



**Cyfoeth  
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**Natural  
Resources  
Wales**

# **Environmental Impact Assessment Written Confirmation of the EIA Consent Decision**

**Marine Works (Environmental Impact Assessment) Regulations  
2007 (as amended) (“the Regulations”)**

**Replacement of Linkspan within Fishguard Port  
CRML1806**

**8 November 2018**

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## 1. Introduction

- 1.1 This document is the Environmental Impact Assessment ('EIA') Written Confirmation document for works proposed by Stena Line in marine licence application CRML1806 for a replacement of existing Linkspan and associated works within Fishguard Port, Pembrokeshire ("the Project").

## 2. The Project

### 2.1 Project Background

2.1.1 An application for a Marine Licence for the Project was submitted to NRW by Stena Line on 12 February 2018. The application was for the replacement of the existing linkspan and associated works within Fishguard Port.

2.1.2 The Project comprises:

- Demolition and removal of concrete bankseat, dolphins and open piled deck (600-800m<sup>3</sup>), together with the removal of the existing jack-up structure, piles, linkspan and ramp.
- Removal of a maximum of 10,000m<sup>3</sup> of soft sediment below a new area of land reclamation.
- Land reclamation to construct the approach area.
- Construction of rock armour revetment (approximately 100m in length).
- Construction of new dolphins and bankseat.
- Installation of replacement linkspan and ramp.

2.1.3 All activities listed in 2.1.2 will require a Marine Licence under Part 4, (Chapter 1) Section 66 of the Marine and Coastal Access Act.

### 2.2 Location

2.2.1 The Project is located within Fishguard Port, Pembrokeshire.

### 2.3 Statement of need

2.3.1 The objectives of the Project are: the replacement of the existing linkspan installed in the early 1970's and supplemented by a temporary jack up barge which are approaching the end of life and replace with a modern linkspan which has been designed to comply with modern standards, safety practices and reduced maintenance.

### 2.4. Regulating regimes

2.4.1 The Project overlaps between two consenting main regimes.

- 2.4.2 A marine licence under the Marine and Coastal Access Act 2009, issued by Natural Resources Wales acting on behalf of the Licensing Authority, Welsh Ministers. Aspects applied for via a Marine Licence are identified in section 2.1.2
- 2.4.3 An application has been made to the Marine Management Organisation (MMO) under section 14 of the Harbours Act 1964 for a Harbour Revision Order to construct the new linkspan, reference DC10168.

### 3. Environmental Impact Assessment

- 3.0.1 Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted.
- 3.0.2 The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the Regulations”) transpose the EIA Directive in Wales and England for marine licence applications.
- 3.0.3 Pursuant of Regulation 8 of the Regulations, Natural Resources Wales (NRW) considered under SC1709 that the proposed works fell under Schedule A2, para 63 and 69 of the Regulations on the assessment of the effects of the project on the environment, specifically:
- 63.** Construction of harbours and port installations including fishing harbours (unless included in Schedule A1).
- 69.** Coastal work to combat erosion and maritime works capable of altering the coast through the construction of, for example, dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.
- 3.0.4 Accordingly, the Marine Licence application required for the Project must be accompanied by an Environmental Statement (ES).

#### 3.1 The Environmental Statement (ES)

- 3.1.1 The Environmental Statement outlined the proposed project organised under the following topic headings
- 3.1.2 Technical chapters:
- Introduction
  - Project Description
  - Need for the Project and Alternatives
  - Coastal Processes
  - Flood Risk
  - Water Quality
  - Marine Biodiversity

- Terrestrial Biodiversity
- Transportation
- Air Quality and Climate
- Noise and Vibration
- Waste Management
- Soils and Contamination
- Cultural Heritage
- Landscape and Visual
- Population and Human Environment
- Interactions

3.1.3 The ES is considered to satisfy the requirements of Regulation 12 (2) and Schedule 3 of the Regulations. Specific comments pertinent to each ES chapter can be found in section 7.

