



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

**Title:** West Rhyl Coastal Defence Scheme Phase 3

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

**Operators:** Denbighshire County Council

**Report No:** Ref: CRML1436

**Location:** Rhyl, Denbighshire

## **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 Denbighshire County Council. The application was supported by an Environmental Statement Addendum to the original ES that was submitted for marine licence 10/85/ML. The original marine licence application was submitted to the Welsh Government Marine Consents Unit (MCU), which has since transferred to Natural Resources Wales Marine Licensing Team (MLT).

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 Denbighshire County Council.

## **Project Description**

Denbighshire County Council has applied for a Marine Licence to construct Phase 3 of the West Rhyl Coastal Defence Scheme.

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

- Excavation of sand and shingle from East of Site outside Children's Village
- Construction of a temporary bund
- 3m piles at toe of revetment
- Construction of revetment toe
- Using excavated material for scheme profiling to a level of +6.52mOD
- Revetment Mattress Construction

Phase 3 of the original proposal has been revised and altered, which was deemed enough of a variation from the original proposals to warrant a new marine licence. Hence the reason for this addendum application.

The key changes to the original Phase 3 are as follows:

- Slight decrease in height of the primary and intermediate flood walls (due to changes in climate change guidance and the increased distance from the wall to the toe of the revetment);
- Change in design and layout of flood walls;
- Change from a stepped, curved concrete revetment to a straight, interlocking pre-cast concrete revetment;
- Slight decrease in height of the revetment and approximate 10 metre increase in maximum extent of the revetment from the existing sea wall;
- Provision of two small car parks rather than a disabled parking/drop off area;
- Use of excess wind-blown sand material from adjacent beach to the east for construction of the extended promenade and revetment rather than importing fill from off-site.

The Coastal Defence Scheme has planning permission from Denbighshire County Council Development Control that was issued on the 25<sup>th</sup> January 2011. The planning permission is issued under the Town and Country Planning Act 1990

## The Environmental Statement (ES)

The chapters submitted within the ES Addendum refers back to the original ES and states how the effects have altered due to proposed changes to Phase 3. These are as follows:

- Hydrodynamics & Sediment Regime
- Flood Risk
- Navigation
- Water & Sediment Quality
- Flora & Fauna
- Air Quality
- Noise
- Transport
- Landscape
- Heritage
- Socio-Economic
- Cumulative Impacts
- Mitigation Summary

### Hydrodynamics & Sediment Regime

#### *Construction Impacts*

Construction works are similar to those previous identified. The Phase 3 footprint has been extended by approximately 10m seawards, although there remains a **negligible** impact to the hydrodynamic and sediment regimes. This is due to the scheme footprint remaining above the low water mark and therefore for significant periods of the tidal cycle will have little or no impact.

Piling activities may have a **temporary moderate adverse** impact on water quality.

Excavation of windblown sand from the beach to the east and subsequent transport of vehicles is likely to increase erosion and turbidity resulting in **temporary minor adverse** impacts on water quality.

#### *Operation Impacts*

The 2010 ES identifies that there would be a **negligible** impact on sediment processes. In addition, removing areas of elevated beach sand (with or without the scheme going ahead) and re-sue of the material is considered to have **minor beneficial impact**.

#### **Summary**

The removal of the sand for the works is considered to be beneficial owing to the impacts this material is currently having along the frontage. Following the removal of the material the beach profiles will be of a similar nature to the equilibrium profiles for the frontage.

The construction methods included in the Phase 3 works will ensure that the impact on the coastal processes along the frontage will be minimised.

The overall changes to the coastal processes and hydrodynamics for this section of the frontage are considered to be negligible as previously accepted in the 2010 ES.

### Flood Risk

#### *Construction Impacts*

The 2010 ES identified that the flood risk would remain at the existing level until the Scheme had been completed. Any impact from Phase 3 would be **negligible**.

There is still potential for overtopping along the Phase 3 frontage prior to construction resulting in an unchanged **moderate adverse** impact.

