

Sent via email

18 January 2019

Dear Louise Lewin,

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

Proposed tunnelling of part of the Existing Overhead Electricity Line and removal of 10 pylons as part of National Grid Snowdonia Visual Improvement Project

I am writing further to your request for a screening and scoping opinion, dated 26 October 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). 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 above regulations. In reaching our screening opinion we have had regard to the information provided in the "Snowdonia National Park, Overhead Line 4ZC Screening and Scoping Report", dated October 2018. 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, 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 14 and 88 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 come to this conclusion on the basis of the likely significant impacts of the project. Elements of the works will be taking place within a number of protected sites including the Pen Llŷn a'r Sarnau SAC, and there is the potential for the works to impact directly and indirectly on features of these sites. However these direct impact during construction are considered to be localised and short term. In addition it is considered that sufficient mitigation has been suggested to effectively reduce the impact. Therefore we have considered the project in terms of the criteria set out in Schedule 1, and consider that the project described in the screening and scoping report is unlikely to have significant adverse impacts on the environment.

In coming to this opinion we have considered features of the project and the mitigation proposed to avoid significant impact. This includes the potential direct adverse effects on saltmarsh and the proposed mitigation to use temporary tracking and agreeing appropriate access routes to reduce the impact. The decision also reflects the localised and short term nature of potential effects. The removal of piles have the potential to indirectly affect saltmarsh as the estuary realigns to its natural position however this would give a long term overall benefit to the estuary system. In order to reduce potential impacts on overwintering birds the scoping report identifies that the works will take place outside of the overwintering period. In addition it is considered that implementation of an adequate construction environment management plan during the works will avoid and reduce potential for significant impacts.

As the conclusion of the screening opinion is that that the project does not require a statutory Environment Impact Assessment no scoping opinion will be given. However advice has been provided regarding the proposal and is 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 Llŷn a'r Sarnau / Llyn Peninsula and the Sarnau Special Area of Conservation (SAC)
- Coedydd Derw a Safleoedd Ystlym Meirion / Meirionnydd Oakwoods and Bat Sites SAC

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

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

A handwritten signature in black ink, appearing to read 'Peter Morrison'.

Peter Morrison
Permitting Officer
Marine Licensing Team

TO BE READ IN CONJUNCTION WITH SCREENING OPINION REF SC1815

1. Summary of Proposal Considered – National Grid Visual Impact Provision Snowdonia Project – For the Proposed tunnelling of part of the existing overhead electricity line and removal of 10 pylons.

2. Location – Between National Grid's existing Garth sealing end compound (SEC) to Cilfor on the eastern side of the Dwyrdd Estuary.

3. Issues for Consideration –

Although it has been concluded that a statutory Environmental Impact Assessment is not required, we welcome National Grid commitment to produce an Environmental Assessment Report, as set out within the Scoping Report. It is considered that the assessment proposed within the scoping report should be carried out with additional consideration of the following advice which has been provided regarding the proposal.

3.1 Landscape and Visual

NRW Technical Experts (NRW TE) conclude that the submission has provided sufficient information to confirm the scope of the study area, baseline context and assessment methodology for the landscape and visual aspects of the project. However, recommendations have been provided below which should be addressed within the subsequent proposed Environmental Assessment Report:

Section 2.18: The disposal of spoil from the shaft and tunnel construction

Section 2.18 indicates some disposal on site could take place in the form of earth mounding. Careful planning and design will need to be demonstrated to ensure scale, form and location of mounding avoids temporary and permanent adverse effects on landscape, habitats and the historic environment.

This also refers to the temporary stockpiling of 2 to 3 days of excavated spoil, which could include soil and rock. The Environmental Assessment Report will need to provide some comment on what this might entail and the effects upon landscape character and views for the project site and receiving site of these materials.

Section 4.49 onwards : Visual receptors

It is advised that a Zone of Theoretical Visibility (ZTV) would have been useful to provide the necessary context to support the choice of assessment viewpoints and confirm all sensitive views have been included. From NRW TE knowledge of the area, the choice of viewpoints make sense, but we would wish to see the ZTV before confirming our acceptance.

