

Sent by email

Date 23 July 2020

Dear Mr Ben Hughes,

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

HOLYHEAD BREAKWATER REFURBISHMENT

I am writing in response to your request for a Scoping Opinion dated 20 April 2020, 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 EIA and submission of an Environmental Statement (ES). The purpose of the scoping procedure is to determine what information should be provided in the ES.

Screening Opinion

It is our opinion that the works fall within the categories of projects 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 Regulations.

We have considered your correspondence dated 19 May 2020 and have determined that the project requires an EIA. We consider that this decision has been reached in agreement between NRW Permitting Service and Royal HaskoningDHV acting on behalf of the applicant which is the Isle of Anglesey County Council, in accordance with Regulation 5 of the Regulations.

Scoping Opinion

In reaching our Scoping Opinion, we have had regard to the information provided in the "Holyhead Breakwater Environmental Scoping Report", dated 03 April 2020 and considered the requirements of Schedule 3 of the Regulations. We have consulted with the bodies that we consider to have an interest in the project, by reason of their responsibilities or local/regional competences, as required by the Marine Works Regulations and had regard of their comments.

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.

Please also note that our scoping opinion will be provided to all those bodies that were consulted and will be published on our website and on our Public Register.

The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

Scoping Opinion (SC2002)

Summary of the proposal

Royal HaskoningDHV on behalf of the Isle of Anglesey County Council, has sought a Scoping Opinion from Natural Resources Wales Permitting Service (NRW PS) for the proposed Holyhead Breakwater refurbishment in Anglesey. The proposed works include the refurbishment of the seaward and leeward sides of Holyhead Breakwater.

The proposed works are required to repair damage caused by continuous wave exposure and erosion. The Isle of Anglesey County Council are seeking to identify a cost effective and long-term sustainable solution to the erosion of Holyhead Breakwater.

Location – Holyhead Port, Anglesey

The works are proposed on Holyhead Breakwater which forms part of the essential infrastructure of Holyhead port and the new harbour in Anglesey.

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 Technical Experts (NRW TE);
- Ministry of Defence (MoD);
- Royal Yachting Association (RYA);
- Trinity House Lighthouse Service (THLS);
- Isle of Anglesey County Council Planning (IoACCP);
- Welsh Government Marine and Fisheries (WGMF);
- Welsh Archaeological Trust; and
- NERL Safeguarding.

0. General comments

- 0.1. Marine and coastal guidance produced by NRW that may provide useful information to help with your project is available here: <https://naturalresources.wales/guidance-and-advice/business-sectors/marine/marine-and-coastal-guidance/?lang=en>
- 0.2. The ES submitted must demonstrate consideration of the points raised in this scoping opinion. It is strongly recommended that a table is provided in the ES summarising the scoping opinion comments and how they are addressed in the ES.
- 0.3. The EIA must be undertaken by a competent person and the ES must include a competent expert statement.
- 0.4. The ES must include a Non-Technical Summary (NTS).
- 0.5. Throughout the ES robust evidence should be presented so that the potential environmental impacts can be properly understood and evaluated; and appropriate measures identified to avoid, reduce or where necessary compensate for those impacts.
- 0.6. The ES must include:
- A description of the likely significant effects of the project, whether direct, indirect, secondary, cumulative, transboundary, short-term, medium-term, long-term, permanent, temporary, positive and negative.
 - A description of the methods used to make the assessment of the significant effects and difficulties encountered in compiling the information and uncertainties involved.
 - A description of measures to avoid, prevent, reduce or offset identified significant adverse effects and proposed monitoring arrangements.
 - A description of the expected significant adverse effects of the project on the environment resulting from the vulnerability of the project to risks of major accidents or disasters.
- 0.7. The UK left the EU on 31 January 2020 – all legal obligations relating to compliance with environmental licences/permits and legislation will continue to apply. NRW on behalf of Welsh Ministers will continue to issue licenses in line with our current practice.
- 0.8. Early engagement with relevant stakeholders is encouraged. You are able to obtain further advice from NRW TE through the NRW discretionary advice planning service, please see here: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/?lang=en>

