

D EIA Screening and Scoping Opinion Responses

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Eich cyf / Your ref

Ein cyf / Our ref : 45/2018/0062

Dyddiad / Date : 26 March 2018

Rhif union / Direct dial : 01824 706727

Mark Cope
JBA Consulting
Office 1, Kings Chamber
8 High Street
Newport
NP20 1FQ

Dear Sir / Madam

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (Wales) Order 2012

CAIS / 45/2018/0062
APPLICATION:

CYNNIG / EIA Scoping Opinion for the proposed East Rhyl Coastal Defences Scheme
PROPOSAL:
LLEOLIAD / East Rhyl , Rhyl
LOCATION:

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES) REGULATIONS 2017

SCREENING AND SCOPING OPINION OF DENBIGHSHIRE COUNTY COUNCIL AS LOCAL PLANNING AUTHORITY

This letter is issued in accordance with the above Regulations, in response to your request for a updated Screening Opinion and a Scoping Opinion from the Local Planning Authority as to whether development proposal at the location above is Environmental Impact Assessment development, and whether an Environmental Statement is required.

The Opinion is issued on the basis of the information contained in your letter dated 23 January 2017 (sic) and the EIA Screening and Scoping Report (Final January 2018), having regard to the Schedule 2 and Schedule 3 of the above Regulations. We have also consulted with the bodies we consider to have an interest in the project by reason of their statutory responsibilities or remit. Responses have been received from the following bodies, and the Opinions set out below are also informed by their comments:

- Natural Resources Wales (NRW)
- Clwyd Powys Archaeological Trust (CPAT)
- Cadw
- Denbighshire County Council Ecology Officer
- Denbighshire County Council Economic and Business Development Officer
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- Denbighshire County Council Public Protection Officer (Pollution Control)

DESCRIPTION OF PROPOSAL:

Section 1.3.3.3 sets out a summary of the proposals. It states the "proposals would comprise the demolition of approximately 600m of the existing upstand part of the recurved sea wall on the Promenade, with the construction of a replacement recurved upstand sea wall, raising of the level of the Promenade with resurfacing works, the placing of additional rock armour revetment along the beach in front of the sea wall works, the extension of the rock armour revetment at around Splash Point by up to 350 metres to the west. Additional tie-in works to the adjacent sea defences, and entry points through the upstand sea wall with steps down to the beach, would also be provided. Construction of the proposals would temporarily occupy 18 ha of beach for access, excavation works and bulk materials storage. For the duration of the construction works, public access would be restricted to this area of beach, to a 1.6 km section of the East Rhyl Promenade, to the public gardens east of Rhyl Pavilion and to an area at the end of Garford Road which will be used as a construction compound."

SCREENING OPINION:

Having regard to the relevant Schedules of the 2017 Regulations, it is the view of the Council that the proposed development falls within the following description of development listed in Column 1 of the table contained in Schedule 2 Regulation 2 (1) of the above regulations:

- 10 (m) 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 (all developments).

The proposal is therefore considered to be a Schedule 2 development and requires formal screening under the EIA Regulations above.

EIA is required for Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

A Positive Screening Opinion was adopted by the local planning authority for the scheme on 21 November 2017. However the description of the development proposal and the red line boundary for the scheme has subsequently changed, and the proposal has been further amended following advice from the construction contractor. These changes to the scheme are considered to be material, and accordingly, a new EIA Screening Opinion has been requested based on the up-to-date proposal details.

Having regard to the views of the consultation bodies alongside the criteria set out in Schedule 3 of the Regulations, and based on the up-to-date information set out in the Report provided, it remains our opinion that the project has the potential to give rise to significant effects on the environment and therefore the proposed scheme is still considered to be Environmental Impact Assessment development requiring the submission of an Environmental Statement with the subsequent planning application.

In particular, we consider the scheme has the potential to give rise to significant effects on statutorily designated sites, terrestrial and inter-tidal habitats and species which those habitats support, landscape character and visual amenity, archaeology resources on the foreshore, setting of heritage assets in the locality of the site and on adjacent residential and business receptors during the construction and operational phase.

SCOPING OPINION:

The following section sets out the Scoping Opinion of the local planning authority. The Scoping Opinion takes the form of an observations report which makes reference to the relevant chapters in the EIA Screening and Scoping Report which the authority wishes to provide comment on.

Please note, our Scoping Opinion is based on the information provided, and on the responses received from the relevant consultation bodies set out above. Should a planning application be

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progressed, you are advised that the local planning authority reserves the right to request further information at the planning application should it be reasonable and necessary to do so in order to fully consider the proposed development.

1. Introduction

Section 1.3.2.1 of the EIA Scoping Report states that 'numerical modelling has been carried out to assess the relative impact of each option on sediment transport erosion and accretion patterns'. NRW have advised that clarification is required whether numerical sediment transport modelling has been carried out (or will be carried out) to assess the fate and impact of excavated sediment mobilised during construction works. This is required to support the decision to scope out the impact of suspended sediment from the EIA, as stated in section 3.2.1.1. If numerical sediment transport modelling has not been undertaken, the applicant should detail what evidence has been used to support the decision. NRW have noted that Table 12-1 refers to sediment plume modelling being provisionally scoped in for beach excavation and disturbance but not in relation to beach recharge.

Please note, with respect to Section 1.4 – planning policy context - Welsh Government are currently consulting on Planning Policy Wales Edition 10. Whilst limited weight should be apportioned to the consultation draft at this stage, we would nevertheless advise you to have regard to the content of the consultation draft as Edition 10 may come into force prior to the planning application being submitted.

2. EIA Screening and Scoping methodology.

Section 2.1.1.6 states the Rochdale Envelope would be applied. As the proposed scheme is just to be fully defined, we would support this approach and where specific elements have not yet been finalised, the EIA should consider the worst case scenario in accordance with the principles of the Rochdale Envelope to ensure the conclusions are robust.

