



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: M4 CaN ESS
Response

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18 October 2016

Dear Sir or Madam,

**NATURAL RESOURCES WALES RESPONSE TO:
THE M4 MOTORWAY (JUNCTION 23 EAST OF MAGOR TO WEST OF JUNCTION 29
CASTLETON AND CONNECTING ROADS) AND THE M48 MOTORWAY (JUNCTION 23
EAST OF MAGOR CONNECTING ROAD – SUPPLEMENTARY ENVIRONMENTAL
STATEMENT**

1. Introduction

Thank you for the opportunity to comment on the above. This letter should be read in conjunction with our letter of 4 May 2016 (“the May Letter”) in response to the publication of the Environmental Statement (ES) in March 2016, to which a substantive response is still awaited.

Natural Resources Wales’ (NRW’s) comments on the draft Orders, ES, Environmental Statement Supplement (ESS) and other relevant documents, are made in the context *inter alia* of our role as a statutory consultation body under section 105B of the Highways Act 1980, Statutory Nature Conservation Body under the Conservation of Habitats and Species Regulations 2010 (as amended) as further amended by paragraph 189 of the Natural Resources Body for Wales (Functions) Order 2013, and as advisers to the Welsh Government (WG) on matters pertaining to the natural heritage of Wales and its coastal waters.

The additional information, published as the ESS, does not alter NRW’s view, as expressed in the May Letter, that, contrary to the findings of the ES, the proposal:

- would cause adverse effects on European Protected Species and Water Voles;
- would cause adverse effects on the Gwent Levels Sites of Special Scientific Interest; and

- is contrary to WG's Technical Advice Note (TAN) 15: Development and Flood Risk

Furthermore NRW agrees that the proposal would have an effect on the Gwent Levels registered historic landscape which is "large adverse", even with mitigation¹.

NRW reserves the right to revise comments made here if and when additional relevant information is made available. We note that it is anticipated that a further supplement to the ES will be published in November 2016.

2. Revision to NRW's Statutory Purpose

Since the May Letter, NRW's statutory purpose has been revised by Part 1 of the Environment (Wales) Act 2016 which now imposes a duty to pursue sustainable management of natural resources in relation to Wales, and apply the principles of sustainable management of natural resources in the exercise of its functions, so far as consistent with their proper exercise.

3. NRW's Comments on Issues covered within the ESS

A summary of our view with respect to sections of the ESS relevant to NRW's remit is given below, with further detail in Annex 1.

3.1 Legislative and Policy Context

We welcome the update to the legislative and policy context which is given, to take account of changes since the publication of the ES in March 2016, specifically in relation to the Environment (Wales) Act 2016 and the Historic Environment (Wales) Act 2016.

3.2 Scheme Description

We note that supplementary material on reed mitigation and drainage strategy has now been published in Volume 3 of the ESS (as Appendices S2.1 and S2.2 respectively).

NRW continues to object, as the material published as Appendix S2.1 and S2.2 does not fully address our concerns with respect to adverse effects on the Gwent Levels SSSIs.

3.3 Air Quality

We note the additional information provided with respect to air quality in the ESS Volume 1 Main Text and relevant appendices, R7.2 and R7.3.

However, NRW's queries, made in the May Letter, with respect to the air quality modelling undertaken as part of the ES assessment, have not been addressed. Therefore, NRW is not in a position to agree with the conclusions relating to impacts from air quality on designated

¹ ES Volume 1. Chapter 8: Cultural Heritage: Table 8.12

sites contained in the ESS. However, we acknowledge that discussions are ongoing; we will consider any relevant new material that is submitted.

3.4 Cultural Heritage

We note the additional assessment undertaken, and agree with the conclusions arising from this additional assessment.

We therefore continue to agree that there would be a large adverse effect on the historic landscape of the Gwent Levels, which cannot be effectively mitigated.

3.5 Landscape and Visual Effects

The publication of additional photomontages at Figure R 9.11 is noted and welcomed.