- 0.9. THLS noted that any marking requirements and/or alterations to existing Atons should be considered in consultation with the Local Lighthouse Authority once a formal application is made.
- 0.10. Uncertainty remains regarding the proposed location of the batching plant and possible storage/curing site. The two proposed sites present very different challenges in terms of mitigating the potential impacts on nearby designated heritage assets, as well as nearby important ecological sites. The proposed batching plant located near Soldier's Point is an extremely sensitive site. We recommend that you engage with the IoACCP to discuss the impacts on designated heritage assets.
- 0.11. Soldier's Point is located near human receptors and a public right of way. If Soldier's Point is selected for the concrete batching plant, the IoACCP noted that a detailed management plan will need to be prepared which will identify and mitigate these risks to the public, using the public highway and rights of way.
- 0.12. The 2 km screening area used for designated sites is currently unclear. We recommend that a 2 km radius from the scheme is presented on a map.

1. Legislation and Consenting Requirements

- 1.1. The IoACCP confirmed that the proposed works to the Holyhead Breakwater must obtain Listed Building Consent, which should be supported by a detailed Heritage Impact Statement and an accompanying Method Statement.
- 1.2. You must ensure that reference is made to and consideration of compliance with the UK Marine Policy Statement and the now published Welsh National Marine Plan and its associated policies within the submitted ES, alongside any further regional planning documentation. The published Welsh National Marine Plan can be found here:
<https://gov.wales/welsh-national-marine-plan-document>. Implementation guidance for the Welsh National Marine Plan can also be found here:
<https://gov.wales/welsh-national-marine-plan-implementation-guidance>.
- 1.3. Where possible, other environmental assessments should be coordinated with the EIA process. However, it is important to note that Habitat Regulation Assessment (HRA) and Water Framework Directive (WFD) assessment (and any other assessment) are separate processes to the EIA.

2. Topics Scoped out of the EIA

- 2.1. We received no comments from consultees on the following listed topics and we agree that they can be scoped out of the EIA. However, acknowledgement of each topic should still be made in the submitted ES:

- Commercial and Recreational Navigation;
- Traffic and Transport;
- Accidents and Natural Disasters;
- Population and Human Health;
- Existing Infrastructure and Other Users;
- Waste; and
- Marine Mammals.

2.2. We note that in Section 7.8 'Accidents and Natural Disasters', the potential for vessels to collide with Holyhead Breakwater either during the construction or operational phase due to failed steering or engine failure, has not been considered and should have been acknowledged in the Scoping Report.

2.3. We do not agree that Section 7.9 'Climate Change' can be scoped out of the EIA, as all projects are vulnerable to the impacts of climate change to some extent. In this case, the potential long-term impacts of sea level rise on the proposed scheme should have been addressed utilising a proportionate approach.

2.4. Coastal Processes and Geomorphology

2.4.1. We disagree that Section 7.1 'Coastal Processes and Geomorphology' can be scoped out of the EIA. The purpose of the scheme is to deflect, absorb and change the available energy. An appreciation of how this will work and what local and regional change there will be, is therefore required, to understand the fundamental changes to the environment.

2.4.2. As modelling is to be undertaken for design purposes, NRW TE recommended that this modelling is also used to describe any local and regional scale changes to coastal processes and the redistribution of wave and tidal energy from the scheme. Until this is undertaken, NRW TE noted that it is not possible to comment on the range of potential benthic habitat receptors as part of the current scheme. We therefore recommend that you engage with NRW TE regarding modelling outputs.

2.4.3. We recommend that a robust physical processes and geomorphology assessment should be undertaken to evaluate the potential impacts on benthic ecology receptors.

