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03 February 2023

Dear Chris Burgess,

**SCREENING AND SCOPING OPINION UNDER THE MARINE WORKS  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (as amended)**

**BEDWYN SANDS AND NORTH MIDDLE GROUNDS MARINE AGGREGATE  
EXTRACTION LICENCE**

I am writing further to your request for a screening and scoping opinion, dated 07 November 2022, made in accordance with The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("The Regulations").

The purpose of the Environmental Impact Assessment (EIA) screening procedure is to determine whether the proposed works require an Environmental Impact Assessment and submission of an Environmental Statement (ES). The purpose of the scoping procedure is to determine what information should be provided in the ES.

In reaching our Screening Opinion we have considered the proposed works against Schedule A1 and A2 of The Regulations. In doing so, we have had regard to the information provided in the "R3976\_Bedwyn Sands and North Middle Ground EIA\_Scoping\_30Aug2022", dated 30 August 2022, and considered the requirements of Schedule 3 of The Regulations. We have also consulted with the bodies that we consider have an interest in the project by reason of their environmental responsibilities, or local or regional competences, as required by The Regulations, and had regard to their comments.

**Screening Opinion**

It is our opinion that the works fall within the categories of project listed within Schedule A2, paragraph 10 of The Regulations (see below), and therefore must be considered in

terms of its size, nature and location having regard to the relevant criteria listed in Schedule 1 of The Regulations.

#### *10. Extraction of minerals by fluvial or marine dredging*

We have carefully considered the views of the consultation bodies alongside the criteria as set out in Schedule 1 of The Regulations, and have determined, based on the information provided, that the project has the potential to have a significant effect on the environment specifically on interest features of designated nature conservation sites (Severn Estuary/Môr Hafren Special Area of Conservation (SAC), the Severn Estuary SPA, and the Severn Estuary/Môr Hafren Ramsar site). This is particularly the case for annex I benthic habitats and therefore a statutory EIA is required.

Therefore, the application required for the proposed works for a marine licence under Part 4 of the Marine and Coastal Access Act 2009 ("The Act") will be accompanied by an ES.

### **Scoping Opinion**

This letter sets out the additional information that we consider necessary to be included and/or assessed in the ES for this Project.

Please note our scoping opinion is based on the information available to us at this time. The information provided is not a definitive list of the ES / EIA requirements and further information may be required following an application for this project, to ensure a full assessment is carried out.

This Screening and Scoping Opinion will be provided to all those bodies that were consulted and will be publicised on our website and on our Public Register.

# The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

## Scoping Opinion (SC2204)

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### Summary of the proposal

The proposal by Severn Sands Holdings Ltd is for the marine licence for marine aggregate dredging at Bedwyn Sands and North Middle Ground (Areas 455 and 459) in the Severn Estuary.

Bedwyn Sands and North Middle Ground (marine licence numbers MMML1516v2 and MMML1605v2 respectively) have been active dredge licences since 2008 and 2011 and are due to expire in 2024. Both marine aggregate areas have been grouped in a single EIA due to their geographic proximity and similarity in terms of environmental issues. The licence period proposed is of 15 years.

### Location

Both extraction sites are located in the Severn Estuary, within the wider Middle and Welsh Grounds area, which form part of a regional system of intertidal sand flats and banks.

The Bedwyn Sands Production Area covers an area just less than 9.4 km<sup>2</sup> and straddles the boundary between English and Welsh territorial waters. It is located in the Upper Severn Estuary, off Caldicot at eastward extension of the wider Welsh Grounds area. The resource lies wholly within the marine ownership of the Swangrove Estate and spans the harbour limits of the Gloucester Harbour Trustees and the Bristol Port Company.

The North Middle Grounds Production Area (licensed aggregate extraction Areas 455 and 459) is located within the Upper Severn Estuary, between the wider intertidal sandbanks and flats of the Middle and Welsh Grounds. The site covers a combined area of approximately 10.4 km<sup>2</sup> and lies off Goldcliff and is entirely within Welsh territorial waters.

