

Matters Arising from Hearing Session 19 Cwmtillery Settlement Boundaries

Final Response to Council on Ecological Issues Under MA19.2

Alternative Site reference: AS (N) 21 Alternative Site name: Ty Pwdr

Introduction

As requested by MA19.2, the following is the responder's comments to the Blaenau Gwent Ecologist Memorandum dated 19 July 2012. This aspect emerged as part of the general discussion arising from Question 1 in Session 4 and particularly whether site selection and policy designation processes were based on appropriate criteria supported by a clear audit trail. As clearly indicated by the Authority's memorandum and as explained below, site selection via ecological assessment is not supported by a clear audit trail.

The memorandum addresses two reports (Gwent Wildlife Trust and David Clements Ecology 2009).

Gwent Wildlife Trust

This report was dated November 1991. As stated by the ecologist there was no survey methodology or indication as to what time of year data was gathered by the Trust. Such information is vital to provide credence to the document.

The Authority state in the 19 July 2012 memorandum that any survey undertaken outside the prescribed methods and timing should not be considered as evidence. In the absence of such protocol, such evidence **cannot** be relied upon.

Given the methodology/protocol limitations, the responder recognises that aspects of the Gwent Wildlife Trust (GWT) document can provide guidance if not evidence. In the responder's appendices documentation (Figure 2 Layout Plan) supplied at Session Hearing 19, the GWT survey:

- Identified and plotted various habitat areas on 1:500 scale base map
- Subdivided such habitat areas to various components
- Described each habitat and listed species via common and scientific names.
No estimation of species dominance promoted except in general terms

Prior to commissioning the David Clements report, the responder was aware of the protocol required when considering ecological issues? In the Authority's letter dated 8 September 2008 (previously supplied as Schedule C Article 6), a memorandum was attached as Appendix 2 from the Authority's ecologist putting forward optimal survey times. Amongst others, such survey times included the following:

Land and aquatic habitats	May – August
Grassland	May – August
Ponds/watercourses	May – August
Woodlands/hedgerows	April – June

David Clements Ecology Limited

The initial November 2009 report by David Clements Ecology Limited (DCEL) submitted in support of application C/2008/0229 planning appeal indicated that survey work on both Ty Pwdr land and Greenmeadow Farm was undertaken at appropriate seasonal times reflecting the programme in the Blaenau Gwent County Borough Council ecologist's memorandum (September 2008) as mentioned above. The DCEL November 2009 report made no distinction between the separate parcels of land.

In the Authority's memorandum (19 July 2012), the ecologist supports the DCEL reports. These reports at paragraph 3.1.23 (page 10) state that the previous studies

in 1991 by Gwent Wildlife Trust and the 1998 J. Winder (1998) identified similar habitats to those completed by DCEL.

An assessment of the Gwent Wildlife Trust report's findings along with its limitations has already been critiqued above. However, with regard to the J. Winder report, this exercise was completed in September 1998 and outside the recognised seasonal months advocated in 2008 by the Authority's ecologist. Given such circumstances, the acid grassland was not surveyed at the correct time and as such should be re-assessed. This opportunity arose in January 2008 when an Authority officer confirmed in the 'Official Use only' section of Winder's report that the site should be selected as a Wildlife/SINC site.

Moreover, using the 'Criteria for the Selection of SINC's in the Mid-Valleys Area' (June 2008), it seems only one indicator species (*Campanula retundifolia* - harebell) for acid grassland with a further two indicator species for heathland, namely *Caluna Vulgaris* (ling heather) and *vaccinium myrtillis* (bilberry) were identified in the J. Winder survey.

The Winder report advocates that the site qualifies as a Mosaic Habitat (H20) under the available 1998 version of the Wildlife Site guidelines. This has been updated as the current version refers to Wildlife Sites Guidance Wales (February 2008) which promotes the process to develop local wildlife systems in Wales. Under Mosaic Habitats (H16) sound advice is promoted. It states that where mosaic sites are being considered "...care should be taken to ensure a defensible and reasoned

justification is given. Otherwise there may be a risk that the required test of 'substantive nature conservation interest' will not be met, and the site could successfully be challenged."

However the DCEL June 2011 report (previously provided under Schedule G Document 2 accompanying the 'Alternative Sites Comment form') specifically separated Ty Pwdr land from Greenmeadow Farm land. Although the report recognised Ty Pwdr's land being in part 'acid grassland', mitigation measures could be put into practice overcoming potential loss and subsequent enhancement.

When the survey was completed in November 2009, it was done in the recognition the land was a candidate SINC. However, when compared with GWT 1991 indicator species covering Ty Pwdr land alone, it seems only 4 acid grassland species are present. As such the other 4 species must occur outside the limits of the Ty Pwdr land.

Overall Survey Comments

There is an issue regarding the Authority's reliance on J. Winder's completed habitat/species surveys regarding Ty Pwdr land. The document is suspect in that survey work was not completed at appropriate times of the season and that there remains uncertainty as to what exactly are the acid grassland indicator species on Ty Pwdr land. Such issues reflect those concerns in Wildlife Sites Guidance Wales (February 2008) in that the designation has emerged from an unreliable defensible and reasoned justification.

There is also an issue regarding the validity of the Authority's March 2008 Biodiversity Assessment Proforma (previously provided under Schedule H – Article H3) which was dated 11 August 2008. Apart from inaccuracies over timing and a site visit as opposed to a survey being undertaken, the Mosaic Habitats (H16) section in Wildlife Sites Guidance Wales (February 2008) also needs to be considered against this proforma contents.

Conclusion

The Authority has relied upon J. Winder 1998 survey as being the catalyst for designating Ty Pwdr as part of the SINC. The Authority has stated in its memorandum in reference to the Gwent Wildlife Trust survey that such evidence cannot be relied upon as it is not in accordance with recognised survey methodology. As such, if the Authority is to remain consistent, the J. Winder survey also cannot be relied upon as its completion fell outside the prescribed methods and timing and therefore the information provided is unsound.

Consequently, a complete reassessment of the SINC should be conducted in strict adherence to TAN 5 – Nature Conservation and Planning. Along with this guidance, the criteria for the selection of SINC's in the Mid Valley Area (June 2008) should be addressed. A distinction can be made between Ty Pwdr and Greenmeadow Farm land. There are defensible and reasoned justifications to separate the habitats in that there are observable physical boundaries such as bridleway, ancient hedgerows and varying levels of use by people and animals. Paragraphs 3.4 and 3.5 (pages 8 & 9) of the document confirms such arrangements. In addition, Greenmeadow Farm land is owned by Blaenau Gwent County Borough Council and is a 'management unit' in

isolation to the inaccessible and therefore unmanageable Ty Pwdr land. A clearer description of the two different parcels of land supported by a lack of acid grassland indicators identify that Ty Pwdr should be excluded from the SINC classification boundary.