3. Coastal hydrology and hydromorphology

NRW have noted Section 3.2.1.2 discusses the impacts of the 'rainbowing' method proposed for the deposit of recharge material on the beach. Confirmation is required whether sediment transport modelling has been carried out (or will be carried out) to determine the quantity of Suspended Sediment Concentrations (SSC), fate of suspended sediment plume and volume of sediment deposition in the adjacent sublittoral, intertidal and nearshore zones, arising from the 'rainbowing' activity. This is an important assessment as the amount of sand overburden will vary across the width of the beach, and burrowing organisms will be smothered unless they are able to leave the area or burrow up through the sand overburden.

Grain sizes larger or finer than that which are currently present could settle out of suspension in the intertidal and nearshore zones and cause an alteration to the sediment composition of the predominantly medium to fine sand that comprise the intertidal sand flats (see section 4.1.3.3). This can have adverse impacts on existing biota as a result of increased turbidity that reduce the supply of light to the system and sedimentation. These benthic habitats are important feeding grounds for marine and avian predators.

Water Framework Directive:

NRW welcome the commitment to undertaking a preliminary Water Framework Directive (WFD) assessment in conjunction with the EIA process, as stated in section 3.3.1.2. However, until the assessment has been undertaken NRW would advise that the 'chemical WFD quality elements' and 'hydromorphological WFD quality elements' should not be scoped out of the Environmental Statement.

Section 3.2.2.2 states "sediment disturbed during construction is also unlikely to contain chemical contaminants above Cefas Action Level 1, which is the level that requires further assessment under the WFD guidance issued by the Environment Agency. This is due to a lack of historic contaminating activity of the beach front, and the dynamic nature of a beach environment". Section 9.2.3 however states that further geo-technical investigations are currently underway to inform contaminated land and ground stability in the detailed design proposals. The results from the investigations should be used to confirm and support the assumption that the sediment to be excavated is not contaminated.

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Bathing Water Quality:

NRW disagree that effects to bathing water quality should be scoped out of the ES. Sediment can contain elevated levels of bacteria, and, when suspended in the water column, can also restrict UV disinfection. NRW have advised that the proposal will need to demonstrate how the effects of sediment disturbance during the Bathing Water Season which runs between 1st May and 30th September would be minimised.

4. Biodiversity and Nature Conservation

NRW note that although sections 4.2.1.3 and 4.2.1.4 acknowledge that beach recharge could potentially impact negatively on the benthic invertebrate communities it is not confirmed that the potential impacts due to beach recharge are scoped in to the ES. Section 4.2.1.7 only relates to physical disturbance during construction works and does not include the potential impacts caused by release of large volumes of suspended sediments on the intertidal and nearshore areas and fate of sediment plume during the beach recharge works. There is no inclusion in Table 12.1 of potential impacts on intertidal sand flats and benthic communities during beach recharge works as stated in section 4.2.1.3 and 4.2.1.4.

Consideration should be given to the potential alteration of the beach profile and to the rate of onshore/longshore sediment transport of the sand ridge and runnel systems in the event that sediment of a different size and type are introduced and settle out of suspension onto the intertidal and nearshore seabed during the beach recharge. For example, if silt did settle out of suspension in the nearshore following the recharge works, then the presence of silt overlaying the mobile sand layer could potentially dampen and slow down the onshore/alongshore sediment transport process.

The proposal is located within / close to the Liverpool Bay / Bae Lerpwl Special Protection Area (SPA). Section 4.2.1.5 states that there is potential for the development to impact upon fish species through the suspension of fine sediment in the water column. NRW would advise that the effects of increased turbidity should also be assessed in terms of the ability of fish-eating birds to catch their prey. Particular attention should be paid to the fish-eating features of the SPA – the little tern which feed just alongshore (May to August), red-throated diver and the waterbird assemblage (cormorant and red-breasted merganser). See also comments made above under 'Coastal Processes'.

Non-physical disturbance (e.g. from noise and visual presence) during construction to the features of the Liverpool Bay SPA is scoped in as an impact requiring further attention within the ES. NRW advise that the assessment includes the potential disturbance that may occur from the use of a barge during the beach recharge activity.

We concur that the Construction Environment Management Plan (CEMP) (which is to be submitted as part of the ES) should include measures to minimise the risk of the introduction of invasive non-native species to the local area. It will be important to include consideration of the barge to be used for the beach recharge when assessing biosecurity risks. Further guidance may be found by following the link below

<http://naturalresources.wales/about-us/what-we-do/how-we-regulate-you/information-to-mariners-on-the-dee-estuary-1/biosecurity/?lang=en>

Section 3.2.2.4 states that a 'mussel bed habitat is recorded in MAGIC, but this was not identified during ecological surveys'. For information, NRW have advised that their Phase 1 intertidal survey maps show the presence of a biotope indicative of the 'blue mussel beds' priority habitat listed under Section 7 of the Environment (Wales) Act 2016. As NRW's Phase 1 intertidal survey was undertaken several years ago it may not reflect the current situation, however, the historical presence of this habitat should be acknowledged in the ES.

The Council's Ecology Officer has raised concerns over the impacts on nesting little terns at Gronant and the Council would disagree that the impact on breeding tern populations should be scoped out of the ES.

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The summary table 1.1 refers to the environmental outcomes of the preferred option as "Some potential changes in eastwards longshore sediment transport, relative to current trends, affecting designated foreshore, dune and shingle habitats."