### *Operation Impacts*

The target rate of overtopping for Phase 3 have been kept at 5 l/m/s as previously adopted. It has been designed for a 1 in 200 year event with 100 years of sea level rise. The scheme with the changes to the revetment and wall height still offers the same level of protection to Rhyl frontage resulting in an unchanged **permanent major beneficial** impact.

### **Summary**

The re-design of the Phase 3 works has been shown to have the same level of overtopping rates as previously approved. It is therefore considered that although the design has been amended there are no new or increased flood risk impacts along the frontage.

### Navigation

At the proposed location for sand removal there is an RNLI Station. The works will require vehicle movement along the beachfront and there is potential for the construction works to impact on the RNLI operations, in addition to the impacts highlighted in the 2010 ES. Due to area of material being removed and vehicle size this is considered **negligible**. A programme of work will be provided to the RNLI.

### **Summary**

The changes to the Phase 3 works from the 2010 ES are not considered to have a significant impact on the navigational issues along the frontage. The Rhyl RNLI station is on the promenade behind the area where sand will be removed from. However it is considered that with good site management of the area and effective communication with the RNLI there will be **negligible** impact on RNLI operations.

### Water and Sediment Quality

#### *Construction Impacts*

The additional/altered construction impacts identified from the revised Phase 3 proposals are considered to be as follows:

- The original Phase 3 proposals would have required the import of hardcore/slate waste for the construction of the revetment. The use of excess windblown sand in the revised proposals (which is chemically identical to the existing beach material) is preferable to the use of imported fill materials and will reduce the problem of sand build-up to the east. Overall this will have a **minor beneficial** impact;
- The excavation of windblown sand from the beach to the east and subsequent transport of vehicles along the beach (owing to vehicle weight limits on the promenade) is likely to create increased erosion and turbidity, resulting in additional **temporary minor adverse** impacts on water quality;
- The creation of a temporary bund at low tide to facilitate piling operations throughout the tidal cycle is likely to have a **negligible** additional impact on water quality due to the reduced baseline tidal flow conditions in this area and result in minimal disturbance of sediment (see Hydrodynamics and Sediment Regime Chapter 4 for more information);
- Formwork will be placed at the back and top of the sheet piles with the potential for temporary **minor adverse** impacts on water quality relating to potential spillage of concrete materials;
- The revetment will be profiled to a 1:3 gradient using land based plant. There is the potential for fines to enter sea waters and result in increased turbidity resulting in an additional **minor adverse** impact.

#### *Operation Impacts*

Drainage from two proposed car parks areas has potential to contain hydrocarbon contamination resulting in additional **minor adverse** impacts.

The redevelopment of the existing harbour wall and revetment could slightly increase the impermeable area of the surfaces around the seafront and harbour. This may increase runoff during storm events, leading to a small increase in inputs into the marine environment of storm flow and the load which it carries. Runoff rates are expected to only increase slightly therefore this risk is deemed to be **negligible**, as in 2010 ES.

### **Summary**

The additional/altered construction impacts identified from the revised Phase 3 proposals are limited and include increased erosion and localised turbidity from the excavated sand transport vehicles, the potential for fines from the revetment entering sea water again resulting in increased turbidity and potential impacts relating to the use of concrete adjacent to the sheet piles at the revetment toe.

### Flora and Fauna

#### *Construction Impacts*

Pile driving will cause underwater noise and bed vibrations that could impact fish directly. The 2010 ES assessed this as *moderate adverse*. However, as the amended Phase 3 works will be undertaken outside of the main migratory fish periods (works between September and March) it is now considered **temporary minor adverse**.

Construction of the revetment will result in loss of a small additional area of habitat. However, this area is mostly unvegetated sand within the supratidal zone, as such this is considered to be additional **temporary minor adverse**.

There are no changes from the original 2010 ES regarding disturbance to common scoter and red-throated diver overwintering populations, from noise and visual disturbance so this is considered to be **negligible**.