## 3.2 Other Legislative and Policy Framework

Relative considerations under other legislation and / or policy are set out below:

### 3.2.1 Marine and Coastal Access Act 2009, Section 66, Part 4 (Chapter 1) ('the Act')

3.2.1.1 Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted. The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("the Regulations") transpose the EIA Directive into UK law for marine licence applications.

### 3.2.2 Water Framework Directive (Council Directive 2000/60/EC)

3.2.2.1 The sea from the mean low water mark up to 1 nautical mile from shore is protected under the WFD which requires a project or activity does not cause or contribute to deterioration in status of European Union (EU) water bodies or 'prevent the water body achieving 'good status'.

3.2.2.2 The Potential effect of the Project was also screened against the Water Framework Directive objectives for the following Water Bodies:

- Cardigan Bay South (GB621009580000)
- Gwaun Estuary (GB521006110500)

3.2.2.3 A Water Framework Directive Compliance Assessment was concluded that the proposal, when considered alone and in-combination, will not pose a risk to deterioration of the above listed waterbodies

3.2.2.4 Further details are described within the Water Framework Directive Compliance assessment.

### **3.2.3 Waste Framework Directive (Council Directive 2008/98/EC)**

3.2.3.1 'Establishes a legal framework for treating waste in the EU. This is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use.' Waste generated by a project or activity must be dealt with in an environmentally friendly way. To do this it applies the waste hierarchy from the WaFD, which gives an order of preference for how waste is dealt with (prevention, re-use, recycling, recovery, disposal at sea).

3.2.3.2 See consideration under section 7

### **3.2.4 The Conservation of Habitats and Species Regulations 2017 (as amended)**

3.2.4.1 European sites are those designated under The Conservation of Habitats and Species Regulations 2017 (as amended) ("Habitats Regulations") as Special Protection Areas ("SPAs"), Special Areas of Conservation ("SACs") or Sites of Community Importance ("SCIs").

3.2.4.2 The proposal is located within a European Protected Site.

3.2.4.3 The effects of proposal on the following European Sites, their features and conservation objectives have been considered by NRW during the licence determination:

- West Wales Marine cSAC
- The Cardigan Bay SAC
- Grassholm SPA
- Skomer, Skokholm and the Seas off Pembrokeshire SPA
- Pen Llyn a'r Sarnau SAC – *mobile marine mammal species only*
- North Anglesey Marine cSAC
- North Channel cSAC
- Skerries and Causeway SAC - *mobile marine mammal species only*

3.2.4.4 In light of the conclusions of an appropriate assessment, and taking account conditions or restrictions as applicable, either alone or in-combination with other plans and projects, it has been established that the project will not adversely affect the integrity of any of the European Sites above.

3.2.4.5 Further details are described within the Habitats Regulations Assessment.

### **3.2.5 Marine Conservation Zones**

3.2.5.1 Section 116 of the Act provides powers to Welsh Ministers to designate Marine Conservation Zones ("MCZs") with the aim of contributing to the achievement of a network of ecologically coherent and well-managed marine protected areas.

3.2.5.2 The Project is not within a Marine Conservation Zone and was not identified to have an impact on any Marine Conservation Zone.

### **3.2.6 Wildlife and Countryside Act 1981 (as amended)**

3.2.6.1 Sites of special scientific interest (“SSSIs”) are protected by law to conserve their wildlife or geology. The Wildlife and Countryside Act 1981 (as amended) ensures that SSSIs are protected and managed effectively.

3.2.6.2 See consideration under section 7

### **3.2.7 Marine Policy Statement and Marine Plans**

3.2.7.1 The UK Marine Policy Statement (“MPS”) is the framework for preparing Marine Plans and taking decisions affecting the marine environment. NRW must make licensing decisions in accordance with the MPS and marine plans (where in place), unless relevant considerations indicate otherwise. In Wales, the Welsh National Marine Plan is yet to be adopted.

