

Environmental Impact Assessment Written Confirmation of the EIA Consent Decision

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

Holyhead Waterfront Regeneration Scheme

DML2163

20 February 2023

Contents

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	7
3.2.1 Water Framework Directive (Council Directive 2000/60/EC).....	7
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) ..	8
3.2.4 Marine Conservation Zones	9
3.2.5 Wildlife and Countryside Act 1981 (as amended)	10
3.2.6 Marine Policy Statement and Welsh National Marine Plan	10
3.2.7 Environment (Wales) Act 2016	10
3.2.8 Well-being of Future Generations (Wales) Act 2015.....	10
3.3 Further information provided by the applicant pursuant to a notification under regulation 14(1)	11
4. Consultation with the public	11
4.1 Public Notices.....	11
5. Consultation of EEA States.....	11
6. Technical consultation	11
7. Issues arising during the consideration of the Environmental Statement, Marine Licence Application and representations received	13
7.1 Hydrodynamics, Sedimentation and Wave Climate (ES Chapter 7)	13
7.2 Marine Ecology (ES Chapter 12)	13
7.3 Ornithology (ES Chapter 15)	14
7.4 Marine Mammals (ES Chapter 14)	14
7.5 Water quality Water Quality, Surface Waters and Flood Risk (ES Chapter 17)	15
7.6 Fish and Shellfish Resources (ES Chapter 13).....	15
7.7 Commercial and Recreational Navigation (ES Chapter 19).....	16
7.8 Archaeology and Heritage (ES Chapter 20)	16
7.9 Cumulative Impact Assessment (ES Chapter 24).....	16
7.8 Other Chapters (ES Chapters 1-6,8-11,16, 18, 21-23, 25-27)	17
8. Mitigation or monitoring measures to be taken	17
8.1 Features or measures to avoid, prevent, reduce or offset likely significant effects...	17
8.2 Mitigation or monitoring required to be attached to the consent (Regulation 22 (c)- (e)).....	18

9. Regulation 21A Conclusion about Environmental Impact	20
9.1 Population and human health.....	20
9.2 Biodiversity	21
9.3 Land, soil, water, air and climate	21
9.4 Material assets, cultural heritage and landscape	22
9.5 Risk of major accidents and disasters relevant to the project.....	22
9.6 Cumulative impacts and in-combination impacts.....	22
10. Regulation 22 EIA Consent Decision	22

1. Introduction

- 1.1 This document is the Environmental Impact Assessment ('EIA') Written Confirmation document for DML2163 Holyhead Waterfront Regeneration Scheme ("the Project").

