

Marine Works (Environmental Impact Assessment) Regulations 2007, (Regulation 22)

Environmental Impact Assessment Consent Decision

**Proposal for the Wells Harbour channel deepening and jetty construction,
Wells Harbour, Norfolk**

Applicant : Wells Harbour Commissioners, DC 8724

Regulation:

This document constitutes an Environmental Impact Assessment (EIA) Consent Decision under regulation 22 of the Marine Works (Environmental Impact Assessment) Regulations 2007 (MWR), in respect of which applications have been submitted by Wells Harbour Commissioners to:

(i) the Marine and Fisheries Agency (the Agency) for a licence under section 5 of the Food and Environment Protection Act 1985 (FEPA);

(ii) the Agency for consent under section 34 of the Coast Protection Act 1949 (CPA).

In addition, the dredging for the proposal will require consent from the Harbour Commissioners. Under Part 2, section 4 (c) of the MWRs, where an EIA is required in relation to a regulated activity, unless the appropriate authority has given EIA consent, (i) the regulator must not grant a regulatory approval in respect of the regulated activity.

The works described in these applications comprise part of a project listed at Annex II of the Directive 85/337EEC on the assessment of the effects of certain public and private projects on the environment (EIA Directive). The EIA Directive has been transposed into UK law for marine works (including works requiring a FEPA licence and/or a CPA consent) by the MWR. The project in this instance comprises channel deepening and the construction of a jetty at Wells Harbour, Norfolk.

The application made to the Agency (the Regulator) was supported by an Environmental Statement as required by regulation 12 of the MWR. Pre-application, the project was screened in accordance with regulation 11 of the MWR. The Agency informed the applicant that the project falls under the scope of a relevant project within Annex II (10k) – coastal works to combat erosion and maritime works capable of altering the coast through the construction, for example, dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such work.

The Application and Environmental Statement (ES) were advertised in the press on Thursday 2nd July and Thursday 9th July and the Regulator simultaneously made this information available for public comment, as well as formally consulting with a range

of consultation bodies which were considered likely to have an interest in the project in accordance with regulations 16 and 17 of the MWR.

Applications in respect of the land-based elements of the project were made to North Norfolk District Council for Planning Consent under the Town & Country Planning Act 1990. Planning Consent was granted on 19th August 2009.

Project Description:

The proposal includes the construction of a jetty at Wells Harbour on the North Norfolk coast and the channel deepening of the existing channel and area adjacent to the jetty to allow vessel access at lower states of the tide. The ongoing maintenance of the harbour will subject to a separate application to The Agency. The proposed jetty will be located at Buxtons Bight with the intention to provide safe mooring for the construction and maintenance vessels associated with Sheringham Shoal Offshore Wind Farm and other commercial vessels. The proposed channel deepening will take place in sections of the main outer channel (figure 2.1 and 2.2 in the ES), the outer jetty access channel and the outer jetty area in Buxtons Bight.

THE ENVIRONMENTAL STATEMENT

Environmental Impacts:

The principal potential impacts (moderate to minor significance) identified and discussed in the ES were:

- Sediment and water quality
- Marine ecology
- Birds
- Landscape
- Noise on human receptors
- Socio-economics and tourism
- Recreation

Environmental Sensitivities:

The proposed scheme is located within, or adjacent to the following designations:

- The Wash and North Norfolk Coast SAC
- The North Norfolk Coast SAC, SPA, and Ramsar site

The Regulator, in accordance with the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994 consulted on the need for an Appropriate Assessment (AA). It was determined that the project would not adversely affect the nature conservation interest or landscape quality of the local area or the wider North Norfolk Coast and its various designations as long as the issues and conditions listed below were taken into account and included as conditions in any subsequent licence / consent. Therefore, an AA was not required for this scheme.

- Natural England suggested the mitigation measures relating to increased sedimentation and placement of dredged material, including the creation of a low sediment berm should be a condition of consent.
 - A mechanical dredge would be used which releases less material in suspension than hydraulic methods.
 - Dredging activity would take place around low water which would minimise the extent of dispersion of material into the water column.
 - Placement if any material containing fines would be to the west of the pontoons and would be covered with coarser material to minimise its re-suspension.
 - Dredging would be timed to avoid, where possible, the sensitive periods of larval release and spat fall which occur between about May and June.