### Consultation Responses Received

In considering the Scoping Report, the NRW PS consulted with various consultation bodies. The consultation bodies that responded are listed below:

- The Crown Estate (TCE)
- Marine Management Organisation (MMO)
- Royal Yachting Association (RYA)
- NERL Safeguarding
- Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW)
- Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA)
- Natural Resources Wales Technical Experts (NRW TE)
- Cadw

- Maritime & Coastguard Agency (MCA)
- Natural England (NE)
- Ministry of Defence (MoD)
- Gloucester Harbour Authority (GHA)

## 0. General comments

0.1. Marine and coastal guidance produced by NRW that may provide useful information to help with your project is available here:

<https://naturalresources.wales/guidance-and-advice/business-sectors/marine/?lang=en>

0.2. The ES submitted should demonstrate consideration of the points raised in this scoping opinion. It is recommended that a table is provided in the ES summarising the scoping opinion comments and how they are addressed in the ES.

0.3. The EIA must be undertaken by a competent person and the ES must include a competent expert statement.

0.4. Where possible, other environmental assessments should be coordinated with the EIA process. However, it is important to note that the Habitats Regulations Assessment (HRA) and Water Framework Directive (WFD) assessment, and any other assessment, are separate processes to the EIA.

0.5. Throughout the ES robust evidence should be presented so that the potential environmental impacts can be properly understood and evaluated; and appropriate measures identified to avoid, reduce or where necessary compensate for those impacts.

0.6. The ES must include:

- A Non-Technical Summary (NTS);
- A chart or map identifying where the activity will be carried out;
- A description of the likely significant effects of the project, whether direct, indirect, secondary, cumulative, transboundary, short-term, medium-term, long-term, permanent, temporary, positive and negative;
- A description of the methods used to make the assessment of the significant effects and difficulties encountered in compiling the information and uncertainties involved;
- A description of measures to avoid, prevent, reduce or offset identified significant adverse effects and proposed monitoring arrangements; &
- A description of the expected significant adverse effects of the project on the environment resulting from the vulnerability of the project to risks of major accidents or disasters.

0.7. The ES must consider any transboundary impacts where

0.8. Early engagement with relevant stakeholders is encouraged. We provide advice specific to marine developments on our website [Natural Resources Wales / Marine](#)

[development](https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/). However, you are able to obtain further advice from NRW TE through the NRW Discretionary Advice Service, please see here: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/>

- 0.9. The UK left the EU on 31 January 2020 – all legal obligations relating to compliance with environmental licences/permits and legislation will continue to apply. NRW on behalf of Welsh Ministers will continue to issue licenses in line with our current practice.
- 0.10. You must ensure that reference is made to and consideration of compliance with the UK Marine Policy Statement and the now published Welsh National Marine Plan (WNMP) and its associated policies within the submitted ES, alongside any further regional planning documentation. The published Welsh National Marine Plan can be found here: [Welsh National Marine Plan: document | GOV.WALES](#). Implementation guidance for the Welsh National Marine Plan can also be found here: <https://gov.wales/welsh-national-marine-plan-implementation-guidance>.
- 0.11. We are aware that a separate scoping request has been made to the Marine Management Organisation (MMO). We have not been able to coordinate the response to this request with the MMO; therefore, this Scoping Opinion constitutes the views of NRW PS the MMO will issue a separate scoping opinion.
- 0.12. We generally agree with the topics that the report has scoped into the EIA. We have provided specific comment below. Where no comment has been provided the assessment should be carried out as detailed within the scoping report.

## 1. Legislative and Consenting Framework

- 1.1. Please ensure that all relevant legislation is identified in this chapter of the ES. As it stands, some policies are identified only in specific chapters. For example the Well-being of Future Generations (Wales) Act 2015 is missing and this Act has a wider remit than Human Health only.
- 1.2. NRW PS is required to take its decision in accordance with the appropriate marine policy documents unless relevant considerations indicate otherwise. The WNMP sets out the Welsh Government's policies for the Welsh marine area in connection with its sustainable development. A WNMP Signposting document has been provided with this opinion, the document can be used to set out how the project has considered each policy of the WNMP.
- 1.3. In making its decision, NRW PS is required to take all reasonable steps to meet its published well-being objectives, which are designed to maximise NRW's contribution to achieving each of the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015. NRW PS must have enough information in the ES to ensure it acts in accordance with these principles of sustainable development.
- 1.4. NRW PS requests you to ensure that the ES uses the most up to date classification for the Severn Water Body. NRW TE wish to draw attention to errors made in the Scoping Report with regards to WFD classifications as an EA report from 2009 is

referenced. Recent WFD information for the Severn Lower water body can be obtained from [Water Watch Wales](#), showing the Severn Lower water body is at Moderate status for Ecology and Chemical.