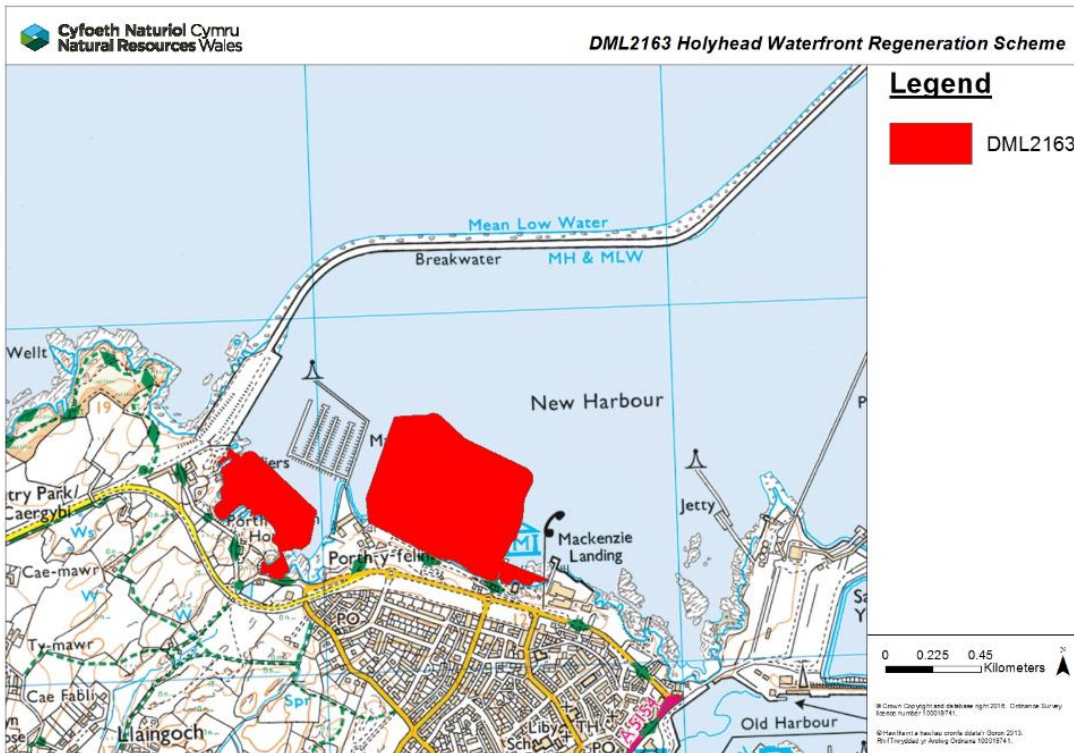
2. The Project

2.1 Project Background

- 2.1.1 An application for a Marine Licence for the Project was submitted to NRW PS by Conygar Holyhead Limited on 12 November 2021.
- 2.1.2 The Project comprises a new residential development, public realm, commercial, leisure and retail use (plus associated infrastructure) and a new marina with protective breakwater as follows:
- Construction of a new Breakwater to safeguard maritime users.*
 - Construction of new marina infrastructure (250-berth).*
 - Land reclamation at the landward end of the breakwater and along the Newry Beach waterfront and along the Porth-y-Felin waterfront.*
 - Dredging of material within the footprint of the proposed breakwater.*
 - Disposal of dredge material at disposal site IS034 (Holyhead North).*
 - Construction of residential developments including a mix of houses and apartments (for both the local population and boat owners).
 - Construction of visitor and private parking.
 - Commercial mixed-use areas.
 - Public realm enhancement through beach, garden, promenade and coastal linkages, and improvements.
 - Creation of a variety of independent character areas.
 - Full linkage and interaction between Holyhead Town centre and $\frac{3}{4}$ mile of coastal environment, with broader links to the Holyhead Breakwater Country Park.
- 2.1.3 All activities listed in 2.1.2 with a * require a Marine Licence under Part 4, (Chapter 1) Section 66 of the Marine and Coastal Access Act.

2.2 Location

- 2.2.1 The Project is located at Holyhead, see map below. Coordinates are detailed in DML2163 HWRS_RLB_CoOrds_works below MHWS, submitted 12 November 2021



2.3 Statement of need

- 2.3.1 The objectives of the Project are to construct a new residential developments, public realm, commercial, leisure and retail use (plus associated infrastructure) and a new 250-berth marina with protective breakwater.

2.4. Regulating regimes

- 2.4.1 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 below.
- A planning permission under the Town and Country Planning Act 1990. The Planning Application was submitted on 17 October 2021 under reference FPL/2021/294/EIA and is currently under determination.

3. Environmental Impact Assessment

- 3.0.1 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.

- 3.0.2 The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the Regulations”) transpose the EIA Directive in Wales and England for marine licence applications.
- 3.0.3 Pursuant of Regulation 8 of the Regulations, Natural Resources Wales (NRW) considered under SC2006 the proposed works under Schedule A2 of the Regulations and requiring an EIA due to its likely significant effects on the environment, specifically under paragraphs:
- 7 – “Reclamation of land from the sea”
 - 58 – “Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas”
 - 83 – “Marinas”
- 3.0.4 Accordingly, the Marine Licence application required for the Project was accompanied by an Environmental Statement (ES).
- 3.0.5 NRW TE provided comments on a Scoping Report entitled “Holyhead Waterfront Regeneration Scheme Scoping Report”, submitted by Conygar Holyhead Limited on 28 September 2020, ref SC2206.

3.1 The Environmental Statement (ES)

- 3.1.1 The Environmental Statement outlined the proposed project organised under the following topic headings
- 3.1.2 Technical chapters:
1. Introduction
 2. Need for the Proposed Development
 3. Description of the Proposed Development
 4. Legislation and Policy
 5. Approach to the EIA
 6. Consultation
 7. Hydrodynamics, Sedimentation and Wave Climate
 8. Traffic and Transportation
 9. Air Quality
 10. Landscape, Seascape and Visual Effects
 11. Terrestrial and Coastal Ecology
 12. Marine Ecology
 13. Fish and Shellfish Resources
 14. Marine Mammals
 15. Ornithology
 16. Ground and Geo-environmental Conditions
 17. Water Quality, Surface Waters and Flood Risk
 18. Noise and Vibration
 19. Commercial and Recreational Navigation
 20. Archaeology and Heritage
 21. Socio-economics Effects
 22. Climate Change
 23. Population and Human Health
 24. Cumulative Impact Assessment

- 25. Shadow Habitat Regulation Assessment
- 26. Water Framework Directive
- 27. Summary

3.1.3 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)

3.2.1.1 The sea from the mean low water mark up to 1 nautical mile from shore is protected under the WFD which requires that 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'.