### **3.2.8 Environment (Wales) Act 2016**

3.2.8.1 Article 4 of the Natural Resources Body for Wales (Establishment) Order 2012 as amended by the Environment (Wales) Act 2016 requires NRW to pursue the sustainable management of natural resources in relation to Wales and apply the principles of sustainable management of natural resources in the exercise of its functions, so far as consistent with their proper exercise.

3.2.8.2 NRW considers that the procedures outlined in this Written Confirmation in the consideration of EIA consent are consistent with this requirement.

### **3.2.9 Wellbeing of Future Generations (Wales) Act 2015**

3.2.9.1 This Act requires NRW, as a public body, to take reasonable steps in exercising its functions to work in accordance with the sustainable development principle, as set out in Section 5 of the Act.

3.2.9.2 NRW considers that that the EIA process is consistent with the sustainable development principle described in the Act, and that the processes outlined in this Written Statement are sufficient to properly demonstrate the sustainable development principle. In particular, NRW acknowledges that the principles of sustainable management include taking account of all relevant evidence and gathering evidence in respect of uncertainties, and taking account of the short, medium and long term consequences of actions. NRW further acknowledges that it is an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.

### **3.3 Further information provided by the applicant pursuant to a notification under regulation 14(1)**

3.3.1 No further information was requested from the applicant pursuant to a notification under Regulation 14 (1).

## **4. Consultation with the public**

### **4.1 Public Notices**

4.1.1 Pursuant to Regulation 16, public notices were advertised to notify interested parties of the proposed works and give any interested parties or members of the public an opportunity to make representation on the application as necessary.

4.1.2 The application documents were made available as follows;

- A translated public notice was placed in the County Echo on 8 June 2018 & 22 June 2018
- The application documents were made available to the public at: Stena Line Ltd, Fishguard and Rosslare Railways and Harbours Company, Fishguard Port, Fishguard Harbour, Goodwick, Pembrokeshire, SA64 0BU, for 49 days following the publication of the first public notice.

4.1.3 No public representations were received

## **5. Consultation of EEA States**

5.0.1 A Transboundary Screening Assessment did not identify potential for effects to any other EEA State.

## **6. Technical consultation**

6.0.1 The Marine Licence application was consulted upon on 1 June 2018 for a period of 42 days, in accordance with Regulation 17 of the regulations. It was sent to the following consultation bodies:

6.0.2 Natural Resources Wales Technical Experts (NRW TE), The Centre for Environment, Fisheries and Aquaculture Science (Cefas), Ministry of Defence (MoD), Maritime and Coastguard Agency (MCA), The Crown Estate (TCE), Local Planning Authorities (LPA) for Pembrokeshire, Pembrokeshire Coast National Park Authority, Local Harbour Authorities, Local Ports at Saundersfoot, Fishguard, Tenby and Porthclais, Milford Haven Port Authority, Local Biodiversity Officers (LBO) for Pembrokeshire, Royal Yachting Association (RYA), Royal Society for the Protection of Birds (RSPB), Trinity House (TH), Cadw, Welsh Archaeological Trust, The Royal Commission of Historic Monuments Wales, Welsh Government Fisheries Branch, Marine Enforcement Officers (MEO), Welsh Government Marine Branch, Welsh Government DE&T Ports Division, Chamber of Shipping.

- 6.0.3 The following organisations submitted comments: The Crown Estate (TCE), Natural Resources Wales Technical Experts (NRW TE), Ministry of Defence (MoD), Maritime and Coastguard Agency (MCA), Trinity House (TH), Royal Yachting Association (RYA), Local Harbour Authorities, Cadw, Welsh Archaeological Trust, The Royal Commission of Historic Monuments Wales, The Centre for Environment, Fisheries and Aquaculture Science (Cefas), Welsh Government Marine Branch
- 6.0.4 Details of the issues raised by the Consultation Bodies and how they have been addressed is set out in section 7.
- 6.0.5 Consultees who did not provide a response were assumed to have no comment

## **7. Issues arising during the consideration of the Environmental Statement, Marine Licence Application and representations received**

- 7.0.1 Material issues that were highlighted by the ES and consultation process and the extent to which they have been addressed are detailed in this section.