This does not alter our view that there would be significant adverse landscape and visual effects arising from the scheme, including to the highly sensitive landscape of the Gwent Levels.

3.6 Ecology and Nature Conservation

3.6.1 Gwent Levels SSSIs

We welcome the publication of additional material with respect to the Gwent Levels SSSIs, including Table 4.1 in the ESS Volume 1: Main Text which sets out both permanent and temporary loss of SSSI area and loss of length of reed and ditch per SSSI.

NRW continues to object as the published information does not address our concerns as set out in the May Letter.

3.6.2 Birds

We note the publication of the winter bird survey 2015-16, as Appendix S10.4 and the breeding bird survey 2016, as Appendix S10.5.

With respect to the wintering bird survey, we are now satisfied that the overall survey effort, spanning two full winters (2015-16 and 2014-15) and one partial winter (2014), is sufficient. We recommend that the full data set be used to revise the Habitat Regulations Assessment (HRA) work, with respect to the Severn Estuary Special Protection Area and Ramsar Site. We would welcome the opportunity to comment on any revised HRA.

We welcome the fact that a further breeding bird survey has been undertaken during 2016, as recommended in the May Letter. Whilst we are generally satisfied with the quality of the survey, we have concerns about the apparent continued gaps in survey coverage. We recommend that there be a commitment to undertake further, pre-construction, survey throughout the full construction area, the findings of which trigger appropriate mitigation.

3.6.3 Protected Species

In the May Letter, NRW objected to the scheme on (*inter alia*) protected species grounds.

With respect to protected species, we note within the ESS, the publication of the 2016 Great crested Newt survey as Appendix S10.6 and the Bat Hibernation Roost Survey as Appendix 10.7.

We also note that in addition to the above surveys, further information is provided within the text of the supplement relating to ongoing survey for dormouse and bats.

Whilst we welcome the provision of this additional information, NRW continues to object as the published information, does not address our concerns with respect to dormice, bats, great crested newt, otter and water vole as set out in the May Letter.

3.7 Geology and Soils

3.7.1 Contaminated Land

We note that further ground investigation works in 2016 have identified additional areas of contamination and that the outline remediation strategy has been updated to take account of this.

From the results of ground investigations published to date, and provided the principles of the outline remediation strategy are carried through to the development of a detailed remediation strategy which is agreed with NRW and fully implemented in accordance with the agreed strategy, NRW considers that adverse effects on controlled waters could be avoided. We recommend that this be addressed within the Register of Commitments.

3.8 Road Drainage and the Water Environment

3.8.1 Flood Risk

We note and welcome the publication of a supplement to the Flood Consequences Assessment (FCA) at ES Supplement Volume 3: Appendix S16.2, which takes account of the most up to date information.

However, NRW continues to object as the published information leaves unaltered our view that the scheme fails to comply with TAN 15, with respect to impacts arising from tidal flood risk.

4. Statements of Common Ground and Register of Commitments

NRW IS in discussions with WG Transport, and consultants working on their behalf as part of the Design Joint Venture (DJV), with respect to these and other matters.

We have signalled our willingness to work with WG to develop draft Statements of Common Ground, as a means of identifying areas of agreement and disagreement.

We have also agreed to work with WG Transport to develop the draft Register of Commitments. We note the publication of a revision to the draft Register of Commitments as part of this ESS.

5. Summary

Whilst we welcome the publication of the ESS, NRW continues to object to the Scheme and intends to pursue outstanding issues as part of the Public Inquiry process.

In the meantime, we will continue to work with WG and their appointed DJV to progress matters within our remit, including with respect to the development of draft Statements of Common Ground and the draft Register of Commitments.

