

Welsh Government

M4 Corridor around Newport

Environmental Statement Volume 3:
Appendix 5.2

Scoping Responses

M4CaN-DJV-EGN-ZG_GEN-AX-EN-0008

At Issue | March 2016

Ask for/Gofynnwch
Our Ref/Ein Cyf
Your Ref/Eich Cyf
Tel/Ffôn
Direct Dial/Rhif
DX
E-Mail/E-Bost

Steve Davies
JG/SD/ TBM/M4/Corridor/lett02
01633 656656

Streetscene
Y-Strydynun



Civic Centre/Canolfan Ddinesig
Newport/Casnewydd
South Wales/De Cymru
NP20 4UR

Dr Peter Ireland
M4CaN
Environmental Co-ordinator
Costain Vinci
47 Newport Road
Longcross Court
Cardiff
CF24 0AD

13th October 2015

Dear Peter

M4 CORRIDOR AROUND NEWPORT (M4CaN)
REQUEST FOR RESPONSE TO SCOPING REPORT – REGULATION 10 TOWN AND
COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 1999

Thank you for your correspondence and scoping document of the 21st August 2015 setting out your approach to the Environmental Impact Assessment for the proposed M4 scheme around Newport. In compliance with your request we are providing our views and advice on your scoping document and proposed assessment works.

The scoping report was reviewed by officers of the council and whilst it was generally comprehensive it was found that there are a number of omissions in the individual environmental sections. These have been detailed on the attached consultation response. In terms of overall content we found there was insufficient detail provided in terms of the extent of the proposal, particularly in reflecting the extent of the development area and the extent of the WAG landownership.

Please contact me or Joanne Gossage, Green Service Manager if you wish to discuss these in any further detail.

Yours sincerely

Steve Davies
Area Manager West and Strategic Delivery
For Streetscene and City Services
Newport City Council

M4 Corridor around Newport, EIA scoping report

A Response from

Newport City Council to Welsh Government

October 2015

IN GENERAL

A response has been provided by section

Sections 2- 5

At the interchange of the modified Castleton Junction (J 29) there are a number of additional on/off slips and cuttings indicated. The EIA will need to fully describe the impact of this interchange construction on the local highway and Public Rights of Way network. The document does not describe the impact on Pound Hill (C81.2) or the PROW network (390/15, 390/17 and 390/18) some of which are included as part of promoted guided routes. The potential impact of the loss of routes must be assessed within the traffic and transportation sections and also within sections 13 and 14.

The report outlines a proposal to provide an equestrian bridge to maintain the connectivity of the route of the Newport Cardiff Cycleway (2.3.4) along Percoed Lane. We are pleased that this route is being given due consideration as a key NMU route. We would welcome the opportunity to consider the design of the bridge particularly in allowing views and orientation from what will be a high point within the landscape.

There is a description (2.3.5) that the route known as 'Green Lane' or Pont Ystyll will be stopped up. This route currently connects with the Cardiff Newport cycleway and it is considered to be a key north south route that connects the network across the coastal plain. There is no suggestion that a connecting route will be provided onto which a footpath link can be diverted. This will effectively sever all north south links in this zone of the Wentlooge level and limit pedestrians to the Hawse Lane and Lighthouse road neither of which have footways.

The scoping report mentions the Active Travel act and it would be ideal to see in what form compliance with the duties of the act will take, e.g. will pedestrian and cycle routes be provided on the road overbridges and underpasses that cross the alignment of the route.

The document mentions the Wales Coastal Path and it is quite clear that the existing alignment of this route will be affected both in the short term and long term. The impacts must be fully assessed for the duration of the three year construction stage and also in the long term. The permanent alignment of the WCP will have to be altered to avoid the superstructure of the motorway. This needs to be clearly identified both on the western Wentlooge Level and the eastern Caldicot Level.

Section 6 Air Quality

No comment on the general approach within the of the scoping report however we would like confirmation, within the EIA, of what will happen to the AQMAs - air quality management areas. We have four declared along the existing M4 and currently the WG carry out the pollution monitoring and pay for and maintain the equipment. Once this road is downgraded to an A road and if there are still AQMAs along its length, we will expect the Welsh Government to fund their continued monitoring in addition to any proposed AQMA along the new M4.

Section 7 Cultural Heritage

No comment at this stage

Section 8 Landscape and Visual Effects

In addition to the information provided in the scoping document, the baseline information on landscape and visual effects must take account of the following:

- LANDMAP visual and sensory layer as a baseline information source. Indication is this area is Outstanding however assessment must also include sensitivity and capacity assessment data study to determine value of the landscape resource and in the choice of receptors
- Work already available to assess the sensitivity capacity of the Gwent Levels landscape;
- The visual impact assessment location points from sensitive receptors including night time visual impact assessment from agreed vantage points and routes on long distance cycle and footpaths including the Wales Coast Path;
- Significant tree cover will be lost through this development. This loss needs to be clearly communicated within the landscape and visual effects.

The assessment of landscape effects must not focus only on the visual impacts of the development but consider the whole landscape effect in some detail. The Gwent Levels is a unique landscape comprising a multi-layered character which will define the sensitivity of the landscape. We are particularly keen for the assessment to consider the historical and cultural aspects of Levels, as these elements have been fundamental to shaping the character of this landscape.

The discussion around potential landscape and visual impact mitigation must be held at the earliest opportunity. Particularly for those sections that cross the Levels and areas that will be elevated and lit on completion of the works.

The bridge over the Ebbw and Usk will be elevated and likely to be highly visible over a wider area. The assessment of the bridge and associated structure should be assessed as

a separate visual element to the sections on the Levels either side. The visitor experience and the visual impact on property and landscape amenity in relation to features such as the Wales Coast Path and NCN as they cross below the bridges must be considered and suitable mitigation, where possible, proposed.

Section 9 Ecology and Nature Conservation

The following documents need to be referred to within the Scoping Report:

- NCC Wildlife and Development SPG;
- Guidelines for the Selection of South East Wales Wildlife Sites.

We would also recommend that the Newport Biodiversity Partnership to be consulted regarding scoping of surveys.

There are some general comments around ecology and nature conservation within the report. The key point is that it appears that a significant amount of the study area land is inaccessible for various reasons, and therefore cannot be surveyed. How will this be addressed in the final EIA? We would also like to have a comparison between the coverage of sites within the previous Arup study, that can be re-surveyed and what percentage cannot/has not? It would be useful to overlay the surveyed areas with those areas that have not been accessible and confirm is sites such as Gwaunhonsbrown farm will be accessed. This would display a better picture of which areas are lacking in survey information.

On the study area Figure 1 an amount of mitigation is proposed. Could it be stated clearly if this is mitigation or is it compensation for loss of reens/ditches. Mitigation is “to make or become less severe, harsh” compensation is to replace. We would expect, in line with the Wildlife and Development SPG for the same principle to be applied. Compensation for loss of each qualifying SINC habitat/feature should be at a rate of 1:1:5. The proposed road appears to travel through several SINC’s including Berry Hill Farm, Marshals, Solutia and Elver Pill Reen. In accordance with the NCC Wildlife and Development SPG proposed development works should firstly aim to avoid impacted upon SINC’s, if this is not possible then mitigating the impacts (i.e. reducing the impacts) and compensating for any loss of habitat (i.e. replacing the lost habitat usually off site) should be implemented as stated above. Within this area the assessment should indicate how will the issue of fragmentation, for all species be dealt with.

Surveys in General

We cannot comment fully on survey methodology/recommendations of the report as have not received a copy of all surveys that have been undertaken including those in 2007/2008 please. On the information provided we have the following comments overall:

- Have the further recommended surveys e.g. GCN, bats, dormice, badger, been undertaken in 2015
- A bat transect was walked along the River Ebbw, however static monitoring may

- provide a more detailed picture for that area including the Mae Glas Landfill site;
- eDNA should be used to detect otters/water voles;
- Badger surveys may need to be repeated prior to commencement of any works to ensure no new setts have established along or near the proposed route;
- Grass snakes are assumed to be present on Gwent Levels, therefore a reptile mitigation strategy including method statement will be required;
- Slow worms are most likely to be present in the docks, and some areas in Coedkernew. Access has been restricted in several areas that may have slow worm populations therefore this will need to be addressed;
- the proposed borrow pits/water treatment areas will need to be surveyed (Figure 7a) for reptiles;
- The Hyder wintering bird survey is not yet complete. Further wintering bird surveys may be required based upon the results of these. When will these be available for comment;
- The issue of land access be addressed with regards to ground nesting wader surveys as many of the areas identified for surveying for ground nesting waders have been identified as being inaccessible on figure 1;
- Species targeted bird surveys have been noted as being required. We will require confirmation of what has been agreed and by whom.
- At present only one season of breeding birds' surveys has been undertaken. We have not been provided with the survey results and these need to be forwarded as soon as possible. We recommend that at least one more season of breeding bird surveys is undertaken to achieve a more comprehensive picture the current breeding;
- We would recommend further terrestrial invertebrate surveys are undertaken in areas which have been identified as being species rich and static collection techniques for invertebrates should be used in addition to the existing survey data;
- It is unclear if moth trapping has been undertaken to date. Report recommends moth traps around Llanwern. However we would recommend that other areas may require moth trapping i.e. along the River Usk. It is recommended that the SEWBRc data search may highlight areas that have greater moth species and these could be targeted for moth trapping;

