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10 February 2022

Dear Dorian Latham,

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

Llanddulais to Kinmel Bay Coastal Defence Improvements Project.

I am writing further to your request for a screening and scoping opinion, dated 29 November 2021, 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 Environmental Impact Assessment and submission of an Environmental Statement (ES). The purpose of the scoping procedure is to determine what information should be provided in the ES.

In reaching our Screening Opinion we have considered the proposed works against Schedule A1 and A2 of the above regulations. We have also had regard to the information provided in the "2021s1403 Scoping Report_Issued" dated November 2021 and considered the requirements of Schedule 3 of The Regulations. We have also consulted with the bodies that we consider have an interest in the project by reason of their environmental responsibilities, or local or regional competences, as required by the above regulations, and had regard to their comments.

Screening Opinion

It is our opinion that the works fall within the categories of project 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 above regulations.

“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”

We have carefully considered the views of the consultation bodies alongside the criteria as set out in Schedule 1 of The Regulations , and have determined, based on the information provided; that the project has the potential to have a significant effect on the environment and therefore a statutory Environmental Impact Assessment is required.

We have come to this conclusion due to the scale and nature of the development and the expected impacts which include but are not limited to the potential alteration to coastal processes and impacts on protected species in the area. In addition, the proposed works are within close proximity to the following protected sites:

- Liverpool Bay SPA
- Traeth Pensarn SSSI.

Scoping Opinion

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.

This Screening and Scoping Opinion will be provided to all those bodies that were consulted and will be publicised on our website and on our Public Register.

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

Scoping Opinion (SC2108)

Summary of the proposal

Location

The project area comprises the coastal frontage between the village of Llanddulas and the seaside resort of Kinmel Bay, on the North Wales coast. The proposed area is approximately 12km in length and includes the town of Kinmel Bay and surrounding areas,

a section of the river Clwyd (up to SJ 03317 76180) and also the line of sea defences stretching to Raynes Jetty in Llanddulas (SH 88703 78604).

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 (NRW)
- Maritime and Coastguard Agency (MCA)
- Royal Yachting Association (RYA)
- Trinity House Lighthouse Service (THLS)
- Conwy County Borough Council
- Cadw
- Clwyd Powys Archaeological Trust (CPAT)
- Royal Commission of Ancient and Historic Monuments Wales (RCAHMW)
- North Western and North Wales Sea Fisheries Committee (NWIFCA)
- 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/?lang=en>

0.2. The ES submitted should 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.

0.3. The EIA must be undertaken by a competent person and the ES must include a competent expert statement.

0.4. Where possible, other environmental assessments should be coordinated with the EIA process. However, it is important to note that the Habitats Regulations Assessment (HRA) and Water Framework Directive assessment (WFD), and any other assessment, are separate processes to the EIA.

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 all aspects described in Schedule 3 of The Regulations and summarised below:

- A Non-Technical Summary (NTS);
- A chart or map identifying where the activity will be carried out;

- 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 ES must consider any potential transboundary impacts where appropriate.

0.8. Early engagement with relevant stakeholders is encouraged. You are able to obtain further advice from NRW TE through the NRW Discretionary Advice Service, please see here: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/>

0.9. The UK left the EU on 31 January 2020; however, 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.

0.10. 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. Introduction

1.1. NRW TE note that the study area as per para 1.2 includes a section of the river Clwyd (up to SJ 03317 76180) which is at the confluence of the river Clwyd/Elwy.

2. Description of the Proposed Scheme

2.1. Section 2.1 sets the objectives; however, it does not include anything regarding the following:

- Ensuring biodiversity is maintained and enhanced (Environment Act and Wellbeing of Future Generations Act)
- No mention of the SSSI and its features etc.

2.2. NRW TE encourage that an objective is added to the EIA which covers the above points.

3. Preferred Option

3.1. NRW TE recommend that it is important to note that although ongoing maintenance has been minimised through the scheme selection, some ongoing maintenance will be required, i.e., beach level replenishment. NRW TE recommend the periodic beach replenishment is considered as part of the scheme management within the application.