### **7.1 Coastal Processes**

- 7.1.1. No representations were made about coastal processes. Therefore, the NRW PS concluded that the potential impacts to coastal processes due to the project has been adequately addressed in the ES.

### **7.2 Flood Risk**

- 7.2.1. The works fall within policy unit 4.2 of the West Wales Shoreline Management Plan 2. The policy is to hold the line in epoch 1 and 2 with the potential to advance the line in epoch 3. NRW PS consider that the proposal is in line with the Shoreline Management Plan.
- 7.2.2. No representations were made about flood risk. Therefore, the NRW PS concluded that the potential impacts to flood risk due to the project has been adequately addressed in the ES.

### **7.3 Water Quality**

- 7.3.1 The works propose dredging up to 10,000m<sup>3</sup> of sediment from beneath the existing deck. Ground investigations and sediment samples have been undertaken to determine the nature of the dredge material. Cefas note that the methodologies used for the analysis of these sediments are not suitable for comparison against Cefas Action Levels, and therefore the results of these analyses may not be used to determine the suitability of sediment for disposal in the marine environment. However, Cefas note the ES and the marine licence application state that the applicant does not intend to deposit any dredged material seaward of MHWS. NRW PS consider that any marine licence issued would only consent works applied for and considered in the ES therefore it would not permit disposal at dredged material at sea.

7.3.2 As detailed in section 3.2.2 chapter 7.0 of the ES provided information to inform the WFD assessment. NRW PS carried out a WFD assessment which concluded that the applicant has designed mitigation actions into the project which are deemed to be sufficient to reduce any project effects on the water body features. The WFD concluded that the project is unlikely to cause deterioration of the status of the water body in the vicinity or compromise the future achievement of the WFD objectives. NRW TE agreed with the conclusion of the WFD assessment.

7.3.4 NRW PS consider that recommended pollution prevention measures within section 6.6 of the ES are suitable. NRW PS consider it appropriate to include conditions in any Marine Licence issued to ensure adequate pollution prevention measures are followed.

## **7.4 Marine Biodiversity**

7.4.1 Cefas has commented that it considers the potential effect of underwater noise on fish and mammals has been considered appropriately. Cefas note that it is unclear how some of the impact ranges have been derived, however consider predicted impact ranges to be reasonable.

7.4.2 Cefas has welcomed the use of soft start procedures, vibro-piling where possible and adherence to the JNCC “Statutory Nature Conservation Agency protocol for minimising the risk of injury to marine mammals during piling” (2010). NRW PS consider it appropriate to include condition in any marine licence issued that the JNCC protocol is followed, and vibro piling and soft start procedures will be used where possible.

7.4.3 Cefas noted that one of the primary concerns is the potential impact of underwater noise on fish migration and highlighted that it may be necessary to restrict or limit piling operations during key migration periods for salmon, trout and eel, as a precautionary approach to reduce the risk of impact. Cefas advised that additional mitigation may be required if works overlap with key migratory periods. NRW PS consider it appropriate to include condition in any marine licence issued to ensure that a mitigation plan relating to piling activity is submitted and approved prior to commencement of works.

## **7.5 Terrestrial Biodiversity**

7.5.1. No representations were made about terrestrial biodiversity. Therefore, the NRW PS concluded that the potential impacts to terrestrial biodiversity due to the project has been adequately addressed in the ES.

## **7.6 Transportation**

7.6.1 No representations were made on the subject of transportation. Therefore, the NRW PS concluded that the potential impacts to transportation due to the project has been adequately addressed in the ES.

## **7.7 Air Quality and Climate**

7.7.1 No representations were made on the subject of air quality and climate. Therefore, the NRW PS concluded that the potential impacts to transportation due to the project has been adequately addressed in the ES.