## **2. Geographical boundaries and approach to EIA**

2.1. We welcome the inclusion of a map with all relevant boundaries. To aid consultees on their assessments, please ensure that all maps presented in the ES include the England/Wales border.

2.2. As indicated in section 0.7 the ES should consider the potential impacts to other European States and include a section assessing the transboundary likely significant effects on all elements of the proposal.

## **3. Key Issues to be considered**

3.1. No responses were received related to topics scoped out of the EIA. NRW PS therefore agrees with the list of factors screened out of the EIA as detailed in Table 6 of the Scoping Report.

## **4. Physical environment**

4.1. NRW TE is generally in agreement with the proposal and welcomes the inclusion of Figure 2 as it provides a quantitative representation of resources thickness for the proposed dredging sites. NRW PS requests the use of a colour scale which allows for adequate map interpretation, currently boundaries between some of the levels blend together.

4.2. NRW PS requests that impacts to wave energy propagation are addressed as part of a physical processes chapter in the final ES, NRW TE indicates that currently these impacts are covered as part of flood defence (Section 5.8 of the Scoping Report).

4.3. NRW TE welcome the inclusion of changes to sediment transport in Section 5.2.3 of the Scoping Report; however, they advise to also assess the impacts of potential sediment plumes within the Physical Processes chapter of the ES. NRW PS understands that the ES should include extent and magnitude of potential sediment plumes relating to the proposed zone of influence.

## **5. Water and Sediment quality**

5.1. NRW PS requests clear sign-posting to water quality issues falling under the navigation impact assessment. NRW TE advises that if this is done, as indicated in the report (page 25), then the Scoping Report is adequate: "Please note that impacts related to vessel movement and risks of water quality impacts from spillages, etc. will be considered as part of the navigation impact assessment."

## **6. Nature conservation**

### **6.1. Benthic Ecology**

- 6.1.1. NRW TE considers that the information presented in the report in relation to benthic ecology is adequately describing the proposal, the matters to be addressed in the ES, and identification of cumulative impacts.
- 6.1.2. NRW PS expect impact on designated features to be adequately assessed within the ES. NRW TE advise that they will expect the proposal to be taken through Appropriate Assessment as part of the shadow HRA for impacts to Annex I habitats. NRW TE understands that, based on the information presented, there is potential for the proposal to have a significant impact on the habitats of the Severn Estuary SAC. NRW TE expects that this Appropriate Assessment will include all relevant information from previous monitoring reports as outlined in the Scoping Report. Furthermore, the D&S IFCA is concerned about the lack of consideration given to the Annex I habitats in the report (particularly H1110 - Sandbanks which are slightly covered by sea water all the time). The objectives for feature H1110 include the maintenance of the variety and distribution of sediment types across the feature, and the maintenance of the gross morphology of the feature (including its depth and profile). It is the D&S IFCA understanding that by the nature of the aggregate extraction process, these objectives will be directly impacted. NRW PS will expect you to give full consideration of this aspects in this chapter of the ES and the shadow HRA.
- 6.1.3. NRW PS requires that hopper water exchanges are considered within the Biosecurity Risk Assessment. NRW TE indicate hopper water exchanged may be advised depending on the location where the hopper dredger is transiting from/to at the start and end of each campaign.
- 6.1.4. NRW PS would like you to consider and provide clarification to NRW TE's comments in relation to Section 4.2.3, Table 3. NRW TE considers that the interaction between a *Probability of Occurrence* of 'Medium' and a *Magnitude of Change* of 'Medium' should result in a 'Medium' *Exposure to Change*. We would encourage you to discuss this with NRW TE prior to submission of the ES.
- 6.1.5. NRW TE does not consider that the following species are established in the Severn Estuary: *Crepidula fornicata*, *Magallana gigas*, and *Hemigrapsus sanguineus* (Section 5.4.2, page 27). NRW TE also indicates that the Chinese mitten crab (*Eriocheir sinensis*) has also been recorded in the Severn Estuary. NRW TE considers that the transfer of hopper water as a result of dredging activities is a viable Invasive Non-Native Species (INNS) pathway. Therefore, NRW PS requests for this to be considered as part of the Biosecurity Risk Assessment and advise you to submit a draft Biosecurity Risk Assessment with your application to avoid determination delays.
- 6.1.6. NRW PS advise the continuation of the Regional Seabed Monitoring Plan (RSMP) to assess any future impacts on benthic ecology as part of this proposal.