Yours Sincerely,



John Hogg

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NATURAL RESOURCES WALES' COMMENTS ON M4 CORRIDOR AROUND NEWPORT ENVIRONMENTAL STATEMENT SUPPLEMENT (SEPTEMBER 2016)

NB The comments which follow are made in the order in which the topics are presented in the M4 Corridor around Newport ESS Volume 1: Main Text, with reference to relevant Appendices made at the point in which they are referred to in the Volume : Main Text

1. Introduction

- 1.5.1 We note that it is anticipated that a further supplement will be published to the March 2016 ES in November 2016, which will include a Navigation Risk Assessment.

In this context, we reiterate advice, given in the May Letter. In order for NRW's Marine Licensing Team to rely on the exception under Regulation 10(1) (b) of the Marine Works (Environmental Impact Assessment) Regulations 2007, NRW needs to be satisfied that assessment of any effects on the environment of the project in question has already been, is being or is to be carried out and that assessment is (or will be) sufficient to meet the requirements of the EIA Directive in relation to that project.

Part A: Errata

We note the correction to errors made in the original ES.

These corrections do not alter our overall view with respect to the ES.

Part B: Clarifications

We note the clarifications made with respect to material published in the original ES.

These clarifications do not alter our overall view with respect to the ES.

Part C: Additional Information

4.1 Legislative and Policy Content

- 4.1.2 With regard to the Well-being of Future Generations (Wales) Act 2015 ('the 2015 Act'), it is anticipated that the Welsh Ministers and NRW will have published their respective well-being objectives, in accordance with sections 8 and 9 of the 2015 Act, during the course of the Public Local Inquiry.

As acknowledged in the ESS, the Environment (Wales) Act 2016 ('the 2016 Act') has been enacted since the publication of the ES in March 2016. NRW offers the following comments in relation to the 2016 Act—

The 2016 Act has created a new statutory general purpose for NRW, by which NRW must pursue sustainable management of natural resources (as defined) in relation to Wales, and apply the principles of sustainable management of natural resources (as defined), in the exercise of its functions, so far as consistent with their proper exercise. NRW's new general purpose will be directly relevant to the exercise of its various statutory functions concerned with the M4 Corridor around Newport Scheme. NRW notes that the legislation and policy context sections of the ES and ESS do not specifically refer to the biodiversity and resilience of ecosystems duty imposed by section 6 of the 2016 Act on public authorities exercising functions in Wales.

Section 6 requires that a public authority '*must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions*'. In complying with subsection 6(1) of the 2016, a public authority is required to take account of the "resilience of ecosystems" (as defined) and the specific matters listed in subsection 6(2) of the 2016 Act.

Under subsection 7(1) of the 2016 Act, the Welsh Ministers must prepare and publish a list of the living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. NRW would note in this regard that interim section lists for priority species and priority habitats have been published and are available from the Wales Biodiversity Partnership: <http://www.biodiversitywales.org.uk/Environment-Wales-Bill>

Further, subsection 7(3) of the 2016 Act provides that, without prejudice to section 6, the Welsh Ministers '*must... take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section and encourage others to take such steps*'. In exercising their functions under section 7 of the 2016 Act, the Welsh Ministers must apply the "principles of sustainable management of natural resources" as defined in the 2016 Act.

Under section 8 of the 2016, NRW has a duty to prepare State of Natural Resources Report (SoNaRR). In September 2016, NRW published the first SoNaRR, which is available from NRW's website: <https://naturalresources.wales/our-evidence-and-reports/the-state-of-natural-resources-report-assessment-of-the-sustainable-management-of-natural-resources/?lang=en>

Section 9 of the 2016 Act provides that the Welsh Ministers must prepare and publish a document setting out their general and specific policies for contributing to achieving sustainable management of natural resources in relation to Wales, the National Natural Resources Policy ('NNRP'). NRW notes Welsh Government's commitment to publication of the NNRP in spring 2017 in line with the requirements of subsection 9(5) of the 2016 Act and therefore that this document is likely to be published during the course of the Public Local Inquiry into the M4 Corridor around Newport Scheme.