The movement of the 42,000 m<sup>3</sup> fill material will require vehicle movements across the foreshore, from the area of surplus material to the Phase 3 construction footprint. The use of additional heavy plant on the foreshore means that there is the additional potential for hydrocarbons to enter marine waters from leaks or spillages of fuel and lubricants resulting in an additional **temporary minor adverse** impact on local ecology.

Movement of sand could result in a temporary increase in water turbidity due to suspended sediment, in addition to that which was assessed in the 2010 ES. However, this is thought to be minimal as sand extraction will take place above Mean Low Water. It is considered that this will result in a **negligible** impact on aquatic ecology within the local area.

#### *Operation Impacts*

There is not considered to be any change to the operational impacts due to the revised design of the Phase 3 works from the original 2010 ES.

### **Summary**

Whilst the scope of works for Phase 3 of the WRCDS now differs from that assessed within the 2010 ES, it is largely applicable in its assessment of the works. The major difference to the Scheme is the tracking of vehicles across the foreshore and the use of wind-blown sand although with the appropriate mitigation, any additional impacts will be negligible and the timing of the works minimises the impact on overwintering birds.

### Air Quality

#### *Impacts*

The overall number of construction traffic vehicles has increased slightly from the 2010 ES

mainly due to the addition of the sand extraction works. The route of vehicle movement has also changed to move the sand from the beach to the east rather than from inland construction compound. This is still considered as **negligible** impacts.

The Phase 3 works regarding dust remain unchanged from the 2010 ES concluding **temporary moderate adverse**. Vehicle movements associated with sand extraction may result in dust generation. This has been identified as **temporary moderate adverse**.

### **Summary**

Following a review of all construction information, baseline data and design amendments to Phase 3 of the Scheme, potential air quality impacts remain as concluded within the 2010 ES. No significant residual impacts are predicted.

### Noise

The assessment of noise and vibration within the 2010 ES are considered to be valid even with the addition of the expected potential noise impacts generated through the sand extraction and transportation.

The zone of extraction of sand, and the haul route along the beach has the potential to generate impacts at additional NSRs further east along the Rhyl sea front than those considered previously. Additional residential receptors have therefore been considered along west Parade and east Parade.

The extent of the seafront which has been considered as being subject to noise from hauling of sand along the beach extends from the Lifeboat Station in the east (junction of east Parade and Tarleton Street to the eastern extremity of the Phase 3 works (junction of West Parade and Sydenham Avenue). It is assumed that the movement of fill around within the extents of the Phase 3 works was captured by the construction noise assessment for the 2010 ES.

### **Summary**

The potential noise and vibration impacts resulting from changes to Phase 3 of the WRCDS have been evaluated using methodology consistent with that used in preparation of the 2010 ES for the Scheme. No additional significant adverse impacts have been identified using that methodology.

### Transport

#### *Construction Vehicle Movements*

- Compound structures
  - 8 prefabricated buildings delivered by 8 vehicles: expected total of 16 vehicle movements
- Fill material
  - 42,000m<sup>3</sup> of material to be transported by four 25T dump trucks, equalling 48 vehicle passing in an hour, at a maximum. This is an increase in the number of vehicles required from the original scheme
- Concrete
  - Total of 210 concrete related vehicle movements expected, using three vehicles and a tracked excavator.
- Redi-rock
  - To be delivered by flat-bed trailer and offloaded using excavator or crawler crane. Total number of trips not confirmed.
- Ducting and drainage construction
  - With use of a 5T machine and 6T dumper, both used over a 30 day period.

- Landscaping
  - With use of two 6T dumper and two 360-tracked excavators, both used over a 20 day period.
- Surfacing material
  - Materials to be delivered by 2 lorries with a total of 92 vehicle movements. Each used for a total of 9 days.
- Specialist construction vehicles
  - These should not affect local highway operations.

