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Wales

# **Environmental Impact Assessment Written Confirmation of the EIA Consent Decision**

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

**Central Rhyl Coastal Defence Scheme  
CML2152**

**11 February 2022**

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## 1. Introduction

- 1.1 This document is the Environmental Impact Assessment ('EIA') Written Confirmation document for CML2152 Central Rhyl Coastal Defence Scheme ("the Project").

## 2. The Project

### 2.1 Project Background

- 2.1.1 An application for a Marine Licence for the Project was submitted to NRW by Denbighshire County Council on 06 October 2021.
- 2.1.2 The Project stretches 2.2km along the central section of the Rhyl waterfront (Denbighshire) and comprises of:
- 1.45km of scour protection and concrete repairs
  - 750m of concrete stepped revetment
  - Beach access points
  - Raising and widening of the promenade (where necessary) with the inclusion of flood gates
- 2.1.3 All activities listed in 2.1.2 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 stretches 2.2km along the central section of the Rhyl waterfront (Denbighshire) within the western boundary of Latitude 53.319399, Longitude - 3.4993030 (decimal degrees) and the eastern boundary of Latitude 53.329705, Longitude -3.4730102 (decimal degrees).

### 2.3 Statement of need

- 2.3.1 The Central Rhyl defences no longer meet performance standards and are deteriorating with defects associated with the age, materials used and marine environment.
- 2.3.2 The central section is no longer able to prevent wave overtopping for the desired standard of protection under present day conditions. With climate change resulting in increased sea levels and storm frequency/severity, the future effectiveness of the existing defences would continue to decline. The structures are likely to deteriorate and it is anticipated that total failure would occur by 2068 if the current maintenance regime continues.
- 2.3.3 This Project aims to improve the existing coastal defences to provide increased flood and erosion protection to people and property in Rhyl along with supporting local regeneration, achieving wider community benefits alongside flood risk management.

## 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 the list below.
- 2.4.3 Planning permission under the Town and Country Planning Act 1990 for additional aspects of the project. An application has been made to Denbighshire County Council and is currently 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 SC2101 that the proposed works fell under Schedule A2, paragraph 69 of the Regulations on the assessment of the effects of the project on the environment, specifically:

*paragraph 69 Coastal work to combat erosion and maritime works capable of altering the coast through the construction of, for example, dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.*
- 3.0.4 Accordingly, the Marine Licence application required for the Project was accompanied by an Environmental Statement (ES).
- 3.0.5 NRW provided comments on a Scoping Report entitled “Central Rhyl Defences. EIA Screening and Scoping Report. February 2021”, submitted by Mott MacDonald (on behalf of Balfour Beatty/Denbighshire County Council) on 05 February 2021 (case reference:SC2101).

### 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:

- Chapter 1: Introduction (including EIA methodology)
- Chapter 2: Need for Scheme, Assessment of Alternatives & Basis of Design
- Chapter 3: Scheme Description
- Chapter 4: Scheme Construction
- Chapter 5: Consultation
- Chapter 6: Policy
- Chapter 7: Historic Environment
- Chapter 8: Biodiversity (Marine and Terrestrial)
- Chapter 9: Climate
- Chapter 10: Coastal Processes and Flood Risk
- Chapter 11: Landscape and Visual
- Chapter 12: Materials
- Chapter 13: Noise and Vibration
- Chapter 14: Population and Human Health
- Chapter 15: Other Environmental Disciplines (to include air quality, soils, traffic and transport, risk of major disasters and disasters)
- Chapter 16: Cumulative Effects

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

3.2.1.1 The sea from the mean low water mark up to 1 nautical mile from shore is protected under the WFD which requires 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'.

3.2.1.2 The Potential effect of the Project was also screened against the Water Framework Directive objectives for the following Water Bodies:

- North Wales Coastal Waterbody (GB GB641011650000)
- Clwyd Transitional Waterbody (GB541006608000)

3.2.1.3 A Water Framework Directive Compliance Assessment concluded that the proposal, when considered alone and in-combination, will not pose a risk to deterioration of the above listed waterbodies.

