

Sent via email

12 November 2025

Dear Andrew Bellamy,

**SCREENING AND SCOPING OPINION UNDER THE MARINE WORKS  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (as amended)**

**Area 393 'Hilbre Swash' Marine Aggregate Extraction**

I am writing further to your request for a screening and scoping opinion, dated 15 August 2025, made in accordance with The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("The Regulations").

The purpose of the Environmental Impact Assessment (EIA) screening procedure is to determine whether the proposed works require an Environmental Impact Assessment and submission of an Environmental Statement (ES). The purpose of the scoping procedure is to determine what information should be provided in the ES.

In reaching our Screening Opinion, Natural Resources Wales's Marine Licensing Team (NRW MLT) have considered the proposed works against Schedule A1 and A2 of the above regulations. In reaching our scoping opinion NRW MLT have had regard to the information provided in the "SC2503 - R4886\_Area393\_Scoping\_Report\_08Aug25", dated 15 August 2025, and considered the requirements of Schedule 3 of the Marine Works Regulations. NRW MLT have also consulted with the bodies that NRW MLT consider have an interest in the project by reason of their environmental responsibilities, or local or regional competences, as required by the above regulations, and had regard to their comments.

**Screening Opinion**

It is our opinion that the works fall within the categories of project listed within Schedule A2, paragraph 10 of The Regulations (see below), and therefore must be considered in terms of its size, nature and location having regard to the relevant criteria listed in Schedule 1 of The Regulations.

***10. Extraction of minerals by fluvial or marine dredging***

NRW MLT have carefully considered the views of the consultation bodies alongside the criteria as set out in Schedule 1 of The Regulations, and have determined, based on the information provided, that the project has the potential to have a significant effect on the environment specifically on interest features of designated nature conservation sites (Dee

Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar, River Dee and Bala Lake SAC, Liverpool Bay SPA, Mersey Narrows and North Wirral Foreshore SPA and Ramsar, Ribble and Alt Estuaries SPA and Ramsar and Sefton Coast SAC) and therefore a statutory EIA is required.

As such, the application required for the proposed works for a marine licence under Part 4 of the Marine and Coastal Access Act 2009 ("The Act") will be accompanied by an ES.

### **Scoping Opinion**

This letter sets out the additional information that NRW MLT consider necessary to be included and/or assessed in the ES for this Project.

Please note our scoping opinion is based on the information available to us at this time. The information provided is not a definitive list of the ES / EIA requirements and further information may be required following an application for this project, to ensure a full assessment is carried out.

This Screening and Scoping Opinion will be provided to all those bodies that were consulted and will be publicised on our website and on our Public Register.

