

Environmental Impact Assessment Written Confirmation of the EIA Consent Decision

**Marine Works (Environmental Impact Assessment) Regulations
2007 (as amended) (“the Regulations”)**

**Hafan y Môr Holiday Park Expansion, Pwllheli
CML1962**

22 December 2020

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1. Introduction

- 1.1 This document is the Environmental Impact Assessment ('EIA') Written Confirmation document for CML1962, Hafan y Môr Holiday Park "2030 Masterplan", Pwllheli ("the Project").

2. The Project

2.1 Project Background

- 2.1.1 An application for a Marine Licence for the Project was submitted to Natural Resources Wales (NRW) by ABPmer on 24 December 2019.
- 2.1.2 The Project comprises of:
- The demolition of 56 existing two storey apartments;
 - The addition of 165 static caravan pitches;
 - The creation of an at-grade car park;
 - The construction and operation of a new 950m² beach café;
 - Selected new and improved landscaping measures;
 - Changing 120m of existing linear coastal rock revetment to groynes with sand/gravel*; &
 - Removing debris and introducing a further 210m of coastal protection made up of rock armour breakwaters with areas of beach (sand/gravel) recharge*.
- 2.1.3 All activities listed in 2.1.2 with a * require a Marine Licence under Part 4, (Chapter 1) Section 66 of the Marine and Coastal Access Act.

2.2 Location

- 2.2.1 The Project is located in the vicinity of Hafan y Môr Holiday Park, Pwllheli, Gwynedd. This is shown in Figure 1.



Figure 1: Location of works associated with CML1962

2.2.2 The works seaward of MHWS are bounded by the coordinates below, given in eastings and northings measured in metres.

Eastings	Northings
243833.5	336747.0
243837.0	336760.3
243837.9	336774.0
243837.3	336780.9
243835.4	336797.0
243837.8	336806.1
243842.9	336813.9
243850.2	336819.8

Eastings	Northings
243905.5	336837.5
243916.6	336841.4
243927.5	336846.1
243938.0	336851.3
243948.2	336857.2
243955.5	336862.1
243962.3	336867.6
243968.6	336873.6
243974.4	336880.1
243979.7	336887.1
243984.3	336894.4
243988.4	336902.1
243989.6	336905.3
243990.3	336908.7
243990.5	336912.1
243990.1	336915.5
243987.9	336921.9
243983.8	336927.3
243978.5	336931.2
243973.1	336933.8
243966.2	336935.0
243959.5	336934.5
243951.1	336931.9
243940.6	336927.7
243923.6	336917.8
243920.5	336915.2
243806.9	336851.7
243802.7	336846.3
243801.9	336839.9
243801.6	336831.8
243801.3	336824.0
243799.1	336817.9
243795.3	336812.3
243789.8	336802.4
243784.9	336789.9
243786.5	336788.8
243788.7	336784.1
243789.3	336781.1
243788.4	336777.6
243785.8	336774.4
243781.5	336770.7
243775.0	336764.7
243750.2	336742.5

Eastings	Northings
243731.6	336726.4
243722.6	336723.6
243735.3	336704.8
243736.1	336702.2
243736.1	336699.6
243735.1	336697.0
243733.4	336694.6
243732.2	336691.6
243732.1	336688.4
243733.1	336685.4
243735.0	336682.8
243737.6	336681.0
243740.8	336680.2
243744.0	336680.4
243746.6	336681.6
243749.5	336684.6
243753.5	336690.7
243762.9	336702.0
243811.1	336732.0
243821.1	336735.4
243826.4	336737.9
243830.6	336741.9
243833.5	336747.0

2.3 Statement of need

- 2.3.1 The objectives of the Project are to modernise and upgrade the Hafan y Môr Holiday Park which is situated on the south coast of the Llŷn peninsula approximately 5 km east of Pwllheli, Gwynedd. Bourne Leisure Ltd. have developed a proposed '2030 vision masterplan' which will involve extending and improving the park as well as ensuring that it has appropriate long-term coastal erosion protection.