4.1.4 Following the publication of the Historic Environment (Wales) Act 2016, new draft policy, advice and guidance documents are being prepared by Cadw, including Technical Advice Note (TAN) 24 on the Historic Environment. These are due to be published before the end of 2016. NRW considers that WG's new policy position with respect to the Historic Environment will be relevant to the consideration of the M4 Scheme.

4.2 Scheme Description

4.2.1 We note the reference to the publication of a supplement to the reen mitigation strategy (Appendix S2.1). Although not specifically referenced here, we also note that a Supplement to the Drainage Strategy (Appendix S2.2) has also been published; our comments on both documents are provided below.

Appendix S2.1 – Reen Mitigation Strategy

4. Mitigation Proposals for Reens and Field Ditches

NRW considers that Figure 1 is misleading, as the photographs of Seawall reen do not relate to a newly created reen but a re-profiling of an existing reen. We also consider the accompanying text to be misleading – whilst vegetation does rapidly recolonise a newly created reen, the type of wetland vegetation which we consider to form part of the special features of the Gwent Levels SSSIs takes much longer to colonise, if at all.

We support the overall replacement ratio of the Gwent Levels SSSI drainage network on a 1:1 basis. However no breakdown of loss, or replacement, per SSSI has been provided; we request that this detail is published.

NRW considers that the current design is inadequate, as a single size of both reen and field ditch are proposed, which would result in no physical variation within the replacement drainage network. Whilst we welcome the proposal to include a berm within replacement reens, NRW also recommends that the replacement network is designed and constructed to include a variety of widths and depths to better replicate the variation which is to be lost, as a means of providing the variety of habitat conditions which contribute to supporting the range of SSSI features of interest.

In addition, NRW considers that the physical replacement of the SSSI drainage network is only one factor in mitigating adverse effects on the Gwent Levels SSSIs, as the features of interest of the Gwent Levels suite of SSSIs also require water of appropriate quality and quantity, appropriate design and connectivity of the drainage network.

NRW also considers that the ES and ESS have provided insufficient detail as to the design proposals of the replacement drainage network, methodologies and timings of the infilling of the existing network to be lost and remedial measures should the replacement drainage network fail to replicate conditions capable of supporting the SSSI features of interest.

Appendix S2.2 – Drainage Strategy Report

Section 2 Supplementary Material

We note the additional material presented to seek to address concerns made following the publication of the ES, specifically in relation to concerns relating to the quality of water entering the Gwent Levels drainage network.

Whilst we welcome this additional information, we require assurance that the water discharging to the Gwent Levels SSSI drainage network would be of an appropriate quality, both during the construction and operational phase. NRW have developed a position on appropriate water quality standards for the Gwent Levels SSSIs, and will be meeting shortly with the DJV to take forward.

4.3 Air Quality

We have reviewed the additional material provided here and in the accompanying Appendices - Appendix R7.2 (Air Quality Baseline Environment) and Appendix R7.3 (Construction Traffic and Operational Assessment). These documents do not deal with the points we raised in the May Letter, where we requested clarification of the air quality modelling assumptions used. Until this clarification has been provided, we are unable to comment on the conclusion given in section 4.3.13 that air quality effects from construction traffic would not be significant. Discussions are ongoing; we will consider any relevant new material that is submitted.

4.4 Cultural Heritage

- 4.4.7 Additional survey information has been provided regarding the Pye Corner Barrage Balloon Tethers, concerning the rarity of the site and the impact on the heritage asset. The impact is considered to be major since most of the site would be destroyed and the setting of the remaining part substantially altered. There would be a large significance of effect, considered Significant in ES terms. We agree with this assessment.
- 4.4.9 Non-designated HLCAs have been redefined. There are now 37 (previously 31) with 13 having direct impacts (previously 12) and 24 having indirect impacts (previously 19). There remains slight and neutral effects on these HLCAs. We agree with this assessment.
- 4.4.27 The Summary however, states that this does not change the number of HLCAs experiencing direct effects. This would appear to be as a result of one HLCA being divided into two, but request clarification of this point
- 4.4.25 Additional photomontages are noted and some photomontages have been updated to reflect scheme changes.

