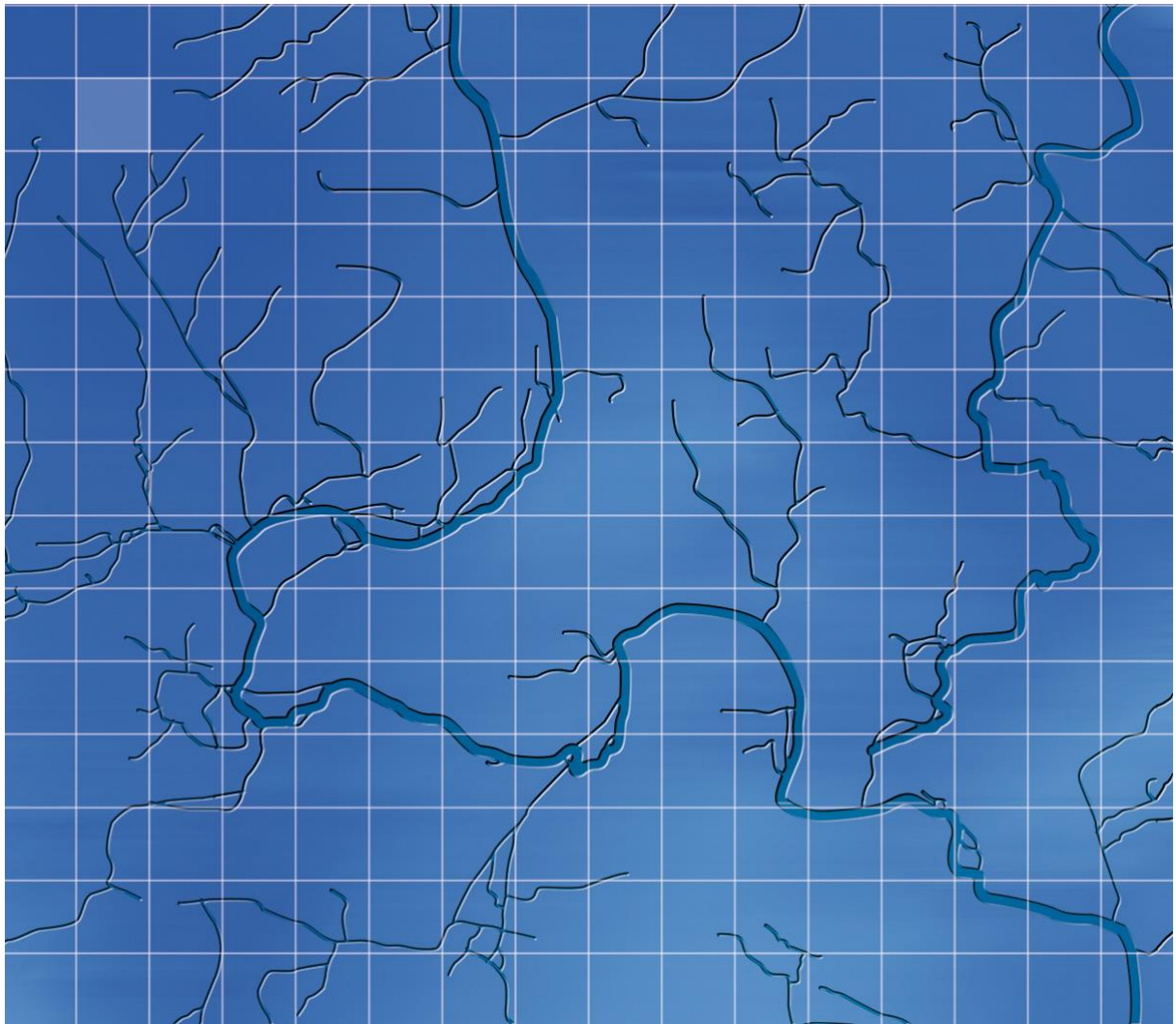


Conwy County Borough Council

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Kinmel Bay GI HRA Screening Assessment



WHS

Conwy County Borough Council

Kinmel Bay Ground Investigation HRA Screening Assessment

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For and on behalf of Wallingford HydroSolutions Ltd.