## **7.8 Noise and Vibration**

7.8.1 Chapter 11.0 of ES primarily relates to airborne noise, no representations were made on this subject. Therefore, the NRW PS concluded that the potential impacts to transportation due to the project has been adequately addressed in the ES.

7.8.2 Underwater noise and vibration has been discussed in section 7.4.

## **7.9 Waste Management**

7.9.1 No representations were made on the subject of waste management. Therefore, the NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

## **7.10 Soils and Contamination**

7.10.1 Consideration on impact of works on water quality has been considered in section 7.3.

7.10.2 No further representations were made on the subject of soils and contamination. Therefore, the NRW PS concluded that the potential impacts due to the project has been adequately addressed in the ES.

## **7.11 Cultural Heritage**

7.11.1 Cadw accepted the conclusion made in chapter 14.0 of the ES, they considered that any damage to the settings of scheduled monument, registered historic park and garden and listed building will not be significant.

7.11.2 RCHAMW and WAT considered that the mitigation measures recommended in section 14.5 of the ES appear appropriate however they advised that these should be incorporated into a Written Scheme of Investigation.

7.11.3 NRW PS consider that the cultural heritage has been appropriately assessed. NRW PS consider it appropriate to include conditions in any Marine Licence issued to ensure a Written Scheme of Investigation is submitted and approved prior to commencement of works.

## **7.12 Landscape and Visual**

7.12.1 No representations were made about landscape and visual impact. Therefore, the NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

## **7.13 Population and Human Environment**

7.13.1 No representations were made on the subject of population and human environment. Therefore, the NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

## **7.14 Interactions**

7.14.1 No representations were made on the interaction of factors. Therefore, the NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

7.14.2 As detailed in section 3.2.4 NRW PS carried out a Habitat Regulation Assessment as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.

## **7.15 Other Comments**

7.15.1 Local Authority noted that the Habitat Regulation Assessment carried out by the applicant had not considered the implications of the recent CJEU Ruling (People Over Wind) on the use of mitigation measures in HRA. As detailed in section 3.2.4 NRW PS carried out its own HRA taking into account the recent CJEU Ruling.

7.15.2 Welsh Government has recently consulted upon a draft WNMP and is now working to finalise and adopt the plan. Welsh government advise that depending upon the nature and timing of the proposal and potential determination timescale that the draft WNMP should be taken into account. NRW PS consider that the determination of the application will take place prior to adoption of the Welsh National Marine Plan and therefore further consideration at this stage is not required.

7.15.3 No direct comment was provided by the Maritime and Coastguard Agency (MCA) regarding the Environmental Statement itself. However the (MCA) commented that they had no objection to the works, provided licence conditions were included to ensure mariners and fishermen's organisations were aware of the activity and the HM Coastguard and UKHO were notified prior to commencement of works, and that suitable pollution prevention measures are adhered to. NRW PS considers that this can be sufficiently addressed using appropriate conditions in any Marine Licence issued.

# **8. Mitigation or monitoring measures to be taken**

## **8.1 Features or measures to avoid, prevent, reduce or offset likely significant effects**

8.1.1 In reaching the Conclusion about Environmental Impact (Regulation 21A of the Regulations), NRW must make consideration of any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects (regulation 21A (1)(f)).

8.1.2 NRW considers that the following features of the project, or measures included within the project proposal, as described in the application form, Environmental

Statement and other supporting information, would avoid, prevent, reduce or offset any likely significant adverse environmental effects