The impact of HGV movements during the construction period is anticipated to be **temporary but of major adverse significance**, based on the base traffic count data obtained from both DCC and CCBC and the significance criteria. Although there is anticipated to be a minor/moderate increase in overall vehicle movements, the revised design of Phase 3 is likely to result in an increase of vehicle movements with a much reduced journey time associated with the sourcing of fill material adjacent to the site. Therefore there is considered to be no overall change in the impact from the 2010 ES.

#### *Construction Workforce Traffic*

It is considered that the impact of temporary construction workforce movements during the construction period would be **temporary but of moderate adverse significance** which is unchanged from the impact anticipated in the 2010 ES.

#### **Summary**

The transport impacts of the modified construction Scheme are broadly comparable to those proposed in the original Scheme. The main distinction between the two Schemes is the source of the construction infill material. The modified construction Scheme will utilise won infill material from a local site which will be transported via the beach, reducing the impact upon the local highway network. For the transportation of the infill material, the original Scheme proposed up to 3,500 offsite vehicle movements and the modified Scheme will require approximately 4,370 vehicle movements along the beach.

The impact of construction upon the local highway network is considered to be **temporary but of moderate adverse significance**. Once completed, the Scheme will not generate any traffic and will have no impact upon the highway network.

#### Landscape

##### *Impacts*

- Reduction of the perceived height of the wave wall in relation to the promenade and properties on west Parade by the creation of a sloped, linear park on the landward side, which will also enhance the terrestrial setting of seafront properties;
- Enhancement of the character of the western end of the promenade through the creation of a high quality, linear public space incorporating features of Drift Park such as areas of rhythmic landform providing areas of localised shelter, feature seating area, native and semi-ornamental planting to soften, enclose and define spaces, serpentine pathways to increase connectivity and naturalistic street furnishings to provide a strong sense of place;
- There is an increased car parking provision since the original assessment following consultation with key stakeholders. However, the car parks have been sensitively planned by dividing into two smaller car park areas as opposed to one large area.

It is therefore considered that the enhancements would still have a positive effect and a landscape and result in a visual impact of **moderate beneficial** significance as indicated in the 2010 ES.

### **Summary**

The main changes to the original design are considered to be **mainly beneficial** in terms of increased park area, curved design elements, lower wall heights and sloped revetment. It is therefore considered that overall, the baseline, mitigation measures and impacts assessed in the original assessment will not change as a result of the revised Phase 3 proposals.

### Heritage

#### *Impacts*

There will be construction and operational impacts on the setting of the Grade II listed building numbers 72 and 75 West Parade due to the changes to the revetment, flood wall and promenade. The extension of the promenade will result in a width of 12-60m from the existing seawall. The result is considered to be a **temporary minor impact** on a high value group of assets during construction. The impact is only considered minor because although altered, the ocean vista will be retained and the change from the baseline only slight.

The Phase 3 works will include soft landscaping and car parking facilities located behind the flood wall. The landscaping and location of the car parks has the potential to increase the magnitude of impact on the permanent setting of the listed buildings. It is envisaged that the operational impact on numbers 72 to 75 West Parade is **minor adverse**.

### **Summary**

The amended Phase 3 defence works have been identified as causing a **minor adverse** construction phase impact on the setting of the Grade II listed buildings numbers 72 to 75 West Parade prior to mitigation which is a slight increase from the impact identified within the 2010 ES. However, the amendments also include soft landscaping which has the potential to preserve and enhance the ocean view and should act to reduce adverse impacts. It is recommended that the designs of the landscaping and location and design of the car parking facilities take into consideration the potential visual impact on the ocean vista of numbers 72 to 75 West Parade.

### Human Aspects

No additional impacts have been identified from the original 2010 ES conclusions, therefore it has been scoped out of the Phase 3 ES Addendum.

### Cumulative Impacts

There are potential cumulative impacts from the Foryd Harbour Redevelopment Scheme. The Foryd Harbour Moorings Reconfiguration, Phases 1 and 2 of the West Rhyl Coastal Defence Scheme and Ocean Plaza Development:

- The construction of the Foryd Harbour Scheme and Moorings Reconfiguration will be complete by the time the construction of the WRCDS Phase 3 would commence;
- Phases 1 and 2 of the WRCDS are already completed;
- The Wreck of the Ottawa is located within Foryd Harbour away from the Phase 3 works and it is understood that there are no longer any proposals for its movement;
- There are no extant development proposals or plans for the Ocean Plaza development on the Rhyl seafront.