We would also require the following to be undertaken:

1. Phase 1 survey/extended Phase 1 survey are reviewed and areas that have been inaccessible surveyed;
2. further NVC surveys required as described in section 4.3.5;
3. Hedgerow surveys are as agreed in January within only lengths of hedgerows in the footprint of the fixed alignment would need surveyed against hedgerow regulations in 2015. 516 Hedgerows surveyed so far;
4. Great Crested newts-55 of 89 water bodies identified as having GCN potential surveyed. Could we seek clarification as to the total number of water bodies as section 6.3.1 states 89 water bodies whereas section 6.4.2 states 327 water bodies have been identified. eDNA technique needs to be confirmed with NRW;
5. Bats-transects and static monitoring all been undertaken in line with best practice guidelines. Recommendation for radio tracking of lesser horseshoe bats needed as these are a feature of the Wye Valley SAC. Further surveys on trees/buildings identified within 100m of the proposed scheme. Further surveys on key linear

- foraging/commuting routes will be required;
6. Otters and water vole-1442 water bodies identified from OS map. Additional surveys required;
 7. Dormouse-310 nest tubes installed. Further monitoring of those sites with positive/and negative dormouse records in 2015;
 8. Badger-detailed badger survey conducted 2014 during Phase 1 survey. Further surveys required in 2015 focusing on areas where access has not yet been permitted;
 9. Hedgehog-no further survey required. mitigation/compensation to be discussed.
 10. Reptiles-500m buffer around physical extent of scheme from 2007/2008. Grass snakes assumed to be present on the Gwent Levels. 10 areas selected to be surveyed based upon Phase 1 survey. Specific mitigation will be required;
 11. Wintering birds-2014 ARUP undertook 3 surveys between Jan-March and 4 further visits between September and December. Hyder have been undertaking surveys in 2015 but the report has not yet been produced;
 12. Breeding birds-ARUP undertook bird transects between April –June 2014. Further surveys required ground nesting wader surveys required. Unsure when these will be undertaken. Also, further breeding bird surveys in areas which were not surveyed in 2014;
 13. Aquatic macro invertebrates –we will agree with the assumption that the water bodies affected by the scheme are assumed to have important invertebrates;

Section 10 Geology and Soils

Contaminated Land:

We understand that RPS propose to use “Suitable For Use” Levels (S4ULs) to assess potentially contaminated land. We will only support the use of S4ULs where levels do not exist in other standards such as “Category 4 Screening levels” etc.

Further detail is required to demonstrate what action will be taken should areas of contaminated land be discovered during construction.

Section 11 Materials

No comment at this stage.

Section 12 Noise and Vibration

With regards to construction noise and vibration, we suggest that where in spite of mitigation, noise levels exceed trigger levels, it would be expected that a scheme of sound insulation (or costs of) or temporary rehousing of affected residents as appropriate, are provided. This is stated in Annex E of BS5228.

Noise monitoring (and vibration where appropriate) should be carried out at residential premises during construction to check compliance with noise and vibration limits.

Newport City Council will require a Construction and Environmental Management Plan to be produced and submitted, including details of proposed hours of work.

With regards to out of hours work, approval must be sought in advance from Environmental Health at Newport City Council and where work is agreed, affected residents must be notified in advance and kept up to date as the scheme progresses. We also feel that a public liaison officer should be appointed.

Post construction noise monitoring to verify noise levels/mitigation measures should also be undertaken.

Section 13 Section 14

All Travellers ; and Community and Private Assets

We have raised a number of questions related to the public access network in the introduction section of this response. What we need to reiterate is that the EIA must look at the detail of each and every route that it crosses and what will be the ultimate effect of the loss or diversion of these routes on the individual link and the network and communities that it serves. There also need to be weight given to the impacts that the construction of the project and the long term structure will have in trying to generate tourism and outdoor access and recreation within the country borough of Newport and the segregation of the city and its impact albeit short term.

Where new pedestrians and cycle routes are proposed this will be welcomed generally, particularly if these are making connections and improving the network as a whole. This must be clearly shown as a potential community benefit so that the viability of the suggestions can be fully assessed. This would include any information regarding the use of grass verges as pedestrian links.

Sections 12 and 13 must also consider duties (particularly duty 5 and 6) under the Active Travel Act (Wales) 2013 in particular :

- requiring the Welsh Ministers and local authorities, in carrying out certain functions under the Highways Act 1980, to take reasonable steps to enhance the provision made for walkers and cyclists and to have regard to the needs of walkers and cyclists in the exercise of certain other functions.
- for the promote active travel journeys and secure new and improved active travel routes and related facilities.

The EIA must give details about the working corridors compounds and other areas where plant and materials are to be stored. We will need to consider all of these temporary staged areas, in the process.

At present we have not received a copy of the context report for NMU. This will be needed to discuss the impact on routes such as Bareland Street, the UCR of Rush Wall, and its

junction into Longlands Lane. The impact on NCN routes and long distance walking routes such as the Wales Coast path have been mentioned in a previous section however the impacts of the development on the routes in relation to all travellers and community will need to be considered.

Section 15 Road Drainage and the Water Environment

Whilst the policy and guidance is provided comprehensively within Section 15 (Road Drainage and Water Environment), no mention is made for the obtainment of Ordinary Watercourse Consents, where a client or agent must obtain a consent when a 'ordinary watercourse' is affected as per NCC guidance as a Lead Local Flood Authority. No mention is made where in instances the proposed M4 corridor may affect local infrastructure such 'county' roads and associate drainage systems. The client (agent) must ensure that existing drainage systems on county roads are not impacted by the proposed works. If there is a potential conflict, suitable mitigation measures must be provided. The impact on Private Water Supplies must be considered and details of appropriate mitigation measures must be submitted to Newport City Council. Locations of Private Water Supplies known to the Council can be obtained from Environmental Health.

The highway drainage design must be designed to capture and attenuate a 1:100 flood return period + 30% climate change. Climate change parameter not provided in scoping document.

Whilst Water Treatment Area's (WTAs') are referred to in the document, no mention of which organisation is responsible for its ownership and associated maintenance. However, it is strongly assumed that this is to be the responsibility of Welsh Government (or suitable agent).

Section 16 Environmental Management

This section should include information about the existing and proposed AQMZs.

Section 17 Cumulative effects and interrelationships

No comment at this stage.

Dr Peter Ireland
M4 CaN Environmental Coordinator
M4 CaN Project Office
c/o Longcross Court
47 Newport Road
Cardiff
CF24 0AD

18 September 2015

Dear Peter

NATURAL RESOURCES' WALES RESPONSE TO M4 CORRIDOR AROUND NEWPORT ENVIRONMENTAL SCOPING REPORT

Thank you for consulting Natural Resources Wales (NRW) on the scope of the Environmental Statement (ES) for the Welsh Government's M4 Corridor around Newport (CaN) project proposal. We have been consulted on a document referenced M4CAN-DJV-EGN-ZG-GEN-RP-EN-0001, dated 14 August 2015.

We welcome the opportunity to comment formally at this stage and also acknowledge the opportunities my colleague Jessica Poole and other NRW officers have had to work informally with your team to inform and influence the survey work and wider studies which are already in progress.

Please note that our comments are made without prejudice to any comments we may subsequently wish to make when consulted on any draft Trunk Road Order, the submission of more detailed information or on the Environmental Statement. At the time of any publication of a draft Trunk Road Order there may be new information available which we will need to take into account in making a formal response to the relevant public decision maker.

Our comments here are restricted to those relevant to helping you scope the Environmental Impact Assessment. We do not give any view or advice in relation to the merits, or otherwise of the M4 CaN project.

Natural Resources Wales' Regulatory Role

In addition to any draft Trunk Road Order, there are likely to be other permitting and consenting requirements – from ourselves and other regulatory bodies. Please be aware that all of these various permits/ licences/ consents will need to have been granted alongside

any Trunk Road Order to enable the proposed M4 Corridor around Newport project to proceed. We recommend that you seek legal advice on the full range of regulatory regimes which may be relevant, but at this stage we are of the view that the following regulatory requirements regulated and/or administered by NRW may be required:

- Marine Licensing
- Environmental Permitting Regulations (EPR)
 - Installations
 - Waste
 - Water Discharge
 - Water Abstraction
- Flood Defence Consent (shortly changing to be administered under EPR)
- Land Drainage Consent – for areas within the Caldicot and Wentlooge Levels Internal Drainage District
- European Protected Species Licence
- UK Protected Species Licence
- SSSI Consent

We would welcome the opportunity to continue working closely with your team to identify specific information requirements which our permitting/ licencing officers will require in order to consider whether they can grant the relevant licence/ permit/ consent. This is of particular relevance to the Marine Licensing regime where there will be the requirement for Environmental Impact Assessment (EIA). I am aware that discussions have already progressed in this regard and that our Marine Licencing team will not require a separate ES provided that the overarching ES which you are producing in support of the draft Trunk Road Order clearly signposts the information which is relevant to a Marine licence consideration. You may wish to request further formal advice, in the form of a scoping opinion, from Marine Licensing.

