



MWC0116. COLWYN BAY STEPS.

OS REF: SH 87591 – 78711.

HABITAT REGULATIONS ASSESSMENT.

Ref No: 109125/HRA.

Date: 21st January 2019.

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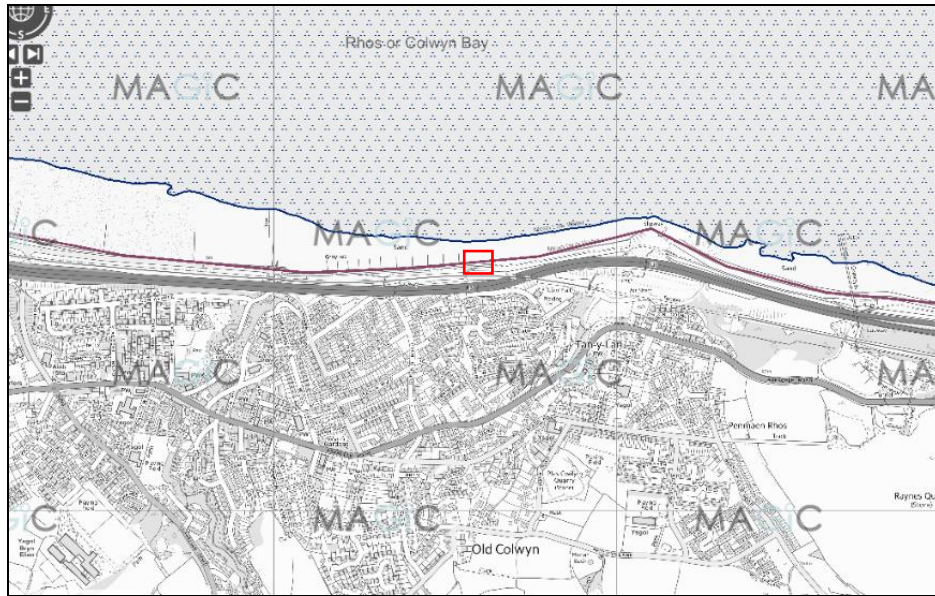
1. INTRODUCTION.

1.1. Amco Rail plans to repair a stone and concrete stair case that leads down to the beach at Colwyn Bay that has gradually been eroded by the sea.

1.2. The surveyed area was a set of stone and concrete steps that link the promenade to the beach at Colwyn Bay. The aerial photograph below shows the surveyed area highlighted in red and the surrounding area.



1.3. The data search conducted on the MAGIC website found that Liverpool Bay/ Bae Lerpwl (Wales) Special Protection Area (SPA), reference number UK9020294, lies to the north of the survey area with the SPA boundary 70m from the steps. The map below shows the location of the surveyed area and the SPA.



1.4. Whitcher Wildlife Ltd has been commissioned to prepare a Habitat Regulations Assessment for the works.

2. ECOLOGICAL IMPLICATIONS WITH RESPECT TO THE HABITAT REGULATIONS ASSESSMENT.

2.1. The Habitats Directive applies the precautionary principle to relevant designated areas, in so much as plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of Natura 2000 sites.

2.2. It is Government policy (as outlined in the National Policy Planning Framework for sites designated under the Convention on Wetlands of International Importance (RAMSAR sites)) to be treated as having equivalent status to the Natura 2000 sites.

2.3. In undertaking an assessment, competent authorities must have regard to both direct and indirect effects on an interest feature of the Natura site, as well as cumulative effects. This may include consideration of features and issues outside the boundary of the Natura site.

2.4. Department for Communities and Local Government guidance states that an assessment should be proportionate to the geographic scope of the plan or project and that it need not be done in any more detail, or using more resources, than is useful for its purpose.

2.5. Whilst it is the responsibility of the competent authority to determine whether it can be concluded there is no adverse effect, it is the responsibility of the applicants to submit sufficient information to enable such a determination to be made.

2.6. The key principles to be adopted during the collation and analysis of information are:

- **Use of best available information.** Best available information has been used to inform this assessment. This includes information gathered by Whitcher Wildlife Ltd on behalf of AMCO Rail Ltd, information made available by AMCO Rail Ltd on the proposed works and how they will be undertaken and information from other sources, including Natural Resources Wales.
- **Proportionality.** It has been ensured that the level of detail provided in this assessment reflects the level of detail in the planning application, i.e. that the assessment is proportionate.
- **Consultation.** There has been no consultation with Natural Resources Wales or other relevant stakeholders during production of the assessment. AMCO

Rail Ltd have been advised to contact Natural Resources Wales before works begin.