Section 4.2.1.10 the report states "Impacts to sand dune habitats to the east of the proposed scheme are unlikely to be significant since changes in long-shore sediment drift will be negligible (see Chapter 3 Coastal hydrology and hydromorphology). Consequently, the risk of significant effects the breeding tern populations of the Liverpool Bay SPA, Dee Estuary SPA, and Gronant Dunes and Talacre Warren SSSI are considered unlikely, and are scoped out of the ES."

However, the little terns nest on a relatively small section of the shingle ridge on the beach in front of the dunes, rather than in the dunes themselves. They have very particular requirements about their nesting habitat, and as such, are vulnerable to even small changes in the structure and extent of the available shingle at Gronant. The shingle was earlier identified as being potentially changed by the proposed development, and might therefore be more vulnerable than described here.

It is noted that Section 1.3.2.6 the impacts of this are deemed to be negligible, however the Council's Ecology Officer is nevertheless concerned that the project may have a significant impact on little terns at Gronant, which along with being the largest colony in Britain (and the only colony in Wales), are also designated feature of both the Dee Estuary and Liverpool Bay SPAs. We therefore consider the impact on little tern populations should be included in the EIA and an appropriate assessment should be undertaken.

Habitats Regulations Assessment

The proposal is relevant to sites designated under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended). In due course the proposal will require special consideration by the competent authority under Regulation 63 in the form of a Habitats Regulations Assessment (HRA), which will take the conservation objectives of the designated sites into account.

NRW recommend that the ES should include a section containing information to inform the HRA assessment (see section 2.2.1.3) and the Council's Ecology Officer has also suggested the inclusion of a HRA given the issues relating to the increased sediment transport to the east and the nesting little terns set out above.

You are advised to contact the Council's Ecology Officer to further discuss the requirements for HRA.

5. Landscape and Visual

Section 5.2.1.1 states that assessment of the visual effect of the proposal on the local landscape character and marine character area are both scoped in, however it is not clear whether the impact on the visual amenity of the identified sensitive receptors within 2km of the site has been scoped in or out? As the exact specification of the scheme has not been finalised, we would consider that impact on visual amenity should be scoped in.

The LVIA is proposed to be carried out in accordance with the GLVIA 3rd Edition and informed by LANDMAP and sensitive receptors within 2km of the site would be identified. We have no objections to the proposed methodology.

6. Cultural Heritage

The Council and relevant consultees (CPAT and CADW) agree with the conclusion that impact on cultural heritage assets should be scoped in, specifically relating to the potential for construction activities to directly impact on archaeological remains along foreshore and for the built scheme to impact on the setting of Listed Buildings, Rhyl Conservation Area and other built heritage assets within the vicinity of the site.

An initial desk-based assessment of the archaeological resource has been completed and it is proposed that further geotechnical sampling and field survey will be carried out to provide more information on this likely buried archaeological resource and to allow appropriate mitigation measures to be devised. CADW concur that this additional work will need to be carried out to produce the cultural heritage section of the environmental impact assessment.

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The impact of the development on the setting of the Royal Alexandra Hospital (Grade II Listed Building) should be carried out in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Heritage Assets in Wales (2017).

The Screening and Scoping Report notes a desktop study has been completed which has simply stated what is already known (i.e. that there is a potential for archaeological impacts). In addition a single borehole sample to 3 metres depth has been taken from the beach close to the access ramp on the eastern end of the scheme and 6.2.1.4 confirms this sample has been sent to Lampeter University for detailed analysis, however the findings of the detailed analysis have not been included in the Screening and Scoping Report.

CPAT note the Screening and Scoping Report scopes in assessment for mitigation proposals including further geo-archaeological sampling and field survey. In addition indirect visual impacts and mitigation for chance finds area scoped in. The Council and CPAT agree with these recommendations.

CPAT also note that coastal change modelling has been carried out and impacts from coastal change, which include cultural heritage impacts, are scoped out. The Council are in agreement with this conclusion.

We would advise the Cultural Heritage assessment should include the following:

- A completed geo-archaeological report on the single borehole sample sent to University of Wales, Lampeter.
- Advice to be sought from the University of Wales Lampeter geo-archaeological specialists (Dr Martin Bates or Dr Nigel Nayling) as to whether additional geo-archaeological sampling will be required to understand the beach deposits within the excavation zone of the new rock armour defence, or other areas of the beach affected by ground reduction.
- A field survey search of the whole development (red line) boundary area to determine whether any currently unrecorded surface archaeology is present on the beach. The potential for evaluative sampling of the excavation zone of the new rock armour defence should be assessed and a recommendation made on whether this will be informative and required. Other mitigation options may be more appropriate and these should be stated.
- An indirect visual impact survey which concentrates on the visual impacts to the nearby Conservation Area and Listed Buildings.

CPAT have also requested that all resulting reports should be forwarded to Mark Walters (Development Control Officer, CPAT) for further comment and discussion as the scheme develops.

7. Socio-economics and Human Health

The Council would agree socioeconomic impact of the scheme on local economy and employment, and on population health should be scoped in, but recognise mitigation measures could be designed in as the scheme is further defined.

During the construction phase, access to the beach would be restricted and rights of way would be temporary closed or diverted; this together with construction traffic and construction activities to be carried out would result in the proposal having the potential to impact on health and well-being of local residents and on local businesses / tourism during the construction phase. The Councils Economic and Business Development Officer has advised that footfall data in Rhyl should be used to establish a baseline and to identify how person numbers are effected by the proposed works. Footfall / sales / visitor numbers data could also be collected from local businesses to help establish the baseline for visitor numbers in the area (e.g. the Tourist Information Centre, Rhyl bike hub, SeaQuarium, holiday parks, Pavilion Theatre etc.). VisitWales also collect visitor numbers at key sites across Wales (this depends on the private sector supplying the data).