# The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

## Scoping Opinion (SC2503)

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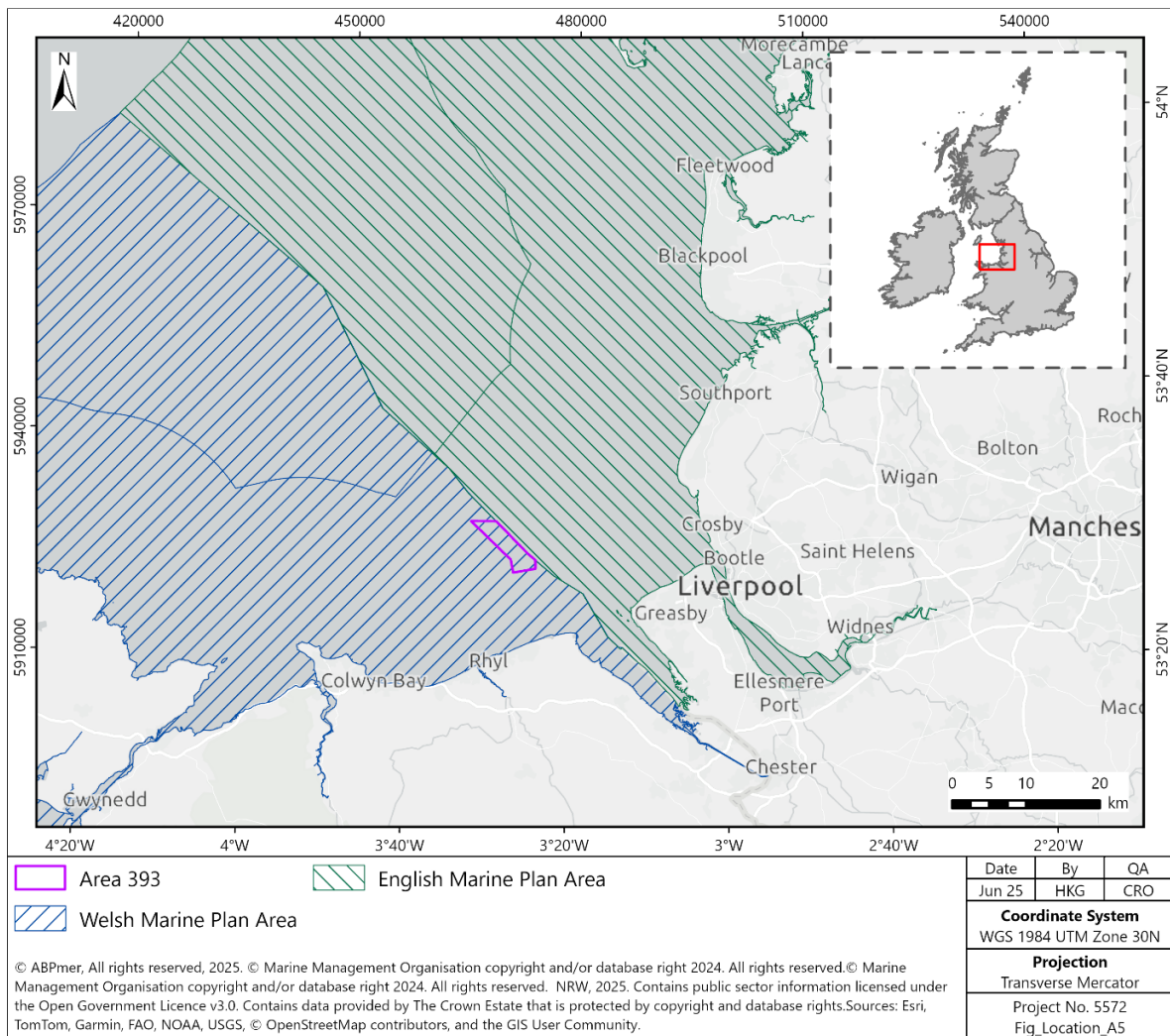
### Summary of the proposal

Mersey Sand Suppliers (MSS) are seeking to submit a marine licence application to continue marine aggregate extraction within Area 393, Hilbre Swash located in Liverpool Bay. MSS operate the Area and are looking to replace their existing licence, MM004/10/NSBv2, which is due to expire on 01 January 2030.

The seabed sediments at Area 393 are predominantly comprised of coarse sand and gravel, and fine to medium grained sand overlying glacial till and Triassic bedrock. Over the past 15 years, all dredging within Area 393 has occurred within two Active Dredge Zones (ADZ). Under the proposed renewed licence, it is envisaged that dredging will continue in the current ADZ for as long as possible. Once reserves are exhausted, unviable or the lowering limit reached in the current ADZ, dredging activity would move into undredged parts of the Licence Area.

### Location

Area 393, Hilbre Swash, is located in Liverpool Bay, approximately 12 km north of Rhyl off the Flintshire coast. It represents an area of seabed measuring 22 km<sup>2</sup>.



## Consultation Responses Received

In considering the scoping report, NRW MLT consulted with the consultees listed below:

Consultee	Responded
Cadw	Yes
Chamber of Shipping	No
Cockle Fisheries Dee Estuary	Yes
Department for Transport - Wrecks	No
Department for Transport (DFT)	No
Environment Agency (EA)	No
Historic England	Yes

IFCA (North West)	Yes
Joint Nature Conservation Committee (JNCC)	No
Local Biodiversity Officer (Flintshire County Council)	No
Local Harbour Authority (Dee Conservancy)	Yes
Local Harbour Authority (Port of Mostyn)	No
Local Planning Authority (Flintshire County Council)	No
Maritime & Coastguard Agency (MCA)	Yes
MoD - Safeguarding Defence	Yes
National Federation of Fishermen's Organisations	No
Natural England (NE)	Yes
NERL Safeguarding	Yes
NRW Advisory (NRW A)	Yes
Public Health Wales (PHW)	Yes
Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW)	Yes
Royal Society for the Protection of Birds (RSPB)	No
Royal Yachting Association (RYA)	Yes
The Crown Estate (TCE)	Yes
Trinity House	No
Welsh Archaeological Trust (WAT)	Yes
Welsh Fisherman Association	No
Welsh Government Marine Enforcement Officers	No