- **Transparency in the Assessment Process.** We have endeavored to keep the process as open, transparent and as simple as possible while ensuring an objective and rigorous assessment in compliance with the Habitats Directive, Habitats Regulations and emerging best practice.
- **Audit Trail.** We have ensured that the process followed and the conclusions reached are clearly documented to ensure there is a clear audit trail.

2.7. The assessment process also needs to take into account the consideration of alternative approaches, in this case, alternative methods of undertaking the works and any in-combination effects that may occur when the effects of other plans and projects are considered.

2.8. In this case, the AMCO Rail Ltd has undertaken a rigorous appraisal of alternative ways of working and the method of working here is as a result of that process.

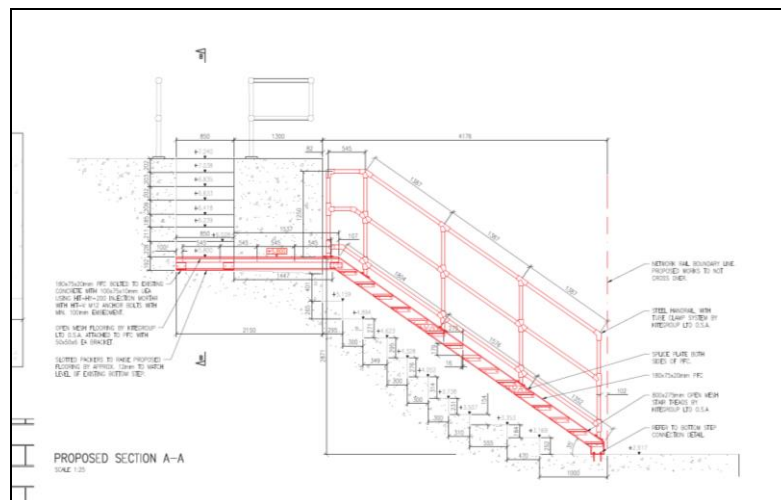
2.9. A search has been undertaken through Conwy County Borough Council of any other plans and projects that might act in combination with the effect of the proposed works to bring about a likely significant effect. None was found.

3. PROPOSED WORKS.

3.1. A steel stairway will be constructed that will span over the existing stone steps. The stairway will be constructed of PFC stringers with open mesh flooring and stair treads spanning between stringers with a hand railing either side. The works will take two day shifts to complete. No compound will be created as part of these works. All parts for the steel stairway will be pre-fabricated off site and transported to site in modular sections.

3.2. The existing stone steps will remain in place below the new steel stairway.

3.3. The drawing below shows the new steel stairway above the existing stone steps.



3.4. A temporary propping system is to be installed on the existing stone sea steps to provide support for the stringers during positioning for installation.

3.5. Resin anchor holes to be set out and pre-drilled into the existing concrete ready for installation.

3.6. Proposed stringer to be positioned on temporary propping and aligned over pre-drilled holes, packing under baseplates and brackets to be use where required.

3.7. Splice connections and resin anchors to be installed creating continuous stringers fixed in position. The bolts will be secured with V420 Resin (Styrene free) using a hand-held resin gun. Any spilt resin will be carefully cleaned up.

3.8. Open mesh flooring, treads and handrailing to be fixed to the stringers.

3.9. Temporary propping will be removed following a visual inspection of the proposed stairway insuring correct installation was undertaken.

4. DESIGNATIONS.

4.1. Consideration was given in this appraisal of the possible implications relative to a Habitats Regulations Assessment to the following sites;

- All Natura sites within the authority's boundary, and
- Other sites shown to be linked to the proposed works through a known pathway.

4.2. The proposed works will be adjacent to the Liverpool Bay / Bae Lerpwl SPA site.

4.3. Therefore, as Natura 2000 sites, the Liverpool Bay/Bae Lerpwl SPA requires consideration as to whether this site could be adversely affected by the proposed works to the steps.

5. FEATURES OF THE LIVERPOOL BAY/BAE LERPWL SPECIAL PROTECTION AREA (SPA).

5.1. The conservation objectives for the Liverpool Bay/Bae Lerpwl SPA provides the basis for determining what is currently, or may cause, a significant effect and for informing the scope of an Appropriate Assessment.

