

Coverack Road - Habitat Regulations Assessment

P04

June 2025

Prepared for:
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Document Status

Issue date	June 2025
Issued to	Hedyn
BIM reference	LNA-JBAU-XX-XX-RP-Z-0003-Coverack_HRA
Revision	S3-P04
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Contract

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This report describes work commissioned by Landev Consulting, on behalf of Hedyn, by an instruction dated 15th September 2023. The Client's representative for the contract was Dafydd Cantwell of Landev Consulting. Hannah Webster of JBA Consulting carried out this work.

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Abbreviations

BAP	Biodiversity Action Plan
CIEEM	Chartered Institute of Ecology and Environmental Management
EPS	European Protected Species
HRA	Habitats Regulations Assessment
INNS	Invasive Non-native Species
JNCC	Joint Nature Conservation Committee
MAGIC	Multi-Agency Geographic Information for the Countryside
NNR	National Nature Reserve
NRW	Natural Resources Wales
PEA	Preliminary Ecological Appraisal
PPW	Planning Policy Wales
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

1 Introduction

1.1 Background

JBA Consulting (JBA) were commissioned by Hedyn to undertake a Habitat Regulations Assessment (HRA) in support of a planning application for a residential development on Coverack Road, Newport. This development comprises Phase 2 of the Galliford's Yard development site.

Due to the potential impacts the proposed development could have upon the interest features of the River Usk Special Area of Conservation (SAC) and the Severn Estuary SAC, Special Protection Area (SPA) and Ramsar, a HRA is required to be undertaken by the competent authority(s), prior to the consenting of works.

This report provides information to support a HRA Screening and Appropriate Assessment for the proposed development. It is intended to identify, describe and assess impact pathways that could result in likely significant effects on European designated sites (i.e. SACs and SPAs) and Ramsar sites, followed by a more detailed assessment of the potential impacts of the proposed development on site integrity, and the avoidance/mitigation measures required to ensure no adverse impact on site integrity.

This assessment is based on the development in principle. It is recommended that a further assessment is undertaken when specific construction practices are known.

1.2 Legislative Context

The Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019), also known as the 'Habitats Regulations', provide legal protection to habitats and species of national importance. The regulations also secure an ecological network of protected sites, consisting of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Government guidance also requires that Ramsar sites (which support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance) are given the same level of protection as SACs and SPAs.

Prior to the UK's withdrawal from the EU, SACs were designated and protected under domestic legislation transposed from European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive), and SPAs under European Directive 2009/147/EC on the Conservation of Wild Birds (Birds Directive). Together these sites formed a European-wide Natura 2000 network of protected sites. Since 31 December 2020, SACs and SPAs within the UK no longer fall within the Natura 2000 network, and instead form a National Site Network. SPAs and SACs continue to be referred to collectively as 'European sites' within the context of the Habitats Regulations, reflecting their international importance for the conservation of biodiversity.

SACs and SPAs within the National Site Network are also still designated for habitats listed on Annex I and for species listed on Annex II of the Habitats Directive, and criteria listed under the Birds Directive, and it is these Annex I habitats, Annex II species and Birds Directive Criteria against which assessments under the Habitats Regulations are still made.

Regulation 63 of the Habitats Regulations states that “A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European Site or a European offshore marine site (either alone or in-combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.” This process is commonly referred to as Habitats Regulations Assessment (HRA).

2 Habitats Regulations Assessment Methods

2.1 Overview

Habitat Regulations Assessment follows a four-stage process as outlined in the Habitats Regulations Assessment Handbook (DTA, 2019) and summarised in Table 2-1 below. This report provides evidence to support Stage 1 and Stage 2 of the HRA process, to provide the Competent Authority(s) with information to make their assessment.

