

Appendix D – Integration of Scoping Opinion Comments into ES

Appendix D – Integration of Scoping Report Comments into the ES

The table below demonstrates how the comments made in the scoping opinion received from NRW, dated 25 April 2019, have been addressed in the Aberaeron Coastal Defence Scheme Environmental Statement (June 2021).

Scoping Opinion Comment	How the comments have been addressed in the ES
General	
The Environmental Statement (ES) submitted must demonstrate consideration of the points raised in this scoping opinion. It is recommended that a table is provided in the ES summarising the scoping opinion comments and how they are addressed in the ES.	This table, included in the appendices of the ES, summarises the scoping opinion comments and how they have been addressed in the ES.
The ES must include all the information set out in Schedule 3 and regulation 12 of the Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017.	The ES includes all the information set out in Schedule 3 and regulation 12 of the Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017.
Introduction	
It is expected that the policy and legislation would be referred to throughout the ES to assist in assessing the environmental effects of the project.	Policy and legislation relevant to the ES is contained in Chapter 4. Individual topic chapters provide further specific topic-related policy and legislation.
A Flood Consequence Assessment (FCA) giving a detailed account of flood risk will be required.	An FCA has been produced for the Scheme and has been submitted with the planning application as a stand-alone document.
It is noted (in the Scoping Report) that a Flood Risk Activity Permit (FRAP) will be required – this may not be necessary if Planning permission and/or a Marine Licence are required.	The need for a FRAP is detailed in Section 1.1.2 of the ES.
Overview of the Scheme	
Need for the Scheme states that “Modelled results indicated that the existing secondary wall has a present day 1 in 1 (100% AEP) standard of protection against wave overtopping and a 1 in 50 (2% AEP) standard of protection against still water levels”. No figures have been quoted for the 1 in 50 yr Still Water Level.	The 1 in 50 (2% AEP) year extreme water level is 3.7mOD in 2021 (Environment Agency, Coastal Flood Boundary Conditions for the UK, update 2018). This flood level is higher than parts of the existing harbour

Scoping Opinion Comment	How the comments have been addressed in the ES
	<p>wall level which is at 3.6m at its lowest, and 3.9mOD at its highest.</p> <p>A separate Flood Consequence Assessment has been provided as part of the planning application.</p>
<p>Section 2.1 also refers to the flood risk at Aberaeron as shown in Flood Zones 2 & 3 on the Flood Map. It should be noted that the flood zones shown on the Flood Map do not include flood risk due to wave overtopping.</p>	<p>This has been acknowledged in text accompanying the figure which is now Figure 1.9 in the ES.</p>
<p>Section 2.2. Proposed Scheme indicates that “<i>The design of the Scheme will be in line with the requirements of the Welsh Government for the development of residential areas in relation to flood risk (TAN15), which is a 1 in 200 year design return period for overtopping and wave loading</i>”. Figure 2.8 suggests the secondary wall running along Quay Parade will be “rebuilt to existing levels”. Given the frequency of flooding as highlighted in Table 2.1 it is questionable whether maintaining the existing crest level will achieve the desired design standard of protection.</p>	<p>The flood defence wall is being rebuilt in 2 parts – the lower part of the wall will be rebuilt to existing levels, but the overall height of the wall will be increased to a level of +5.2mOD with the addition of glazed panels to the upper part of the wall. This increase to wall levels provides a 1 in 200 year design return period for overtopping and a 1 in 1000 year level protection over the life of the scheme (100 years).</p> <p>The requirements of TAN15 are demonstrated in a separate Flood Consequence Assessment which has been provided as part of the planning application.</p>
Planning Policy Context	
<p>Chapter 3 of the Scoping Report fails to identify to what extent the scheme will support the Welsh National Marine Plan. With regards to marine planning, Welsh Government is now developing the first Welsh National Marine Plan. The purpose of the WNMP is to guide the sustainable development of our marine area. Once the plan has been adopted NRW PS must make decisions in accordance with the marine plan, unless relevant considerations indicate otherwise. In preparation for the adoption of the plan, we recommend that any EIA undertaken reviews the contents of the draft Welsh National Marine Plan, and the Environmental Statement considers how the project complies with the draft policies, or must consider the final policies once the plan is adopted.</p>	<p>Chapter 4.2.4 of the ES references the Welsh National Marine Plan and the relevant policies that have been considered in the development of the Scheme.</p>