- 8.1.2.1 The project proposes to dredge up to 10,000m<sup>3</sup> of sediment from beneath the existing structure. As discussed in section 7.3 the sediment analysis carried out was not considered suitable for comparison against Cefas Action Levels, and therefore the results of these analyses may not be used to determine the suitability of sediment for disposal in the marine environment. The project proposes to remove dredge material from site to a licensed facility or if suitable, reused for infill between the new revetment and the existing land. However, there will be no reuse of dredged materials within the marine environment, seaward of mean high-water springs. This reduces the potential impact on water quality.
- 8.1.2.2 It is anticipated that the linkspan ramp will be fabricated offsite and delivered for installation by barge or delivery vessel. This reduced the potential noise impact on marine species.
- 8.1.2.3 All demolition works is to be carried by means of excavator mounted rock breaker, concrete sawing, or a combination of these methods; there will be no use of explosives/blasting. This reduces the potential for direct harm and impact of underwater noise on marine species.
- 8.1.2.4 The works propose to use pre-cast concrete for section of works that are under water where possible, however in-situ stitching of these will be required. Where the use of pre-cast concrete is not possible or where in-situ stitching is required specific fast setting mix of cement will be used. This will reduce the potential impact on water quality.
- 8.1.2.5 The Port Authority have an Oil Spill contingency plan in place which will be adhered too, in addition it will have an emergency spill kit and oil spill containment equipment adjacent to the work. This will reduce the potential impact on water quality.
- 8.1.2.6 Piling is required to be used in the project. Vibro-piling will be used where possible but where this is not possible percussive piling will take place. Where percussive piling is required a soft start procedure will be followed, in addition the JNCC "Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals during piling" (JNCC, 2010) will be adhered where percussive piling is required. This reduces the risk of the potential noise impact on marine species.
- 8.1.2.7 Where lighting is required during construction, directional lighting and low intensity luminaries are to be used to minimise light pollution to local residents. This will reduce potential visual amenity impacts from construction lighting.
- 8.1.2.8 Best practice is to be followed to reduce the noise level where possible during the construction period. This includes specified working hours, Monday to Friday – 07:00 to 19:00 hrs, Saturday – 08:00 to 13:00 hrs where no significant construction noise activities are proposed outside of these hours except as necessary for operational or safety reasons. This will reduce impact of noise.

- 8.1.2.9 Where possible material produced through the demolition of existing structures will be reused on site, for example as infill for the land reclamation. However, no waste material will be deposited in the marine environment. Where material is not suitable to be reused on site it will be removed to the appropriate waste site. Appropriate waste management procedures will be adhered to on site. This reduces the potential impact of waste and adheres to the waste directive.
- 8.1.2.10 The revetment construction and land reclamation may lead to the loss of an undesignated feature of cultural heritage, (length of harbour wall). It is proposed the length of stone wall should be preserved by record i.e. the wall should be archaeologically surveyed in detail and that record will serve as the permanent record of the features, part of which may be buried permanently as part of the proposed works. This mitigates impact to cultural heritage.

## **8.2 Mitigation or monitoring required to be attached to the consent (Regulation 22 (c)-(e))**

- 8.2.1 In reaching the EIA Consent Decision required under Regulation 22, NRW must make consideration of the requirement for any mitigation measures or monitoring required to be attached to the consent.
- 8.2.2 Section 7 outlines where NRW PS considers that there is a requirement for mitigation and/or monitoring, and sets out the measures we consider necessary to address potential impacts identified through the EIA process. These are summarised below.
- 8.2.2.1 Licence conditions will be required to ensure that pollution prevention best practice will be adhered to, this would include that appropriate bunding and storage facilities are installed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. This will reduce the impact on water quality as considered in section 7.3.
- 8.2.2.2 Works consist of the use of concrete. Appropriate licence conditions will be required to reduce the potential impact of concrete use on the marine environment.
- 8.2.2.3 Licence conditions will be required to reduce the potential impact of underwater noise during piling operations on marine species. This will include adherence to the JNCC “Statutory Nature Conservation Agency protocol for minimising the risk of injury to marine mammals during piling” (2010) and that vibro piling and soft start procedures will be used where possible. In addition, as work may overlap with key fish migration period appropriate condition will be included to ensure that a mitigation plan relating to piling activity is submitted and approved prior to commencement of works. This will reduce the potential impact of underwater noise on marine species as considered in section 7.4.
- 8.2.2.4 A licence condition will be required to ensure a Written Scheme of Investigation is submitted and approved prior to commencement of works. This will ensure that any

impact on the cultural heritage that may be lost because of the works are appropriately mitigated, this was considered in section 7.11

