

National Networks National Policy Statement Consultation,  
Department of Transport,  
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London SW1P 4DR

20<sup>th</sup> February 2014

By email: [jill.caughey@dtf.gti.gov.uk](mailto:jill.caughey@dtf.gti.gov.uk)

Dear Ms Caughey,

**CONSULTATION ON A DRAFT NATIONAL POLICY STATEMENT FOR THE NATIONAL ROAD AND RAIL NETWORKS - DECEMBER 2013**

Thank you for giving Natural Resources Wales the opportunity to comment on the National Networks National Policy Statement (NPS), Assessment of Sustainability and Habitats Regulations Assessment.

From 1 April 2013 Natural Resources Wales brought together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

We will work to maintain and improve the quality of the environment for everyone. We will work towards making the environment and natural resources more resilient to climate change and other pressures.

We set out our comments under the questions you have asked below. In general, we welcome the NPS's inclusion of the need to address potential cross-border impacts on Wales. We set out below a few areas where we believe the text needs to be strengthened in this regard.

**Q1. Does the draft NN NPS clearly establish the need for development of the national networks? If not, why not? (see Chapter 2 of the NN NPS).**

We have no comments on this question.

**Q2. Does the draft NN NPS adequately explain the Government's policy for addressing the need set out in the NN NPS? If not, why not? (see Chapters 2 and 3 of the NN NPS).**

We have no comments on this question.

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**Q3. Do the Assessment Principles provide adequate guidance to the Secretary of State on how he should assess applications for developments of the national networks? If not, why not? (see Chapter 4 of the NN NPS).**

**Paragraph 4.18:** We welcome the reference to the need for an applicant to consult Natural Resources Wales in relation to Habitats Regulations Assessment and cross-border impacts.

**Q4. Does the draft NN NPS give appropriate guidance to scheme promoters? If not, why not? (see Chapter 5 of the NN NPS).**

**Paragraph 5.1:** We note Section 5 covers how scheme promoters should deal with particular topics, including environmental issues. We welcome the reference to scheme promoters being required to work with devolved administrations where there may be cross-border impacts.

**Paragraph 5.15:** Again, we welcome the reference to the need for an Environmental Impact Assessment (EIA) to consider impacts on ecological and geological designated sites that may lie outside England.

**Paragraph 5.65:** We refer to the text which directs an applicant to consult the Marine Management Organisation (MMO) for projects that involve dredging or disposal to the sea, or which could impact on coastal change. In Wales, Natural Resources Wales acts on behalf of the licencing authority (Welsh Ministers) in relation to those activities that in England are covered by the MMO. Should there be instances where a proposed development has cross-border effects on Wales and would require a marine licence, this would need to be obtained from Natural Resources Wales. We therefore advise that the text should be altered to reflect this.

**Paragraph 5.67:** We refer to the text which directs an applicant to consult Natural England for projects affecting marine protected areas. In relation to potential impacts on marine protected areas in Wales, Natural Resources Wales should also be consulted. We advise you alter the text to reflect this.

**Paragraph 5.72:** We advise that Natural Resources Wales is added to the list of consultees to be consulted about mitigation measures for impacts on the coast of Wales.

**Paragraph 5.87:** We welcome the reference to how an applicant should consider the risk of all forms of flooding arising from a project, including in adjacent parts of the United Kingdom.

**Paragraph 5.115:** We refer to the required content of an applicant's EIA. Our advice is that if a proposed development is located close to a historic landscape in Wales, as referred to in the Register of Landscapes of

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Historic Interest in Wales (for example, the Lower Wye Valley, which lies on the border of England and Wales), an assessment of visual impact may need to incorporate an Assessment of Significant Impact of Development on Historic Landscapes.