2.5. Marine Water and Sediment Quality

2.5.1. We agree that Section 7.2 'Marine Water and Sediment Quality' can be scoped out of the EIA. However, you should take note of the following guidance in the production of the Construction Environment Management Plan (CEMP): GPP5 Work and Maintenance In or Near Water. This can be found on the Netregs website: <https://www.netregs.org.uk/environmental-topics/pollution->

2.6. Terrestrial Ecology

2.6.1. The IoACCP noted that in Section 7.4 'Terrestrial Ecology' has been scoped out of the EIA, apart from potential indirect impacts on the Local Wildlife Site in the air quality assessment (the approach covered in Section 8.3 'Air Quality'). Not enough detail has been presented at this time to allow us to agree with this conclusion. If there is any likelihood that areas of habitat suitable for protected species may indeed be used in the proposed works, then the EIA itself should include this.

2.7. Fish and Shellfish Resource and Commercial Fisheries

2.7.1. WGMF noted that Holyhead Breakwater is popular with recreational anglers and both recreational and commercial lobster potting occurs in the vicinity of the breakwater. Therefore, the proposed refurbishment will have a short-term impact on this activity during the construction phase of the works. This should be acknowledged within the ES. It is anticipated however, that the completed refurbishment will provide new habitat for fish and shellfish. WGMF noted the following fish and shellfish species presence in Holyhead harbour and in area of the works:

All year round:

- European sea bass (*Dicentrarchus labrax*);
- Thick lipped grey mullet (*Chelon labrosus*);
- European plaice (*Pleuronectes platessa*);
- European flounder (*Platichthys flesus*);
- Common dab (*Limanda limanda*);
- Thornback ray (*Raja clavata*);
- Lesser spotted dogfish (*Scyliorhinus canicula*);
- Larger spotted dogfish (*Scyliorhinus stellaris*);
- Conger (*Conger conger*);
- Grey gurnard (*Eutrigla gurnardus*);
- European pollack (*Pollachius pollachius*);
- Saithe (*Pollachius virens*);
- Poor cod (*Trisopterus minutus*);
- Pouting (*Trisopterus luscus*);
- Multiple goby and wrasse species;
- Lobster (*Homarus gammarus*); and
- Edible crab (*Cancer pagurus*).

Seasonal:

- European spider crab (*Maja squinado*);
- Atlantic herring (*Clupea harengus*);
- Atlantic cod (*Gadus morhua*);
- Whiting (*Merlangius merlangus*); and
- Atlantic mackerel (*Scomber scombrus*).

2.8. Tourism and Recreation

2.8.1. In Section 7.11 'Tourism and Recreation', we agree that a detailed tourism and recreation section is not required. However, we recommend that recognition be given in the EIA to the importance of the breakwater to the wider tourism economy.

2.9. Socio-economics

2.9.1. In Section 7.14 'Socio-economics', we agree that Socio-economics can be scoped out of the EIA. Whilst the IoACCP agreed that no further assessment is required, they encouraged utilisation of local employment and supply chain opportunities where possible.

3. Scoping of Environmental Effects

3.1. Marine and Coastal Ecology

3.1.1. Consideration must be given in the assessment to the introduction of marine Invasive Non-Native Species (INNS) and any mitigation required.

3.1.2. NRW TE noted that in Section 8.1.2 'Marine and Coastal Ecology', it refers to the rapid colonisation "by similar species that are already present on the rubble mound". It is well documented that new artificial structures are more readily colonised by marine INNS than natural rock habitat (Airolidi *et al.*, 2015; see link here: <https://onlinelibrary.wiley.com/doi/full/10.1111/ddi.12301>), therefore, you must provide evidence that the breakwater refurbishment will not aid facilitation of the spread of marine INNS in this area. We recommend you engage with NRW TE to discuss this matter further.