- 8.2.2.5 A licence condition will be required to ensure mariners and fishermen's organisations were aware of the activity and the HM Coastguard and UKHO were notified prior to commencement of works, this will reduce impact on navigation and other uses of the sea.
- 8.2.2.6 Works consist of the construction of a rock armour revetment. Licence conditions will be required to ensure that rock material to be imported is fit for purpose, and come from an uncontaminated inert source. This will reduce the potential impact on water quality.
- 8.2.3 In considering the monitoring requirements outlined above we do not consider that these requirements can be met by existing monitoring arrangements.

## 9. Regulation 21A Conclusion about Environmental Impact

- 9.0.1 In reaching a Conclusion about Environmental Impact, as required by Regulation 21A, NRW has considered the following (Regulation 21A(1)):
- The application for a Marine Licence
  - The Environmental Statement submitted
  - Further information provided, as outlined in section 3.3
  - The responses to public consultation outlined in sections 4 and 7
  - The responses to the technical consultation outlined in sections 6 and 7
  - Any comments received from another EEA state, as outlined in section 5 and 7
  - Any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects as outlined in section 8

- 9.0.2 NRW, as appropriate authority, has considered and reached a conclusion of the likely significant effects of the project with regard to the following (Regulation 21A(2)):

Population and human health (9.1)

Biodiversity (9.2)

Land, soil, water, air and climate (9.3)

Material assets, cultural heritage and landscape (9.4)

Risk of major accidents and disasters relevant to the project (9.5)

Cumulative impacts and in-combination impacts (9.6)

### 9.1 Population and human health

- 9.1.1 The ES has assessed the impact on population and the human environment. The project is to replace the existing linkspan with the a modern linkspan designed to comply with modern standards, the ferry service the linkspan facilitates is to remain the same therefore there is no predicted impact on population during the operational stage. Due to the scale and nature of the project significant impact on population is not predicted during the construction phase. The ES also considered that during the

construction phase there was the potential to generate impact in terms of traffic and transportation, noise and air quality and visual impact, however NRW consider that considering the design of the project and mitigation proposed that there will be no significant impact on population or human health as a result of the project.

## 9.2 Biodiversity

- 9.2.1 The works include piling operations, underwater noise generated during the piling operation has the potential to significantly impact on marine species, specifically marine mammals and migratory fish, this was considered within the ES. Following recommendations made within the ES and the inclusion of the licence conditions described in section 8.2 in any marine licence issued, NRW PS are satisfied that potential impact can be reduced.
- 9.2.2 The ES considers potential impact on terrestrial species and habitat and again concluded that no significant impact is predicted on terrestrial habitats and appropriate mitigation can be considered including suitable pollution prevention measures to avoid impact to terrestrial species. NRW PS conclude that considering mitigation proposed within the ES and the licence conditions outlined in section 7 and section 8.2, no significant impact on biodiversity is predicted.

## 9.3 Land, soil, water, air and climate

- 9.3.1 There is a risk pathway to water quality and land through a pollution event. In addition, there is the potential to impact on water quality through the dredging of seabed sediment from beneath the existing structure prior to land reclamation and the land reclamation activity itself. The ES has assessed these impacts and proposed mitigation including confirming that no dredge material is to be disposed in the marine environment and relevant pollution prevention measures will be put in place. NRW consider that the works has been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions outlined in section 7 and section 8.2, that no significant impact on water quality is predicted.
- 9.3.2 There is a risk pathway to air during the construction phase, such as production of dust during demolition operations and depositing of infill material, however it is considered that the ES has adequately considered the impact and based on mitigation proposed by the applicant, and adherence to best practice, significant impact is not predicted.
- 9.3.3 Impact on climate has been considered within the ES and due to the nature and scale of the project the no significant impact is predicted.

