



**Cyfoeth
Naturiol
Cymru**
**Natural
Resources
Wales**

Environmental Impact Assessment Written Confirmation of the EIA Consent Decision

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

**Colwyn Bay Waterfront Project Phase 2b
CML2149**

09 March 2022

Contents

1. Introduction	4
2. The Project	4
2.1 Project Background	4
2.2 Location.....	4
2.3 Statement of need	6
2.4. Regulating regimes	6
3. Environmental Impact Assessment.....	6
3.1 The Environmental Statement (ES).....	7
3.2 Other Legislative and Policy Framework	8
3.2.1 Marine and Coastal Access Act 2009, Section 66, Part 4 (Chapter 1) ('the Act')	8
3.2.2 Water Framework Directive (Council Directive 2000/60/EC).....	8
3.2.3 Waste (England and Wales) Regulations 2011 (2011/988)	8
3.2.4 The Conservation of Habitats and Species Regulations 2017 (as amended) ..	8
3.2.5 Marine Conservation Zones	9
3.2.6 Wildlife and Countryside Act 1981 (as amended)	9
3.2.7 Marine Policy Statement and Welsh National Marine Plan	10
3.2.8 Environment (Wales) Act 2016	10
3.2.9 Well-being of Future Generations (Wales) Act 2015.....	10
3.3 Further information provided by the applicant pursuant to a notification under regulation 14(1)	10
4. Consultation with the public	10
4.1 Public Notices.....	10
5. Consultation of EEA States.....	11
6. Technical consultation	11
7. Issues arising during the consideration of the Environmental Statement, Marine Licence Application and representations received	12
7.1 Marine Mammals.....	12
7.2 Marine Fish	12
7.3 Biosecurity.....	13
7.4 Bathing Waters.....	14
7.5 Navigation	14
8. Mitigation or monitoring measures to be taken	15
8.1 Features or measures to avoid, prevent, reduce or offset likely significant effects... ..	15
8.2 Mitigation or monitoring required to be attached to the consent (Regulation 22 (c)-(e)).....	15
9. Regulation 21A Conclusion about Environmental Impact	16
9.1 Population and human health.....	17
9.2 Biodiversity	17

9.3 Land, soil, water, air and climate	18
9.4 Material assets, cultural heritage and landscape	18
9.5 Risk of major accidents and disasters relevant to the project.....	19
9.6 Cumulative impacts and in-combination impacts.....	19
10. Regulation 22 EIA Consent Decision	20

1. Introduction

- 1.1 This document is the Environmental Impact Assessment ('EIA') Written Confirmation document for Colwyn Bay Waterfront Project Phase 2b ("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 Conwy County Borough Council 10 September 2021.

The application was for Colwyn Bay Waterfront Project Phase 2b, which includes the modification of existing outfalls, the modification of an existing rock control structure, and beach recharge involving the importation of approximately 1 million tonnes of dredged sand.

- 2.1.2 The Project comprises of:

- The importation of up to 1,000,000 tonnes of dredged sand into the bay. This is to be achieved by constructing a sand delivery pipe on the beach at Pensarn, and floating it around and landing it on the beach at Rhôs-on-Sea. A trailing arm suction dredger will develop the material from quarry sites in Liverpool Bay, and pump the sand on to the beach through the delivery pipe;*
- Amendments to an existing rock groyne at Rhôs-on-Sea Harbour using material obtained from removal of the three existing groynes and from the existing toe protection along the base of the existing seawall, which would otherwise be buried by the imported sand. This will require the movement of approximately 10,000m³ of rock within the bay. No rock importation is proposed;*
- Extensions to outfalls which currently discharge directly from the sea wall, to prevent them from being blocked up by the imported sand;* &
- Minor repairs to the existing seawall (grouting, re-pointing, coping repairs, filling of voids).*

- 2.1.3 All activities listed in 2.1.2 with a * require a Marine Licence under Part 4, (Chapter 1) Section 66 of the Marine and Coastal Access Act.