## 0. General comments

- 0.1. Marine and coastal guidance produced by NRW that is likely to provide useful information to help with your project is available here:  
<https://naturalresources.wales/guidance-and-advice/business-sectors/marine/?lang=en>
- 0.2. The ES submitted should demonstrate consideration of the points raised in this scoping opinion. It is recommended that a table is provided in the ES summarising the scoping opinion comments and how they are addressed in the ES.
- 0.3. The EIA must be undertaken by a competent person and the ES must include a competent expert statement.
- 0.4. Where possible, other environmental assessments should be coordinated with the EIA process. However, it is important to note that the Habitats Regulations Assessment

(HRA) and Water Framework Directive assessment (WFD), and any other assessment, are separate processes to the EIA.

- 0.5. Throughout the ES robust evidence should be presented so that the potential environmental impacts can be properly understood and evaluated; and appropriate measures identified to avoid, reduce or where necessary compensate for those impacts.
- 0.6. The ES must include:
- A Non-Technical Summary (NTS);
  - A chart or map identifying where the activity will be carried out;
  - A description of the likely significant effects of the project, whether direct, indirect, secondary, cumulative, transboundary, short-term, medium-term, long-term, permanent, temporary, positive and negative;
  - A description of the methods used to make the assessment of the significant effects and difficulties encountered in compiling the information and uncertainties involved;
  - A description of measures to avoid, prevent, reduce or offset identified significant adverse effects and proposed monitoring arrangements; &
  - A description of the expected significant adverse effects of the project on the environment resulting from the vulnerability of the project to risks of major accidents or disasters.
- 0.7. The ES must consider any potential transboundary impacts where appropriate.
- 0.8. Early engagement with relevant stakeholders is encouraged. You are able to obtain further advice from NRW A through the NRW Discretionary Advice Service, please see here: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/>
- 0.9. NRW MLT welcome your commitment to follow the British Marine Aggregate Producers Association (BMAPA) and The Crown Estate (2017) "Good Practice Guidance: Extraction by Dredging of Aggregates from England's Seabed" and note that further detail will be provided in the ES.
- 0.10. NRW MLT draw your attention to 'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards', which NE consider provides relevant best practice surrounding evidence and data standards applicable to any marine industry. The advice documents are currently stored on a SharePoint Online site, access to the SharePoint site can be requested from NE at [neoffshorewindstrategicsolutions@naturalengland.org.uk](mailto:neoffshorewindstrategicsolutions@naturalengland.org.uk).
- 0.11. NRW MLT reminds you that suitable data must be used to inform the assessment. NRW MLT recommend engaging with both NRW A and NE to understand the data needs to suitably assess the impacts of the activity. NRW MLT need to highlight that concerns have been raised by both NRW A and NE on the reliance on assessments carried out over 10 years ago to inform the previous Environmental Impact Assessment. In particular, NRW MLT highlight advice provided in relation to physical processes, benthic and water quality assessments. Where previous assessments are to be relied on, it should be demonstrated that the assessment remains valid. When this is not possible, a new or updated assessment should be provided. This is particularly the case in relation

to the calculations of zone of influence (Zol) (referred to as secondary impact zones within the scoping report provided).

## **1. Policy and Legislation**

- 1.1. You must ensure that reference is made to, and consideration of compliance with, the UK Marine Policy Statement and the Welsh National Marine Plan and its associated policies within the submitted ES, alongside any further regional planning documentation. The published Welsh National Marine Plan can be found here: <https://gov.wales/welsh-national-marine-plan-document>. Implementation guidance for the Welsh National Marine Plan can also be found here: <https://gov.wales/welsh-national-marine-plan-implementation-guidance>. NRW MLT note that the Scoping Report details that an application will be sought to extract material for a further 20 years. NRW MLT would draw your attention to the Sector Supporting Policy AGG\_01 which details that applications for aggregate extraction should generally be considered for a licensed term of up to fifteen years. You must ensure the ES demonstrates compliance with the Welsh National Marine Plan.
- 1.2. NRW MLT considers that the site's location, being more than one nautical mile from the coast, does not provide sufficient justification for omitting a WFD assessment. Pressures resulting from the activity can cause impacts outside of the footprint of the original activity, particularly those relating to suspended sediment concentrations. Furthermore, the WFD Regulations require that impacts to the chemical status of a water body is assessed up to 12 nautical miles.

