

**Ein cyf/Our ref: CAS-27655-D2S4**  
**Eich cyf/Your ref: 314 69073**

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**Dyddiad/Date:** 08 September 2017

**Ffôn/Phone:** 03000 653573

Annwyl / Dear Mr Rigby

**Town and Country Planning Act 1990**  
**The Developments of National Significance (Wales) Regulations 2016**  
**Application by: Egnedol Wales Ltd**  
**Site: Land at Blackbridge and Waterston, Near Milford Haven, Pembrokeshire**

Further to our letter to you dated 27<sup>th</sup> April 2017 within which we provided a narrative of the agreed scope of work required to be undertaken by the applicant, additional information was received from the applicant on 18 July 2017. This follows the suspension of the examination of the application under section 62L (5) of the Town and Country Planning Act 1990.

With reference to the additional information submitted and the matters upon which we previously raised concerns we offer the following advice.

The Habitat Regulations Assessment (HRA) and the Shadow Habitat Regulations Assessment (sHRA) have been reviewed, however we are unable to agree with their conclusions. This is due to discrepancies between submitted documents and lack of evidence to demonstrate and support a number of their conclusions. In addition, there is a failure to fully assess the impacts of a worst-case scenario for the marine environment and no information on any additional air quality impacts, again preventing a true assessment of the development impact alone. Furthermore, we do not consider the in-combination assessment to be a comprehensive list of plans or projects within the area in line with the requirements of the legislation.

In this respect, Natural Resources Wales (NRW) cannot conclude that the development will have no significant effect on the features of the Pembrokeshire Bat Sites and Bosherton Lakes SAC, Pembrokeshire Marine SACs and West Wales Marine cSAC. We therefore consider that there is insufficient information for the Competent Authority to undertake a Habitat Regulations Assessment under the Conservation of Habitat and Species Regulations 2010 (as amended).

The lack of detail on bats and otters, European Protected Species, makes it difficult to determine that the proposed development is unlikely to be detrimental to the maintenance of the favourable conservation status of the species concerned.

Several matters are still outstanding and Appendix A contains our analysis of the submitted information.

The applicant was advised to twin track the Development of National Significance (DNS) with the Environmental Permit and Marine Licence applications, both of which are required for the development to be constructed and operated. No applications have been received to date.

If you require clarification or have any queries, please get back to me.

Yn ddifffuant / Yours sincerely

**Miss Louise Edwards**  
**Uwch Ymgynghorydd Cynllunio Datblygu / Senior Development Planning**  
**Advisor**

## **Appendix A – Overarching comments on the Habitat Regulations Assessment (HRA).**

### **POTENTIAL IMPACT ON MARINE**

Documents referred to:

- Marine Environmental Impact Assessment – 16<sup>th</sup> June 2017
- Shadow Habitats Regulation Assessment (sHRA) Marine Sites
- Annex 1 EIA Image stills analysis
- Habitats Regulation Assessment
- Planning Hearing Addendum Report

Summary points:

- The HRA and sHRA provided are not adequate in identifying SAC features and impact pathways for seabed impacts related to refurbishment of the jetty and vessel use.
- The permanent habitat loss due to the dolphin piles has not been adequately assessed.
- The drop-down survey intended to inform habitat type is not fit for purpose.
- The assessment for noise is incomplete and important SAC features have not been assessed, such as the harbour porpoise, a feature of the West Wales Marine cSAC.
- The migratory fish impacts are also not fully assessed, but the implementation of mitigation measures suggested by NRW would be satisfactory in terms of concluding no adverse impact to the shad features of Pembrokeshire Marine SAC.
- There is a lack of assessment for many species features in the HRA such as impact pathways for harbour porpoise, otter and lamprey species features of Pembrokeshire Marine SAC.
- The extent and quality of surface water which will reach the Milford Haven are not clear.

Information provided within EIA Addendum and HRA does not correspond with information provided within the EIA/sHRA reports provided by Baker consultants, in many aspects such as project description, impact pathways and mitigation measures. As a result, it is not clear what assessment is correct and what version presents an accurate description and assessment of the project.

### **Jetty works and vessel use – physical impact on habitat features**

In section 1.3 of the Marine EIA as well as tables within the EIA (Table 1), HRA (Table 3.4) and sHRA (Table 3), there is little understanding of the ecological receptors of the potentially affected area. Likely affected habitat would be the Pembrokeshire Marine SAC features “Estuaries”, “Large Shallow Inlets and Bays” and “Mudflats and sandflats not covered by seawater at low tide”.

