

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

- 1.1 Title:** Marine Minerals Extraction at North Middle Grounds, Area 455/459
- 1.2 Regulatory Approval:** Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)
- 1.3 Operators:** Severn Sands (Holding) Limited
- 1.4 Marine Licence Application No:** MMML1605
- 1.5 Location:** Area 455/459 North Middle Grounds, Bristol Channel

2. Index

- 1 – Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)
- 2 – Index
- 3- Purpose
- 4 – Application
- 5- The Environmental Statement (ES) – MWR 12 (1)(d)
- 6 - Public Notices – MWR Regulations 16(2)(g)
- 7 - Consultation – MWR Regulations 17(1)(a)(iv)
- 8- European Protected Sites
- 9- Issues arising for consideration of the Environmental Statement, Marine Licence Application and representatives received

3. Purpose

- 3.1** 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 (ref: MMML1605) submitted by Severn Sands (Holding) 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 Severn Sands (Holding) Ltd.
- 3.2** In accordance with Regulation 22 of the MWR, the Natural Resources Wales Marine Licensing Team (MLT), 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.

4. Application

4.1 Severn Sands (Holdings) Ltd is applying for a Marine Licence (ML) to continue to extract marine aggregate from Areas 455/459, North Middle Grounds. The details of this application are listed below:

- 7 Year Licence
- Maximum annual tonnage 250,000
- Proposed total amount to be extracted 1,750,000
- Type of material sand
- Extraction method Trailer Suction Hopper
- Exclusion zones to the North of both areas and around MERCIA wreck
- Operational monitoring (PSA & bathymetry will be conducted annually).

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

5.1 The Environmental Statement outlined the possible impacts of the proposed project organised under the following topic headings:

5.2 Technical chapters :

- Water and Sediment Quality;
- Nature Conservation;
- Benthic Species and Habitats;
- Fish and Shellfish Ecology;
- Marine and Coastal Ornithology;
- Marine Mammals;
- Commercial and Recreational Fisheries;
- Commercial and Recreational Navigation;
- Marine Archaeology;
- Coastal Protection and Flood Defence;
- Air Quality;
- Infrastructure and other Marine Users;
- Airborne noise and vibration (human);
- Landscape/ Seascapes and Visual (including light);
- Terrestrial ecology; and
- Cumulative/in-combination Effects

5.3. The ES is considered to satisfy the requirements of Regulation 12 (1)(d) and Schedule 3 of the MWR

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

- 6.1** 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.
- 6.2** The application documents were made available as follows;
- A translated public notice was placed in the Western Mail on 1st July 2016 & 8th July 2016
 - The application documents were made available to the public at: Monmouthshire County Council County Hall, The Rhadyr, Usk, NP15 16A for 49 days following the publication of the first public notice.
 - No public representations were received

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

- 7.1** The Marine Licence application was consulted upon on 10th June 2016 for a period of 42 days. It was sent to the following consultation bodies:
- 7.2** Natural Resources Wales Technical Experts (NRW TE) , The Centre for Environment, Fisheries and Aquaculture Science (Cefas), Ministry of Defence (MoD), Maritime and Coastguard Agency (MCA), The Crown Estate (TCE), Local Planning Authorities (LPA) for Cardiff and Newport, Local Harbour Authorities, Associated British Ports, Local Biodiversity Officers (LBO) for Cardiff and Newport, Royal Yachting Association (RYA), Royal Society for the Protection of Birds (RSPB), Trinity House (TH), Cadw, Welsh Government Fisheries Branch, Marine Enforcement Officers (MEO) Natural England (NE), The Royal Commission of Historic Monuments Wales and Gloucester Harbour Trustees (GHT)
- 7.3** The following organisations submitted comments: NRW TE, MCA, NE, CE, RCHAMW, GHT, Cefas, Newport CC, RYA
- 7.4** Consultees who did not provide a response were assumed to have no comment.

8. European Protected Sites

- 8.1** The proposal is located within a European Protected Site.
- 8.2** The effects of proposal on the following European Sites, their features and conservation objectives have been considered by NRW during the licence determination:
- Severn Estuary SAC
 - Severn Estuary SPA
 - Severn Estuary Ramsar
- 8.3** 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.

8.4 Further details are described within the Habitats Regulations Assessment.

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

9.1 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.

9.2 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

9.3 **The following organisations provided no comment;** RYA, CE, Newport CC,

9.4 Physical Processes

9.4.1 NE raised concerns over resource thickness north of area 459 as it is either at 0.5m or reaching that level. In figure 3.2, section 3.1 of the ES the resource thickness level has not been calculated to the edge of the licence area, NE wanted to know the reason for this.

