



Marine
Management
Organisation

Scoping Opinion

Harbours Act 1964

Title: Fishguard Linkspan Replacement

Applicant: Stena Line Ports Limited

MMO Reference: DC10168



Contents

Contents.....	2
1 Proposal.....	3
1.1 Project Background.....	3
2 Location.....	3
3 Environmental Impact Assessment (EIA).....	5
4 Scoping Opinion.....	5
4.1 Nature Conservation Designations.....	5
4.2 Other Species and Habitats.....	6
4.3 Coastal Processes.....	6
4.4 Fish Ecology and Fisheries.....	7
4.4.1 Fish Ecology.....	7
4.4.2 Commercial/non-commercial fishing.....	7
4.5 Archaeology / Cultural Heritage.....	8
4.6 Navigation / Other Users of the Sea.....	8
4.7 Water Quality.....	8
4.8 Pollution.....	9
4.8.1 Noise and Vibration.....	9
4.8.2 Chemicals and Waste Disposal.....	9
4.9 Additional Points.....	10
5 Cumulative Impacts & In-Combination Impacts.....	11
6 Conclusion.....	11



1 Proposal

Stena Line Ports Limited (“Stena”) is to apply to the Marine Management Organisation (“MMO”) for a harbour revision order (“HRO”) under section 14 of the Harbours Act 1964 (as amended) to authorise construction of a new linkspan bridge at the harbour for the ferry service between Fishguard Port in Wales and Rosslare, County Wexford in the Republic of Ireland.

The proposed development involves the replacement of the existing linkspan and associated infrastructure. It includes two main elements of work; firstly the removal of the existing jack up pontoon, linkspan and ramps, associated mechanical infrastructure and the demolition of the concrete approach and support structures to facilitate the installation of the new linkspan.

The second element of work includes all marine and civil works required to facilitate the installation of the proposed linkspan. This includes the construction of new dolphins and bankseat and the installation of the new linkspan. An area of land, immediately adjacent to the quay wall, will be reclaimed and faced with a rock armour revetment to replace the existing suspended approach deck. The provision, installation and commissioning of the linkspan ramps and associated mechanical infrastructure will complete the project.

A marine licence from Natural Resources Wales (NRW) will also be required for the proposed works to be undertaken (under the Marine and Coastal Access Act 2009).

1.1 Project Background

The Port is privately run and owned by Stena, who operate a twice daily Roll on - Roll off ferry service to Rosslare, Wexford, Republic of Ireland. Access to the ferry is currently via a single lane linkspan, installed in the early 1970’s supplemented by a temporary jack up pontoon structure. It is proposed to remove the exiting linkspan which is approaching its end of life and replace it with a modern linkspan.

2 Location

The linkspan is located at Fishguard Port, Cardigan Bay, Wales (Figure 1).

Figure 1: Fishguard Linkspan Replacement



3 Environmental Impact Assessment (EIA)

Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted.

The MMO has screened this proposal into requiring an EIA and considers the proposed works to be an Annex II project under the EIA Directive, specifically:

10 (e) “Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I)”.

In accordance with Schedule 3 of the Harbours Act 1964, if the MMO decides that the proposed application relates to a project which requires an EIA, it must provide the applicant an opinion, in writing, about the scope and level of detail of the information which the proposed applicant will be required to supply in an Environmental Statement (“ES”), if the application is made. This scoping opinion is set out below.

4 Scoping Opinion

RPS Limited have prepared a Scoping Report on behalf of Stena, entitled “Replacement Linkspan, Fishguard Port Harbour Revision Order EIA Scoping Report” (“the Scoping Report”) which has been submitted to the MMO on 23 February 2018.

The MMO agrees with the topics outlined in the Scoping Report and in addition, we outline the following aspects be considered further during the EIA and should be included in any resulting ES.

4.1 Nature Conservation Designations

Requirements under the Habitats Directive should be considered within the ES, including mobile marine features. The development is in close proximity to the West Wales Marine possible Special Area of Conservation (“pSAC”) which is designated for Harbour Porpoise, *Phocoena phocoena*. This species is known to breed off the headland and is susceptible to noise.

The proposed project site is also close to Cardigan Bay SAC, which includes mobile species such as Grey Seal, *Halichoerus grypus*, and Bottlenose Dolphin, *Tursiops truncatus*, which are known to pass through the harbour. Pembrokeshire Marine SAC also lies to the southwest. Any potential impacts to these sites should be considered within the ES.

The project is likely to have a significant impact during the demolition, construction and operation phase on features of the designated sites, in particular marine mammals. Alone and in combination with other developments, the level of impact may be sufficient to cause disturbance via noise (from piling) and disturbance of silt in the water.

