

Environmental Impact Assessment Written Confirmation of the EIA Consent Decision

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

**Kinmel Bay Coastal Defence Improvements Scheme
CML2272**

15 March 2023

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1. Introduction

- 1.1 This document is the Environmental Impact Assessment ('EIA') Written Confirmation document for CML2272 Kinmel Bay Coastal Defence Improvements Scheme ("the Project").

2. The Project

2.1 Project Background

An application for a Marine Licence for the Project was submitted to NRW by Conwy County Borough Council on 23 November 2022.

The proposed scheme is split into two coastal management units, with three specific areas, Towyn Revetment, Kinmel Bay West and Kinmel Bay East. Only a small section of the works are seawards of Mean High-Water Springs (MHWS), which is outlined below:

Towyn Revetment. The proposed works involve upgrades to the current rock armour. The new rock armour will be raised to a height of 7.2mOD (the height of existing sea wall) with a crest width of 6m. The current 1 in 4 slope angles of the rock armour will be retained, but the crest width and height will be increased to offer a 1 in 200-year standard of protection to the year 2041. The new design will make every effort to reuse and repurpose the current rock armour material. The existing sea wall will also be raised by 0.75m, up to 8mOD and Improvements are also proposed to the two beach access points at this location (drawing ref: CH1701-AMEY-HGN-XX-DR-CH-0116-GA-P01 & CH1701-LDA-ELS-XX-DR-LS-2205). Works below MHWS at CMU3-5B: Approximately 0.55ha of the toe of the rock armour is below MHWS (shown by the purple area on plan CH1701-AMEY-EWE-XX-DR-CH-3001-MHWS-P01).

Towyn Revetment proposed construction sequence is:-

- Stockpile rock armour and sea wall prefabricated sections
- Carry out initial excavation to form the crest
- Install sheet piles for beach accesses and provide fill between piles
- Install geotextile and sufficient depth of stone along the length crest to provide a running surface / access track for plant movement
- This will be constructed in line with permanent construction specification but used as temporary access platform.
- The temporary imported stone will be reused within the permanent works
- Construct rock armour embankment using long reach excavator situated on crest
- Construct sea wall vertical extension
- Complete crest construction
- Ecological enhancements

- Remove temporary fill between beach access sheet piles
- Construct beach accesses