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

- Holyhead Bay (GB681010360000)

3.2.1.3 A Water Framework Directive Compliance Assessment concluded that the proposal, when considered alone and in-combination, will not pose a risk to deterioration of the above listed waterbody.

3.2.1.4 If a potential risk was identified within Holyhead Bay water body, then potential risks to the connecting waterbodies (Holyhead Strait (GB681010450000) and Caernarfon Bay North (GB6210110380000)) would have been considered in Stage 3: Detailed Assessment.

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

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

3.2.2.1 '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).

3.2.2.2 See consideration under section 7

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

3.2.3.1 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”).

3.2.3.2 The proposal is located within a European Protected Site.

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

- Anglesey Terns SPA
- Holy Island SPA
- North Anglesey Marine SAC
- West Wales Marine SAC
- Bristol Channel Approaches SAC
- Menai Strait and Conwy Bay SAC

The potential for the project to affect the following Natura 2000 sites was also initially considered, but can be ruled out without further consideration:

- Holy Island SAC – Assessed as part of the planning determination since only the proposed activities located landward of MHWS have the potential to impact this protected site.
- Pen Llŷn a’r Sarnau, Cardigan Bay SAC & Pembrokeshire Marine SAC – Pen Llŷn a’r Sarnau, Pembrokeshire Marine SAC and Cardigan Bay SAC have been initially considered for bottlenose dolphins and grey seals as the activity falls within the MMMU. However, due to the location and nature of the activity the risk of disturbance and collision to the species has been ruled out and the sites have not been taken through the screening assessment.

3.2.3.4 A test of likely significant effect (TLSE) was undertaken and potential significant effects on features of all the European Sites listed in section 3.2.3.3 could not be ruled out. It was concluded that the proposal, when considered alone and in combination and without mitigation measures could adversely affect the features of the Menai Strait and Conwy Bay SAC, Anglesey Terns SPA, Holy Island SPA North Anglesey Marine SAC, West Wales Marine SAC & Bristol Channel Approaches SAC.

3.2.3.5 Reef feature from the Menai Strait and Conwy Bay SAC was brought through to appropriate assessment due to the possible:

- Introduction of INNS during the construction phase of the proposed activities.
- Spread of INNS due to unmanaged vessel traffic/activity.
- Spread of INNS within the immediate area (*Didemnum vexillum*) due to infestation of INNS on new structures.

NRW PS consider that the possible adverse effect on the feature could be mitigated by the Licence Holder being required to submit a biosecurity risk assessment for approval prior to commencement of Licensed Activities. Any actions outlined in this document must be implemented. This will be included as a licence condition

Additionally, Vessel Traffic as vectors for INNS will also be managed through the implementation of the Holyhead Port Biosecurity Plan. This is a requirement all marine users in Holyhead Port must abide by.

There are also international and port-level control measures in place, as well as a requirement to adhere to the Holyhead Port Biosecurity Plan which will enforce appropriate biosecurity measures. This will also mitigate against possible impact pathways through the spread of INNS during the operational phase of the breakwater.

3.2.3.6 All features of the Anglesey Terns SPA, Holy Island SPA North Anglesey Marine SAC, West Wales Marine SAC & Bristol Channel Approaches SAC have been brought through to appropriate assessment due to the possibility of a pollution incident during the construction and operational phase. NRW PS consider that adverse effects could be mitigated by:

- The Port Oil Spill Contingency Plan (Stena Line Ports Ltd, 2017) which would be followed in times of a pollution event.
- During construction, the potential for impacts to surface water quality would be managed by implementing construction best practice as given in CIRIA's Environmental Good Practice on Site, 3rd Edition (2010) and Construction Industry Publication Construction Environmental Manual (2015). These mitigation measures would be included within a Construction Environmental Management Plan (CEMP) which is to be submitted and approved prior to the commencement of licenced activities.
- Marina discharges will be managed by the enforcement of simple housekeeping rules. These would include:
 - No pump-out of bilge water or holding tanks;
 - No use of "sea toilets" within the marina;
 - No discharge of solid waste;
 - No filling of fuel tanks except at the designated fuel berth; and,
 - Regular collection of any litter for disposal.
- Appropriate spill kits will also be available as well all ensuring that suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment. This will be conditioned within the licence.