2.2 Location

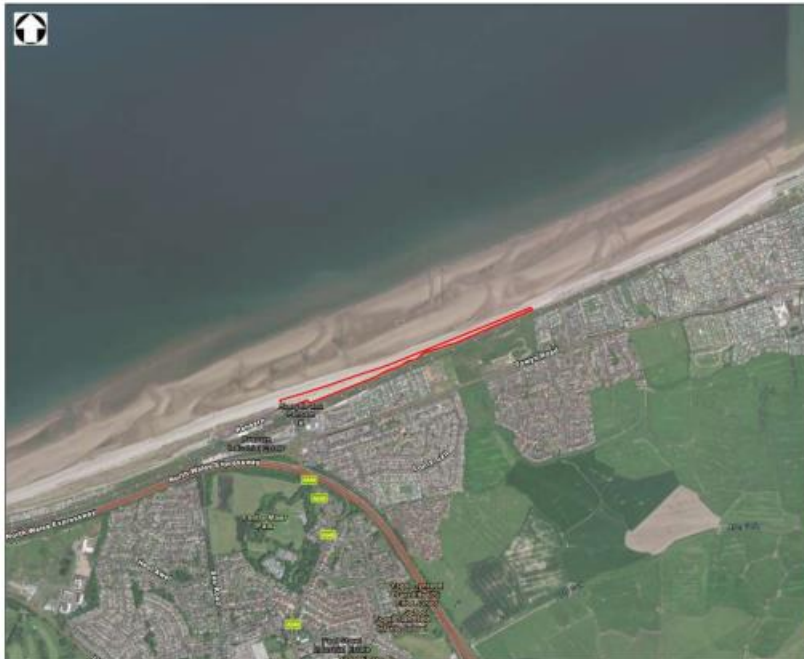
- 2.2.1 The Project is located at Rhôs on Sea and Pensarn Bounded by the coordinates provided in Table 1. A plan of the project area is provided in Figure 1 and Figure 2:

Figure 1 Colwyn Bay Waterfront Project Phase 2b – Rhôs on Sea



Source: Drawing 100374-MMD-00-XX-DR-Z-0001, Mott MacDonald Ltd, 2021

Figure 2 Colwyn Bay Waterfront Project Phase 2b – Pensarn



Source: Drawing 100374-MMD-00-XX-DR-N-0020, Mott MacDonald Ltd, 2021

Latitude	Longitude
Rhos on Sea	
53.3114	-3.7383
53.3067	-3.7393
53.3018	-3.7347
53.3144	-3.7352
53.3169	-3.6925
53.3080	-3.6960
Pensarn	
53.2956	-3.5848
53.2989	-3.5684
53.2948	-3.5839
53.2993	-3.5686

2.3 Statement of need

2.3.1 The objectives of the Project are:

- To limit overtopping of the existing defences to appropriate levels commensurate with the primary hinterland receptors;
- To mitigate the risk of failure of the coastal defences and the erosion of the shoreline that would take place without on-going shoreline management;
- To safeguard the active travel routes, utilities, rail and transport infrastructure at risk from damage resulting from overtopping and/or erosion; &
- To regenerate the Promenade area and provide environmental enhancements along with improved amenity commensurate with the overarching Waterfront Regeneration Plan.

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. This was still under determination at the time of this decision with reference 0/49306.

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 CML2149 on 14 February 2022 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:

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).

3.1 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:

- Introduction
- Need for Scheme, Assessment of Alternatives and Design Development
- Scheme Description
- Scheme Construction
- Consultation
- Policy Context
- Air Quality
- Historic Environment
- Biodiversity
- Climate
- Coastal Processes and Flood Risk
- Landscape
- Materials
- Noise and Vibration
- Population and Health
- Traffic and Transport
- Other Environmental Disciplines
- Cumulative Effects
- Summary

- 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 Marine and Coastal Access Act 2009, Section 66, Part 4 (Chapter 1) ('the Act')

3.2.1.1 Council Directive 2011/92/EU 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. The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("the Regulations") transpose the EIA Directive into UK law for marine licence applications.

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

3.2.2.1 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'.

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

- North Wales Coastal Waterbody

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

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

3.2.3 Waste (England and Wales) Regulations 2011 (2011/988)

3.2.3.1 '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).

3.2.3.2 See consideration under section 7

3.2.4 The Conservation of Habitats and Species Regulations 2017 (as amended)

3.2.4.1 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”).