## **2. Key Receptors/Topics to be Considered (Chapter 5.1 of the Scoping Report)**

- 2.1. Following advice received from PHW, NRW MLT are satisfied that impact on human health within the dredge zone can be scoped out. However, some consideration must be given to the impact on human health at the location where material is brought to shore.
- 2.2. Apart from the above impact, detailed in 2.1, NRW MLT agree with the list of topics scoped out of the EIA as detailed in Table 7 of the Scoping Report.

## **3. Physical Processes**

- 3.1. NRW MLT agree that physical processes is scoped into the assessment. However, please note that the Physical Processes section of the ES requires a suitable Zol to be calculated and defined for the project.
- 3.2. Both NRW A and NE have raised concerns surrounding the reliance on assessments that are over 10 years old to inform the Zol. Appropriate data must be used to inform the assessment and NRW MLT would advise that you engage with both NRW A and NE to ensure that the data used is suitable. Previous assessments can only be relied upon if it can be demonstrated that they remain valid. Otherwise, a new or updated assessment should be provided.
- 3.3. An accurate Zol is required not only to determine the spatial extent of potential impacts to physical processes as a receptor, but also to determine the extent of secondary

impacts to other receptors. NRW MLT, as advised by NRW A, would draw your attention to Section 2.2 of guidance note 041 ([GN 041](#)) for the determination of a Zol. NRW A advise that maximum spring tidal excursion ellipses should be used to calculate the potential Zol for marine aggregate dredging activities.

- 3.4. The Scoping Report proposes scoping out of further assessment a series of impact pathways based on findings of the Coastal Impact Study (CIS) carried out in 2011. If data from a previous CIS is used, it must be demonstrated that the data used to support this assessment is still valid.
- 3.5. As advised by NRW A, climate change allowances must be included in both the description of the baseline conditions and in the impact assessment.
- 3.6. As advised by NRW A, NRW MLT consider that changes to suspended sediment concentrations are assessed within the physical processes section of the ES alongside the assessment of changes to hydrodynamic processes (waves and currents).
- 3.7. NRW MLT does not consider, based on the above and as advised by NRW A and NE, that sufficient evidence has been presented to scope out from the assessment the following pathways:
  - Potential reduction in beach volume from 'draw-down' of material into the dredged areas
  - Potential effects on the coastline due to changes in wave height and tidal currents
  - Potential effects on the coastline due to changes in sediment transport pathways
  - Cumulative impact assessments with other ongoing dredge activities.

#### **4. Water and Sediment Quality**

- 4.1. As stated in Section 1.2, NRW MLT considers that the site's location, being more than one nautical mile from the coast, does not provide sufficient justification for omitting a WFD assessment. Pressures resulting from the activity can cause impacts outside of the footprint of the original activity, particularly those relating to suspended sediment concentrations. Furthermore, the WFD Regulations require that impacts to the chemical status of a water body is assessed up to 12 nautical miles.
- 4.2. As such, NRW MLT consider that a WFD assessment should be undertaken to determine the effect of the proposal on the chemical status of the North Wales waterbody.
- 4.3. As detailed in relation to physical processes, NRW A have concerns surrounding the reliance on the Zol carried out over 10 years ago. NRW A request that the Zol for chemical contaminant remobilisation is identified and used to determine the effects of the activity on relevant waterbodies.
- 4.4. NRW A have highlighted that baseline conditions change over time, noting that pollution events such as those at Douglas field may impact upon sediment contaminants. Further evidence of sediment contaminant levels is therefore required, which might include the need for sediment contaminant sampling. NRW MLT would advise that you discuss this further with NRW A and NE.
- 4.5. Following advice received from NRW A, NRW MLT disagree that the following impact pathways can be scoped out at this stage, and therefore need to be scoped in:
  - Change to chemical water quality as a result of potential sediment-bound

contaminants being released during dredge operations/redistribution of sediment-bound contaminants during dredge operations

- Changes to levels of contaminants in water (including accidental spillages) during dredge operations.
- Accidental pollution should be scoped into the assessment including any residual impacts once mitigation has been accounted for.

## 5. Nature Conservation and Marine Ecology

### 5.1 Fish and Shellfish

5.1.1 NRW MLT agree that impacts on Fish and Shellfish are scoped into the assessment.

5.1.2 The ES should specifically assess, as advised by NRW A, the effect of the proposal on sandeel and Atlantic herring habitats as a result of seabed removal, and on sandeel and herring eggs and individuals as a result of entrainment in the drag head.

