



Our Ref:
Your Ref:
Date: 10th March 2016

Dear Sirs

HIGHWAYS ACT 1980

THE A4232 EASTERN BAY LINK SCHEME

ENVIRONMENTAL IMPACT ASSESSMENT DECISION UNDER PART VA OF THE HIGHWAYS ACT 1980

CONSERVATION OF HABITATS AND SPECIAL SPECIES REGULATIONS 2010 – REGULATION 61: ASSESSMENT OF IMPLICATIONS FOR EUROPEAN SITES

DELEGATION ARRANGEMENTS

1. The functions of deciding whether or not to construct the road identified above have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. The decision falls under the responsibility of Edwina Hart, Minister for Economy, Science and Transport (“the Minister”), one of the Welsh Ministers.

INTRODUCTION

2. The Welsh Ministers are proposing to construct the Eastern Bay Link Road. The Scheme comprises the construction of a new 1km long, two lane dual carriageway road connecting the existing A4232 Queens Gate Roundabout and the Ocean Way Roundabout at grade. The carriageway will be designed with a 50mph speed limit comprising twin two-lane carriageways with a 2.5m hardened central reserve. The central reserve will house a safety barrier system with integrated highway lighting. The carriageway will be lit to current highway standards. A combined footway / cycle route will be provided on the southern side of the carriageway link. The current programme will see construction works commence in March 2016 with completion expected April 2017.

The Link Road would be constructed pursuant to the powers of the Welsh Ministers as highway authority under section 24(1) of the Highways Act 1980 and would be subject to a separate agreement with Cardiff City Council under section 5 of the Highways Act 1980.

THE SCHEME

3. The Scheme forms part of the Cardiff Peripheral Distributor Road (PDR) which links southern Cardiff to the M4 at Junction 33 to the west and at Junction 30 to the east. The Eastern Bay Link section will provide a connection between the existing A4232 Butetown Link and Rover Way.

The Scheme comprises the construction of a new 1km long, two lane dual carriageway road connecting the existing A4232 Queens Gate Roundabout and the Ocean Way Roundabout. The Scheme footprint will cover an area of approximately 5.5ha.

The new carriageway will connect with both the existing Queens Gate Roundabout and the Ocean Way Roundabout at grade.

The new carriageway will be constructed at or above existing ground level, primarily on viaduct connected to an approach embankment on the western end. The carriageway will be designed as a 85kph speed link (50mph speed limit) comprising twin 7.3m two-lane carriageways with 1m hard strips separated by a 2.5m hardened central reserve. The central reserve will house a high containment Road Restraint System (RRS) and include street lighting. Traffic signage provided in accordance with the current Traffic Signs Regulations and General Directions.

A combined footway / cycle route will be provided on the southern side of the carriageway link which will be contained by a 1.8m high screen.

Highway drainage is provided by filter / carrier drains discharging via petrol interceptors into two outfalls routed into Roath Dock.

THE ENVIRONMENTAL STATEMENT

Consultation

4. The proposals including the Environmental Statement (ES) were published on 23rd December 2015 in accordance with EC Directive 2014/52/EU (as amended). A Statement to Inform an Appropriate Assessment (SIAA) of the potential effects of the Scheme on the Severn Estuary; was also issued in accordance with the Conservation of Habitats and Species Regulations 2010.

5. In accordance with Section 105B of the Highways Act 1980 and Regulations 61 of the Conservation of Habitats and Species Regulations 2010, Public Notices were placed in the South Wales Echo on 23 December 2015 and were sent, together with the Non Technical Summary (NTS) of the ES, to the list of statutory and non-statutory recipients at Annex A, inviting comments by 3 February 2016.

DEPOSIT LOCATIONS

6. Copies of the ES, NTS and SIAA were made available for inspection at the following locations:

- i. Welsh Government, Transport, Orders Branch, Cathays Park, Cardiff CF10 3NQ;
- ii. City Operations, City of Cardiff Council, County Hall, Cardiff. CF10 4UW'

ISSUES RAISED TO THE PROPOSALS, ES AND SIAA

7. The issues raised in comment on the proposals and ES, including the Welsh Government's responses (shown in italics) to them, are summarised below.

7.1 Natural Resources Wales

- Clarification sought regarding from which Air Quality Receptors data was collected to demonstrate that nitrogen deposition will decrease from 2016 to 2031. NRW are of the opinion that receptor points would have been better located within the Severn Estuary near the bend in Rover Way, between Receptors R1-R3 and R4-R7. The receptors would then be better located to gauge the impacts on the habitats as this bend is likely to be an area of road where traffic will be both accelerating and decelerating in both directions and where emissions of NOx and nitrogen deposition are of the highest risk to the habitat.

Tables 6.17 and 6.18 show that the Severn Estuary was modelled at its closest point to the affected road. This point was 35m from the Estuary which corresponds to the bend on Rover Way and therefore is in line with NRW opinion on location of receptor points. Receptors R1 – R3 and R4 – R7 on the drawing relate to human receptors only.