Conditions related to the actual dredging have been agreed with the applicant but will not be attached to any FEPA licence/CPA consent, as the dredging is regulated by the Harbour Authority.

CONSULTATION

The application, associated maps and the ES were sent to, the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), Eastern Sea Fisheries Joint Committee (ESFJC), the Crown Estate (CE), English Heritage (EH), the Environment Agency (EA), the Maritime and Coastguard Agency (MCA), Natural England (NE), Norfolk County Council (NCC), North Norfolk District Council (NNDC), the Royal Yachting Society (RYA), and Trinity House (TH).

The applications and the ES were advertised to the public for two successive weeks in local newspapers requesting all comments were sent to The Agency within 42 days from the date of each notice. All comments and objections received in relation to the proposal are summarised below:

Representations Received:

Natural England (NE)

Representation received:

Advised that the mitigation measures relating to the increased sedimentation and placement of dredged material, including the creation of a low sediment berm should be conditions of any licence/consent issued. In particular the need to avoid dredging in May-June in areas affecting the Pool, to avoid impact on nearby mussel larvae and spat, the monitoring of the adjacent eel grass beds and the need to complete the deepening works in the outer channel area before the little terns are searching for nesting sites (late April/early May). In addition, they advised that piling should only take place at low tide with an observation period of 30 minutes before low water in advice of piling commencing.

With regards to landscape, they advised that lighting on the pontoon be low level and downward pointing to avoid any significant increase in artificial light pollution in the area. Subject to the conditions advised NE are of the opinion that the project will not

adversely affect the nature conservation interest or landscape quality of the local area or the wider North Norfolk Coast and its various designations.

Regulator's Comment:

The Agency has considered the advice from NE and endorses the need for conditions (subject to legal drafting) to be attached to any licence/consent which is may issue as follows.

CONDITIONS

- The Licence Holder must ensure that a mechanical dredge is used to reduce the level of suspended sediment released into the water column.
- The Licence Holder must ensure that all dredging activity takes places around low water to minimise the extend of dispersion of material into the water column.
- The Licence Holder must ensure that any material containing fines is placed to the west of the pontoons and is covered with coarser material to minimise its re-suspension.
- The Licence Holder must ensure that dredging is timed to avoid, where possible, the sensitive periods of larval release and spat fall between the period May – June.
- The Licence Holder must ensure that every effort is made to ensure that the deepening works are completed in the outer main channel area before mid May. If this is not possible, and dredging takes place from mid May-August, the Licence Holder must ensure that monitoring of tern behaviour is undertaken.
- The Licence Holder must ensure that dredging is completed by April 15th 2010.
- The Licence Holder must ensure that piling only takes place at low water. In addition, prior to the commencement an observation period of 30 minutes should take place.
- The Licence Holder must ensure that all necessary monitoring requirements detailed in table 21.2 of the ES is undertaken and a copy is sent to the Licensing Authority within one month of completion.
- The Licence Holder must enter into talks with Natural England to agree continued access for the Holkham National Nature Reserve staff to the marshes east of the harbour channel on a regular basis.

English Heritage (EH)

Representation received:

In general EH had no objections to the project as no known historic environment assets will be impacted by the development. They agree that a watching brief by the Harbour Commissioners should be maintained for any unexpected archaeological discoveries.

Regulator's Comment:

The Agency has considered the advice from EH and endorses the need for conditions (subject to legal drafting) to be attached to any licence/consent which is may issue as follows.

CONDITIONS

- The Licence Holder must ensure that should any archaeological discoveries be made during the construction period, they contact the Norfolk County Council Curator, David Gurney (david.gurney@norfolk.gov.uk) for advice on how to proceed.

The Centre for Environment, Fisheries and Aquaculture Science (CEFAS)

Representation received:

Sediment samples were taken in February 2009. As the majority of the material is sand or gravel and highly mobile, they would agree with the ES that as contaminants have more potential to accumulate in fine-grained sediments such as silt, for the purposes of the ES, contaminant testing would only take place in areas of finer material. Four samples sites along the proposed jetty location were selected and found to contain very low levels of metals, tins, PCBs and PAHs. Therefore, as the proposal is to place the material in the same general area within the system, re-sampling was not required.

