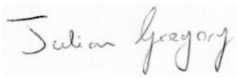
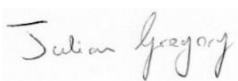


2022

# Bynea Tidal Flap

## Otter Survey Report



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| Document prepared by     | Owain Waters                                                                                                    |     | 12/2022 |
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## 1 INTRODUCTION

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### 1.1 BACKGROUND

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- 1.1.1 As part of ecological walkovers to inform a S28G Notice for the Bynea Tidal Flap Repairs. EcoVigour undertook initial desk-based assessments which highlighted records of Otters within proximity to the project and follow up this data, with a walkover survey.
- 1.1.2 Otter are an Annex II feature designation and habitat suitability that may support otters (habitat for foraging, commuting, and establishing holts, in the form of the river corridor and woodland further afield).
- 1.1.3 As part of the Band 1 Marine License method statement, a species specific survey was undertaken to assess the potential level of Otter activity with the wider area of the project.

### 1.2 LEGISLATION AND RELEVANT BIODIVERSITY CONTEXT

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- 1.2.1 Otters are afforded protection in the United Kingdom under the Wildlife & Countryside Act 1981 (as amended) and as a European Protected Species (EPS) under The Conservation of Habitats and Species Regulations 2017 (as amended).
- 1.2.2 It is an offence to:
  - ◆ deliberately capture, injure or kill an otter;
  - ◆ deliberately disturb an otter; and
  - ◆ damage or destroy a breeding site (holt) or resting place (couch) of an otter.
- 1.2.3 Otters were also identified as a species that is a priority for nature conservation (priority species) within the UK Biodiversity Action Plan (UKBAP), which has now been superseded by the 'UK Post-2010 Biodiversity Framework3' but is still an important reference source and has been used to help draw up statutory lists of priority species in each country in the UK.
- 1.2.4 The Environment (Wales) Act 2016 includes a duty on all public authorities to have regard to the conservation of biodiversity in the exercise of their functions.
- 1.2.5 This duty applies to government bodies, local authorities and statutory undertakers. The Act also requires lists to be published of Habitats and Species considered to be of Principal Importance for the Conservation of Biological Diversity.
- 1.2.6 These are referred as Section 7 habitats and species after the sections of the Act which require the publication of lists in each devolved area. Otters are listed as a Section 7 Species.



## 2 METHODOLOGY

### 2.1 KNOWN DESK BASED DATA

2.1.1 The figure below illustrates known Otter records from the WWBIC dataset within proximity to the project area.



Figure 1: WWBIC Records.

The table below provides further information on the types of records the above locations represent.

Table 1: Description of local Otter records.

| Location Number | Date                             | Description                                        |
|-----------------|----------------------------------|----------------------------------------------------|
| 1               | 2 records, between 2004 and 2006 | 1 Count of Breeding Site actual/potential; 1 Count |

2.1.2 Other notable records are those of Watervole which have been recorded approx.. 800m to the south west of the tidal flap. Although not part of this survey remit, evidence of water vole was search for along the narrow watercourse flowing to, below and from the tidal flap.



## 2.2 SURVEY AREA

2.2.1 The survey was focused on areas of habitat directly connected to the proposed working area.



**Figure 2: Survey Area**

2.2.2 The surveys were carried out in line with best practice survey guidelines. Surveys were conducted along the river and within the adjacent habitats, where the area was searched for further signs of otter.

2.2.3 Signs of otter that were searched for included:

- ◆ spraints (droppings) and anal jelly;
- ◆ footprints;
- ◆ feeding remains;
- ◆ slides (into water);
- ◆ holts (breeding places); and
- ◆ couches/lay-ups (resting places).

## 2.3 LIMITATIONS

2.3.1 Note, some sections of habitat form party of an active rail corridor and consequently, could not be fully surveyed safely.

2.3.2 The findings presented in this report represent those at the time of survey and reporting, and data collected from available sources. Ecological surveys can be limited by factors affecting the presence animals, such as animal behaviour.

2.3.3 The absence of definitive evidence of otters during the survey should not be taken as conclusive proof that the species is no longer present or that it will not be present again in the future



### 3 SURVEY FIGURES AND RESULTS

3.1.1 The survey was undertaken on during October 2022 by ecologists Owain Waters (EcoVigour Ltd), supported by ecologist Julian Gregory (EcoVigour Ltd). Access was achieved via a rail foot crossing to the north of the survey area, allowing access to the estuary edge. Access to the rear (north) of the survey area was granted by a local resident who owns the land boarding the rail boundary.

**Table 2: Weather conditions during surveys.**

| Date     | Temperature | Precipitation | Cloud Cover | Wind | Conditions      |
|----------|-------------|---------------|-------------|------|-----------------|
| 15/12/22 | 10C-12C     | 0             | 0           | 0-1  | Dry, Calm, Cold |

3.1.2 The images below were taken during low tide conditions.



**Figure 3: Habitat around mouth of tidal flap**



**Figure 4: Approx. 100m+ further south of the tidal flap.**

- 3.1.3 The estuarine facing habitat is generally very exposed, with salt marsh along the base of the rail being within the strand line.

