

Sent by e mail

Date 20/05/2019

Dear Consultee,

MARINE AND COASTAL ACCESS ACT 2009: PART 4 MARINE LICENSING

Repair works to the timber railway viaduct that crosses the River Artro

The Marine Licensing Team has received an application from Network Rail Infrastructure Projects, for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009, to undertake the above stated works.

A copy of the application and supporting information is attached for your review.

I would be grateful for any views that you may have regarding the significance of these works taking into account the:

- protection of the environment,
- protection of human health,
- prevention of interference with other legitimate uses of the sea,
- protection of the local biodiversity,
- minimisation of noise and nuisance,
- potential impacts on navigation, such as obstruction or endangerment,
- need for any special lighting or markings,
- potential impacts on marine archaeology interests or sites.

Please assess the application over a calendar year to highlight any potential seasonal issues that could arise as a result of the proposal.

In accordance with our responsibilities under national and European legislation, your advice should also take into account the following provisions:

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

To comply with the requirements of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended), the Marine Licensing Team is consulting the bodies whom it considers have an interest in the project by reason of their environmental responsibilities, in order that we can determine whether the proposed works constitute a "relevant project" as described within Annex I or Annex II of the Directive.

[Non-EIA]

From my initial review of the application, I am of the opinion the Directive is not applicable to these works, however; if you disagree, please indicate the Annex that you consider the works fall within (screening opinion) and advise of the specific information that you would expect the Environmental Statement to include (scoping opinion), should one be required.

Conservation of Habitats and Species Regulations 2017 – Regulation 63

{DESIGNATED SITE}

The site of the proposed work lies within or adjacent to the boundary of an area designated as a European site of conservation importance under the provisions of the Conservation of Habitats and Species Regulations 2017.

The area being: Pen Llyn a'r Sarnau

I have consulted our internal statutory nature consultee for their views on whether the proposed work, alone or in combination with other projects, is likely to have a significant effect on the sites and/or on any European protected species and if an Appropriate Assessment of the implications for the sites and/or species having regard to their conservation objectives is necessary.

Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000

Under the Countryside and Rights of Way Act 2000, Statutory Authorities are required to give notice to the Natural Resources Body for Wales (hereafter "Natural Resources Wales") of operations likely to damage any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest (SSSI) is of special interest.

The proposal is within the Morfa Dyffryn SSSI. As such notice has been given to Natural Resources Wales.

Biodiversity Duty under the Environment (Wales) Act 2016

Under section 6 of the Environment (Wales) Act 2016 ('the 2016 Act'), a public authority in Wales must seek to maintain and enhance biodiversity in the exercise of its functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

In complying with the duty under section 6 of the 2016 Act, a public authority must take account of the resilience of ecosystems, in particular—

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems.

If you consider the proposed works will impact upon ecosystem(s), please advise NRW as to:

- the ecosystem(s) that you consider would be affected;
- how you consider that the ecosystem(s) would be affected; and,
- mitigation measures that would avoid adverse impacts to the ecosystem(s) identified.

In complying with the duty under section 6 of the 2016 Act, a public authority must also have regard to any list of the living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales published by the Welsh Ministers under section 7 of the 2016 Act. The Welsh Ministers have published interim lists of habitats and species, for the purposes of section 7 of the 2016 Act, which are available from the Biodiversity Wales Partnership:

<https://www.biodiversitywales.org.uk/Environment-Wales-Bill>

If you consider the proposed works will impact upon listed species and / or habitat(s) listed under the 2016 Act, please advise NRW as to:

- any species and / or habitat listed under section 7 of the 2016 Act that you consider would be affected; and,
- mitigation measures that would avoid adverse impacts to the species and / or habitats identified.

Consultation Response Due

A response to this consultation letter is required within **28 days** of the date of this letter, this being **17 June 2019**. If I do not hear from you by this date I shall assume you have no comments to make.

Please send your response electronically where possible at

joseph.thomas@naturalresourceswales.gov.uk

Public Register

I would advise you that any information you provide in relation to the application is liable to be made available through our Public Register unless you specifically request otherwise.

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Should you wish to discuss any aspect of this application please do not hesitate to contact me quoting reference number: **CML1920**

Thank you for your assistance.

Yours faithfully

Joe Thomas

Marine Licensing Team
Natural Resources Wales

