



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Our ref: CX19-199

Your ref:

Chester Road,  
Buckley  
Flintshire CH7 3AJ

Ebost/Email:

Ffôn/Phone:

Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

For the attention of: Janet Finch-Saunders AC/AM

28 October 2019

Dear Mrs Finch-Saunders,

**RE: PETITION P-05-886 STOP THE RED ROUTE (A55/A494 CORRIDOR)**

Thank you for your letter of 16 October 2019 regarding the above petition.

You have written to us in respect of the above scheme proposals and petition, specifically:

1. For our views on the scheme;
2. The environmental concerns raised by the petitioners, including impact on emissions and local environmentally protected areas, particularly ancient woodland; and,
3. How NRW has/will engage with, or be involved in, the development of the project.

We have previously provided advice on the scheme, in response to consultation, in 2017 (copies of letters 13 July and 15 August 2017 attached). This advice was focused on the following reports:

- A55/A494/A548 Deeside Corridor Improvement: WeITAG Key Stage 2 Report;
- Environmental Impacts Assessment Screening – Blue and Red Option;
- Assessment of Implications on European Sites.

The above reports, as well as our responses, focused on both the red and blue routes that were under consideration at that time. We note that the red route is the only route now under consideration. We commented on the potential effects on relevant matters, including ecological receptors, that are included on our consultation topic list, *Development Planning Advisory Service: Consultation Topics*, which is published on our [website](#).

This scheme would be expected to be subject of both a detailed Environmental Impact Assessment and a Habitats Regulation Assessment in order to understand the nature and significance of effects. To date we have been involved in providing the applicant with information to support their initial assessment work. Significantly more detail will be required to be submitted to support a formal application for consent. As a result, we are not able to provide you with a reasoned view of the scheme at this time. We understand that the latest timetable for the project, as indicated on Welsh Government's website<sup>1</sup>, is that the preliminary scheme design, the Environment Statement and draft Orders will be prepared by 2020/21. We also note that the 'statutory process' is due to take place in 2022/2023, which we understand to be under the Highways Act. As a consultee in the consenting process, we will provide formal comments on the application as part of the statutory process referred to on the Welsh Government website.

## Environmentally Protected Areas

The red route has the potential to affect the following European/Nationally protected ecological sites:

- Dee Estuary Site of Special Scientific Interest (SSSI)
- Dee Estuary Ramsar Site
- Dee Estuary Special Protection Area (SPA)
- Dee Estuary Special Area of Conservation (SAC)
- River Dee and Bala Lake SAC
- Afon Dyfrdwy (River Dee) SSSI
- Deeside and Buckley Newt Sites SAC
- Buckley Claypits and Commons SSSI

The special features of these protected sites can be found on our [website](#).

SACs, SPAs and Ramsar sites are European sites which are protected under the provisions of the Conservation of Habitats and Species Regulations (2017). These Regulations require the developer to provide information to the competent authority (the consenting body) who would be required to undertake a Habitats Regulations Assessment (HRA) to support the decision-making process.

On 21 July 2019 the developer provided its Assessment of Implications on European Sites (AIES) which presented its screening assessment of likely significant effects on European sites (i.e. Stage 1 of the HRA). In our response on 15 August 2019, we advised that significant effects could not be ruled out for the above named European sites.

As required under the Conservation of Habitats and Species Regulations 2017, where significant effects cannot be ruled out then an Appropriate Assessment (i.e. Stage 2 of the HRA) will need to be undertaken. We have yet to be consulted on the applicant's Statement

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<sup>1</sup> <https://gov.wales/a55-a494-a548-flintshire-corridor-overview>

to Inform the Appropriate Assessment which presents the developer's conclusion with respect to adverse effects on the integrity of European Sites.

In order to assist the applicant in preparation of its assessments we also provided the following specific advice:

- That the cumulative /indirect impacts associated with maintenance of the Dee Bridge would need to be assessed in the Statement to Inform the Appropriate Assessment.
- The assessment would need to consider indirect impacts on the Deeside & Buckley Newt Sites SAC owing to the required upgrade of the A55/A494 interchange.
- We also provided specific air quality advice – see *Emissions* section below.

In summary, we consider that effects of the development on the above named SSSIs, SACs, SPA and Ramsar sites will need to be fully assessed in the Environmental Statement and (in the case of the European sites) within the Statement to Inform the Appropriate Assessment.

### **Ancient woodland**

The features of the Deeside and Buckley Newt Sites SAC include Habitats Directive Annex 1 woodland (Old Sessile oak woods with *Ilex* and *Blechnum*). We note that ancient semi-natural woodland could be affected by the proposal. This habitat could be Annex 1 woodland, however we note that there has not been a comprehensive assessment of Annex 1 woodland in this area of Flintshire.

We consider that impacts on Annex 1 habitat should be assessed in the Environmental Statement.

### **Emissions**

Our advice in relation to emissions and air quality is focused specifically on effects on ecological protected sites.

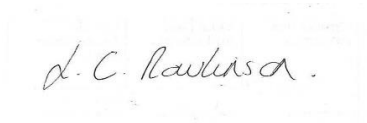
In relation to protected sites, the Assessment of Implications on European Sites (AIES) concluded that likely significant effect could not be ruled out. In our response, on 13 August 2017, we advised that, prior to undertaking detailed modelling with respect to air quality, that features of sites within the relevant traffic air pollution screening distance (200m) should be assessed. Sensitive features are habitats or species that could be affected by traffic pollutants such as NO<sub>x</sub>, SO<sub>2</sub> and the conversion of NO<sub>x</sub> to nitrogen deposition. We identified that the saltmarsh feature of the Dee Estuary SAC should be considered in the applicant's Statement to Inform the Appropriate Assessment.

We expect air quality effects on all protected sites (including SSSIs and European sites) to be fully assessed in the Environmental Statement and the Statement to Inform the Appropriate Assessment.

We have highlighted above our engagement with the developer in terms of initial advice given and would expect to provide formal comments on the application as part of the statutory process referred to on the Welsh Government website, as mentioned earlier, including advice on the Environmental Statement and the Statement to Inform the Appropriate Assessment as the project is developed.

If you have any queries on the above, please do not hesitate to contact us.

Yours sincerely

A handwritten signature in black ink, reading "L. C. Rawlinson". The signature is written in a cursive style and is positioned above a faint, rectangular stamp or watermark.

**Lyndsey Rawlinson**  
**Head of North East Wales Operations**