Section 7.2.1.3 suggests the proposed scheme is likely to create jobs in the local area within the construction industry. To secure the local economic benefits, it is suggested that the principle contractor / subcontractor could enter into a Local Employment Agreement so that a proportion of the

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works goes to local job seekers. This could be a mitigation measure to counter the impact on the tourism during the construction phase.

Need for a Flood Consequences Assessment:

7.2.1.4 states the scheme would decrease the likelihood of flooding around East Rhyl, however as the proposals will involve the complete and/or partial demolition of existing coastal defences, and it will be of importance to ensure that the standard of flood protection is maintained at all times during the construction stage. Accordingly, the Council consider the flood risk during the construction phase needs to be scoped in and NRW advise that a site specific Flood Consequences Assessment (FCA) produced in accordance with TAN15: Development & Flood Risk should be undertaken to support and inform development proposals at the planning application stage. The FCA will have to assess the flood risks to, and the potential flood risks arising from the proposed development (including offsite impacts), over the lifetime of the scheme.

8. Traffic and Transport

The Council agree that construction activities and delivery of bulky goods have the potential to significantly impact on highway users and pedestrian movements, and therefore the Council agree these impacts should be scoped in.

A transport assessment should be carried out to inform the ES in accordance with the guidance contained in TAN18, and an access assessment should be carried out to consider the impact on pedestrian movements / connectivity taking into account likely closures to public rights of ways.

It is noted that the Wales Coast Path and Cycle Path crosses through the site. This is a nationally promoted walking and cycling route and therefore the impact of the proposal on the users of these routes also be assessed.

A Construction Traffic Management Plan and Access Management Plan are likely to be required prior to the commencement of the development.

9. Other Construction Related Effects

As stated under Section 3 above, Section 3.2.2.2 states "sediment disturbed during construction is also unlikely to contain chemical contaminants above Cefas Action Level 1, which is the level that requires further assessment under the WFD guidance issued by the Environment Agency. This is due to a lack of historic contaminating activity of the beach front, and the dynamic nature of a beach environment". Section 9.2.3 however states that further geo-technical investigations are currently underway to inform contaminated land and ground stability in the detailed design proposals. The results from the investigations should be used to confirm and support the assumption that the sediment to be excavated is not contaminated.

With respect to 9.1.3 Dust and air quality, the Council agreed with the conclusion in 9.2.1.1 and are of the opinion that fugitive dust emissions should definitely be scoped in.

The Council would agree with the conclusion to scope out Nitrogen oxides, and other air quality pollutants. However it is noted that predicted Nitrogen Oxide Emissions are based on 20 HGV movements per day and we would advise that if HGV movements significantly exceed 20 movements per day, as a precautionary measure, Nitrogen Oxide Emissions should be scoped in (this would be compliant with Rochdale Envelope approach).

With respect to noise and vibration (9.1.4) the Council concur that residential properties in close proximity to the site are sensitive receptors and therefore agree that noise and vibration should be scoped in.

10. Sustainability and Climate Change

The Council has no observations to make on this section of the Report.

11. Cumulative Effects

Additional large minor / major planning applications to be included in cumulative assessment:

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45/2016/0740 – Demolition of the former 'Sun Centre' and the external refurbishment of the adjoining Theatre, Pavilion Theatre (full), Erection of Class D2 Exhibition / Events Centre as extension to Theatre (outline) Erection of detached hotel (full) Erection of 2 no. Class A3 family restaurants (outline) retention and re-use of existing retail kiosk and land shed building for retail / leisure/community use (full) and reconfigured car park and vehicular access (full), East Parade, Rhyl. Granted 14/12/2016 (this is a hybrid application – demolition of former Sun Centre and refurbishment works to Theatre have been completed, new hotel and family pub are currently under construction, however new build element (Class D2 Exhibition / Events Centre) has not yet started and would require the submission of a reserved matters application)

45/2016/1204 – Change of use of former WC / Café to KiteSurf School and Café / Change of Use of former land train building to retail shop, café / wine bar and storage ancillary to the kite school and external works including installation of climbing wall and hard landscaping. Granted 15/05/2017 (extant permission, status unknown).

45/2018/0005 – Formation of a skate park and associated works, Bowling Green, East Parade. Granted 20/02/2018 (not yet started – approval of condition required prior to commencement)

45/2017/0384 - Demolition of existing skate park and construction of new Waterpark and leisure attraction, Former Drift Park, West Parade, Rhyl. Granted 12/07/2017 (under construction – due to be completed in spring 2019).

45/2015/1151 – Change of use of playing fields to rugby club including erection of clubhouse, formation of rugby pitches with associated floodlighting and car parking and alterations to existing vehicular access, Land at Ty Newydd Road, Rhyl. Granted 11/02/2016 (extant permission)

45/2013/1510 – development of 5.3ha of land for mixed use re-development to include provision of foodstore, large format non-food retail / leisure units, café/restaurant units, hotel and public house. Outline Granted 24/02/2015 Ocean Beach site, Wellington Road (now referred to as 'Marina Quay Retail Park' – this is a major development site with numerous associated reserved matters, approval of condition, variation of condition applications etc. for different phases of development and the site has been partially built out – further phases of development likely to come forward, and two pending applications are as follows:

Relevant pending application at Marina Quay Retail Park includes:

45/2018/0123 – erection of a retail unit with associated parking, access, serving and landscaping. Marina Quay Retail Park, Wellington Road, Rhyl, LL18 1LR (pending determination)

45/2018/0124 – variation of condition no. 11 of outline planning permission code no. 45/2013/1510 to permit a maximum of 4,411sq.m of retail floorspace across the development site.

The site is also close to the landfall locations of offshore windfarm underground high voltage electricity cables (Burbo Bank Extension offshore windfarm and Gwynt y Mor offshore windfarm both have underground infrastructure in this location) and therefore it would be advisable to consult with operators of these windfarms to ensure the proposal does not impact on their infrastructure.