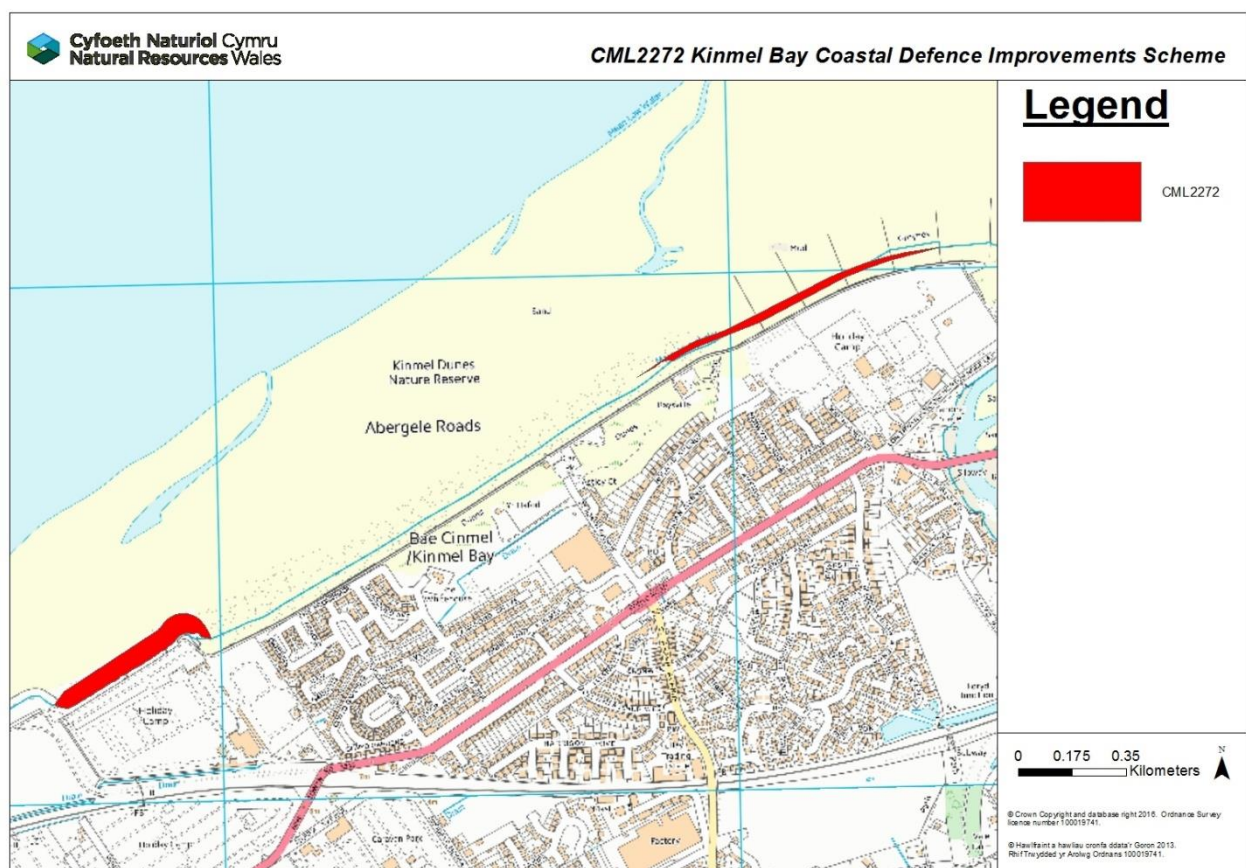
There is also a section at Kinmel Bay which includes temporary works seawards of MHWS. This includes:

- Construction vehicle tracking and movements
- Minor movement of material for the placement of rock armour

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 at the coastal frontage at Kinmel Bay, approximately 0.8km west of Rhyl on the Northwest coast. The marine licensable area includes Towyn Revetment and Kinmel Bay. The coordinates for the works are detailed in 'Updated Marine Licensable Area Coordinates' document.



2.3 Statement of need

2.3.1 The objectives of the Kinmel Bay Coastal Defence Improvement scheme as stated in the Outline Business Case are as follows:

- Reduce flood damages to residential and non-residential properties.

- Ensure community and stakeholder 'buy-in' for the scheme.
- Develop a scheme that is deliverable within the engineering time constraints.
- Develop a scheme that is adaptable to change; and
- Sustain and/ or improve the tourist and amenity benefits through continued operation of the beach and the North Wales Coastal Route.

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 SC2108 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)

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

3.1.2 Technical chapters:

- Chapter 1 – Non-Technical Summary
- Chapter 2 – The Proposed Scheme
- Chapter 3 – Environmental Impact Assessment Methodology
- Chapter 4 – Ecology
- Chapter 5 – Landscape and Visual
- Chapter 6 – Coastal Processes
- Chapter 7 – Hydrology and Hydrogeology
- Chapter 8 – Cultural Heritage
- Chapter 9 – Contaminated Land
- Chapter 10 – Socio-Economic
- Chapter 11 – Traffic and Transportation
- Chapter 12 – Noise and Vibration
- Chapter 13 – Other Construction Related Effects
- Chapter 14 – Cumulative and In-Combination Effects
- Chapter 15 – Conclusions
- Appendices – Supporting information and analysis undertaken as part of the EIA process (included as ES Volume 2 document)

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:

- GB641011650000 - North Wales
- GB541006608000 - Clwyd

A Water Framework Directive Compliance Assessment was conducted for the proposal. The assessment initially highlighted impacts to some water Quality elements which required detailed assessment.