9.4.2 Applicant responded with an updated resource thickness chart which covers the whole of the licence area. MLT discussed with NRW technical experts (TE) the inclusion of an additional exclusion zone around area 459 where resource thickness is 1m or less. MLT contacted applicant regarding the inclusion of a new exclusion zone. Exclusion zone agreed between applicant and NRW

9.4.3 MLT to include exclusion zone as part of licence conditions where resource thickness is <1m.

9.4.4 NE raised concerns that no established Active Dredge Zones (ADZ's) had been established and that these should be put in place before dredging is permitted. Applicant responded as follows: the implementation of ADZ's has been discussed previously, and subsequently discounted based on the understanding of the behaviour of site, and the wider bank system of the Middle and Welsh Grounds. NE satisfied with the response, NRW (TE) provided comment; if it has already been decided that no ADZ's should be used then there is little use in including them in the ES

9.4.5 MLT satisfied with both responses and ADZ's will not be included as part of the licence conditions.

9.4.6 The ES states that the feature extends from a group of other inter-tidal sandflats and banks including Bedwyn Sands, Denny Shoals, Welsh Grounds and Middle Grounds. The general consensus is that North Middle Ground is towards the up-drift end of an active sand transport pathway through the Severn Estuary, a process which is driven by the flood dominant tide and at times enhanced by prevailing south-westerly winds and waves." This situation contributes to the apparent replenishment of the dredged sediment within one tidal cycle; however, the sandbanks of the Middle and Welsh Grounds act as a potential source of material to North Middle Grounds and other areas 'upstream' of extraction site (as shown in figure 5.12).

Figures 5.13 and 5.14 do not extend to the receiving areas i.e. areas further up the estuary along the apparent active sediment transport routes.

9.4.7 NE and NRW (TE) requested information on how changes in sediment transport and observed changes in seabed height in and around the extraction could relate to morphological or physical changes in areas which are distant from the extraction but may rely on sediment supply moving up the estuary. Applicant responded with an addendum to the ES which included an extraction from the 2014 Bedwyn Sands Monitoring Report (AMPmer, 2015a) which concluded that ‘overall the proportion of the Bedwyn Sands production Area that lies above 4mCD has been shown to be higher in 2014 than at any time covering the previous surveys (between 1998 and 2013). As a result it is considered that extraction activity from within the licence area is unlikely to result in associated changes to the supply of sand material to upstream areas.

9.4.8 NE satisfied with the addendum, MLT took no further action.

9.5 Nature conservation

9.5.1 NRW (TE) raised concerns that the ES does not recognise the fact that the licence area is within the Severn Estuary SSSI and requested that the relevant sections are appropriately addressed. The applicant responded with an addendum to the ES the following sections have been updated: 7.1.6 Nationally designated sites, 7.2 Impact assessment, 7.3 Summary and Conclusions. NRW satisfied with the updates ES.

9.5.2 MLT satisfied with the response, no further action was taken.

9.5.3 NRW (TE) disagree with the conclusion of the HRA submitted as an appendix to the ES that there is no direct or indirect impact pathway for the Atlantic Salt Meadow feature. The sandbank features at Middle and Welsh grounds provide shelter to the intertidal saltmarsh habitat. If the morphology of these banks were to change then a reduction in the sheltering effect may impact upon the Atlantic Salt Meadow feature. The Applicant provided an addendum to the ES which stated: annual monitoring of the sandbanks using bathymetric survey data and airborne LiDAR data has been undertaken since 2005 as part of the existing licence. This monitoring has found no indication that the present and ongoing aggregate dredging activity has previously, or is now, lowering the elevation of NMG. NRW (TE) satisfied with the response and recommend monitoring is continued throughout the next licence term.

9.5.4 MLT updated HRA document to reflect NRW (TE) concerns, an assessment of no likely significant effect on the feature was concluded. MLT to include monitoring requirements as part of the licence conditions.

9.6 Benthic Habitats and Species

9.6.1 The issue of the introduction and spread of non-native species was raised by NRW (TE). Concerns that the ES did not indicate how the licence holder intends to adhere to any of the best practice measures that have been stated in the document. NRW (TE) requested that the applicant provides details on how they intend to adhere to best practice methods and that they should be aware that the Severn Estuary has known records of Chinese Mitten Crab and Slipper Limpet, both of which are on Schedule 9 Wildlife and Countryside Act (W&CA) The Applicant has stated that they will produce a risk based Biosecurity Plan for dredging operations. NRW (TE) satisfied with the response and request the Biosecurity is submitted for approval prior to the commencement of dredging.

9.6.2 MLT to include as a condition of the licence that a Biosecurity plan is produced and submitted for approval to NRW (TE) prior to the commencement of works.

9.7 Cumulative and in-combination effects

9.7.1 NE wanted to highlight that Area 526 Culver Sands is currently being scoped and if successful in applying for a ML may be in production within the lifetime of NMG, the annual tonnage for the site will be 2 million tonnes surpassing the annual aggregate extraction limit set by the IMADP. NE requested that Area 526 is considered as part of the in-combination and cumulative impact assessment. The Applicant provided an addendum to the ES which provided an update to section 18.1. The update concluded with regard to the potential in combination effects of aggregate extraction from multiple sites within the severn estuary it is considered highly unlikely that the continued extraction of aggregates (at the proposed increased rate) will result in any significant effect on the physical processes of the wider study area. NE satisfied with response but does not resolve the issue if Area 526, Culver Sands was to be Licensed.

9.7.2 MLT satisfied with the information provided by applicant, Area 526 has not yet passed scoping stage and will consider this once a licence has been received.

Regulatory Evaluation and EIA consent decision

In considering the application for Marine Minerals extraction at Area 455/4/59, North Middle Ground 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 marine minerals dredge have been adequately identified, described and assessed and that mitigation can be secured which would be sufficient to allow the dredging licence application to be approved.

Sign off

Signed: 

Date: 28/09/2016

Approved by: Eleanor Smart, Senior Permitting Team Leader – Marine Licensing

Signed: 

Date: 23 December 2016