The report is also not correct in stating that there are no habitats listed as a NERC Habitat of Principle Importance for Conservation, Tide-Swept Channels and Intertidal Mudflats are present within the jetty area.

The description of the SAC features and their conservation objectives are within the Pembrokeshire Marine SAC Regulation 35 package which the applicant states to have considered. The subsequent description of impacts within the EIA document and HRA demonstrates a lack of understanding of conservation objectives and instead focuses on the presence of rare or protected species.

The proposals have the potential to result in habitat damage as well as permanent habitat loss, the extent and significance of both these impacts has not been adequately assessed within the EIA nor the HRA. The HRA does not screen in any of the marine habitats affected by the construction works stating: “Estuaries”, “Large Shallow Inlets and Bays” and “Mudflats and sandflats not covered by seawater at low tide”

The survey carried out for examination of the seabed habitat does not contain any detail on the results, there is no indication with regards to what habitat would be lost permanently, as a result of the piles, or damaged due to temporary jack up barges. Within the EIA, 2.4.6, it is stated that “*The video footage was analysed and the seabed types described*”. The survey results have not been presented in the report. We would expect the methodology and format of the report to be in line with guidance, such as <http://www.snh.gov.uk/docs/A585079.pdf> or <http://www.nmbaqcs.org/media/1592/d2014-00083674-epibiota-video-workshop-summary-recommendations-2.pdf> which present a standard method of conducting and interpreting a drop down video or camera survey.

Upon request, the applicant provided a document entitled “EIA Image stills analysis” which shows various examples of stills taken from the video footage. The EIA stated, in 2.4.8, that “*underwater visibility close to the sea bottom was good*”, however the stills document states that “*a lot of plankton was present in the water reducing image quality*”. The quality of the images is not sufficient to perform an analysis and we do not consider the survey carried out to be fit for purpose to insure a proper assessment. The survey should have considered back-up days to use when the visibility had improved as well as careful consideration of methods when sampling in muddy areas. No detail has been provided with regards to the method used for the survey, equipment used and analysis which was carried out, as per guidance, and would be expected in a drop-down video survey report.

The EIA report, 2.1.5, states that two areas have been found to be suitable for docking but does not state what impacts may arise on the seabed as a result of this activity. There is currently insufficient information to ensure that the SAC habitat features will not be adversely impacted, such as amount and frequency of vessel activity involving impact on the seabed such as jack-up barges, anchoring etc.

The Marine EIA and HRA do not assess the worst case scenario options as set out within the EIA:

“*The worst case refurbishment works are:*

- *Removal and replacement of the jetty deck*
- *Removal and replacement of all jetty bracing*
- *Installation of 2 mooring dolphins*
- *Removal of some of the existing jetty piles and installation of new replacement piles”*

The only option considered within the EIA is the installation of dolphins, there is no consideration for the other options, the removal and replacement of all jetty bracing nor the removal and replacement of jetty piles. As a result, a true worst case scenario has not been presented. When combined with the potential mooring and anchoring of barges and vessels to the west of the jetty, there is no overall indication of the extent of seabed damage which could potentially occur.

The EIA addendum proposes, 4.1.2.4, that a dive team is used to investigate location where jack up feet will be positioned. We advise that an appropriate evaluation of the extent and frequency of seabed disturbance is undertaken in combination with a fit for purpose drop down video survey to inform the EIA/HRA. Considering this, an assessment can be carried out with regards to the potential impacts from the vessel movements which may not further require the use of a dive team.

It is not clear whether there will be refurbishment of the jetty piles or not. The EIA addendum, 2.10.4, states that the engineering report “*concluded that the piles had minimal section loss and remain competent*”, whereas the EIA, 5.3.2, states that “*Development Framework details indicate the proposed development will require the refurbishment of some piles of the jetty*”.

The inclusion of the dolphin piles will lead to the permanent loss of habitat feature of Pembrokeshire Marine SAC. This loss in relation to the conservation objective, which calls for no loss of extent of the habitat features, has not been assessed for the habitat features affected, only for the loss in relation to the entire SAC.