With regard to your Scoping Report, my colleagues have been working closely with your project team and we are content that, for the most part, the scoping adequately covers issues within NRW's remit which will need to be addressed within the ES. Our detailed comments, and requests for additional work, are provided within the attached Annex, but we make the following overarching comments here:

Designated Sites

The Countryside and Rights of Way Act (CRoW) 2000 legislation strengthened the Wildlife and Countryside Act (1981) with respect to the legal protection of Sites of Special Scientific Interest. Specifically with respect to development it altered the duty on Section 28 G authorities (which includes the Welsh Government) from '*minimise impacts and mitigate for any loss/damage*' to '*protect and enhance*'. This is of particular relevance to the Gwent Levels and River Usk (Lower Usk) SSSI. We are of course aware that the M4 CaN proposal would result in direct loss and damage to a number of the Gwent Levels SSSIs as well as the River Usk. We will therefore expect the ES to set out the scale of this loss and damage as well as proposals for mitigation, compensation and enhancement.

Gwent Levels SSSIs

This suite of SSSIs are notified for the range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system.

The following sites would be directly affected by any new road from land take, changes to water quality and quantity and limitations on the ability to carry out conservation management:

- Gwent Levels: Redwick and Llandevenny SSSI
- Gwent Levels: Whitson SSSI
- Gwent Levels: Nash and Goldcliff SSSI
- Gwent Levels: St Brides SSSI

In addition these sites could be indirectly impacted:

- Gwent Levels: Magor and Undy SSSI
- Magor Marsh SSSI
- Gwlyptiroedd Casnewydd/ Newport Wetlands SSSI
- Gwent Levels: Rumney and Peterstone SSSI

Indirect impacts could arise to all of these sites from changes to the pattern of drainage, and changes to available water quantity and quality.

We welcome the provision of information in the scoping report and note that further assessments will be included in the ES. We would welcome the opportunity to continue to work closely with you on the development of the Reen Mitigation Strategy, as this is a key area of concern for NRW. As well as wishing to be reassured, from a theoretical perspective, that the proposals in the Strategy adequately mitigate for the direct and indirect loss of the Gwent Levels drainage network – from a SSSI, Internal Drainage District and Flood Risk perspective, we will also need to be assured that the long term future management and maintenance of any new reen and ditch network is agreed in perpetuity, including of new culverts and water level control structures. In addition, we reiterate the requirement on Welsh Government to demonstrate that they can both protect and enhance the Gwent Levels SSSIs.

River Usk SAC and River Usk (Lower Usk) SSSI

The road scheme crosses over the River Usk SAC and River Usk (Lower Usk) SSSI.

Our main concerns for the features of the River Usk SAC and SSSI:

- Possible discharge of contaminated surface water into the River Usk during the construction and operation of the road
- Disturbance to migratory fish during construction, including from noise and vibration and potential obstacles to migration

- Disturbance to otter during construction, and impeding movement upstream and downstream

Again we welcome the provision of information in the scoping report and note that further assessment will be included in the ES.

Severn Estuary SPA, SAC, Ramsar Site and SSSI

The application site lies approximately 1km from the Severn Estuary SPA, SAC, Ramsar Site and SSSI. Our main concern for the Severn Estuary is potential impacts on the bird features of the Severn Estuary SAC, SPA, Ramsar and SSSI from disturbance during construction and operation. As stated for the River Usk SAC and SSSI, we welcome the provision of information in the scoping report and note that further assessment will be included in the ES. We are aware that survey work in this area has been undertaken during 2014 and 2015, but recommend that an additional full winter (covering winter 2015/16) of overwintering bird data is collected in order to be able to fully assess possible impacts of the scheme proposals on the SPA/ Ramsar site bird features.

Habitats Regulations Assessment

We agree with your assessment that at this stage likely significant effects cannot be ruled out for the River Usk SAC, the Severn Estuary SAC, SPA and Ramsar site, and the Wye Valley and Forest of Dean Bat Sites SAC. This is in accordance with the advice we gave Welsh Government in relation to the Plan stage of the M4 CaN.

We therefore advise that the authorising body, in this case Welsh Government, as the competent authority, will need to carry out a test of likely significant effects under regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). We would welcome the opportunity to advise you further on this and any subsequent stages of the HRA which may be required, including appropriate assessment.

We remind you that, as a competent authority for the purposes of the 2010 Regulations, your authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

The ES should provide full details and assessments to demonstrate whether the proposal will have adverse effects on the above named protected sites. As part of this, the cumulative impacts of this proposal with other developments should be considered, as should the possible in-combination impacts with other proposals that are yet to start/ be completed.

Other Issues within NRW's remit

The scheme is likely to have impacts on a range of issues within NRW's remit beyond designated sites. These include flood risk, land contamination, existing Permitted sites, land drainage within the Caldicot and Wentlooge Levels Internal Drainage District, landscape and

historic landscape. Our detailed comments on these and other areas are made in the attached Annex, in relation to the proposals as set out in your Scoping Report.

Complementary Measures

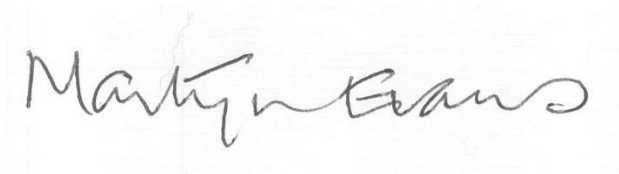
We are unable to comment at this stage on whether additional studies will be required to assess the environmental impacts of undertaking the complementary measures associated with the proposed de-classification of the existing M4 between Junction 29 and 23a, as we are unclear of the scale, or detail, of the works proposed. We would be happy to comment further on receipt of additional detail.

Advice from Newport, Monmouthshire and Cardiff

We recommend that you seek input and advice from the 3 relevant Local Authorities, Newport, Monmouthshire and Cardiff, with respect to relevance of their Local Plan policies, land allocations and knowledge of other development proposals within the Planning system at present.

If you require clarification of any of the points made in this letter, or accompanying Annex, please speak to Jessica Poole in the first instance.

Yours sincerely

A handwritten signature in black ink, reading 'Martyn Evans', on a light-colored background.

Martyn Evans
Head of Ecosystems, Planning and Partnerships
Operations South Directorate

cc Martin Bates, Matt Jones WG
 John Hogg, Steve Morgan, Jessica Poole, NRW

Encs: Annex 1 – NRW Detailed Comments on Scoping Report

ANNEX 1

NATURAL RESOURCES WALES DETAILED COMMENTS ON WELSH GOVERNMENT'S M4 CORRIDOR AROUND NEWPORT EIA SCOPING REPORT (M4CAN-DJV-EGN-ZG-GEN-RP-EN-0001 DATED 14 AUGUST 2015)

Please note our comments are made in the context of the above mentioned EIA Scoping Report and are made without prejudice to those we may wish to make on any published scheme design and accompanying ES

1 Introduction

- 1.1.2 We note the mention of use of evidence from traffic forecasting. We recommend that the Environmental Statement (ES) sets out this evidence in detail
- 1.2.3 The text in relation to the Gwent Levels Sites of Special Scientific Interest (SSSIs) is slightly confusing. In future documentation we recommend that these sites are described as a suite of 7 SSSIs across both the Wentlooge and Caldicot Level, known collectively as the Gwent Levels.

We note and welcome the acknowledgement that Welsh Government has a duty to conserve Biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, and that this duty will be strengthened by the Environment Bill in Wales following enactment due in 2016. We look forward to working with Welsh Government and their agents to provide advice in this regard.

- 1.5.4 We welcome being consulted on this document, despite this being a non-statutory process.
- 1.5.5 We note that this EIA Scoping Report relates to that defined by Section 105A of the Highways Act 1980. We remind you of our view that a Marine licence application would be likely to be required to cover the marine aspects of the scheme (in this context works in or over the sea or on or under the seabed where the sea is defined as land below the Mean High Water Spring (MHWS) tide level which brings its own requirement for EIA under the Marine Works (EIA) Regulations.

2 The Scheme

- 2.3.2 We note the indicative alignment, highway footprint and location of water treatment areas (WTAs) as shown in Figure 2.2. We reiterate our requirements; that you are able to demonstrate how every effort has been made to move the alignment through the Gwent Levels to the north to minimise adverse impacts on the Gwent Levels SSSIs and similarly that WTA's are move to the north side of the proposed road alignment, again to minimise overall impacts on the Gwent Levels SSSIs, Internal Drainage District and Historic landscape of Outstanding Importance.

2.3.20 We would welcome continuing and ongoing discussions in relation to the strategy for the mitigation of loss of reens and field ditches.