3.2.3.7 Further details are described within the Habitats Regulations Assessment.

3.2.4 Marine Conservation Zones

3.2.4.1 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.

3.2.4.2 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)

3.2.5.1 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. The effects of proposal on the following SSSI have been considered by NRW during the licence determination:

- Holy Island Coast SSSI

3.2.5.2 See consideration under section 7

3.2.6 Marine Policy Statement and Welsh National Marine Plan

3.2.6.1 The UK Marine Policy Statement (“MPS”) is the framework for preparing Marine Plans and taking decisions affecting the marine environment. NRW PS must make licensing decisions in accordance with the MPS and the Welsh National Marine Plan unless relevant considerations indicate otherwise.

3.2.7 Environment (Wales) Act 2016

3.2.7.1 Article 4 of the Natural Resources Body for Wales (Establishment) Order 2012, as amended by the Environment (Wales) Act 2016 requires NRW PS 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.

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

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

3.2.8.1 This Act requires NRW PS, 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.

3.2.8.2 NRW PS 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 PS 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 PS 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)

3.3.1 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

4.1.1 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.

4.1.2 The application documents were made available as follows;

- A translated public notice was placed in the Holyhead, Anglesey and Bangor Mail on 21 January 2022 and 28 January 2022.
- The application documents were made available to the public at via our [public register](#) they could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

4.1.3 No public representations were received

5. Consultation of EEA States

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

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

6. Technical consultation

6.0.1 The Marine Licence application was consulted upon on 21 December 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	21 November 2021 & 21 December 2022

NRW	Y	14 February 2022
MoD - Safeguarding Defence	Y	10 January 2022
Maritime & Coastguard Agency	Y	31 January 2022 & 15 December 2022
Trinity House	Y	24 December 2021
Royal Yachting Association	Y	01 February 2022
Local Biodiversity Officer	N	
Local Planning Authority	N	
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	N	
Royal Commission on Historic Monuments Wales	Y	25 January 2022
Cadw	Y	26 January 2022
Department for Transport (DFT)	N	
Chamber of Shipping	N	
NERL Safeguarding	Y	22 December 2022
Cefas	Y	19 January 2022
The Wildlife Trust	N	

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

6.0.5 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

7.0.1 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 Hydrodynamics, Sedimentation and Wave Climate (ES Chapter 7)

- 7.1.1 NRW TE raised numerous clarification requests surrounding the coastal and physical processes. Further information was requested on the volume of sediment to be excavated and the sediment grain size distribution of the sediment being excavated. NRW TE also requested clarification on the sediment plumes and sediment deposition predictions. Information was also requested on the time step used in the sediment release model simulation during dredging. All the requested clarifications were provided and NRW TE raised no further concerns.
- 7.1.2 Additional clarity was requested by NRW TE on the contradiction of tidal current flow directions presented within the Figures of Chapter 7 of the ES to ensure confidence within the assessment. The applicant addressed this by referring to the tidal atlas for Anglesey which supports their initial statement in the ES that the flows outside the breakwater are generally to the east on the flood tide and to west on the ebb tide: <https://www.cmbha.net/tide/tide-tables/>. However, Figures 7.3 in and 7.4 of the ES describe the opposite flow direction, to the west on the flood tide and to the east on the ebb tide. An explanation of this apparent discrepancy was provided by the applicant which satisfied NRW TE concerns. Further details are described in section 2 of 'DML2163 PB8908-RHD-ZZ-XX-RP-Z-0077-RFI.
- 7.1.3 NRW TE acknowledged that the tidal current velocities are low within the vicinity of the proposed breakwater and land-claims, and that the current only bed shear stresses are also very low and are unlikely to contribute to active sediment transport. NRW TE therefore advised that simulations with and without breakwater and land claims should be carried out to assess the sensitivity of the bed shear stress to the non-linear interaction between non-breaking waves and the tidal currents. The applicant then provided further justification as to why it would be disproportionate to carry out these simulations given the potential impacts both in magnitude and extent. NRW TE agreed with this justification and had no further concerns.

7.2 Marine Ecology (ES Chapter 12)

- 7.2.1 NRW TE requested that the applicant produce a Biosecurity Risk Assessment for approval prior to commencement of licensed activities. This has been accepted by the applicant and will be secured through the inclusion of licence conditions. The Biosecurity Risk Assessment will only be required to control and prevent the spread of INNS during the construction phase. The risk of INNS and its impact to the environment have been considered under the HRA and WFD compliance assessment.

