Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf / Our ref:
Eich cyf / Your ref:

Mr R Morgan

Ffon / Phone:
E-bost / E-mail:

Dyddiad / Date: 20 September 2019

Annwyl / Dear Mr Morgan

THE HIGHWAYS ACT 1980
THE LONDON TO FISHGUARD TRUNK ROAD (A40) (LLANDDEWI VELFREY TO PENBLEWIN IMPROVEMENT) (SIDE ROADS) ORDER 201-

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW) on the above road improvement scheme.

We do not object to the proposals as submitted, however we note that you require any additional comments that we have to make on the Environmental statement, the Statement to Inform the Appropriate Assessment and the Draft Orders.

Environmental Statement

Species

Having reviewed the submitted Environmental Statement (ES), we consider that it does not adequately demonstrate that the mitigation measures put forward for the scheme are likely to function effectively for the range of species present.

In the absence of a more detailed and definitive strategy for mitigating the impacts, we cannot conclude that the mitigation needed to prevent detrimental impacts to bat, dormice and otter populations will be delivered by the scheme proposals.

Bats

Of the 15 bat species known to occur in Wales, at least 11 bat species were recorded on the site, including uncommon species such as Leisler's, Serotine, Nathusius pipistrelle, Lesser horseshoe, Greater horseshoe bats and Barbastelle bat. Both Horseshoe bats are features of the Pembrokeshire Bat Sites and Bosherton Lakes SAC. Greater horseshoe and Barbastelle are considered amongst Wales' rarest bat species. One bat roost was identified on the scheme footprint and 14 bat roosts were identified in close proximity to the scheme.

The ES (Section 8.6.23) concludes that for both horseshoe species of bat and barbastelle bat 'In the absence of mitigation measures, the potential disruption of flight lines and foraging areas is considered to be a large magnitude affect which would be considered significant for all other bat species'. To seek to mitigate these impacts upon bats, the scheme commits to delivering culverts with a 'ecological mitigation function' including usage by bats. The majority of the crossings proposed for use by bats are 1.8m wide pipe culverts. However, we are concerned that the proposals do not reflect the 'Best practice principles for bat mitigation along linear transport infrastructure' (as set out in Berthinussen and Altringham JD 2015), such that the culverts are unlikely to effectively function for the purposes of bat mitigation desired.

Underpasses are advised of ~3m height for woodland adapted species and of ~6m for edge adapted species. None of the underpasses/culvert proposed in this scheme are over 2.7m high. Of the 9 culverts proposed on this scheme, only 3 of the culverts proposed are likely to be of sufficient size to give greater confidence in their uptake by bats. Furthermore, we are concerned that a number of culverts do not sit on a flight line. Studies have shown that bats are unlikely to use crossing points that deviate from their natural flight. This is likely to further impair their ability to function effectively.

At a number of locations where flight lines are being severed by the road, 'hop over' crossing points are proposed. While we welcome the inclusion of mature planting to be provided to facilitate crossing points at these locations, a number of the lower flying species including the horseshoe bats will be particularly vulnerable to road collisions at these locations. As such, where survey results have identified significant usage by low flying species of bats we do not feel that 'hop over' crossing points would be sufficient to mitigate the impacts of the scheme on these species of bats.

We therefore consider that the ES does not adequately demonstrate that the crossing points listed will function effectively for the species concerned, increasing the likelihood of collision and severance of foraging routes and areas.

We advise that further information is submitted in the form of a revised detailed bat mitigation strategy, that takes into account our concerns as detailed above. We advise that this include (but not exclusively):

- The design and placement of any mitigation structures to provide safe crossing points for bats need to take full account of the requirements of each species for which the measures are intended to benefit.
- Underpass structures of sufficient size and sited along currently used flight paths.
- Drawing of the structure of all ecological crossing points, including how these sit within the landscape and how planting/ fencing will enhance the chance of species finding them and encourage their use, and discourage unsafe crossing.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended).

Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
ii. There is no satisfactory alternative and
iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Dormice
Dormice were confirmed at the western and the eastern end of the scheme and habitat assessed as high-quality habitat for dormouse throughout the scheme. As such dormice presence throughout the scheme has been assumed.

The ES (section 8.6.24) states that 'The construction of the Scheme would result in the loss of 4.16ha of woodland and scrub, and 5,958m of hedgerow which is considered to be a significant area of dormouse habitat and could result in the death or injury of dormice from plant or machinery. The cleared corridor of the Scheme is also likely to act as a barrier to the movement and dispersal of dormice leading to fragmentation of the population'.

Whilst we welcome the proposal to compensate for the loss of dormouse habitat at a ratio of 2.15:1, it is not clear where this habitat is being provided or that it is meaningfully located. The Environmental masterplan Sheet 1 to 6, indicate areas of woodland, shrub and scrub planting on the scheme. However much of this planting appears to be located between the proposed road and the current A40 route which would limit its benefit to dormice.