Scoping Opinion Comment	How the comments have been addressed in the ES
<p>The report fails to reference the Environment (Wales) Act 2016 and how the project contributes to the Sustainable Management of Natural Resources in Wales and further, how the project contributes to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015. This must be addressed in the ES.</p>	<p>Chapter 4.2.2 of the ES references the Environment (Wales) Act 2016. Chapter 4.2.3 references the Well-being of Future Generations (Wales) Act 2015.</p> <p>The Scheme has integrated the sustainable management of resources where possible. This includes recycling material excavated for the breakwater and revetment onto the beach for the shingle recharge, and re-using some of the demolition material from South Pier in the re-construction of the pier-head.</p>
Consultation Overview	
<p>It is noted that the last public consultation took place in 2013 and that further public consultation will take place for consideration prior to the submission of an ES to support a marine licence and planning permission application. Given the length of time since this exercise was undertaken, additional consultation must be carried out.</p>	<p>A public consultation event was undertaken between 22 September 2020 and 20 October 2020. This is detailed in Section 2.4.4 of the ES. Due to Covid-19 restrictions the consultation was carried out digitally via a dedicated web page on CCC's website. The consultation period and website address were advertised in the local media including in the Cambrian News.</p>
Approach to Scoping	
<p>The scoping report clearly provides maps and plans identifying the location of the development. Areas of development should be identified and defined by co-ordinates within the ES to enable stakeholders to accurately plot them to identify and assess potential effects on their specific Geographical Information Systems.</p>	<p>Coordinates for the Scheme are provided in Section 3.1 of the ES.</p>
<p>The project description in terms of the proposed Scheme is sufficient however there is limited detail on the design of the scheme or the construction methodology. Options for the location of site compound(s) must also be considered in the construction methodology.</p>	<p>Chapter 3 of the ES provides a detailed description of the Scheme design and proposed construction method. This includes the location of the site compound.</p>

Scoping Opinion Comment	How the comments have been addressed in the ES
<p>The scoping report makes no detailed reference to a non- technical summary or the vulnerability of the project to major accidents or natural disasters, both of which need to be provided within the ES.</p>	<p>A Non-Technical Summary of the ES has been prepared as a stand-alone document.</p> <p>With regards the vulnerability of the Scheme to major accidents or natural disasters, a Flood Consequence Assessment has been prepared to assess flood risk during construction. Following construction, the Scheme has been designed to deal with the effects of major flooding. The risk of pollution incidents associated with working near water is also included in the ES in Chapter 13 Water Quality.</p>
Physical Environment	
<p>Limited evidence has been provided in the scoping report of the baseline environment for coastal processes. The final application must show more detail on the topography of the intertidal area of south beach and how replenishment of the beach will alter this.</p>	<p>Chapter 12 of the ES details the assessment on coastal processes from the Scheme. This includes details on the intertidal beach topography at South Beach and how beach renourishment will alter this.</p>
<p>Changes to the physical environment may or may not have a “probable significant effect” on the environment under the EIA Regulations. However, this does not necessarily mean that they will not have an impact on designated habitat features of European Marine sites under the Habitats Directive. More information on the project design and methodology must be provided before reaching any conclusions in a Habitats Risk Assessment (HRA).</p>	<p>Chapter 3 of the ES provides a detailed description of the Scheme design and proposed construction method. An HRA has been produced for the Scheme, using this construction design and method.</p>
<p>Section 6.1.2.3 – Hydrodynamics. indicates that MHWS at Aberaeron is 2.26m AOD. This value should be checked. The scoping report quotes the ‘West of Wales Shoreline Management Plan 2 (Royal Haskoning, 2011a, 2011b and 2011c)’. The West of Wales Shoreline Management Plan 2 report highlights that Mean High Water Spring should be 2.46m AOD for New Quay, section 1.2. Section 6.1.2.3 also indicates that extreme levels can be up to 2m higher (than MHWS). If extreme levels are to be referred to a return period should be quoted. This must be considered in the Flood Consequence Assessment in compliance with TAN 15.</p>	<p>The MHWS sea level stated at 2.26m AOD in the Scoping Report is incorrect. The updated hydrodynamic analysis has assessed a value of MHWS at 2.51m AOD in 2017 and 2.52m in 2021. The extreme water levels used are based on the EA Coastal Flood Boundary dataset and consider the return periods and make allowance for future sea level rise. This is detailed within the Flood Consequence Assessment.</p>
<p>Section 6.1.2.3 also refers to the local wave climate and quotes “<i>During north-westerly storms, waves are generated, but these waves are largely prevented from entering the harbour by the</i></p>	<p>This has been corrected in the ES, as north-west waves do enter directly into the harbour.</p>