Table 2-1. The HRA Process

HRA Stage	Description
Stage 1: Screening	This process identifies the likely significant effects upon a European site of a project or plan, either alone or in combination with other projects or plans and determines whether these impacts are likely to be significant. Following the recent ECJ judgement in the case of <i>People over Wind & Sweetman v Coillte Teoranta</i> (Case C-323/17) measures that are necessary to avoid or reduce impacts on the European site can only be at Stage 2. If no likely significant effect is determined, the project or plan can proceed. If a likely significant effect is identified, stage 2 is commenced.
Stage 2: Appropriate Assessment	Stage 2 is subsequent to the identification of likely significant effects upon a European site in stage 1. This assessment determines whether a project or plan would have an adverse impact on the integrity of a European site, either alone or in combination with other projects or plans. This assessment is confined to the effects on the internationally important habitats and species for which the site is designated (i.e. the interest features of the site). Appropriate Assessments, in line with ECJ Case C-461/17 <i>Holohan v An Bord Pleanála</i>, must also consider impacts upon habitats and species within or outside of a site boundary if they support a qualifying feature and could impact upon the conservation objectives of the site. If no adverse impact is determined, the project or plan can proceed. If an adverse impact is identified, stage 3 is commenced.
Stage 3: Assessment where no alternatives and adverse impacts remain	Where a plan or project has been found to have adverse impacts on the integrity of a European site, potential avoidance/mitigation measures or alternative options should be identified. If suitable avoidance/mitigation or alternative options are identified, that result in there being no adverse impacts from the project or plan on European sites, the project or plan can

HRA Stage	Description
	proceed. If no suitable avoidance/mitigation or alternative options are identified, as a rule the project or plan should not proceed. However, in exceptional circumstances, if there is an 'imperative reason of overriding public interest' for the implementation of the project or plan, consideration can be given to proceeding in the absence of alternative solutions. In these cases, compensatory measures will have to be put in place to offset any negative impacts.
Stage 4: Compensatory measures	Stage 4 comprises an assessment of the compensatory measures where, in light of an assessment of imperative reasons of overriding public interest, it is deemed that the project should proceed.

2.2 The Precautionary Principle

If there is uncertainty, and it is not possible, based on the information available, to confidently determine no significant effects on a site then the precautionary principle will be applied, and the plan will be subject to an appropriate assessment (HRA Stage 2).

2.3 Guidance

The methodology used for this assessment is based on guidance in The Habitats Regulations Assessment Handbook (DTA, 2019). In addition, the following guidance documents were also consulted:

- European Commission Notice: Managing Natura 2000 sites. The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018)
- UK Government Guidance on the Use of Habitats Regulations Assessment (UK Government, 2019).

2.4 Assumptions and Limitations

Information on the works and conditions on site are based on current knowledge at the time of writing. Cumulative impacts are based on published documentation. If other projects with the potential for cumulative impacts are identified, it may be necessary to re-assess this project.

3 Description of the Project

3.1 Project Overview

This assessment is for the development of a residential apartment block on the former Galliford's Yard site, Coverack Road, close to the city centre of Newport. The site is located at Coverack Road and runs adjacent to the River Usk, Newport at grid reference ST 31997 87759, and is approximately 0.16ha in area.

The site was previously used for light industrial use and is therefore brownfield land that has been vacant for a number of years. The site is located in a mixed residential and industrial area, with residential properties to the north and east of the site, and the River Usk to the south-west. George Street Bridge crosses above the site's north-western perimeter. To the north of George Street Bridge, Phase One of the Galliford's Yard development is located, comprising of two residential blocks, containing a total of 76 apartments. Figure 1-1 below shows the site location and boundary.



Figure 3-1. Site Location

4 European Sites

4.1 Project Area of Influence and European Sites

The proposed development site is located approximately 10m from the River Usk SAC. The Severn Estuary SAC, SPA and Ramsar is located approximately 6km from the proposed development. The proposed development site location in relation to the designated sites is mapped below in Figures 4-1 and 4-2.

