

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

Title: RNLI St David's Life Boat Station

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

Operators: RNLI (Trading) Limited

Report No: Ref: CRML1365

Location: St Justinian's, Pembrokeshire

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 RNLI (Trading) Limited. 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 RNLI (Trading) Limited.

Project Description

RNLI (Trading) Limited has applied for a Marine Licence for the construction of a new slipway lifeboat station and access structure at St Justinian's, Pembrokeshire.

Works that require a Marine Licence under Marine and Coastal Access Act (2009) will involve works seaward of MHWS including:

- Columns supporting the slipway and boathouse
- Slipway

These works also require Planning Permission under Town and Country Planning Act (1990). Pembrokeshire Coast National Park Authority granted the development Planning Permission on 31st January 2013 (Application number: NP/13/00717). Welsh Government was also notified as the Appropriate Authority as the works constituted for Imperative Reason Overriding Public Interest (IROPI). Please see section on Environmental Sensitivities.

The Environmental Statement (ES)

The Environmental Statement outlined possible impacts as detailed below.

Coastal Processes

- changes to waves or tides are not anticipated
- Whilst there may be some localised sediment movement around the legs of the jack up barge for example, significant disturbances to bed sediments are not anticipated

Geology

- A small amount of rock will need to be removed in order to install the station access

Water and Sediment Quality

- The sandy nature of the seabed material in the location of the cove means that any sediment disturbance due to the construction works is likely to settle out quickly as sandy material settles more quickly than silty material
- Significant plumes are therefore not anticipated and impacts on water quality in terms of transparency of the water are unlikely
- Impacts on water quality associated with contamination are also low because of the low risk of contaminated material likely to be present

Marine and Coastal Ecology

- There will be direct habitat loss associated with the placement of the new structures on the seabed and in the cove
- There will also be some disturbance to the seabed around the development associated with the installation equipment, for example some boulders will need to be moved from the area to allow access for the jack-up barge

Marine Mammals

- Both otter and species of marine mammal are sensitive to underwater noise and lower level sources are likely to cause disturbance and avoidance of the area
- Above water noise may also disturb otter and seals and cause avoidance of the area
- There is also the possibility that mammals could collide with construction vessels, however, the slow moving nature of these vessels and short period of time over which they will be present in the area is unlikely to present a significant hazard

Terrestrial Ecology

- Maritime cliff and maritime grassland vegetation are habitats of natural importance (features of St David's SAC, Ramsey Island & St David's Peninsula Coast SPA) and there will be some loss to these features during construction
- The vegetation clearance and works associated with the new station on the cliff top have the potential to kill or injure reptiles using the area, which is prohibited by law

Ornithology

- During operation the development within the cove itself may result in a small loss of suitable roosting and feeding habitat

Commercial Fisheries

- Indirect impacts through deterioration in water quality during construction
- There will be some re-location of moorings

Archaeology and Heritage

- disturbance to the historic wall
- visibility and the potential impact on the historic landscape
- there will be a small impact on the historic landscape associated with the visible elements of the final scheme

Tourism and Recreation

- During construction, there is a requirement for the path to be temporarily re-routed around the construction compound
- The path will also be permanently diverted during the operational phase

Navigation

- a low risk to navigation is predicted during construction
- A small impact is predicted for disruption to boat operators as some moorings will need to be relocated

Traffic and Transportation

- The increased use of this route is therefore likely to cause disruption to local traffic flows during the construction period

Noise and Vibration

- The most significant source of noise during the construction is likely to be that associated with the installation of the piles, particularly if this occurs at night

Landscape and Visual Setting

- The effects of the construction phase are likely to result in some significant effects on the surrounding landscape
- In terms of the operational impact of the new station, the direct impact on the marine environment will be from the foundations for the building, slipway and access supports on the foreshore and seabed

Environmental Sensitivities

The proposed scheme is in the Pembrokeshire Marine Special Area of Conservation (SAC) and also close to the following statutory sites:

- St David's SAC
- Northwest Pembrokeshire Commons SAC

- Ramsey & St Davids Peninsula Coast SPA
- Ramsay SSSI
- Trefeiddan Moor SSSI
- St Davids Peninsula Coast SSSI