Scoping Opinion Comment	How the comments have been addressed in the ES
<p><i>piers</i>". This statement should be checked as waves from a North westerly direction will have direct access into the harbour between the piers.</p>	
<p>Identification of Impacts. We note that the disturbance and direct loss to designated features within Aberarth – Carreg Wylan SSSI has been considered during the construction of the project. Disturbance and loss of habitat within Cardigan Bay Special Area of Conservation (SAC) must also be considered. This is because at this stage there is not enough information to be able to conclude that there will not be changes to hydrodynamics and sediment transport as a result of the scheme which may have an impact on the features of the SAC. Particularly given that increases in suspended sediment and changes to hydrodynamics have been scoped into the assessment.</p>	<p>The assessment of impacts on disturbance and loss of habitat within Cardigan Bay SAC are included in Chapter 9 Ecology. This assessment has considered changes in coastal processes resulting from the Scheme, which are detailed in Chapter 12 Coastal Processes.</p>
<p>Section 6.1.3.2 – Post-construction. Both “Changes to beach morphology and sediment transport” and “Changes to hydrodynamics (waves and currents)” have been scoped out of further assessment. NRW PS consider that it is too early to reach this conclusion since the final design and construction of the scheme has not yet been provided. In section 6.1.4 it is noted that a review of existing modelling work to inform the design of the scheme is to be undertaken. Without the presentation of this evidence it is difficult to reach a conclusion to scope out post-construction changes. NRW PS request that these be scoped in.</p>	<p>Changes in beach morphology, sediment transport and hydrodynamics have been included in the assessment of impacts on coastal processes in Chapter 12 of the ES. This includes results from numerical modelling undertaken for the Scheme.</p>
<p>It would be useful if the topographic surveys of South Beach could be compared to any historic monitoring profiles undertaken of this area, if available (data available from Ceredigion County Council). This is in order to justify the requirement for shingle redistribution or replenishment. LiDAR data is also available for this frontage, this can be downloaded from the Lle portal (https://lle.gov.wales/home?lang=en).</p>	<p>Topographic surveys of South Beach in comparison to monitoring profiles have been included in Chapter 12 Coastal Processes.</p>
Flood Risk and Water Quality	
<p>The baseline evidence is appropriate but should be supplemented by a detailed Flood Risk Assessment.</p>	<p>A Flood Consequence Assessment has been produced and has been submitted with the planning application as a stand-alone document.</p>
<p>It is noted in section 1.3.2 that Planning permission will be required. Therefore a Flood Consequence Assessment (FCA) giving a detailed account of flood risk will be required.</p>	<p>A Flood Consequence Assessment has been produced and has been submitted with the planning application as a stand-alone document.</p>

