

Sent by e mail

Date 01 October 2019

Dear Sarah

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

HOLYHEAD BREAKWATER REFURBISHMENT

I am writing further to your request for a screening opinion, dated 13 August 2019, 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).

In reaching our Screening Opinion we have considered the proposed works against Schedule A1 and A2 of the above regulations. We have also consulted with the bodies that we consider have an interest in the project by reason of their environmental responsibilities, or local or regional competences, as required by the above regulations.

Screening Opinion

It is our opinion that the works fall within the categories of project listed within Schedule A2, paragraph 69 of the above regulations, 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 above regulations.

"69. 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 criteria as set out in Schedule 1 of the Regulations, and have determined, based on the information provided; that the project **does not** require a statutory Environmental Impact Assessment.

The Conservation of Habitats and Species Regulations 2017

As part of the screening exercise, we have also considered whether the proposed project, either alone or in combination with other plans or projects, is 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 following sites could be impacted by the proposal:

- North Anglesey Marine SAC
- Anglesey Terns SPA

We would encourage you to contact Natural Resources Wales to receive further pre-application advice on this product.

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.

If the UK leaves the EU - either with or without a deal - the legal obligations relating to compliance with environmental permits and legislation will continue to apply. NRW on behalf of Welsh Ministers will continue to issue licenses in line with our current practice. If you have any questions about your permits or licenses, please contact our Customer Care Centre on 03000 653 000.

Yours sincerely

Marine Licensing Team
Natural Resources Wales

Cc: All Consultation Bodies

Annex 1 – Comments by Consultation Bodies

To be read in conjunction with Screening Opinion SC1903

1. Summary of Proposal Considered – Holyhead Breakwater Refurbishment

2. Location – Holyhead Harbour, Anglesey

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.

Noise Disturbance / Marine Mammals

As the rock and concrete will be placed along the breakwater, and no other construction is proposed – Our internal NRW advisors don't foresee any likely significant effect on any marine mammal features of the adjacent designated sites. Underwater noise will be minimal and for a short duration, and they don't anticipate it to be of a level to cause any significant disturbance or injury.

Coastal Processes

Our internal advisors agree that hydrodynamic and sediment dispersion modelling is not appropriate for the scale of this development. However, they recommend that an overview of the potential local and regional scale changes to coastal processes be presented in the final application.

Archaeology

The scope of work relating to archaeology and cultural heritage reflects previous pre-application discussions with the Welsh Archaeological Trust and is still considered to be appropriate.

Habitats Regulations Assessment (HRA)

At this stage it is not possible to state whether an appropriate assessment will be required. Following the European Court of Justice ruling in the case of 'People over Wind and Sweetman v Coillte Teoranta (Case C-323/17)' it is no longer appropriate to consider mitigation measures when screening a plan or project to determine whether it is necessary to carry out an appropriate assessment of the implications for a European site. Rather, mitigation measures should only be considered at the appropriate assessment stage. Therefore, it is highly likely that any HRA for this project would have to go to appropriate

assessment. This does not mean to say that any potential impact pathways from the proposed development cannot be mitigated.

Navigational Safety

The Marine and Coastguard Agency (MCA) would expect the safety of navigation to be considered, with any predicted impact on shipping and navigation to be suitably mitigated. The MCA note that the site falls within the jurisdiction of Stena Line in their capacity of Statutory Harbour Authority, who would be expected to maintain safety within their waters in line with the Port Marine Safety Code, and it's Guide to Good Practice.