

Sent by email to Rachel Barker

Date 9th November 2018

Dear Ms Barker

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

BARMOUTH VIADUCT DEVELOPMENT

I am writing further to your request for a screening opinion, dated 1st August 2018, 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).

In reaching our Screening Opinion we have considered the proposed works against Schedule A1 and A2 of the above 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 above regulations.

Screening Opinion

It is our opinion that the works fall within the categories of project listed within Schedule A2, paragraph 60 of the above regulations, 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 above regulations.

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 does not require a statutory Environmental Impact Assessment. We have considered that there is the potential for the project to have adverse effects on the Pen Llyn a'r Sarnau / Llyn Peninsula and the Sarnau SAC and Abermawddach / Mawddach Estuary SSSI. The works are likely to cause a degree of habitat loss in the immediate area where the works are being carried out. However, it is considered that due to the dynamic nature of the estuarine environment, the potential for mitigation measures and considering that steel columns will not now be replaced as previously indicated in the submitted screening report, any loss of features is likely to be temporary and reversible.

In addition, there is the potential for the project to have an adverse effect on the historic environment however we do not predict that the impact on the setting of historic assets will be significant. Similarly, as the proposed development impacts only on a single historic asset within the overall historic environment and it involves its refurbishment, we do not consider the predicted impact on the historic environment is likely to be significant.

During the screening consultation some useful comments were made, and these are set out in Annex 1 attached.

The Conservation of Habitats and Species Regulations 2017

As part of the screening exercise, we have also considered whether the proposed project, either alone or in combination with other plans or projects, is likely to have a significant effect on any site designated as a European site of conservation importance under the above Regulations. To assist in making this judgement of likely significant effect, we have sought advice from our statutory nature conversation advisor.

It is our initial view that the following sites could be impacted by the proposal: Pen Llyn a'r Sarnau / Lleyen Peninsula and the Sarnau SAC.

We would encourage you to contact Natural Resources Wales to receive further pre-application advice on this product.

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

Yours sincerely

Kevin Ashcroft
Marine Licensing Team
Natural Resources Wales
Cc: All Consultation Bodies

Annex 1 – Comments by Consultation Bodies

TO BE READ IN CONJUNCTION WITH SCREENING OPINION REF SC1811

Although it was concluded a statutory Environmental Impact Assessment was not required the following advice has been provided regarding the proposal.

Archaeological Considerations:

Comments from CADW

We have assessed the characteristics of this proposed development and its location within the historic environment, in particular the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant, we have considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled monuments, listed buildings, registered historic parks, gardens and landscapes.

We note that Barmouth Viaduct is physically affected by the proposed development and it is a highly rated grade II* listed building. Having carefully considered the documentation accompanying your consultation, we do not predict that the impact on the setting of historic assets will be significant. Similarly, as the proposed development impacts only on a single historic asset within the overall historic environment and it involves its refurbishment, we do not consider the predicted impact on the historic environment as a whole is likely to be significant.

Furthermore, under the The Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment No. 2) Regulations 2017 the application for listed building consent will require a Heritage Impact Statement (HIS) which must contain (i) a description of the proposed works including design principles and concepts and a schedule of works; (ii) an explanation of the objective that the works are intended to achieve and why they are desirable or necessary; (iii) a statement that describes the special architectural or historic interest of the building to which the application relates and its significance with particular reference to the part of the building affected by the works; (iv) an assessment of the impact of the works on the special architectural or historic interest of the building and its significance, including a description of any potential benefits or harm to that interest; (v) a summary of the options considered for the purpose of achieving the overall objective and the reasons why the proposals to which the application relates are preferred; and (vi) a description of how any issues relating to access which arise in relation to the works have been dealt with.

On balance, we do not therefore consider that an EIA is required from the perspective of the historic environment. However, in preparing the application for listed building consent the applicant should consider the Welsh Government's guidance on Heritage Impacts Assessments in Wales which is available at the following web link:

<https://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Heritage%20Impact%20Assessment%20in%20Wales%2026917%20EN.pdf>.

Comments from Gwynedd Archaeological Trust

As noted in the screening letter, the viaduct is located within the Mawddach Registered Landscape of Outstanding Historic Interest. Cadw have previously indicated that where a development within a Registered Historic Landscape is subject to environmental impact assessment, ASIDOHL (Assessment of the Significance of Impacts of Development on Historic Landscape) is usually required. In the case of EIA development, Cadw are the curatorial monitoring body for ASIDOHL. Should the local planning authority confirm a requirement for EIA, we would therefore advise that Cadw should be contacted in order to confirm whether an ASIDOHL is required in this case.

The screening letter identifies that the viaduct is Grade II* listed (Cadw ref. 5207) as the longest timber viaduct in Wales and the only major timber-built viaduct still in use in Great Britain, having originally been constructed in 1867. The listed status of the viaduct is identified as the principal reason for proposing EIA. The screening letter notes that information about other designated sites has been sought from Cof Cymru, but omits to mention Panorama Walk Grade II Registered Historic Park and Garden, which has identified key views towards the viaduct, and makes no reference to non-statutorily designated archaeology.

Although the proposed works are temporary, they may have permanent archaeological impact. Any disturbance or damage to archaeological deposits as a result of the works will be irreversible. From the information available so far, the potential for such impact may arise from the establishment of temporary compounds and access provision, from the placement of supports for the platform from which work would be carried out, and from localised dewatering of deposits (which can cause buried archaeological material to degrade rapidly as a result of a change in conditions).

