

April 15th, 2019

Dear Cllr. Alun Roberts

Thank you for your email dated 11th February 2019 highlighting your concerns over the proposed construction of a wooden footbridge from Menai Bridge to Ynys y Big.

As part of the Marine Licence determination, we have taken account of concerns raised by yourself and members of the public, as well as consulting with seventeen external consultees and internally with our technical experts (NRW TE).

We have now determined the Marine Licence application and have issued a Marine licence, concluding that there will be no significant impact to the Lavan Sands SPA and the Menai Strait and Conwy Bay SAC.

Concerns raised by both yourself, and members of the public have been addressed below.

Glannau Porthaethwy SSSI, Menai Strait and Conwy Bay SAC and an Area of Outstanding Natural Beauty

Concerns that the island is situated within the Glannau Porthaethwy SSSI and Menai Strait and Conwy Bay SAC have been addressed with the following conditions;

The Licence Holder must ensure that construction works (including vehicle access) are restricted to a 10m corridor either side of the existing wooden footbridge.

As well as the above condition, numerous pollution prevention conditions are included within the licence, which we believe will minimise impact to the designated mudflats which are a feature of the Menai Strait and Conwy Bay SAC. The above condition was also suggested to mitigate any impact to the mudflats due to their role within the SSSI.

NRW TE did not consider the proposal will have a significant impact on the Area of Outstanding Natural Beauty and therefore this has not been considered further within the licence determination.

Future use of the island

The Marine and Coastal Access Act 2009 (the legislation we use in determining a marine licence) states that the appropriate licensing authority must have regard to;

The need to protect the environment
The need to protect human health, and
The need to prevent interference with legitimate uses of the sea.

NRW Permitting Service (NRW PS) can demonstrate that during the determination of the licence, there has been no concerns highlighted in which the proposal could affect human health, therefore we have not considered this further. During consultation, we consulted with the Maritime and Coastguard Agency, who raised no concerns within their response, other than recommending three conditions which are included within the licence, which prevents interference with legitimate uses of the sea. With regards for the need to protect the environment, a Habitat Risk Assessment was completed in which the construction of the bridge was assessed, focusing on the Menai Strait and Conwy Bay SAC and the Lavan Sands SPA. No likely significant affect was determined during this assessment. However, we do not assess the environment that is above Mean High Water Spring (MHWS) (unless it's a feature of the designated site), meaning we would not have assessed the fauna on Ynys y Big. However, on this occasion due to the concerns raised, the applicant has been asked to disclose the reasoning behind the proposal, and their future intentions for the island.

On 18 February 2019 the applicant's agent confirmed that *'The island is to be used as a reserve and no other developments are planned, other than private enjoyment'*, and on 21st March 2019, that their plans are *'purely occasional personal recreational use, and that they are actively interested in ecology and will watch wildlife from the island occasionally and are fully aware of the need not to disturb the island's wildlife, particularly during breeding periods.'*

Planning Consent was granted on 21 February 2019 by the Isle of Anglesey County Council for the proposal, and NRW PS therefore cannot demonstrate a reason of why, given the applicants' intentions for the use of the island, we cannot determine the marine licence, based on the above considerations.

Roosting birds/seabirds and other wildlife that use the island

NRW TE were consulted, as well as the RSPB for their opinion on whether the designated birds of the Lavan Sands SPA would be affected by both the construction works and the operational phase of the footbridge. Comments were specifically sought from internal Ornithologists on this matter.

They have suggested that the island is readily accessible by boat and that other potential sources of disturbance are present from watercraft in the Menai Strait. They have suggested that should disturbance occur (during construction and afterwards), there are numerous roost sites present along the North Wales coast, including the nearby designated SPA.

To minimise disturbance, further opinion was sought from the RSPB, who provided a number of conditions which NRW PS feel will mitigate against disturbance during the construction phase of the proposal (please see conditions listed below under 'disturbance during construction').

Disturbance during construction

Concerns raised that the construction of the footbridge would disturb wildlife on Ynys y Big have been considered, and consequently, conditions have been added to the Marine Licence.

The Licence Holder must not undertake any works at least 2 hours before and at least 2 hours after high tide.

The Licence Holder must ensure that no works take place at the times when low tide is within the first hour after sunrise, or one hour before sunset.

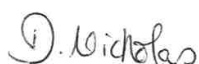
The Licence Holder must ensure that no artificial lighting is used on the site.

The Licence Holder must ensure that no works take place between February and August inclusive, to avoid disturbing protected birds.

The above conditions will ensure that birds are not disturbed whilst they are preparing to roost or whilst roosting and have satisfied NRW PS that if disturbance does occur from the construction works, it will not be within the sensitive timeframes in which roosting birds use the island.

I hope that this letter addresses all the concerns raised by yourself and members of the public. I will be writing to them separately to inform them of our decision to grant the licence. If you have any further queries, please do not hesitate to contact me.

Yours sincerely



Debbie Nicholas
Marine Licensing Team
Natural Resources Wales