Scoping Opinion Comment	How the comments have been addressed in the ES
It is noted in section 1.3.5 that a Flood Risk Activity Permit (FRAP) will be required – this may not be necessary as Planning permission and/or a Marine Licence are also required and relevant FRAP related conditions can be incorporated into these other permissions.	The need for a FRAP is detailed in Section 1.1.2 of the ES.
With respect to section 6.2.4 of the Scoping Report NRW PS support the applicant’s intention to submit a Water Framework Directive assessment together with the marine licence application.	A WFD Assessment has been produced and is contained in Appendix L of the ES.
Whilst the information required to inform the Habitats Regulations Assessment (HRA) and Water Framework Directive (WFD) assessment should be coordinated with the EIA, it is important to note that there is distinction between the EIA, HRA and WFD processes; We therefore recommend that the ES should include sections containing ‘information to inform the HRA’ and ‘WFD compliance assessment’ and separate reports must be provided.	An HRA and WFD compliance assessment have been produced and are contained in the appendices of the ES. The ES identifies these assessment processes in Section 1.2 of the ES. The findings of the HRA and WFD are summarised in Chapter 9 Ecology and Chapter 13 Water Quality respectively.
<p>The WFD assessment must consider:</p> <ul style="list-style-type: none"> ● all activities carried out; and, ● each stage of the activity, for example construction, operation, maintenance and (potentially decommissioning) ● The WFD compliance assessment process needs to also consider the zone of influence of the project in its entirety and any WFD waterbodies that fall within it, not just where there are direct impacts. 	The WFD assessment has assessed all construction activities of the Scheme both during construction and operation (and maintenance), and any relevant waterbodies in the vicinity of the Scheme that could be affected.
Consideration should be given to whether the potential impacts are short term effects (< 6 years) or will cause a non-temporary/permanent change (e.g. direct habitat loss, alteration to sediment transport pathways, interference with migratory fish pathways etc). If the impacts are considered a non-temporary/permanent effect on the biological, chemical or hydro morphological elements of the WFD water body in question then the impact must be carried forward for consideration in the WFD compliance assessment process.	Consideration of the timescale of impacts has been included in the WFD assessment e.g. temporary/permanent.
Ground Conditions, Soils and Contamination	

Scoping Opinion Comment	How the comments have been addressed in the ES
<p>The 2009 Groundwater body classification is referenced to in Section 6.3 of the Scoping Report (page 39); please note that a more recent classification has been undertaken since then. The 2015 classification reports that this groundwater body is at poor status. The groundwater chemical status was poor as a result of the chemical surface water test failing; this is because of discharges into surface water from abandoned metal mines. A more recent classification must be included in the submitted ES.</p>	<p>This has been updated with data from 2018 in Section 13.2.3 of the water quality chapter in the ES.</p>
<p>It is recommended that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed.</p>	<p>These guidance documents are referred to in Section 14.1.2 of the ES.</p>
<p>The above comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site, the local authority must re-consult Natural Resources Wales.</p>	<p>No evidence of gross contamination has been found during the EIA, this includes data from boreholes taken for the Scheme design. Consultation would be carried out with NRW should new data confirm otherwise.</p>
Ecology and Designations	
<p>Although Sabellaria alveolata reef was not identified during the walk over survey in October 2018. NRW PS request that a more detailed pre-construction survey of the working corridor and construction area is carried out as biogenic reef can settle and develop rapidly. Should Sabellaria alveolata be found further discussion regarding construction methodology can be discussed at a later date with NRW Technical Experts. More information on the project design and methodology will be required before reaching any conclusions on whether or not the proposed scheme will have an impact on designated habitat features of European Marine sites under the Habitats Directive.</p>	<p>A subtidal habitat survey was carried out in September 2019 as well as an ecological walkover survey of the intertidal zone in summer 2020 by a member of the design team. A pre-construction survey in the footprint of the breakwater and immediate vicinity has also been proposed in the ES to check for any changes in the reef location since these surveys. An assessment of the impacts on the reef is contained in Chapter 9 Ecology as well as in the HRA.</p>
<p>With respect to terrestrial protected species it is agreed that the proposal is unlikely to have a significant impact on bats or water voles. It has been identified that the proposal has the potential to have a significant effect on otters and this species should be scoped into the EIA. This information must be submitted in support of the marine licence application to assess the impact of the proposed development on otter.</p>	<p>An assessment of impacts on otters is included in Chapter 9 Ecology.</p>
<p>Currently there is not enough information on the construction methodology to be able to rule out indirect impacts from the works and to scope out subtidal ecology from the assessment and therefore we disagree with the conclusion within the Scoping Report. Particularly given</p>	<p>An assessment of the Scheme on subtidal ecology is included in Chapter 9 Ecology, particularly as the</p>