3 Alternatives Considered

3.3.6 We note the reference to the Blue Route which is made here, an alternative proposal for alleviating traffic congestions issues on the existing M4, put forward by a third party during the Plan phase consultation. You state that an appraisal of this option concluded that it was not deemed to be a suitable alternative to the draft Plan. We recommend that this appraisal is made publically available for clarity and transparency purposes.

4 Consultation

We welcome the approach to consultation as set out in this Chapter, and would urge all stakeholders, both statutory and non-statutory to be provided with relevant information as early as possible, and given the opportunity to feed in views and advice. We reiterate NRW's offer to provide informal advice throughout this pre-application/ pre-publication phase, to ensure that issues within our statutory remit can be considered at an early stage and used to influence the overall design of the scheme as well as emerging mitigation, compensation and enhancement proposals.

5 Approach to EIA

We support and welcome the approach to undertaking the EIA, as set out in this section.

5.3.7 In relation to baseline scenarios we note and welcome the approach as set out – ie that there will need to be an identification of the existing (2014-2016) baseline to inform consideration following publication of the draft Trunk Road Order. Given the length of time which may elapse before any construction phase (your forward plan proposes Spring 2018) we support the requirement to update the baseline position at this point – our particular concern would be in relation to the water quality of the Gwent Levels SSSIs drainage system.

6 Air Quality

We support the overall approach to assessing impacts arising from changes to air quality arising from any construction and operation of the scheme, including the proposal to consider impacts on designated sites as well as on human health.

6.7.6/11 We note the proposal to assess dusts within 200m of the road. We have potential concerns with this as the literature shows that dusts, depending on their size, can travel more than 1km (e.g. $\leq 10\mu\text{m}$ diameter particles). We are familiar with the working practices (eg use of bowsers to damp down dusts) which can be

successfully deployed to control the spread of dusts during construction phase of developments. However given that much of the route passes directly through nationally designated sites, the Gwent levels SSSIs we would recommend that effects of air pollutants be assessed within 200m of the outer edge of the working corridor of the entire road scheme, including relevant side roads, during the construction phase and 200m of the operational area of the new motorway during any operational phase – rather than within 200m of the centre line of the road.

We would be happy to discuss our requirements in this regard as the scheme proposals further develop, but we would be satisfied if deposition levels can be kept below the generic threshold for nuisance of 200mg/m²/day. We would not expect there to be monitoring to quantify whether this level of deposition was being met or breached, but we would expect demonstration that the measures that would be in place under normal circumstances would not be likely to result in depositions that would constitute a nuisance.

- 6.7.11 NRW would welcome being involved in consideration on how to evaluate the significance of nitrogen deposition, NH₃, NO_x, NO₂, SO₂ and other traffic pollutants on relevant habitats (Section 9).

7 Cultural Heritage

Our comments here are restricted to historic landscape. For all aspects of this section (archaeological remains, historic buildings as well as historic landscape) we refer you to Cadw. We also refer you to Newport City Council and Monmouthshire County Council for views with respect to the interpretation of relevant local planning policies (7.2.13-7.2.23).

We are generally supportive of the proposed approach with respect to the Gwent Levels Landscape of Outstanding Historic Interest, with the following comments:

- 7.2.2 With reference to the Historic Environment (Wales) Bill, we note that if this is passed during the production of the Environmental Statement, you will be required to take it into account
- 7.6.1 We welcome that the baseline work will include desk-based assessment. As well as consideration of the sources noted in this section, we also recommend that the Gwent Levels Historic Landscape Study (Stephen Rippon for Cadw, 1996) is also referred to.

- 7.6.3 We support and welcome the proposal to consider both the designated Gwent Levels Historic Landscape and the cultural landscape layer of LANDMAP, as part of the baseline work.
- 7.6.5 We strongly support the selection and involvement of the proposed academic panel to contribute their technical expertise, including local knowledge to this area of the ES. We recommend that they are asked to consider whether there are additional data sources which should form part of the desk based assessment outlined in section 7.6.1
- 7.6.6 We would welcome being part of the consultee group for the baseline study on historic landscape.
- 7.7.8 We welcome that the Assessment of the Significance of Impacts of Development on Historic Landscapes (ASIDOHL) process will be undertaken in accordance with the Guide to Good practice on using the Register of landscape of Historic Interest in Wales in the Planning and Development process published by Cadw, CCW and WAG in 2007.
- 7.7.10 In addition to the proposed mitigation measures set out here, we recommend that consideration be also given to interpretation and access to the historic environment including landscape.

8 Landscape and Visual Effects

We refer you to Cardiff County Council, Newport City Council and Monmouthshire County Council for views on the interpretation of their respective Local Plans (sections 8.2.6-8.2.14).

- 8.2.16 An addition to relevant guidance will be *Marine Character Areas*, due to be published imminently by NRW.
- 8.5.16 Wind Turbines (individual) should also be considered as intrusions – this is relevant to both the Wentlooge and Caldicot Levels
- 8.7.3 In addition to the landscape and visual effects of the scheme identified here, we recommend that the disruption to field patterns, impacts of the Water Treatment Areas & borrow pits and effects of land raising& embankments also need to be considered.

9 Ecology and Nature Conservation

- 9.1.1 We advise that the ES should include consideration of the total environmental impacts of the scheme, including both axillary and temporary works
- 9.3 We welcome the level of surveys undertaken to date and note that further surveys are currently being undertaken to further inform the final ES.
- 9.5.3 The features as listed are not accurate, and we recommend that you refer to the relevant Site Management Statement (SMS) for each affected SSSI as there is some variation in qualifying feature for each Gwent Levels SSSI; for example the scoping report does not mention individually qualifying plant species for instance.
- 9.5.7 We note and welcome that no structure associated with the River Usk Bridge crossing will be located within the wetted channel of the River Usk. However, it is our understanding that the draft design is proposing a bridge pier within the boundary of the River Usk SAC and also that there could be an outfall associated with a Water Treatment Area within the River Usk SAC. We seek reassurance that that these structures will be included within the overall assessment. We also point that that the Severn Estuary is also designated as a SSSI.
- 9.6.11 In relation to watervole, we reiterate the importance of liaising with Gwent Wildlife Trust (GWT) and the Water Vole Steering Group which has 2015 survey details for confirmed records of this species
- 9.5.28 We note the intention to continuing monitoring for 5 years post construction, but recommend, given the scale and location of the proposals that this be extended to a 10 year period, and be linked to the need to take remedial action if monitoring results give cause for concern.
- 9.6.7-9.6.19 We support the proposals with respect to protected species as set out in these sections. NRW are of the opinion that the current proposals should identify species presence within the scheme boundary and provide an assessment of the impacts that the scheme by itself would have on these protected species. We would welcome early discussions around potential mitigation and enhancement requirements, as well as a discussion around dealing with in-combination effects of your proposal with other large scale schemes that have occurred within the scheme footprint or in close proximity.
- 9.6.20 We note and welcome the scope and scale of works undertaken to date, following our advice that we would need to be reassured that birds forming part of the Severn Estuary SPA/ Ramsar site bird features are not making significant use of the M4 Corridor around Newport route corridor. Given issues around land access and the fact that the original survey season was not able to occur over a complete winter, we recommend that a further full winter (October 2015-March 2016 inclusive) survey across the full route corridor is undertaken to provide a more robust data set.

- 9.6.23-26 In relation to breeding birds, NRW welcomes the precautionary approach taken, as set out in Appendix 9.1, 14.2.11. We also support and welcome the scope of the additional survey work proposed, namely transects which will fill gaps from previous surveys. NRW welcomes the survey for barn owls and ground nesting waders. In addition to the searches for breeding barn owls, we recommend that an assessment be made of any potential foraging and commuter routes (examining connectivity) for any breeding sites identified.
- 9.6.38 We are unable to comment on the statement here that Complementary Measures proposed to the existing M4 Corridor will not have a significant environmental impact as we have not been party to the scale or nature of the works proposed. We would be happy to comment further on this when provided with further detail.
- 9.7.4 We agree with the list of European sites which will be considered as part of the Habitats Assessment Regulations (HRA) work, as this agrees with the advice we have previously given at the Plan level phase of these M4 Corridor around Newport proposals.
- 9.7.9 We welcome the list of the potential effects of the scheme during construction, but recommend that it be expanded to consider storage and use of all materials required during construction, not just chemicals, as all have the potential to adversely affect the water quality, or water quantity within the Gwent levels system.
- 9.7.15 We note the reference to WTA being integrated into the SSSI water system. Whilst we support this in principle, we would only recommend it be implemented if we are convinced that the water entering the SSSI system will be of appropriate quality and quantity, compatible with the features of interest, and also that contingency measures have been agreed if problems arise following implementation.

10 Geology and Soils

In general we are satisfied with the proposed approach to dealing with impacts on geology and soils, but would mention the following:

Throughout the chapter there are several references to 'contaminated land'. In order to avoid confusion with the legal definition of determined 'contaminated land' defined within Part 2A of the Environmental Protection Act (referenced in Sec 10.2.2) it may be prudent to use a different term such as 'potentially contaminated land' or 'land contamination'.