12. Conclusions

Table 12-1 needs to be updated having regard to observations on topics to be scoped in as detailed in the sections above.

Other observations:

Non-technical summary:

In accordance with the Regulations, the Environmental Statement must be accompanied by a non-technical summary.

We would request that an English and Welsh version of the non-technical summary is submitted with the application.

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Implications of NRW Climate Change Allowance Guidance for Risk Management Authorities:

Welsh Government has recently updated their Climate Change Allowance Guidance for Risk Management Authorities, which was published on 01 February 2018.

<http://gov.wales/topics/environmentcountryside/epg/flooding/nationalstrategy/guidance/climateguide/?skip=1&lang=en>

NRW has advised that the key change is that the guidance removes the use of UKCP09 data for future tidal predictions and utilises those based on FCDPAG3 data. This change could have significant implications on the design of the improved coastal defences, which has been based on UKCP09 data, and this could subsequently affect the anticipated standard of protection offered by the proposed improvements. NRW consider that this requires urgent consideration.

Need for a Flood Risk Activity Permit:

NRW have also that as the scheme is being progressed by Denbighshire County Council, who are a Risk Management Authority, the proposal will not require a bespoke Flood Risk Activity Permit for Flood Risk Activities (e) to (K), as set out in the Environmental Permitting Regulations (England & Wales, 2016).

Yours sincerely



EMLYN JONES

Head of Planning and Public Protection

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Our ref: SC1801

14 March 2018

Dear Mark Cope,

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

East Rhyl Coastal Defence

I am writing further to your request for a screening and scoping opinion, dated 23 January 2018, 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 we have considered the proposed works against Schedule A1 and A2 of the above regulations. In reaching our scoping opinion we have had regard to the information provided in the 'East Rhyl Coastal Defence Scheme Environmental Impact Assessment and Scoping Report', dated January 2018, and considered the requirements of Schedule 3 of the Marine Works 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, 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 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.

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 has the potential to have a significant effect on the environment and therefore a statutory Environmental Impact Assessment is required.

We have come to this conclusion based on the likely significant impacts of the project, specifically with regard to the proximity of the project to the Liverpool Bay SPA, Dee Estuary SPA, SAC and Ramsar. The project has the potential to have significant impact on the features of the designed site during construction and through potential change to coastal processes such as sediment transport. In addition, the project has the potential to significantly impact cultural

heritage and has the potential to have negative physical effects on prehistoric land surfaces and archaeological finds both known and unknown which could be of National Significance

Scoping Opinion

This letter sets out the additional information that we 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 (SC1801)

Summary of the proposal

The proposals would comprise the demolition of approximately 600m of the existing upstand part of the recurved sea wall on the Promenade, with the construction of a replacement recurved upstand sea wall, raising of the level of the Promenade with resurfacing works, the placing of additional rock armour revetment along the beach in front of the sea wall works, and extension of the rock armour revetment at around Splash Point by up to 350 metres to the west. Additional tie-in works to the adjacent sea defences, and entry points through the upstand sea wall with steps down to the beach, would also be provided.

Location

East Rhyl Coastal Defence Scheme, Denbighshire

Consultation Responses Received

In considering the scoping report, the NRW PS consulted with various consultation bodies. The consultation bodies that responded are listed below:

- Natural Resources Wales (NRW TE)
- Royal Yachting Association (RYA)
- Cadw
- Welsh Archeological trust (WAT)
- Local Authority Biodiversity Officer (LABO)
- The Centre for Environment, Fisheries and Aquaculture Science (CEFAS)
- Trinity House (TH)

0. Non-technical Summary

The Environmental Statement must include a non-technical summary as described in the Marine Works (EIA) Regulations 2007 (as amended).

1. Introduction

2. EIA Screening and Scoping methodology

The proposal is relevant to sites designated under the provisions of the Conservation of

Habitats and Species Regulations 2017 (as amended). The proposal will require consideration by the competent authority under Regulation 63 in the form of a Habitats Regulations Assessment (HRA), which will take the conservation objectives of the designated sites into account. We recommend that the Environmental Statement should include a section containing information to inform the HRA assessment.

3. Coastal hydrology and hydromorphology

We welcome the proposals made by the applicant in paragraph 3.2.1.1 that works will be carried out on the existing beach in between tidal cycles to reduce disturbance and increases to suspended sediments.

Section 1.3.2.1 of the EIA Scoping Report states that 'numerical modelling has been carried out to assess the relative impact of each option on sediment transport erosion and accretion patterns'. The report is not clear whether numerical sediment transport modelling has been carried out (or will be carried out) to assess the fate and impact of excavated sediment mobilised during construction works. This is required to support the decision to scope out the impact of suspended sediment from the EIA as stated in section 3.2.1.1.

Therefore, the Environmental Statement must make clear whether numerical modelling has been carried out to assess the impact of excavated sediment mobilised during construction. If numerical transport modelling has not been undertaken, you must detail the evidence that has been used to support the decision.

We note that Table 12-1 refers to sediment plume modelling being provisionally scoped in for beach excavation and disturbance but not in relation to beach recharge.

Section 3.2.1.2 discusses the impacts of the 'rainbowing' method proposed for the deposit of recharge material on the beach. The report is not clear whether sediment transport modelling has been carried out (or will be carried out) to determine the quantity of Suspended Sediment Concentrations (SSC), fate of suspended sediment plume and volume of sediment deposition in the adjacent sublittoral, intertidal and nearshore zones, arising from the 'rainbowing' activity. NRW TE advise that this is an important assessment as the amount of sand overburden will vary across the width of the beach, and burrowing organisms will be smothered unless they are able to leave the area or burrow up through the sand overburden.