## **Marine Mammal Impacts**

### Marine mammal management units

The applicant has omitted harbour porpoise from the neighbouring West Wales Marine cSAC (within 20km radius of the development) as well as other marine mammal SACs in the relevant management unit. The HRA must consider effects on the features of these sites. A screening decision has been taken that screens out sites beyond 20km from the development site but without providing any justification for this distance. The appropriate scale for considering sites (SACs) and developments (for in-combination/cumulative assessments) is the marine mammal management unit (MMMU). For grey seals this is the South and West England and Wales MMMU and the Celtic and Irish Seas MMMU for harbour porpoise. All cSACs/SACs in those MUs should be considered, although practically the more distant sites are likely to be ruled out. Nevertheless, these sites should be considered in the process and presented with information as to why Likely Significant Effects (LSEs) have been ruled out.

Table 3 in the sHRA has not considered the West Wales Marine cSAC for harbour porpoise where, based on noise modelling (see below), LSE is unlikely to be ruled out.

## **Seals**

Page 25: *“Furthermore, seal presence in that area has never been recorded. Occasional sightings of grey seals occur further out towards Skomer Island.”* This statement is inaccurate as it is dependent on the thoroughness of the search of relevant data/information (which has been reliant only on SeaWatch data). It is known that seals are present in the Haven and the mobility/wide ranging nature of the species from the largest colonies of grey seals in SW Britain (Skomer and Ramsey) suggest that seals will highly likely to be present.

## **European Protected Species (EPS) and noise modelling**

There has been no consideration of disturbance effects on cetacean EPS in the EIA. The applicant has chosen to conduct noise modelling from impact piling using the recent NOAA noise thresholds. These are highly precautionary but as they have used these, and chosen SEL (cumulative Sound Exposure Limits), they must also present potential injury zones/levels on high frequency cetaceans (harbour porpoise) and mid frequency cetaceans (bottlenose dolphin and common dolphin – which are regularly present in Pembrokeshire). For harbour porpoise, 155dB SELcum is the NOAA level for PTS onset (deliberate injury). This means that the distances that PTS may occur are large (much larger than 120m for seals which relates to 185dB SELcum) and should be presented. A comparison of the NOAA and Southall/Lucke criteria would be useful here to establish the realistic worst case distances of possible PTS.

## **Mitigation**

The information presented in the EIA/HRA documents suggests that standard JNCC piling mitigation might be appropriate to mitigate the impact, although the mitigation zone (500m) may not be adequate for harbour porpoise when the noise modelling (for 155dB) is presented. As such, further consideration should be given to alternative methods of piling e.g. vibropiling, drilling etc. to reduce noise impacts. There is also no information on the duration and timing of piling (important to relate to the seasonal HP cSAC) and the suggested pile size and hammer energies proposed.

Carrying out works at low tide may provide some beneficial mitigation due to sound attenuation in shallower water. It is not clear whether the noise modelling has been constructed to account for likely propagation at low water. Not carrying out this assessment at low water will likely affect conclusions with regards to impacts on marine mammals. There is mention of bubble curtains in the EIA Addendum report which are not mentioned in the HRA as a form of mitigation, we would advise that these are used as suggested in the EIA Addendum report. The noise impact from the piling on otters has also not been assessed, this is an omission from the HRA.

## **Other impact pathways**

Full consideration should have been given to all possible impact pathways for marine mammals. While this appears to have been done for birds and habitat features, it is not clear whether this has been done for marine mammals, beyond the obvious noise interactions, and evidence of ruling out impact pathways should be presented e.g. barrier effects, effects on prey, habitat exclusion etc.

## **In-combination assessment (and cumulative equivalent for EIA)**

A table of included and excluded developments (plans and projects) would have been useful with an indication as to why certain developments have been excluded (i.e. based on distance or impact pathway). This would enable the competent authority to review information presented rapidly and determine any in-combination/cumulative issues.

The information on harbour porpoise impacts (piling noise) may alter the conclusions on in-combination assessment.

## **Migratory fish**

It is unclear how the projected noise levels have been derived, and why the distances of 262m has been chosen. If accurate, the projected peak noise levels are below the threshold which would injure shad. However, the threshold for altered behaviour is likely to be much lower. No assessment has been carried out for the lamprey features of the SAC, this is lacking from the HRA.