Scoping Opinion Comment	How the comments have been addressed in the ES
the close proximity of biogenic reef feature which may be vulnerable to changes in suspended concentrations or contaminants for example.	Scheme design has changed since the scoping report to include a breakwater.
Paragraph 6.4.4 states that information on habitats and species in areas where compounds and access routes may be located will be used to inform the assessment. We request that at a minimum a pre-construction survey of habitats and species within the working corridor and construction site is undertaken.	An ecological survey of the proposed site compound area is being undertaken by Ceredigion County Council in June 2021. The findings will be used to establish site re-instatement and re-planting measures following construction. A reptile survey of the site compound area was undertaken in 2019, the results of which are included in Chapter 9 Ecology.
Information about options for a site compound and its impacts on subtidal ecology and subtidal pollution must be provided. The EIA must cover potential impacts of these options or eventualities as, even if unlikely, the impact could be significant e.g. an oil spill from vessel or plant, or site compound on an area where there are Environment Act (Wales) 2016 Section 7 species or habitats.	The site compound is proposed to be located above MHWS on an area of coastal meadow landward of South Beach and therefore risks to subtidal ecology directly from the site compound are unlikely. Movement of plant and machinery on the beach will adhere to industry guidelines on working on and near water to reduce the risk of spills and leaks. This recommendation is included in Chapter 9 Ecology.
Historic Environment	
We agree that the assessment of heritage should be scoped into the EIA and confirm that the scope of the assessment is sufficient. This assessment is required to be undertaken in accordance with the standard and guidance of the Chartered Institute for Archaeologists (CIfA).	The assessment on the historic environment, Chapter 10, has followed guidance from the Chartered Institute for Archaeologists (CIfA).
Landscape, Townscape, Seascape and Visual	
No comments were received from consultees. The ES must however include an assessment of impacts as set out in the scoping report.	An assessment on landscape, townscape, seascape and visual has been carried out as set out in the scoping report. This is provided in Chapter 11 Landscape and Visual Amenity, in the ES.
Noise and Vibration	