It is noted in section 4.76 that a residential amenity assessment will not be included. Given that the nature of the project is to remove pylons, and the location of new development elements relative to existing residential views, NRW TE agree that a residential amenity assessment is not required.

Community outlook as a receptor type could however be better represented. From desktop analysis community outlook is likely to change at Hendre Hall (potential view from public open space to the south of Adwy Ddu road); Penrhyndeudraeth (view from Cambrian View road); and Trem y Garth (view from near staggered cross roads with the A496, looking north west to the estuary and north towards Y Garth). We advise that, given their local knowledge, Gwynedd Council and Snowdonia National Park Authority (SNPA) may wish to contribute additional comments to this point.

Section 4.70: Proposed mitigation measures

NRW TE welcome the inclusion of landscape enhancement through onsite and offsite measures. These will be of most relevance in the vicinity of the Sealing End Compounds (SEC), tunnel head buildings, the section of pylons that remain in the narrow upland valley of the Nant Yr Efail, and landscape contexts that benefit the local community and visitors. Given the spread of ash dieback disease, it would also be welcomed if the identification of strategic locations where succession tree planting could be introduced, to maintain and enhance the development's screening. As with National Grid's North Wales Connection Project across the Isle of Anglesey, NRW TE would welcome the project inviting, funding and co-ordinating offsite initiatives that support the proposed project's objectives.

Section 4.77: Overview of likely significance of effect

NRW TE concur with the preliminary description of where significant effects are likely to occur.

Appendix A4.1 Proposed Viewpoints

The images presented in Appendix A4.1 become distorted when zooming in to study the existing pylons. Please ensure images are saved at the appropriate resolution.

It is advised that providing the viewing distance to the nearest component of the development would be useful. Viewpoint 'N' includes open views in places partly obscured by small trees. NRW TE recommend that this viewpoint may need re-siting slightly to help explain the influence of the SEC and Tunnel House, once their location has been decided upon.

The viewpoints to be used for photomontages will need to be agreed to best explain the project's effects. Once community views have been included we recommend discussion with Gwynedd Council, SNPA and ourselves is undertaken to finalise agreement.

3.2 Ecology

NRW TE note that the report has identified a number of statutory protected sites within or on the boundary of their proposed area of search for permanent and temporary works, these being:

- Pen Llŷn a'r Sarnau / Llyn Peninsula and the Sarnau Special Area of Conservation (SAC)
- Coedydd Derw a Safleoedd Ystlym Meirion / Meirionnydd Oakwoods and Bat Sites SAC
- Morfa Harlech Site of Special Scientific Interest (SSSI)
- Morfa Harlech National Nature Reserve (NNR)
- Ysbyty Bron y Garth SSSI

Impacts to these sites will need to be carefully considered. We note that the applicant intends to split the ecology assessment into two separate chapters in the proposed Environmental Assessment Report; these being 'ecology' and 'marine ecology'. It will be important to clearly define what each chapter is assessing. There will be some features of the above sites e.g. mobile species that will be relevant to both terrestrial and marine environments. Further comments on the Pen Llŷn a'r Sarnau SAC and Morfa Harlech SSSI are provided in the 'marine ecology' section of this letter.

Proposed developments which are likely to significantly affect European Sites either alone or in combination with other plans or projects require special consideration by the competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. We recommend that the proposed Environmental Assessment Report should contain a section/appendix that includes a statement to inform the Habitats Regulations Assessment (HRA).

Protected species

NRW TE are satisfied that protected species have generally been adequately covered by the ecology section of the Screening and Scoping Report.

Section 5.59 General Mitigation

We welcome the commitment to undertake a Construction Environmental Management Plan (CEMP) which will be prepared and implemented to ensure that methods of best practice are followed. We recommend that the CEMP includes a biosecurity risk assessment to minimize the risk of the introduction of invasive non-native species occurring as a result of the works.

3.3 Water Resources

Flood Risk

NRW TE consider that the Screening and Scoping Report has scoped in the majority of potential concerns/issues in relation to flood risk. The proposed development area falls partially within The Harlech and Maentwrog Internal Drainage District (IDD) and there are a number of flood defence assets within the site boundary. These will need to be taken into account as the works are planned and progressed to ensure there is no detrimental impact in terms of flood risk as a result of the works.