- 10.2.16 We recommend that the following additional guidance is also made use of:

Groundwater protection: principles and practice GP3 (Environment Agency 2013)

Development of Land Affected by Contamination: A Guide for Developers (WLGA 2012)

- 10.8.2 We note, and support in principle, the proposal that all soils will be retained on site for use. However consideration needs to be given to what the strategy would be done with any soils that are not deemed suitable for use within the overall construction site.
- 10.8.4 We welcome the proposed approach to be adopted when working within Newport Docks. However we would highlight that, should potential contamination be identified as part of the piling risk assessment, there may be a requirement for monitoring to check that existing contamination is not mobilized/ new pathways created. In addition, proposals would also need to be included for how issues would be addressed if contamination was shown to be mobilized. Given the proximity of the River Usk SAC to Newport Docks this work will also need to reassure us as to how adverse effects on the River Usk SAC will be avoided.
- 10.8.5/6 With respect to both Docksway landfill and Solutia Chemical works, we require reassurance that the sites will not in effect be “sterilized” by the road proposals and that any potential remediation of these sites in future will not be impeded.
- 10.8.7 With regard to Llanwern Steelworks, we would welcome the opportunity to advise further on these proposals as the planning phase progresses; as with comments made above in relation to 10.8.2, it might be deemed that some soils/ materials are not going to be suitable for re-use on site – a strategy would need to be developed to address this scenario.

11 Materials

- 11.3.2 We request clarification as to why Docksway Landfill is identified as a material resource for the proposed scheme, as we were under the impression that the Docksway site would not be directly affected.
- 11.5.2 We recommend that this section also needs to record the various smaller scale EPR Waste Sites that have been identified as being within the route corridor, which may also then need to be considered and assessed as part of the EIA.

12 Noise and Vibration

This Chapter focuses on setting out how noise and vibration impacts will be assessed on humans. We would point out the need to extend this to sensitive wildlife receptors;

in particular potential impacts from vibration on migratory fish (including twaite and allis shad) on the Rivers Usk and Ebbw, and noise impacts during the construction phase on protected species and designated species features of any of the SSSIs.

13 All Travelers

We refer you to Newport City Council and Monmouthshire County Council for their advice and requirements in this area.

Table 13.1 NRW has provided a detailed response with respect to potential impacts on the Wales Coast Path, although this is not referenced in this table. We are able to provide this information again if required.

14 Community and Private Assets

We have no comments on this area of work

15 Road Drainage and the Water Environment

Overall, we are satisfied with the proposed approach to considering Road Drainage and the Water Environment, but have the following detailed observations to make:

15.2.14 Whilst not a guidance document as such, we recommend that the Association of Drainage Authorities (ADA) be consulted. NRW is a member of ADA and should be able to facilitate this. They will have relevant experience from the recent flooding of the Somerset Levels where major assets located within Somerset Drainage Boards Consortium (including M5) were affected by the flood, and also advise on the lessons learnt.

15.5.4 We recommend that field grips are also mentioned in this section, given their overall relevance to the Gwent levels drainage system. We assume that “straightened rivers” refers to the areas of Main River. If this is the case, recommend that the document be clarified in this respect.

15.5.5 We would dispute the statement that the scheme passes largely through industrial areas – the majority of the proposal is across the largely rural Gwent Levels area.

15.5.7 We refer you to our comments with respect to Chapter 9 for all sensitive receptors

15.7.2 We note that “A *Flood Consequences Assessment will be produced for the Scheme. The highway drainage design will be designed to capture and attenuate the 1:100 flood return period and be designed to meet agreed green field run-off rates*”. We

would add that attenuation of surface water should be for the 1% (1 in 100year) storm rainfall event plus climate change event. The climate change factor for Rainfall Intensity is currently 30%, however, the final design must incorporate the latest adopted climate change guidance.

15.7.8 We would welcome the opportunity to comment on the documents proposed here, including the surface water management plan and the groundwater management plan, at an early stage.

15.7.11/12 We note the references to replacement reens and ditches and understand that work is still ongoing in this area. We would welcome the opportunity to advise further in this area, as we will ultimately need to be assured that these mitigation works will provide the necessary level of connectivity, be capable of being managed and have an appropriate water quality and water quantity to enable them to support the SSSI features of interest, and be viable in the long-term.

16 Environmental Management

We support the outline approach identified here with respect to Environmental Management. This will be a key area for controlling environmental impacts, risks and issues throughout the construction phase. We look forward to working closely with the project team in the development and potential implementation of the Environmental Management Plan and Construction Environmental Management Plan.

17 Cumulative Effects and Inter-relationships

We support the proposals with respect to consideration of cumulative effects and inter-relationships within the EIA. Consideration of inter-relationships will be particularly key across the Gwent Levels where issues around Ecology, Cultural Heritage, Landscape and Visual Effects, Road Drainage and the Water Environment, Geology and Soils (particularly in the context of contaminated land) and Materials all overlap.

Appendix 9.1 Scope of Ecological Surveys

3.5.1 We note reference to Elodea. Whilst it is classed as an invasive species, it is found throughout the Gwent Levels SSSI's. It is managed by the annual de-weeding programme and doesn't seem to be an issue for the features of interest of SSSI's

5.3.3 Hedgerows do not form part of the designated interest of the Gwent Levels SSSIs. We are generally supportive of the removal of hedgerows where they are shading field ditches and reens as they limit the growth of the wetland vegetation which does form part of the special interest of these sites.

15.2.2 We note and welcome the proposal that the aquatic flora monitoring will follow the Countryside Council for Wales (CCW) guidance.

15.4.3-4 We have already shared the relevant condition surveys, undertaken by NRW and predecessor body CCW, with members of the project team.

15.4.5 We note reference to an NRW reed scoring system being used to grade the watercourses impacted, We are unclear as to what is being referred to here, but would point out that we consider all parts of the Gwent levels drainage system to be capable of supporting the SSSI interest features at some stage in their management cycle, and therefore needs to be considered as such as part of this EIA. All stages of succession create the mosaic of habitats needed for the various features of interest. We are already in discussions with members of the project team to clarify our requirements here.

16.1.1 We seek clarification as to whether the invertebrate surveys have been carried out in accordance with CCW Guidance.

Appendix 17.1 Other Proposed Developments

We have nothing further to add to the list of proposed developments set out here, but recommend consultation with the relevant Planning bodies (Newport, Monmouth, Cardiff, Planning Inspectorate and Welsh Government) for their advice and input.

Natural Resources Wales

September 2015

Amy Robinson

From: Peter Ireland
Sent: 02 October 2015 12:50
To: Mick Rawlings
Cc: Amy Robinson
Subject: FW: M4 Corridor around Newport (M4CaN)

Fyi – Cadw response to scoping

From: Brian Greaves [mailto:Brian.Greaves@costain.com]
Sent: 02 October 2015 07:15
To: Peter Ireland
Cc: Barry Woodman; Yvonnick Levache
Subject: FW: M4 Corridor around Newport (M4CaN)

Good morning Peter,

I have acknowledged receipt of the response from Denise Harris and forwarded for your information.

Regards

Brian

Brian Greaves | Senior Community Relations Manager

Costain/Vinci Joint Venture | M4 Corridor Around Newport
Costain Ltd | 5 Cae Gwyrdd | Greenmeadow Springs Business Park | Cardiff | CF15 7AB



Phone | 02920 695650
Mobile | 07977 140808
Email | Brian.Greaves@costain.com
Website | <http://www.m4newport.com>

From: Denise.Harris@wales.gsi.gov.uk [mailto:Denise.Harris@wales.gsi.gov.uk]
Sent: 01 October 2015 14:26
To: Brian Greaves
Cc: Martin.Bates@wales.gsi.gov.uk
Subject: M4 Corridor around Newport (M4CaN)

Attn: Dr Peter Ireland

In response to your consultation on the Environmental Statement scoping report on the M4 Corridor around Newport please see the comments of the Historic Environment Service (Cadw).

The Welsh Government's Historic Environment Service (Cadw) has been consulted on an environmental scoping report produced for the proposed M4 Corridor around Newport (M4CaN) scheme. The scoping report sets out the proposed approach for carrying out an environmental

impact assessment as required by the Highways (Assessment of Environmental Effects) Regulations 1999 (SI No. 369) under Section 105A of the Highways Act 1980.

The M4CaN scheme proposes a new section of motorway to the south of Newport between Junctions 23 and 29 on the existing M4, and a series of complementary measures on the existing M4 between the same junctions once the new section of motorway is operational.

We note that the scoping report identifies that ‘there is a considerable archaeological interest within much of the land crossed by the Scheme’ (7.5.3), and that the current Scheme design would appear to impact adversely on the scheduled monument known as Standing Stone West of Llanfihangel Rogiet (MM198). The settings of other scheduled monuments such as the Medieval Moated Site 400m N of Undy Church (MM198) and Wilcrick Hill Camp (MM127) would also be affected.