Therefore the changes to cumulative impacts relating to the revised Phase 3 proposals are



considered to be **negligible** and are not considered further.

#### Impact and Mitigation Summary Table

Table 16.1 states all the impacts and associated mitigation measures relating to the revised Phase 3 proposals.

## **Consultation**

### **Public Notices**

The public notice was advertised in the Daily Post on the 7<sup>th</sup> August 2014 and on the 14<sup>th</sup> August 2014 to notify interested parties of the proposed works and to give opportunity to make representation on the application. The public consultation period concluded on the 25<sup>th</sup> September 2014. No public representations were received.

The works were advertised to the public by the applicant by a BBC press release on the 20<sup>th</sup> May 2014 and Denbighshire County Council consultation notice on the 12<sup>th</sup> May 2014. Members of the public were able to provide comments during the meetings at the new harbour building on the 20<sup>th</sup> May 2014 between 4pm and 8pm and between 8am and 1pm on the 21<sup>st</sup> May 2014. In addition, an information board was provided at Rhyl Library.

The marine works application was consulted on 4<sup>th</sup> August 2014 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 Biodiversity Officer (LBO),
- -Royal Yachting Association (RYA),
- Royal Society for the Protection of Birds (RSPB),
- Trinity House (TH),
- Cadw (Cadw),
- Welsh Government Fisheries Branch Marine Enforcement Officers (MEO).

### **Representations Received**

As a result of the technical consultations a number of representations were 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 (MLT) comments for each issue can be found at the end of each section.

## **Natural Resources Wales comments:**

NRW Advisory function provided the following comments with regard to the application (received 1<sup>st</sup> October 2014)

### Flood Risk

The information provided in the latest Environment Statement indicates that the scheme is to be designed to provide improved flood protection during the 1 in 200 year AEP tidal

event, including an allowance of 100 years of sea level rise associated with climate change. We believe this design philosophy is in accordance with Phases 1 and 2 of the West Rhyl defence scheme that have recently been completed.

It would be prudent to "future proof" the design of the scheme, so that any future improvement works can be delivered practically and economically.

Given that the scheme may now proceed with a lower primary flood wall level compared with previous designs, it would be sensible for Denbighshire County Council to consider the options available to manage potential overtopping flood volumes, so that the risk of flooding to nearby properties is reduced as far as is practicable. We note that the environmental reports (including Flood Consequences Assessment) that were produced to support the original planning application calculated that over 5500m<sup>3</sup> of flood water could overtop the improved flood defences even if the crest of the defences were to be set at a level of 9.76m AOD.

#### Environment Management

Conditions suggested for licence regarding Pollution Prevention Guidance

*MLT contacted Coastal Scientist directly to comment on application (comments received 1<sup>st</sup> October 2014)*

#### Coastal Processes

The Shoreline Management Plan (SMP) in this region is to Hold The Line. The removal of 42,000m<sup>3</sup> of sediment from the maritime system could cause the interruption of sediment supply to Gronant and Talacre SSSI and the Dee Estuary Special Area of Conservation (SAC) and Special Protected Area (SPA) as raised in the HRA that was undertaken for the SMP. The sediment should be recycled and replenished within the sediment cell and not taken out of the system.

*MLT comments: Requested additional information from applicant*

Applicants response:

We have proposed using the sand as it matches the existing sand, whilst reducing vehicle movements and cost. It also achieves the need to deduce the beach heights immediately adjacent the promenade sea wall immediately adjacent the scheme which is causing serious problems.