## **Surface water**

The 2.9.2 section of the EIA addendum report states that “*All surface water falling within the site will be directed via three stage oil interceptors and silt traps, before being discharged to the existing watercourses and culverts that serve the site.*” Following on from this, it is not clear what projected amount of contaminants/hydrocarbons which will reach the Milford Haven, or whether the totality be captured by the interceptors and silt traps.

The HRA, 4.1.2.3, also states that “*The only aquatic emission will be clean surface water runoff from roofs and hardstandings. The quality of aquatic emissions of surface water will be regulated via an Environmental Permit for the site*”, it is not clear how this statement relates to previous claim that all surface water will be treated.

## **EUROPEAN PROTECTED SPECIES (EPS)**

### **Potential Impact on Bats**

Documents referred to:

- Bat Survey Report entitled '*Bat Activity Survey Report-addendum 2017. Bat activity survey results. Blackbridge Site, Milford Haven, Pembrokeshire. Egnedol Ltd*' by Wildscapes;
- Revised Habitats Regulations Assessment by Egnedol dated July 2017;
- Draft EPSL method statement entitled '*Blackbridge Site, Milford Haven, Pembrokeshire (Shadow application to accompany planning application documents)*' dated 21/6/17.
- Letter from Egnedol to the Planning Inspectorate dated 14/3/17;
- Otter Survey Report entitled '*Proposed Development: Ecopower Project, Blackbridge, Milford Haven. Follow-up otters surveys and mitigation report*' by The Otter Consultancy/Geoff Liles dated July 2017.
- Otter Survey Report entitled '*Proposed Development: Ecopower Project, Blackbridge, Milford Haven. Proposed new road into site: Otter Surveys and Mitigation Report*' by The Otter Consultancy/Geoff Liles dated June 2017.
- Otter Survey Report entitled '*Proposed Development: Waterston EcoPark, Milford Haven. Otter Survey Report*' by The Otter Consultancy/Geoff Liles dated July 2016.
- Ecological Management Plan entitled '*Blackbridge and Waterston, Milford Haven. Ecological Management Plan*' by Excal Ltd dated July 2017.

Plus associated drawings and photographs

### **Blast Wall and Stone Arch**

We note from Egnedol's letter to the Planning Inspectorate dated 14/3/17 that the size (length) of proposed storage building 4 has been reduced to allow the majority of the blast wall to remain intact, with the exception of a 7m section at its southern end intended to allow access around the building. This is also confirmed by text on Drawing EGW-01-001 'Master Plan' (by Egnedol dated June 2017). However, this drawing is not to scale and it is unclear what the distance between the wall and the new building will be.

A trial pit exercise was carried out in March 2017 to establish the likely extent of subterranean features accessed by bats via the stone arch and extending behind/eastwards from the blast wall. Paragraph 158 of the 2017 addendum bat survey report states that the foundations of storage building 4 have been located such that there will be no requirement for excavation of the underground structures potentially used by bats. This is welcomed. However, Drawing EGW-01-101 entitled '*Storage Building Section and Retaining Wall Section*' (by Egnedol dated June 2017) suggests that the adjacent retaining wall will have subterranean footings.

It is not clear whether the retaining wall foundations are likely to impact the subterranean features potentially used by the bats.

## **Vegetation management**

The retention of appropriately located and robust vegetated flight corridors is material to the ongoing use of the Blackbridge site by bats, in particular the tunnels and the stone arch.

We requested details (27 April 2017) of how the area immediately in front of tunnels 1-3 and the stone arch and behind the derelict bund/blast wall will be managed. Details were to include vegetation clearance, retention/removal of the bund, ground works and lighting. If proposed as a 'conservation area' details of how this will be delineated, what access will be permitted how it will be managed during construction and operation and details of vegetation, clearance, phasing of clearance, new planting and areas of habitat loss/retention would also need to be provided.

### Integrity of the East – West Vegetated corridor

We note that only broad level plans have been put forward for vegetation management across the site.

### Area around Building 9

Drawing EGW-01-069 entitled '*Ecological Management Areas*' suggests a break in the proposed vegetated corridor immediately south/south-west to building 9 (and west of tunnel 1), which is further compromised by the proposed lighting on the southern corner of this building.

Reference to the Phase 1 map and the Ecological Management Plan confirms that the installation of building 9 will require the removal of dense/continuous scrub. South of this, and potentially at the foot of the cliff face, it appears that further scrub will be removed. Scrub vegetation at the foot of the cliff should be retained, with additional planting between building 9 and 16.

