

30 November 2021

Dear Mr Edwards,

Marine Licence Application CML2149 – Colwyn Bay Waterfront Project Phase 2b

Following consultation with stakeholders regarding the above stated works, a number of matters raised by consultees require clarification. The main points have been outlined below and the responses received from consultees will be shared with you alongside this letter. I advise you to carefully review these full responses for any additional information that may not be captured below.

Archaeology

The Royal Commission on the Ancient and Historic Monuments of Wales have provided a response that supports the granting of the marine Licence, subject to the conditions below being added as conditions.

- Implementation of a Protocol for Archaeological Discoveries for the project.
- Implementation of a watching brief for all areas of excavations on the foreshore.
- Provision of an Archaeological Exclusion Zone around fish trap MM013.
- Archaeological recording of fish trap MM013.
- Provision of an Archaeological Exclusion Zone around UKHO ID 91185.

It is therefore likely that these conditions will be included within the Licence. Please see the attached consultation response for detailed comments on archaeology.

Marine Benthic Ecology

NRW Technical Experts (NRW TE) have provided a number of comments relating to marine benthic ecology. The key issues raised are:

- *Sabellaria alveolata* reef presence (Section 7 Habitat of Principle Importance – Environment Wales Act 2016). We question the assessment of *Sabellaria alveolata* present in Area 2b, where it is described as ‘degraded’. Based on the images presented in the Intertidal Biotope Survey Report the habitat would appear to qualify as ‘reef’ feature
- Clarification is sought on what is meant by ‘Appropriate recharge method statements’ in relation to avoiding damage/loss of *Sabellaria alveolata* reef habitat present in Area 2b.

- We acknowledge the inclusion of marine invasive non-native species as part of the assessment and completion of a Biosecurity Risk Assessment (Appendix 9.9) – Clarification as to the source/location of the dredge beach nourishment material and whether any vessels used in the planned proposal will utilise hopper water as ballast - if so, how will this be managed in the context of marine invasive non-native species (INNS) and biosecurity.
- We can agree with the conclusions of the ES and shadow / MLT's Habitats Regulations Assessments (HRA) with respect to the Y Fenai a Bae Conwy / Menai Strait and Conwy Bay Special Area of Conservation (SAC)

Please see the attached consultation response for detailed comments on marine benthic ecology.

Marine Mammals

NRW TE provided a number of comments regarding lack of assessment of noise impacts on marine mammals. The key issues are:

- Underwater noise has not been assessed as a pathway of impact (for injury and disturbance) in the HRA despite evidence from Appendix 9.10 – Underwater Noise Assessment (100-374-MMD-00-XX-RP-N-0037) that this is a credible impact from the project works
- Marine mammals have not been assessed in the HRA despite the presence of a credible impact pathway probable to be considered to have a Likely Significant Effect (underwater noise, evidenced by Appendix 9.10)
- Disturbance from underwater noise has not been assessed as a pathway of impact in the EIA
- NRW's previous comments regarding the use of Marine Mammal Management Units (MMMU) have not been taken into account in the assessment

Please see the attached consultation response for detailed comments on marine mammals.

Fish

Further comments in relation to noise and its effects on fish have been made by NRW TE. Please see the attached consultation response for detailed comments on fish.

Marine Water Quality

NRW TE are in agreement with the conclusions of the ES and HRA which states that there are no likely significant effects on water quality if best practice is followed. NRW TE have requested to review a CEMP once drafted. A finalised CEMP will be required as a Licence condition, to be approved by NRW prior to the commencement of works.

Water Framework Directive Assessment

NRW TE do not at this time agree that the small area of patchy, degraded Sabellaria Alveolata formation which has been identified in the Phase 2b area is scoped out of the WFD assessment process (see section 4.3.1 Sensitive Habitats Table 4.4). Until the issues raised under the marine benthic ecology section above are resolved NRW TE cannot confirm that

any damage/loss of the *Sabellaria Alveolata* caused by the beach recharge works will not cause deterioration of the WFD water body status for North Wales Coastal Water Body.

NRW TE have also requested to review a CEMP once drafted. A finalised CEMP will be required as a Licence condition, to be approved by NRW prior to the commencement of works.

Navigation

The Maritime Coastguard Agency (MCA) have provided a consultation response requesting further information with matters affecting navigation. Please see the attached email response for further information.

Providing a Response

Please provide the information requested above by **21 December 2021**. Please contact me as soon as possible if additional time will be required to collate this information.

I would strongly recommend that you engage with NRW TE prior to submitting your response. To obtain NRW TE advice directly you can contact the Marine Area Advice and Management Team at their general inbox:

marine.area.advice@cyfoethnaturiolcymru.gov.uk

In the meantime, should you have any queries please do not hesitate to contact me on William.cooke@cyfoethnaturiolcymru.gov.uk

Yours sincerely



Will Cooke
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Natural Resources Wales