The average net sand transport along the Denbighshire coast is 920,000m<sup>3</sup>. We are taking 4% for one year of this, which is predominantly windblown sand adjacent the sea wall / top of beach. In the areas in question the sand is building up. In December last year the major storm and tidal surge caused major damage and loss of beach. The beach has replenished quickly in the area where sand removal is proposed, but not further along the beach towards Gronant etc. This would demonstrate the tidal influence is not directly along the beach and the removal of sand would not affect the SSSI. The Dee Estuary SAC is some considerable distance away from this beach and it is difficult to see how such a small amount of sand removal will have an impact removal at this point would effect.

*MLT comments: Passed additional information to Coastal Scientist*

Coastal Scientist Response (received 2<sup>nd</sup> October 2014):

Given the comments in the SMP2 HRA regarding possible issues for littoral drift arising from delivery of the HTL Policy and the proposal that impacts can be avoided through

strategic beach management and beach recharge measures, we feel the concerns raised regarding removal of sediment from the near shore system are justified, and require assessment prior to determining the marine licence.

We welcome the additional information provided and agree the volume of sediment appears to be relatively small, as a one off operation, and hence a conclusion of no LSE is likely to be reached. In line with the HRA of the SMP2, we would recommend a thorough beach management plan was drawn up and advise that the hiatus in beach profiles shows how valuable long term data sets are. We would suggest twice yearly data collection be re-instated to ensure the buildup of sediment and foreshore steepening hasn't arisen due to the phase one and two works and that mitigation can be implemented if required.

In summary:

- Agree no LSE due to the additional data provided
- Encourage a beach management plan be drawn up in line with SMP2 HRA.
- Suggest a condition of the licence be placed that beach monitoring be re-instated and if sediment is seen to be held up in this section and movement hindered – mitigation be put in place.

*MLT comments: Noted the concerns raised by NRW coastal scientist. Attaching conditions to the licence to ensure beach monitoring and mitigation measures are put in place. No further comments.*

## **Cefas Comments:**

Cefas provided the following conclusions (dated 12<sup>th</sup> August 2014)

### Materials to be used

The materials to be used are concrete, iron/steel and sand/shingle. I have no objections to these materials being used in the marine environment, subject to the recommended licence conditions at the end of this minute.

### Shellfisheries

There are no commercial molluscan shellfisheries within 5 km of the proposed works and therefore it is unlikely that these construction works will have an adverse impact on commercial molluscan shellfisheries.

### Fish resources

The proposed works occur within broad areas used for spawning by mackerel, sandeel, whiting, sole, plaice, cod and sprat. The proposed works also occur within broad areas used for nursery grounds by cod, tope shark, herring, anglerfish, plaice, sandeel, spotted ray, sole, thornback ray and whiting.

There is likely to be some re-suspension of sediment from the excavations however due to the intertidal nature of these works it is unlikely that there will be a significant adverse effect upon local fish resources.

### Coastal processes

The proposed works may have an impact on the physical processes of the area from 1) the removal of the sand and shingle and 2) construction of the flood defence works.

As the material to be removed is accumulated sand and shingle that would require removal in the future, I have no objections to this material being used as infill for this project.

With regards to the construction of the flood defence works, the works will extend seawards of the existing promenade however the intertidal area at this site extends for over 200m therefore it is unlikely that the works will have a significant adverse impact on the physical processes of the area.

The presence of a hard structure is unlikely to have a significant adverse impact on the physical processes of the area given that there is currently a seawall present and with the presence of other hard structures such as promenades and groynes, the area of coast can already be classed as modified.

#### Conservation Designations

The proposed works are within 5km of the Liverpool Bay SPA.

I believe that the nature and scale of the works do not warrant an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2010; however I defer comment to NRW (advisory).

#### Summary

“Based on my assessment of this application I consider that the proposed works are unlikely to have an adverse effect upon the marine environment. I recommend the following licence conditions”

See conditions of the licence listed at the end of this EIA consent decision.