4.5 Landscape and Visual Effects

- 4.5.1 The updated guidance on LANDMAP is noted.
- 4.5.2 The additional photomontages Fig R.9.11 are noted and the impacts on the receptors at these additional viewpoints is noted; in particular the Year 15 effect on Viewpoint A4 is considered a large adverse significance of effect and the Year 15 effect on

Viewpoint A5 is considered a very large adverse significance of effect. We agree with this assessment.

4.6 Ecology and Nature Conservation

Gwent Levels SSSIs

4.6.4 -4.6.12 NRW notes and welcomes the publication of the additional material, provided by NRW, relating to the Gwent Levels SSSIs.

Table 4.1: Land Take within the Gwent Levels SSSIs – note and welcome the provision of this table as it provides clarity on the losses and expected gains.

Appendix S10.4 Winter Bird Survey 2015-16

NRW considers that this survey has been undertaken to an appropriate methodology and agrees with the conclusions drawn in Section 5 of the report.

We consider that the most significant issue relates to the redshank roost on the River Ebbw. The numbers of birds recorded as part of the survey, accords with our known knowledge, that up to 350 redshank use the area. We consider that adverse effects are most likely to arise during the construction phase generally and in relation to lighting during both construction and operation. In the absence of detail of the scheduling, timescales and methodologies to be used for the construction of the Ebbw crossing and adjacent works we are unable to advise further at this stage. In principle, it should be possible to avoid adverse effects through the inclusion, and full implementation of commitments in the Register of Commitments, and we would welcome the opportunity to advise further on this.

This data is also of relevance to the ongoing HRA work. We recommend that the HRA, with respect to the Severn Estuary SPA and Ramsar site, be reviewed and where necessary revised, to take account of both the survey results and proposed measures to avoid adverse effects during the construction phase. We would welcome the opportunity to advise further in this context.

Appendix S10.5 Breeding Bird Survey 2016

NRW considers that this survey report is of improved quality, compared to the equivalent work undertaken in 2015, as it has covered the recognised survey season and has resulted in improved coverage of the survey area.

However, we have some remaining concerns, as there still appear to be gaps where survey was not possible, resulting in large areas of some survey sub-sections which remain unsurveyed. We also consider that the desk review has been inadequate, particularly with respect to obtaining records from the Local Records centre.

In order to address these issues, NRW advises that there be a commitment to undertake further, pre-construction survey, with coverage throughout the construction site, the findings of which trigger action to avoid adverse effects. With respect to Schedule 1 species, including Barn Owl and Cetti's Warbler, we'd welcome the opportunity to advise on species specific mitigation strategies.

Dormouse Survey 2016

4.6.35 – 4.6.37 makes reference to additional dormouse survey work which is being undertaken this year and we note that a full report will be published in due course. NRW would welcome the opportunity to advise further on completion and reporting of this additional survey.

Our position of the May Letter is unchanged; we continue to object to the making of the Road Orders as we are unable to advise that adverse effects on dormice can be avoided. We have provided advice on a draft mitigation strategy; this work is ongoing

Appendix S10.6 Great Crested Newt survey 2016

NRW notes and welcomes the additional survey work that took place in 2016. This confirmed the presence of great crested newt (GCN) at one additional location.

In the May Letter, we requested clarification as to whether the additional survey would ensure that all water bodies which would be directly impacted by the scheme would be surveyed during the 2016 survey. We raised this particularly in the context of those sites previously identified as having a high Habitat Suitability Index for GCN, but not covered within one of the seven zones for e DNA survey. The 2016 survey report does not clarify this issue. NRW consider that this point be dealt with as part of ongoing work on a mitigation strategy.

The additional survey only partially addresses the issues we raised with respect to GCNs in the May Letter. Our position is therefore unchanged; we continue to object to the making of the Road Orders as we are unable to advise that adverse effects on GCN can be avoided. We have provided advice on a draft mitigation strategy; this work is ongoing.