A grab survey was carried out in February 2009 in order to determine the wider distribution and abundance of marine invertebrate species. The samples were located to represent both the intertidal and subtidal zone within the area that could potentially be affected by the proposed scheme. CEFAS therefore considers these sites to be adequately characterised.

CEFAS recommended that the extent of the eelgrass bed is mapped prior to any works taking place and agreed with the proposed monitoring.

Regulator's Comment:

The Agency has considered the advice from CEFAS and endorses the need for conditions (subject to legal drafting) to be attached to any licence/consent which is may issue as follows. Surveying of the eelgrass bed prior to works commencing will be a condition of any licence/consent issued by The Agency.

CONDITIONS

- The Licence Holder must ensure that clarification of the vessels to use the port is provided prior to works commencing.
- The Licence Holder must ensure that confirmation is supplied to the Licensing Authority of all material to be used in the construction of the jetty prior to works commencing.
- The Licence Holder must ensure that if concrete that is poured and set on site is used in the construction activity, methods of best environmental practice are utilised to prevent wet concrete from coming into contact with the marine environment.
- The Licence Holder must provide details of the dredging contractor and any vessels to be used to the Licensing Authority prior to works commencing.
- The Licence Holder must ensure that the extent of the eelgrass beds should be mapped prior to any works taking place.
- The Licence Holder must ensure that monitoring of the turbidity/suspended solids and sedimentation rates occurring during the dredging and disposal activities take place to monitor any effects on the eelgrass species.

- The Licence Holder must ensure that soft start procedures are implemented during any piling activities.
- The Licence Holder must ensure that any equipment, temporary works and/or debris associated with the works are removed from the foreshore/intertidal area upon completion of the works.
- The Licence Holder must ensure that any coatings/treatments utilised are suitable for use in the marine environment and are used in accordance with best environmental practice.
- The Licence Holder must ensure that suitable bunding, storage facilities etc are employed to prevent the release of fuel oils, lubricating fluids etc associated with the plant and equipment into the marine environment.
- The Licence Holder must ensure that every effort is undertaken to minimise re-suspension of sediment during these works.
- The Licence Holder must ensure that all reasonable precautions to prevent the disposal of man-made debris to sea are taken. All such debris should be disposed of to land.

The Environment Agency (EA)

Representation received:

Commented that they had some concern regarding the potential impact on over-wintering birds during the construction phase. They advise that works should cease should the weather conditions be especially harsh.

EA commented that their current Encroachment Policy resists any permanent encroachment on intertidal habitats and would seek habitat creation to offset any losses. As this proposal is for a genuine river related purpose and includes beneficial re-use of dredged sediment, they would not object. However, if the scale of the smothering of the adjacent sand flats with dredged material was classed as substantial they would require the provision of new habitat to offset this loss in order to meet GES under WFD.

They recommend that shell fishermen are kept informed at all stages of the project.

Regulator's Comment:

The applicant has confirmed that work would cease in the event of extreme weather where birds are being displaced due to bad weather and the area of works is affecting the area available for displaced birds. This is considered unlikely as the area of works is a relatively narrow strip of intertidal when compared with the feeding area on the opposite side of the channel and in the event of extreme weather it is likely that the birds would use the feeding area on the eastern shore and further inshore areas of the harbour. In the event extreme weather, bird movements would be observed and action taken if the works were affecting displaced birds.

Should works close to the little terns be necessary during the nesting period then the monitoring of little terns would be undertaken by local ornithologists who are considered by NE to be competent to carry out this task.

The shell fishermen will be kept informed of the works through a Notice to Mariners and also through the monitoring of the mussel beds (when the method will be agreed with the local shell fishermen who harvest mussels from the area around The Pool).

CONDITIONS

- The Licence Holder must ensure that works cease in the event of a wildfowl ban or extreme weather where birds are being displaced due to bad weather and the area of works is affecting the area available to the displaced birds.
- The Licence Holder must ensure that should works be required close to the little terns during the nesting period, monitoring of the little terns takes place by local ornithologists considered by NE to be competent to carry out this task. A copy of any results must be sent to the Licensing Authority within one month.
- The Licence Holder must ensure that monitoring of the mussel beds takes place with a methodology agreed with the local shell fishermen who harvest mussels from the area around The Pool.