*MLT comments: Advice concluded unlikely to have an adverse effect on the marine environment. No further clarification was required from the application with regard to the advice note from Cefas.*

### **Local Biodiversity Officer**

The local biodiversity officer at Denbighshire County Council proved the following comments (dated 12<sup>th</sup> August 2014)

“I am happy with the contents of the ES Addendum and agree with the conclusions and mitigation proposed to limit impacts on fauna and flora. Therefore I have no objection to the Marine Licence being granted.”

No recommendations or conditions were suggested.

*MTL comments: No concerns raised with the application. Therefore no further clarification required.*

### **MCA Comments:**

“The proposal has been examined by staff of the Navigation Safety Branch and it can be noted that the works are unlikely to have an adverse impact, with regards to safety of navigation, provided all maritime safety legislation is followed”. (dated 28<sup>th</sup> August 2014)

See conditions of the licence listed at the end of this EIA consent decision.

*MLT comments: Recommended conditions have been included that are considered*

*suitable by the MLT.*

### **TH Comments:**

“Trinity House has no objections to the proposed application for the placement of a sheet piled toe to support a concrete revetment system.” (dated: 16<sup>th</sup> September 2014)

*MLT comments: Noted*

### **RYA Comments:**

“I have spoken to David Clayton, Commodore of Rhyl Yacht Club. He confirms that this work has already been completed to a satisfactory standard but he has an issue with access to the new mooring platform. Rhyl Yacht Club has been fully consulted as members of the Harbour Committee. David has a meeting next week in Plas Menai and he will discuss this with Steven Morgan. I have also spoken to Steven and he will liaise with the Rhyl Harbour Master in this respect.

No issues with the development but some possible remedial action needed in respect of dredging. John Eddington” (dated 16<sup>th</sup> September 2014)

*MLT comments: Asked for further clarification on comments*

### **RYA clarification:**

“The mooring platform on the new revetment is fine it is simply that the area by the mooring platform needs to be dredged to allow yachts to stand at low tide safely. I think because of the difference in height of the pontoon and the boats moored at load tide some of the vessels have been scratched.

Both Steven Jones, WYA and David Clayton of Rhyl Yacht Club will be speaking directly to the Rhyl Harbour Master to resolve this issue.

This does not involve the beach area.”

*MLT comments: The RYA comments refer to the previous works that were conducted at Rhyl and are not applicable to the current application. The WYA and Rhyl Yacht Club are liaising directly with Rhyl Harbour Master to resolve the matter. No further action required by MLT.*

### **TCE Comments:**

The Crown Estate is affected by the proposed works and landowner’s consent is required. We are already in contact with the applicant and, subject to our consent being granted, The Crown Estate has no objection to this Marine Licence application.(dated: 3<sup>rd</sup> September 2014)

*MLT comments: Noted*

### **MEO Comments:**

There are no commercial fishermen operating from Rhyl although there are a limited number of charter vessels and recreational vessels. There may be some short term impact on the fish species in the river during the works however I would expect this to be limited. I

do not expect the works to have a significant impact on navigation.

I am happy for the licence to be granted subject to the usual conditions. (dated 16<sup>th</sup> September 2014)

*MLT comments: Noted*

The following bodies were consulted but did not respond, these consultees are assumed to have no comments, MoD, Local Harbour Authority, Local Planning Authority, Cadw and RSPB. However, it should be noted that the Local Planning Authority (Denbighshire County Council) also have a planning permission application for the scheme for the works above Mean High Water Springs, reference number 45/2010/1300 issued on the 25<sup>th</sup> January 2011

## **Conditions**

Following consideration of all relevant information, including the ES and the outcome of the consultations, the Marine Licensing Team considers that the following conditions must be included in any licence granted for this project:

The Licence Holder must submit a beach monitoring scheme to NRW acting on behalf of the Licensing Authority for written approval at least 4 weeks before construction commences. The scheme will include details of any mitigation actions to be undertaken as a consequence of the monitoring results. The purpose of the scheme will be to enable the avoidance of sediment transport disruption. *Provided by NRW*