3.2. We recommend the terminology for the preferred approach 'Hard Defences' is particularly misleading and should therefore be reconsidered as the preferred scheme has elements of 'Hard' and 'Soft' defences.

3.3. With regard to flood risk, NRW TE advise that CMU 3-2B (referred to in para 3.1.3) has a history of not only flooding from the sea but also fluvial flooding from the main river (Dulas) and surface water flooding. Therefore, it must be ensured that the scheme will not increase flood risk associated with these other sources of flood risk, nor should the outfall of the Dulas onto the beach lead to an increase in maintenance requirements.

3.4. NRW TE advise that a mixed approach (option 3) should be advocated for cells CMU 3.3 immediately west of the SSSI and 3.5c.

3.5. Sub categories of 2.2.1 and of 3.1 acknowledge that a 'mixed' hard and soft engineering approach provides a better longer term solution. However, at options appraisal, mixed engineering is rejected due to cost implications leaving option 2 (i.e. hard engineering only) as the preferred strategy. NRW PS notes that the EIA scoping report contradicts the use of option 2 as preferred strategy by suggesting (regular) beach feeding is required in cells CMU 3.3 (shingle) and CMU 3 -5c (sand). Beach replenishment is considered soft engineering and in line with the mixed approach (option 3). There may need to be some re-wording of the preferred option, as there are both hard and soft approaches described. It is important to note that NRW TE fully welcome and support a mixed approach with shingle feeding for CMU 3-3 and 3-5c.

4. Baseline Environment

4.1. Coastal Processes

4.1.1. NRW TE are concerned that there is no mention of marine or coastal physical processes being scoped into the EIA. NRW PS expects to see a standalone chapter on marine/coastal physical processes. Although physical processes are not a receptor as such, it is a fundamental pathway which will need assessing for potential impacts throughout construction, operation and maintenance. NRW guidance can be found on our website, the following links may be provide useful information:

- [Natural Resources Wales / Marine physical processes and Environmental Impact Assessment \(EIA\)](#)
- Evidence Report No: 243 [Guidance on Best Practice for Marine and Coastal Physical Processes Baseline Survey and Monitoring Requirements to inform EIA of Major Development Projects.](#)
- Evidence Report No: 208 [Advice to Inform Development of Guidance on Marine, Coastal and Estuarine Physical Processes Numerical Modelling Assessments.](#)

4.1.2. NRW TE advise that that a Zone of Influence (Zoi) is identified for the ES. The Zoi identified should be based on the area in which the scheme effects can be felt by the receptor/pathway under assessment. The Zoi is typically established based on the outputs of initial assessments (i.e., modelled output results) to identify any impact pathways on sensitive features. Further information on how the Zoi has been defined must be provided within the ES. Advice on how the Zoi should be established should be sought from NRW Coastal Processes specialist.

4.1.3. Confirmation on the sediment source, mineralogy, quantity and size fraction in relation to the receiving environment would be expected as part of the ES.

4.1.4. NRW TE advise all sediment that is not used within the construction of defences and not contaminated is kept within the active marine zone.

4.1.5. NRW recommend that advice is sought on the climate change scenarios to be used within the assessment.

4.1.6. NRW PS expects that the Shoreline Management Plan is used and referenced within the ES.

4.1.7. NRW advise the schemes 'hard permanent' footprint is as small as possible to ensure minimum impact to the marine environment.

4.1.8. NRW advise direct (footprint) and indirect (scour, erosion, accretion, smothering, plume) impacts, because of the scheme, are assessed within the ES.

4.1.9. NRW TE noted that extensive monitoring is discussed within the scoping report. It is recommended that this monitoring is expanded upon within the ES to discuss what evidence there is from previous monitoring around the coastal processes and beach levels and what is proposed post construction.

4.2. **Biodiversity**

4.2.1. NRW TE note the Menai Strait and Conwy Bay SAC (circa 10km from the development) and the Dee Estuary SAC (circa 9km from the development) have not been scoped in. The outputs of the coastal processes modelling should

determine whether there are any potential impacts on these protected sites. However, in the absence of this information at present, we advise both the Menai Strait and Conwy Bay SAC, and the Dee Estuary SAC are scoped in until the ZOI is determined.