Eastern Sea Fisheries Joint Committee (ESFJC)

Representation received:

Commented that comments made on behalf of the Joint Committee at an earlier consultation stage (scoping) had been taken into consideration. In addition, Royal Haskoning has ensured that local fish industry members have been made aware of the proposals, and has maintained liaison with the sector.

In general, they considered the works would not result in significant negative impacts on the marine environment, including fish resources. They agreed with the proposed mitigation measure to limit impacts on the mussel bed. They considered that the proposed works are likely to be beneficial to other users of the sea by expanding the window of opportunity for navigating in and out of Wells, and by providing additional berthing facilities.

Regulator's Comment:

The Agency has considered the advice from ESFJC and endorses the need for conditions (subject to legal drafting) to be attached to any licence/consent which is may issue as follows. The mitigation measure relating to the mussel beds will be a condition of any licence/consent (subject legal drafting).

CONDITIONS

- The Licence Holder must ensure that monitoring of the mussel beds takes place with a methodology agreed with the local shell fishermen who harvest mussels from the area around The Pool.

The Maritime and Coastguard Agency (MCA)

Representation received:

Commented that the proposed works were unlikely to have an adverse impact with regards to the safety of navigation provided the conditions below were applied to any licence/consent issued.

Regulator's Comment:

The Agency has considered the advice from MCA and endorses the need for conditions (subject to legal drafting) to be attached to any licence/consent which is may issue as follows.

CONDITIONS

- The Licence Holder must ensure that a copy of any consent/licence is given to each contractor appointed to carry out part of all of 'the works' in order that they are clear about the extent of 'the works' for which consent has been given and the conditions that are attached to the consent.
- The Licence Holder must ensure that appropriate steps are taken to minimise damage to the beach/foreshore/river bank by the works.
- The Licence Holder must ensure that any equipment, temporary works and/or debris associated with the works are removed from the foreshore upon completion of the works.
- The Licence Holder must ensure that the best method of practice is used to minimise re-suspension during these works.
- The Licence Holder must ensure that suitable bunding, storage facilities area employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
- The Licence holder must ensure that the beach/foreshore/riverbank is returned to its original profile following the completion of works.
- The Licence Holder must ensure that local mariner's and fishermen's organisations are notified.
- The Licence Holder must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical publications.
- The Licence Holder must they enter into talks with the local navigation authority, Wells to issue local warnings to alert those navigating in the vicinity to the presence of the works during the construction. Additionally, to review their Port Marine Safety Code risk assessments.
- The Licence Holder must ensure that all vessels used in the works comply with the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs) – as amended, particularly with respect to the display of lights, shapes and signals.
- The Licence Holder should be marked and lighted in accordance with the requirements of the General Lighthouse Authority in this case Trinity House Lighthouse Service.
- The Licence Holder must ensure that details of the proposed works are promulgated to maritime users through a notice to mariners and/or navigational warnings.

The Royal Yachting Society (RYA)

Representation received:

Commented that they had some concerns about the impact of the proposed works on recreational sailing in Wells Harbour. The main concerns being from Wells Sailing Club over the creation and height of the berm. If the berm would be more than 1m in height and extend as far south as the Lifeboat House it would seriously

affect the amount of water (probably up to 60%) that is available to the Sailing Club in its usual area, and to a significant majority of other leisure users of the harbour, especially during neap tides. If the extent of the berm was only to number 8 navigation mark it would not affect the sailing club's sailing in any way, however the deposition of material further south to the east of the channel still may.

Subsequent comment from the sailing club

If the berm was no higher than 1 metre and as the material is virtually all sand that tides would level quickly this would be a reasonable compromise.

Regulator's Comment:

The Agency has considered these concerns with the applicant and agreed to include a condition as follows.

CONDITIONS

- The Licence Holder must ensure that the berm is no more than 1 metre high.

Trinity House (TH)

Representation received:

Commented that they had no objections to the proposals. As the jetty is to be illuminated, they concur that navigational lighting is not required. The pontoon to be used to undertake the dredging works should exhibit signals as per collregs. The buoys to be used to demarcate the bathing area from the jetty area should be yellow spherical.

Regulator's Comment:

The Agency has considered the advice from TH and endorses the need for conditions (subject to legal drafting) to be attached to any licence/consent which is may issue as follows.