2.4. Regulating regimes

- 2.4.1 The Project overlaps between two consenting main regimes.
- 2.4.2 A Marine Licence under the Marine and Coastal Access Act 2009, administered by Natural Resources Wales acting on behalf of the Licensing Authority, Welsh Ministers. Aspects applied for via a Marine Licence are identified by * in Section 2.1.2
- 2.4.3 Planning permission under the Town and Country Planning Act 1990 for additional aspects of the Project. This is still under determination.

3. Environmental Impact Assessment

- 3.0.1 Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted.
- 3.0.2 The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the Regulations”) transpose the EIA Directive in Wales and England for Marine Licence applications.
- 3.0.3 Pursuant of Regulation 8 of the Regulations, Natural Resources Wales (NRW) considered under SC1814 (5 February 2019) that the proposed works fell under Schedule A2, paragraphs 69, 84, 89 of the Regulations on the assessment of the effects of the Project on the environment, specifically:
69. 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.
84. Holiday villages and hotel complexes outside urban areas and associated developments
89. Any change to or extension of development of a description listed in paragraphs 1 to 87 of this Schedule where that development is already authorised, executed or in the process of being executed.
- 3.0.4 Accordingly, the Marine Licence application required for the Project was accompanied by an Environmental Statement (ES).

3.1 The Environmental Statement (ES)

- 3.1.1 The Environmental Statement outlined the proposed Project organised under the following topic headings
- 3.1.2 Technical chapters:
- Project Summary;
 - Project Description and Methodology;
 - Project Aims and Alternatives;
 - Consents, Approvals and Policy Guidance;
 - Impact Assessment Approach;
 - Physical and Coastal Processes;
 - Water and Sediment Quality;
 - Marine Ecology and Nature Conservation;
 - Terrestrial Ecology and Nature Conservation;

- Coast Protection and Flood Defence;
- Cumulative and In-Combination Effects;
- Mitigation and Monitoring;
- Conclusions; &
- Abbreviations/Acronyms.

3.1.3 The ES is considered to satisfy the requirements of Regulation 12 (2) and Schedule 3 of the Regulations. Specific comments pertinent to each ES chapter can be found in section 7.

3.2 Other Legislative and Policy Framework

Relative considerations under other legislation and / or policy are set out below:

3.2.1 Marine and Coastal Access Act 2009, Section 66, Part 4 (Chapter 1) ('the Act')

3.2.1.1 Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted. The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("the Regulations") transpose the EIA Directive into UK law for Marine Licence applications.

3.2.2 Water Framework Directive (Council Directive 2000/60/EC)

3.2.2.1 The sea from the mean low water mark up to 1 nautical mile from shore is protected under the Water Framework Directive (WFD) which requires that a project or activity does not cause or contribute to deterioration in status of European Union (EU) water bodies or 'prevent the water body achieving 'good status'.

3.2.2.2 The Potential effect of the Project was also screened against the WFD objectives for the following Water Bodies:

- Tremadog Bay Coastal Waterbody (GB651009350000)

3.2.2.3 A WFD Compliance Assessment concluded that the proposal, when considered alone and in-combination, does not pose a risk to deterioration of the above listed waterbodies.

3.2.2.4 Further details are described within the WFD Compliance Assessment.

3.2.3 Waste Framework Directive (Council Directive 2008/98/EC)

3.2.3.1 Council Directive 2008/98/EC establishes a legal framework for treating waste in the EU. This is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use.' Waste generated by a project or activity must be dealt with in an environmentally friendly way. To do this it applies the waste hierarchy from the Waste Framework Directive (WaFD), which gives an

order of preference for how waste is dealt with (prevention, re-use, recycling, recovery, disposal at sea).