3.1.3. In Section 2.25 'Description of the Operational Phase', NRW TE agreed with the consideration of the Stena Line Biosecurity Plan as part of the current proposal to minimise the risks associated with marine INNS. However, for this document to be fully incorporated, it is recommended that it is included with the application and made specific to the proposed development. We consider that a biosecurity plan must be submitted with the application.

3.1.4. NRW TE has requested clarification on whether the proposal has assessed the risks associated with the introduction of large amounts of new artificial

structures (e.g. concrete tetrapod units) and the potential for increased colonisation of marine INNS; given that Holyhead marina is a known marine INNS hotspot particularly for the carpet sea squirt (*Didemnum vexillum*). We recommend that you engage with NRW TE regarding construction materials for the proposed project.

3.1.5. In Section 2.3 'Alternatives', NRW TE has requested clarification on whether the use of natural rock has been considered as one of the options for the breakwater refurbishment. This option would significantly reduce the risks associated with the colonisation of marine INNS. We recommend that you engage with NRW TE regarding construction materials for the proposed project.

3.2. Ornithology

3.2.1. In reference to Section 2.1.5 'Construction Programme', as the work will be taking place during the bird breeding season, the construction phase of the project has the potential to damage or destroy the nests or eggs of any birds that are nesting on the existing breakwater. There is currently no evidence to show that there are no birds nesting on the breakwater. NRW TE advised that a bird survey of the breakwater is carried out before works commence to ensure no bird nests or eggs are damaged or destroyed during construction. Under the Wildlife and Countryside Act 1981, all birds and their eggs are protected by law and makes it an offence to: a) intentionally kill, injure or take any wild bird; b) intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; or c) intentionally take or destroy the egg of any wild bird. Impact on nesting birds must be considered within the assessment and relevant mitigation identified where required.

3.2.2. The Environment Wales Act (2016) Section 6 'Biodiversity and resilience of ecosystems duty', states that: 'A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales and in so doing, promote the resilience of ecosystems so far as consistent with the proper exercise of those functions'. NRW TE recommend that potential opportunities during refurbishment of the inner breakwater are taken to create habitat for nesting birds, namely black guillemots (*Cepphus grylle*), through the installation of nest boxes or nest cavities in the wall of the breakwater; as described here in Leonard *et al.* 2015, Nest for Black Guillemots, as part of the Northern Ireland Seabird Report 2014:

<https://www.bto.org/sites/default/files/u41/NI-Seabird-Report-2014-web-version.pdf#page=42>

3.3. Air Quality

3.3.1. No comments were received from consultees in relation to Section 8.3 'Air Quality' and we have no comment to make on this section of the report. The ES should include an assessment of the impacts on air quality, as set out in the scoping report.

3.4. Noise

3.4.1. No comments were received from consultees in relation to Section 8.4 'Noise' and we have no comment to make on this section of the report. The ES should include an assessment of the impacts on noise, as set out in the scoping report.

3.5. Landscape/Seascape and Visual Setting

3.5.1. The extent to which construction might affect landscape and seascape character will depend on the duration of the works and associated matters noted in Section 8.5.2 'Landscape/Seascape and Visual Setting'. Provided that the duration of the work proposed can be regarded as temporary, it is appropriate that construction and operational effects on seascape and landscape are scoped out of the ES.

3.5.2. In Section 8.5.3 'Landscape/Seascape and Visual Setting' (5.2.2 and Appendix B4 - indexed in report as B5), it notes that the viewpoints for a visual assessment have been discussed with Gwynedd Archaeological Planning Service, Royal Commission on the Ancient and Historical Monuments of Wales, IoACC and NRW and are related to the appearance of the listed structure (VP 1 and 4 are close views, VP 2 and 3 are longer views). This is detailed in B4 Section 3 (now includes an addition VP 4). The methodology to produce images appears appropriate (baseline, construction and residual/post completion). However, as colouration of the tetrapods and the probable rate and degree of discolouration/weathering are considerations, the assessment could be enhanced by, for example, a Year 10 image, based on similar armour/sites or images of the tetrapods at installation and after several years. We agree that a full Seascape and Landscape Visual Impact Assessment is not required but that Visual Effects are assessed as proposed in the scoping report (subject to considerations above) and these images used to inform possible mitigation for both Heritage and amenity.

