

BY EMAIL ONLY
FAO: DEBBIE NICHOLAS

18th December 2018

Dear Debbie

MARINE AND COASTAL ACCESS ACT 2009 – PART 4 MARINE LICENSING

RML1860 GROUND INVESTIGATION WORKS AT A494 RIVER DEE BRIDGE

Thank you for consulting the Development Planning Advice Service (DPAS) about the above which was received on the 14th November 2018. A further consultation regarding a revised method statement submitted by the applicant was received on the 7th December.

We do not object to the proposal, however, have recommendations to make to reduce the impact of the scheme, with particular emphasis on the delivery of the jack-up rig to site via crane.

Conservation of Habitats and Species Regulations 2017

The proposal is located within the Afon Dyfrdwy a Llyn Tegid / River Dee and Bala Lake Special Area of Conservation (SAC). As such we advise that the proposal needs to be considered under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. We note that you have undertaken a draft Habitats Regulations Assessment for the proposal. Please see attached OGN Form 2 for our full comments on the assessment.

The draft HRA produced was sent with the original consultation documents. We advise that it should be amended in line with the revised method statement sent for comment on the 7th December. For example, the timing of the work, which has been used as a justification of no potential impact pathway for certain SAC features, has now changed.

Originally due to be complete by no later than the 8th March, the proposed work period has now been extended until the 15th March. There will be some adult Atlantic salmon (a feature of the SAC) migrating upstream in March, with the main downstream salmon smolt run beginning at the end of that month. We advise that although we agree with the HRA conclusion reached with respect to this SAC feature, should the period of works be further delayed we would wish to be re-consulted to provide further advice. This comment is also relevant to river and sea lamprey SAC features.

There are records of otter activity in close proximity to the application site and the area of scrub close to the proposed access route (for the crane option of delivery) appears suitable for otter holt or resting-up areas. Otter are a feature of the River Dee SAC and are a

European Protected Species. To reduce the risk of damage or disturbance to potential otter holts or resting-up areas we recommend that the applicant avoids the most densely scrubbed area on the north-western side of the site identified for access and temporary storage of the crane. We advise that night-time lighting of the works is kept to a minimum. Provided that these measures are adhered to it is not anticipated that the proposed works will have an adverse effect on the otter feature.

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

The proposal is located within the Afon Dyfrdwy (River Dee) Site of Special Scientific Interest (SSSI). Please see advice provided above for otter and migratory fish which is relevant to the SSSI. One of the other features of the site is transitional saltmarsh habitats, and in this location the site boundary extends a few metres inland of the river bank. We advise that assurance should be sought from the applicant that this habitat will not be impacted by the delivery of the jack-up rig to site by crane. We recommend that the access route and any potential mitigation required to avoid potential impacts to saltmarsh habitat is agreed with the local Senior Conservation Officer for the River Dee prior to works commencing.

Biodiversity Duty under the Environment (Wales) Act 2016

Atlantic salmon, river lamprey, sea lamprey, otter and coastal saltmarsh are all priority species or habitats listed under Section 7 of the above Act. We advise that the advice listed for the SAC and SSSI will cover the conservation requirements of the above. The advice will also serve to protect sea trout, another Section 7 priority species.

Flood Risk Management

Based on the information submitted within the Method Statement, we note that there are two proposed options for getting the vessel into the channel; one option is to float the vessel from a nearby port, and the other is to lower the vessel in to the channel by crane. Based on the map provided within the Method Statement, the proposed temporary location for the crane is either on or within close proximity to the River Dee's northern flood embankment, which is an important flood defence. Our preference would be for the vessel to be floated down the river, in order to avoid any potential for damaging the embankment with the crane operation.

If the crane option is to be pursued, we advise this work may be subject to a separate Flood Risk Activity Permit (FRAP). A FRAP will be required for any works that directly affect the embankment, and/or for any operations that could affect the stability of the defence. We would request further details in respect to the proposed crane operation in order to determine whether a FRAP would be required. The same requirement may apply if the crane is required to remove the vessel from the channel after the borehole works have been completed. Further information about the FRAP application process is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/guidance/?lang=en>

Waterways Management

We are aware that the Marine Licensing Team have had some discussion with the Navigation Officer for the Dee Estuary regarding the proposed works. They have advised

that they are awaiting confirmation of a contractor from the applicant in order to begin discussions directly.

Environment Management

We recommend that the standard environmental mitigation licence conditions (relating to pollution prevention and biosecurity) that the Marine Licensing Team use for Band 1 activities should be included on any licence granted. In addition, we recommend that

- Any pollution incidents should be reported to NRW immediately via the emergency number 03000 65 3000.
- Works should adhere to guidelines provided in GPP5 as appropriate. See link below for further information.

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

For information, the applicant should be aware that there is an active discharge consent to the south bank of the River Dee. (This is ref: CM0082301. Discharge from Queensferry STWs. NGR: SJ 32380 68530). It is also important to point out that there are foul sewers (rising main) in the location between the two bridges. We advise that the applicant should obtain information on exactly where these run prior to undertaking any drilling.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Please do not hesitate to contact us should you require further information regarding the contents of this letter.

Yours sincerely,

Delyth W Rowlands

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