4.2.2. The potential effects of marine Invasive Non-Native Species (INNS) must be included and scoped into this section for construction and operational activities. Construction-related vessels, vehicles and equipment movements have the potential to introduce/spread marine INNS to and from the site. Operational effects related to the introduction of artificial substratum as part of the proposal may increase the likelihood of colonisation of INNS in the future (and act as a stepping-stone effect) further adding to the potential introduction and spread. We acknowledge the potential effects of marine INNS can be mitigated through robust biosecurity management and welcome the intention to undertake a biosecurity risk assessment as part of the proposal.

4.2.3. Whilst the development does not fall within an SAC, there are a number of sensitive Section 7 habitats present that are listed under the Environment Wales (Act) 2016 as habitats of principal importance for the purpose of maintaining and enhancing biodiversity in Wales. Blue mussel beds are present along the coast adjacent to Llanddulas, with smaller beds along the coast near Pensarn and Kinnel Bay. *Sabellaria alveolata* reef is also present along the coast adjacent to Llanddulas. We advise these habitats are screened into the EIA and that potential impacts on these habitats are identified and mitigated.

4.3. Marine Mammals

4.3.1. NRW TE advise that impact pathways from the project to marine mammals are assessed in the Environmental Statement (ES) and Habitats Regulations Assessment (HRA), specifically including from noise and vibration generated during construction. Also, if material is transported to site by sea, we advise that noise/vibration and collision impact pathways are assessed for this activity in relation to marine mammals.

4.3.2. NRW advise that the ES includes a chapter on marine mammals in which we recommend the following species are considered:

- Harbour porpoise
- Bottlenose dolphin
- Grey seal
- Minke whale
- Common dolphin
- Risso's dolphin

4.3.3. Where any impact pathways to marine mammals from the project exist, we advise sites to be included within the HRA are based on the species specific Marine Mammal Management Unit (MMMU) that the project is within.

4.3.4. For each Annex II marine mammal species, the SACs in Wales within the relevant MMMU for the project are as follows:

Harbour porpoise

Management Unit: Celtic & Irish Sea

SACs in Welsh waters with harbour porpoise as a feature within the Management Unit:

- Gogledd Môn Forol / North Anglesey Marine
- Gorllewin Cymru Forol / West Wales Marine
- Dynesfeydd Môr Hafren / Bristol Channel Approaches

Bottlenose dolphin

Management Unit: Irish Sea

Welsh SACs with bottlenose dolphin as a feature within the Management Unit:

- Pen Llŷn a'r Sarnau / Llyn Peninsula and the Sarnau
- Cardigan Bay / Bae Ceredigion

Grey Seal

Management Unit: OSPAR Region III

Welsh SACs with grey seal as a feature within the Management Unit:

- Pen Llŷn a'r Sarnau / Llyn Peninsula and the Sarnau
- Cardigan Bay / Bae Ceredigion
- Pembrokeshire Marine / Sir Benfro Forol

4.4. Marine Fish

4.4.1. NRW TE advise that impact pathways from the project to fish migrating into, and out of, the River Clwyd are assessed in the ES specifically including from noise and vibration generated during construction. NRW advise that the ES includes a chapter on fish impacts in which the following species are scoped in to the ES:

- Atlantic salmon
- Sea trout
- River lamprey
- Sea lamprey
- European eel

4.5. Ornithology

4.5.1. NRW TE advise that both wintering and breeding birds during both construction and operational phases of the scheme are scoped into the EIA.

4.5.2. Ringed Plover are mentioned on page 9 of the EIA scoping report in relation to Traeth Pensarn SSSI. Ringed Plover are listed as a priority species on section 7 of the Environment (Wales) Act (2016). We advise that Ringed Plover should be scoped into the EIA.

4.5.3. NRW TE are in agreement that the Liverpool Bay SPA should not be scoped into the EIA. NRW TE also confirm that there would be no overlap with overwintering bird features of the Liverpool Bay SPA if works are undertaken outside of the overwintering period (September to March inclusive).

4.5.4. NRW TE advise that it would be useful to include spring and summer observations of cormorant along the stretch, to determine where this SPA assemblage feature regularly occurs.

