

Our ref: CML2493

Date: 8 July 2025

Dear Daniel Durrans

MARINE AND COASTAL ACCESS ACT 2009: PART 4 – MARINE LICENSING

APPLICATION FOR A MARINE LICENCE FOR LLANFAIRFECHAN COASTAL DEFENCE WORKS

APPLICATION NUMBER: CML2493

I am writing to advise you that the Marine Licensing Team, on behalf of the Welsh Ministers, as Licensing Authority, is in the process of determining your application, considered duly made on the 19 May 2025 for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009.

The consultation on your application closed on the 2 July 2025. We received responses from the following bodies;

Crown Estate
NRW Advisory
Ministry of Defence
Maritime and Coastguard Agency
Welsh Government Marine Enforcement and Fisheries
Cadw
Royal Commission on the Ancient and Historical Monuments of Wales
Public Health Wales
NATS safeguarding
Inshore Fisheries and Conservation Authority
Royal Yachting Association
Trinity House

No responses were received from the public. All responses are available on our [public register](#), if you are unable to locate any of the responses please let me know.

In accordance with Part 4, Chapter 1, Regulation 67 (4) of the Marine and Coastal Access Act 2009, following review of representation received NRW require further information to continue with the determination of this application as follows:

Habitat Loss

The constructed sea defence could lead to a loss of habitat as a result of coastal squeeze. As sea levels continue to rise this will lead to a narrowing of the intertidal zone and loss of habitat in the long term.

A project specific coastal squeeze assessment was undertaken and submitted in support of the application. The assessment was based on the design life of the project, which would hold the line into epoch 3 and beyond. This was presented within document 'ERFCF2305N Llanfairfechan Coastal Squeeze Assessment' dated May 2025.

The coastal squeeze calculations predicted a worst case of 27.5ha of coastal squeeze losses as a result of the presence of the seawall and sea level rise over its lifetime (considered to be up until 2145 – the proposed design life of the project). However the accommodation room behind the defence (flood risk area) is only 7.5ha. Although NRW Advisory (NRW A) do not disagree with this figure NRW A consider it would be useful to have a better explanation of how the flood risk area figure was calculated to show that it is not connected to the area the other side of the river.

No consideration was given within the Llanfairfechan Coastal Defence HRA (dated September 2024) submitted with the application to the impact of coastal squeeze losses on European Designated Sites.

NRW A within their representation have confirmed that the habitat losses will impact upon the Mudflats and sandflats not covered by seawater at low tide feature of the Menai Strait and Conwy Bay SAC and that the loss attributed to the project would be 7.5ha as this represents the accommodation space that would be available behind the defence.

NRW A advise as a result of this impact adverse effect on the Menai Strait and Conwy Bay SAC cannot be ruled out.

Based on the information currently available and advice received, adverse effect on site integrity of the site cannot be ruled out, therefore, the project may only proceed if it meets the three test of Article 6(4) of the Habitat Directive (i.e derogation) as follows:

- there is no feasible alternative solutions to the plan or project which are less damaging to the SAC;
- there is an "imperative reasons of overriding public interest" (IROPI) for the project to proceed, and
- all necessary compensatory measures are to be secured.

There is further information surrounding this process on the Welsh Government [website](#).

We are writing to give you the opportunity to provide information to meet these requirements.

The works lie within Policy Unit 16.33 of the West of Wales Shoreline Management Plan. The policy plan for the location is Hold the Line for Epoch 1 (2005-2025), Hold the Line for Epoch 2 (2025-2055) and Managed Realignment for Epoch 3 (2055-2105). Based on information provided on the design life of the project, the proposed works would hold the

line into Epoch 3 and beyond. As the works do not appear to be in line with the preferred policy it is unlikely that the SMP itself can be used to justify if there are no alternative solutions, or imperative reasons of overriding public interest, therefore detailed justification will be required, including to explain why the conclusions of this test are different to the findings of the SMP.

In relation to Compensation we are aware that Welsh Government has set up the National Habitat Creation Programme (NHCP) for the delivery of compensation for Flood and Coastal Erosion Risk Management projects. Further detail can be found on [Flood and Coastal Erosion Risk Management projects and the National Habitat Creation Programme \(NHCP\): supplementary note | GOV.WALES](#) and within [GN 062 Assessment of coastal squeeze](#). We are unclear whether the NHCP can be relied upon to provide compensation for projects that do not align with the relevant shoreline management plan policy. We request that you provide detail of how necessary compensation will be secured, if it is proposed that this will be through the NHCP we would expect to receive confirmation that the NHCP can be used for your project. We have shared contact details for Rick Park who manages the programme within the email that accompanies this letter.

If you are unable to provide any further information to meet requirements of Article 6(4) of the Habitat Directive please let us know and we will then proceed with determination of the application accordingly.

Material Used

The HRA submitted in support of the application refers to the use of resin for repairing the cracks in the seawall. Following a query from NRW A please could you confirm that the type of resin that will be used is suitable and not toxic for the marine environment.

Royal Yachting Association

Within the representation received from the RYA a number of concerns have been raised surrounding the impact of the works both during the construction period and following completion, in particular on activities of the Llanfairfechan Sailing Club. We would ask that you review the response received and provide a response to the concerns raised. We would encourage you to engage with RYA as you look to address these concerns.

Please provide this information by **5 August 2025**.

If we do not receive it by the date set out above, then in accordance with Part 4, Chapter 1, Regulation 67 (6) of the Marine and Coastal Access Act 2009, the application may be refused. If this happens you may lose your application fee.

If you have any concerns about being able to provide this information on time please let me know.

For information

Crown Estate

The Crown Estate have informed us that they are affected by the proposed works and landowner's consent is required. Please liaise with Crown Estate Managing Agent for the area: Colin Brereton of Jones Peckover on 01745 812127, cdb@jonespeckover.com regarding landowner's consent for the proposed activity.

CEMP

Both NRW A and Public Health Wales welcome the commitment to the production of a CEMP prior to commencement of works.

NRW A have advised that wherever possible work is completed outside of the overwintering period.

If you have any questions about this notice or wish to have a meeting to discuss any of the above, please don't hesitate to contact me at peter.morrison@naturalresourceswales.gov.uk.

Yours sincerely

Peter Morrison
Marine Licensing Team
Natural Resources Wales