

**Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended), Regulation 22  
- EIA Consent Decision**

**Title:** Colwyn Bay Promenade Enhancement and Coastal Defence Works

**Regulatory Approval:** Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

**Operators:** Conwy County Borough Council

**Report No:** Ref: CRML 1349

**Location:** Colwyn Bay, Conwy

## **Introduction**

This document constitutes an EIA consent decision under Regulation 22 of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (MWR), in respect of an application submitted by Conwy County Borough Council. The application was supported by an Environmental Statement. The Marine Licensing Team has considered the application 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.

The ES addendum has been produced in support of the 2010 ES and as such has not been treated as a stand-alone document. Reference should be made to the 2010 ES (report reference 278238/BNI/NWD/O2A) for a full description of the scheme, consultation undertaken, assessment of alternatives and consideration of environmental impacts.

## **Project Description**

Conwy County Borough Council has applied for a Marine Licence to enhance the promenade and coastal defence works as part of the Colwyn Bay Waterfront Project.

Works that require a Marine Licence under Marine and Coastal Access Act (2009) will involve:

- Beach replenishment
- Armour facing
- Maintenance of outfall and pipes

## **The Environmental Statement (ES) Addendum**

The Environmental Statement outlined possible impacts as detailed below.

### Environmental Impacts

#### **Coastal Processes**

The section discusses the physical coastal environment including hydrodynamics, geomorphology and water quality during construction and operation

Potential key issues identified and discussed are:

#### *During construction*

- Excavation of material down to the glacial till stratum.
- Risk of increased local flood and erosion by the removal of the rock toe and rock groyne.
- Vehicle movements across the foreshore of works.
- Localised sediment disturbance and additional sediment transport in the intertidal zone and lower foreshore impacting turbidity.
- Risk of contamination from spillage of plant fuels, oils and lubricants potentially impacting water quality.

### *During operation*

- A change of sediment size / type during recharge of the beach altering the beach profile
- A more reflective surface potentially leading to increased scour and erosion from the removal of the rock toe and rock groyne.
- Risk of reducing water quality of the bay by increased turbidity and contaminated (new) material.
- Ongoing maintenance throughout the lifetime of the works causing localised pollution incidents from fuels / lubricants.

### **Marine Ecology and Nature Conservation**

This section discusses the potential impacts of the proposed scheme on birds and aquatic ecology.

Potential key issues identified:

### *During construction*

- Potential adverse impacts on sparse blue mussel aggregations in mixed substrate and upper intertidal zones.
- Removal of the revetment could impact birds experiencing a temporary loss of prey species and an increase in competition for food.
- Reduction in light available in the water column through increased turbidity affecting photosynthesis in submerged seaweeds and plants.
- Potential increase in suspended sediment on fish resulting in potential impacts on fish eating birds such as cormorant and red-throated divers.
- An increase in noise from construction activities has the potential to disturb birds, particularly during winter months when they are more vulnerable.

### *During Operation*

- Repeated beach recharge could impact on biotopes within the upper and mid intertidal zones with the potential to impact on birds.
- Increased turbidity could from beach recharge activities could impact on fish, foraging birds including diving birds.

### **Landscape and Visual**

- Temporary impacts to landscape, townscape and seascape impacts discussed during the construction period potentially effecting views from residential and commercial areas along the frontage of Colwyn Bay and Rhos-on-Sea.

Potential key issues identified:

### *During Construction*

- Potential for temporary disruption due to areas of the promenade being used as compound areas.
- Temporary closures of the promenade will limit opportunities for walking and cycling and recreational activities and impact on tourists.
- Temporary diversion routes could result in access difficulties and possible congestion.

### **Socio-Economic**

This section discusses the potential impacts on employment, local residents, businesses, travel and access and tourism.

## **Consultation**

### **Public Notices**

The public notice was advertised in the Daily Post on the 11<sup>th</sup> November 2013 to notify interested parties of the proposed works and to give interested parties an opportunity to make representation on the application as necessary. No public representations were received.