7.3 Ornithology (ES Chapter 15)

- 7.3.1 NRW TE requested that the applicant carry out nesting bird surveys and implement suitable buffer zones around any nesting sites. This has been accepted by the applicant and will be secured through the inclusion of licence conditions.

7.4 Marine Mammals (ES Chapter 14)

- 7.4.1 NRW TE did not agree with the use of Temporary Threshold Shifts (TTS) onset as a proxy for disturbance in the ES and have presented a number of indicative fixed noise thresholds which should be reviewed, with sufficient justification for the method chosen. NRW TE requested that impact conclusions in the assessments should be revisited with the reviewed values. NRW TE also advised inclusion of the potential for disturbance pathways from recreational crafts.

Following further justification and clarification from the applicant, which is detailed in full in section 5.1.1 of 'DML2163 PB8908-RHD-ZZ-XX-RP-Z-0077-RFI response document', the assessment for the potential effects of underwater noise associated with construction activities, taking into account the medium sensitivity for disturbance and the very low magnitude, has been assessed as negligible (not significant) for all marine mammal species. There is therefore no change to the conclusion of the assessments presented in Sections 14.6.2 and 14.6.3 of the ES.

Whilst NRW TE ultimately disagreed with the approach taken when assessing underwater noise impacts on marine mammals, NRW TE acknowledged that a change to the assessment would not result in a change to the conclusions of the assessment.

- 7.4.2 NRW TE requested a review of the disturbance impact assessment to ensure it is proportional to the risk along with clarification on the approach.

During the construction of the Proposed Development, it is expected that there would be a small increase in vessel traffic from the presence of the dredging and rock placement vessels to the potential for dredging materials to be disposed of via sea. This could result in an increase of underwater noise and possible disturbance of marine mammals.

However, based on high vessel traffic already present, the temporary nature of increased vessel numbers and the relatively low noise disturbances from the types of vessels being used during the construction phase, the magnitude of disturbance as a result of underwater noise from vessels during the construction phase has been assessed as very low.

Therefore, NRW PS considers that the potential effects of disturbance due to vessel presence can be assessed as negligible and no change to the conclusion of the assessment presented in Sections 14.6.2 and 14.6.3 of the ES is needed.

Following the further justification provided, NRW TE agreed with the approach taken.

7.5 Water quality Water Quality, Surface Waters and Flood Risk (ES Chapter 17)

- 7.5.1 Clarification was requested on the conflicting statements between Tables 26.3 and 26.4 of the ES relating to the percentage of lower sensitivity habitats and the scoping in and/or out of this impact. The applicant confirmed that this was an error, and that Table 26.4 of the ES should state that lower sensitivity habitats are scoped out of the assessment, as less than 1% of each habitat will be impacted.
- 7.5.2 Clarification was also requested on the maintenance dredge requirements for the operational phase of the Project and how this has been considered within the assessment. The applicant confirmed that maintenance dredging is not anticipated to be required within the marina and therefore an assessment is not required.
- 7.5.3 NRW TE requested evidence to show how the Project interaction with the mitigation measures associated with the water body's 'heavily modified' status have been considered within the WFD compliance assessment for the project. Additional information pertaining to the relevant mitigation measures and how the Project would not threaten their implementation was provided by the applicant which NRW TE agreed with.
- 7.5.4 Due to previous marine pollution events caused by storm events at this location, NRW TE recommended that the marina pontoons should not be made from polystyrene materials. NRW TE requested further information about the material and structure proposed for the new pontoons. The applicant confirmed that the pontoons used in the new marina will be a proprietary system designed and developed by an established, reputable company and compliant with the requirements of the Yacht Harbour Association Code of Practice for the Design, Construction and Operation of Coastal and Inland Marinas and Yacht Harbours (the established UK design code for marinas and marina infrastructure). NRW TE raised no further comments.
- 7.5.5 NRW TE noted that Cefas advised sediment samples to be taken from 0m to 2.5m and requested an explanation as to why samples were instead taken from 0m to 1.5m. The applicant explained that the surveys encountered bed rock at depths of 1.1m to 1.5m and could not sample any deeper.