4.2 Other Species and Habitats

Otters are known to be present within Fishguard Harbour, as are Black Guillemot which nest in the timber stanchions. This is potentially the most southerly breeding site in the United Kingdom. Potential impacts to these species should be considered in the ES.

Surveys undertaken in relation to the nearby Fishguard Marina development may provide further information about marine ecology within the local area.

The MMO considers the potential impact pertaining to the direct loss of 0.009 ha of intertidal underboulder communities, which represent a BAP habitat under the Natural Environment and Rural Communities Act (NERC) Act 2006 habitat, given the mitigation measure proposed, is likely to be minor ('insignificant' is stated in the Scoping Report).

4.3 Coastal Processes

The final ES should clarify what coastal processes have been scoped in and out, this should be made clear in table format. The conclusions made in the Scoping Report seem to be based on bespoke modelling work.

An EIA Scoping Report should be clear on factors that are clearly insignificant, and potential issues requiring further investigation. If the insignificance of something is not obvious, and modelling work is required to discount it, it cannot be scoped-out of the EIA. Instead, a description of the model and its configuration needs to be addressed in the EIA, along with the results and conclusions (regardless of the findings).

Section 4.2 of the scoping report states the "*replacement linkspan is effectively on a "lee shore" during significant wave events thus the proposed development will have no significant impact on the wave climate in the remaining parts of the harbour or its adjoining areas*". This statement is not entirely accurate as wave reflection off the proposed structure could impact the distribution of wave energy within the harbour, this should be addressed in the ES.

A more thorough description of the physical environment should be included within the ES. The Scoping Report focusses on waves and currents but does not mention the local tidal range or include a description of the local bathymetry and seabed composition, this should be included in the ES.

In some developments, the use of jack-up barges has caused considerable impact to the seabed. Whilst the MMO does not anticipate large impacts from this project due to the nature of the seabed and to the nature of the work it should be considered in the ES.

Details of the numerical model applied and the results should be presented in the ES for review.

4.4 Fish Ecology and Fisheries

4.4.1 Fish Ecology

The ES should provide a characterisation of the environment for fish species around Fishguard, which identifies both marine and migratory fish species found in the area. The sensitive spawning and migration periods for migratory and marine fish should also be described in the ES, particularly for those species of conservation, ecological and commercial importance, such as Atlantic salmon and European eels.

The Scoping Report concludes that with mitigation measures, such as the use of vibrational piling where possible (instead of percussive piling) and the use of soft start procedures before any piling activities commence in place, the impacts to Atlantic salmon and European eel are considered to be minor, and will be insignificant for all other fish species. The ES should detail all of the mitigation measures proposed.

It should be noted that whilst the mitigation measures described may be appropriate for piling, they are not applicable to blasting. It may be the case that blasting will not be taking place during the sensitive migratory or spawning seasons of fish, but this is unclear from the Scoping Report. The ES should fully describe any mitigation measures that are proposed in relation to blasting and the MMO would expect the ES to assess the impacts from blasting on fish receptors.

The ES should also include the potential impacts of dredging and land reclamation on fish and their habitats. For example:

- Increased suspended sediment concentrations,
- Smothering of fish habitats,
- Temporary and permanent loss of fish habitat.

Given the size and scale of the development, the MMO is of the opinion that a dedicated fisheries survey is not required providing an adequate desk-based assessment is carried out. This should include the use of suitable published and peer-reviewed literature and data to support the assessment. Fisheries survey data for the Fishguard area may be available from past surveys in the area, for example the Fishguard Marina development. Any fisheries survey data used in the ES must include or signpost all relevant information such as dates and times of surveys, locations, gear used, mesh size, duration of tow / soak times. The limitations of any data sources used in the assessment should also be presented.

4.4.2 Commercial fisheries

The bivalve molluscs which were found during project-specific marine ecology baseline surveys on the intertidal area in the proximity of the proposed development should be identified to genus level to help ascertain their potential importance for commercial fisheries. The ES should determine whether noise disturbance would be of significant impact upon the species identified.

The ES should consider assessment of the impacts to commercial fishing vessels that use Fishguard Harbour.

4.5 Archaeology / Cultural Heritage

The MMO note that the Scoping Report assesses the potential visual impact of the development on the Fishguard Harbour Bay Hotel but it does not refer to the associated Registered Historic Park & Garden. The significant views from which look east and southeast across the harbour. Consequently an assessment of the impact of the proposed development on this designated heritage asset and its setting, should be carried out and included in the ES.

The MMO concur with the recommended mitigation measures provided within the Scoping Report in respect to the historic environment, summarised as: building recording of the preserved stone wall identified during the walkover survey and implementation of an archaeological watching brief during reclamation work. This work should be undertaken in line with standard and guidance provided by the Chartered Institute for Archaeologists (CIfA) and be governed by a Written Scheme of Investigation prepared by the archaeological contractor.