## 6.2. Fish and Shellfish

- 6.2.1. NRW PS agrees with the applicant that the fish community of the Severn Estuary is notably rich. NRW PS has considers responses from D&S IFCA and NRW TE and understands that a detailed assessment of fish receptors will be

required in the ES. Therefore, assessments of habitat suitability for herring spawning as well as sandeel habitat will be required for both areas. Moreover, NRW PS understands that the HRA should consider the effect of the dredging on diadromous fish features and sub-features of the Severn Estuary SAC and Ramsar site, River Usk SAC and River Wye SAC.

- 6.2.2. NRW TE have advised that the proposed activities have a potential to cause a likely significant effect (either alone or in combination with any other plans or projects) on the fish features of the Severn Estuary European sites and should be considered accordingly.
- 6.2.3. NRW TE indicates that the ES and associated HRA should assess the effect of the dredging on sandeel habitats (from seabed removal) and on sandeel individuals (from entrainment in the draghead). NRW TE would advise that you review the supplementary Report to Inform the Appropriate Assessment (RIAA) conducted for Area 531 publicly available through the MMO Public Register under case numbers MLA/2019/00448 or MLA/2019/00457, and NRW TE advice on this supplementary RIAA (attached to this opinion).
- 6.2.4. It is the D&S IFCA view that the data referred in relation to the marine fish assemblage and its use of the proposed/current sites (EA TRaC data) is limited and cannot adequately characterise the assemblage in the dredging area or fish use of the area. This has been particularly stressed for herring spawning areas, mainly since genetic studies (report available from D&S IFCA) highlights the possible existence of discreet populations of herring in the Severn Estuary.
- 6.2.5. D&S IFCA requests that juvenile cod (known locally as codling) are also assessed in the ES as these are abundant in the estuary in the winter months and are thought to belong to a Bristol Channel/Eastern Celtic Sea stock (Cefas 2011). This information is not captured in the Ellis *et al.* (2012<sup>1</sup>) report, probably because the underlying sampling does not take place in winter months when cod are abundant in the Severn Estuary.
- 6.2.6. D&S IFCA recommends for updated fish surveys to be conducted to inform the ES. NRW PS recommend the applicant engages with the D&S IFCA and NRW TE to understand the data needs to suitably assess the impacts of the activity on the fish receptors of the area.

### 6.3. Marine mammals and turtles

- 6.3.1. NRW TE are generally satisfied with the approach taken to the assessment of marine mammals. Specifically, NRW TE welcomes the addition of harbour porpoise, grey seal, bottlenose dolphin and common dolphin for assessment as they do occur in this licence area, along with the close proximity to the Bristol Channel SAC for which Harbour porpoise is a feature.

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<sup>1</sup> Ellis, J.R., Milligan, S.P., Readdy, L., Taylor, N., and Brown, M.J. (2012) Spawning and Nursery Grounds of Selected Fish Species in UK Waters. Sci. Ser. Tech. Rep., Cefas Lowestoft, 147: 56p.