7.6 Fish and Shellfish Resources (ES Chapter 13)

- 7.6.1 NRW TE requested clarification on how the potential for a local change to the fish community had been adequately considered within the assessment, noting that this request was not directly relevant for the HRA or WFD assessments. The applicant stated that the ES provided evidence that any impacts would be confined to an area of 100m around the footprint of the Proposed Development. As such, potential impacts on fish are considered to be minimal even on a local scale, and the level of detail provided in the ES is considered to be proportionate to the risk. Whilst NRW TE stated that this effect of the permanent loss of habitat has not been fully considered within the assessment, and also not when considering potential cumulative effects with other development planned for the New Harbour area, NRW

PS agree with the statement made by the applicant that any impacts would be negligible.

- 7.7.1 NRW TE requested further clarification on the species considered as 'mobile' and 'less mobile'. The applicant stated that given the limited pathways for effect, it was considered disproportionate to undertake a lengthy assessment in which individual species were considered separately. Instead, the assessment was based on the 'worst case' scenario in terms of receptor group sensitivity. As an example, for the purpose of assessing potential impacts of underwater noise, the assessment assumed the presence of hearing specialist species. Similarly, when assessing the impact of increased suspended sediment, the assessment assumed the presence of less mobile individuals, such as juvenile and larval fish / shellfish. No further comments were raised by NRW TE on this matter. NRW PS is satisfied that the fish receptors have been adequately assessed within the ES.

7.7 Commercial and Recreational Navigation (ES Chapter 19)

- 7.7.1 The RYA and MCA both requested that local mariners are notified prior to any commencement of licensed activities. This will be secured through the inclusion of licensed conditions.
- 7.7.2 Clarifications were requested from the RYA on the level of consideration given to the design and positioning of the slipway. Concerns were raised about the proposal for incorporating the slipway into the development as this may adversely affect the launching and recovery of dinghies, due to impacts of wind from the Project. The applicant provided justification, detailed in full in section 8 of 'DML2163 PB8908-RHD-ZZ-XX-RP-Z-0077-RFI, which NRW PS were satisfied with.
- 7.7.3 RYA also raised concerns concerning the positioning of moorings within the harbour and marina with respect to ensuring repositioned moorings do not reduce access or disrupt club or other recreational activity. This has been addressed through the inclusion of licensed activities detailed in section 8.2.

7.8 Archaeology and Heritage (ES Chapter 20)

- 7.8.1 RCAHMS requested that the applicant produce a Written Scheme of Investigation (WSI) for approval prior to commencement of licensed activities. This has been accepted by the applicant and will be secured through the inclusion of licence conditions.

7.9 Cumulative Impact Assessment (ES Chapter 24)

- 7.9.1 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 that the works would not cause a significant impact alone or in combination on a European designated site.
- 7.9.3 NRW TE advised that the operation phase of the Holyhead Port Expansion scheme should be incorporated within the cumulative impact assessment for the Project. Principle impact pathways that exist for the Port Expansion scheme relate to

underwater noise from piling, habitat loss from reclamation and dredging, and suspended sediment increases from dredging, hence the construction phase is considered to have more potential for cumulative effects than the operational phase. Chapter 24 of the ES concludes that there would be no significant cumulative effect on features of the SAC due to underwater noise impacts during the construction phase, and hence it is highly unlikely that there would be any risk of cumulative effect during the operation phase. The ES for the Port Expansion scheme concluded that operational impacts of that project would have an effect of negligible significance. No further comments were received by NRW TE on this matter.

- 7.9.2 Besides the comments detailed in section 7.5.3 (WFD compliance) and 7.6.1 (Fish receptors), no further comments were received in relation to cumulative impact assessment chapter of the ES. Therefore, NRW PS concluded that the potential impacts due to the project has been adequately addressed in the ES.

7.8 Other Chapters (ES Chapters 1-6,8-11,16, 18, 21-23, 25-27)

- 7.8.1 No comments were received in relation to the other chapters instead in section 3.1.2 above. Therefore, NRW PS concluded that the potential impacts due to the project has been adequately addressed in the ES.

8. Mitigation or monitoring measures to be taken

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

- 8.1.1 In reaching the Conclusion about Environmental Impact (Regulation 21A of the Regulations), NRW PS must consider of any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects (regulation 21A (1)(f)).
- 8.1.2 NRW PS 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
- 8.1.2.1 Best practice dust minimisation and suppression techniques will be implemented. This will be considered as part of the CEMP detailed in section 8.2.2.4.
- 8.1.2.2 A range of incorporated mitigation measures are proposed to enhance the public realm and the usability of the roads and footways within the Proposed Development. In turn, these measures would contribute towards providing safe and sufficient access to the Proposed Development and towards encouraging the use of non-car modes of transport in accordance with national transport planning policy objectives.
- 8.1.1.3 Some of the temporary construction stage landscape and visual effects could be significant and adverse. As further details regarding the phasing of construction becomes available, it is likely to be possible to identify where, when, and for how long the adverse effects would be most likely to occur, and to incorporate appropriate mitigation measures into the CEMP.