A test of likely significant effect (TLSE) was undertaken and potential significant effects on several of the features of the Pembrokeshire Marine SAC could not be ruled out. An Appropriate Assessment was therefore carried out and it was ascertained that the proposal would have significant effect on the European site(s) concerned. As the development also required planning permission, an IROPI case was submitted by Pembrokeshire Coast National Park Authority to Welsh Ministers for consideration 29th November 2013. From the letter received 24th March 2014 from Pembrokeshire Coast National Park Authority, we note that the IROPI case was accepted and planning permission granted with compensatory measures secured. We defer to Pembrokeshire Coast National Park Authority's decision in this matter.

The Marine Licensing team note that the compensatory measures secured through the Planning Permission will ensure a net gain of 5 sq. m of reef through the creation of a new reef using the rock material derived from the site that is compatible with the reef geology. This will result in no net reduction in the natural distribution of reef geology and a greater variation than at present. As we note, this was secured in the Planning Permission in the following condition:

' 9. Within three months of the construction of the piles for the boat house being completed, the compensation measures set out in the note entitled "Proposed Compensatory Measures: RNLI St Davids" dated 25th October 2013 and the plans numbered 9X4250/01/008 – Location of Proposed boathouse and Pembrokeshire Marine SAC Reef Features (dated 24th October 2013) and X3197/005 Revision P3 - Proposed Boathouse and Pembrokeshire Marine Sac – Details of Habitat Compensation (dated 21st October 2013) shall be completed and approved by both the National Park Authority and Natural Resources Wales, and thereafter be so retained in perpetuity with the approved details. These are:

- 1. The re-use of the rock arising from the construction of the boat station sub-structure and cliff stabilization works at the sub-tidal and intertidal locations identified on the above mentioned plans, and the Appropriate Assessment dated 18th November 2013 and positioned on the seabed intact to provide at least 22m² of rock surface area to compensate for the anticipated habitat loss of 17m².*
- 2. Rocks of trapezoidal form (i.e. smaller base surface area than upper surface area) should be used.'*

As such, we have not included this condition within the marine licence.

Consultation with NRW (Statutory Nature Conservation Body functions) dated 27th March 2014 states no additional comments to the HRA relevant to the Marine Licence.

Consultation

The public notice was advertised in the Western Telegraph on the 26th February 2014 and 6th March 2014, to notify interested parties of the proposed works and to give interested parties an opportunity to make representation on the application as necessary.

The marine works application was consulted on 6th February 2014 and sent to

the following: The Natural Resources Wales – ‘advisory functions’ (NRW) , 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) and Welsh Government Fisheries Branch, Marine Enforcement Officers (MEO), Marine Conservation Society (MCS).

Consultees who did not provide a response were assumed to have no comment.

Consultation Responses Received

As a result of the consultations a number of representations were received as outlined below. Each representation requiring a response has been sent to the applicant for comment. Marine Licensing Team (MLT) comments for each issue can be found at the end of each section. We only offer comment on the issues that we consider relevant to our remit. These issues are;

- The environmental impact of the works
- The protection of human health
- The protection of legitimate uses of the sea
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NRW internal consultation comments – dated 27th March 2014

CEMP

Section 7 of the EIS tackles potential impacts from pollution. The different sources of contamination to the marine environment have been identified in this section, as well as pollution prevention measures. Once site work is being planned, we suggest you contact the Pembrokeshire Environment Management Team on 01437 783043 to discuss an appropriate Construction Environment Management Plan (CEMP) being drawn up and maybe an initial site visit.

MLT comments: We are minded to include the submission and approval CEMP as a condition to the Marine Licence to ensure the pollution prevention measures are effective. We will consult Pembrokeshire Environment Management Team to ensure the submitted CEMP is fit for purpose.

Septic Tank

The discharge from the septic tank that is proposed to serve the built lifeboat station will either require a water quality exemption to be registered or a permit applied for. More information on this can be found on our website www.naturalresourceswales.gov.uk

MLT comments: The septic tank comment has been passed to the applicant (27/03/2014).

