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19<sup>th</sup> July 2016

Dear Matthew,

**Habitats Regulations Assessment for the Application of Cypermethrin, Acetamiprid, and trees treated with alpha-cypermethrin, on the Welsh Government Woodland Estate 2016-2017**

Thank you for giving the Strategic Assessment Team, Natural Resources Wales, the opportunity to provide advice on the Habitats Regulations Assessment (HRA) for the Application of Cypermethrin, Acetamiprid, and trees treated with alpha-cypermethrin, on the Welsh Government woodland estate (WGWE) between May 2016 and May 2017. Our comments are made in the context of our roles under the Conservation of Habitats and Species Regulations 2010 (as amended), and as advisers to the Welsh Government on the natural heritage and resources of Wales and its coastal waters.

Please note that all of our responses are now published on the Natural Resources Wales website.

In summary, **we agree with the conclusion that the application programme will have no likely significant effects on European sites and an Appropriate Assessment is not required in this instance, provided that the mitigation is carried out as detailed in the HRA document.** Our specific comments on this assessment follow below:

**Points to note**

1. The Strategic Assessment Team (SAT) believe in the principle that HRA should be an iterative process. We therefore welcome the constructive dialogue that has taken place between our teams during this consultation period, a process that we believe has resulted in a higher quality and more robust HRA document.
2. We welcome the staged screening analysis presented in the HRA document, which we recognise is not an insignificant piece of work.

3. The approach set out in this HRA is that the mitigation proposed is so effective that the only potential spray sites that could have a significant effect on a European site are those that fall within a European site, and all other European sites are screened out. It is therefore necessary to have confidence in both the effectiveness of the mitigation, and that the mitigation will be followed on multiple occasions in the field. **It is essential therefore, that operators adhere strictly to the mitigation outlined in the HRA document.** As set out in the HRA document, it is important to formally record all applications, including should there be any failure to follow the mitigation, or accidents, and to report any spillages immediately as described.
4. We note that it is a requirement of the temporary Forest Stewardship Council (FSC) derogation to '*limit the use of Cypermethrin control to the minimum amount needed to achieve silvicultural objectives in highly infested areas, if a biological product, bioinsecticide, or protective coating cannot be used and if chemical control is needed*'. We also note that the derogation runs until the end of October 2017. We therefore support the development of alternative means of *Hylobius* and *Hylastes* control, including the use of nematodes, wax collars or coatings, and use of low impact silvicultural systems such as continuous cover forestry.
5. We understand that once the derogation for Cypermethrin expires in October 2017, Acetamiprid will be used in its place when it is considered that pesticide application is required due to a *Hylobius* and/or *Hylastes* outbreak. **We wish to flag-up at this early stage that we have a number of concerns regarding potential impacts on European sites from the use of this neonicotinoid pesticide, and therefore strongly encourage you to establish a cross-discipline working group within Natural Resources Wales to strategically consider the issues around its application, in advance of us having to consider its application as part of a future HRA. In addition, it is our view that a targeted (i.e. closer to application sites both in space and time) monitoring programme for Acetamiprid should be put in place in advance of its more widespread use.**
6. It is our view that the long-term use of pesticides in the Cwrt Plantation and the north-west corner of Coed y Brenin (catchment of the Afon Serw) would benefit from discussion, as part of wider discussion about management of forestry in this area. Water courses from these two forestry blocks feed in to the Afon Eden – Cors Goch Trawsfynydd SAC whose upper waters support what is considered to be Wales' only viable population of freshwater pearl mussels *Margaritifera margaritifera*. We understand that technical specialists will contact relevant forestry staff to progress this in the coming months.

### **Sites of Special Scientific Interest (SSSIs)**

7. Note that assent may also be required in relation to SSSIs potentially affected by spraying (and whose qualifying features are likely to differ from the European sites considered here in many cases). Whilst only a small number of sites may be affected (i.e. where potential spray sites actually sit within or adjacent to an SSSI), rather than applying individually for assent on each potentially affected SSSI, it may be more efficient to put together a block application.

Should you have any queries regarding these comments, please do not hesitate to contact Roger Matthews via the Strategic Assessment Mailbox at:

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Yours sincerely,



**Howard Davies**  
**Head of Corporate Planning**  
**Governance**