3.2.1.4 Further details are described within the Water Framework Directive Compliance assessment.

### **3.2.2 Waste (England and Wales) Regulations 2011 (2011/988)**

3.2.2.1 '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 Regulations, which gives an order of preference for how waste is dealt with (prevention, re-use, recycling, recovery, disposal at sea).

3.2.2.2 See consideration under section 7

### **3.2.3 The Conservation of Habitats and Species Regulations 2017 (as amended)**

3.2.3.1 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").

3.2.3.2 The proposal is not located within a European Protected Site.

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

- Liverpool Bay/Bae Lerpwl Special Protection Area (SPA) UK9020294- (300m to the North of the Project)
- Dee Estuary/Aber Dyfrdwy SPA UK9013011 (5.1km East of the Project)
- Dee Estuary Ramsar (5.1km East of the Project)
- Dee Estuary Special Area of Conservation (SAC) UK0030131 (5.1km East of the Project)
- North Anglesey Marine/Gogledd Mon Forol SAC UK0030398 (approx. 18km west of the Project)

3.2.3.4 In light of the conclusions of an appropriate assessment, and taking account conditions or restrictions as applicable, it was concluded that the proposal, when considered alone and in-combination, will not adversely affect the integrity of the European site(s) concerned.

3.2.3.5 Further details are described within the Habitats Regulations Assessment.

### **3.2.4 Marine Conservation Zones**

- 3.2.4.1 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.
- 3.2.4.2 The Project is not within a Marine Conservation Zone, and was not identified to have an impact on any Marine Conservation Zone.

### **3.2.5 Wildlife and Countryside Act 1981 (as amended)**

- 3.2.5.1 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.
- 3.2.5.2 See consideration under section 7

### **3.2.6 Marine Policy Statement and Welsh National Marine Plan**

- 3.2.6.1 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 (WNMP) unless relevant considerations indicate otherwise.
- 3.2.6.2 The applicant has assessed the scheme’s compliance to the WNMP (ES Chapter 6 and Table 6.3) which detailed consideration of the development against the WNMP. It is considered that the Project is in accordance with the WNMP supporting sustainable economic growth both during the construction phase and the operational phase of the project. The development is designed to protect commercial and residential properties and critical active travel infrastructure. The development has also considered its impact on the marine ecosystems and has where appropriate looked to avoid, minimise and mitigate potential impacts this is presented within section 7.

### **3.2.7 Shoreline Management Plan**

Shoreline Management Plan (SMP) SMPs are non-statutory policy documents with the purpose of providing a large-scale assessment to support coastal support management planning.

The proposed works lie within sub-cell 11a, policy unit 11a.4 North West England and North Wales SMP. The policy for the unit is Hold The Line. Therefore, the enhancement of the Rhyl Defence is in line with the SMP policy.

### **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 No further information was requested from the applicant pursuant to a notification under Regulation 14 (1).

## **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 Rhyl Journal on 10 November 2021 and 17 November 2021
- The application documents were made available to the public via the NRW Public Register 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 21 October 2021 for a period of 42 days, in accordance with Regulation 17 of the regulations. It was sent to the following consultation bodies:
- 6.0.2 Natural Resources Wales Technical Experts (NRW TE), Ministry of Defence (MoD), Maritime and Coastguard Agency (MCA), The Crown Estate (TCE), Local Planning Authorities (LPA), Local Harbour Authorities, , Local Biodiversity Officers (LBO), Royal Yachting Association (RYA), Royal Society for the Protection of Birds (RSPB), Trinity House (TH), Cadw, Welsh Government Fisheries Branch, Marine Enforcement Officers (MEO) Natural England (NE), The North Wales Wildlife Trust and The Royal Commission of Historic Monuments Wales.
- 6.0.3 The following organisations submitted comments:
- NRW TE
  - Maritime & Coastguard Agency
  - Trinity House
  - Cadw
  - Clwyd-Powys Archaeological Trust
  - Royal Commission on Historic Monuments Wales
  - The Crown Estate
  - Ministry of Defence
  - Royal Yachting Association
  - Welsh Government
  - NERL safeguarding
  - North West IFCA (in relation to the Dee Estuary only)

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 ES and consultation process and the extent to which they have been addressed are detailed in this section.