Considering the above the Environmental Statement must consider the quantity of Suspended Sediment Concentrations (SSC), fate of suspended sediment plume and volume of sediment deposition in the adjacent sublittoral, intertidal and nearshore zones, arising from the 'rainbowing' activity.

Paragraph 3.2.1.2 states that rainbowing will be undertaken at specific states of the tide which is welcomed by Cefas, however, it is unclear if rainbowing of material will be required after the construction (i.e. to maintain the beach levels). If beach recharge will be required as a 'one off' then the conclusion to scope out increased suspended sediments in the operation phase is appropriate. If rainbowing is likely during operation, this must be included in the Environmental Impact Assessment and subsequent Environmental Statement.

Cefas welcome the proposal to consider longshore transport in any assessment to ensure intertidal areas up/downstream of the area will not be adversely affected, and also welcome the proposal in paragraph 3.2.1.6 to continue modelling work to assess the longshore transport impacts and effects.

NRW TE note consideration should be given to the potential alteration of the beach profile and to the rate of onshore/longshore sediment transport of the sand ridge and runnel systems in the event that sediment of a different size and type are introduced and

settle out of suspension onto the intertidal and nearshore seabed during the beach recharge. For example, if silt did settle out of suspension in the nearshore following the recharge works, then the presence of silt overlaying the mobile sand layer could potentially dampen and slow down the onshore/alongshore sediment transport process.

Section 3.2.2.2 states “sediment disturbed during construction is also unlikely to contain chemical contaminants above Cefas Action Level 1, which is the level that requires further assessment under the WFD guidance issued by the Environment Agency. This is due to a lack of historic contaminating activity of the beach front, and the dynamic nature of a beach environment”. Section 9.2.3 however states that further geo-technical investigations are currently underway to inform contaminated land and ground stability in the detailed design proposals. The results from the investigations should be used to confirm and support the assumption that the sediment to be excavated is not contaminated.

NRW TE disagree that effects to bathing water quality should be scoped out of the Environmental Statement as suggested in paragraph 3.2.2.5. Sediment can contain elevated levels of bacteria, and, when suspended in the water column, can also restrict UV disinfection.

The Environmental Statement must consider impact on Bathing Water quality, you will need to demonstrate how the effect of sediment disturbance will be minimised during the Bathing Water Season which runs between 1st May and 30th September.

Paragraphs 3.2.2.5 and 3.2.2.6 state that water quality will not deteriorate as part of the construction works, namely the revetment and groyne work, however, Cefas note there is the potential for the material from Liverpool Bay to contain fines and/or contaminants. Therefore, this material must be tested to ensure the material is of similar physical and chemical nature to the beach recharge area.

NRW TE welcome the commitment to undertaking a preliminary WFD assessment in conjunction with the EIA process, as stated in section 3.3.1.2. Until the assessment has been undertaken we advise that the ‘chemical WFD quality elements’ and ‘hydromorphological WFD quality elements’ should not be scoped out of the Environmental Statement.

4. Biodiversity and Nature Conservation

Although sections 4.2.1.3 and 4.2.1.4 acknowledge that beach recharge could potentially impact negatively on the benthic invertebrate communities it is not clear whether potential impacts due to beach recharge are to be considered in the Environmental Impact Assessment. Section 4.2.1.7 only relates to physical disturbance during construction works and does not include the potential impacts caused by release of large volumes of suspended sediments on the intertidal and nearshore areas and fate of sediment plume during the beach recharge works. There is no inclusion in Table 12.1 of potential impacts on intertidal sand flats and benthic communities during beach recharge works as stated in section 4.2.1.3 and 4.2.1.4.

The Environmental Statement must consider potential impacts of beach recharge on benthic invertebrate communities.

The proposal is located within / close to the Liverpool Bay / Bae Lerpwl Special Protection Area (SPA). Section 4.2.1.5 states that there is potential for the development to impact upon fish species through the suspension of fine sediment in the water column. We advise that the effects of increased turbidity should also be assessed in terms of the ability of fish-eating birds to catch their prey. Attention should be paid to the fish-eating features of the SPA – the little tern which feed just alongshore (May to August), red-throated diver and the waterbird assemblage (cormorant and red-breasted

merganser).

Section 4.2.1.10 concludes that *the risk of significant effects the breeding tern populations of the Liverpool Bay SPA, Dee Estuary SPA, and Gronant Dunes and Talacre Warren SSSI are considered unlikely, and are scoped out of the Environmental Statement.*

We disagree that impact on breeding tern population should be scoped out of the Environmental Impact Assessment. LA BO advise that the little terns nest on a relatively small section of the shingle ridge on the beach in front of the dunes, rather than in the dunes themselves. They have very particular requirements about their nesting habitat, and as such, are vulnerable to even small changes in the structure and extent of the available shingle at Gronant. The shingles are identified in the report as being potentially changed by the proposed development, and might therefore be more vulnerable than described here.

The project may have a significant impact on little terns at Gronant, which along with being the largest colony in Britain (and the only colony in Wales), are also designated feature of both the Dee Estuary and Liverpool Bay SPAs.

The Environmental Statement must consider impact on little terns and carry out suitable assessment.

Grain sizes larger or finer than that which are currently present could settle out of suspension in the intertidal and nearshore zones and cause an alteration to the sediment composition of the predominantly medium to fine sand that comprise the intertidal sand flats (see section 4.1.3.3). This can have adverse impacts on existing biota as a result of increased turbidity that reduce the supply of light to the system and sedimentation. These benthic habitats are important feeding grounds for marine and avian predators.

Non-physical disturbance (e.g. from noise and visual presence) during construction to the features of the Liverpool Bay SPA is scoped in as an impact requiring further attention within the Environmental Statement. We advise that the assessment includes the potential disturbance that may occur from the use of a barge during the beach recharge activity.