The site falls within zone C as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004). We understand that a Flood Consequences Assessment (FCA) will be undertaken in accordance with TAN 15. The FCA will need to consider all sources of flooding and include for the impacts of climate change over the lifetime of the development. Any temporary works including temporary access roads and storage compounds should also be considered within the FCA. Please be aware that TAN 15 is currently being re-written. The timescale of the proposed works means that the updated TAN is likely to be in force, which may impact any FCA produced. The outputs from the updated climate change guidance (UKCP18) are also likely to be available by the summer of 2019.

Water Framework Directive

Section 7.27 states that if potential impacts are identified that could lead to the deterioration of a water body from its current status or prevent a water body from achieving 'Good' status in the future it is likely that a Water Framework Directive (WFD) assessment will need to be undertaken. We would note that for the purposes of Marine Licensing it is expected that all applications are accompanied by a WFD assessment. Please see link below for further information.

<https://naturalresources.wales/permits-and-permissions/marine-licensing/marine-licensing-and-the-water-framework-directive/?lang=en>

Groundwater

NRW have adopted the Environment Agency's approach to protecting groundwater available on Gov.UK. It is noted that the applicant has referred to certain elements of the guidance provided (see section 7.2). Please see the link below for further information.

<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/protecting-groundwater/?lang=en>

Where works will be taking place below the water table the applicant should consider whether dewatering will be required and should note that a separate licence may be required for this activity.

The risk to controlled waters from land affected by contamination should be assessed. Should the proposed development involve working in areas of land with potential contamination we recommend that the framework provided in CLR11, Model Procedures for the Management of Land Contamination, is followed. We also recommend referring to our guidance 'Guiding principles for land contamination' (GPLC).

<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/land-contamination/?lang=en>

Surface Water

NRW TE advise that a detailed method statement of the works phase will be required, with particular emphasis on the removal of the existing overhead lines and pylon tower foundations, coupled with a risk assessment of potential impacts on surface water quality and a description of pollution prevention methods to be used.

Water quality impacts on the saltmarsh should be considered with respect to the removal of the foundations as there are numerous drains located in the vicinity. We recommend that a list of proposed pollution prevention methods is provided within the CEMP.

3.4 Ground Conditions (Including Waste)

We note the applicant's intention to prepare an Outline Waste Management Plan which will form an appendix to the Environmental Assessment Report. We welcome the applicant's intention to consult NRW and other relevant authorities once a draft plan has been prepared (see section 8.51)

3.5 Marine Ecology

Impact to Pen Llŷn a'r Sarnau SAC and Morfa Harlech SSSI

From a nature conservation perspective NRW TE welcomes the complete removal of the pylons and pylon remnants in the marine environment, however the Screening and

Scoping report appears to contradict itself. In chapter 17.42 it states (in relation to the Pen Llŷn a'r Sarnau SAC, designated for its Estuary feature) that *"The complete removal of structures related to pylons 4ZC030R and 4ZC030 is being undertaken at the request of Natural Resources Wales; the primary objective being to return the estuary to a natural state. It is therefore accepted that a localised significant impact is expected, but that over time, the conservation objectives of the site can still be met as it reaches a natural equilibrium with erosion and accretion of habitat"*.

In section 2.44, however, the complete removal of the pylon foundation 4ZC030 is not presented as an option. It is important to note that the 'natural equilibrium' described above would not be fully achieved with the partial removal of the foundations. In terms of impact on the SAC Estuary feature, the overall removal of all structures associated with the pylons would be considered a long-term benefit.

There are a number of instances within chapter 16 and 17 of the report that further assessment has been scoped out as the full removal of the piles within the marine environment would allow the estuary to return to its natural equilibrium. NRW TE agree with this conclusion, however as detailed above there are also examples within the report which indicate that the full removal may not be possible. The incomplete removal of foundations may present the worst case scenario when assessing certain impacts such as the potential for erosion as the natural processes of the estuary are likely to remain impeded. If partial removal remains an option you will need to consider or seek additional advice whether further assessment is required.

