

1. Response to Powys email of 5th November.

1.1 In an email, dated 5th November 2013, Dominic Woodfield for Powys County Council (PCC) has asked for further information on the otter and badger surveys, which have been undertaken on the route of the proposed access road for AIL's. PCC's email is appended to this note.

1.2 PCC have asked for the following information on the otter and badger surveys:

- A list of all locations where surveys have been carried out;
- The dates on which the surveys were carried out;
- The methodology employed;
- The geographical extent of the surveys i.e. the distance up and downstream from road crossings.

1.3 The points will be addressed in turn for Otter and Badger.

2. OTTER SURVEYS

2.1 Otter surveys were undertaken in 2010 and 2013. In 2010, the surveys were undertaken in August over a number of days. In 2013, the otter surveys were undertaken on 10th and 11th May 2013. Otters are active all year. This is therefore considered to be an appropriate time of year for an otter survey.

2.2 The surveys on both occasions were undertaken by Mick Green of Ecology Matters.

2.3 In 2010, otter surveys were undertaken at the following locations:

- Glen Menial Bridge (ch 460-590);
- Diosig Bridge (ch 875-950);
- Gosen Bridge (ch 4335 - 4600) (there was limited access to the gorge on this occasion, so the area was surveyed from the bridge with binoculars);
- Dolwen Isaf and Dolwen Uchaf Bridges (ch 7400 - 7670);
- The river bank at ch 10410 to 10550;
- The bridge at ch 12450.

2.4 In 2013, the otter surveys were undertaken at the following locations:

- Glen Menial Bridge (ch 460-590);
- Diosig Bridge (ch 875-950);
- Gosen Bridge (ch 4335 - 4600);
- Dolwen Isaf bridge (ch 7400 – 7550);
- Dolwen Uchaf Bridge (ch 7500 - 7670);
- Culverts at Site Access 1 (ch 8250 and 8330);
- Proposed water crossing at the start of Neinthirion bypass;
- Proposed water course crossings on the bypass section (ch 280 and 650);
- The river bank at ch 10410 to 10550;
- The culvert at ch 10752;
- The culvert at ch 11658;
- The culvert at ch 12059;
- The bridge at ch 12450.

2.5 At **Gosen bridge**, the survey covered the area from the minor road bridge to the confluence on both sides of the river, and upstream to 100 m above the bridge. The site was accessed from the minor road bridge and the road immediately south of Gosen bridge for the main Afon Gam and through the woodland area and from the fields above for the Afon Cledan beneath the bridge. A short section (approximately 20m) immediately upstream of the bridge was not accessible due to fallen tree and river bed conditions, but was surveyed from below within the stream and from above (from the bridge) with binoculars. The use of the binoculars gave clear vision and so the lack of direct access was not an issue.

2.6 At **Dolwen Isaf** crossing, surveys were undertaken from SH979074 upstream to SH976307 along the Afon Gam, and from confluence to SH975074 upstream along Nant Friddycastell towards Dolwen farm including minor watercourse and drainage channel. This includes the bridge at **Dolwen Uchaf**.

2.7 At **Neinthirion** the area of the proposed water crossing and a stretch 100 metres up and down stream were surveyed.

2.8 Otter surveys were carried out following the methods outlined in *The new rivers and wildlife handbook*. (RSPB, NRA & RSNC 1994). The riverbanks and any notable features

were searched, mainly by walking the bank. Some wading was necessary to check all areas such as within the Gosen gorge. Presence of otters along the river was assumed in the rivers. This assumption was based on survey results from the wind farm site and experience of otters in Montgomeryshire. The purpose of the further surveys was not, therefore, to confirm the presence or absence of otters from the rivers but rather to assess the potential impact of the proposed works on otters. It was for this reason that an area of 100m either side of the proposed works was assessed for evidence of holts, lying up areas and other signs of otter. The main method was to search for spraints but other signs such as footprints and otter "runs" and "slides" were also looked for.

2.9 The area surveyed is therefore considered to be appropriate in order to assess the impact on otters of the proposed works to the county road.

2.10 No signs of otter were found during either of the surveys (in 2010 and 2013). Mr Woodfield has found evidence of spraints at Dolwyn Isaf bridge, which Mick Green has confirmed in November 2013. This area has been surveyed in 2010 and 2013. There was, however, no sign of otter at this site in 2010 or at the times of the May 2013 survey. This merely suggests that otters are present in the rivers, which has always been assumed (see above). The presence of a spraint in November 2013 does not mean that the surveys in 2010 and 2013 were inadequate. Rather it suggests that otters move along the river (again: as has been assumed in the CSEI).

2.11 There is potential for holts and lying up areas in the areas where physical works are proposed. These include the areas of tree roots and fallen trees around Gosen Bridge, and the areas of wooded bank immediately up and down stream of Dolwen Isaf Bridge. Such areas have been specifically surveyed. There was however no evidence of otters.

2.12 The works proposed at Dolwen Isaf bridge involve very little, if any, in-channel work, therefore it is concluded that there is no possibility of a negative impact on otters. The river will not be blocked and no riverbank will be cleared. Otters will continue to be able to use the river as a transitory habitat without any material adverse impact.

2.13 The works proposed at Gosen, involving the bank works on the southern bank of the Afon Gam, do have potential to disturb otter if they are using this section of bank at the time of proposed works. There is no evidence of holts, or lie up areas (or any other evidence of otters) on the basis of the surveys. Otter will continue to be able to pass and

re-pass the Gosen Bridge. Accordingly, a re-survey will be required prior to any works commencing to ensure that otters are not using this section of bank at the time of the proposed works. In this way, there will be no material adverse impact on otters at Gosen Bridge.