3.2.3.2 See consideration under section 7.

3.2.4 The Conservation of Habitats and Species Regulations 2017 (as amended)

3.2.4.1 European sites are those designated under The Conservation of Habitats and Species Regulations 2017 (as amended) ("Habitats Regulations") as Special Protection Areas ("SPAs"), Special Areas of Conservation ("SACs") or Sites of Community Importance ("SCIs").

3.2.4.2 The proposal is located within a European Protected Site.

3.2.4.3 The effects of proposal on the following European Sites, their features and conservation objectives have been considered by NRW during the licence determination:

- Pen Llyn a'r Sarnau SAC

3.2.4.4 A test of likely significant effect (TLSE) was undertaken and potential significant effects on features of the European Sites listed above could not be ruled out. The Habitats Regulations Assessment (HRA) concluded that the proposal, when considered alone and in-combination, will adversely affect the integrity of the European site concerned through the direct loss of Annex 1 habitat 'mudflats and sandflats not covered at low tide' [1140].

3.2.4.5 Following the conclusion of adverse effects on the integrity of a European Site, the licence determination proceeded under Article 6(4) of the Habitats Directive which provides a derogation, which would allow a plan or project to be approved in limited circumstances even though it would or may have an adverse effect on the integrity of a European site. Under Article 6(4) a plan or project can only proceed provided three sequential tests are met:

- There must be no feasible alternative solutions to the plan or project which are less damaging to the affected European site(s).
- There must be "imperative reasons of overriding public interest" (IROPI) for the plan or project to proceed.
- All necessary compensatory measures must be secured to ensure that the overall coherence of the network of European sites is protected.

3.2.4.6 A Habitat Compensation Plan was provided by the applicant and agreed with Natural Resources Wales Technical Experts (NRW TE) in principle and there were no feasible alternative solutions and there were imperative reasons of overriding public interest for the Project. A Statement of Case produced by Natural Resources Wales Permitting Service (NRW PS), was sent to Welsh Government on 4 November 2020. Approval to grant a licence under Article 6(4) of the Habitats Directive was provided by Welsh Government on 19 November 2020.

3.2.4.7 Further details are described within the Habitats Regulations Assessment (HRA) prepared by NRW PS.

3.2.5 Marine Conservation Zones

3.2.5.1 Section 116 of the Act provides powers to Welsh Ministers to designate Marine Conservation Zones (“MCZs”) with the aim of contributing to the achievement of a network of ecologically coherent and well-managed marine protected areas.

3.2.5.2 The Project is not within a Marine Conservation Zone and was not identified to have an impact on any Marine Conservation Zone.

3.2.6 Wildlife and Countryside Act 1981 (as amended)

3.2.6.1 Sites of Special Scientific Interest (“SSSIs”) are protected by law to conserve their wildlife or geology. The Wildlife and Countryside Act 1981 (as amended) ensures that SSSIs are protected and managed effectively.

3.2.6.2 See consideration under section 7.

3.2.7 Marine Policy Statement and Welsh National Marine Plan

3.2.7.1 The UK Marine Policy Statement (“MPS”) is the framework for preparing Marine Plans and taking decisions affecting the marine environment. NRW must make licensing decisions in accordance with the MPS and the Welsh National Marine Plan unless relevant considerations indicate otherwise.

3.2.7.1 The Project is in accordance with the Welsh National Marine Plan as it supports economic growth through investment into the local economy in Gwynedd and providing full term employment both in the locality and throughout Wales.

3.2.8 Environment (Wales) Act 2016

3.2.8.1 Article 4 of the Natural Resources Body for Wales (Establishment) Order 2012, as amended by the Environment (Wales) Act 2016 requires NRW to pursue the sustainable management of natural resources in relation to Wales, and apply the principles of sustainable management of natural resources in the exercise of its functions, so far as consistent with their proper exercise.

3.2.8.2 NRW considers that the procedures outlined in this Written Confirmation in the consideration of EIA consent are consistent with this requirement.

3.2.9 Well-being of Future Generations (Wales) Act 2015

3.2.9.1 This Act requires NRW, as a public body, to take reasonable steps in exercising its functions to work in accordance with the sustainable development principle, as set out in Section 5 of the Act.