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1 Introduction

Wallingford HydroSolutions Ltd (WHS) has been commissioned by Conwy County Borough Council to complete a Habitat Regulations Assessment (HRA) for the ground investigation work associated with the Kinmel Bay coastline improvements. The ground investigation will include 11 trial pits which will be used to inform a coastal improvement scheme by Conwy County Council. This is to be submitted, as required by NRW to support the Marine License Application for the ground investigation works. The future coastal improvements will include the construction of setback flood walls, enhancement and improvement of rock revetment, raising of seawall crests, beach recharge, and reinstatement of sand dunes, which will form a separate Marine License Application at a future date.

The aim of this report is to identify if there is any risk of the works having a significant effect on the integrity of the National Sites either individually or in combination with other proposals in the vicinity of the works.

1.1 Legislation

The Habitats Directive 1992 and the Wild Birds Directive 2009 are European Commission legislation transposed into law in England and Wales by the Conservation of Habitats and Species Regulations 2017, which have been amended in 2019, and are known as the Habitats Regulations. In January 2021 DEFRA published a policy paper with the changes to the habitat regulations in relation to the UK's exit from the EU. This has changed the Natura 2000 European sites into the National Sites network.

The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS)
- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive

These regulations require sites around the UK to be designated for their high value of habitat and species that are of national importance. The regulations require that an HRA is carried out where a plan or project proposal could significantly harm the designated features of a National Site.

The National Sites network is made up of:

- Special Areas of Conservation (SACs)
- Special Protection Areas (SPAs)
- Ramsar sites – wetlands of international importance

Each national site has conservation objectives associated with it, detailed within a conservation advice document, in order to protect the special features of the site. The conservation advice document was consulted in the preparation of this HRA screening report.

1.2 Guidance and Methodology

There is guidance for carrying out an HRA from DEFRA, Natural England, Welsh Government and NRW¹. This guidance has been taken into consideration for the completion of this screening note. The following approach has been taken;

- **Screening:** Identify if the proposal is directly connected with or necessary for the conservation management of a National Site and if there is a risk of it having a significant effect on a European site on its own or in combination with other proposals. Conwy planning portal was consulted to obtain whether there were any plans or projects that could act in combination. This will inform whether an appropriate assessment (AA) is needed at the next stage. We have outlined the AA and derogations stages below for completeness of what the guidance requires from a HRA.
- **Appropriate Assessment:** Complete a detailed assessment that is appropriate for the nature and complexity of the proposal and carry out the integrity test through this assessment. This will assess the likely significant effects of the proposal on the integrity of the site and its conservation objectives. It will consider ways to avoid or reduce any potential for an 'adverse effect on the integrity of the site'.
- **Derogations:** If the project fails the integrity test, then there are exceptions where the proposal can go ahead, 3 legal tests must be met to secure this.

1.3 Site Description

The proposed ground investigation work will be undertaken to inform flood defence improvement works along the North Wales coast from Llanddulas (NGR: 288670, 378715) to Kinmel Bay (NGR: 299610, 381055). This is an 11km section of the coast, the scheme area is depicted in Figure 1. The mouths of the River Dulus, Gele and Clywd enter the sea within the region of works.