The assessment is based on traffic figures provided by the Employer's Agent from initial work undertaken in 2008 and supplemented by junction surveys undertaken in the area in November 2013. It is considered by all parties that growth assumptions in the existing traffic modelling are considered to be high. The modelling assumes national average growth rates which are unlikely to be achievable in Cardiff. In addition the modelling assumes development at Roath Basin equivalent to 4,000 jobs which is unlikely to be realised by the design year of the scheme. This air quality assessment is therefore based upon a worse case scenario in respect of emissions from traffic.

- Following the query from Welsh Government Department of Environment Land Nature and Forestry (see 7.3 below), NRW queried the wind rose diagram produced in respect of the concern raised by WG.

Explanation of the air quality assessment and effects has been included as Appendix E to the Assessment of Implications on a European Site (AIES) report.

This shows that the Estuary has been modelled at its closest point to the affected road (distance of 35m from Rover Way) and shows a small improvement in Nitrogen deposition (i.e. decrease) for both 2016 and 2031. In all cases the total Nitrogen deposition is below the lower limit of the Critical Load of 20kg/N/ha/yr.

The improvement in air quality is irrespective of wind direction.

7.2 Glamorgan Gwent Archaeological Trust (GGAT)

- Recommend that an Archaeological Curator is appointed to oversee the ongoing archaeological works for the duration of the project in accordance with accepted best practise.

Dawnus Ferrovia Agroman Joint Venture (DFAJV) will appoint an Archaeological Curator for the Scheme with the approval of Welsh Government

- Recommend a suitably qualified archaeological contractor is engaged to undertake watching brief

DFAJV will appoint an archaeological contractor for the Scheme to provide a Written Scheme of Investigation and provide a watching brief on site as necessary.

7.3 Welsh Government Department of Environment Land Nature and Forestry

- The Welsh Government Department of Environment Land Nature and Forestry raised the following concerns:

There are a number of statements to the effect that a robust CEMP will ensure there will be no 'likely significant effect' on the protected sites from water contamination during construction. However, as the CEMP is not complete we are not able to see whether it is sufficiently robust or not. Experience from other schemes has shown that even where strong CEMPs are in place, delivery often fall short of the plan. We therefore need to be assured-

- a) That processes are in place to produce a robust CEMP, including a thorough search to identify legacy features that could become pathways for pollution.
- b) That the CEMP will include mechanisms to ensure it will be properly delivered and will actually protect the sites.

The implementation and maintenance of the CEMP is an Employer's Requirement under the contract. Volume 2a Appendix D/3 of the Employer's Requirements (Works Information) stipulates what is to be included within the CEMP as a minimum and the measures that will be required to ensure compliance with the CEMP. These "Terms of Reference" from Appendix D/3 have now been reproduced within Appendix F of the Assessment of Implications on a European Site (AIES) report.

- Air Quality

- a) A wind rose should be provided with a brief note to the effect that the prevailing winds are onshore, ie tend to carry atmospheric pollution away from the Severn Estuary protected sites.

The atmospheric pollution analysis has been done regarding human receptors, so the read-across to nature conservation receptors needs to be explained. It demonstrates no net rise in pollution, which validates the decision not to consider N2K receptors inland of the scheme - this needs to be stated in the SIAA.

A wind rose diagram and explanation of the air quality assessment and effects has been produced as Appendix E to the AIES report.

MINISTER'S CONSIDERATION

8. The Minister has carefully considered the case for the Scheme, the ES and all the opinions expressed on the ES by members of the public and consultation bodies.

9. The Minister accepts that this Scheme is needed for the reasons outlined in paragraph 2 of this letter, but that this need must be balanced against the environmental impact of the Scheme and any opinions expressed by members of the public and consultation bodies.

10. The Minister is satisfied that issues referred to in paragraphs 7.1 to 7.3 have been adequately addressed. She is further satisfied that the Environmental Impact Assessment, reported in the Environmental Statement, meets the requirements of EC Directive 2014/52/EU (as amended); that the Assessment of Implications on European Sites reported in the SIAA of the potential effects of the scheme on the Special Area of Conservation (SACs); Special Protection Area (SPA) and Ramsar site is in accordance with the Conservation of Habitats and Species Regulations 2010, implementing Council Directive 92/43/EEC; and that the Highways (Environmental Impact Assessment) Regulations 2007 concerning public participation have been met. The Minister notes that the Minister for Environment and Sustainable Development has approved the SIAA.

11. The Minister notes the issues raised. However, she is satisfied that the EIA/AIES processes have considered the relevant information relating to the impacts and that the published scheme (with mitigation and compensatory measures) is the optimum to meet the scheme objectives and enable compliance with the relevant legislation.

12. Consequently, the Minister is satisfied that the responses given adequately address the issues raised and has decided that the proposals may proceed.

CONVEYANCE OF DECISION

13. This letter and the enclosed Public Notice (PN), which details any rights of challenge, has been sent to all those who expressed an opinion on the ES and other interested parties and can be viewed at <http://wales.gov.uk> (select 'Topics', 'Transport', 'Roads', 'Road Projects', 'Decision Letters and Inspectors Reports'). Copies of this letter and the enclosed PN, together with the ES, NTS and SIAA are also available for inspection at the locations listed in paragraph 6 above until the 20th April 2016.

Yours faithfully



A Falley

Deputy Director Infrastructure Delivery