The marine works application was consulted on 1<sup>st</sup> November 2013 and sent to the following:

The Natural Resources Wales – ‘advisory functions’ (NRW) , The Centre for Environment, Fisheries and Aquaculture Science (Cefas), Ministry of Defence (MoD), , Maritime and Coastguard Agency (MCA), The Crown Estate (TCE), Local Planning Authority (LPA), Local Harbour Authority (LHA), Local Port (Conwy), Local Port (Conwy Quays Marina), Local Biodiversity Officer (LBO), Royal Yachting Association (RYA), Royal Society for the Protection of Birds (RSPB), Trinity House (TH), Cadw (Cadw) and Welsh Government Fisheries Branch, Marine Enforcement Officers (MEO).

### **Representations Received**

As a result of the technical consultations one representation was received as outlined below. Each comment requiring a response has been sent to the applicant for comment on which the technical advisor provided additional comments. Marine Licensing Team comments for each issue can be found at the end of each section.

## **The Crown Estate comments:**

### **Comments dated 13/12/13:**

Thank you for consulting us on this matter.

The Crown Estate is affected by the proposed works. However we already in contact with the applicant regarding landowner’s consent and therefore we have no comments to make on the application

*MLT response: Noted*

## **Natural Resources Wales comments:**

### **Comments dated 17/12/13**

Please find below our views on the significance of the works subject of the marine licence.

#### **Protected Sites**

##### *Bae Lerpwl / Liverpool Bay Special Protection Area*

The application site is located within close proximity to the Liverpool Bay / Bae Lerpwl SPA of which the features of the site include the internationally important numbers of wintering common scoters. We note that section 4.4.2.12 of the ES Phase 1b & 1c Addendum Report (September 2013) states that the beach recharge works will be undertaken from March onwards and will avoid the most sensitive time of year for wintering scoters (i.e. November to February). Wintering common scoters are sensitive to boat traffic and known large aggregations occur to the north and west of the works area. These birds are still likely to be found in these areas during March when the works are due to take place, although they will be beginning to disperse at this time.

The ES addendum does not provide information on the number of vessel deliveries required and vessel routes followed to transport material from the dredging sites to the area of works. We anticipate that fairly frequent movements will be required between the dredging sites and the area of works. We therefore advise that the applicant should develop a vessel routing plan to avoid disturbing the main aggregations of common scoter. This routing plan should be specified within the Construction Environmental Management Plan and should be agreed to the satisfaction of NRW.

A bio-security risk assessment should be undertaken containing an investigation of the pathways that may carry non-native organisms to the project area e.g. contaminated machinery / vessels / equipment / contractor PPE. The assessment should detail effective measures which can be put in place to minimise this risk.

We remind you that, as a competent authority for the purposes of the 2010 Regulations, you must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SPA or Ramsar site. Provided that the above measures are adhered to, we advise that the works are unlikely to have a significant effect on the integrity of the Liverpool Bay / Bae Lerpwl SPA.

##### *Traeth Pensarn SSSI*

Table 1.2 states that a floating and sinker pipeline will be assembled at a nearby beach in Pensarn. Please note that no pipeline assembly or any other work associated with the scheme should be undertaken within the Traeth Pensarn Site of Special Scientific Interest. We also advise that a minimum 20m buffer is kept between the SSSI and the site of any pipeline assembly site.

## **Natural Environment and Rural Communities Act 2006 (NERC)**

Having queried our Phase 1 intertidal records we advise an area of the blue mussel beds Biodiversity Action Plan (BAP) priority habitat lies within the footprint of the beach recharge works. Although this habitat is likely to be smothered during the works, we consider that the area affected is small and likely to be a sparse aggregation of the species. Larger aggregations of blue mussels are found further to the north-west, towards Rhos Point. We advise that these aggregations are unlikely to be impacted by the proposed works.

For information, the peat and clay exposures with piddocks BAP priority habitat is thought to be found to the east of the proposed works. Again, we advise that this habitat is unlikely to be impacted by the proposed works.

