

1. Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended), Regulation 22 - EIA Consent Decision

- 1.1 Title:** Deposit of an underground cable using Horizontal Directional Drill (HDD)
- 1.2 Regulatory Approval:** Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)
- 1.3 Operators:** Western power Distribution Ltd
- 1.4 Marine Licence Application No:** CML1551
- 1.5 Location:** River Towy

South end – 243259 East 220127 North

North end – 243452 East 220159 North

2. Purpose

- 2.1** This document constitutes an EIA consent decision under Regulation 22 of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (MWR), in respect of a Marine Licence application (CML1551) submitted by Western Power Distribution Ltd. The application was supported by an Environmental Statement. The Marine Licensing Team has considered the application and information provided in support of the application and is now in a position to make an EIA consent decision to Western Power Distribution Ltd
- 2.2** In accordance with Regulation 22 of the MWR, the Natural Resources Wales Marine Licensing Team, as appropriate authority have considered the application, environmental statement (ES), representations of consultation bodies and members of the public and have had regard to the relevant legislation. Following the conclusion of a Transboundary Screening Assessment it was determined that consultation with other EEA states was not necessary.

3. Application

- 3.1 Western Power Distribution Ltd has applied for a Marine Licence to deposit an underground cable beneath the River Towy via HDD in support of the onshore windfarm development – Brechfa Forest.

4. The Environmental Statement (ES) – MWR 12 (1)(d)

- 4.1 The Environmental Statement outlined the possible impacts of the proposed project organised under the following topic headings:
- 4.2 Technical chapters:
- Land use, agriculture and forestry
 - Landscape and visual assessment
 - Ecology
 - Historic Environment
 - Geology, hydrogeology and ground conditions
 - Hydrology and flood risk
 - Noise and vibration
 - Air quality
 - Cumulative assessment and inter-relationships
- 4.3. The ES is considered to satisfy the requirements of Regulation 12 (1)(d) and Schedule 3 of the MWR

5. Public Notices – MWR Regulations 16(2)(g)

- 5.1 These were advertised to notify interested parties of the proposed works and give any interested parties or members of the public an opportunity to make representation on the application as necessary.
- 5.2 The application documents were made available as follows;
- A translated public notice was placed in the Carmarthen Journal on February 24th 2016 & 2nd March 2016
 - The application documents were made available to the public at: Carmarthenshire County Council Customer Service Centre, 3 Spilman Street, Carmarthen, SA3 1LQ, for 49 days following the publication of the first public notice.
 - No public representations were received

6. Consultation – MWR Regulations 17(1)(a)(iv)

- 6.1 The Marine Licence application was consulted upon on 18th February 2016 for a period of 42 days. It was sent to the following consultation bodies:
- 6.2 Natural Resources Wales Technical Experts (NRW), Ministry of Defence (MoD), Maritime and Coastguard Agency (MCA), The Crown Estate (TCE), Local Planning Authorities (LPA) for Carmarthenshire, Local Harbour Authority, Associated British Ports, Local Biodiversity Officers (LBO) for Carmarthenshire, Royal Yachting Association (RYA), Trinity House

(TH), Cadw, Welsh Government Fisheries Branch, Marine Enforcement Officers (MEO)) and Welsh Archaeological Trust (WAT)

6.3 The following organisations submitted comments: Welsh Archaeological Trust (WAT), NRW, Maritime and Coastguard Agency (MCA)

6.4 Consultees who did not provide a response were assumed to have no comment

7. European Protected Sites

7.1 The proposal is located within a European Protected Site.

7.2 The effects of proposal on the following European Sites, their features and conservation objectives have been considered by NRW during the licence determination:

- River Towy SAC
- Adjacent to Carmarthen Bay and Estuaries SAC

7.3 A test of likely significant effect (TLSE) was undertaken and potential significant effects on features of the European Sites listed above could be ruled out. It was concluded that the proposal, when considered alone and in-combination, will not adversely affect the integrity of the European site(s) concerned.

7.4 Further details are described within the Habitats Regulations Assessment.

7.5 Consultees who did not provide a response were assumed to have no comment.

8. Issues arising for consideration of the Environmental Statement, Marine Licence Application and representatives received

8.1 In taking a Regulation 22 EIA consent decision, we have considered the issues that have been identified following consideration of the ES, representations from consultation bodies, and any resultant supplementary information provided in response by the applicant.

8.2 The material issues that were highlighted by the ES and consultation process and the extent to which they have been addressed are detailed in this section

8.3 The following organisations provided no comment; MOD Safeguarding, RYA, Trinity House, Carmarthenshire County Council,

8.4 Ecology

8.4.1 NRW raised concerns over the depth of the HDD due to the implications on the designated site and its features. Concerns over migrating Twaite Shad, Allis Shad, River, Brook and Sea

Lamprey were raised due to the disturbance caused by noise vibration and the potential for pollution events.

- 8.4.2** The above issues were discussed during pre application meetings between NRW and Western Power Limited and a number of conditions proposed as a result of these meets. The applicant agreed that the depth of the HDD and the time of year the works would be conducted would be controlled, this would reduce the risk to sensitive species and migrating fish. A habitat management plan is to be submitted and approved by NRW, acting on behalf of the Licensing Authority, this will include details of monitoring. A construction environmental management plan must also be provided to NRW, this must detail the following; waste management, pollution prevention and an emergency response plan. A frac – out contingency plan must also be provided as a means to protect sensitive species in the event of an accident occurring.
- 8.4.3** MLT contacted the applicant and the applicant is already aware of these requests due to the DCO process. MLT will include these requirements as conditions within the ML. Some of the comments submitted by NRW TE do not relate solely to the ML, following discussions between MLT & NRW TE the MLT have decided that some of the suggested conditions can be removed from the ML. These more generic conditions are already covered by the DCO.
- 8.4.4** NRW highlighted that disturbance from construction activities have the potential to disrupt commuting and foraging otters. Pollution events may impact on water quality and lead to increased sediment loading.
- 8.4.5** Following discussions between the applicant and NRW it has been agreed that pre-construction otter surveys shall be undertaken, the proposal will not continue until either the absence of otters is demonstrated or the mitigation proposed is agreed by NRW, acting on behalf of the Licensing Authority.
- 8.4.6** The MLT are to include this as part of the ML conditions.

8.5 Historic Environment

- 8.5.1** Dyfed archaeological trust raised the query of including mitigation measures relating to the historic environment within both the marine licence and the planning document. MLT contacted DAT to establish whether or not they were happy with the mitigation measures as they appeared in the DCO or whether they believed they needed to be included within the ML.
- 8.5.2** DAT satisfied with the conditions within the DCO and the mitigation measures set out in the ES.
- 8.5.3** MLT to include a reduced number of historic environment mitigation measures as satisfied that they are covered within the other permissions and supporting information.


Regulatory Evaluation and EIA consent decision

In considering the application for the deposit of an underground cable beneath the river Towy the following has been considered:

- The ES, including the mitigation measures proposed;
- The relevant provisions of Marine and Coastal Access Act 2009 and
- The representations received.

The Marine Licensing Team has determined that the environmental impacts of the HDD beneath the river to assist with the Brechfa onshore windfarm have been adequately identified, described and assessed and that mitigation can be secured which would be sufficient to allow the marine licence to be approved.

Sign off

Signed: 

Date: 04/07/2016

Approved by: Eleanor Smart

Signed: 

Date: 30 November 2016