5.1.3 There is ongoing discussion surrounding Marine Aggregates regional Cumulative Impact Assessment (CIA) and the methodology relating to Sandeel and herring heatmaps. NRW MLT would advise the applicant to consider any outcome of this review as they produce their assessment. NRW MLT would encourage you to engage with NRW A surrounding the sandeel and Atlantic herring assessment and consider the specific comments NRW A have previously provided on heatmaps during the 2024 substantive review (attached to this Opinion).

5.1.4 In addition to sites and species identified in Table 11, and as requested by NRW A, the ES and HRA should include the assessment of the effect of the proposal on diadromous fish features of the Dee Estuary SAC and River Dee and Bala Lake SAC. Consideration should also be given to the effect of the proposal on the fish prey species (such as sandeels and herring) of the relevant marine mammal and birds features of SACs and SPAs.

5.1.5 NRW MLT would draw your attention to the following datasets highlighted by NRW A to be considered as part of your assessment:

- [Natural Resources Wales / Marine ecology datasets for marine developments](#)
- NRW Forage fish report by Cefas (Campanella and van der Kooij, 2021) which updates Coull et al. (1998) and Ellis et al. (2012) for several species. [CP017-04-F5 Cefas Report Template \(birdwatchireland.ie\)](#); <https://data.cefas.co.uk/view/21465>
- Salmon and sea trout fisheries statistics - [Salmon Stocks and Fisheries in England and Wales 2023 \(publishing.service.gov.uk\)](#)
- Eel management plan reporting - [Implementation of UK Eel Management Plans \(2017 to 2020\) - GOV.UK \(www.gov.uk\)](#)

### 5.2 Benthic Ecology

5.2.1 NRW MLT agree that benthic ecology must be scoped into the assessment, and with the pressure impact pathways for benthic ecology receptors detailed within the scoping report.

5.2.2 Suitable data must be available to properly define baseline conditions. Both NRW A and NE raise concern surrounding the reliance on site specific data that is over 10 years old,

and express concern that no additional benthic data is proposed to be collected to inform the assessment. Where data from previous assessments is proposed to be used, it should be demonstrated that this information remains valid.

5.2.3 NE advise that site specific surveys are undertaken as per the 'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards' to ensure the requirements of the Marine Works (Environmental Impact Assessment) Regulations 2007 are met and appropriate baseline conditions are characterised.

5.2.4 NE advise that benthic characterisation studies should seek to assess the following biological characteristics of a project area:

- Description of benthic communities present within and adjacent to a project area, including described biotopes, covering biodiversity, function, abundance, extent, species richness, representativeness, rarity and sensitivity. This should cover the range of water depths across a site and include both infaunal and epifaunal communities.
- Identification of any invasive non-native species (INNS) and species non-native to UK waters. Information should also be provided on species non-native to the local habitat types (e.g. hard-substrate specialists in a wider sedimentary habitat).

5.2.5 NRW MLT strongly recommend that you engage with both NRW A and NE to ensure that the data used is appropriate, and where required further survey or data collection and analysis is carried out.

### 5.3 Marine Mammals and Turtles

5.3.1 NRW MLT agree that marine mammals must be scoped into the assessment.

5.3.2 NRW MLT does not agree with the scoping out of collision risk of marine mammals with vessels and further justification would be required, as advised by NRW A.

5.3.3 NRW MLT request the following publication is used to support the assessment as it represents an updated and more comprehensive version of the Atlas of Marine Mammals of Wales:

*Evans and Waggitt (2023), Modelled Distributions and Abundance of Cetaceans and Seabirds of Wales and Surrounding Waters.*

5.3.4 NRW MLT also request that NRW A guidance and position statements available on our website ([Natural Resources Wales / Marine development](https://www.naturalresourceswales.gov.uk/natural-resources-wales-marine-development)) are followed when undertaking assessments, particularly [NRW's position statement on the use of marine mammal management units for screening in habitats regulations assessments](#) and those in relation to assessing underwater noise effects to marine mammals.

### 5.4 Ornithology

5.4.1 NRW MLT agree that marine and coastal ornithology must be scoped into the assessment and agree with the potential impact pathways that have been identified within the scoping report.

5.4.2 You should consider in your assessment the advice received by NRW A and NE that

works are scheduled to occur outside the core wintering period for red-throated diver and common scoter (01 October - 31 March inclusive) and that already established shipping routes for vessel traffic are used to traverse the site, minimising any further risk of disturbance from vessels.