3.2.4.2 The proposal is located within a European Protected Site.

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

- Menai Strait and Conwy Bay SAC
- Liverpool Bay SPA

The following sites are considered functionally linked due to the high mobility of species:

- North Anglesey Marine SAC
- Bristol Channel Approaches SAC
- Pen Llyn a’r Sarnau SAC
- Cardigan Bay Marine SAC
- West Wales Marine SAC

3.2.4.4 A test of likely significant effect (TLSE) was undertaken and potential significant effects on features of the European Sites listed above could be ruled out. It was concluded that the proposal, when considered alone and in-combination, will not adversely affect the integrity of the European sites concerned.

3.2.4.5 Further details are described within the Habitats Regulations Assessment.

3.2.5 Marine Conservation Zones

3.2.5.1 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.

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

3.2.6 Wildlife and Countryside Act 1981 (as amended)

3.2.6.1 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.

3.2.6.2 The proposal is located within the Traeth Pensarn SSSI.

3.2.6.2 See consideration under section 7

3.2.7 Marine Policy Statement and Welsh National Marine Plan

3.2.7.1 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 unless relevant considerations indicate otherwise.

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 North Wales Pioneer on November 10 & November 17, 2021.
 - The application documents were made available to the public at: Natural Resources Wales, Cambria House, 29 Newport Rd, Cardiff, CF24 0TP for 42 days 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 08 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) for Conwy, Local Harbour Authorities, Local Biodiversity Officers (LBO) for Conwy, Royal Yachting Association (RYA), Royal Society for the Protection of Birds (RSPB), Clwyd-Powys Archaeological Trust (CPAT), Trinity House (TH), Cadw, Welsh Government Fisheries Branch, Marine Enforcement Officers (MEO), North Wales Wildlife Trust, NATS Safeguarding, and The Royal Commission of Historic Monuments Wales (RCAHMW).
- 6.0.3 The following organisations submitted comments:
- NRW TE
 - Cadw
 - NATS Safeguarding
 - CPAT
 - TCE
 - RCAHMW
 - MoD
 - MCA

- 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 Marine Mammals

- 7.1.1 NRW TE provided comment following consultation stating that due to the mobile nature of these species, it is considered that MMMUs are the most appropriate scale for assessing likely significant effect on marine mammals. NRW TE also raised concerns regarding the noise assessment conducted by the applicant. Specifically the use of dredging as a proxy for noise levels, the use of $\beta = 18$ rather than a more generic value of $\beta = 15$ and the assessment of 6 hours of beach recharge activities rather than 24 hours. The applicant addressed these concerns by submitting an update to Table 5.3 of the ES dated 17 January 2022 and further addressed these issues by providing an updated noise assessments including MMMUs as the correct spatial scale for assessing impacts on marine mammals. Further information can be found in Section 2.5 of 100374-MMD-00-XX-RP-N-0047 Addendum to Colwyn Bay Phase 2b Environmental Statement Response to NRW Comments P02 dated February 24, 2022.
- 7.1.2 NRW TE also advised that a 100m buffer should be maintained from the vessel and any marine mammal to be monitored by an Ecological Clerk of Works (ECoW) or site foreman rather than a dedicated marine mammal observer. The applicant confirmed on 01 March 2022 that this is feasible. As a result, this will be required through as part of the CEMP as mitigation for the impact on marine mammals.
- 7.1.3 NRW PS are satisfied that these concerns have been addressed and no further information is necessary.

7.2 Marine Fish

- 7.2.1 NRW TE raised concerns during consultation regarding the assessment of effects of increased sedimentation on fish being limited to increased turbidity and visual feeding. NRW TE recommended that smothering was also considered as an impact pathway. The applicant provided a response within 100374-MMD-00-XX-RP-N-0047 Addendum to Colwyn Bay Phase 2b Environmental Statement Response to NRW Comments P02 dated February 24, 2022. This response states that only 200m of the beach would be worked on at one time approximately 1.5 hours either side of high water and then land based equipment would be used to reprofile the beach. Therefore the increase in suspended sediments was likely to

be highly localised and short term in duration. As such, NRW PS are satisfied that these concerns have been addressed and no further information is necessary.

