

ARUP
4 Pierhead Street
Capital Waterside
Cardiff
CF10 4QP

Our ref: SC1703

25th May 2017

Dear Mr McIlquham,

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

ABERAVON COASTAL DEFENCES

I am writing in response to your request for a screening opinion dated 31st 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 conservation 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 'Laura Cronk', with a stylized flourish at the end.

Laura Cronk
Marine Licensing Team
Natural Resources Wales

Cc: All Consultees

TO BE READ IN CONJUNCTION WITH SCREENING OPINION REF SC1703

1. Summary of Proposal Considered – Coastal Defence Enhancement

2. Location – Sandfields area of Aberavon

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.

Archaeological Considerations

The intertidal area to the south of the promenade is known to contain peat deposits in which prehistoric human and animal activity has been recorded. The location and extent of these peat deposits in the area of the proposed works is unknown, any sand extraction from the beach may disturb and destroy this potentially rich archaeological resource. Please consider these concerns when carrying out any archaeological assessments.

Navigation

As the proposed site falls within a Harbour jurisdiction please inform the local harbour authority of any potential works.

HRA

Following on from discussions with NRW a preliminary HRA has been submitted in support of the proposed scheme, this needs to assess any potential impacts to the adjacent protected sites. The HRA will be fully assessed once the finalised details of the proposal are submitted within the application.

WFD

Any environmental assessment should include the potential impacts of the project on the aquatic environment in accordance with the requirements of the Water Framework Directive.

NRW Other Comments

The non-statutory environmental report is sufficient to cover mitigation measures to prevent impacts on the marine environment. The report should include pollution prevention and control as well as measures to minimise plant traffic and disturbance to the adjacent dunes at Baglan Burrows. In addition if the construction methodology is to include piling of any kind then noise impacts on marine mammals (particularly harbour porpoise) should also be included with the appropriate mitigation measures in place.

Marine Licensing 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 not applicable to these works).

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.

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