Appendix S10.7 Bat Hibernation Roost Survey 2016

The survey report sets out the results of survey of two trees and a building considered to be of potential for use by hibernating bats. Whilst the survey did not confirm use, the surveyor makes some recommendations relating to further survey work prior to construction. We concur with these recommendations and would advise that the requirement for these surveys is secured via the register of commitments.

However, we note that the report also recommended further survey work of tree T38 and structure T335 between May and September. Section 4.6.54 – 4.6.57 of Volume 1 of the supplement indicates that that these and a number of additional building and tree surveys have been subject to further survey work in 2016 which is yet to report. NRW would welcome the opportunity to provide further advice when the report is published.

The additional survey only partially addresses the issues we raised with respect to bats in the May Letter. Our position is therefore unchanged; we continue to object to the making of the Road Orders as we are unable to advise that adverse effects on bats can be avoided. We have provided advice on a draft mitigation strategy; this work is ongoing.

4.7 Geology and Soils

Environmental Permitting Regulations

4.7.3-4.7.5 we note the correct summary of the changes to Flood Defence consenting procedures, which came into force on 6 April 2016.

Contaminated Land

Appendix R11.1 Land Contamination Assessment Report

NRW notes the additional ground investigation work which has been undertaken in 2016, and summarised within the ESS Volume 1 Table 4.2. The previously unsuspected (additional) contamination uncovered by these additional site investigations is stated as

- CL 17 (Solutia Chemical Works): Localised asbestos within shallow soils and elevated ground gas in the area of the PCB cell
- CL14 (Newport Docks): Localised area of hydrocarbon contaminated soils, perched groundwater and deeper aquifer identified at the southern end of the proposed Docks Way Link Road
- CL26 (Llanwern Steelworks): Localised occurrences of hazardous ground gases (hydrogen sulphide and carbon monoxide) identified within lagoons located

We note that the outline remediation strategy has been updated, at Appendix R11.2. Although this is a high level, strategy document, NRW considers that the remediation objectives are still suitable at this stage but that these objectives would need to be carried through to the detailed remediation strategy. NRW remain of the view that in principle it would be possible to avoid adverse impacts to controlled waters through the use of appropriate mitigation and/or remediation.

4.8 Materials

We note no additional information has been published

4.9 Noise and Vibration

We note no additional information has been published

4.10 All Travellers

We have no comments at this time

4.11 Community and Private Assets

We have no comments at this time

4.12 Road Drainage and the Water Environment

Appendix S16.1 - Supplementary Baseline Water Environment Data

NRW notes and welcomes that sampling of baseline water quality across the Gwent Levels SSSIs is ongoing, and the presentation of the data here. We are conducting follow-up

investigations where the data has indicated existing poor water quality to attempt to identify causes and any potential follow-up action.

The additional water quality data does not seek to address our overall issues with respect to adverse effects on the Gwent Levels SSSIs arising from water quality, as raised in the May Letter. Our position is therefore unchanged; we continue to object to the making of the Road Orders as we are unable to advise that adverse effects, with respect to water quality, on the Gwent Levels SSSIs can be avoided during both the construction and operational phase.

As noted with respect to Appendix S2.2 (Drainage Strategy Supplement) NRW have developed a position on appropriate water quality standards for the Gwent Levels SSSIs, and will be meeting shortly with the DJV teams to take forward.

Appendix S16.2 - Flood Consequences Assessment

NRW notes and welcomes that the Flood Consequences Assessment (FCA) has been updated to take account of new information.

Tidal Flood Risk without the Severn Estuary FRMS improvements beyond 2030

6.1.27 we note the discussion with respect to the Stephenson Street scheme, including that there is a compelling case for the Scheme to occur. We advise that this scheme is currently at the project appraisal stage.