¹ DEFRA, Natural England, Welsh Government and NRW (2021) Guidance: Habitats regulations assessments: protecting a European site. [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/habitats-regulations-assessments-protecting-a-european-site)

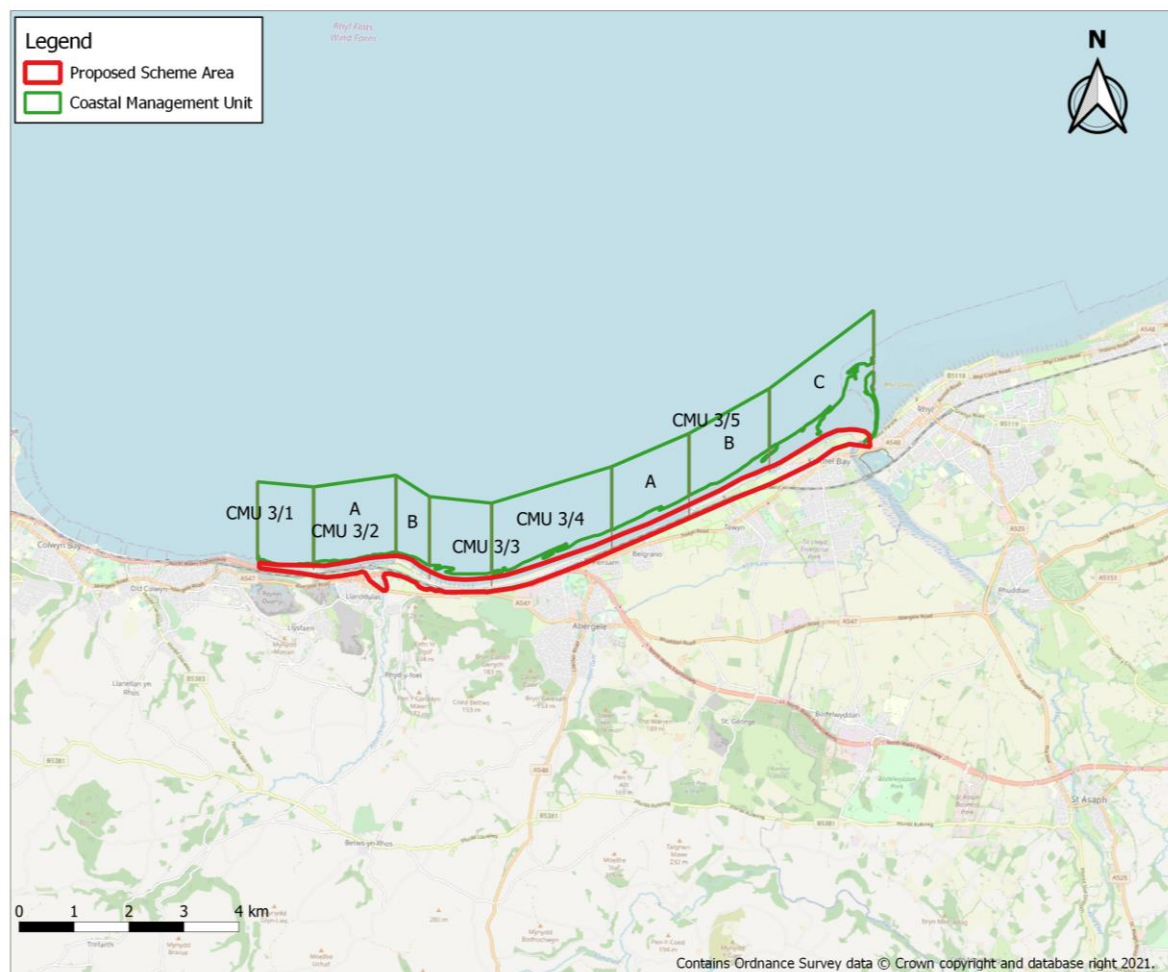


Figure 1-1: Site location

1.4 Proposed Works

The proposed works consist of digging eleven trial pits at the upper zones of the shoreline between Llanddulas and Kinmel Bay. The full description of works that will take place are summarised in Table 1-1, these correspond to the coastal management labelling shown in Figure 1-1.