3.2.9.2 NRW considers that that the EIA process is consistent with the sustainable development principle described in the Act, and that the processes outlined in this Written Statement are sufficient to properly demonstrate the sustainable development principle. In particular, NRW acknowledges that the principles of sustainable management include taking account of all relevant evidence and gathering evidence in respect of uncertainties, and taking account of the short, medium and long term consequences of actions. NRW further acknowledges that it is an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.

3.3 Further information provided by the applicant pursuant to a notification under regulation 14(1)

3.3.1 Further information was requested from the applicant pursuant to a notification under Regulation 14 (1). The information requested as part of this notification is as follows:

Habitats Regulations Assessment:

- Request for the submission of a Construction Environmental Management Plan (CEMP);
- Clarification regarding the plan past the 25-year lifespan of the rock breakwaters as no decommissioning scenario was presented;
- Request for the submission of a monitoring plan; &
- Further information was required on the total area of SAC permanent habitat loss, in order to assess whether compensation proposed is adequate.

European Protected Species:

- Request for reasonable avoidance measures for Eurasian Otter, *Lutra lutra*, to be set out in the CEMP.

4. Consultation with the public

4.1 Public Notices

4.1.1 Pursuant to Regulation 16, public notices were advertised to notify interested parties of the proposed works and give any interested parties or members of the public an opportunity to make representation on the application as necessary.

4.1.2 The application documents were made available as follows:

- A translated public notice was placed in the North Wales Chronicle on 13 February & 20 February 2020; &

- The application documents were made available to the public at: Pwllheli Library for 42 days following the publication of the first public notice. They could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP, for 42 days following the publication of the first public notice.

4.1.3 No public representations were received.

5. Consultation of EEA States

- 5.0.1 A Transboundary Screening Assessment did not identify potential for effects to any other EEA State.
- 5.0.2 Consequently, no material was provided to other EEA member States in relation to the application

6. Technical consultation

- 6.0.1 The Marine Licence application was consulted upon on 20 February 2020 for a period of 42 days, in accordance with Regulation 17 of the regulations. It was sent to the following consultation bodies:
- Natural Resources Wales Technical Experts (NRW TE)
 - Ministry of Defence (MoD)
 - Maritime and Coastguard Agency (MCA)
 - The Crown Estate (TCE)
 - Gwynedd Local Planning Authority (LPA)
 - Associated British Ports and Pwllheli Port Authority
 - Local Biodiversity Officers (LBO) for Gwynedd
 - Royal Yachting Association (RYA)
 - Royal Society for the Protection of Birds (RSPB)
 - Trinity House (TH)
 - Cadw
 - Welsh Government Fisheries Branch
 - Marine Enforcement Officers (MEO)
 - Gwynedd Archaeological Trust
 - The Royal Commission of Ancient and Historic Monuments Wales (RCAHMW).
- 6.0.3 The following organisations submitted comments:
- NRW TE
 - Royal Yacht Association
 - Gwynedd Local Biodiversity Officer
 - Gwynedd Local Planning Authority
 - Gwynedd Archaeological Trust
 - Ministry of Defence
 - Maritime and Coastguard Agency

- Trinity House
- Cadw

6.0.4 Details of the issues raised by the Consultation Bodies and how they have been addressed is set out in section 7.

6.0.5 Consultees who did not provide a response were assumed to have no comment.

7. Issues arising during the consideration of the Environmental Statement, Marine Licence Application and representations received

7.0.1 Material issues that were highlighted by the Environmental Statement (ES) and consultation process and the extent to which they have been addressed are detailed in this section.

7.1 Coastal Processes

7.1.1 No representations were made about coastal processes. Therefore, NRW PS concluded that the potential impacts due to the Project has been adequately addressed in the ES.