CONDITIONS

- The Licence Holder must ensure that the pontoon used to undertake the dredging works exhibits signals as per Collregs.
- The Licence Holder must ensure that the buoys used to demarcate the bathing area from the jetty area should be yellow spherical.

The Crown Estate (CE)

Representation received:

Confirmed the CE is affected by the channel deepening works and had no further comments to make in respect of the application.

Regulator's Comment:

N/A

CONDITIONS

N/A

North Norfolk District Council (NNDC)

Representation received:

Commented that the proposals to provide permanent pontoons will need to be sensitive to the character of the area. The Council were not aware of any archaeological features or interests in respect of the proposed development but that discussions should be held with Norfolk Landscape Archaeology. The Council Screened out the need for a full EIA under The Town and Country Planning (EIA) (England and Wales) Regulations 1999. However, the land based section would require planning permission.

The NNDC's Economic Development Team commented that this proposal would be a major benefit to the remote rural district with great potential for jobs and small businesses to supply the project from the local economy.

Regulator's Comment:

N/A

CONDITIONS

N/A

Norfolk County Council (NCC)

Representation received:

Commented that they had no objection to the proposal.

Regulator's Comment:

N/A

CONDITIONS

N/A

North Norfolk Coast Partnership

Representation received:

Agreed that the chosen location appears to be the optimum. Stated it should be clearer that the benefits under some headings (socio-economic, fisheries, recreation) are not environmental benefits. Commented that Section 14 is a good assessment of landscape and visual impacts and benefits in general. In agreement with the impacts for both the construction and operational phases, which probably over estimates the impacts. Slight concerns over impacts during operation, particularly lighting, but accepts that mitigation measures have been applied as far as possible.

Regulator's Comment:

N/A

CONDITIONS

N/A

Rob Ludlum – Harbour Chandlery

Representation received:

Commented on the benefits of the proposed scheme he believed on the harbour: increased employment for locals, a substantial increase for local businesses, security for Wells as a working port, safer conditions for vessels on entry, increased tourism, the potential for increased funding for other non-related projects.

Regulator's Comment:

N/A

CONDITIONS

N/A

Catriona Scott

Representation received:

Expressed concerns over the numbers consulted in the public opinion surveys. In addition, concerns over the height of the berm, the maintenance requirement for the channel and the potential impact on the saltmarsh and the East Hills and the impact on access to the East Hills by boat from the beach and walkers across the saltmarsh. Commented on the impact on the visual environment.

Commented that past attempts at dredging the harbour have been unsuccessful and had a negative impact on water depth in the inner harbour. In addition, the recreational use of the channel and inner harbour could be detrimentally impacted by the berm.

Commented that the long term impact on birds migrating through and breeding in the area had not been modelled, and only mentions monitoring during construction. In addition, concerns over the information on bird numbers and seasonal fluctuations in the area.

Regulators Comment:

The Agency has paid full regard to these various points and offers the following comments.

Consultation

Consultation has been in line with the requirements under the Marine Works (EIA) Regulations 2007 and the Coast Protection Act 1949.

Placement of material

We agree with Natural England that there would not be a significant effect on any designated areas.

Impact on bird species

The proposed dredging would be scheduled so as to mitigate effects on breeding birds as agreed with Natural England and RSPB.

Other issues

Section 14 addressed the landscape issues where the visual impact has been assessed following the Guidelines for Landscape and Visual Impact Assessment,

produced by the Landscape Institute and the Institute of Environmental Management and Assessment. Consultation has taken place with Norfolk Coast Partnership and the Landscape and Planning section of the North Norfolk District Council to ensure the proposals are consistent with the objectives of the AONB.

With regards to access, access by boat will still be possible to the East Hills area as the berm will be a maximum of 1 metre in height and the berm will not compromise the use of the saltmarsh areas or Bob Halls Sand.

Consultation has taken place with the Harbour Master to ensure that there will be no adverse effect on navigation due to the proposed scheme.

C Yardley, J Yardley, M Hill

Representation received:

Had concerns over the visual impact of the jetty and pontoons, including lighting impacts. Commented that this part of the harbour is currently more or less completely undeveloped and the development would effectively industrialise this area. Commented that no consideration had been given to alternative locations.