Table 1-1: Proposed Works

Coastal management unit	Trail Pit number	Proposed Works
3-2B: Llanddulas Beach	TP01	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-2B: Llanddulas Beach	TP02	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-4: Pensarn Beach	TP03	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-5A: Belgrano Beach	TP04	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-5A: Belgrano Beach	TP05	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-5B: Towyn Revetment	TP06	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-5B: Towyn Revetment	TP07	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-5B: Towyn Revetment	TP08	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-5C: Kinmel Bay Beach	TP09	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-5C: Kinmel Bay Beach	TP10	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.
3-5C: Kinmel Bay Beach	TP11	Mechanical excavation of trial pit up to 3.0m deep, (a maximum of 4.5m) within one tidal cycle.

1.5 Location of proposed works

All of the proposed trial pit sites are located at the upper shore zone, approximately half of them are partially below mean high water (MHWS). The location of pits 1-6 can be found in Figure 1-2, and the location for 7 – 11 can be found in Figure 1-3.

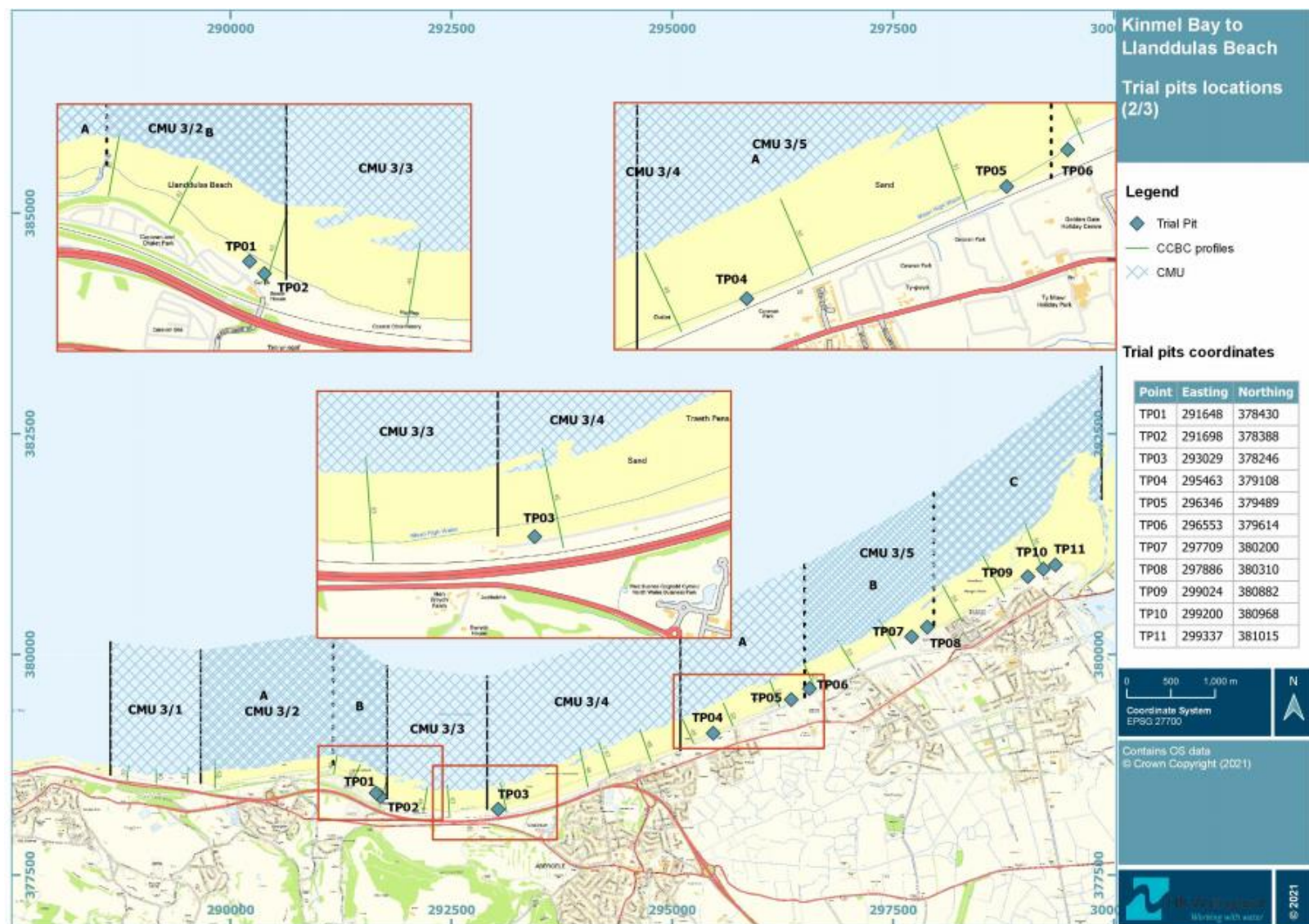


Figure 1-2: Location of trial pits 1-6.

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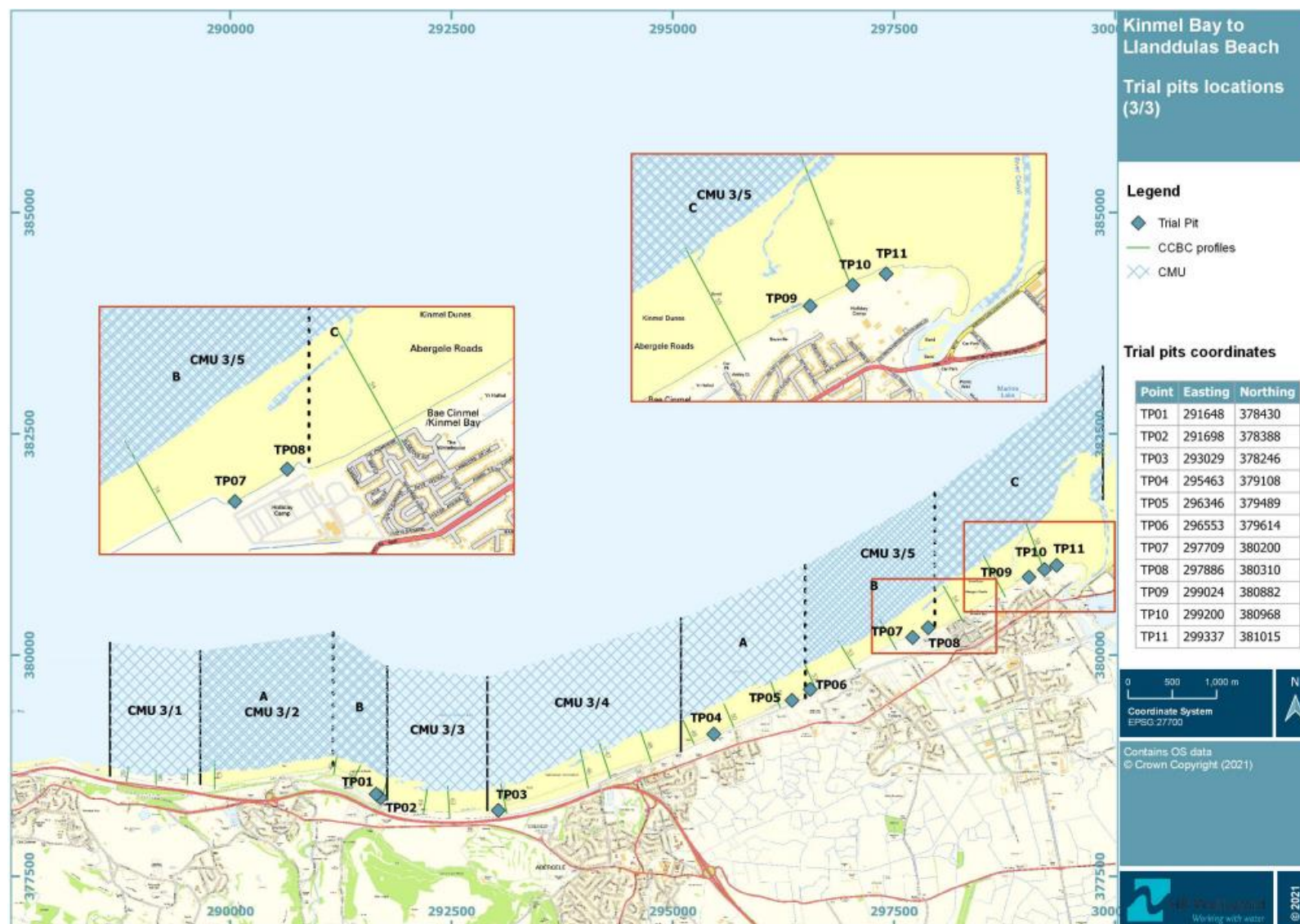