We also note that the current Scheme design would involve the demolition of the Grade II listed Magor Vicarage, as well as other unlisted buildings. The settings of a number of listed buildings, including the Grade I listed Newport Transporter Bridge would also be affected.

The proposed scheme would cross the northern areas of the Wentlooge and Caldicot Levels, which collectively comprise the Gwent Levels historic landscape which is included in Cadw’s Register of Landscapes of Outstanding Historic Interest in Wales (1998; HLW (Gt) 2)). The Gwent Levels is acknowledged to be ‘a landscape of extraordinary diverse environmental and archaeological potential’ (p. 62) and to be a ‘supreme example of a ‘hand-crafted’ landscape’ (p. 63). The register entry concludes that the ‘levels are therefore an uniquely rich archaeological and historical resource in Wales, and certainly of international importance and significance’ (p. 63-4).

Our advice focuses on the content of Chapter 7: Cultural Heritage and for ease of reference is organised using the same numbering scheme used within the scoping document. We have considered whether the scoping report is adequate and reasonable, and whether there have been any omissions or errors.

We consider that the scoping report is adequate subject to the satisfactory resolution of the individual issues listed below.

As a general comment, this scoping report focuses on the scoping of the ‘Black’ route. In scoping this route, we consider that there is a need to explain why the alternative ‘Red’ and ‘Purple’ routes were scoped out on historic environment grounds. The Environmental Statement will need to explain why the ‘Black’ route is considered to be the least damaging route from an historic environment perspective.

7.2.3

While the scoping report has identified the importance of Chapter 6 of Planning Policy Wales, it would be helpful to state the Welsh Government’s objectives with regard to conserving the historic environment, which are expressed in Section 6.1:

- preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to
- protect archaeological remains, which are a finite and non-renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;
- ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building’s special architectural and historic interest; and to

- ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.

7.2.10

While the scoping report identified ‘the desirability of preserving an ancient monument and its setting ..., whether that monument is scheduled or unscheduled’ in Section 6.5 of Planning Policy Wales, it should also include the next sentence which states that ‘where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ.’ This is a key statement of national policy that must not be omitted.

7.2.12

The Conservation Principles for the Sustainable Management of the Historic Environment (2011) underpins the approach that has been taken with the Historic Environment (Wales) Bill and should be included in the list of key documents that express the Welsh Government’s aspirations and vision with regard to the historic environment.

The Welsh Government’s Technical Advice Note No. 12: Design (2014) also contains guidance concerning the approach that should be taken to mitigate negative impacts on the historic environment.

7.2.30

We will lead on the provision of historic landscape advice.

7.2.31

The Standard and Guidance for the Archaeological Investigation and Recording of Standing Buildings or Structures (Chartered Institute for Archaeologists 2014) and the Guide to the Conservation of Historic Buildings (British Standards Institute BS 7913:2013) should be added to the list of relevant guidance referenced during the EIA process.

7.6.2

We note that archaeological investigative fieldwork will only take place at those locations where suitable access can be agreed. We would therefore like clarification about how the areas where access cannot be agreed will be assessed? Similarly, clarification as to the extent of inaccessible land, and the anticipated cumulative impact on the overall assessment would be appreciated.

7.6.3

The baseline data for the overall assessment of the effects of the proposed scheme on the historic landscape should include Glamorgan-Gwent Archaeological Trust’s published historic landscape character area reports.

7.6.1

The scope of the baseline studies should include reference to sites, monuments, structures, buildings and landscapes identified within the Research Framework for the Archaeology of Wales.

7.6.5

We note that a member of the proposed academic advisory panel is also to undertake archaeological fieldwork as part of this project (see 7.6.14). Although we have not seen the terms of reference for the academic advisory panel, your archaeological advisor will need to ensure that there is no professional conflict of interest, nor any perception of a conflict of interest.

7.6.19

With respect to the study area are you satisfied - given that the area is of recognised international value - that the proposed area extending 200m beyond the public highway boundary is appropriate? Your archaeological advisers will need to be able to justify this selection. The recognised international value of the area would seem to point to the requirement for a larger study area. It should, in any case, include all water treatment, extraction and mitigation areas.

7.6.20

It is stated that 'the study area will encompass all such [historic environment] assets whose settings may change as a result of the Scheme construction and operation', and that 'the identification of such assets will principally be based on the Zone of Theoretical Visibility established as part of the landscape and visual assessment.' Conservation Principles for the Sustainable Management of the Historic Environment defines setting as 'the surroundings in which an historic asset is experienced, its local context, embracing present and past relationships to the adjacent landscape'. Our advice is that while setting is often primarily visual, setting may include other considerations such as noise, tranquillity or remoteness. Its extent is not fixed and may change as the asset and its surroundings evolve.

7.7.7

With regard to the assessment of potential effects, the DMRB methodology would value the Grade II listed building proposed for demolition as 'medium' in terms of its value. This would appear to contradict national circular guidance which states that the emphasis within the criteria for listing is on national significance. Therefore, all listed buildings, of any grade, are nationally significant buildings and this is the value against which any proposals will need to be justified.

7.7.10

An important additional mitigation measure should include a written commitment to fund and allow adequate time for the appropriate and detailed identification, recording, analysis, conservation of finds, archiving and publication of the findings of all aspects of the archaeological investigative work. This accords with professional archaeological best practice.

7.7.11

Given the remarkable and complex character of the buried archaeology in the Gwent Levels area and the associated wetland environment, we recommend that a key mitigation proposal should be the inclusion of a financial contingency for additional and unexpected archaeological work in order to professionally investigate and record any previously unknown finds of national or international value (for example of the magnitude of the Newport medieval ship or the Barland Farm Roman-British boat).

Yours sincerely

Denise Harris

Rheolwr Gwaith Achos/ Casework Manager

Diogelu a Pholisi, Gwasanaeth Amgylchedd Hanesyddol (Cadw) / Protection and Policy, Historic Environment Service (Cadw)

Amgylchedd Hanesyddol / Historic Environment

Llywodraeth Cymru / Welsh Government

Ffôn/Tel : 01443 336004

Ffacs/Fax : 01443 336001

E bost/ Email: denise.harris@cymru.gsi.gov.uk / denise.harris@wales.gsi.gov.uk



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Comments	Where/how comment has been addressed
Natural Resources Wales (NRW) – 18 September 2015	
<p>Designated Sites The proposed Scheme would result in a direct loss and damage to the Gwent Levels SSSI and River Usk (Lower Usk) SSSI. The ES should set out the scale of loss and damage as well as proposals for mitigation, compensation and enhancement.</p> <p><u>Gwent Levels SSSI</u> The ES should include an adequate Reen Mitigation Strategy to address the direct and indirect loss of the Gwent Levels drainage network. The ES should also include details of the long term future management and maintenance of the reen network, for both existing and new reens. Indirect impacts on the Gwent Levels SSSI as a result of changes to the pattern of drainage, and changes to available water quantity and quality.</p> <p><u>River Usk SAC and Lower River Usk SSSI</u> The ES should provide information (including assessments) to address the issues of possible discharge of contaminated water during construction and operation, disturbance of migratory fish and disturbance to otter.</p> <p><u>Severn Estuary SPA, SAC, Ramsar Site and SSSI</u> The ES should include assessment on the impact to bird features within the designated sites of the Severn Estuary during construction and operation. Additional wintering bird surveys (in addition to the 2014/15) should be included from October 2015 to March 2016 inclusive.</p> <p>The ES should consider the effects of the cumulative and in-combination effects of other proposals which are yet to start/be completed.</p>	<p>Details of the Scheme and construction areas are presented in chapters 2 and 3. Details of direct and indirect effects on all designated sites as well as proposed mitigation measures are presented in chapters 7 – 17.</p> <p>Effects on water quality and flood risk are considered in chapter 16 of the ES Volume 1 with technical assessments provided in the Flood Consequence Assessment (FCA) (Appendix 16.1) and Land Drainage Report. The Reen Mitigation Strategy is provided within Appendix 2.3.</p> <p>Details of water quality mitigation measures are presented in Chapter 16 of the ES Volume 1 and in the Water Framework Directive (WFD) assessment (Appendix 16.3). Mitigation measures to reduce disturbance to fish and otter are presented in Chapter 5 of the ES Volume 1.</p> <p>Assessment of the effects on the Severn Estuary is presented in Chapter 10 of the ES Volume 1 and also in the Statement to inform an Appropriate Assessment (SIAA).</p> <p>Cumulative and in-combination effects are presented within Chapter 17 of the ES, Volume 1.</p>
<p>Scheme Design and Alternatives Every effort should be made to move the alignment of the new section of motorway through the Gwent Levels to the north to minimise adverse impacts on the Gwent Levels SSSIs. Additionally the Water Treatment Area (WTAs) should be located to the north to minimise overall impacts on the designated sites.</p>	<p>Details of the scheme development and the alternatives considered are presented in Chapter 4 of the ES Volume 1.</p>