### Area between the vegetated bund and the tunnels 1-3

It is unclear how the proposals will affect the vegetated bund just south of tunnels 1-3, and the vegetation currently present between the tunnels and the bund.

Drawings EGW-01-0069 (Ecological Management Areas) and EGW-01-056 (Ecological Mitigation Plan) suggest that the bund and the vegetation behind (north of) it will be retained. However, the bund is not shown on the Masterplan and the EMP refers to the cutting back of vegetation to a 10m buffer around the tunnel entrances.

Clearance of the vegetation to a buffer of 10m around these entrances would result in a vegetated corridor that is significantly constricted and not as implied by Drawing EGW-01-069. This is likely to have implications for bats using and moving across the site.

We advocate an approach that retains the vegetated bund and the vegetation behind it as this area presently provides a sheltered and vegetated area for bats to fly between the tunnels and stone arch, and across this part of the site.

We take this opportunity to re-iterate the importance of the stone arch and tunnels for lesser and greater horseshoe bats.

### **Tunnels 4-7**

We welcome details of the proposals for renovation of the tunnel entrances and supporting structures to allow bats continued and long-term access to the tunnels (Paras 159-161 and Appendix A-10 of the 2017 addendum bat survey report).

We note and accept that some clearance of rubble debris may be necessary in order to undertake the tunnel restoration. However, the detail of the proposals regarding vegetation management around the remaining tunnels remains unclear.

The submitted proposals on EGW-01-069 '*Ecological Management Areas (be Egnedol dated December 2015)*' show the habitats to be retained and managed across the site, which is welcomed, although the drawing is not to scale. However, the EMP which is the long-term management plan for the site, refers to clearance of scrub in Area 5, where storage building 4 is proposed and close to tunnels 4 and 5. The Ecological Management Plan also suggests that scrub around tunnel entrances will be cut back potentially to a buffer of 10m in Area 10. The habitat management proposals in the Ecological Management Plan potentially suggest that the habitat retention indicated on Drawing EGW-01-069 may not be fully realised.

### **Access Road**

We requested details (27 April 2017) of the proposed new access route. The plans requested should include a location plan, route, dimensions, cross sections and details of the approximate construction corridor. Further information was required on lighting and likely vehicle movements including number, frequency and time of day. Details were requested as to the extent of woodland to be removed and vegetation cleared along the full length and the potential impact on foraging and commuting bats. This assessment was to be informed by appropriate bat surveys with due consideration given to the habitat fragmentation and loss of potential tree roosts. We also asked for an assessment of the likely impacts of the proposals on bats' use of the woodland to the east of the site, where the main access road is proposed, including those that may be roosting in trees that may require pruning or felling.

We welcome Drawing EGW-01-096 entitled '*Access Road Location*' which shows the route of the proposed access road from Dragon LNG, but note that the EMP refers to some young trees that will need to be removed to facilitate its installation. It is unclear whether any of these trees have the potential to support bat roosts.

A service corridor comprising a pipe rack structure will run between the Blackbridge and Waterston sites. Of the elements comprising this structure we note that the heat main will be located adjacent to the footprint of the proposed access road, however it is not clear whether any trees need to be taken out to accommodate this part of the infrastructure. We advise that this is clarified.

As above, if there is any tree removal required for installation of **any** aspect of the service corridor, information should be provided to confirm the potential of the trees to support bat roosts.

## Lighting

### Lighting Strategy

We welcome details of the development's proposed lighting in 'Blackbridge BtEf and Eco Park. Exterior Lighting Assessment' by Strenger dated June 2017 which incorporate the following drawings:

- Drawing SK-02 by Strenger Ltd entitled 'Egnedol Wales. Outline Scheme of Lighting' dated June 2017;
- Drawing SK-03 by Strenger Ltd entitled 'Egnedol Wales. Outline Scheme of Lighting' dated June 2017.

Please note that these drawings are not to scale.

We note that the details of the lighting scheme set out in the text and the above drawings relate to the operational phase of the development only. We advise that any lighting strategy for the site covers both the construction as well as the operational phases of the development.

Whilst we broadly welcome the proposals for minimal lighting across the site during the operational phase, and in particular to retain a dark vegetated corridor east-west across the site, we have concerns about the locations of some of the lights which do not appear to be consistent with this aim.