5.2. It is explained that whilst the assessment should focus on the conservation objectives, due regard should be shown to subsequent reviews of qualifying features available from the Joint Nature Conservation Committee (JNCC). In addition to qualifying interest features, it is necessary to explore the environmental features and conditions required to maintain the integrity of the Liverpool Bay/Bae Lerpwl SPA site as well as both current conditions and trends in environmental processes.

5.3. Liverpool Bay/Bae Lerpwl SPA.

The Liverpool Bay/Bae Lerpwl SPA, EU Code UK9020294.

The Liverpool Bay / Bae Lerpwl SPA is in the east of the Irish Sea, bordering northern England and North Wales, and running as a broad arc from Morecambe Bay to the east coast of Anglesey. It covers an area of c. 2,528km², classified for the protection of red-throated diver (*Gavia stellata*), common scoter (*Melanitta nigra*), and little gull (*Hydrocoloeus minutus*) during the non-breeding season, as well as a waterbird assemblage, and foraging areas for little tern (*Sternula albifrons*) and common tern (*Sterna hirundo*) breeding within coastal SPAs.

At the time of the extension of the SPA in 2017, it protects the largest aggregation of common scoters, the largest marine aggregation of little gull, and the third largest aggregation of red-throated diver in the UK. It also supports foraging areas for nearly 7% of the GB population of little terns, and nearly 2% of the GB population common terns.

The seabed of Liverpool Bay / Bae Lerpwl SPA contains a wide range of mobile sediments. Sand is the most common substrate, with a concentrated area of gravelly sand located off the Mersey Estuary. Tidal currents within the Bay are generally weak and do not exceed 2 m/sec. This in conjunction with an extended tidal range of 6 to 8m facilitates deposition of sediments and encourages mud and sand belts to accumulate.

The population estimates and important usage areas for non-breeding red-throated diver, common scoter, little gull were identified from data collected using visual aerial survey over five winter seasons (2004/05, 2005/06, 2006/07, 2007/08 and 2010/11). The waterbird assemblage feature was also identified based on these data. Important foraging areas for little tern were identified from shore and boat-based surveys (2009, 2010, 2011) undertaken around the Dee Estuary SPA; while important usage areas for common tern around the Mersey Narrows and North Wirral Foreshore SPA were identified from models of common tern foraging behaviour generated from visual tracking surveys at selected colonies around the UK. The population of little tern expected to forage within the boundary is determined by the population size (a 5 year mean of Apparently Occupied Nests based on data from 2010-2014) at Gronant Beach.

Annex I habitats that are a primary reason for selection of this site

Liverpool Bay / Bae Lerpwl SPA encompasses marine areas supporting large aggregations of wintering red-throated diver and common scoter as well as important marine foraging areas of little terns breeding within The Dee Estuary SPA, and foraging areas of common terns breeding at the Mersey Narrows & North Wirral Foreshore SPA.

The boundary of Liverpool Bay / Bae Lerpwl SPA extends beyond 12 nautical miles and therefore lies partly in Welsh and English territorial waters and partly in offshore waters; hence it is a site for which Natural England, Natural Resources Wales, and JNCC have responsibility to provide statutory advice.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

Not applicable.

Annex II species that are a primary reason for selection of this site

Protected Features:

Features	Feature type	% of population	Conservation Objective ¹
Red-throated diver <i>Gavia stellate</i> (in non-breeding season)	Annex I species	6.89% GB	Maintain or Restore
Little gull <i>Hydrocoloeus minutus</i> (in non-breeding season)	Annex I species	N/A	Maintain or Restore
Common scoter <i>Melanitta nigra</i> (in non-breeding season)	Regularly occurring migratory species	10.31% of NW European	Maintain or Restore
Waterbird assemblage	Assemblage	N/A	Maintain or Restore
Little tern <i>Sternula albifrons</i> (in breeding season)	Annex I species	6.84% GB	Maintain or Restore
Common tern <i>Sterna hirundo</i> (in breeding season)	Annex I species	1.80% GB	Maintain or Restore

Annex II species present as a qualifying feature, but not a primary reason for selection of this site

Not applicable.

5.4. The Conservation objectives of the Portholme SAC and species interests are:

The overarching conservation objectives for the protected features of this site is to ensure they either remain in, or reach, favourable condition. The ability of a designated feature to remain in, or reach, favourable condition can be affected by its sensitivity to pressures associated with activities taking place within or in close proximity to a protected site.