7.2.2 NRW TE also raised concerns regarding the loss of habitat for benthic spawning fish beneath the footprint of the new groyne. The applicant provided a response within 100374-MMD-00-XX-RP-N-0047 Addendum to Colwyn Bay Phase 2b Environmental Statement Response to NRW Comments P02 dated February 24, 2022. Table 1.1 of this document states that the groyne is not “new” as there is a current curved groyne which is being raised, with the addition of second arm to form the ‘y’ shaped proposed. Given the structure is located entirely within the intertidal area, it is not considered suitable for benthic spawning fish. Regarding loss of habitat, a small area of intertidal sand will be replaced with rock/boulder substrate, however, this loss is considered negligible given the large area of intertidal sand throughout the Scheme area.

7.2.3 NRW PS are satisfied that these concerns have been addressed and no further information is necessary.

7.3 Biosecurity

7.3.1 NRW TE raised concerns around the spread of invasive non-native species (INNS) during consultation. These concerns referred to the potential for vessel and vehicle movements to provide a pathway to nearby sites of conservation importance and the development could convey a secondary dispersal of INNS. The applicant provided a response within 100374-MMD-00-XX-RP-N-0047 Addendum to Colwyn Bay Phase 2b Environmental Statement Response to NRW Comments P02 dated February 24, 2022. The applicant has provided information that mitigation measures for vessels and vehicles have been incorporated in the Biosecurity Risk Assessment, these include measures such as adherence to the Ballast Water Management Convention, 2017 (including hopper water if being discharged as ballast), cleaning of anchors, plant and machinery, any rock required (not being recycled from within the site) should preferably be virgin material and clean, and not consist of rocks that have been sourced from other coastal defence schemes (however no use of additional rock is anticipated). A bio-fouling management plan is also required. As a result, it is considered unlikely that marine INNS would be introduced via stepping-stone effects resulting from vessel and vehicle movements. Regarding the potential for a stepping-stone effect and construction works on the intertidal area, existing outfalls and rock groynes are being modified/extended using rock revetment materials reclaimed from within the site (as detailed within the ES), therefore it is considered that these extensions and modifications are unlikely to increase the likelihood of a stepping-stone effect. Additionally, the site is separated from any nearby sites of conservation importance with habitat features and given the control measures in place it is considered unlikely for INNS to be introduced and that secondary dispersal of INNS would result in impacts to any conservation sites with habitat features. Regarding utilisation of substrate for the beach recharge element of the scheme, material would be sourced from a licenced dredging site and not from an area known to contain marine INNS. Additionally, the dredged sand is coming from a subtidal site, meaning that any INNS contained are unlikely to survive transition into an intertidal area due to exposure at low tide.

7.3.2 NRW PS are satisfied that these concerns have been addressed and no further information is necessary.

7.4 Bathing Waters

7.4.1 During consultation, NRW TE noted that page 405 of the ES stated that the beach is recommended to be closed during the Bathing Season and that the applicant recommends the stopping of Bathing Water monitoring for quality status. NRW recommended that works should be conducted outside of the Bathing Season. The applicant provided a response to this comment within section 2.3.3 of 100374-MMD-00-XX-RP-N-0047 Addendum to Colwyn Bay Phase 2b Environmental Statement Response to NRW Comments P02 dated February 24, 2022. Within section 2.3.3 the applicant stated that works are constrained by the requirement to avoid the over-wintering bird season given the Liverpool Bay SPA designation of Colwyn Bay. The beach recharge operation also cannot take place in periods where storms are likely as the very high standing charges for the barge, equipment and personnel would make the whole project unviable. The aim is to complete the recharge in as short a time as possible to minimise impacts both marine and in terms of the local population, businesses and visitors. The Phase 1 area of the Colwyn Bay waterfront will remain open for access. In addition, only a very small area of the beach would be worked on at any one time (approximately 200m) in relation to its overall length of around 5km from Tan Penmaen Head to Rhôs Point (with the work redistributing the sand taking place following pumping for around an hour and a half either side of high tide). Public access to the whole Phase 2b area would not be permitted for health and safety reasons. The small scale of the works on any one day in relation to the overall size of the Phase 2b area would limit the impacts on wider water quality.