Expressed concerns on the impact of the dredging, on recreational use of the harbour in particular the Wells Sailing Club and swimmers.

Regulator's Comment:

The Agency has paid full regard to these various points and offers the following comments.

Section 14 addressed the landscape issues where the visual impact has been assessed following the Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Management and Assessment. Consultation has taken place with Norfolk Coast Partnership and the Landscape and Planning section of the North Norfolk District Council to ensure the proposals are consistent with the objectives of the AONB.

The Sailing Club were consulted regarding the proposals and have no objections provided that the berm created is no more than 1 metre high. Specific areas for swimmers have been designed alongside the beaches and are delineated by yellow bouys. Swimming outside this area is not recommended anyway for safety reasons.

Consideration to other areas for the proposed scheme was undertaken, including the use of existing ports (Sections 3.1 and 3.2).

Revd. Canon Roger Arguile

Representation received:

Expressed concerns over the consultation carried out with regards to the proposal. The impact of an increase in vessels, the impact on the marshes from vessel wash and increased flow as a result of the dredging. Commented on the impact on swimmers and sailors (including racing).

Regulator's Comment:

The Agency has paid full regard to these various points and offers the following comments.

Consultation has been in line with the requirements under the Marine Works (EIA) Regulations 2007 and the Coast Protection Act 1949.

The impacts on the saltmarsh were discussed with Natural England in light of the Special Area of Conservation status that the area holds and we are in agreement that there will be no significant effect on the saltmarshes. The changes in current are not considered to be of significance with regards to navigation.

For safety reasons it is not recommended for swimmers to use the main channel and specific swimming areas are designated and marked by yellow buoys. Designated swimming areas are not be affected by the proposal. In addition, the berm will be no higher than 1 metre. The Wells Sailing Club have been consulted and have no over-riding objections.

Peter Rainsford

Representation received:

Expressed concerns over the impact on swimmers and the beach from the channel deepening.

Regulator's Comment:

The Agency has paid full regard to these various points and offers the following comments.

For safety reasons it is not recommended for swimmers to use the main channel and specific swimming areas are designated and marked by yellow buoys. Designated swimming areas are not be affected by the proposal.

Campaign to Protect Rural England

Representation received:

Expressed concerns over the impact on the landscape (including light pollution), the lack of consideration of alternatives and the impacts on the Wells economy.

Regulator's Comment:

The Agency has paid full regard to these various points and offers the following comments.

Section 14 addressed the landscape issues where the visual impact has been assessed following the Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Management and Assessment. Consultation has taken place with Norfolk Coast Partnership and the Landscape and Planning section of the North Norfolk District Council to ensure the proposals are consistent with the objectives of the AONB.

The Sailing Club were consulted regarding the proposals and have no objections provided that the berm created is no more than 1 metre high. Specific areas for

swimmers have been designed alongside the beaches and are delineated by yellow bouys. Swimming outside this area is not recommended anyway for safety reasons.

Consideration to other areas for the proposed scheme was undertaken, including the use of existing ports (Sections 3.1 and 3.2).

R. M. Tyler

Representation received:

Expressed concerns over the impact on Wells Beach, the East Hills and marshes and the location of the proposals.

Regulator's Comment:

The Agency has paid full regard to these various points and offers the following comments.

For safety reasons it is not recommended for swimmers to use the main channel and specific swimming areas are designated and marked by yellow buoys. Designated swimming areas are not be affected by the proposal.

The impacts on the saltmarsh were discussed with Natural England in light of the Special Area of Conservation status that the area holds and we are in agreement that there will be no significant effect on the saltmarshes.

Consideration to other areas for the proposed scheme was undertaken, including the use of existing ports (Sections 3.1 and 3.2).

Kim and Dawn Medley

Representation received:

Expressed concerns over the impact on leisure craft and the character of the area.

Regulator's Comment:

The Agency has paid full regard to these various points and offers the following comments.

The Harbour Master and other relevant organisations have been consulted with regards to the impact on navigation and we are content that there will not be a significant interference to other vessels users.

M. and M. Ayton

Representation received:

Expressed concerns over the visual impact of the proposals and the impact on tourism.

Regulator's Comment:

The Agency has paid full regard to these various points and offers the following comments.