4.6. Marine Water Quality

4.6.1. NRW TE agrees with the consideration of potential water quality effects highlighted in section 4.3 of the scoping report; and these must be considered within the ES. NRW TE advise that the Guidance for Pollution Prevention documents, particularly GPP5 (Works and maintenance in or near water) should be referred to for guidance.

4.6.2. NRW TE advise that Chemical (and bacterial) analysis of sediments may be required if the works are to disturb sediments of an appropriate size. Results of chemical analysis should be compared to CEFAS action levels for sediment. If sediments are found to be above action level 1 management actions must be proposed. Sediments above action level 2 must be disposed to land at a licenced waste disposal site. If Guidance on CEFAS action levels can be found here: [Marine Licensing: sediment analysis and sample plans - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/marine-licensing-sediment-analysis-and-sample-plans)

4.7. Water Framework Directive

4.7.1. We welcome the acknowledgement within the Scoping Report that a WFD Assessment will be required, given the potential interactions of the scheme and WFD water bodies.

4.7.2. NRW TE advise that all WFD water bodies that fall within the zone of influence of the project, when defined, or for which there are biotic/migratory pathways, must be included in the WFD assessment to understand the potential interactions of the project and WFD.

4.7.3. NRW TE advise that within the WFD assessment, both direct and indirect effects will need to be assessed, for each stage of the project, including the construction phase and the operational lifetime of the project. Any cumulative and in-combination effects will also need to be assessed.

4.7.4. In relation to Section 4.3.2 of the document, and the proceeding sections of relevance, we advise that the WFD classifications are subject to a 6-yearly review and that the Cycle 3 (2021) classifications will be released shortly. We therefore advise that the most up-to-date information is used to inform the WFD Assessment.

4.7.5. We advise that the WFD Assessment can be provided as a chapter of the ES, or as a stand-alone document. It should largely draw upon technical assessments carried out as part of the wider ES, but assessments should be contextualised in terms of potential project effects on the status and objectives of WFD water bodies.

4.8. Coastal Ecology

4.8.1. For section 4.2.2 NRW can provide previous biotope information survey data if required.

4.8.2. NRW question the statement in section 4.2.2 which states that ‘there is no mandatory requirement for biodiversity net gain (BNG) within WG statutes’ – NRW TE question this statement and draw attention that no reference is made to ensuring biodiversity is maintained and enhanced as required by the Environment Act and Wellbeing of Future Generations Act.

5. Environmental Enhancements

5.1. We advise Section 5 Environmental enhancements is expanded upon to include biodiversity enhancements to the coastal defence. These could include vertipools, tiles or other similar ecostructures to enhance and promote biodiversity where appropriate (and where they would add biodiversity value) in line with the Environment Wales (Act) 2016 and our SMNR principles. NRW would be happy to engage with the applicant in discussions on what might be the most appropriate approach.

5.2. NRW TE consider that this section doesn’t actually highlight any environmental enhancements, although it is feasible to state that the shingle and sand beach feeding is good for both biodiversity and recreation.

6. Format and ES Requirements

6.1. As identified within the Scoping Report (section 6.2 ES Requirements), the ES must include a Non-Technical Summary (NTS).

6.2. We agree that a Construction Environmental Management Plan (CEMP) will need to be developed and agreed as part of the scheme, including, but not limited to, rock storage and sediment management.

6.3. Both RCAHMW and CPAT advise that the ES contain a chapter on Archaeology. This should contain an archaeological assessment that addresses potential impacts arising from: beach/shoreline excavation for insertion of new revetments and drainage, the movement of heavy plant machinery across the beach, works compounds and material dumping areas on the beach, access routes onto the beach.