7.4.2 NRW PS are satisfied that these concerns have been addressed and no further information is necessary.

7.5 Navigation

7.5.1 During consultation, the MCA raised concerns regarding who would manage the restrictions on access to Rhôs harbour during the construction of the northern arm of the groyne and beach recharge works. The applicant responded to these concerns on 17 January 2022 stating that during construction the contractor will be responsible to managing access in and out of the harbour. MCA confirmed that following the submission of this further information their concerns had been addressed and had no objections to a licence being granted.

7.5.2 NRW PS are satisfied that these concerns have been addressed and no further information is necessary.

7.6 Historic Environment

7.6.1 Following consultation, RCAHMW and CPAT provided comments that they would support the granting of a licence on the basis that archaeological mitigation was included. The mitigation requested by RCAHMW and CPAT includes:

- Implementation of a Protocol for Archaeological Discoveries;
- 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.

7.6.2 NRW PS are satisfied that these mitigation measures can be secured through appropriate licence conditions and therefore no further information is required.

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 core wintering bird season (October to March, based on the data in Section 4.6) would be avoided during the beach recharge works;
- 8.1.2.2 Due to tidal constraints, low tide working would be implemented for intertidal construction works relating to the seawall repairs, terminal groyne works and outfall extensions, this will minimise disturbance from construction.
- 8.1.2.3 Toolbox talks would be undertaken with site staff prior to works commencing to highlight the importance of the SPA habitat and wintering birds, particularly their sensitivity to disturbance and what types of activities can disturb the birds, in order to minimise the disturbance as much as possible from construction.
- 8.1.2.4 Tool box talks to be held to raise awareness of marine mammals near to the site via toolbox talks for works associated with the beach recharge and dredger and pipeline movements. If a marine mammal is spotted during this activity, works would cease, and an appropriately qualified marine ecologist would be contacted for guidance.

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 a CEMP is submitted before the commencement of works. This will 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 reduce impacts on water quality. NRW TE requested that this also include mitigation for marine mammals through a 100m buffer between vessels involved with the works and marine mammals. This has been agreed with the applicant and will be monitored by an Ecological Clerk of Works (ECoW) or site foreman rather than a dedicated marine mammal observer.
- 8.2.3 A Protocol for Archaeological Discoveries, watching brief for excavations on the foreshore and a Provision of an Archaeological Exclusion Zone around fish trap MM013 and UKHO ID 91185 will be followed to protect historic assets within the project area.
- 8.2.4 A Biosecurity Risk Assessment will be followed detailing how the risk of potential introduction and spread of INNS will be minimised. The risk assessment will include measures such as adherence to the Ballast Water Management Convention, 2017 (including hopper water if being discharged as ballast), cleaning of anchors, plant and machinery.
- 8.2.5 The timings of the works will be restricted so that no works shall commence between 01 October and 31 March without prior approval from NRW to avoid the overwintering bird season.
- 8.2. In considering the monitoring requirements outlined above we do not consider that these requirements can be met by existing monitoring arrangements.

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 considers the potential impacts of the project through the operational phase and identifies that significant effect to the population can be avoided through the implementation of appropriate mitigating measures (for example an appropriate CEMP and Construction Traffic Management Plan, as well as the tertiary mitigations proposed in Section 15.11 of the ES).

9.1.2 The ES also identifies that the scheme aims to safeguard the area from coastal erosion in the long term, which would benefit mainly the population living in the area, but also the local businesses and community facilities. Also, the local population would benefit from enhanced walking, cycling and recreational opportunities as a result of the Scheme's enhancements to the Promenade area, contributing to improving health and wellbeing. The Scheme would also contribute to the regeneration of Colwyn Bay waterfront which would create new opportunities for businesses and tourism. These effects are considered to be beneficial and Significant.

9.1.3 NRW PS conclude that considering mitigation proposed within the ES and the licence conditions outlined in section 8.2.2 no significant impact on population and human health is predicted.