## 7.1 Historic Environment

- 7.1.1 Welsh Archaeological Trust (WAT), Cadw and The Royal Commission on the Ancient and Historic Monument in Wales (RCAHMW) have confirmed that sufficient archaeological assessments have been completed.
- 7.1.2 Cadw agreed with the conclusions of the ES with regard to the impacts on listed buildings and monuments and that the proposed mitigation to reduce noise and visual impacts could be incorporated into the Construction Environmental Management Plan. Cadw consider that with appropriate mitigation the impact on LB14276 War memorial would not be significant.
- 7.1.3 The Clwyd-Powys Archaeological Trust and RCAHMW both agree that proposed development could have significant impacts on non-designated prehistoric archaeological sites and that these impacts have been assessed within the ES and mitigation proposed. However, further mitigation is required to ensure that the impact will not be significant and also to mitigate for any impacts to maritime archaeological remains. Clwyd-Powys Archaeological Trust and RCAHMW consider that a Written Scheme of Investigation is required and provided recommendation of mitigation which should be incorporated these are detailed in section 8.2.2.2.
- 7.1.4 NRW PS are therefore satisfied that the historic environment has been appropriately assessed and that the mitigation required can be secured using appropriate conditions including a CEMP to secure the mitigation proposed within the ES and a Written Scheme of Investigation (WSI) to ensure that any impacts to non-designated pre-historic sites will not be significant.

## 7.2 Biodiversity (Marine and Terrestrial)

- 7.2.1 NRW TE provided comment that they agree with the conclusions within the ES and are satisfied that the construction mitigation measures proposed within the ES (e.g. Table 8.15 within Chapter 8:Biodiversity) will aid avoidance of any impacts.

This includes a biosecurity risk assessment to reduce the risk of transfer or movement of Invasive Non-Native Species (INNS), A constraints plan to avoid areas of *Sabellaria alveolata* and Mussel beds (*Mytilus edulis*) to prevent vehicles and personnel from tracking over these areas. Best working practice, pollution prevention measures and emergency response planning to reduce impacts to water quality and the intertidal environment.

NRW PS are satisfied that biodiversity has been appropriately assessed and that the mitigation required can be secured using appropriate conditions, including the CEMP, to deliver the mitigation proposed within the ES. Further detail of the mitigation required within the CEMP is detailed in section 8.

### **7.3 Climate**

- 7.3.1 No representations were made on the subject of climate. NRW PS concluded that the potential impacts due to the Project have been adequately addressed in the ES.

### **7.4 Coastal Processes and Flood Risk**

- 7.4.1 NRW TE agreed with the conclusions of the ES. NRW PS have concluded that the potential impacts due to the Project have been adequately addressed in the ES.

### **7.5 Landscape and visual**

- 7.5.1 No representation were made on the subject of Landscape and visual. The ES considered impact on seascape and concluded a temporary significant effect to pedestrians, cyclists and recreational water users. NRW acknowledge this would largely be as a result of diversion of footpath and cycle-paths and from site compounds screening views and the presence of construction plant, and personnel and that this would be reversible once the construction of the Project was completed. NRW are therefore satisfied that no permanent significant impact on visual and landscape are anticipated to occur. NRW PS concluded that the potential impacts due the Project have been adequately addressed within the ES.