Scoping Opinion Comment	How the comments have been addressed in the ES
<p>No comments were received from consultees. The ES must however include an assessment of impacts as set out in the scoping report.</p>	<p>An assessment noise has been carried out as set out in the scoping report. This is provided in Chapter 16 Noise and Vibration, in the ES.</p>
<p>Air Quality</p>	
<p>No comments were received from consultees. The ES must however include an assessment of impacts as set out in the scoping report.</p>	<p>An assessment on air quality has been carried out as set out in the scoping report. This is provided in Chapter 17 Air Quality, in the ES.</p>
<p>Tourism and Recreation</p>	
<p>The Scoping Report does not contain a specific section on Shipping & Navigation. Section 6.9 notes that the Harbour is host to a small commercial fishing fleet, as well as numerous recreational vessels. 6.9.3.1 also notes that demolition works to the South Pier may impact entrance to the navigation channel. If this occurs this is likely to have an impact on local vessel's ability to navigate, and without further detail on the works, potential safety hazards. These must be considered under the Harbour's Safety Management System in line with the Port Marine Safety Code.</p>	<p>Potential impacts on navigation is included in Chapter 6 Recreation & Tourism, specifically section 6.3, along with confirmation of the need for compliance with the harbour's safety management system in line with the Port Marine Safety Code.</p>
<p>From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.7 Regulating harbour works covers this in more detail and the extract below is taken from the Guide to Good Practice.</p> <p><i>"7.7 Regulating harbour works</i></p> <p><i>7.7.1 Some harbour authorities have the powers to license works where they extend below the high watermark, and are thus liable to have an effect on navigation. Such powers do not, however, usually extend to developments on the foreshore.</i></p> <p><i>7.7.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. Where necessary, consideration should be given to requiring the planning applicants to conduct a risk assessment in</i></p>	<p>Chapter 6 Recreation and Tourism, assesses the impact of the Scheme on navigational safety, specifically in Section 6.3. Navigational safety measures both during and after construction will be discussed with the Harbour Authority and with Aberaeron Yacht Club prior to construction commencing.</p> <p>We note that the reference in the scoping opinion comment to Section 7.7 in the Guide to Good Practice, is actually Section 7.8 in the Guide to Good Practice on Port Marine Operations (Department for Transport, 2018).</p>

Scoping Opinion Comment	How the comments have been addressed in the ES
<p><i>order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:</i></p> <ul style="list-style-type: none"> • <i>high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;</i> • <i>high constructions, which potentially affect wind patterns; and</i> • <i>lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.</i> <p><i>There is a British Standards Institution publication on Road Lighting, BS5489. Part 8 relates to a code of practice for lighting which may affect the safe use of aerodromes, railways, harbours and navigable Inland waterways.”</i></p> <p>Specific detail on the above must be provided in the ES in support of the marine licence application.</p>	
Traffic and Transport	
<p>No comments were received from consultees. The ES must however include an assessment of impacts as set out in the scoping report.</p>	<p>An assessment on traffic and transport has been carried out as set out in the scoping report. This is provided in Chapter 15 Traffic and Transport, in the ES.</p>
Human Health	
<p>No comments were received from consultees. The ES must however include an assessment of impacts as set out in the scoping report.</p>	<p>An assessment on human health has been carried out as set out in the scoping report. This is provided in Chapter 7 Human Health, in the ES. Chapter 6 contains an assessment on Recreation and Tourism.</p>
Climate Change	
<p>No comments were received from consultees. The ES must however include an assessment of impacts as set out in the scoping report.</p>	<p>An assessment on climate change has been carried out as set out in the scoping report. This is provided in Chapter 18 Climate Change, in the ES.</p>

Scoping Opinion Comment	How the comments have been addressed in the ES
Socio-Economics	
No comments were received from consultees. The ES must however include an assessment of impacts as set out in the scoping report.	An assessment on air quality has been carried out as set out in the scoping report. This is provided in Chapter 8 Socio-Economics, in the ES.
Cumulative Impacts	
<p>The following data sources may provide useful information on other projects for the assessment of cumulative effects:</p> <p>The Nationally Significant Infrastructure Projects register: https://infrastructure.planninginspectorate.gov.uk/projects/register-of-applications/</p> <p>The Developments of National Significance Register: http://gov.wales/docs/desh/publications/180312-dns-register-en.pdf</p> <p>Planning Policy E.g. Local Development Plans, Transport Plans (National and Local) and National Policy Statements.</p> <p>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</p>	The data sources provided have been used to identify other projects which could have cumulative effects alongside the Scheme.
Summary Table	
The summary table provided in the Scoping Report should be repeated within the ES and carefully cross referenced to the information provided within it.	The summary table from the Scoping Report has been replicated in Table 5.1 of the ES. The table lists all the receptors identified for inclusion in the ES, that were identified in the scoping assessment.