9.2 Biodiversity

9.2.1 The project is located within the Menai Strait and Conwy Bay SAC and is considered functionally linked through the highly mobile species of the following designated sites:

- North Anglesey Marine SAC
- Bristol Channel Approaches SAC
- Pen Llyn a'r Sarnau SAC
- Cardigan Bay Marine SAC
- West Wales Marine SAC

A Habitat Regulations Assessment was carried out and has concluded that subject to appropriate conditions the works will not adversely affect the integrity of these designated sites.

9.2.3 Following the submission of further information by the applicant dated 17 January 2022 and 24 February 2022 NRW PS are satisfied that the applicant has addressed all concerns regarding biodiversity. Considering mitigation proposed within the ES and the licence conditions outlined in section 8.2.2. no significant impact on biodiversity is predicted.

9.3 Land, soil, water, air and climate

9.3.1 The ES has identified through an air quality assessment that with the inclusion of appropriate mitigation measures as outlined within Section 7.8 of the ES, construction effects can be considered not significant.

9.3.2 The ES includes a climate assessment which conclude that the GHG emissions and must be reduced wherever possible, particularly considering the Net Zero Carbon target set by the government. Therefore, the mitigation detailed in Section 10.8 of the ES must be considered and through the subsequent stages of the Scheme GHG emissions must be minimised wherever possible.

9.3.3 The ES identifies that the Scheme's predominant focus is on reducing the coastal erosion impacts along the frontage and is considered to be beneficial for the Colwyn Bay frontage. The improvement to the existing groyne and beach recharge, with associated maintenance, would hold the coastline in place over the design life. During the construction phase of the Scheme there could be an increased risk of flooding along the frontage. To reduce this impact, mitigation has been proposed in the CEMP to ensure phasing of the works is undertaken and a Flood Management Plan is in place. Once operational, the Scheme would have a permanent Large/Very Large Beneficial (Significant) effect in reducing the current overtopping risk for the present-day conditions. The ES identifies that over time, owing to climate change, this benefit would be reduced. However the Scheme will still offer improved protection from overtopping compared to a Do Nothing / no beach scenario.

9.3.4 The ES identifies that construction should not cause likely significant effect to North Wales Coastal Waterbody.

9.3.5 NRW PS conclude that considering mitigation proposed within the ES and the licence conditions outlined in section 8.2.2. no significant impact on land, soil, air or climate is predicted.

9.4 Material assets, cultural heritage and landscape

9.4.1 The ES has identified that once completed, the Scheme would likely improve the recreation value and would likely not significantly affect its scenic quality. Some visual receptors are likely to see improvements to the condition and quality of views across the site area through the improvements to the promenade, active travel routes and hard and soft landscaping.

9.4.2 The ES has identified that mitigation measures for protecting archaeological and historical assets should include avoidance of known archaeological remains and

the provision of archaeological awareness training and reporting procedures, which would reduce the potential for damage. The ES has also identified the requirement for archaeological monitoring during excavations.

- 9.4.5 NRW PS are satisfied that all impacts have been addressed and suitable mitigation has been included to minimise the impact to the historic environment as a result of the project.

9.5 Risk of major accidents and disasters relevant to the project

- 9.5.1 Due to the nature of the operation, the pollution prevention measures proposed to reduce the risk of a major accident or pollution event and conditioned within the marine licence, stated in section 8.2.2.2.
- 9.5.2 NRW PS consider the risk of a major accident or disaster to be extremely low.

9.6 Cumulative impacts and in-combination impacts

- 9.7.1 As detailed in section 3.2.4, NRW PS carried out a Habitat Regulation Assessment, as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.
- 9.7.2 NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

Produced By: Will Cooke
Signed:



Date: 08 March 2022

Approved by: Emmer Litt
Signed:



Date: 09 March 2022

10. Regulation 22 EIA Consent Decision

- 10.0.1 The Marine Licensing Team has considered the application CML2149 and information provided in support of the application and is now in a position to make an EIA consent decision to Conwy County Borough 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 08 March), 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 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 monitoring and 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:
- Conwy County Borough 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 [Public register - Customer Portal \(naturalresources.wales\)](https://naturalresources.wales)

Produced By: Will Cooke

Signed:



Date: 08 March 2022

Approved by: Emmer Litt

Signed:



Date: 09 March 2022