7.2 Benthic and Intertidal Ecology

7.2.1 NRW TE provided comment on the impacts on Benthic Habitats as a result of the direct loss of Annex 1 habitat 'mudflats and sandflats not covered by seawater at low tide' [1140] from the Pen Llyn a'r Sarnau SAC. There was concern that the Report to Inform the Appropriate Assessment (page K19 of ES) stated that the, "...the remainder of the footprint [of loss] will be outside the SAC boundary or overlying the barren shingle/debris at the top of the shore which is not an interest feature of the SAC.". NRW TE considered this area to also be within the SAC, and should, therefore, be included in the calculations to ensure the compensation area was sufficient.

7.2.2 As a result of the direct loss of Annex 1 habitat, it was agreed that this application must proceed under Article 6(4) of the Habitats Directive which provides a derogation that allows a plan or project to be approved in limited circumstances, even though it would or may have an adverse effect on the integrity of a European site. Under Article 6(4) a plan or project can only proceed provided three sequential tests are met:

- There must be no feasible alternative solutions to the plan or project which are less damaging to the affected European site(s);
- There must be "imperative reasons of overriding public interest" (IROPI) for the plan or project to proceed; &
- All necessary compensatory measures must be secured to ensure that the overall coherence of the network of European sites is protected.

7.2.3 Information provided by the applicant in the ES and in the Habitat Compensation Plan (30 September 2020) outlines that there are no feasible alternative solutions

and there were imperative reasons of overriding public interest for the Project. A Statement of Case produced by NRW PS, was sent to Welsh Government on 4 November 2020. Approval to grant a licence under Article 6(4) of the Habitats Directive was provided by Welsh Government on 19 November 2020.

- 7.2.4 NRW TE provided a comment on the ES that in view of the potential direct and indirect impacts on the SAC features as a result of the works proposed, a Construction Environmental Management Plan (CEMP) should be approved by the Licensing Authority as a condition of any Marine Licence. The CEMP will demonstrate how the works will avoid and minimise effects on SAC features (e.g. adherence to pollution prevention guidance, minimisation of the footprint of the works within the SAC, biosecurity measures etc).
- 7.2.5 NRW TE also provided comment on the ES regarding the potential for disturbance to Eurasian Otter, *Lutra lutra*. Surveys have provided evidence that otter may be present at the site, and as such, reasonable avoidance measures for the disturbance of Eurasian Otter should be outlined in the CEMP.

7.3 Landscape and Visual Impact

- 7.3.1 No representations were made about Landscape and Visual Impacts. Therefore, NRW PS concluded that the potential impacts due to the Project has been adequately addressed in the ES.

7.4 Cultural Heritage

- 7.4.1 Gwynedd Archaeological Trust provided comment that there is no record of former structures or significant deposits (peat, submerged forests etc) in the area of the proposed development. A single reference to a peat deposit further east appears to be around the low water mark and hasn't been recently verified in the field. NRW PS is, therefore, satisfied that cultural heritage has been adequately assessed in the ES.

7.5 Population, Human Health & Socio-economics

- 7.5.1 No representations were made on the subject of Population, Human Health and Socio-economics. Therefore, NRW PS concluded that the potential impacts due to the Project have been adequately addressed in the ES.

7.6 Traffic and Transport

- 7.6.1 No representations were made on the subject of Traffic and Transport. Therefore, NRW PS concluded that the potential impacts due to the Project have been adequately addressed in the ES.

7.7 Other Construction Effects

- 7.7.1 NRW TE advised that hydromorphology should be screened in for further assessment in the screening information within the WFD assessment, given the

morphological alterations to Tremadog Bay water body that would result from the proposed Project. This was added to the WFD Compliance Assessment and screened out in the WFD Compliance Assessment.

- 7.7.2 NRW TE also provided comment that the assessment required updating to include the assessment of potential project effects on honeycomb worm *Sabellaria alveolate* and blue mussel *Mytilus edulis* reefs, which are considered as a higher sensitivity habitat/species under the provisions of WFD. This has been included in the WFD Compliance Assessment.
- 7.7.3 Despite the comments outlined above, NRW TE agreed with the conclusion of the WFD Compliance Assessment prepared by both NRW PS and the applicant.
- 7.7.4 NRW PS consider it appropriate to include conditions in any Marine Licence issued to ensure adequate pollution prevention measures are followed.

