

Dormice and the NRW Survey

Decline in Numbers and the Law

Dormice numbers and distribution have halved during the past 100 years (*1) and in Wales numbers have dropped 20% (*2) between 1991 and 2000.

Dormice are protected by law under the Conservation of Habitats and Species Regulations 2017, known as the 'Habitats Regulations'. Under the Habitats Regulations, it is an offence to deliberately capture, injure or kill dormice, deliberately disturb dormice, damage or destroy a breeding site or resting place dormice. As a European protected species, a license would be required from NRW for any works if dormice were found on site. When considering a planning application, the planning authority should take account of the presence of dormice, and may refuse the application "if a suitable survey to assess the impact of a development on protected species has not been carried out" (*3).

Survey

NRW commissioned a dormice survey in 2017, which was undertaken by Four Seasons Ecology and JBA Consulting. Any dormice survey should follow the guidance given in the dormouse conservation handbook published by English Nature (now Natural England). The survey says "The survey was conducted in accordance with best practice guidelines as set out in *The dormouse conservation handbook*" (*4).

100 nesting tubes were installed on 10th April. They were checked on 26th July, 25th August and 18th October. The *dormouse conservation handbook* says "Nest tubes are most frequently occupied in May and August /September". **So only one survey was carried out when the tubes were most likely to be occupied.**

The guidance given in *The dormouse conservation handbook* for how to survey using nesting tubes says "It is recommended that at least 50 tubes be used to sample a site, spaced at 20 m intervals". **But a look at the locations map shows this was not done.**

Just 4 nest tubes in Newland Wood

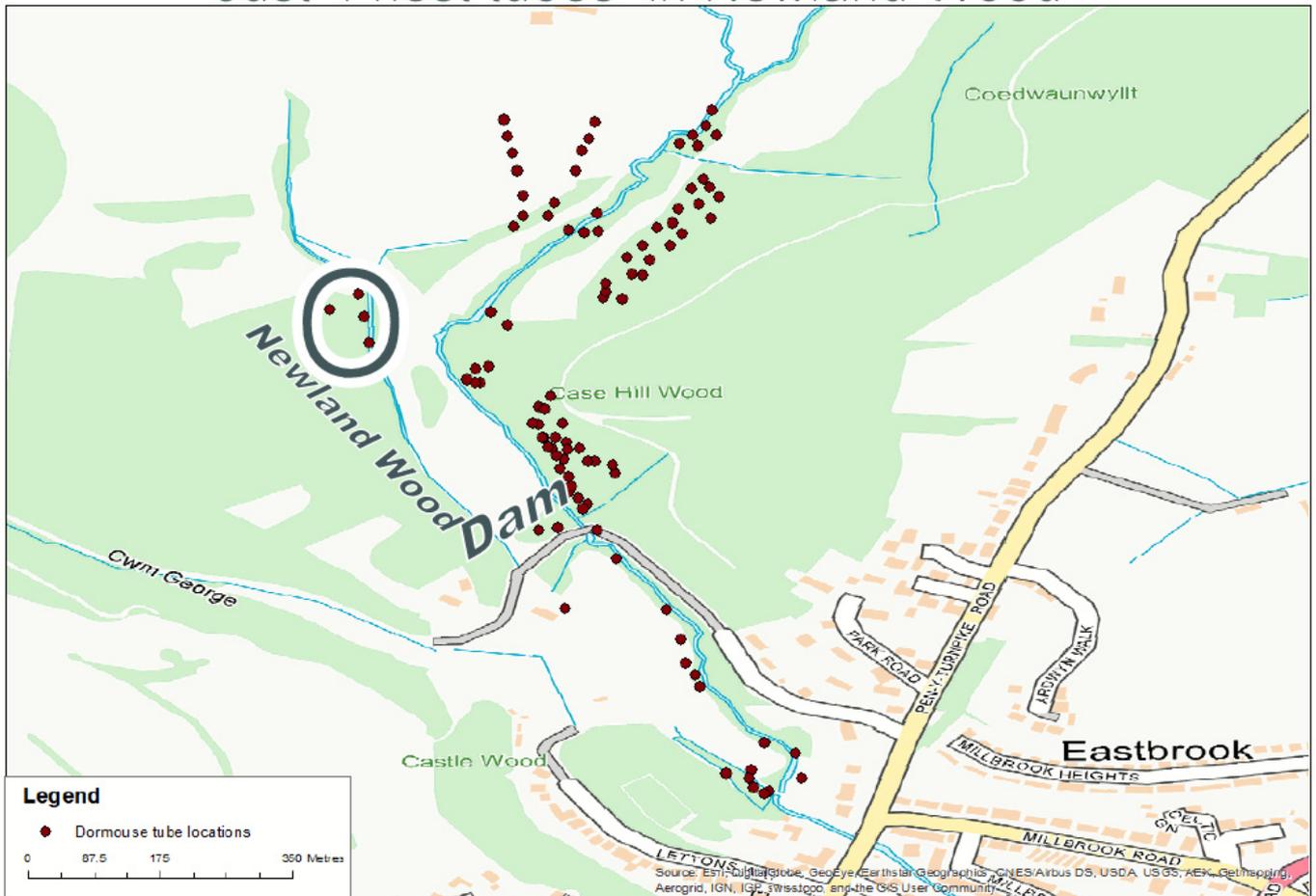


Figure 3-2: Locations of Dormouse tubes surrounding flood storage area

Just 4 tubes were installed in the northern end Newland wood, and **just 3 tubes** in the tree/scrub line along the western side of the river (a distance of 640 m).

