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Dyddiad / Date: 11 February 2020

Annwyl / Dear Ms Smith

A40 Llanddewi Velfrey to Penblewin – Public Inquiry (March 2020)

A mitigation strategy for the above road scheme was received on 28 January 2020.

On review of the mitigation strategy we wish to remove our objection to the draft statutory orders, however, we advise that the proposed mitigation be included within the Register of environmental commitments. Our comments are provided below.

In our letter of response to the Draft Orders dated 20 September 2019, we highlighted concerns relating to the European Protected Species dormouse, bats and otter and requested that additional information was submitted to address these concerns.

We therefore welcome the information contained within the letter from Welsh Government to Natural Resources Wales (NRW) of 27 January 2020 and provision of the document titled 'A40 Llanddewi Velfrey to Penblewin Improvements; Protected Species Conservation Strategy', reference no A40LVP-ARP-EBD-SWI-RP-LE-0008, dated 27 January 2020. The additional information within this document provides a basis upon which to review our position on the scheme.

There remain some areas of the proposals which we would wish to develop further. However, we are content that these can be agreed and delivered via Commitments added to the Register of Environmental Commitments.

Mitigation Strategies for both dormouse and bats:

Whilst we welcome the mitigation strategy submitted in support of the Draft Orders, we advise that this and the information contained within the Environmental Statement (ES) are fully developed into conservation strategies for both Bats and Dormouse. We advise the following commitment:

1. No development, including site clearance, shall commence until site wide Dormouse and Bat Conservation Plans have been submitted to and approved in writing. The Conservation Plans shall build upon the principles outlined in 'A40 Llanddewi Velfrey to Penblewin Improvements; Protected Species Conservation Strategy', reference no A40LVP-ARP-EBD-SWI-RP-LE-0008' and in the ES and include:
 - Drawings showing habitat to be retained, habitat to be lost and habitat to be created which should identify the extent and location and species composition on an appropriate scale
 - Details of protective measures to be taken to minimise the impacts
 - Details of measures to prevent or reduce incidental capture or killing
 - Details of measures to be employed to minimise severance, including drawings showing proposed dormouse crossing design; and the design of culverts and other crossings being employed to support safe passage by bats across the road. We would anticipate these drawings including detailed planting information associated with these features.
 - Details of timing, phasing and duration of construction activities and conservation measures
 - Timetable for implementation demonstrating that works are aligned with the proposed phasing of the construction
 - Details of initial aftercare and long-term maintenance
 - Ecological Compliance Audit, including key performance indicators
 - Details of monitoring proposals, including timescales for the long-term monitoring, timescales for submission of monitoring reports, details of any necessary contingency and remedial actions and timescales for these actions

The Dormouse and Bat Conservation Plans shall be carried out in accordance with the approved details.

Agreement on the design of fencing to facilitate safe passage by otter under the road

2. No works on site shall commence until drawings setting out the arrangement and design of fencing at each location where it is intended to provide safe passage by otter under the road has been submitted to and approved in writing. The drawings shall be implemented as agreed.

Landscape and Ecological Management Plan

A Landscape and Ecology Management Plan (LEMP) will be required which sets out the proposals for the long-term management of the habitats provided in mitigation for impacts on protected species, and species monitoring proposals.

We advise the following commitment:

3. No works on site shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscaping and ecological features at the site has been submitted to and approved in writing. The LEMP should include:
 - Details of habitats and ecological features present or to be created at the site;
 - Details of the desired condition of features (present and to be created) at the site;
 - Details of scheduling and timings of habitat creation and management activities
 - Details of short and long-term management, monitoring and maintenance of new and existing habitats and ecological features at the site, to deliver and maintain the desired condition;
 - Details of management and maintenance responsibilities and delivery mechanisms
 - Details of the method to review and update plans (informed by monitoring) at specific intervals as agreed
 - Details of the financial mechanisms to ensure delivery

The LEMP shall be carried out in accordance with the approved details.

Lighting

We note and welcome that when operational lighting on the scheme will be restricted to the two roundabouts. However, we advise that the nature of this and construction lighting is agreed via a commitment in order to manage the potential environmental impacts of external lighting during construction and operation of the project. We advise the following commitment:

4. Prior to its installation, full details of lighting shall be submitted to and agreed in writing. The Lighting Plan should include:
 - Details of the siting and type of external lighting to be used
 - Drawings setting out light spillage in key sensitive areas
 - An Environmental Lighting Impact Assessment against conservation requirements for protected species
 - Details of lighting to be used both during construction and/or operation

The lighting shall be installed and retained as approved during construction and operation.

European Protected Species: Legislation and Policy

Dormice, all species of British bats and otter are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed.

Where a European Protected Species is present and 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. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.

These requirements are translated into planning policy through Planning Policy Wales (PPW) December 2018, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

Statement to Inform the Appropriate Assessment (SIAA)

Provided the above commitments are included within the Register of Environmental Commitments we are satisfied that there will be no adverse effect on the Afonydd Cleddau SAC and the Pembrokeshire Bat Sites and Bosherton Lakes SAC.

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