider that the works have been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions outlined in section 7 and section 8, that no significant impact on water quality is predicted.

9.4 Material assets, cultural heritage and landscape

The ES identified potential impact of the Project on designated historic assets including impacts to South Pier, North Pier and a number of Fish Traps. The proposed development is in an area where significant archaeological sites have previously been discovered and that there is a possibility that similar sites could be affected by the proposed development. Mitigation is required and will be secured using appropriate conditions within the marine licence specifically the production and adherence to a Written Scheme of Investigation for the Project.

NRW PS consider that the works have been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions outlined in section 8 will ensure no significant impact on cultural heritage and landscape.

9.5 Risk of major accidents and disasters relevant to the project

The Project is not considered to have a high vulnerability to major accidents and disasters. Construction best practice would be utilised to reduce any risk during the construction phase and further risk of major accidents and disasters is not considered to be significant. Also, pollution preventing measures are to be conditioned within the marine licence.

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 cumulative impacts due to the project have been adequately addressed in the ES.

Produced By: Jodie Pullen

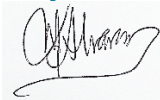
Signed:



Date: 07 December 2022

Approved by: Maria Alvarez

Signed:



Date: 03 January 2023

10. Regulation 22 EIA Consent Decision

10.0.1 The Marine Licensing Team has considered the application CML2133, and information provided in support of the application and is now in a position to make an EIA consent decision to Ceredigion County Council.

10.0.2 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 about Environmental Impact (under Regulation 21A(2)) in section 9 (dated 07 December 2022), which we consider to be up to date
- The responses to public consultation outlined in sections 4 and 7

- The responses to the technical consultation outlined in sections 6 and 7
- Any comments received from another EEA state, as outlined in section 5 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.

10.0.3 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.

10.0.4 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.

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

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

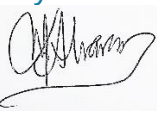
- Ceredigion County Council
- Any person from whom NRW received representation arising from the consultation described in section 4
- Any EEA states consulted (see section 5)
- All consultation bodies listed in section 6

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

Produced By: Jodie Pullen

Signed: 
Date: 07 December 2022

Approved by: Maria Alvarez

Signed: 
Date: 03 January 2023