Estuarine deposits have a particular archaeological sensitivity. In addition to remains associated with coastal and river trade and transport, there is a potential for buried deposits containing information about historic landscape usage and development. Preservation of organic remains tends to be good due to the waterlogged anaerobic conditions and this can mean the preservation of material and information that does not survive in dry land contexts. Such material can be particularly susceptible to physical change such as compression, distortion, mixing of sediment, change to salinity or moisture content. There are no known wrecks or buried landscapes (such as submerged forests or peat deposits) in the immediate vicinity of the viaduct but the area is not known to have been previously surveyed. In addition, the regional Historic Environment Record (HER) records that the original timber piles for the 1867 viaduct survive beneath the current bridge (PRN 7271) and may be vulnerable to damage from the proposed works.

In light of the above, it is advised that an archaeological assessment of the proposed scheme including all ancillary works should be undertaken and submitted with the planning and listed building consent applications. The assessment should contribute to the environmental statement heritage chapter (should EIA be required) but must be based on a full assessment compliant with the Chartered Institute for Archaeologists Standard and Guidance for Historic Environment Desk-Based Assessment (ClfA 2017). The full assessment should be

appended to the environmental statement (if applicable) and will need to be submitted separately for deposition with the HER.

In addition, listed building consent applications must now be accompanied by a heritage impact assessment, in accordance with the Cadw guidance Heritage Impact Assessments in Wales (Cadw Welsh Government May 2017). In view of the significance of the structure and the scale of works proposed, this appears appropriate for the current proposals in order to guide decision making and ongoing management of the site. The conservation officer must however be consulted and we trust that the applicant will be liaising with her throughout the development of the scheme.

Environmental Protected Sites

Comments from NRW Advisory Services

We agree with the NRW Marine Licensing Team's opinion that the works fall within Schedule A2 of the above EIA Regulations, under paragraph 60. the proposal is located within an environmentally sensitive area, being within or adjacent to the following nature conservation and landscape designations; Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and a National Park.

NRW Advisory Services acting as the Statutory Nature Conservation Authority advise that the proposal may have significant effects on certain features of the above nature conservation sites. Clarification is required in the scoping report regarding the way in which the cast iron columns will be replaced; it is currently difficult to gauge how disruptive this aspect of the works will be to the features of the SAC and SSSI.

NRW also recommend that you contact the Snowdonia National Park Authority for further advice.

The proposal has potential to have impacts upon the following designated nature conservation sites;

- The Pen Llyn a'r Sarnau / Llyn Peninsula and the Sarnau SAC
- Abermawddach / Mawddach Estuary SSSI

In due course the proposal will require consideration by the competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 in the form of a Habitats Regulations Assessment (HRA).

There will be an element of SAC / SSSI habitat loss associated with the proposed development which needs consideration. It is anticipated that this will predominately be associated with the requirement of the cofferdam and will comprise direct habitat loss within the footprint of the cofferdam itself and the scour effects of having the structure in place. The use of work vessels such as jack-up barges is also likely to result in a degree of habitat loss. NRW recommend a scoping report contain information on how the pollution risks associated with the proposal with respect to the SAC and SSSI will be minimised. NRW hold records of otter (feature of Pen Llyn a'r Sarnau SAC and European Protected Species) and bat (European Protected Species) activity within 500m of the bridge. We note that protected species surveys have been undertaken, the findings of which will need consideration and

where appropriate present any mitigation measures required to avoid any predicted disturbance impacts. Breeding snipe and redshank are a feature of the Abermawddach SSSI and it is recommended that the impact of disturbance to these species is considered.

Breeding snipe and redshank are a feature of the Abermawddach SSSI and therefore, NRW recommend disturbance impacts to these species be considered in any marine licence application made.

According to our Phase 1 intertidal survey habitat maps there is potential that the proposed development could impact coastal saltmarsh and intertidal mudflats, both of which are priority habitats listed under Section 7 of the Environment (Wales) Act 2016. It is considered in this instance that any advice that we provide for the Pen Llyn a'r Sarnau SAC will also cover the conservation requirements of these Section 7 habitats.

Development and Flood Risk

The application site lies entirely within zone C2, as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004). Depending on how the work is to be undertaken it may be necessary for a Flood Consequences Assessment (FCA) to be compiled to ensure that all parties are aware of the risks to and from the works. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given under Section 7 and Appendix 1 of TAN15. Further details of how the work is to be undertaken will need to be submitted before we can advise on the nature and scope of any FCA required.

The works are likely to require a Flood Risk Activity Permit (FRAP) as the work is within the channel of the main river (Afon Mawddach). We have flood defences in the area which must not be compromised by the works. Should the work require a Marine Licence then a separate FRAP will not be required and all information relating to flood risk will be included within the Marine Licence.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-walesand-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. In addition to a marine licence, all other permits/consents relevant to the development must be secured.

Navigation

Comments from the Maritime and Coastguard Agency

MCA Navigation Safety Branch have reviewed the request and note that whilst road transport and impacts on the physical environment are covered, there is no mention of potential impact to marine users in the Estuary. We note that there is a significant volume of small recreational craft operating out of Barmouth Harbour. Barmouth Harbour is a Statutory Harbour Authority owned by Gwynedd Council. We are also conscious of beach-goers and swimmers using the estuary, given that this is a significant tourist area. We note that the proposed development would intend to use a series of cofferdams and jack-up barges to

carry out the works, and are also conscious of industrial works taking place above the waterway.

The MCA would expect an assessment of these potential risks, and propose suitable mitigation measures so that the risk can be reduced to as low as reasonably practicable. This should include early engagement with Barmouth Harbour and local boat owners, as well as consideration of appropriate signage and safety measures for any suspended objects/personnel from the viaduct. This should be done in conjunction with the Statutory Harbour Authority.