- 8.1.1.4 Site fencing to be established along the boundary of the Local Wildlife Sites (LWS), ensuring that no works take place within the LWS. Ecological best practice measures to include locating and directing lighting away from the LWS.
- 8.1.1.5 On-site habitat creation and enhancements. Ecological enhancement measures and ongoing management of the Proposed Development would be outlined in a Landscape and Ecology Management Plan (LEMP).
- 8.1.1.6 Pre-construction badger survey or works areas undertaken in advance to ensure the absence of setts within these areas. If setts are identified, a suitably qualified ecologist would assess whether a disturbance licence is required.
- 8.1.1.7 Ecological best practice measures will be implemented to reduce the potential indirect effects on bat species as a result of construction phase lighting.
- 8.1.1.8 To mitigate against the spread of terrestrial INNS, specifically Japanese knotweed, an invasive species survey and management plan should be drawn up prior to the construction phase of the Proposed Development. This should include a location plan of Schedule 9 species and recommend management, control, and disposal options, as necessary. In addition, toolbox talks and biosecurity measures including a buffer of 10m would be placed around known stands, to prevent disturbance and possible spread. Where works are required within 7m of Japanese knotweed, advice should be sought from a specialist contractor.
- 8.1.1.9 Circular walking routes would be created and maintained within the site to encourage residents to use the open space available on-site as opposed to within the SSSI and LWS.
- 8.1.1.10 Creation of new subtidal rocky reef on the new quay wall and on the rubble mound of the new breakwater. Implementation of biodiversity enhancement measures to optimise introduced rocky habitat.
- 8.1.1.10 To compensate for the direct alteration or loss of feeding and / or breeding habitat for fish/shellfish, embedded mitigation in the form of placement of rock armament in the subtidal and intertidal extent of the new breakwater.
- 8.1.1.11 Provision of information to vessel owners on codes of conduct, including the Anglesey Marine Code, which provide guidance on vessel behaviour around birds.
- 8.1.1.13 To reduce impacts through noise and vibration during construction and operation, best practice measures will be implemented.
- 8.1.1.14 To reduce the impacts on archaeology and heritage, Building Recording, Sympathetic design scheme, construction management plan will be adhered to.

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

- 8.2.1 In reaching the EIA Consent Decision required under Regulation 22, NRW PS must make consideration of the requirement for any mitigation measures or monitoring required to be attached to the consent.
- 8.2.2 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:
- 8.2.2.1 Licence conditions will be required to ensure a WSI is submitted to the Licensing Authority for approval prior to commencement of Licensed Activities. This will prevent impacts to non-designated prehistoric archaeological assets and maritime archaeology. The following actions will need to be included within the WSI:
- Implementation of a Protocol for Archaeological Discoveries for the project.
 - Implementation of a walk-over survey of the foreshore/inter-tidal zone to characterise anthropological features in advance of land reclamation and to identify any currently undocumented archaeological material.
 - Undertaking an up-to-date marine geophysical survey for the purpose of assessing marine archaeological material.
 - Undertaking targeted archaeological assessment of archaeological features present in the scheme offshore zone, including any identified during the marine geophysical survey.
- 8.2.2.2 Licence conditions will be required to ensure mitigation is implemented to avoid, prevent, reduce impacts of invasive non-native species. This will include ensuring that all equipment, materials, machinery and Personal Protective Equipment are appropriately cleaned. There will also be a requirement to submit a Biosecurity Risk Assessment to the Licensing Authority for approval prior to commencement of Licensed Activities.
- 8.2.2.3 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 reduce impacts on water quality.
- 8.2.2.4 Along with the conditions detailed in section 8.2.2.3 above, 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 minimise the risk of pollution and impacts on the marine environment. Including but not limited to mitigation detailed in table 27.1 of the ES and standard best practice pollution prevention measures.
- 8.2.2.5 Licence conditions will be required to ensure a Nesting Bird Survey and Management Plan is submitted to the Licensing Authority for approval prior to commencement of Licensed Activities. This will prevent disturbance to nesting birds within the area during the construction phase.
- 8.2.2.6 Licence conditions will be required to ensure that appropriate notification is given to the UKHO before and after the commencement of Licensed Activities.