**Q5. Does the draft NN NPS consider all of the significant potential impacts of national network development? If not, what other impacts should be included and why? (see Chapters 4 and 5 of the NN NPS).**

There may be impacts on Wales arising from future developments that are guided by the NPS. When an English development, that may have impacts in Wales, is being planned, specific consideration will need to be given to Welsh Government policy and guidance, including Planning Policy Wales, the Wales Infrastructure Investment Plan, the Welsh Government's draft proposals for the M4 corridor and the draft Planning (Wales) Bill. The emerging Bill includes the introduction of provisions for some planning at a regional scale, including the A55 corridor. It also contains a statutory requirement for Welsh Ministers to prepare and keep up to date a national land use plan to be known as the National Development Framework (NDF). The proposed NDF will set out Welsh Government's land use priorities by identifying key locations for infrastructure investment. We therefore advise that you are aware of these proposals. We suggest that any future infrastructure that could impact Wales needs to take account of existing and emerging legislation, policy and Welsh infrastructure development.

**Q6. Does the draft NN NPS give appropriate guidance on appropriate mitigation measures? If not why not? (see Chapter 5 of the NN NPS).**

We have no comments on this question.

## **Appraisal of Sustainability**

**Q7. Do you have any comments on the Appraisal of Sustainability of the NN NPS?**

Our comments are made in the context of our responsibilities under the Environmental Assessment of Plans and Programmes Regulations (2004).

Section 7 Predicting and evaluating the effects of the NPS and alternatives

**Paragraph 7.3 - NPS Summary tables AoS 1- AoS23:** We agree with the assessment conclusions and note the potential for minor negative effects identified in relation to AoS 4 (landscape), AoS 5 (heritage), AoS 6 (biodiversity) and AoS 7 (water resources) for the preferred option and alternative 1. All of these objective

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topics will need to be given particular consideration in EIAs for any proposed schemes close to the Welsh border.

**Paragraph 7.8.1:** We welcome the acknowledgement of potential impacts on Wales as a result of implementing this NPS within England. We acknowledge the difficulties in assessing this in detail due to the strategic nature of the NPS.

#### Section 8.0 How the AoS process has informed the development of the NPS.

We welcome the mitigation measures and changes incorporated into the NPS as a result of the AoS. In particular, we support the commitment to incorporate enhancement measures in the areas of heritage, landscape and biodiversity.

#### Section 12 Limitations and assumptions

We recognise the difficulties around identifying and implementing mitigation measures given the lack of spatial information and welcome the precautionary approach that has been adopted within the NPS. As noted in section 7.8.1, some of the potential impacts identified may occur within Wales, either as a result of direct/indirect impacts on heritage, landscape and biodiversity aspects, or through synergistic effects on the transport networks in Wales as a result to changes to those in England. We welcome the clear acknowledgement in the NPS itself that Welsh Government and Natural Resources Wales will be consulted on all interventions where there is the potential for cross-border impacts. It would be beneficial to have this statement reiterated in the monitoring and mitigation section.

We also welcome the commitment to consider and address any significant environmental effects at the project level.

## **Habitats Regulations Assessment**

### **Q8. Do you have any comments on the Appropriate Assessment on the draft NN NPS?**

Our comments on the Habitats Regulations Assessment (HRA) are made in the context of our responsibilities under the Conservation of Habitats and Species Regulations 2010 (as amended).

Natural Resources Wales welcomes the HRA for the National Road and Rail Network. Although this assessment is specifically limited to England, we agree with the habitats and species features identified as being potentially impacted by potential road and rail schemes. Given the potential for impacts to extend a

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considerable distance beyond the boundaries for schemes, particularly in relation to mobile species features, it would have been beneficial for Welsh sites, particularly those close to the English border, to also have been included in the assessment for completeness. However, given the scale of the NPS and the lack of spatial information, we appreciate that this should not significantly undermine the assessment, providing it is made clear that the generic mitigation measures must also be applied in Wales and Welsh Government and Natural Resources Wales will need to be consulted on all relevant interventions.

**3.4 Imperative Reasons of Over-riding Public Interest (IROPI):** We note the arguments put forward regarding the National Road and Rail Network NPS as meeting the criteria for 'IROPI'. We accept that these are consistent with the arguments made and agreed for Similar National Policy Statements. We also note that this does not avoid the need for project level HRAs to be carried out or the need for them to determine whether alternatives are available and an IROPI case can be sustained (as detailed in section 5.0).

#### **General**

**Q9. Please provide any further comments regarding any aspect of this consultation.**

We have no further comments.

Yours sincerely,



Head of Sustainable Communities

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