The qualifying species of the SPA: non-breeding populations of red-throated diver, common scoter, little gull, and a waterbird assemblage, and breeding populations of little tern and common tern. For each of these features there are three conservation objectives:

- The size of the population should be stable or increasing, allowing for natural variability, and sustainable in the long term.
- There should be sufficient habitat, of sufficient quality, to support the population in the long term.
- Factors affecting the population or its foraging habitat should be under appropriate control

There is an additional objective for little tern:

- The distribution of the population should be being maintained, or where appropriate, increasing.

6. APPRAISAL OF THE LIKELY SIGNIFICANT EFFECT.

6.1. Based on the conservation objectives of Liverpool Bay/Bae Lerpwl SPA and other available information, including citations, the following is a useful generic list of impacts that could lead to a likely significant effect;

- Direct loss or damage of habitats within a designated site or of nearby areas used by interest species;
- Change in management regimes (e.g. grazing/mowing of marshland) of habitats within a designated site or of nearby places used by interest species;
- Urbanisation that results in reduction of sight lines or which hinders flight paths for birds;
- Air quality (construction dust and construction and operational traffic);
- Water quality;
- Hydrology;
- Disturbance (activity, recreation, noise and lighting); and
- Introduction or spread of non-native invasive species.

6.2. Direct loss or damage of habitats.

All of the works will be undertaken outside the SPA site. The works will be undertaken from the existing steps and adjacent stone sea defenses. Thus, although the work area is close to the designated site, there will be a separation of the work area from the adjacent designated site 70m to the north which is mainly the sea.

6.3. Change in management regimes.

This effect is not relevant to the works to the steps and can therefore be screened out on the grounds of not likely to have a significant effect.

6.4. Urbanisation.

This effect is not relevant to the works to the steps and can therefore be screened out on the grounds of not likely to have a significant effect.

6.5. Air quality.

6.5.1. The use of drills to drill into the existing concrete will create dust and dirt that could contaminate the environment around the works. The area will be dampened down before works occur to lessen this impact. Furthermore, the works will only be undertaken during suitable conditions to ensure any dust does not travel from the work site.

6.5.2. Through the implementation of such appropriate measures, this effect can be screened out on the grounds of not likely to have a significant effect.

6.6. Water quality.

6.6.1. The works may involve potentially polluting materials being brought onto the site, namely fuel, hydraulic fluids and paint. Implementation of industry best practice and the measures outlined in the scope of works will prevent any spills by including;

- No fuel storage on the site.
- No overfilling of fuel tanks;
- No fuel storage such that a spill could run into the site drainage; and
- Only plant with an up to date maintenance record, especially with respect to hydraulics will be used on site.

6.6.2. Drilling will be minor and will cause minimal dust and debris which will be damped down to prevent spread and will be cleaned up at the end of each shift to prevent this running down the steps to the sea below.

6.6.3. Through the implementation of such appropriate measures, this effect can be screened out on the grounds of not likely to have a significant effect.

6.7. Hydrology.

This effect is not relevant to the works to the steps and can therefore be screened out on the grounds of not likely to have a significant effect.

6.8. Disturbance.

6.8.1. All works will be undertaken from the existing steps and adjacent stone sea defenses. Works will be carried out during daylight hours only with no requirement for additional lighting.

6.8.2. The works will take two days to complete and during this time the public footpath will be closed.

6.8.3. The works will be a temporary disturbance for two days in an area of stone and concrete with no vegetation. The works will cause minimal disturbance over a very short period of time.

6.8.4. This effect can therefore be screened out on the grounds of not likely to have a significant impact.

6.9. Introduction or spread of non-native invasive species.

6.9.1. The movement of people, plant and traffic, as well as the importation of materials can result in the introduction of non-native species. Any plant etc. brought onto site will be specified as clean from weeds and pests and will be checked.

6.9.2. The issue of introduction and spread of non-native species is therefore screened out on the grounds of not likely to have a significant effect.

7. CONCLUSIONS.

7.1. The conclusions are summarised in the table below.

Potential Impact.	Screening Outcome.
Direct loss or damage of habitats.	No likely significant effect.
Change in management regimes.	No likely significant effect.
Urbanisation.	No likely significant effect.
Air quality.	No likely significant effect.
Water quality.	No likely significant effect.
Hydrology.	No likely significant effect.
Disturbance.	No likely significant effect.
Introduction or spread of non-native invasive species.	No likely significant effect.

7.2. Overall it is concluded that the proposed works to the steps can be screened out on the grounds of not having any impacts that could result in significant effects on the Liverpool Bay/Bae Lerpwl SPA site or on the qualifying interest features or the environmental features and conditions required to maintain the integrity of the site designations.

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