7.8 Sustainability and Climate Change

- 7.8.1 No representations were made on the subject of sustainability and climate change. Therefore, NRW PS concluded that the potential impacts due to the Project have been adequately addressed in the ES.

7.9 Cumulative Effects

- 7.9.1 As detailed in section 3.2.4, NRW PS carried out a Habitat Regulation Assessment (HRA), as part of which an in-combination assessment was completed and concluded that there would be an impact on the Pen Llyn a'r Sarnau SAC. As detailed in 7.2.1 above, this led to the application being progressed under Article 6(4) of the Habitats Directive
- 7.9.2 No representations were made on the Cumulative Effects. Therefore, the NRW PS concluded that the potential impacts due to the Project have been adequately addressed in the ES.

7.10 Other Comments

- 7.10.2 NRW TE reviewed the Flood Consequence Assessment (FCA) (Appendix D of the ES) submitted by the applicant and no issues were raised. Therefore, NRW PS is content that adequate information has been provided in the ES.

8. Mitigation or monitoring measures to be taken

8.1 Features or measures to avoid, prevent, reduce or offset likely significant effects

- 8.1.1 In reaching the Conclusion about Environmental Impact (Regulation 21A of the Regulations), NRW must consider any features of the Project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects (regulation 21A (1)(f)).

- 8.1.2 NRW considers that the following features of the Project, or measures included within the Project proposal, as described in the application form, Environmental Statement and other supporting information, would avoid, prevent, reduce or offset any likely significant adverse environmental effects.
- 8.1.2.1 Coastal defences have been designed to minimise both the direct effects on intertidal habitats and the indirect effects from changes in coastal processes. The design is also adaptable and able to accommodate future sea level rise, therefore, avoiding coastal squeeze.
- 8.1.2.2 The applicant has adopted appropriate on-site construction measures to minimise the risk of accidents and spillages into the watercourse including the use of bunding and/or storage facilities to contain and prevent the release into the marine environment of fuels, oils etc.
- 8.1.2.3 Monitoring will be undertaken in accordance with the Habitat Compensation Plan. This will include site performance inspections over 5 years: these will be undertaken on a quarterly basis for the first year after the completion of the work and then annually for the following five years to evaluate the performance of the defences. Annual reports will be provided to NRW and Gwynedd Council. The results of this work can be used to further verify the stability of the defences and efficacy of the compensation measures.
- 8.1.2.4 Suitable material of marine origin that needs to be excavated from within the footprint of the coastal defences during their construction will be reused within the marine zone and not removed from the site.

8.2 Mitigation or monitoring required to be attached to the consent (Regulation 22 (c)-(e))

- 8.2.1 In reaching the EIA Consent Decision required under Regulation 22, NRW must make consideration of the requirement for any mitigation measures or monitoring required to be attached to the consent.
- 8.2.2 Section 7 outlines where NRW PS considers that there is a requirement for mitigation and/or monitoring and sets out the measures we consider necessary to address potential impacts identified through the EIA process. These are summarised below:
- 8.2.2.1 Licence conditions will be required to produce a CEMP; the CEMP will need to be submitted and approved prior to commencement of works. The CEMP will need to incorporate proposed mitigation identified within the ES, as well as minimising the potential impact on the Pen Llyn a'r Sarnau SAC as discussed in section 7.2. The plan must be implemented as approved.
- 8.2.2.2 A licence condition will be required to ensure mariners and fishermen's organisations are made aware of the activity and the HM Coastguard and UKHO are notified prior to commencement of works, this will reduce impact on navigation and other uses of the sea.