6.1.30 this sections states that with the M4CaN scheme in place, by 2113, the number of properties affected by flooding will increase by 49 and 63 within the Caldicot and Wentlooge Levels respectively. This has been divided up into three depth categories of flooding increase i.e. 0 to 0.2; 0.2 to 0.4 and 0.4 to 0.6 metres. Comparison has been made between an existing and significant flood risk of 1.2 metres (Wentlooge Levels) and on average 3 metres (Caldicot Levels) to the betterment/detriment values as being relatively small in context.

Whilst this is noted, the onset and duration of flooding to the properties could be sooner and/or over a longer duration. NRW considers that this also constitutes detriment in addition to what this section suggests is a “*relatively small*” increase with depths increasing between 0 to 0.6 metres. NRW does not consider it acceptable to increase the risk of flooding by up to 0.6m to properties which are already at risk of flooding. In addition, we request clarification on the following points:

- Are the 49 and 63 (112) properties highlighted above, extra properties that do not currently flood? If so, as with properties already at risk of flooding, NRW does not consider it acceptable to increase flooding by up to 0.6 metres to these 112 properties considered not to be at flood risk.
- Why has there been no breach analysis of the scheme and a reliance on “excessive wave/tidal overtopping” only in this section and Section 6.1.28?

Tidal Flood Risk with the Severn Estuary FRMS improvements beyond 2030

6.1.33 we note that implementation of the (FRMS) improvements programme would result in only localised and temporary flooding occurring. This scenario relies, by default on funding being made available to fully implement the Severn Estuary FRMS.

NRW considers that the policies of the Severn Estuary FRMS are aspirational and there is currently no commitment to fund its full implementation. Even if the Stephenson Street scheme is implemented in the short-term, and it currently has no funds allocated, this would mean a Standard of protection of 1 in 1000 years until 2030.

Our position is therefore unchanged following the update to the FCA; we continue to object to the making of the Road Orders as we are unable to advise that tidal flood risk can be effectively managed.

4.13 Assessment of Cumulative Effects and Inter-relationships

We have no comments at this time

4.14 Environmental Management

R18.1 Register of Environmental Commitments

We note the revision to this document. We will work with Peter Ireland, the Environmental Coordinator to develop this document to ensure that it covers all issues within NRW's remit which we consider can be effectively dealt with by way of a Commitment at this stage. We note that the Register will remain draft throughout the Public Local Inquiry.

Part D: Design Modifications

5.1.3 Updated drawings are noted

5.3 Docks Way Junction

5.3.1/ 2 with respect to landscape effects, there would be some improvement due to the open structure and unifying of the bridges over the Ebbw and Usk, however there would be adverse effects as mitigating planting cannot be established. We agree that significance of effects remains unchanged.

5.3.3/4 with respect to visual effects, the lowering of some elements reduces visual impact, the road would be on a viaduct between the two bridges rather than an embankment, which has some visual design benefits, however, there would be no opportunities for planting and seeding. We agree that significance of effects remains unchanged.

5.5 Magor Interchange

5.5.13-18 Landscape effects – new hedges, trees and small woodland areas would be planted at Bencroft Lane and the Windmill Hill overbridge. It is considered that significance of effects remains large adverse during construction, moderate adverse

in Year 1 and minor adverse in Year 15, with significance slight. We agree with this assessment.

- 5.5.23 Visual effects – the lowering of the Magor Junction Interchange by as much as 3.8m would reduce the visual impact, but not significantly. The construction of the Windmill Hill overbridge adds to the visual impact, but not significantly and many receptors already have views of the motorway. We agree that overall, the visual effects are unchanged.

5.6 Changes to Management Plans

Cultural Heritage

- 5.6.3 Proposed additional planting to screen Tatton Farm (Listed Building), reduces the impact on the setting from large to moderate adverse significance. We agree with this assessment. This makes no difference to the overall assessment of effects on the Gwent Levels historic landscape however, particularly since the impact on another feature, the Pye Corner Barrage Balloon Tethers has increased.