This assessment should be carried out using the Welsh Government Guidelines issued in 2017 including “Setting of Historic Assets in Wales” and “Heritage Impact Assessment in Wales” Welsh Governments’ “Managing Change to Registered Historic Parks and Gardens in Wales” and should be carried out to the Standards and Guidelines set by the Chartered Institute for Archaeologists. The final report, including the record for the wall, should be submitted to the regional Historic Environment Record. The archive should be prepared in accordance with The National Standard and Guidance to Best Practice for Collecting and Depositing Archaeological Archives in Wales 2017.

4.6 Navigation / Other Users of the Sea

A Marine Navigation Risk Assessment should be included within the ES, including any proposed risk mitigation measures to be administered throughout the lifetime of the project and in particular any aids to navigation requirements in connection with the proposed works.

4.7 Water Quality

Section 4.4 (water quality) of the Scoping Report does not discuss the potential effects on water quality from dredging (including potential suspension of contaminated sediments). This should be included in the ES.

4.8 Pollution

4.8.1 Noise and Vibration

The MMO advises that a noise (including underwater noise) assessment with proposed mitigation should be undertaken in relation to demolition and construction, and working hours should be controlled. This assessment should be included either within the ES or as an appendix report.

The ES should provide information on the total number and size of piles to be installed and confirmation of the installation method. It should also include details of the finalised construction programme, including the timings and duration of noise generating activities.

Further details on potential blasting activities should be included in the ES. Two major impacts of underwater blasting are underwater shock waves and ground vibration. The severity of such will depend on various factors including the charge weight and characteristics of the substance to be blasted. The effects of exposure to underwater noise on marine fauna from blasting activities may include physical injury or death, hearing threshold changes (permanent or temporary), masking effects and behavioural changes.

4.8.2 Chemicals and Waste Disposal

All imported material should be approved prior to import to ensure it poses no risk to human health (also in accordance with the Welsh Local Government Association guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses'), this should be covered in the ES.

Dredging is required for the works; however, there will be no offshore disposal of material. It may therefore be acceptable to base the assessment on a desk study alone; however, the MMO would expect the ES to reference recent and spatially relevant sediment quality data.

As a marine licence from NRW will be required for the dredging activity, which will cover the potential risks from dredging and require sampling if considered necessary, the MMO do not consider that a site survey is required for sediment contaminants to support the HRO application.

It is stated in the Scoping Report that the "the overall level of contamination in the proposed dredge area is low" (section 4.5) however it is not clear how this conclusion has been reached. This should be clarified in the ES with raw data provided.

In section 4.10 (Water Management) of the Scoping Report, it is stated that the soft sediments have undergone testing for waste disposal. The nature and results of these tests are not provided; however the MMO consider it unlikely that these tests would be sufficient grounds to conclude the "overall level of contamination" in relation to the risk to marine receptors.

The MMO would expect data pertaining to OSPAR dredge guidelines to be considered when establishing a sediment contaminant baseline. It should also be noted that data must be 'recent' (typically within the past 3 to 5 years for sediment contaminants) to be considered relevant for establishing a sediment chemistry baseline.

The scale of the project is relatively small and the potential risk from sediment contamination is limited in the opinion of the MMO. As there is no disposal at sea, the risk relates only to the dredging itself. The ES should consider dredging contamination with regard to water quality and marine ecology/biodiversity.

4.9 Additional Points

The ES should include a description of the following aspects in relation to construction of the proposed development:

- Likely programme and sequencing of Site works;
- Description of the demolition works;
- Anticipated types of foundations, ground engineering likely to be employed;
- The total number and size of piles to be installed and confirmation of the installation method and duration.
- Description of structures to be constructed;
- Details of the finalised construction programme, including the timings and duration of noise generating activities (for example piling, dredging and blasting) and working hours.
- Proposed working hours
- Impacts of the use of jack-up barges to the seabed
- Impacts from worse-case scenarios (e.g. percussive piling and use of explosives)
- A table of topics scoped in/out within the report with a justification.

5 Cumulative Impacts & In-Combination Impacts

The ES should consider the potential for cumulative environmental effects in relation to the consented Fishguard Marina development. In combination with the proposed marina development, the level of impact may be sufficient to cause disturbance via noise (from piling) and disturbance of silt in the water.

6 Conclusion

The topics highlighted in this scoping opinion should be assessed during the EIA process and the outcome of these assessments should be documented in the ES in support of the HRO application.

This statement, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and program of these planned works other work may prove necessary.



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