- 6.4. The information contained within the archaeological assessment should include:
- Baseline information on currently recorded and any potentially new heritage assets within the study area gathered from the National Monuments Record, RCAHMW and the Historic Environment Record at Clwyd-Powys Archaeological Trust along with documentary and cartographic sources in the archives at the National Library of Wales and Conwy County Archives where these are available. In addition, the NRW LIDAR data should be examined for any visible surface remains.
 - A systematic walkover survey of the beach and shore area where any ground disturbance will take place at each works site to identify any previously unrecorded archaeology. Features should be mapped using survey grade GPS and transcribed to scale drawings, described in detail and any appropriate mitigation suggested.
- 6.5. Sites or remains identified during the walkover survey should be recorded in such a way that the impact of the scheme on them can be assessed post-completion. This also fits into policy SOC_05 of the Welsh National Marine plan in terms of enhancing historic assets, through increasing our understanding of them.
- 6.6. CPAT have advised that Archaeological contractors must submit a WSI (written scheme of investigation) for approval before the assessment commences and the findings should be fully reported and archived in accordance with CIFA standards and guidance. The reports and digital archive will be sent to the HER, CPAT and NMR, RCAHMW. CPAT have requested that they are consulted on this report and given the opportunity to provide comments. The purpose of this report is to inform both CPAT and RCAHMW about the archaeological potential of the beach and frontage area where there may be previously unrecorded archaeology related to former prehistoric land surfaces buried by marine transgression and archaeology of all later periods related to activity on the shoreline including any ship/boat or aviation wrecks that may be present. Additional assessment may be required as a result of this report which may include geophysical survey and/or drone photogrammetry of the present beach conditions and any surface remains.
- 6.7. RCAHMW have advised that consideration will need to be given for the potential existence of maritime archaeological remains that are either currently unknown, or currently unlocated. The former of these might be in the form of prehistoric land surfaces, peat deposits, etc. that are well attested along the North Wales coast. The unlocated material is comprised of the shipwreck losses known to have taken place in the area, but which do not have a confirmed, exact location. Both of these sets of archaeological remains were highlighted in the RCAHMW consultation response for the initial ground investigation application for this scheme (RML2148).
- 6.8. In terms of shipwreck material, RCAHMW emphasise the point that the 'dots on the map' within the National Monuments Record do not, in many/most cases, represent exact shipwreck locations, and that the true shipwreck locations could be anywhere on the beach.

- 6.9. The buffer around the scheme footprint, forming the 'study area' should be quite large in a seaward direction, and to either side of the scheme on the foreshore. RCAHMW advise that a radius of 5km is used to serve to capture the widest possible dataset, from which each entry will have to be individually assessed for a likelihood as to whether or not it may have ended up in a place where it might subsequently be impacted. E.g. <https://coflein.gov.uk/en/site/515527/> which is an aircraft crash site, so given automatic statutory protection, but which is just listed as 'crashed into the sea off Towyn', and so in reality could be anywhere in the general vicinity and therefore needs to be considered.
- 6.10. RCAHMW advise that mitigation should include a clear statement on watching briefs for excavation work on the foreshore, accompanied with a clear set of protocols for archaeological discoveries. The recent [Crown Estate guidance for Offshore Wind](#) is excellent as a guide for contractors and although written for windfarms is entirely applicable to inter-tidal areas.
- 6.11. The MCA note that based on the information provided all proposed works are close inshore extending from the promenade onto the beach and would therefore expect the impact on shipping and navigation to be relatively low on this occasion.
- 6.12. The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine and Coastal Access Act (2009) before carrying out any marine licensable works. Suitably worded conditions and advisories would likely reduce the risks to ALARP on this occasion.
- 6.13. The MCA note that the Scoping report does not detail the extent of the marine works below the mean high water level, nor the methodology or make an initial assessment of the risk to mariner users. The ES should include details of the proposed outfall arrangements; how far off the beach they would extend and any likely impact on marine users. However, on the understanding this is addressed through the marine licensing regime, with suitable consultation with local users, the MCA would have no significant concerns on this occasion.

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.

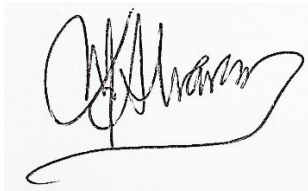
Please do not hesitate to contact me should you require any clarification or would like to discuss any aspect of this scoping opinion.

Yours sincerely



Will Cooke
Marine Licensing Team
Natural Resources Wales

Approved by:



Marine Licensing Lead Specialist

Natural Resources Wales

Cc: All Consultation Bodies