

ARUP
4 Pierhead Street
Capital Waterside
Cardiff
CF10 4QP

Our ref: SC1702

5 May 2017

Dear Mr McIlquham,

SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (As Amended)

SANDY BAY PORTHCAWL COATAL DEFENCES

I am writing in response to your request for a screening opinion dated 20 March 2017, in accordance with the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("Marine Works 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).

In reaching our Screening Opinion we have considered the proposed works against Annexes I and II of the Environmental Impact Assessment Directive. We have also consulted with the bodies that we consider have an interest in the project by reason of their environmental responsibilities, as required by the Marine Works Regulations.

Screening Opinion

It is our opinion that the works fall within the categories of project listed within Annex II of the EIA Directive, under paragraph 10(k) as set out below:

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

We have carefully considered the views of the consultation bodies alongside the selection criteria as set out in Schedule 1 of the Marine Works Regulations, and have determined, based on the information provided; that the works are not likely to have a significant effect on the environment and therefore a statutory Environmental Impact Assessment is not required.

However advice has been provided regarding the proposal and is set out in Annex 1 attached.

The Conservation of Habitats and Species Regulations 2010 (as amended)

As part of the screening exercise, we have also considered whether the proposed works, either alone or in combination with other plans or projects, are likely to have a significant effect on any site designated as a European site of conservation importance under the above Regulations. To assist in making this judgement of likely significant effect, we have sought advice from our statutory nature conversation advisor.

It is our initial view that the works, as currently proposed, are not likely to have a significant effect on any European Sites or European Protected Species. However, this will be considered further once a marine licence application is received in relation to the works.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Morrison'.

Peter Morrison
Marine Licensing Team
Natural Resources Wales

Cc: All Consultees

TO BE READ IN CONJUNCTION WITH SCREENING OPINION REF SC1702**1. Summary of Proposal Considered – Coastal Defence Enhancement****2. Location – Sandy Bay, Porthcawl****3. Issues for Consideration -**

Although it was concluded a statutory Environmental Impact Assessment was not required the following advice has been provided regarding the proposal.

Invasive Non Native Species (INNS)

The works have the potential to lead to the introduction and spread of marine INNS. As such the developers should consider methods to minimise this potential impact.

Archaeological considerations

The secondary set back flood wall proposed to the landward side of the existing Eastern Promenade (referred to in section 2.1) is in an area that was once part of Merthyr Mawr Warren, an area of sand dunes rich in prehistoric archaeological remains, including burials. Although a marine licence is not required for works landward of Mean High Water Springs you are advised to contact Welsh Archaeological Trust at edith@ggat.org.uk in regards potential archaeological impacts.

HRA

A Preliminary Habitats Regulations Assessment (HRA) Stage 1: Screening Assessment is referred to in section 3.2.2 but was not submitted with the screening request. This assessment should consider any potential impacts to the adjacent Kenfig SAC. You are advised that works such as beach nourishment may have a potential pathway to Merthyr Mawr dunes (part of the Kenfig SAC). Potential impacts could be beneficial or detrimental.

The assessment should highlight the Shoreline Management Plan (SMP) and refer to the policies within it. The Shoreline Management Plan (SMP) policy for this policy unit 7/3 for the short, medium and long term is 'hold the line'. The Habitat Regulation Assessment (HRA) carried out for the SMP has highlighted that there is no likely significant effect on Kenfig Special Area of Conservation (SAC) due to the distance from the Kenfig SAC (This is supported by the Halcrow 2010, Lavernock Point to St Ann's Head Shoreline Management Plan 2, Appendix C - Baseline Processes Understanding report). However, because the HRA for the SMP was such a broad assessment it is recommended that you will need to screen out a HRA for these more detailed proposals.

Water Framework Directive

You will need to consider potential impact of works on the aquatic environment in accordance with the Water Framework Directive.

Other comments

NRW technical experts would welcome consideration of Greening-Grey Infrastructure measures which may provide the opportunity to enhance the proposed structure without reducing its performance. NERC Funded Greening-Grey infrastructure project is due to launch shortly and will provide some case study examples and a decision support framework. To receive further information regarding this please contact Nicola Rimington at Nicola.Rimington@cyfoethnaturiolcymru.gov.uk.

The proposal to include beach nourishment within the design is welcomed as this will contribute to the performance of the defence structure as a whole as well as improving the amenity value

of Sandy Bay. Nourishment may also provide a sand source to dunes at the eastern end. This will be considered further upon submission of an application.

NRW are about to publish an Evidence Report: Advice on options for Sand Dune Management for Flood and coastal Defence, which may contain some useful advice for this element of the proposed works. In order to receive a copy of this report please email Nicola Rimington at Nicola.Rimington@cyfoethnaturiolcymru.gov.uk

Marine Licence Requirements

In general a marine licence is required for all deposit/removal and construction works seaward of Mean High Water Springs (MHWS). Therefore works that are landward of MHWS would not require a marine licence.

In regards to your queries relating to exemptions. The only activities that are exempt from the requirement for a marine licence are identified in the [Marine Licensing \(Exempted Activities\) \(Wales\) Order 2011](#). Additionally there are exemptions detailed in section 75 of the Marine and Coastal Access Act 2009 (however these are regarding certain dredging activities).

The legislation referred to within the Coastal Protection Act 1949 would not exempt you from having to apply for a marine licence. However there are a number of exemption that apply to coastal protection authorities which are detailed in the Marine Licensing (Exempted Activities) (Wales) Order 2011 including article 18 referred to below.

Article 18 of the Marine Licensing (Exempted Activities) (Wales) Order 2011 means a licence is not required for an activity carried out by or on behalf of the coast protection authority (usually the local authority) for the purpose of maintaining coastal protection works. However the exemption is subject to the condition that the activity is carried out within the existing boundaries of the works being maintained. It does not apply to any activity that consists of beach replenishment.

Therefore If you intend to rely on exemption(s) you must make sure that you meet the relevant qualifying criteria and conditions, i.e. in this case that the localised repair and repointing work of the existing sea wall seaward of MHWS are carried out within the existing footprint of the works, that includes that the repair works should not increase the width or height of the seawall.

The potential to incorporate an outfall storm drainage into existing wall referred to in 2.1.1 and 2.1.4 would not be considered under article 18 and if works are to be carried out seaward of MHWS would require a Marine Licence. Additionally the installation of a flood gate referred to in section 2.1.2 and potential land raising referred to in both 2.1.2 and 2.1.4 if taking place seaward of MHWS would also likely require a marine Licence.

Further information on marine licence requirement can be found at

<https://naturalresources.wales/permits-and-permissions/marine-licensing/?lang=en>

Should you have any further queries relating to marine licence requirement you are able to contact the marine licensing team at marinelicensing@naturalresourceswales.gov.uk