The scoping report does not appear to detail any migratory fish species. Any impact or receptor that has been scoped out of the Environmental Impact Assessment must have clear justification provided within the subsequent Environmental Statement.

NRW TE welcome that the Construction Environment Management Plan (CEMP) (which is to be submitted as part of the Environmental Statement). The CEMP must include measures to minimise the risk of the introduction of invasive non-native species to the local area. It will be important to include consideration of the barge to be used for the beach recharge when assessing biosecurity risks. Further guidance may be found by following the link below

<http://naturalresources.wales/about-us/what-we-do/how-we-regulate-you/information-to-mariners-on-the-dee-estuary-1/biosecurity/?lang=en>

The Scoping report states that a 'mussel bed habitat is recorded in MAGIC, but this was not identified during ecological surveys'. NRW TE note that Phase 1 intertidal survey maps show the presence of a biotope indicative of the 'blue mussel beds' priority habitat listed under Section 7 of the Environment (Wales) Act 2016. As NRW's Phase 1 intertidal survey was undertaken several years ago it may not reflect the current situation, however, the historical presence of this habitat should be acknowledged in the Environmental Statement.

5. Landscape and Visual

There are no comments on this section of the Scoping Report.

6. Cultural Heritage

The scoping report identifies that the that the construction phase of the proposed development will have a direct impact on the archaeological resource of the foreshore and when operational the setting of the Royal Alexandra Hospital (14290) a grade II listed building.

In addition to the desk based assessment the proposed geotechnical and field survey proposed in the scoping report must be carried out. This should provide further information on any likely buried archaeological resources so that appropriate mitigation can be determined.

An indirect visual impact survey should concentrate on the visual impacts to the nearby Conservation Area and Listed Buildings

Cadw have confirmed the impact of the development on the setting of the Royal Alexandra Hospital should be carried out in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Heritage Assets in Wales (2017).

CPAT have made us aware that an initial borehole sample has been taken from the beach. CPAT advise this sample should be analysed by a geo-archaeological specialist. CPAT have recommended Dr Martin Bates or Dr Nigel Nayling of the University of Wales Lampeter for this work. A geo-archaeological report should be shared with CPAT (Mark Walters mark.walters@cpat.org.uk) and should be sent to the Historic Environment Officer Gary Duckers (gary.duckers@cpat.org.uk)

The environmental impact assessment must include a completed geo-archaeological report. Advice should be sought from a geo-archaeological specialist as to whether further sampling will be required to understand the beach deposits within the excavation zone of the new rock armour defence or other areas of the beach affected by ground reduction.

The Environmental Impact Assessment should include a field survey search of the whole development red boundary area to determine whether any currently unrecorded surface archaeology is present on the beach. The potential for evaluative sampling of the excavation zone of the new rock armour defence should be assessed and a recommendation made on whether this will be informative and required. Other mitigation options may be more appropriate and these should be stated.

CPAT strongly advise that all reports should be forwarded to Mark Walters (CPAT Development Control Officer) for further comment.

All completed digital reports and the digital archive should also be sent to the Historic Environment Officer, Gary Duckers, via gary.duckers@cpat.org.uk The digital archive should also be sent to the NMR, RCAHMW, National Library of Wales, Aberystwyth. Any resulting artefact archive should be stored within the Denbigh Museums Service storage facility after prior arrangement.

7. Socio economics and Human Health

NRW TE welcome the flood risk improvements that the proposals will offer to the local community.

NRW TE advise that a site specific Flood Consequences Assessment (FCA) produced in accordance with TAN15: Development & Flood Risk should be undertaken to support and inform development proposals at the planning application stage. The FCA should assess the flood risks to, and the potential flood risks arising from the proposed development (including offsite impacts), over the lifetime of the scheme.

NRW TE note that the proposals will involve the complete and/or partial demolition of existing coastal defences, and it will be of importance to ensure that standard of flood protection is maintained at all times during construction stages.

8. Traffic and Transport

There are no comments on this section of the Scoping Report.

9. Other Construction Related Effects

In relation to paragraph 9.1.2.1, the subsequent Environmental Statement must detail which groyne, (and their extents) are required to be removed to allow access to the construction site. We would also expect the Environmental Statement to detail mitigation e.g. strict boundaries for traffic, and remediation measures e.g. ensuring the beach profile is returned to pre-construction profile following cessation of works.

Cefas agree with paragraph 9.2.2.2 that underwater noise impacts can be scoped out.

10. Sustainability and Climate Change

Cefas welcome the inclusion of the Sustainability and Climate Change chapter (10) and would expect such a section to be included in the subsequent Environmental Statement as per the Amended EIA Directive (2014/52/EU).

11. Cumulative effects

Cefas welcome the proposal to include an assessment of the inter-relationship effects between impacts associated with the proposed scheme will be considered in the Environmental Statement.

12. Conclusions

Concerning Table 12-1, depending on whether there is a need for ongoing beach recharge, this table may require updating as rainbowing during 'operation' may also lead to disturbance on the intertidal and subtidal habitats.

Yours sincerely



Peter Morrison
Marine Licensing Team
Natural Resources Wales

Cc: All Consultation Bodies

Additional Comments

Any alteration to the current AtoNs on the existing seawall will need to be approved by Trinity House.

NRW TE would advise you that the Welsh Government has recently updated their Climate Change Allowance Guidance for Risk Management Authorities, which was published on 01 February 2018.

<http://gov.wales/topics/environmentcountryside/epg/flooding/nationalstrategy/guidance/climateguide/?skip=1&lang=en>

The key change is that the guidance removes the use of UKCP09 data for future tidal predictions and utilises those based on FCDPAG3 data. This change could have significant implications on the design of the improved coastal defences, which has been based on UKCP09 data, and this could subsequently affect the anticipated standard of protection offered by the proposed improvements. We consider that this requires urgent consideration.