The southern corner of building 9 (Exhaust Gas and Feedstock Conditioning and Algae Propagation Building) is proposed to be lit. We note that lighting fixtures will be downward facing and either wall or column mounted. This building is proposed to be situated on top of the cliff above tunnel 1. The light spillage drawing Drawing SK03 '*Isolux Contours*' (by Strenger Ltd dated 2017) appears to demonstrate that the light at this location will light and potentially compromise the 'dark vegetated corridor'. These lights will need to be removed from this location.

We also have concerns about the column mounted light close to the northern end of the proposed new culvert as shown on Drawing SK02 'Outline Scheme of Lighting' (by Strenger Ltd dated June 2017) and Drawing SK03 '*Isolux Contours*' (by Strenger Ltd dated 2017). It is essential that the culvert access remains unlit at all times, as advised by Geoff Liles in his otter survey report dated July 2017.

A motion sensor would not be appropriate on this light as it may be triggered by otters attempting to use the culvert. This light should either be re-sited to prevent any light spill over the culvert, or will be required to be removed from the scheme.

We note that there will be some lights that will result in light spill close to or on the foreshore. These include the lights proposed for the west elevation of building 17 (MV Room), the southern elevation of building 13 (Cold Ironing Building), the south-west and south-eastern corners of building 12, and the four lights on the coastal perimeter of 1a and 8b (car park).

We advise that the lights on buildings 17, 13, and 12 have cowls or directional lighting to illuminate into the development site only, and are on motion sensors triggered by movement within the development site and not on the foreshore.

We advise that the four lights proposed for the western end of the Blackbridge site, at the entrance to Castle Pill, and 1a and 8b (car park), have cowls or directional lighting to illuminate into the development site only and not on any part of the foreshore. It may be necessary to reduce their height from 6m columns to waist height bollard lighting to achieve this.

We note the statement (section 2.7 of the Planning Hearing Addendum Statement) that unloading would be during daylight hours. Notwithstanding this, we also note the significant lighting proposals in the vicinity of the proposed barge landing area and Castle Pill Area. There must be no lighting used in this area between an hour before dusk and an hour after sunrise. This is to ensure that otters can continue to use this area.

We are concerned that the lights leading from building 14, down the western access road, will compromise the western end of the proposed vegetated corridor.

The 9 column mounted lights proposed for the western end of this string are required to be removed from the scheme or, if appropriate, replaced with low level (waist height/3ft approx.) bollard lights placed on the side of the vegetation and cowed or otherwise with directional illumination. This will be to ensure that light spill is away from the vegetation and in the direction of the road only.

### Light Spill

We note that there are no proposals to install internal lights in the greenhouses on top of the cliff (building 16) and, as such, there will be no light spill from these buildings on to the dark, vegetated corridor along the cliff. This is welcomed.

In respect of buildings 1-3, we note confirmation in the Planning Addendum Statement that there will be no light spill from buildings onto the cliff/vegetated corridor behind them.

However, it is difficult to reconcile this in consideration of Drawing HG-15-07-P07 (entitled 'Pyrolyser and Ginding Hall Proposed' by Huw Griffith Architects dated December 2015) which shows four floor to eaves level windows and eight roller shutter entrances at ground level at the rear of building 2, and 9 windows at the rear of building 3. This throws doubt on the potential to deliver a dark corridor in this area.

### **Bat Mitigation**

We welcome the submission of the bat mitigation proposals as set out in the Addendum Bat Survey Report and draft European Protected Species Licence method statement.

### **Coastal Bat House**

We note that a bat house is proposed for a coastal location west of tunnel 8 as mitigation for the loss of day and night roosts, and feeding perches of both horseshoe bat species, brown long-eared bats and crevice dwelling bat species within buildings A-D.

Notwithstanding the proposed location of this bat house, we are concerned that its design (e.g. large open access on one elevation) may not provide appropriate bat roosting conditions to mitigate loss elsewhere.

The building would need to be re-designed to provide a more stable thermal regime for roosting bats and prevent people from accessing it. This could be achieved by enclosing the open element of the building whilst retaining a suitable and secure grilled access point for horseshoe bats.