- 8.2.2.4 Licence conditions will be required to ensure a Habitat Compensation Plan is submitted to the Licensing Authority prior to commencement of Licensed Activities. This will ensure appropriate compensation and monitoring is implemented to compensate for the loss of Annex 1 habitat 'mudflat and sandflat not covered by sea water at low tide' [1140] of the Pen Llyn a'r Sarnau SAC, as stated in section 7.2.
- 8.2.3 In considering the monitoring requirements outlined above, we do not consider that these requirements can be met by existing monitoring arrangements.

9. Regulation 21A Conclusion about Environmental Impact

- 9.0.1 In reaching a Conclusion about Environmental Impact, as required by Regulation 21A, NRW has considered the following (Regulation 21A(1)):
- The application for a Marine Licence
 - The Environmental Statement submitted
 - Further information provided, as outlined in section 3.3
 - The responses to public consultation outlined in sections 4 and 7
 - The responses to the technical consultation outlined in sections 6 and 7
 - Any comments received from another EEA state, as outlined in section 5 and 7
 - Any features of the Project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects as outlined in section 8
- 9.0.2 NRW, as appropriate authority, has considered the likely significant effects of the Project, and reached a conclusion of the likely significant effects of the Project with regard to the following (Regulation 21A(2)):
- Population and human health (9.1)
 - Biodiversity (9.2)
 - Land, soil, water, air and climate (9.3)
 - Material assets, cultural heritage and landscape (9.4)
 - Risk of major accidents and disasters relevant to the Project (9.5)
 - Cumulative impacts and in-combination impacts (9.6)

9.1 Population and human health

- 9.1.1 The ES has assessed the impact on population and the human environment. The proposed development will extend and improve the quality of the park and will help to maintain Hafan y Môr Holiday Park as a holiday destination and improve public access to recreational activities. Due to the scale and nature of the Project significant impact on population is not predicted during the construction phase. The proposed coastal defences will include beach recharge areas that are expected to be used by visitors for recreation and relaxation and will enhance engagement with the coast. The defences will also help to maintain the coastal path. Therefore, NRW PS consider there to be no adverse impacts to population or human health as a result of the Project.

9.2 Biodiversity

- 9.2.1 The Project is located within the Pen Llyn a'r Sarnau SAC. NRW PS' HRA concluded that the works will adversely affect the integrity of the Pen Llyn a'r Sarnau SAC, as a result of the direct loss of Annex 1 habitat 'mudflat and sandflat not covered at low tide' [1140], as stated in section 3.2.4. However, compensation for the loss of this habitat has been secured through the inclusion of licence conditions as stated in section 8.2.2.4. All other European Protected Site features will not be adversely affected subjected to appropriate conditions set out in section 8.2.
- 9.2.4 The ES considers the potential further impact on biodiversity including that of a pollution event. NRW PS conclude that when considering mitigation proposed within the ES and the licence conditions outlined in section 8 related to pollution prevention best practice and adherence to a CEMP, no significant impact on biodiversity is predicted.

9.3 Land, soil, water, air and climate

- 9.3.1 An impact pathway in principle to water quality and land through a pollution event was identified in the HRA and the ES. In addition, there is the potential to impact on water quality through sediment disturbance during excavation and vehicle movements during construction phase. The ES has assessed these impacts and proposed mitigation including adherence to a CEMP which would include pollution prevention best practice. NRW consider that the works have been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions outlined in section 7 and section 8, that no significant impact on water quality is predicted.
- 9.3.2 Potential impact on climate has been considered within the ES; it is not expected that the vehicle operations associated with the Project will significantly affect air quality. Mitigation has been proposed to source material from local sources, where possible, to minimise carbon emissions that result from transporting material to site. Due to the scale of the works significant impact on climate is not predicted.

9.4 Material assets, cultural heritage and landscape

- 9.4.1 The ES has identified that there are no above ground heritage assets within or in close proximity to the proposed works. Groundworks at the site are to be localised and relatively small in scale. NRW PS has, therefore, concluded that there is no impact on cultural heritage.
- 9.4.2 The ES considered impact on landscape. There will be no significant visual impact in the vicinity the Hafan y Môr Holiday Park. Through landscaping and material choices, the works will integrate into the existing environment. NRW PS consider that there is low impact on the landscape with no significant permanent change to the landscape as a direct result of the Project.