NRW TE have advised that as a Risk Management Authority, Denbighshire County Council, will not require a bespoke Flood Risk Activity Permit for Flood Risk Activities (e) to (K), as set out in the Environmental Permitting Regulations (England & Wales, 2016).

Mark Cope

From: DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.gov.uk>
Sent: 28 March 2018 12:08
To: Morrison, Peter
Subject: FW: 20180328-SC1801 East Rhyl Coastal Defence-DIO 10042557-O
Attachments: screening and scoping opinion SC1801.pdf; Licensing - LO form.doc; Licensing - Application Form.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Peter,

With regard to the Screening & Scoping Opinion for the East Rhyl Coastal Defence Scheme, please note that I forwarded all relevant information to our Advisors particularly regarding the ship wreck and crash sites within the study area and have only just received their responses. The wreck and crash sites in question related to the following;

Boulton Paul Defiant I N1770, Crash Site Modern 300595, 382522
Armstrong Whitworth Whitley VBD204, Crash Site Modern 300782, 382558
Mayflower, Wreck Site Post Medieval 300892, 382244
St Olaf, Wreck Site Post Medieval 302468, 382901

Our Advisor regarding the wreck sites confirmed that from a Protection of Military Remains Act perspective there were no concerns relating to this activity. The response received from our Advisor relating to the crash sites, confirmed that in the case of both the Defiant N1770 and Whitley BD204, that there is no possibility of human remains in either airframe, however, there is a possibility of ammunition being present. In this respect they referred this to Deborah Morgan, the JCCC Protection of Military Remains Act (POMRA) Desk Officer, who can offer direct assistance with the application of the licence that will be required.

Deborah Morgan has offered the following advice for the applicant;

"For your information, here is a link to the Guidance Notes for Protection of Military Remains Act 1986 <https://www.gov.uk/guidance/aviation-archaeology>. If you believe your work is within 100 metres of a crash site then a licence will be required. (Although, if your screening and scoping request means that **work is on the surface only at this point in time**, then a licence would not be required for the moment.) However, our advice is to have licences in place – they are valid for one year. Each aircraft would need its own application. We would process the applications as quickly as possible".

Blank application forms are attached for the applicants use as appropriate and if they wish to call Deborah Morgan to discuss or clarification is required, her contact details are as follows;

Deborah Morgan

Commemorations & Licensing

Email: dbs-jccccommem1@mod.uk Civ 01452 712612 Ext 7330 / Fax: Mil 95471 8251 / Civ 01452 510867 / Address: DBS, JCCC, Room G35, Innsworth House, Imjin Barracks, Gloucester, GL3 1HW

I hope this information is sufficient for your purposes and apologies for the lateness of response.

Regards

Michael Billings

Safeguarding Assistant- Environment & Planning Support – Safeguarding

DIO Safety Environment & Engineering**Defence Infrastructure Organisation**

Kingston Road, Sutton Coldfield, West Midlands, B75 7RL

Please note that my email address is due to change to michael.billings950@mod.gov.uk between 31 January 2018 & 15 February 2018 . During this time period could any emails be sent to my existing email address and my new email address to ensure receipt. From the 15 Feb 2018 onwards all emails can be sent to michael.billings950@mod.gov.uk.

MOD tel: 94421 2025 | **Telephone:** 0121 311 2025 | **Fax:** 0121 311 2218 | **Email:** Michael.Billings950@mod.gov.uk.
ukWebsite: <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Release-Authorised:

Recipient(s):

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From: Morrison, Peter [mailto:Peter.Morrison@cyfoethnaturiolcymru.gov.uk]

Sent: 14 March 2018 14:19

To: NRWlicences@thecrownestate.co.uk; DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.gov.uk>; Joel.Walley@denbighshire.gov.uk; rhyl.tic@denbighshire.gov.uk; Legal Mailbox <legal@rya.org.uk>; Navigation.Director@thls.org; navigation safety <navigationsafety@mcga.gov.uk>; planning@denbighshire.gov.uk; Simon.hRoberts@rspb.org.uk; Phil.Marshall@wales.gsi.gov.uk; matthew.coward@wales.gsi.gov.uk; mark@cpat.org.uk; North Planning <NorthPlanning@cyfoethnaturiolcymru.gov.uk>; Regulatory Assessment Team <rat@cefas.co.uk>

Subject: SC1801 East Rhyl Coastal Defence

Good afternoon,

Please find attached for information our screening and scoping opinion for East Rhyl Coastal Defence scheme.

Kind regards

Pete

Peter Morrison

Trwyddedu Morol/ Marine Licensing

Gwasanaeth Trwyddedu / Permitting Service

Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn / Phone : 03000 65 3371

E-bost/E-mail: peter.morrison@cyfoethnaturiolcymru.gov.uk / peter.morrison@naturalresourceswales.gov.uk

Ar gyfer ymholiadau Trwyddedu Morol, gwelir yr adran "Cwestiynau Cyffredin" yma

For Marine Licensing queries, please have a look at our FAQs which can be found [here](#).

Twitter: twitter.com/NatResWales

Facebook: facebook.com/NatResWales

Flickr: [flickr.com/NatResWales](https://www.flickr.com/photos/NatResWales/)

Youtube: [youtube.com/NatResWales](https://www.youtube.com/NatResWales)

Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy.

Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.

We'd really like to hear about your experience of dealing with us in relation to your Natural Resources Wales licence application. Please give us 5 minutes of your time to complete our online survey using the following link:

English - <https://naturalresources.wales/permits-and-permissions/permitting-service-customer-survey/?lang=en>

Welsh - <https://naturalresources.wales/permits-and-permissions/permitting-service-customer-survey/?lang=cy>