



**Cyfoeth  
Naturiol  
Cymru**  
**Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-78955-Y1Z4  
Eich cyf/Your ref: 9317

Maes y Ffynnon,  
Penrhosgarnedd,  
Bangor,  
Gwynedd,  
LL57 2DW

[northplanning@cyfoethnaturiolcymru.gov.uk](mailto:northplanning@cyfoethnaturiolcymru.gov.uk)

03000 65 4227

1<sup>st</sup> March 2019

Er sylw / For the attention of Mark Furmston

Annwyl Mark / Dear Mark,

## **PRELIMINARY PRE-APPLICATION ADVICE**

### **BWRIAD / PROPOSAL: SEA WALL PROTECTION SCHEME**

### **LLEOLIAD / LOCATION: Cerrig Penmon, Beaumaris, Anglesey**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 5<sup>th</sup> February 2019.

We have considered your enquiry in relation to our Development Planning [Consultations Topics](#) document (September 2018) and your email dated 5<sup>th</sup> February 2019. We advise that the following matters are relevant to your site / proposed development and suggest you consider these further prior to the submission of any planning / Marine Licence application:

#### **Shoreline Management Plan**

The site lies within Coastal Area F (Menai Strait and Conwy), Policy Development Zone 16 of the West of Wales Shoreline Management Plan 2 (November 2011).

The overarching policy for the Beaumaris to Black Point section of PDZ16 is to 'Selectively Hold The Line', but the specific Policy Plan for the site (PU16.25) is for 'No Active Intervention' (NAI) for all three epochs (2025, 2055 and 2105).

We therefore advise that an assessment of coastal squeeze is completed. If effects of coastal squeeze are identified, we recommend that you apply for a policy change by informing the Local Planning Authority and discussing a change from NAI to Hold The Line (HTL).

A request for a policy change is usually registered if there is new evidence that an existing policy is no longer valid. A policy change can be proposed or instigated by a third party or private defence owner/investor and this may affect the economic

assessment undertaken within the SMP2, enabling an alternative policy option to be considered. However, it would still need to consider other facets such as environmental considerations and impacts to adjoining assets, and there is a risk that the change to policy may not be agreed. It is also a potentially lengthy process.

### Protected Sites

The site lies within Glannau Penmon – Biwmares SSSI, immediately adjacent to the Menai Strait and Conwy Bay SAC (part of the new construction and the beach access would appear to lie within this SAC), within 1.4km of the Lavan Sands SPA, 1.9km of the Liverpool Bay SPA, 2.4km of the Anglesey Terns SPA and 3.1km of the Puffin Island SPA.

We advise that the following are considered:

- a) pollution control both during demolition and construction.
- b) minimising the impact on the surrounding area by minimising the extent of the working zone and using low ground pressure vehicles. All materials should be stored on dry land and work carefully planned with the tidal cycle to ensure that loose debris is not left on the beach to wash away at high tide.
- c) the impacts of noise from sheet piling on birds, including SPA features, and marine life.
- e) biosecurity – both risks of introducing Invasive Non-native Species (INNS) to the Menai Strait and of taking INNS from here to other sites e.g. Himalayan balsam which is abundant in some sites close to here.

### Special Area of Conservation/Special Protection Area

For planning applications, the Local Planning Authority is the Competent Authority for the purposes of the *Conservation of Habitats and Species Regulations 2017*. For Marine Licence applications Natural Resources Wales are the Competent Authority. As such, they must not agree to any plan or project unless they are certain that it will not adversely affect the integrity of a Special Area of Conservation/Special Protection Area (SAC/SPA).

The Competent Authority should carry out a test of likely significant effects (TLSE) for the SAC/SPA, which is required under Regulation 63 of the *Conservation of Habitats and Species Regulations 2017*. This test applies to impacts on the SAC/SPA from the proposed works, either alone or in combination with other plans and projects.

If the test concludes that there is likely to be a significant effect then an appropriate assessment of the impacts on the SAC/SPA from the proposed works, either alone or in combination with other plans and projects, will be required. We would be able to assist the LPA with their assessment in our role as the statutory nature conservation body under the above Regulations.

We advise that an assessment of coastal squeeze is required to inform the above. If effects of coastal squeeze are identified and the intention is to increase the existing site footprint a test of alternatives (including an options assessment) and, if the proposed option remains the same, Imperative Reasons of Over-riding Public Interest (IROPI) would be required. If the proposals are not in line with SMP policy, the SMP cannot support these tests and the applicant will therefore need to provide the

supporting information. A coastal process study and habitat loss appraisal (and possibly habitat compensation) would also potentially be required.

### Site of Special Scientific Interest

The Wildlife and Countryside Act 1981 (as amended) places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a SSSI, to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features.

By satisfying the requirements regarding the SAC, as indicated above, it is likely that the requirements for the SSSI will also be met.

We refer you to our [website](#) for further advice.

### **Marine and Coastal Access Act 2009**

Based on the information provided NRW is of the opinion that works which are licensable under the Marine and Coastal Access Act 2009 are included in the proposal, particularly the removal/deposit of materials within the Menai Strait below the Mean High Water Spring limit.

When a Marine Licence application is received we will check whether there is a conflict with Shoreline Management Plan (SMP) policy. It is likely that this application would be questioned at this point as the SMP policy for the site is for No Active Intervention.

If a coastal squeeze assessment does show potential loss of a European designated feature, we recommend that you liaise with NRW in advance of making your Marine Licence application to determine a route for securing appropriate habitat compensation, where required. This should be investigated prior to submission of your Marine Licence application.

We therefore advise that you contact our Marine Licensing team for further information regarding making a Marine Licence application for this project.

We refer you to our [website](#) for further advice.

### **Flood Risk Management**

There is a degree of flood risk associated with the proposal due to the nature of the works and its location within Zone C2 as per the Development Advice Maps accompanying TAN15: Development and Flood Risk. As such, the contractor should ensure that a suitable flood/environmental action plan is prepared.

We would also advise that since the works are contrary to the Shoreline Management Plan, which suggests No Active Intervention at this site, public finances will not be available for any future works along this frontage. A formal application should address the SMP and demonstrate that the works will not accelerate erosion elsewhere adjacent to the proposal on this coastal strip.

### European Protected Species (EPS)

Our records show that there may be protected species in the vicinity of the site (there are pipistrellus bat species records within 83m). We advise liaison with the LPA ecologist to discuss and agree the scope of any surveys required.

We refer you to our [website](#) for further advice.

### Designated Landscapes

The site is located within the Ynys Môn/Anglesey Area of Outstanding Natural Beauty (AONB). You are advised to consult with the Local Planning Authority and consider the need for Landscape Assessments in accordance with published best practice guidance.

We advise that the new sea wall protection scheme should be constructed from materials that are in keeping with the character of the locality.

We refer you to our [website](#) for further advice.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

### Provision of Data

In addition to the above please note we can also provide certain data free of charge, as set out in our [Open Data Policy](#). Customers can [access our data via our website](#).

Please note the view expressed in this letter is a response to a pre-planning enquiry only. We trust these comments will prove helpful, but they should not set a precedent for any future Natural Resources Wales response to any formal application for planning permission or other legal consent. Such applications shall be assessed on the information submitted and regulations of relevance at that time. The details contained in this letter are based on the information available to date.

As part of our discretionary advice service we can provide further advice relating to land contamination, groundwater and flood risk prior to your planning application being submitted. There is a charge for this service. Further details are available on our website.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours sincerely,

*Chris Jones*

**Mr. C. Jones**  
**Senior Development Planning Advisor**  
**Development Planning Advisory Service**