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MCA comments dated 01st May 2014

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 and:

1. The Licencee 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.
2. The Licencee must ensure the local mariners and fishermen's organisations are made fully aware of the activity through local notices to mariners.
3. The Licencee must ensure that HM Coastguard, in this case Milford Haven MRCC, is made aware of the works.
4. The Licencee 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.
5. The Consent 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.
6. Any jack up barges / vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.

If these conditions are met I am able to advise you that the Maritime and Coastguard Agency (MCA) has no objection to consent being granted provided that measures are also taken to ensure that details of the proposed works are promulgated to maritime users through notice to mariners and/or navigational warnings.

Please note, however, that a charge will be levied on the developers where appropriate, by MCA, for the transmission of maritime safety information, via Navtex or Coastguard VHF radio network, in respect of the proposed works. Agreement by the developers to pay any such charges should, ideally, be a condition of the consent if they are likely to be used.

MLT comments: *Noted. Relevant conditions have been included*

Trinity House Response dated 05th March 2014

Trinity House has no objections to the proposed application for the construction of a new RNL Station and slipway, at St. Davids, as detailed.

Confirm no marking required.

MLT comments: *Noted*

Royal Yachting Association response dated 24th March 2014

The RYA has not objections to the above application.

MLT comments: *Noted.*

Crown Estate comments dated 20th March 2014

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.

MLT comments: *Noted*

MoD Response dated 11th February 2014

Thank you for consulting the Ministry of Defence in relation to the above referenced application.

The MOD has no safeguarding objections.

MLT comments: *Noted*

Public Query received from Cath Hall

There are two wells in the locality, one provides a local residents water supply. Will the pile drilling have an adverse effect on the water table?

MLT comments: *Noted. Sent email query to NRW Planning Liaison 27th March 2014 and received the following response:*

Response from Geoscience dated 27th April 2014

'The Application is for piling into the sea bed which is something that Geoscience can't comment on, though as the drinking water will be in the aquifer on the land and the drilling is in the sea, they are unlikely to be hydraulically connected. In terms of integrity of private drinking water wells whilst piling takes place, I am not sure who can comment on this as it is more of an engineering question'.

MLT comments: *Query passed to applicant 28th April 2014*

Response from Applicant dated 28th April 2014

'Royal HaskoningDHV are dealing with this application. The piling will not impact on the water table.'

MLT comments: *Noted. Based on the information above, we do not think piling would have an adverse effect on the water table.*

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 Construction Environment Management Plan (CEMP) for written approval to NRW acting on behalf of the licensing authority at least 4 weeks prior to the commencement of works
- The Licence Holder must ensure the CEMP is implemented as approved by NRW acting on behalf of the licensing authority
- The Licence Holder must 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
- The Licence Holder must ensure that a notice to mariner's and other fishermen's organisations is issued at least 10 days prior to works commencing
- The Licence Holder must ensure that HM Coastguard, in this case Milford Haven MRCC, is made aware of the works prior to works commencing
- The Licence Holder must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications prior to works commencing
- The Licence Holder must ensure suitable bunding, and storage facilities are installed to contain and prevent the release of fuel, oils and chemicals associated with the plant and equipment into the marine environment

- The Licence Holder must ensure that any jack up barges / vessels utilised during the works, when jacked up, must exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations this is with exception to the main light which must exhibit a nominal range of 5 nautical miles and not 15 nautical miles that is the standard requirement

Regulatory Evaluation and EIA consent decision

In considering the application for the development of the construction of the new RNLI Boathouse and Slipway the following has been considered:

- The ES, including the mitigation measures proposed;
- The relevant provisions of Marine and Coastal Access Act 2009 and
- The representations received.

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 environmental. As such, a favourable EIA consent decision can be issued to RNLI (Trading) Limited for marine works as part of the construction of the new RNLI Boathouse and Slipway.

Sign off


Produced by: Siân Hughes – Marine Licensing Team



Signed:

Date: 11th July 2014

Approved by: Eleanor Smart – Marine Licensing Team Leader

Signed: 

Date: 11th July 2014