3.6. Cultural Heritage

3.6.1. Cadws' records show that the following historic assets are potentially affected by the proposal:

Listed Buildings:

- 5743 Holyhead Breakwater, Soldier's Point II*
- 5744 Lighthouse on Holyhead Breakwater II
- 5771 Customs House, Salt Island II
- 5772 Harbour Office, Salt Island II*
- 5773 George IV Arch, Salt Island II*
- 14729 Zodiac Restaurant, Beach Road (N Side) II
- 14730 Trinity House Office, Beach Road (N Side) II

- 14731 Trinity Yard Large Workshop, Beach Road (N Side) II
- 14732 Trinity Yard Small Workshop, Beach Road (N Side) II
- 14755 Gunpowder Magazine, Breakwater Quarry II
- 14756 Cottage on corner of Pentre Pella (Including Foregarden Wall)
- 14759 Porthyfelin House, Soldier's Point II
- 14760 Soldier's Point House, Soldier's Point II
- 14761 Screen Wall to Soldier's Point House, Soldier's Point II.

Scheduled Ancient Monuments:

- AN019 Caer y Twr Conservation Areas: Holyhead Beach.

3.6.2. We broadly agree with the scope of the assessment outlined in Section 8.6 'Cultural Heritage', although we consider that the study area proposed for the assessment of designated heritage assets should be increased to 3 km, to include the assets identified above. The impact of the proposed works on the settings of these designated heritage assets should be assessed in accordance with the Welsh Government guidance given in the document "The Setting of Historic Assets in Wales". Cadw recommended a stage 1 assessment to be carried out for all above designated heritage assets, which will determine the location of any viewpoints that will be required if it is necessary for stages 2 to 4 to be carried out for specific heritage assets.

3.6.3. Welsh Archaeological Trust recommended that the evidence gathering discussed in Section 8.6 'Cultural Heritage Assessment' should include a site visit and consideration of ancillary activities, specifically the proposed concrete batching plant location since both the Salt Island and Soldier's Point options would have cultural heritage implications.

4. Cumulative Impact Assessment

4.1. The ES must include an assessment of cumulative and in-combination effects. There are many projects either approved or being developed at present and therefore, caution will be needed with any in-combination assessment and baseline chosen.

4.2. The following data sources may provide useful information on other projects for the assessment of cumulative effects:

- The Nationally Significant Infrastructure Projects register:
<https://infrastructure.planninginspectorate.gov.uk/projects/register-of-applications/>
- The Developments of National Significance Register:
<http://gov.wales/docs/desh/publications/180312-dns-register-en.pdf>
- Planning Policy e.g. Local Development Plans, Transport Plans (National and Local) and National Policy Statements.

- An up to date list of marine licensable developments can be found at the following link:
<http://lle.gov.wales/catalogue/item/MarineLicences/?lang=en>

IoACCP provided a table presented in Annex 1 of projects that as a should be considered.

5. Habitats Regulations Assessment (HRA)

5.1. The HRA assessment should draw upon the assessments and information provided in the wider EIA, where there are common topic areas.

5.2. We agree that North Anglesey Marine Special Area of Conservation (SAC) should be considered in the HRA.

6. Water Framework Directive (WFD)

6.1. We agree with Section 11.2 'The WFD Process', that a WFD assessment will be required. Note that the WFD assessment will draw upon assessments carried out as part of the wider EIA for relevant topic areas; including Coastal Processes and Geomorphology as this will underpin the assessment of potential effects to WFD hydro-morphological elements and will be required to fully inform the assessment of potential effects to biological elements.