NRW A raised concerns during consultation regarding plumes of sediment having the potential to prevent bacterial die-off due to the protection from UV rays causing the bathing water status to fail. Therefore, NRW A requested any works are undertaken outside of the bathing season (15 May – 30 September) to avoid this risk. It was also requested that NRW are kept informed as to when works will take place including any beach closures as this could impact the sampling schedule. However, following further discussions, the sampling location for the bathing water sample was agreed to be moved away from the proposed activities meaning the bathing water status would not fail as a result of the proposed activities. Therefore no restriction for works between 15 May and 30 September has been included in the licence.

NRW A during consultation stated that in regards to the Water Framework Directive, the required mitigation measures for the HMWB will need to take place within the waterbody boundary. 'Enhance Ecology' is a mitigation measure of the WB and other legislations such as the Environment (Wales) Act (2016) also supports this.

In conclusion, when including the mitigations listed above the application when considered alone and in-combination, 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:

- Liverpool Bay SPA

A test of likely significant effect (TLSE) was undertaken and potential significant effects on features of the European Sites listed above could be ruled out. The only impact pathway taken through to appropriate assessment was for the potential of a pollution incident. This has been mitigated through best practice measures and also the conditioning the submission of a Construction Environmental Management Plan (CEMP) for approval before commencement of works. NRW A also requested that the marine mammal units are included in section 3.2.1, this was included and stated there would be no impacts due to the closest European Site being over 20km away and pollution incidents mitigation will be incorporated in the CEMP to be submitted before commencement of works. Therefore, it was concluded that the proposal, when considered alone and in-combination, will not adversely affect the integrity of the European site(s) concerned.

Further details are described within the Habitats Regulations Assessment.

3.2.5 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 West of Wales Shoreline Management Plan 2 (SMP2) policy units 11a Great Ormes Head to Scotland. The policy for this unit is Hold the Line in all epochs.

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 consistent with this requirement.

NRW A during consultation stated that in regards to the Water Framework Directive, the required mitigation measures for the HMWB will need to take place within the waterbody boundary. 'Enhance Ecology' is a mitigation measure of the WB and other legislations such as the Environment (Wales) Act (2016) also supports this.

The Local Biodiversity Officer responded regarding Section 7 priority habitats seawards of the seawall, including embryonic dune and vegetated shingle communities which currently occupy much of the coastline spit feature that define the scheme area. It was stated that this habitat will be mechanically removed and replaced with rock armour which may represent a net loss of habitat diversity in the locality of the project. The Officer stated Methods to carefully retain the vegetated open dune habitat seaward of the seawall by reinstating it around and atop proposed rock armour to ensure retention of the sand in the dune ecosystem as a whole should be explored and if feasible included in an Ecological Management Plan. If not feasible other section 7 coastal priority habitat creation options could be achieved elsewhere on Conwy's coastline e.g. vegetated shingle creation east of Traeth Pensarn SSSI. This information was passed onto the applicant, and they stated that an Ecological Management Plan will address the removal and relocation of the embryonic dune and vegetated shingle communities fronting Sunnyvale, this will be completed outside of the Marine Licensing process.

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 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 Rhyl Journal on 14 December 2022 & 21 December 2022.
- a notice was also published on NRW's website.

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 08 December 2022 for a period of 42 days, in accordance with Regulation 17 of the regulations. It was sent to the following consultation bodies:

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	N	
NRW	Y	19 January 2023

MoD - Safeguarding Defence	Y	03 January 2023
Maritime & Coastguard Agency	Y	05 January 2023
Trinity House	Y	18 January 2023
Royal Yachting Association	Y	08 December 2022
Local Biodiversity Officer [Conwy County Council]	Y	20 January 2023
Local Planning Authority [Conwy County Council]	N	
Local Harbour Authority [Conwy]	N	
Local Port Authority [Conwy]	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Archaeological Trust	Y	08 December 2022
Royal Commission on Historic Monuments Wales	Y	13 January 2023
Cadw	Y	04 January 2023
Chamber of Shipping	N	
NERL Safeguarding	Y	09 December 2022

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 consultation NRW Advisory (NRW A) acknowledged the loss on intertidal soft sediment habitat and a limited amount of intertidal rock/shingle as a result of the Scheme. NRW A are content under the Environment (Wales) Act (2016) requirement for local authorities to 'seek and maintain' biodiversity, that the absence of any specific nature conservation features (e.g., Habitats Directive Annex 1 SAC; W&CA SSSI features) directly under the footprint of the proposed coastal defence works precludes the need for direct offsetting of Annex 1 features.