Section 14 addressed the landscape issues where the visual impact has been assessed following the Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Management

and Assessment. Consultation has taken place with Norfolk Coast Partnership and the Landscape and Planning section of the North Norfolk District Council to ensure the proposals are consistent with the objectives of the AONB.

The NNDC Economic Development Team commented that this proposal would be a major benefit to the remote rural district with great potential for jobs and small businesses to supply the project from the local economy.

Anne Mason

Representation received:

Expressed views on the visual impact of the proposals, the impact on the AONB and impact on tourists.

Regulator's Comment:

The Agency has paid full regard to these various points and offers the following comments.

Section 14 addressed the landscape issues where the visual impact has been assessed following the Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Management and Assessment. Consultation has taken place with Norfolk Coast Partnership and the Landscape and Planning section of the North Norfolk District Council to ensure the proposals are consistent with the objectives of the AONB.

The NNDC Economic Development Team commented that this proposal would be a major benefit to the remote rural district with great potential for jobs and small businesses to supply the project from the local economy.

Peter Terrington

Representation received:

Expressed concerns that the socio-economic impacts had not been adequately assessed. Commented on the negative impact on the beach and swimmers. He expressed concerns over the consultation of the proposals. He expressed concerns over the re-suspension of material into the water column and impact of the proposals on the Conservation Designations, the eel grass beds, and birds. In addition, the impact on sailing and general boating for recreation.

Regulator's Comment:

The Agency has paid full regard to these various points and offers the following comments.

For safety reasons it is not recommended for swimmers to use the main channel and specific swimming areas are designated and marked by yellow buoys. Designated swimming areas are not be affected by the proposal.

Consultation has been in line with the requirements under the Marine Works (EIA) Regulations 2007 and the Coast Protection Act 1949. Consultation has been undertaken with a number of organisations with regards to navigation, including the Wells Sailing Club and there are no outstanding objection.

Modelling has been undertaken to assess the impact of the dredging. In addition, mitigation measures have been agreed with the applicant to reduce the amount of suspended sediment into the water column. In addition, monitoring has been agreed with the applicant on the eel grass beds.

With regards to the impact on birds, the proposed dredging would be scheduled to mitigate effects on breeding birds as agreed with Natural England and RSPB.

With regards to comments on socio-economics, the Agency consulted the NNDC and the Economic Development Team commented that this proposal would be a major benefit to the remote rural district with great potential for jobs and small businesses to supply the project from the local economy. They have received a copy of the ES and have no outstanding objections to the proposals.

REGULATORY EVALUATION

Conclusions:

In considering the applications for the marine elements of the Wells Harbour channel deepening and jetty construction project, in particular the supporting ES, the relevant provisions of FEPA and the CPA and the response from representations, 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, air climate, the landscape, material assets and the cultural heritage.

The Agency, as the Regulator, endorse the findings of the ES and, subject to the inclusion of the conditions referred to above in either the FEPA licences or CPA consents that they may grant in due course, are of the opinion that the marine elements of the construction of the project will not have a significant adverse effect on the environment.

Recommendations:

Having carried out assessments of the potential environmental impacts of the proposed project, the reviewers acting on behalf of the Agency make the following recommendations:

The Agency:

The Agency is satisfied that the ES adequately addresses all environmental issues in relation to the Wells Harbour Project, subject to the conditions referred to above being included in the relevant FEPA licences and CPA consents subsequently issued by the Agency.

The Agency:

The reviewers acting on behalf of the Agency (the Regulator) recommend that a favourable EIA Consent Decision is given in respect of the project, subject to the inclusion of the above conditions being attached to any relevant FEPA licences and CPA consents.

Environmental Impact Assessment Reviewers:

The Agency (MFA) - Samantha Horsey

Environmental Impact Consent Decision:

Having considered the analysis and recommendations of the Environmental Impact Assessment Reviewers above, an Environmental Impact Assessment Consent Decision is given in favour of the Wells Harbour Project in accordance with Regulation 22 of the MWR.

Approved:

Date:.....

Samantha Horsey
Marine Consent Manager, Marine and Fisheries Agency
On behalf of the Secretary of State for Environment, Food & Rural Affairs

Approved:

Date:.....

Geoff Bowles
Head of Marine Development Control, Marine & Fisheries Agency
On behalf of the Secretary of State for Environment, Food & Rural Affairs