In addition, we note that some of the proposed planting is located close to the Penblewin and Llanddewi Velfrey roundabouts which are proposed to be lit. Please note that we advise against planting for dormice in lit areas. Where mitigation is provided in close proximity to lighting we would advise the submission of Isolux lighting plans to evidence that habitat would not be illuminated.

We note that a large number of hedgerows on the northern side of the scheme will be severed under the current proposals, both by the road and access roads to surrounding properties.

While this is unlikely to prevent dormice reaching habitat proposed along the northern boundary of the road, it will discourage use and make dormice movement through the scheme more difficult and impact on the overall success of the scheme for dormice. We would advise that planting is delivered to seek to connect some of these hedgerows.

With regards to potential for severance of habitats by the road, only two crossing points for dormice are proposed both at the western end of the scheme at . In addition, the proposed crossing points consist of 400mm wide pipe culverts that are over 48m long. We believe that these structures are too long and narrow to have successful uptake by dormice. In addition, given the length and dimensions of the pipe culvert it would be very difficult to maintain the structure or rectify any problems should they occur. We are not aware of the successful uptake of dormice on a structure of this nature, however we would welcome the submission of evidence to the contrary.

We therefore consider that the ES does not currently adequately demonstrate that the scheme will not cause a detriment to the maintenance of the favourable conservation status of dormice.

We advise that further information is submitted in the form of a revised dormouse mitigation strategy, that takes into account our concerns as detailed above. We advise that this include (but not exclusively):

- Submission of detailed plans showing the location of habitat to be lost, habitat to be retained for use by dormice, and the habitat to be created. We would welcome clarity about the nature of the replacement planting and assurance that such planting is meaningfully located
- Other proposals to offset the likely impacts of the road on dormouse populations, such as management to improve retained habitats
- Revised proposals to seek to minimise fragmentation caused by the scheme, including crossing points for dormice based on a design that has supporting evidence of use by dormice, situated in key locations for dormice along the scheme.
- Proposals and commitment to long term management of such habitats

Otters

The ES states (section 8.5.46) that ‘The otter population present within the study area is considered likely to be part of or contribute to the population designated as part of the Carmarthen Bays and Estuaries and the Cleddau Rivers SACs. Otters within the study area are therefore considered to be of international importance’.

The ES details the presence of two possible otter holts 113m and 225m from the scheme near Gibby’s plantation and in the woodland above Bethel chapel. While neither holt is within the footprint of the scheme the ES states that there is the potential for Otters to cross the scheme to travel between catchments.

While we welcome the provision of crossing points for use by otters and the provision of mammal fencing, there is currently not enough information submitted to assess whether these structures have been located appropriately to ensure that otters will use the underpasses proposed rather than crossing the road scheme.

We note that some of the otter passes have been provided in locations of existing culverts, however not all. We are of the view that the layout of the mammal fencing shown on the Environment master plan are unlikely to encourage otter discovery and use of safe crossing points.

We therefore consider that the ES does not currently adequately demonstrate that the crossing points are appropriately located or designed for otter.
We therefore advise that further information is submitted in the form of additional information to address our concerns as detailed above, to include, but not exclusively:

- Additional Information/justification for the proposed location of the otter crossing points
- Additional information on the structure location, fencing and planting around crossing point structure for Otters.

Whilst we welcome the submission of the bat and dormouse licence method statement submitted in the Environmental Statement (ES) Volume 3A technical appendices appendix 8.8a and 8.8b, we consider that there is insufficient information to be able assess whether the mitigation proposed is adequate to limit the impact of the scheme on bats, dormice and otter.

Statement to Inform the Appropriate Assessment (SIAA)

As detailed in the ES, the maximum zone of impact from the site boundary was established as 10km for Special Areas of Conservation (SACs) (30km for sites designated for bats). In this respect the statement to inform the Appropriate Assessment included impacts on the Afonydd Cleddau SAC and the Pembrokeshire Bat Sites and Bosherton Lakes SAC.

The survey effort identifies a number of locations where Greater and lesser horseshoe bats (features of the above named SAC) cross the proposed route. The survey effort also identifies a number of key locations for otters, a feature of the Afonydd Cleddau SAC.

However, the maps and text supplied to support the SIAA do not provide sufficient detail to conclude no adverse effect. We would wish to see further details supplied (described above in our species comments) in order to properly assess the proposed scheme impacts on the above designated sites.

Other Chapters
We have reviewed all of the other chapters within the ES and can confirm that they are comprehensive and provide sufficient mitigation to ensure protection of the water environment.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en)

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

I hope the above comments are helpful, please do not hesitate to contact me if you have any queries.

Yn ddiffuant / Yours sincerely

Ms Louise Edwards
Uwch Gynghorydd - Cynllunio Datblygu / Senior Advisor - Development Planning