### **7.6 Materials**

- 7.6.1 No representation were made on the subject of Materials. NRW PS concluded that the potential impacts due the Project have been adequately addressed within the ES.

### **7.7 Noise and Vibration**

- 7.7.1 No in-water piling is to be undertaken for the Project construction. Cadw provided comment on impacts of airborne noise on the tranquillity of neighbouring historic assets, which can be mitigated for (see 7.1.2). No other comments were received and NRW PS have concluded that the potential impacts due to the Project have been adequately addressed in the ES.

### **7.8 Population and Human Health**

- 7.8.1 No representation were made on the subject of Population and Human Health. NRW PS concluded that the potential impacts due the Project have been adequately addressed within the ES.

### **7.9 Other Environmental Disciplines**

- 7.9.1 No representations were made on the subject of Other Environmental Disciplines (to include Air Quality, Geology & Soils, Traffic and Transport, Risk of Major Accidents and Disasters, Environmental Management Plan). Therefore, NRW PS concluded that the potential impacts due to the Project have been adequately addressed in the ES.

## 7.5 Cumulative Effects

- 7.5.1 No representations were made on the Cumulative Effects. NRW PS concluded that the potential impacts due to the project have been adequately addressed 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 The Scheme has been designed, as far as practicable, to minimise effects on built heritage and archaeology, climate, seascape and landscape, population and human health.
- 8.1.2.2 The project has committed to producing a CEMP which will include measures to manage and reduce potential risks to the environment. Measures include, but are not limited to the following:
- Marine Pollution Emergency Response Plan
  - Biosecurity risk assessment
  - Erosion prevention
  - Best practice measures to reduce noise and vibration during construction
  - Damping down of dust sources and other measures to minimise air quality effects
  - Best practice construction and hygiene measures
  - Best practice pollution prevention measures
  - Pre-works checks for birds and small mammals
  - Construction safeguards to include, where relevant, timing of works to avoid sensitive seasons and/or check surveys and supervised clearance of habitats to safeguard nesting birds and mammals
  - Adherence to a surface water management plan
  - Pre-construction archaeology survey
- 8.1.2.3 Further mitigation includes efficient use of material such as the use of pre-cast elements where possible, use of locally sourced materials, a waste hierarchy to be implemented throughout construction and the collaboration with nearby projects to provide and use surplus material (where possible).

## 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 ensure the CEMP (as outlined above) incorporates the proposed mitigation as identified within the ES. The CEMP will need to be submitted and approved by the Licensing Authority prior to commencement of works.
- 8.2.2.2 A licence condition will be required to reduce impact on the historic environment. A Written Scheme of Investigation (WSI) will be required to capture the following recommended mitigation measures:
- Implementation of a Protocol for Archaeological Discoveries for the project.
  - Implementation of a watching brief for all areas of excavations on the foreshore.
  - Implementation of a survey and sampling programme to allow a fuller understanding of the location, nature, and extent of prehistoric remains, including former land surfaces, and any other extant/visible archaeological features.
  - Provision of an Archaeological Exclusion Zone around all identified areas of archaeological material, including deposits of former land surfaces.
  - Archaeological recording of all identified areas of archaeological material, including deposits of former land surfaces, before scheme commencement, and after scheme completion
- The WSI must be submitted and approved by the Licensing Authority prior to commencement of works.
- 8.2.2.3 Licence conditions will be required to ensure that pollution prevention best practice will be adhered to, this would include that appropriate bunding and storage facilities are installed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. This will mitigate possible impacts on water quality.
- 8.2.2.4 Licence conditions will be required to ensure the UK Hydrographic Office are notified before and after the commencement and completion of Licensed Activities. This will ensure the promulgation of Maritime Safety Information and the updating of nautical charts and publications to ensure other vessels in the vicinity can safely plan and conduct their passage.