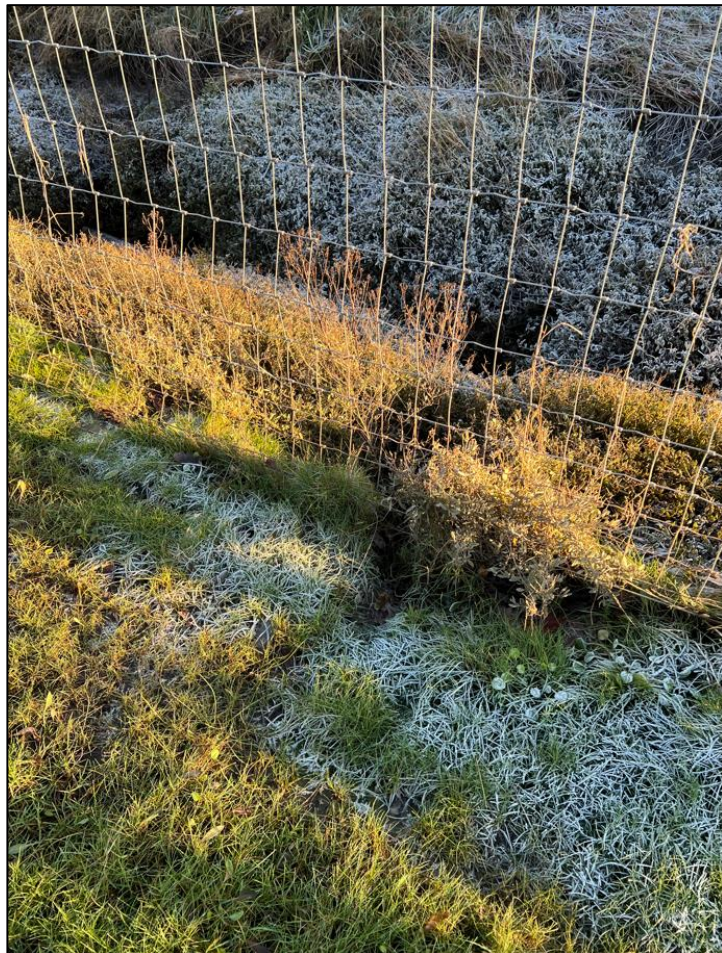


**Figure 5: Raised ground in front of small rail cutting, north (upstream) of Tidal Flap.**

- 3.1.4 Small mammal holes (likely rabbit) were noted along the exposed, south facing side of the outcrop.



***Figure 6: Inlet of culvert below rail corridor (north side).***



***Figure 7: Mammal path below NR boundary fence.***



**Figure 8: North Side, 100m south of Culvert.**

### 3.2 FIELD SURVEY RECORD

3.2.1 The table below highlights the findings found during the survey.

**Table 3: Target note descriptions.**

| Target Note: | Field Sign   | Descriptions                                                                                                         |
|--------------|--------------|----------------------------------------------------------------------------------------------------------------------|
| 01           | Mammal paths | (Figure 7) A distinct mammal was observed below the network rail boundary fence approx. 30m upstream of the culvert. |

- 3.2.2 Multiple other prints not pertaining to otters were identified during the survey, with, dog, human (footwear), multiple wader species along the exposed mud downstream of the tidal flap connected to the wider estuary.
- 3.2.3 In terms of habitat, there is definitive connectivity to the habitats north and south of the project, along the estuary itself. Animals crossing the railway itself is likely and probably successful due to rail traffic being generally less intense on this particular line, compared to the South Wales Main 2 further south.
- 3.2.4 Anecdotal evidence from speaking to the local resident, who allowed access to the northern section of the survey area, noted multiple sightings of Otter swimming up and down the estuary during the night.



## 4 RECOMMENDATIONS AND CONCLUSION

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- 3.2.5 No features such as holt or layup areas have been confirmed within the survey area. However, the assessment is limited to the period it was undertake and Otter are known to use features and some routes sporadically and may not return to a specific area for many weeks.
- 3.2.6 Consequently, although the works are limited to a small area and for a very short duration. The local presence of Otters will be assumed for the duration of the works. Consequently, best practice mitigation measures should be implemented to reduce potential disturbance to Otters travelling up and downstream of the estuarine defences during the vegetation clearance works.
- 3.2.7 The following precautionary measures will be implemented:
- ◆ Works attempt to avoided up to 30 minutes after sunrise and 30 minutes before sunset where possible, to avoid disturbance to commuting or foraging otters. This will be limited to available line blocks; however Saturday night line possessions are usually the most generous in terms of allotted hours.
  - ◆ Access for otter along up and down stream of the waterbodies will be maintained during the works.
  - ◆ Should an otter been seen within proximity to the works, the warden will request works to be temporarily ceased if safe to do so and allow the animal to move in its preferred position and disperse from the area of its own volition.
  - ◆ Lighting controls will be in place, with the engineering team ensuring light spill is kept to a minimum, with task lighting and plant lighting focused on the works areas in question.
  - ◆ Any sightings of otter will be reported to the project environmental coordinator.
  - ◆ The principal contractor must ensure any equipment (such as ropes or securing ties) are well secured and not in a fashion that could ensnare or trap otter (or any other animal).
  - ◆ Toolbox talks must be provided to the project team ahead of the works.
  - ◆ The principal contractor must adhere to the Biosecurity Measures outlined within the Marine License documentation and all relevant GPP's.
- 3.2.8 The above mitigation measures of assessed a sufficient to ensure local otter populations will not be detrimentally impacted by the project.
- 3.2.9 Any changes to approach or works duration should be discussed with an ecologist as further mitigative measures or additional surveys may be required to quantify potential impacts to local otter populations.