2.14 The highway engineering proposal is for night time working at Gosen Bridge (to minimise disruption to the users of the county road). Otters are both diurnal and nocturnal. Accordingly, night working will not have any materially greater impact than working during the day. As no sign of otters has been noted (either in 2010 or 2013 by either Mick Green or Mr Woodfield at Gosen Bridge) it is considered that any adverse impact (from working in either the day or night) is highly unlikely. Night time working is not precluded therefore by the presence of otters.

2.15 The proposed crossing for the Neinthirion bypass includes some habitat that is a possible lie up area for otters (based on the November 2013 surveys). This will, therefore, be re-surveyed prior to any works. The minor river and culvert crossings are not considered to have any potential to impact on otters.

2.16 Mitigation is proposed within the windfarm Habitat Management Plan with streamside planting and installation of artificial otter holts. The outline has been agreed with NRW as the relevant statutory consultee and will be secured by a condition. If otters are present at the time of the proposed works, the proposed mitigation will ensure there is no material adverse impact upon them.

2.17 It is not considered, therefore, that there will be any material adverse impact on otters as a result of the proposed access route works.

3. BADGER SURVEYS

2.1 The sole point raised by Mr Woodfield in his revised DW 8 is that the date of the badger surveys has not been provided.

2.2 Surveys for signs of badger were undertaken in August 2010 as part of the Phase 1 habitat assessment. All areas then proposed to have works were checked. Signs of badger were found at:

- Section 1.14 (chainage 2970 – 3050 - unoccupied holes);
- Section 1.15 (CH3340 – 3450 – unoccupied hole and fresh latrine); and
- Dolwyn Isaf (CH 7300 – latrines).

2.3 Surveys of known sites from the previous surveys were carried out during site visits in March 2013. All areas within and beyond the proposed red line were visited during the Phase 1 survey in April 2013, with additional visits in May 2013 following minor changes to the proposed works.

2.4 All areas where works are proposed were surveyed for badger. This specifically included the areas referred to in revised DW 8 (as set out in Mick Greens' rebuttal App C):

- (i) Ch 2970 – 3050;
- (ii) Ch 3340 – 3450;
- (iii) Ch 3870 – 3930;
- (iv) Ch 3875 – 4090;
- (v) Ch 7150 – 7290.

2.5 Badger surveys were carried out following the methods outlined in *Best Practice Guidance – Badger surveys* (SNH 2006). This guidance confirms that the dates for the survey in 2013 were appropriate. The optimum time for badger surveys is February to April.

2.6 All areas to be impacted were searched for signs of badger including:

- Faeces (latrine sites).
- Setts, comprising either single isolated holes or a series of holes.
- Paths between setts or leading to feeding areas.
- Scratching posts at the base of tree trunks.
- Snuffle holes (small scrapes where badgers have searched for insects, earthworms and plant tubers).
- Day nests (bundles of grass and other vegetation where badgers may sleep above ground).
- Hair traces.
- Footprints

2.7 No signs of badgers were found in the April 2013 surveys. The disused holes found in 2010 found at Section 1.14 (chainage 2970 – 3050) and Section 1.15 (CH3340 – 3450) were still unused and no new latrines were located.

2.8 As no active badger setts were found, no mitigation is required. However, as stated in the SNH guidance, badger populations are dynamic: sett status, sett distribution, badger numbers and social group composition can change over time therefore new surveys will be undertaken immediately prior to any works starting.

2.9 It is not considered, therefore, that there will be any material adverse impact on badgers as a result of the proposed access route works.

O'Gorman, Emma

From: Charles Felgate <charles.felgate@geldards.com>
Sent: 05 November 2013 15:12
To: O'Gorman, Emma
Cc: Dominic Woodfield - Bioscan
Subject: Llanbrynmair - Ecology Surveys [GELDARDS LLP-Cardiff.FID1544146]

Emma

Further to the below I have now had the opportunity to discuss with Dominic Woodfield.

1. The issues of ambiguity and uncertainty concerning the scope, timing and methodology of the protected species surveys remain. With regard to otters, can we have a list of all locations where otter surveys were carried out, when those surveys were done, the methodology employed and their extent (e.g. distance up/down stream of road crossing surveyed).
2. With regard to badgers, could we have similar information.
3. We note that the amended descriptions of the individual locations of works now provide botanical and habitat data that was absent from the August 2013 CSEI. In some instances, this includes reinstatement of confirmation of the presence of habitats capable of being a material consideration in planning decisions that had been omitted from the August 2013 CSEI in error, as accepted by Mick Green. In that context, what, if anything, is now proposed in order to ensure that the CSEI package is corrected and given appropriate publicity?
4. Can it be confirmed how the 1532 metres of hedgerow loss, 53 trees lost and 32 metres of riverbank lost or remodelled figures were arrived at? I understand that Mr Van Grieken accepted that the tree figures were not necessarily representative of the total tree loss in cross examination today, but it would still be useful to have a response on this. .

Regards

Charles

From: Charles Felgate
Sent: 30 October 2013 09:54
To: 'O'Gorman, Emma'
Cc: Glover, Richard; Dominic Woodfield - Bioscan
Subject: RE: Llanbrynmair - Ecology Surveys [GELDARDS LLP-Cardiff.FID1544146]

Emma

Thanks for these. On a first look, these do not take us very much further than the information contained in the SEI. I will speak with our ecologist, who is currently in Turkey, but I anticipate that he was expecting to see evidence of more survey effort than this.

Regards

Charles

From: O'Gorman, Emma [mailto:Emma.O'Gorman@squiresanders.com]
Sent: 29 October 2013 09:30
To: Charles Felgate