### **Additional comments on Bats as a feature of the SAC**

The assessment matrices in the HRA use the distance from the SAC boundary as a basis for whether Likely Significant Effect. Both greater and lesser horseshoe bats are known to roost in various parts of the development site, and these individuals are likely to spend part of their time in roosts within the SAC. We would therefore advise that both of these species should be screened in and all impacts fully assessed.

An Ecological Design Strategy is planned, which will incorporate a Habitat Management Plan. If this is separate to the Ecological Management Plan, we would have expected this to have been agreed with NRW and the local authority and be available to inform the HRA assessment.

### **Otters**

The Environmental Impact Assessment (EIA) (dated November 2016) and supporting otter report entitled '*Follow Up Otter Surveys & Mitigation Report*' by The Otter Consultancy dated July 2016 both confirm that otters use the Castle Pill area (including the Swingbridge).

We welcome the recent submission of the otter survey reports listed above and the Planning Hearing Addendum Report (dated July 2017), and note in particular that this option for the delivery of construction plant is now a firmer part of the proposed development and is illustrated on Drawing EGW-01-091 'Proposed Barge Landing Areas.

Section 2.4.1 of the Planning Hearing Addendum Statement indicates that a new permissive footpath will be provided to link the existing Pembrokeshire Coast Path to the east of the Blackbridge site, with Milford Haven to the west, to include a replacement swingbridge.

Furthermore, the path will be fenced off to ensure that no pedestrians enter the development site. However, no details are provided regarding the works required to put this infrastructure in place.

Otters will require continued use of both Castle pill and Blackbridge foreshore throughout construction and operational phases of the development and there should be measures in place to ensure their protection. This also applies to the placement swingbridge and associated footpath.

We welcome the provision of the otter survey reports listed above but note that the otter mitigation advised within them has not been fully brought forward into the Environmental Management Plan for the site.

We advise that otter mitigation measures in these reports are fully carried forward in a Construction Environmental Management Plan (CEMP) and long-term Environmental Management Plan for the development site. They should also contain appropriate otter mitigation for the swingbridge replacement proposals, and for the offloading of construction equipment on the Blackbridge foreshore.

### **Ecological Management Plan**

We welcome that an Ecological Management Plan (EMP) spanning 25 years post-development has been prepared for the proposals. We note that the EMP divides the site up into parcels and describes the proposed impacts and protected species mitigation required for each relevant parcel.

Notwithstanding the matters we have raised above regarding the EMP which need to be addressed, for those mitigation measures relating the construction phase we advise that these would be better placed in a Construction Environmental Management Plan (CEMP).

An updated EMP would be required to include details of the frequency of the written monitoring results and is the driver for any remedial action required as identified by the monitoring results.

## Phasing of Works

Both the CEMP and the EMP should include details of the phasing of works, as appropriate.

We note that a draft construction programme (GANT Chart) has been submitted. A key function of the phasing of works is ensuring that the protected species mitigation measures are not compromised by the proceeding development works. However, we note some issues in this respect, for example:

- i. Ensuring that habitat creation in the vicinity of the bat houses goes in as the bat house is completed, and not several months later;
- ii. Pre-commencement protected species surveys should be undertaken before development works commence (E.g. the otter pre-commencement surveys prior to the jetty works commencing).
- iii. The new horseshoe bat maternity/hibernation roost should be shown to be in use by horseshoe bats before any works commence that may affect the roosts in the tunnel and stone arch.

## **European Protected Species Licence**

A European Protected Species licence (EPSL) will be required before any works commence on site that may disturb bats or otters, or affect the places they use to rest or breed.

In respect of the bats, there will be some matters which will need to be addressed at the EPSL stage providing all issues raised above have been sufficiently addressed. To include:

- i. Design elements of the proposed new horseshoe bat maternity/hibernation roost in the west of the site;
- ii. Proposals for habitat creation in the vicinity of the incinerator roost, to ensure that it is connected via woodland and scrub to the wider vegetated corridor running east-west across the site, and its details including bat access and roosting features.
- iii. Detailed methodology for the removal of the end section of the blast wall, and details for the timing of this.

## **Air quality**

We are not aware of any further progress with regards to modelling air quality emissions. Considering the permanent loss of SAC habitats, potential damage to SAC habitat and potential additional mitigation required for a number of the designated features, a comprehensive air quality assessment is still required to fully understand the full impact of the development on the European designated sites, without which the HRA will be incomplete.