- 8.2.2.7 Licence conditions will be required to ensure that concrete is used in an appropriate manner.
- 8.2.2.8 Licence conditions will be required to ensure that any rock misplaced below Mean High Water Springs that cannot be recovered is located, and its position notified to appropriate authorities.
- 8.2.2.9 Licence conditions will be required to ensure appropriate sediment sampling and analysis is carried out after July 2023 (3 years since original sampling) to ensure safe disposal of dredge material at sea.
- 8.2.2.10 Licence conditions will be required to ensure the level of moorings provision (including visitor moorings) and positioning of those moorings is submitted to the Licensing Authority for approval prior to commencement of Licensed Activities. This will ensure the safety of navigation.
- 8.2.3 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

- 9.0.1 In reaching a Conclusion about Environmental Impact, as required by Regulation 21A, NRW PS 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
- 9.0.2 NRW PS, 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

- 9.1.1 The ES has assessed the impact on population and the human health. Due to the nature of the operation, the measures proposed to reduce the impacts on

population and human health, and conditions attached to the marine licence, NRW PS consider the risk of impacts on population and human health to be extremely low.

9.2 Biodiversity

9.2.1 The project has the potential to impact the following designated sites:

- Anglesey Terns SPA
- Holy Island SPA
- North Anglesey Marine SAC, West Wales Marine SAC & Bristol Channel Approaches SAC
- Menai Strait and Conwy Bay SAC

The following sites were ruled out for further consideration as detailed in section 3.2.3:

- Holy Island SAC
- Pen Llŷn a'r Sarnau
- Cardigan Bay SAC
- Pembrokeshire Marine SAC

9.2.2 NRW PS carried out a Habitat Regulation Assessment and concluded, subject to appropriate conditions detailed in Section 8, that the Licensed Activities will not adversely affect the integrity of any of the European Sites.

9.2.3 The ES considers the potential further impact on biodiversity including pollution events and the spread of INNS. NRW PS conclude that considering the mitigation proposed within the ES and the licence conditions outlined in Section 8 related to pollution prevention best practice and adherence to a CEMP and BRA, no significant impact on biodiversity is predicted.

9.2.4 Nesting bird surveys will also be carried out and suitable buffer zones will be implemented around any nesting sites.

9.3 Land, soil, water, air and climate

9.3.1 The ES has assessed these impacts and proposed mitigation including adherence to a CEMP.

9.3.2 Other impacts were also identified, such as potential for disturbance of contaminated dredge material and release of contaminated sediment plumes. However, following sampling and analysis of the sediment and modelling carried out to understand the behaviour and concentration of the plume created the risk of deterioration was ruled out.

9.3.2 NRW PS 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.

9.3.3 Potential impact on climate, air, soil and land have been appropriately considered within the ES and no significant impact is predicted.

9.4 Material assets, cultural heritage and landscape

- 9.4.1 The ES has assessed the impact on material assets, including architectural and archaeological heritage, valued for socio-economic or heritage reasons and impacts on landscape. A WSI will need to be submitted and implemented as approved by the Licensing Authority as detailed in section 8.2.2.1. NRW PS consider that due to the design, installation methods and proposed mitigation 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

- 9.5.1 Due to the nature of the operation, NRW PS consider the risk of a major accident or disaster to be extremely low. This is based on pollution prevention measures proposed to reduce the risk of a major accident or pollution event and conditioned within the marine licence, stated in section 8.2.2.3, along with the submission of a CEMP, stated in section 8.2.2.4.

9.6 Cumulative impacts and in-combination impacts

- 9.6.1 As detailed in section 3.2.3, 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.
- 9.6.2 NRW PS considers that the Project as proposed and with the control measures imposed through conditions in the marine licence and the Planning permission will not result in significant impacts alone or in combination with other projects. NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

Produced By: Joe Thomas

Signed: 

Date:

Approved by: John Wheadon (Permitting Service Manager)

Signed: 

Date: 20 February 2023

10. Regulation 22 EIA Consent Decision

- 10.0.1 The Marine Licensing Team has considered the application DML2163, and information provided in support of the application and is now in a position to make an EIA consent decision to Conygar Holyhead Limited.
- 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 (20 February 2023), 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:
- Conygar Holyhead Limited
 - Any person from whom NRW PS 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](#).

Produced By: Joe Thomas



Signed:

Date: 20 February 2023

Approved by: John Wheadon (Permitting Service Manager)



Signed:

Date: 20 February 2023