A working platform is proposed to be constructed for pylon 4ZC030. We advise that NRW TE would need assurance that all material could be removed successfully from the estuary.

For pylon 4ZC030R (again see section 2.44) it is understood that the applicant will attempt complete removal, however if complications with the sheet piles are encountered they will be cut off to approximately 2m below ground level. NRW TE is aware of scour holes far deeper than 2m forming during construction of other projects nearby in the estuary. Therefore, whilst the estuary is transitioning it could mean that the old piles are still visible and will create an impediment on the estuary if only 2m removal below bed level is achieved. We recommend that the foundations should, at least, be removed to a sufficient depth so as to not become exposed.

Although the Screening and Scoping Report refers to overall impact on the SAC saltmarsh feature and specifies locations of one of the notified plant assemblage species (*Juncus acutus* - sharp rush) in section 17.17, there is no mention of the other assemblage species found on the saltmarsh (*Eleocharis parvula* - dwarf spike rush) in Table 17.1 or any subsequent section.

This species has been recorded in some of the adjacent salt pans (depressions) on the saltmarsh and would be very vulnerable to any infilling/blocking (temporary or long term) and erosion associated with vehicle movements. NRW TE would require you to verify any vehicle routes on the ground and avoid affecting populations of this species and we recommend that this is addressed in the proposed Environmental Assessment Report. If the areas in question have been surveyed but no occurrence of the species found this should be made clear in the report.

3.6 Underwater Noise and Vibrations

External technical advice relating to impact of underwater noise was not sought at this stage. However we would advise that the impact of underwater noise and vibration is considered in respect of works, including but not limited to, use of percussive breakers in removing piles, and use of explosives on either the pylons or in tunnelling. Bespoke pre-application advice can be sought from the Marine Licensing team relating to this.

3.7 Historic Environment

Welsh Government and Cadw have indicated that the two ends of the proposed route are located in the registered historic landscapes of Arduwy and Aberglaslyn. Any direct adverse impact on the historic landscapes will be very slight, at most, and will be outweighed by the improvement in those historic landscapes by the removal of the upstanding pylons. Likewise any impact on the setting of the registered Portmeirion historic park and garden during the construction work will be completely outweighed by benefits gained by the removal of the pylons. There will be no direct impact on any listed buildings, and any impact on their settings will be short lived during the tunnelling work and long term the benefits of the pylon removal will be greater.

Cadw concur with the decision in the submitted scoping report that a ASIDOHL assessment is not required to determine the impact on the registered historic landscape. It is proposed to prepare a cultural heritage assessment but this should concentrate on the impact of the development on undesignated heritage assets and the possibility that unrecorded archaeological features are present. The impact on the setting of the listed buildings should be considered, but the impact on the setting of the registered Portmeirion historic park and garden can be ruled out.

Welsh Archeological Trust concur that the assessment should consider impact on undesignated historic assets. In particular, there is potential for buried archaeological remains and submerged palaeo-environmental estuarine deposits or wrecks to be affected by the proposed work. These effects will need to be properly assessed and any impacts mitigated as part of the works.

Royal Commission of Ancient and Historic Monuments Wales (RCAHMW) welcome the proposal set out in section 18.44, 18.45 and 18.46 of the scoping report.

3.8 Further consents

In addition to planning permission and a marine licence, it is your responsibility to ensure that all other permits/consents relevant to your development are secured.

Crown Estate

We have been notified that the Crown Estate is affected and you should contact Rosie Wilson at Jones Peckover rwilson@jonespeckover.com regarding our consenting to the proposed activity.

Flood Risk Activity Permit

Any works in, under, over or within 8m of the banks of a main river or flood defence may require a Flood Risk Activity Permit (FRAP). However, as the works are already covered by a Marine Licence a FRAP will not be required. A FRAP may still be required if any element of the works requiring the FRAP is landward of Mean High Water Spring mark and therefore not within the marine licensable area. Any works affecting any watercourse within the Harlech and Maentwrog IDD may require a FRAP or a Land Drainage consent. For further information regarding any permits required please see the following link;

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