Comments	Where/how comment has been addressed
The appraisal of an alternative 'Blue Route' put forward by a third party should be made publically available.	Details of alternative routes considered are presented in Chapter 4 of the ES Volume 1. Consideration of the Blue Route was included in the Strategic Appraisal of Alternatives Considered During Consultation report (Welsh Government 2014g – see reference in Chapter 4)
Air Quality It is recommended that the effects of air pollutants should be assessed within 200m of the outer edge of the working corridor of the entire road scheme, including relevant side roads, during the construction phase and within 200m of the operational area of the new motorway during the operational phase – rather than 200m of the centreline of the road. Deposition levels should be kept below the threshold for nuisance of 200mg/m ² /day.	The effects on ecological receptors during the construction phase are included in the Assessment of Construction Effects section of the Air Quality Chapter (Chapter 7) and include all receptors within 350 m of construction works. The Assessment of Operational Effects contains the effect of the Scheme on ecological receptors and includes receptors within 200 metres of the Affected Road Network. Mitigation measures have been recommended in Chapter 7 to be implemented during the construction phase, these are generally effective in minimising deposition to below 200mg/m ² /day.
Cultural Heritage If the Historic Environment (Wales) Bill is passed during the production of the ES, it will be required to be taken into account. It is recommended that consideration is also given to interpretation and access to the historic environment including landscape.	This issue is addressed in Chapter 8 of the ES Volume 1. Interpretation of the historic environment will be through the measures proposed in the Cultural Heritage Mitigation Plan (Appendix 8.10). Access to the historic environment has been maintained through the measures used to ensure that access across the area for all users to its current level is ensured and in some places enhanced.
Landscape and Visual <i>Marine Character Areas</i> guidance should be considered when published by NRW. Wind turbines should be considered as intrusions – relevant to both Wentlooge and Caldicot Levels. It is recommended that the disruption to field patterns, impacts on the WTAs & borrow pits and effects of land raising & embankments should be considered.	Reflected in LVIA and Environmental Masterplans (EMP). Reflected in LVIA and EMPs. Reflected in LVIA and EMPs.

Comments	Where/how comment has been addressed
<p>Ecology and Nature Conservation</p> <p>It is advised that the ES should include consideration of the total environmental impacts of the scheme, including both axillary and temporary works.</p> <p>Qualifying features of each of the Gwent Level SSSIs should be accurately listed.</p> <p>The proposed bridge pier within the boundary of the River Usk SAC and the WTA outfall discharging to the River Usk SAC will be appropriately included within the assessment.</p> <p>In relation to water vole, the Gwent Wildlife Trust (GWT) should be consulted for 2015 survey data.</p> <p>It is recommended that a 10 year post construction monitoring regime is implemented rather than the 5 years stated within the scoping report.</p> <p>In addition to the searches for breeding barn owls it is recommended that that an assessment is made of any potential foraging and commuter routes.</p> <p>It is recommended that the potential effects of the construction phase to include storage and use of all materials required during construction, not just chemicals.</p> <p>The ES assessments should ensure that if WTAs are to be incorporated within the Gwent Levels SSSI system, the water entering the SSSI will be of appropriate quality and quantity, combatable with the features of interest. A contingency plan should be included should problems arise.</p> <p>All parts of the Gwent levels drainage system are deemed to be capable of supporting the SSSI interest features at some stage in their management cycle, and therefore need to be considered as such as part of this EIA. All stages of succession create the mosaic of habitats needed for the various features of interest.</p>	<p>Assessed in Chapter 10 of the ES Volume 1.</p> <p>The qualifying features for all SSSIs have been taken from the relevant SMS.</p> <p>The effects of the east pylon of the bridge and drainage outfall to the River Usk are assessed in Chapter 10 of the ES Volume 1, and the effects of water discharge in Chapter 16.</p> <p>No specific request was made but the ecology desk study was updated in 2015, which provided additional water vole records.</p> <p>Proposals for ecological monitoring are set out in Chapter 10 of Volume 1 of the ES and would extend for 10 years following construction.</p> <p>No barn owl nest sites have been identified in the vicinity of the scheme.</p> <p>Storage and use of all construction materials which could have environmental effects will be addressed in the Pre-Construction Environmental; Management Plan (CEMP).</p> <p>Quality of water discharges is addressed in Chapter 16 of the ES Volume 1.</p> <p>Noted and this is the approach taken in this assessment.</p>

Comments	Where/how comment has been addressed
<p>Geology and Soils Consideration should be given to what strategy is used for soils not deemed suitable for re-use on site.</p> <p>The ES should consider the requirement for monitoring should contaminated land be discovered when working within Newport Docks. This should also include how issues should be dealt with if new pathways or mobilisation occurs.</p> <p>The ES should reassure the consultees that any remediation work required within Docksway landfill and Solutia Chemical works will not be impeded.</p>	<p>Strategy defined within the Material Management Plan. Points raised are also addressed in the Land Contamination Assessment Report and Remediation Strategy Report.</p> <p>Monitoring programmes and mitigation measures will be addressed within the Remediation Strategy Report developed for the Scheme. Points raised are also addressed in the Land Contamination Assessment Report.</p> <p>Points raised are addressed in the Land Contamination Assessment Report (Appendix 11.1) and Remediation Strategy Report (Appendix 11.2).</p>
<p>Traffic The ES should set out in detail the use of traffic forecast modelling.</p>	<p>Traffic data is presented in Appendix 2.1.</p>
<p>Materials The ES should record and assess the Environmental Permitting Regulations (EPR) Waste Sites identified within the route corridor.</p> <p>Requested clarification as to why Docksway Landfill was identified as a material resource for the Scheme when this site would not be directly affected.</p>	<p>These sites will be incorporated within the Permitting Strategy for the Scheme.</p> <p>The permitted area of Docks Way landfill is likely to be affected by the Scheme. However, this is not expected to impact the landfill engineering works. Further details are provided in Chapter 11 of the ES Volume 1.</p>
<p>Noise and Vibration This section of the ES should consider the effects of noise and vibration on sensitive wildlife receptors as well as humans, in particular migratory fish in the River Usk.</p>	<p>Assessed in Chapter 10 of the ES Volume 1.</p>
<p>Road Drainage and Water Environment It is recommended that field grips are mentioned within this section of the ES.</p> <p>The attenuation of surface water should be for 1% (1 in 100 year) storm rainfall event plus climate change. The climate change factor for Rainfall Intensity is currently 30%, however, the final design must incorporate the latest adopted climate change guidance.</p>	<p>See section 16.4 of the ES Volume 1.</p> <p>The FCA (Appendix 16.1) is based on this.</p>

Comments	Where/how comment has been addressed
<p>Recommend that the Association of Drainage Authorities (ADA) be consulted.</p> <p>NRW need to be assured that proposed mitigation works will provide the necessary level of connectivity, be capable of being managed and have an appropriate water quality and water quantity to enable them to support the SSSI features of interest, and be viable in the long-term</p>	<p>Dialogue with the ADA has been undertaken. ADA are happy for NRW to act as the main consultee unless specifically requested otherwise by NRW.</p> <p>This is addressed in the FCA (Appendix 16.1).</p>
Newport City Council (NCC)– 13 October 2015	
<p>All Travellers</p> <p>The ES should fully describe the impacts of the remodelling of the Castleton Junction (J 29) in relation to the local highway and Public Rights of Way (PRoW). In particular PRoWs 390/15, 390/17 and 390/18 and Pound Hill. The impact of loss of routes should also be discussed in Noise and Vibration section.</p> <p>The ES should provide details of an alternative cycle route for the proposed closed through route of Green Lane or Pont Ystyll.</p> <p>The impact, in both the short term and long term, on the Wales Coastal Path should be fully assessed within the ES.</p> <p>New pedestrian or cycle routes should be clearly shown as a community benefit.</p> <p>The ES must give details about the working corridors, compounds and other storage areas.</p>	<p>These matters are dealt with in Chapter 14 of the ES Volume 1.</p> <p>These matters are dealt with in Chapter 14 of the ES Volume 1.</p> <p>These matters are dealt with in Chapter 14 of the ES Volume 1.</p> <p>These matters are dealt with in Chapter 14 of the ES Volume 1.</p> <p>These matters are dealt with in Chapter 14 of the ES Volume 1.</p>
<p>Air Quality</p> <p>The ES should consider the costs of the continued monitoring of the AQMA's along the reclassified section of M4 post construction, should the AQMA continue to exist.</p>	<p>The Assessment of Operational Effects section of the Air Quality chapter (Chapter 7) outlines the effect of the Scheme on all AQMA's potentially affected, including those along the existing M4 corridor. Predicted pollutant concentrations are also predicted along the proposed new section of motorway in relation to the air quality standards.</p>