## 5.5 Nature Conservation Sites

- 5.5.1 As advised by Appropriate Nature Conservation Bodies (ANCB), Table 11 is missing Natterjack Toads (*Epidalea calamita*) as a designated feature of the Dee Estuary Ramsar.
- 5.5.2 As discussed in Section 5.1.4, the HRA should consider the effect of the proposal on diadromous fish features of the Dee Estuary SAC and River Dee and Bala Lake SAC.

## 6. Commercial and Recreational Fisheries

- 6.1. No comments have been received in relation to Commercial and recreational fisheries; NRW MLT therefore consider that the assessment should be carried out as presented in the scoping report.

## 7. Commercial and Recreational Navigation / Infrastructure and Other Marine Users

- 7.1. NRW MLT agree that commercial and recreational navigation should be scoped into the assessment and agree with the impact pathways identified.
- 7.2. The MCA note that the northern edge of the aggregate area falls in to the jurisdiction of the Port of Liverpool - Peel Ports, Statutory Harbour Authority (SHA). They have jurisdiction and responsibility for maintaining the safety of navigation within their waters in accordance with the Port and Marine Facilities Safety Code (PMSC) and its Guide to Good Practice. You should therefore, ensure you engage with the relevant navigation authorities for that area.
- 7.3. NRW MLT require you engage, as advised by the MCA, with local stakeholders such as recreational sailing clubs to understand any cumulative concerns as the area has evolved over the years with operational windfarms and associated vessel traffic.
- 7.4. The MCA want to ensure you're aware of the Guide to good practice for ensuring navigation safety during aggregate dredging operations that has been formalised between the British Marine Aggregate Producers Association (BMAPA), MCA and Trinity House:  
[Microsoft Word - Annex II Guide to Good Practice - Dredging Operations 1409\205](#)

## 8. Marine Archaeology and Cultural Heritage

- 8.1. NRW MLT agree that marine archaeology and cultural heritage should be scoped into the assessment and agree with the impact pathways identified.
- 8.2. The RCAHMW and Cadw request the inclusion of a detailed gazeteer of identified seabed material, including United Kingdom Hydrographic Office (UKHO) and National Monuments Record of Wales (NMRW) National Primary Record Number (NPRN) IDs where applicable, as well as a location converted to WGS84 decimal degrees. This will

greatly aid the assimilation of new data into the related National Inventories in due course.

- 8.3. NRW MLT would encourage you to engage with RCAHMW and Cadw as you carry out your assessment.

## 9. Coast Protection and Flood Defence

- 9.1. No specific comments were received on the Coastal protection and flood defence chapter; however, NRW MLT refer you to the Physical processes section of this Scoping Opinion and comments relating to the Coastal Impact Study.

## 10. Cumulative impacts and in-combination effects

- 10.1. The ES must include an assessment of cumulative and in-combination effects.
- 10.2. The following data sources may provide useful information on other projects for the assessment of cumulative effects:
- The Nationally Significant Infrastructure Projects register:  
<https://infrastructure.planninginspectorate.gov.uk/projects/register-of-applications/>
  - The Developments of National Significance Register:  
<http://gov.wales/docs/desh/publications/180312-dns-register-en.pdf>
  - Planning Policy e.g. Local Development Plans, Transport Plans (National and Local) and National Policy Statements.  
An up to date list of marine licensable developments can be found at the following link: <http://lle.gov.wales/catalogue/item/MarineLicences>
- 10.3. NRW A request that the Awel-y-Mor windfarm is included in the in-combination and cumulative effects assessments as part of the Environmental Statement.
- 10.4. NE have noted the following projects that are within 20km of the project location that could result in in-combination/cumulative impacts:
- Area 457 aggregates
  - Awel y Môr Offshore Wind Farm
  - Burbo Bank Extension Offshore Wind Farm
  - Burbo Bank Offshore Wind Farm
  - East Irish Sea Transmission Project
  - Gwynt y Môr Offshore Wind Farm
  - Hynet
  - Mersey Tidal
  - Mona Offshore Wind Farm
  - Morgan & Morecambe Offshore Wind Farm – Generation & Transmission assets
  - North Hoyle Offshore Wind Farm
  - Port of Mostyn extension
  - Rhyl Flats Offshore Wind Farm

Please note that this may not be an exhaustive list, and it is your responsibility to do a thorough search for projects which may have in-combination/cumulative impacts.

Yours sincerely

J. Thompson

Marine Licensing Team  
Natural Resources Wales

Approved by: Emmer Litt

Ejill

**Marine Licensing Team Leader**

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Cc: All Consultation Bodies