Newland Wood is the wood most directly affected should the dam be built. Construction would see some 2000 sq. m of woodland directly destroyed, and a larger area north of the dam being affected by flooding. Newland wood contains a large area of ancient semi-natural woodland, and has a border rich in blackberries and hazel (*5). It is also connected to a much larger area of ancient woodland via Cwm George and Park Wood. *The dormouse conservation handbook* says “**The best conditions for dormice are to be found in extensive ancient semi-natural woodland**, where there has been time for shrub species diversity to develop, and where coppicing of hazel is carried out”. Newland Wood is highly likely to be a dormouse habitat, so it is surprising that so few nesting tubes were sited there.

Persuasion

NRW have said that they might use the persuasion method to remove dormice from the dam construction site. Dormice are dormant in winter and likely to be in nests on the ground under moss or leaf litter. Persuasion would see the removal of trees and undergrowth when the dormice are dormant. In the spring the dormice would emerge and move naturally to the undisturbed remaining woodland. *The dormouse conservation handbook* says “persuasion is the method of choice, **provided that it does not result in**

more than doubling the spring population density in the remaining habitat". With no proper survey being carried out in Newland Wood, NRW can have no idea what change there will be in population size in the remaining wood. *The dormouse conservation handbook* also says "Male dormice are territorial in the breeding period (May to September) and may attack each other" so having male dormice emerging from dormancy and moving to a new area will lead to the disturbance of not only the dormice that were in the dam construction area, but will also disturb dormice in the surrounding area.

Flood Area

The potential flood area includes ancient woodland, hedgerows and riverside trees and shrubbery. Any of these could well contain dormant dormice at flood time. NRW have not addressed the possible drowning of dormice in these areas. Dormant dormice are not just asleep, able to move away as flood waters threaten. *The dormouse conservation handbook* says "The animals become moribund and inactive as the body cools, with their normal temperature (similar to our own) falling to little above that of their surroundings"

As the Survey Report Came Out in Nov 2017 Is It Still Valid?

The Dormouse Survey Report concludes "if works are not carried out within 18 months of this report it is recommended that further surveys are undertaken". The report is now over 24 months old, so a new survey is required.

NRW's current position

In an e-mail reply John Hogg (NRW Head of Operations South Wales Central) wrote:

"Thank you for your further emails regarding flood risk management in Dinas Powys. Please accept my apology if my email suggested we do not believe dormice are present in the woods, this was not the intention and I have now been advised why tubes were distributed as they were. Due to other evidence we have, namely other survey records, we have presumed that dormice are present in Newland Woods. Hence the survey was not flawed but part of a bigger picture, so targeted areas where we had less data.

Newland woods is a large area and the habitats and species present vary throughout it. Survey findings have concluded that dormice are not likely to be present within those areas of the woods where the scheme has potential to impact. However, as absence cannot be determined at this time, and would be time-limited, we would intend to take a precautionary approach if the flood storage option progressed. Further assessment of dormice presence and impact would be scoped into the scheme's Environmental Impact Assessment, at which stage mitigation measures would be defined and the need for dormouse licensing determined. The risk of other protected species would be managed similarly."

So NRW initially accepted a report saying "Dormice are not present at this time within the scheme area and it is therefore considered that the scheme will not have an impact on the

species”, but now say that they have historic records of dormice in Newland Wood. The second paragraph of Mr hogg’s reply then goes on to say surveys findings have shown dormice are unlikely to be in the area where the dam will be built. But this is incorrect, there was no dormice proper survey carried out in area effected by the dam (just 4 nest boxes) and NRW’s own Tree Survey and Arboricultural Survey found 19 hazel trees in just a 30 m stretch of woodland edge.

Conclusion

NRW accepted a flawed dormice survey in 2017, and have then claimed that they had good reason not to survey the woodland area worst effected by the dam. They have not addressed the flooding and drowning of dormant dormice to the north of the dam.

- (1) *The dormice conservation handbook* (Tdch)
- (2) Natural resources Wales website
- (3) Tdch
- (4) (4) Page 3 para 3
- (5) Tree Survey and Arboricultral Impact Assessment 18th Sept. 2017 found 19 hazel trees in just a 30 m stretch of woodland edge