The licence holder must ensure no beach management works are undertaken until the beach monitoring scheme detailed in condition 8.1 is agreed in writing by NRW acting on behalf of the Licensing Authority. *Provided by NRW*

The Licence Holder must ensure that the beach monitoring scheme detailed in condition 8.1 (including any mitigation measures) is implemented as agreed. Reports of the monitoring must be submitted to NRW acting on behalf of the Licensing Authority within the timescales agreed in the scheme. Any proposed changes to the scheme must be agreed in writing by NRW acting on behalf of the Licensing Authority. *Provided by NRW*

The Licence Holder must pay an annual monitoring fee of £1705.00 to the Licensing Authority in relation to any monitoring reports required in agreed monitoring schemes, and the fee must be paid on the anniversary of the issue date of the licence. This Licence shall be deemed to become invalid and shall be liable to be revoked in the event that the Licence Holder fails to make payment of the monitoring fee. *Provided by NRW*

The Licence Holder shall ensure appropriate steps are taken to minimise damage to the shoreline resulting from the works and that navigational aids and the topography are returned to the original profile, or as close as reasonably practicable, following the completion of the works. *Provided by MCA*

The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the activity through local notices to mariners prior to the commencement of the works. *Provided by MCA*

The Licence Holder must ensure that HM Coastguard, in this case Holyhead MRCC, is made aware of the works prior to commencement. *Provided by MCA*

The Licence Holder must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system. *Provided by MCA*

The Licence Holder should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment. *Provided by MCA and NRW*

The Licence holder must ensure Environment Agency Pollution Prevention Guidelines – works and maintenance in or near water: PPG5 - are adhered to at all times. Any incidents should be reported immediately to Natural Resources Wales using their hotline number: **0800 807060**. *Provided by NRW*

The Licence Holder must ensure that any coatings and/or treatment used is suitable for use in the marine environment and are used in accordance with best environmental practice, e.g. approved by HSE, Environment Agency Pollution Prevention Control Guidelines. *Provided by NRW*

The Licence Holder must ensure that soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated. *Provided by Cefas*

The Licence Holder must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of runoff entering a watercourse. *Provided by NRW and Cefas*

The Licence Holder must ensure that if concrete is to be sprayed in the vicinity of the marine environment (e.g. bridges, retaining walls, etc) suitable protective sheeting is provided to prevent rebounded or windblown concrete from entering the water environment. Rebound material must be cleared away before the sheeting is removed. *Provided by NRW and Cefas*

The Licence Holder must ensure that only material from the agreed sand extraction site is deposited. *Provided by Cefas*

The Licence Holder must ensure that loose rock material is inert, containing minimum fines and be from a recognised source. It should be placed in a manner that minimises disturbance to the marine environment. *Provided by Cefas*

The Licence Holder must ensure that any equipment, temporary structures, waste and/or debris associated with the works are removed on completion of the works. *Provided by NRW and Cefas*

### **Regulatory Evaluation and EIA consent decision**

In considering the application for the construction of the West Rhyl Coastal Defence Scheme Phase 3 the following has been considered:

- The ES, including the mitigation measures proposed;

- The relevant provisions of Marine and Coastal Access Act 2009

Through consideration of these, a full and detailed assessment has been made of the potential direct and indirect effects of the proposals on Hydrodynamics & Sediment Regime, Flood Risk, Navigation, Water & Sediment Quality, Flora & Fauna, Air Quality, Noise, Transport, Landscape, Heritage, Socio-Economic, Cumulative Impacts, Mitigation Summary

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 environmental. As such, a favourable EIA consent decision can be issued to Denbighshire County Council for marine works as part of West Rhyl Coastal Defence Scheme Phase 3

**Sign off**

**Produced by:** Katherine Route-Stephens – Marine Licensing Team

**Signed:**



**Date:** 2<sup>nd</sup> October 2014

**Approved by:** Anwen Davies – Water Resources Team (Scheme of Delegation for John Wheadon – Permitting Centre Manager)

**Signed:**



**Date:** 3<sup>rd</sup> October 2014