9.5 Risk of major accidents and disasters relevant to the Project

- 9.5.1 The works are to improve existing rudimentary sea defences and to protect the Hafan y Môr Holiday Park from coastal erosion. The ES concludes that the Project will not adversely impact upon the local tidal regime and that the scheme will provide coastal erosion risk betterment for the future. NRW PS, therefore, consider that the works will contribute to reducing the potential for major flood incidents in the area in the future.
- 9.5.2 Due to the nature and scale of the operation, the risk of a major accident or disaster is low. In addition to this, sufficient pollution prevention measures have been proposed to reduce the risk of a major accident or pollution event.

9.6 Cumulative impacts and in-combination impacts

- 9.6.1 NRW PS concluded that the potential impacts due to the Project have been adequately addressed in the ES. As detailed in section 3.2.4 NRW PS carried out a Habitat Regulation Assessment as part of which an in-combination assessment was carried out and concluded that the works would cause a significant impact alone or in combination on a European designated site.
- 9.6.2 NRW PS is satisfied that subject to the implementation of compensation as outlined within the Habitat Compensation Plan, appropriate and proportionate compensation will be provided for the loss of habitat.

Produced By: Will Cooke
Signed:



Date: 22 December 2020

Approved By: Wendy Dodds

Signed: 

Date: 22 December 2020

10. Regulation 22 EIA Consent Decision

- 10.0.1 The Marine Licensing Team has considered the application CML1962 and information provided in support of the application and is now in a position to make an EIA consent decision to Bourne Leisure Ltd.

- 10.0.2 In accordance with Regulation 22 of the Regulations, NRW PS, as appropriate authority, have considered:
- The application for a Marine Licence
 - The Environmental Statement submitted
 - Further information provided, as outlined in section 3.3
 - The Conclusion about Environmental Impact (under Regulation 21A(2)) in section 9 (22 December 2020), which we consider to be up to date
 - The responses to public consultation outlined in sections 4 and 7
 - The responses to the technical consultation outlined in sections 6 and 7
 - Any comments received from another EEA state, as outlined in section 5 and 7
 - Whether monitoring of the significant adverse environmental effects of the Project is appropriate (as outlined in section 8), including whether
 - Existing monitoring can be relied upon
 - Conditions should be attached to the regulatory approval
 - Whether conditions to make provision for potential remedial action are required, as outlined in section 8
 - Whether any other conditions need to be attached to the regulatory approval, with respect to the likely significant environmental effects of the Project, as outlined in section 8.
- 10.0.3 After conducting a full and comprehensive review of the Project and applying appropriate additional external expertise, we conclude that the environmental impacts of the Project have been adequately identified, described and assessed. Accordingly, we conclude a favourable determination and that EIA consent for the Project should be given.
- 10.0.4 We consider that adequate compensation and mitigation has been proposed or have been included as licence conditions, which will minimise or altogether remove the potential significant impact associated with the construction and operational phases of the Project.
- 10.0.5 We consider that the monitoring and mitigation conditions outlined in section 8 should be considered in the regulatory decision.
- 10.1 This Written Confirmation of the EIA Consent Decision will be sent to the following, in accordance with Regulation 23 of the Regulations:
- Bourne Leisure Ltd.
 - Any person from whom NRW received representation arising from the consultation described in section 4
 - Any EEA states consulted (see section 5)
 - All consultation bodies listed in section 6
- 10.2 This Written Confirmation of the EIA Consent Decision is available on the NRW online public register at <https://publicregister.naturalresources.wales/>
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Produced By: Will Cooke

Signed: 

Date: 22 December 2020

Approved By: Wendy Dodds

Signed: 

Date: 22 December 2020