NRW A are also content with the Construction Environmental Management Plan (CEMP) submitted, but a final version of the document is to be submitted to NRW for approval prior to commencement of works. This was also requested by the Conwy Environment Team.

7.2 Coastal Processes

There were clarification requests during consultation from NRW A regarding coastal processes, which included how the zone of influence was determined as the spatial parameters were not included in the assessment provided. However, it was stated that there were no major concerns relating to coastal processes, just minor amendments to the Environmental Statement were requested during consultation but due to this not being a fundamental to the decision was not requested.

7.3 Historic Environment

As identified within Chapter 8 of the ES the works will have a minor impact to the historic environment. Only a small proportion of the works are seawards of mean high-water springs for Kinmel Bay. During consultation with Clwyd-Powys Archaeological Trust and the Royal Commission on the Ancient and Historical Monuments of Wales, it was stated that a Protocol of Historic Discoveries and a Written Scheme of Investigation was required. However, based on the responses from the consultees it will be secured as part of the planning application as a large amount of the Scheme is landwards of mean high-water springs. The Scheme will provide the archaeological mitigation for the entire project to the planning authority.

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 12.8 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 (Chapter 13 of the ES) 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. Therefore, 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.

7.6 Water Quality

NRW A stated during consultation that they agree with the conclusions of the water quality chapter of the ES (chapter 7). In addition, NRW A requested the CEMP is submitted and approved prior to commencement of works.

NRW A raised concerns during consultation regarding plumes of sediment having the potential to prevent bacterial die-off due to the protection from UV rays causing the bathing water status to fail. Therefore, NRW A requested any works are undertaken outside of the bathing season (15 May – 30 September) to avoid this risk. It was also requested that NRW are kept informed as to when works will take place including any beach closures as this could impact the sampling schedule. However, following further discussions, the sampling location for the bathing water sample was agreed to be moved away from the proposed activities meaning the bathing water status would not fail as a result of the proposed activities. Therefore no restriction for works between 15 May and 30 September has been included in the licence.

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. This will also cover the EMP mentioned in the application documents.

Impacts on archaeological environment will be mitigated through the submission of a Written Scheme of Investigation and a Protocol of Historic Discoveries. However, this will be submitted as part of the planning consent.

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.

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 include a risk assessment and method statement.

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.

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 Kinmel Bay 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

The Project is in very close proximity (0.2km) to the Liverpool Bay SPA. 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, prevention of bacterial die-off (refer to Section 7.6 of this document) 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 a number of cultural heritage assets within the project footprint (Chapter 8 of ES). NRW A, CPAT and RCAHMW are content with the mitigations proposed by the applicant in section 8.6 of the ES, including a toolbox talk being carried out prior to commencement of works, this will include an associated protocol for archaeological recording and reporting to the relevant authorities. In addition, CPAT and RCAHMW stated

that a PAD and a WSI would be required but this will be secured through the planning consent.

NRW consider that there is low impact on the landscape due to the project as there is no permanent change to the landscape as a result of the project.

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: Joe Thomas

Signed: 

Date: 15 March 2023

Approved by: Emmer Litt

Signed: 

Date: 15 March 2023

10. Regulation 22 EIA Consent Decision

The Marine Licensing Team has considered the application CML2272 and information provided in support of the application and is now in a position to make an EIA consent decision to Conwy County Borough Council.

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

- The application for a Marine Licence
- The Environmental Statement submitted

- Further information provided, as outlined in section 3.3
- The Conclusion about Environmental Impact (under Regulation 21A(2)) in section 9 (15 March 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.

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

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

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

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

- Conwy County Borough Council
- 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

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

Produced By: Joe Thomas

Signed: 

Date: 15 March 2023

Approved by: Emmer Litt

Signed: 
Date: 15 March 2023