Comments	Where/how comment has been addressed
<p>Landscape and Visual</p> <p>In addition to the baseline data sources identified within the Scoping Report, the ES should also consider LANDMAP data, work already undertaken on the Gwent Levels, visual impacts from sensitive receptors (including night time impacts) and the impacts associated with the loss of trees.</p> <p>The assessment of landscape within the ES should consider the effect of the whole landscape and not just the visual aspects.</p> <p>The Usk bridge should be assessed separately from the new sections of motorway either side.</p>	<p>Assessed within Chapter 9 of the ES Volume 1.</p> <p>Both landscape and visual effects are assessed within Chapter 9 of the ES Volume 1.</p> <p>Assessed within Chapter 9 of the ES Volume 1.</p>
<p>Ecology and Nature Conservation</p> <p>The ES should clearly identify which areas of land have been surveyed and which areas were inaccessible (including visual representation). The ES should also state which areas have been re-surveyed from previous assessments.</p> <p>Where new areas of habitat are to be created, the ES should clearly identify which are mitigation areas and which are compensation areas. The assessment should also indicate how well the issue of fragmentation for all species should be dealt with.</p> <p>Additional surveys required as specified within the consultation response.</p>	<p>This is apparently a misunderstanding of Figure 1 of Appendix 9.1 of the ES Scoping Report which shows the land to which there was no access during the Arup 2014 ecology surveys. In 2015, whilst there were still some areas which were not accessed, access was gained to the majority of the land to which Arup did not have access so that the surveys could be completed. The areas surveyed by Arup in 2014 and by RPS in 2015 are shown on the survey plans in the survey reports appended to Chapter 10 of the ES. Since the respective areas varied from survey to survey it is not possible to produce a simple comparison plan.</p> <p>The assessment in Chapter 10 of the ES Volume 1 considers the effects of fragmentation on habitats and species.</p> <p>The majority of comments related to the need for additional surveys to be carried out in 2015. The reports of the 2015 surveys are at Appendices to Chapter 10. The results are summarised in the description of the baseline environment in Chapter 10.</p>

Comments	Where/how comment has been addressed
<p>Geology and Soils NCC will only accept the use of 'Suitable For Use' Levels (S4ULs) to assess potentially contaminated land where levels do not exist in any other standards. Further details are also required to demonstrate what action will be taken if any areas of contaminated land is identified during construction.</p>	<p>In further discussion, an agreement of human health tier 2 generic screening approach sought by NCC. Confirmation of approach and justification of use of the S4ULs as primary screening criteria for human health. E-mail correspondence from Peter Macintosh dated 23rd October 2015.</p>
<p>Noise and Vibration Noise monitoring should be carried out at residential premises during construction and appropriate measures (sound insulation or temporary rehousing of residents) should be implemented if trigger levels are reached.</p> <p>A Construction and Environmental Management Plan (CEMP) should be produced and submitted.</p> <p>Where work is to be undertaken out of hours approval must be sought from NCC and residents must be notified.</p> <p>Post construction noise and vibration monitoring should be undertaken.</p>	<p>Addressed within Chapter 13 of the ES Volume 1.</p> <p>A Pre-CEMP is presented in Appendix 3.2.</p> <p>Addressed within Chapter 13 of the ES Volume 1.</p> <p>Addressed within Chapter 13 of the ES Volume 1.</p>
<p>Road Drainage and Water Environment The ES should state where Ordinary Water Course Consent is required to be obtained.</p> <p>The ES should ensure that the drainage of the local road network will remain un-affected.</p> <p>The impact of the Scheme on Private Water Supplies (PWS) should be assessed and mitigation measures put in place where necessary.</p> <p>The highway drainage design must be designed to capture and attenuate a 1 in 100 year flood return period with a 30% allowance for climate change.</p> <p>The ES should provide details on the ownership and responsibility of future maintenance of the WTAs.</p>	<p>The Scheme would require a number of Ordinary Watercourse Consents. Ordinary Watercourse consents will be obtained from the Lead Local Authority. A permitting strategy has been produced detailing all consents.</p> <p>Routine runoff has been designed to convey and discharge without impacting existing road network drainage. This is set out in the Drainage Strategy (Appendix 2.2).</p> <p>The potential effects on private water supplies and associated mitigation is considered in chapter 16 of the ES Volume 1.</p> <p>Considered in FCA (Appendix 16.1)</p> <p>WTAs are within permanent land take boundary and will be managed on behalf of Welsh Government.</p>

Comments	Where/how comment has been addressed
Cadw – 01 October 2015	
The ES will need to explain why the 'Black' route is considered to be the least damaging route from an historic environment perspective. Additionally the ES should provide details on why alternative routes were scoped out on historical grounds.	This ES relates to the Scheme, which is the subject of the draft Orders. Alternative route options are set out within Chapter 4 of the ES Volume 1.
<p>It would be helpful if the ES could state the Welsh Government's objectives with regard to conserving the historic environment.</p> <p>The following key statement from Section 6.5 of Planning Policy Wales should not be omitted from the ES Cultural Heritage chapter: <i>'where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ.'</i></p> <p>The following documents should be referenced in the ES:</p> <ul style="list-style-type: none"> • The Conservation Principles for the Sustainable Management of the Historic Environment (2011) • The Welsh Government's Technical Advice Note No. 12: Design (2014) • The Standard and Guidance for the Archaeological Investigation and Recording of Standing Buildings or Structures (Chartered Institute for Archaeologists 2014) • Guide to the Conservation of Historic Buildings (British Standards Institute BS 7913:2013) 	<p>These objectives are stated in Chapter 8 of the ES Volume 1.</p> <p>Extract from PPW included in Chapter 8 of the ES Volume 1. Note that PPW has been updated.</p> <p>The Conservation Principles document is referenced in Chapter 8 of the ES Volume 1 and the guidance provided in that document has been followed in the assessment presented within Chapter 8.</p> <p>TAN12 has been referenced in Chapter 8 of the ES Volume 1.</p> <p>The ClfA Standard and Guidance is referenced in the Cultural Heritage Mitigation Plan (Appendix 8.10). BS 7913:2013 is referenced in Section 8.3 of the ES Volume 1.</p>
The ES should include details on the areas of land that were inaccessible for surveying and therefore how they will be assessed. Clarification as to the extent of inaccessible land, and the anticipated cumulative impact on the overall assessment should be included.	Locations were identified where geophysical survey was requested but where the land was not suitable for this type of survey due to present land-use or to the presence of livestock. The combined impact on the overall assessment is not considered to be significant.
The baseline data for the overall assessment of the effects of the proposed scheme on the historic landscape should include Glamorgan-Gwent Archaeological Trust's published historic landscape character area reports.	The published GGAT HLCA descriptions are used within the ASIDOHL2 Assessment (Appendix 8.3 of this ES).
The scope of the baseline studies should include reference to sites, monuments, structures, buildings and landscapes identified within the Research Framework for the Archaeology of Wales.	The Research Framework for the Archaeology of Wales has been consulted as part of the desk-based historic environment assessment (Appendix 8.2).

Comments	Where/how comment has been addressed
The ES should justify the extent of the study area used for assessment given the high international value of the area.	The defined study area used within the desk-based historic environment assessment (Appendix 8.2) is a zone extending 200 m from the edge of the land-take (permanent and temporary) required for the Scheme. Where relevant, archaeological findspots and features outside this Defined Study Area are described and discussed in the overall background section of Appendix 8.2 and/or in the summary baseline presented in Chapter 8 of the ES Volume 1.
The assessment of the setting of historic sites should not be limited to the Zone of Theoretical Visibility (ZTV) but also include noise, tranquillity and remoteness.	It is agreed that visibility is not the sole criterion to be used when assessing effects on the settings of heritage assets, hence the use of the work 'principally' when referring to the ZTV in the Scoping Report. Examination of noise change has also been utilised within the assessments presented in Chapter 8 of the ES Volume 1.
Justification should be given to the classification of value of listed buildings if they are deemed to be 'medium', as this contradicts national circular guidance.	The DMRB methodology does not use the term 'national significance' with regard to historic buildings. Instead it establishes levels of 'value'. A 'high' value is ascribed to Grade I and II* listed buildings and can also be ascribed to other listed buildings (i.e. Grade II) if they have sufficient merit. A 'medium' value is generally ascribed to Grade II listed buildings. This does not mean that Grade II listed buildings are not nationally significant, rather it provides a mechanism for valuing more highly those historic buildings that are exceptional (i.e. Grade I and II* listed buildings but also potentially some of the Grade II listed buildings). The Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process (published by Cadw in 2007) includes a section on significance (page 17). It refers to 'Category A Sites and Monuments of National Importance' and states that these include 'Grade I and II* (and some Grade II) listed buildings. It then goes on to refer to 'Category B Sites and Monuments of Regional Importance' and states that these include sites that would fulfil the criteria for listing at Grade II. Thus Cadw's own published guidance regards most Grade II listed buildings as being of Regional Importance whilst Grade I and II* listed buildings are of national importance.
Professional archaeological best practice in terms of mitigation measures should be followed.	This is addressed within the Cultural Heritage Mitigation Plan (Appendix 8.10).

Comments	Where/how comment has been addressed
Appropriate financial contingency should be included in mitigation proposals to ensure any unexpected finds are professionally investigated and recorded.	Allowance has been made for dealing with previously unknown significant archaeological remains within the Scheme footprint.