## 9.4 Material assets, cultural heritage and landscape

- 9.4.1 The ES identified that the revetment construction and land reclamation may lead to the loss of an undesignated feature of cultural heritage, (length of harbour wall). It is proposed the length of stone wall should be preserved by record i.e. the wall should be archaeologically surveyed in detail and that record will serve as the permanent record of the features, part of which may be buried permanently as part of the proposed works. NRW PS consider that suitable mitigation can be put in place

through a Written Scheme of Investigation that will adequately mitigate for the partial loss of the undesignated feature.

- 9.4.2 The ES assessed the impact of the works on landscape and identified that no significant landscape or visual impact is predicted. NRW PS consider that there is no significant impact on the landscape due to the project.

## 9.5 Risk of major accidents and disasters relevant to the project

- 9.5.1 The purpose of the project is to replace the existing linkspan with the a modern linkspan designed to comply with modern standards, the ferry service the linkspan facilitates is to remain the same. Due to the nature and scale of the operation the risk of a major accident or disaster is low. In addition to this sufficient pollution prevention measure have been proposed to reduce the risk of a major accident. The ES has assessed the impact on flood risk and has concluded that the proposed development will not have an impact on flood risk elsewhere. NRW PS consider there is low risk of the project contributing to the severity of major accidents or disasters.

## 9.6 Cumulative impacts and in-combination impacts

- 9.6.1 NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES. As detailed in section 3.2.4 NRW PS carried out a Habitat Regulation Assessment as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.

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Produced By: Peter Morrison



Signed:

Date: 05 November 2018

Approved by: Kevin Ashcroft



Date: 08 November 2018

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## 10. Regulation 22 EIA Consent Decision

- 10.0.1 The Marine Licensing Team has considered the application CRML1806 and information provided in support of the application and is now in a position to make an EIA consent decision to Stena Line Ltd.

10.0.2 In accordance with Regulation 22 of the Regulations, NRW PS, as appropriate authority, have considered:

- The application for a Marine Licence
- The Environmental Statement submitted
- Further information provided, as outlined in section 3.3
- The Conclusion about Environmental Impact (under Regulation 21A(2)) in section 9 (dated 8<sup>th</sup> November 2018), which we consider to be up to date
- The responses to public consultation outlined in sections 4 and 7
- The responses to the technical consultation outlined in sections 6 and 7
- Any comments received from another EEA state, as outlined in section 5 and 7
- Whether monitoring of the significant adverse environmental effects of the Project is appropriate (as outlined in section 8), including whether
  - Existing monitoring can be relied upon
  - Conditions should be attached to the regulatory approval
  - Whether conditions to make provision for potential remedial action are required, as outlined in section 8
  - Whether any other conditions need to be attached to the regulatory approval, with respect to the likely significant environmental effects of the Project, as outlined in section 8.

10.0.3 After conducting a full and comprehensive review of the Project and applying appropriate additional external expertise, we conclude that the environmental impacts of the Project have been adequately identified, described and assessed. Accordingly, we conclude a favourable determination and that EIA consent for the project should be given.

10.0.4 We consider that adequate mitigation has been proposed or have been included as licence conditions, which will minimise or altogether remove the potential significant impact associated with the demolition, construction and operational phases of the project.

10.0.5 We consider that the monitoring and mitigation conditions outlined in section 8 should be considered in the regulatory decision.

10.1 This Written Confirmation of the EIA Consent Decision will be sent to the following, in accordance with Regulation 23 of the Regulations:

- Stena Line Limited
- Any person from whom NRW received representation arising from the consultation described in section 4
- Any EEA states consulted (see section 5)
- All consultation bodies listed in section 6

10.2 This Written Confirmation of the EIA Consent Decision is available on the NRW online public register at <https://naturalresources.wales/permits-and-permissions/permit-applications-consultations-and-decisions/marine-licensing-decisions/?lang=en>

Produced By: Peter Morrison



Signed:

Date: 5 November 2018

Approved by: Kevin Ashcroft



Date: 8 November 2018

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