### **Flood Risk**

With regards to flood risk, we have referred to section 3.4.3 of the submitted report (Environmental Statement Addendum for Phase 1b Promenade Enhancement and Phase 1c Coastal Defence dated September 2013). We can confirm that we are satisfied with the proposal in terms of flood risk.

### **Environment Management**

The Environmental Statement has identified potential sources of pollution. Contractors at the site must ensure that measures are put in place to avoid and reduce the risk of causing pollution. The following must be taken into consideration.

#### Cement:

Cement and Concrete are highly alkaline and corrosive and can cause serious pollution to the ground and water bodies. A method statement of how cement and concrete will be used on site should be submitted to our area Environment Management team prior to commencing work.

#### Excavations:

In most cases, excavations below ground level will accumulate water. Prior to work commencing, plans must be put in place on how to treat and dispose of water that enters the excavation. Our Environment Management team must be contacted if permission is required to extract/dewater on site, or discharge to surface water or groundwater.

#### Waste material:

Re-using material on site such as stone and concrete may require a permit from ourselves, if any of the material is contaminated or requires some form of treatment i.e. crushing, sorting, grading etc.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

For further information the applicant is advised to contact us or refer to guidance on the Environment Agency's website [http:// www.environmentagency.gov.uk/subjects/waste](http://www.environmentagency.gov.uk/subjects/waste).

Our Environment Management team may be contacted on 01248 484031.

### **Pollution risk**

Although careful planning and preparation reduces the risks of a pollution incident, accidents can still happen. All pollution incidents should be reported as soon as possible to our **Hotline: 0800 80 70 60** (24 hour service).

All the above details are covered in greater detail in our Pollution Prevention Guidance "**PPG6: Working at construction and demolition sites**" and "**PPG5: Works and maintenance in or near water.**"

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To conclude, we do not object to the proposal subject to the above advice being adhered to.

### **Applicants response received 17/12/13:**

Thank you for sending through the comments. We respond as follows:

#### **Works at Traeth Pensan**

Undertaking temporary works at Pensarn is dependent on which of the tendering contractors is appointed. Depending on which contractor is appointed there is a chance that no temporary works will be required at Pensarn. However, if temporary works are required at Pensarn then these works would be undertaken at the top of the beach, east of the SSSI, with a minimum 20m of clearance being maintained to the SSSI area. No works would be undertaken within the SSSI area.

#### **Method Statement / Bio-security Risk Assessment**

1. A bio-security risk assessment has been undertaken and has been issued to tendering contractors as part of the tender documents. Please find attached copy of the bio-security risk assessment.
2. The contractor for the works will be required to produce and implement a Construction Environmental Management Plan (CEMP), which will cover the issues highlighted with cement, excavations and waste. Please find attached extract from the construction spec detailing the requirements for the CEMP. The completed CEMP will be forwarded onto you in January once a contractor has been appointed.
3. The contractor is also required to develop a site waste management plan, which should provide further information on the re-use of material. We will liaise with the contractor regarding disposal and re-use of material to ensure all necessary permits and exemptions are in place.

4. A vessel routing plan will be agreed with the contractor and forwarded to NRW for comment.

**MLT response:** *Noted and comments and method statement sent on to internal consultee.*

Through consideration of these, a full and detailed assessment has been made of the potential direct and indirect effects of the proposals on human beings, fauna and flora, soils, water, the landscape, material assets and the cultural heritage including any risk to the integrity of nearby sites of conservation importance.

The Marine Licensing Team endorses the findings of the ES, subject to the inclusion in any licence issued of the conditions referred to above and compliance with them.

Accordingly, the Marine Licensing Team acting for and on behalf of the Licensing Authority, concludes that the project will not have a significant adverse effect on the environment. As such, a favourable EIA consent decision can be issued to Conwy County Council for marine works as part of the Colwyn Bay Promenade Enhancement and Coastal Defence Works.

**Sign off**


**Produced by:** Louise Wild – Senior Permitting Officer

**Signed:**



**Date:** 24 December 2013

**Approved by:** Eleanor Smart – Marine Licensing Team leader

**Signed:** 

**Date:** 24 December 2013