6.2. The WFD assessment should draw upon the assessments and information provided in the wider EIA, where there are common topic areas.

Yours sincerely,



Jess Ware
Permitting Officer

Marine Licensing Team
Natural Resources Wales

Approved by:

Wendy Dodds
Marine Licensing Team Leader

Natural Resources Wales
Cc: Consultation Bodies.

Annex 1 – Projects that should be considered in the Cumulative Impact Assessment as suggested by Isle of Anglesey County Council Planning.

Developer	Project Title & Description	Source of Information/ Application Reference	Status
Conygar	<i>Holyhead Waterfront Development:</i> Outline application for a mixed-use development consisting of a new marina, residential properties, a hotel, commercial, leisure and retail uses together with associated land reclamation and service infrastructure.	Planning Application 19C1046A/EIA/ECON VAR/2020/20 currently being assessed by the IACC.	Consented
Stena Line	Marine Licence Application for Maintenance Dredging at Holyhead Port	Natural Resource Wales (NRW)	Consented
Stena Line	Harbour Revision Order for Holyhead Port Expansion	Planning Inspectorate	Consultation closed. Awaiting details from PINS
Conygar	<i>Parc Cybi Stage 2:</i> Mixed-use employment developments on the southern edge of Holyhead, close to the A55. Primarily distribution and warehousing space but also includes an 80-bed hotel.	Planning Application	Consented
Land and Lakes	<i>Penrhos Leisure Village:</i> A leisure village at Penrhos Coastal Park, Holyhead, with up to 500 new lodges and cottages and 315 new dwellings at Kingsland.	Planning Application 46C427K/TR/EIA/ECON	Consented
Orthios Group	<i>Anglesey Eco Park:</i> including: • a 299 megawatt electric (MWe) biomass power	Planning Application (determined by DECC)	Consented

	station within the existing consented scheme; • prawn-growing facility (aquaculture); • large soil-less indoor vegetable growing facility (hydroponics); • home compostable food packaging facility; • the compostable food packaging centre of excellence; • research and development; and • a deep water jetty for bulk import.		
Minesto	<i>Holyhead Deep:</i> 10MW (and phased development to 80MW) Tidal kite installation off the coast of Holyhead, plus on-land elements and grid connection.	Environmental Statement / NRW Scoping Opinion.	Consented.
Morlais	<i>West Anglesey Demonstration Zone:</i> Menter Môn has applied for a long-term lease to manage an area of seabed off the west coast in order to develop the marine energy sector.	Marine Licence application ORML1938 Transport & Works Act Order (to be determined by Planning Inspectorate Wales)	Reasonably foreseeable.
IACC	<i>Business units at Penrhos:</i> Full application for the erection of 10 flexible business units including associated parking and service yard, landscaping, vehicle charging points, solar panels and two bin / recycling storage and bike storage.	Planning Application 19LPA1023A/CC	Consented.

Anwyl Homes	<i>Residential development at South Stack Road (Phase 1), Holyhead:</i> Construction of 123 detached and semidetached homes on an 11-acre site.	Planning Application 19C608F	Under construction.
Anwyl Homes	<i>Residential development at South Stack Road (Phase 2):</i> Full application for the erection of 46 dwellings together with the creation of a new vehicular access on land adjacent to Parc Tyddyn Bach, Holyhead.	Planning Application FPL/2018/57	Application Submitted.
Huws Gray	<i>Builders Merchant Yard:</i> Full application for the erection of a building to be used as a builders merchant with warehouse and sales floor areas (sui generis use), construction of new vehicular site access, storage yard, loading areas together with soft and hard landscaping areas on land at Parc Cybi, Holyhead.	Planning Application FPL/2018/25	Consented.
Horizon Nuclear Power	<i>Wylfa Newydd New Nuclear Power Station</i>	DCO Application National Infrastructure Planning website	DCO Examination completed.