Figure 1-3: Location of trial pits 7 – 11

2 HRA Screening

2.1 Protected National Sites

There is one designated site that lies adjacent to the proposed area of ground investigation works.

2.1.1 Liverpool Bay Special Protection Area

The Liverpool Bay Special Protection Area (SPA) - UK9020294, this coastal site extends from the east coast of Anglesey to the Dee Estuary. SPA's are designated under the Habitats Directive for their bird habitats and/or species of National Importance.

The Liverpool Bay SPA has been designated due to the presence of various bird species, including; *Gavia stellate*, *Larus minutus* and *Melanitta nigra*, which overwinter at the site, *Sterna albifrons* and *Sterna hirundo*, which reproduce at the site. Other important species aspects are Waterbird assemblages, of individuals, which overwinter, which can support up to 69,787 individuals. Threats to the site with a high rank that are relevant to this study are ports and marine constructions. Threats with moderate rank are pollution to surface water (limnic & terrestrial, marine & brackish) and threats from marine water pollution.

Conservation objectives are required under the Habitats Directive, as such there are objectives for this SPA. For the *Gavia stellate* and *Melanitta nigra* - subject to natural change, maintain or enhance the population and its supporting habitats in favourable condition. For the Waterbird Assemblage - subject to natural change, maintain or enhance the waterbird assemblage and its supporting habitats in favourable condition. These mostly relate to ensuring the ecological status of the water environment is suitable to maintain or increase populations of the defined species.

2.2 Screening stage

In this section we will identify whether the proposed works are directly connected or necessary for conservation management of the National Site and whether there is risk of the works having significant effects on a European site on its own or in combination with other proposals.

2.2.1 Conservation management of National Site

Due to the ground investigation being used to inform the proposed improvements to coastal defence, it is clear that the ground investigation is not connected with or necessary for the conservation management of the SPA identified in section 2.1.1.

2.2.2 Risk of likely significant effect to National Site

The proposed ground investigation works will be examined in the context of the European sites present. This will enable identification of risk to the sites and whether an appropriate assessment is needed or not.

Table 2-1: Assessment of whether risk is present of significant effect to the National Site

The proposed works	National Site	Mechanism of risk from the works	Potential effect	Is the risk significant	Is the risk likely	Is an appropriate assessment needed
11 Trial pits will be dug at the highest point on the shore. The maximum depth will be 4.5m.	Liverpool Bay SPA	Release of contaminated material	Contact with toxic material for birds and prey.	Yes	No	No
		Introduction of Invasive non-native species (INNS)	INNS out compete prey	Yes	No	
		Pollution (spillage of fuel and oil)	Contact with toxic material for birds and prey	Yes	No	
		Release of sediment	Disturbance to prey	No	No	

2.2.3 In combination likely significant effects

A search of the Conwy Council planning portal resulted in no plans or projects which could have similar impact mechanisms to the ground investigation work of this project and were current to act in combination with this project.

3 Conclusion

This HRA screening assessment has been produced to accompany the marine license application, for the Kinmel Bay to Llandulas ground investigation works.

One National Site, Liverpool Bay SPA, was identified that could potentially be affected by the works.

The works are not required as part of the conservation management of the site.

The HRA screening assessment has concluded that the proposed development is unlikely to have a significant effect on the features of the SPA, alone or in combination, therefore an appropriate assessment is not required in this case.