- 6.3.2. NRW PS understands, as advised by NRW TE, that a potential effect on marine mammals prey species in the Severn Estuary would need to be considered.
- 6.3.3. NRW TE would like to reiterate the point raised previously for benthic ecology (see section 7.1.4) in relation to the Impact Assessment Matrices (page 16). As stated above, NRW PS would like you to consider NRW TE's comment and provide further clarification on the highlighted interaction between a Medium *Probability of occurrence* and a Medium *Magnitude of change*, resulting in a Low *Exposure to change*. This issue relating to assessment methodology should be resolved prior to submission of the ES.
- 6.3.4. NRW TE would like to inform you that an updated version of the Welsh Marine Mammal Atlas is in the process of publication. NRW PS understands the ES should be informed with the best available data. Therefore, the most up to date density maps from this Atlas should be used as these are composed of 30 years of sightings data. Copies of the required maps can be requested in an official sensitive, and not for circulation form from NRW TE.
- 6.3.5. NRW PS would like to remind you that NRW TE's current position on assessing impacts on marine mammals to the Welsh Marine Mammal Management Units (MMMU) level. This is outlined in NRW's position on the use of MMMU for screening and assessment in HRAs for SACs with marine mammal features (NRW, 2022 attached). Please see further details in NRW TE response attached to this opinion.

## **7. Commercial and recreational fisheries**

- 7.1. No comments have been received in relation to Commercial and recreational fisheries; however, please consider the relevant comments raised within the Nature Conservation chapter.

## **8. Commercial and recreational navigation**

- 8.1. No specific issues were raised in relation to Commercial and recreational navigation. The MCA indicates it is satisfied with the work proposed in the report, specifically the consideration of the impact of the proposal on shipping, the safety of navigation, and other marine users.
- 8.2. The MCA welcomes the inclusion of key information on navigation within the study area, including vessel traffic analysis, and the consultation to be carried out with the relevant local Statutory Harbour Authorities.
- 8.3. NRW PS is satisfied that the identification of navigational impact pathways will be carried out including the potential risks associated with encountering Unexploded Ordnance (UXO).
- 8.4. MCA would like to ensure that the applicant is aware of the Guide to Good Practice for ensuring Navigation Safety during Dredging Operations that has been formalised between the British Marine Aggregate Producers Association (BMAPA), MCA and Trinity House (attached to this Scoping Opinion).

## **9. Marine Archaeology**

9.1. Cadw and the RCAHMS indicate that they agree with the assessment as proposed. The Scoping Report has been informed by a proposed marine archaeology assessment prepared by Wessex Archaeology which highlights that the works will have the potential to directly impact on prehistoric archaeology, maritime and aviation archaeology and an impact on the seascape. It also indicates that there will be no impact on the settings of the designated historic assets. NRW PS consider that an assessment of Marine Archaeology should take place as proposed within the scoping report.

## **10. Coast protection and flood defence**

10.1. No specific comments were received on Coastal protection and flood defence. However, please refer also to the Physical processes section of this Scoping Opinion

## **11. Air quality, Infrastructure and other marine users, and Human Health**

11.1. No specific comments were received on Air quality, Infrastructure and other marine users, and Human Health. The ES should include an assessment of the impacts as set out in the scoping report.

## **12. Cumulative impacts and in-combination effects**

12.1. The ES must include an assessment of cumulative and in-combination effects, ideally in its own chapter of the ES.

12.2. The following data sources may provide useful information on other projects for the assessment of cumulative effects:

- The Nationally Significant Infrastructure Projects register:  
<https://infrastructure.planninginspectorate.gov.uk/projects/register-of-applications/>
- The Developments of National Significance Register:  
<http://gov.wales/docs/desh/publications/180312-dns-register-en.pdf>
- Planning Policy e.g. Local Development Plans, Transport Plans (National and Local) and National Policy Statements.
- An up to date list of marine licensable developments can be found at the following link:  
<http://lle.gov.wales/catalogue/item/MarineLicences>

12.3. Please ensure this considers all details on the nature conservation receptor specific comments.

Yours sincerely



**Maria Alvarez**  
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Natural Resources Wales

Approved by:



**Lead Specialist Officer**  
Natural Resources Wales

Cc: All Consultation Bodies