## 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. Due to the scale and nature of the project significant impact on population is not predicted. The ES also considered that during the construction phase there is potential to generate minor (reversible) visual impact and access restriction to sections of the promenade and beach. During the operational phase the Project would be beneficial to the population due to the reduction in flood risk and coastal erosion. Considering the project design, scale and mitigation proposed; NRW PS are satisfied that there will be no significant impact on population or human health as a result of the project.

### 9.2 Biodiversity

9.2.1 There are several protected areas which have the potential to be affected by the Project. A Habitat Regulation Assessment was carried out and considered, subject to appropriate conditions, that the project will not adversely affect the integrity of any of the European Sites and their features.

9.2.2 The ES considers the potential impacts on biodiversity including that of physical disturbance, temporary reduction in habitat and temporary habitat displacement, changes in turbidity, noise and artificial lighting impacts during construction viand an accidental pollution event. NRW PS conclude that considering mitigation proposed

within the ES specifically adherence to a CEMP and the licence conditions as outlined in section 8, no significant impact on biodiversity is predicted.

### **9.3 Land, soil, water, air and climate**

- 9.3.1 The installation, operation and maintenance of the Project will not give rise to the production of any hazardous waste. However, there is an impact pathway to water quality through an accidental pollution event.
- 9.3.2 The ES has assessed these impacts and proposed mitigation including design measures and adherence to mitigation which includes best working practice (e.g. sourcing local material wherever possible to reduce international imports, delineation of working areas, reduction of journeys, reuse of excess material from neighbouring projects, recycling of all waste material) to reduce impacts to climate and reduce risk of accidental pollution events 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.

### **9.4 Material assets, cultural heritage and landscape**

- 9.4.1 A number of potential impacts associated with the construction of the Project on archaeological receptors have been identified within the ES namely; removal and/or disturbance of archaeological resource, temporary visual impact and temporary noise impact (at local war memorial).
- 9.4.2 Considering the mitigation proposed within Section 7 and Section 8 above, including adherence to best practice guidelines as implemented through the CEMP and Written Scheme of Investigation (WSI), NRW PS is satisfied that no significant impact on cultural heritage is predicted.
- 9.4.3 The ES considered impact on seascape and concluded a temporary significant effect to pedestrians, cyclists and recreational water users. NRW PS acknowledge this would largely be as a result of diversion of footpath and cycle-paths, from the site compounds screening views and the presence of construction plant and personnel. However this would be reversible once the construction of the Project was completed. NRW PS are therefore satisfied that no permanent significant visual impact on visual are anticipated to occur.

### **9.5 Risk of major accidents and disasters relevant to the project**

- 9.5.1 The Project is not considered to have a high vulnerability to major accidents and disasters. The principal aim of the Project is to improve coastal defence and reduce the risk of erosion and damage to key infrastructure in the central Rhyl area. Construction best practice would be utilised to reduce any risk during the construction phase and further risk of major accidents and disasters is not considered to be significant. This was scoped out of the EIA within the Scoping

Report (in agreement with NRW PS and the Local Planning Authority). NRW PS consider there is low risk of the project contributing to the severity of major accidents or disasters.

## 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 a further in-combination assessment was completed and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.

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Produced By: Seran Davies

Signed: *S. Davies*

Date: 18 January 2022

Approved by: Peter Morrison

Signed: 

Date: 11 February 2022

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## 10. Regulation 22 EIA Consent Decision

10.0.1 The Marine Licensing Team has considered the application CML2152 and information provided in support of the application and is now in a position to make an EIA consent decision to Denbighshire County Council.

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 (dated 18 January 2022), 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 Adequate mitigation strategies have been agreed to minimise, or altogether remove, the potential significant impacts associated with the construction and operational phases of the Project.
- 10.0.5 We consider that the 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:
- Denbighshire County Council
  - 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: Seran Davies

Signed: *S. Davies*

Date: 18 January 2022

Approved by: Peter Morrison

Signed: *Peter Morrison*

Date: 11 February 2022

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