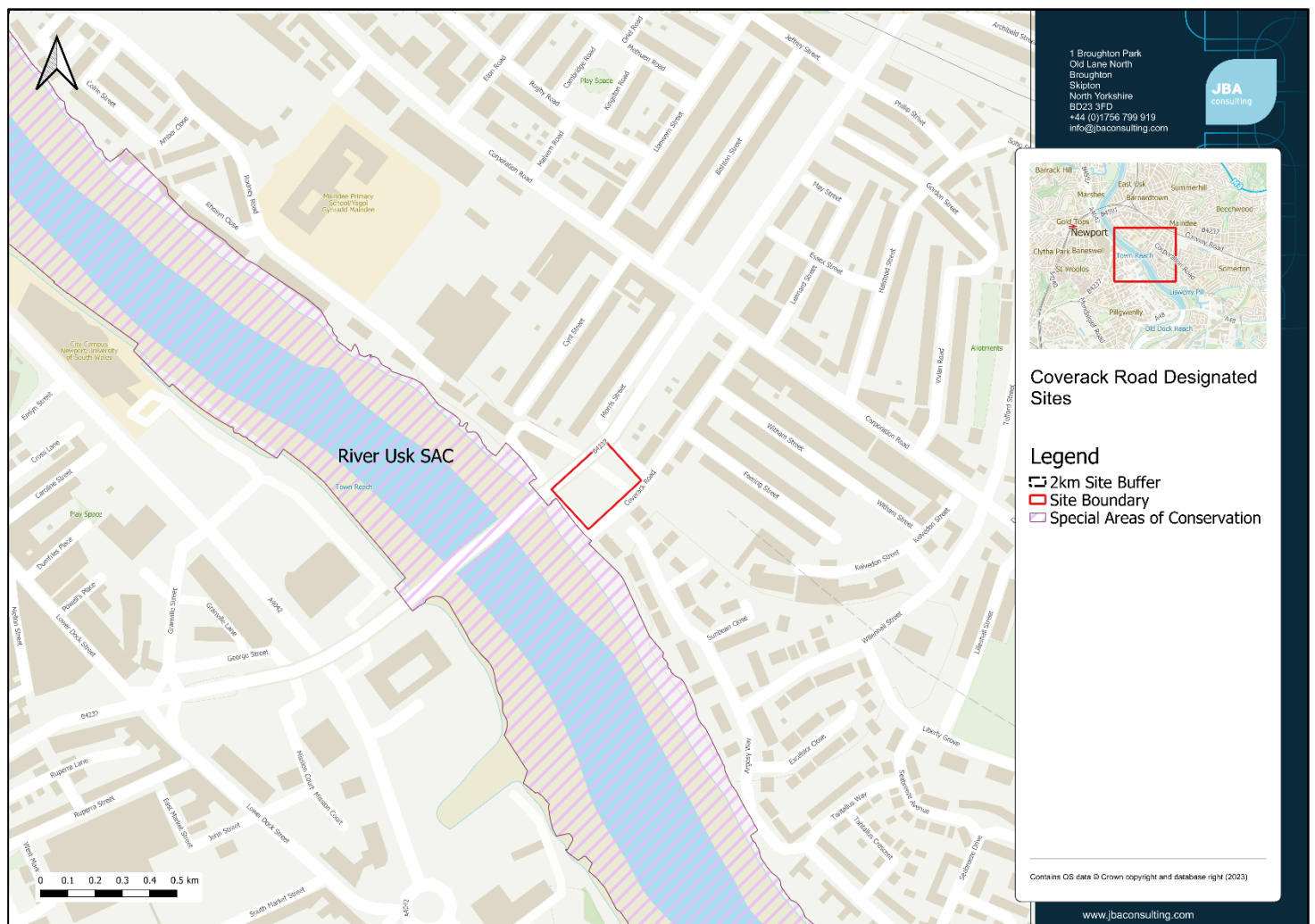


Figure 4-1. Location of the proposed site in relation to the River Usk SAC

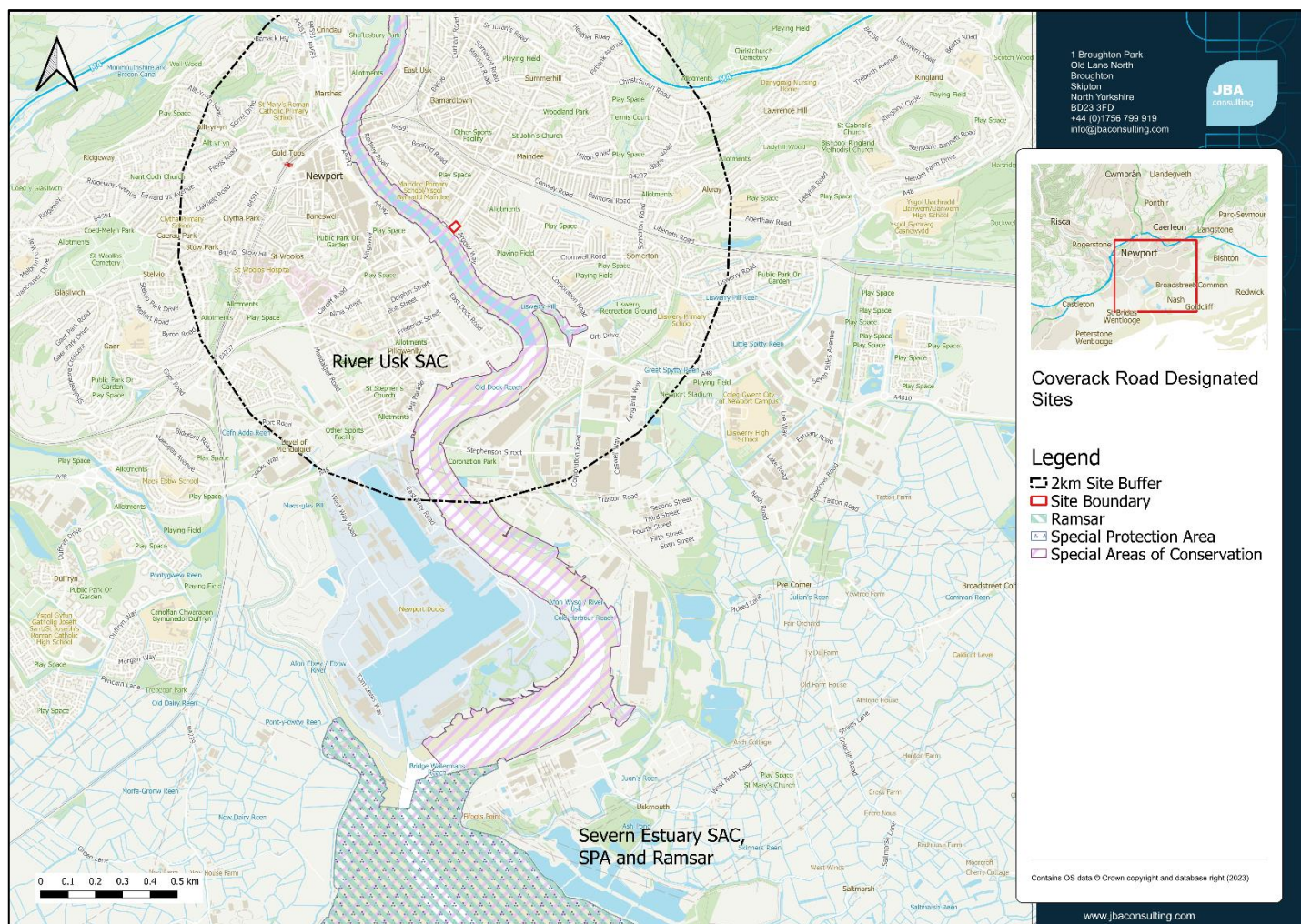


Figure 4-2. Location of the proposed site in relation to the Severn Estuary SAC, SPA and Ramsar

4.2 River Usk Special Area of Conservation (SAC)

4.2.1 Qualifying Features

Annex I habitats present as a qualifying feature, but not a primary reason for selection include:

- 3260 Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachium* vegetation

Annex II species that are a primary reason for selection include:

- 1095 Sea Lamprey *Petromyzon marinus*
- 1096 Brook Lamprey *Lampetra planeri*
- 1099 River Lamprey *Lampetra fluviatilis*
- 1103 Twaite Shad *Alosa fallax*
- 1106 Atlantic Salmon *Salmo salar*
- 1163 Bullhead *Cottus gobio*
- 1355 Otter *Lutra lutra*

Annex II species present as a qualifying feature, but not a primary reason for selection include:

- 1102 Allis Shad *Alosa alosa*

4.2.2 Conservation Objectives

For habitat Features:

- Extent should be stable in the long term, or where appropriate increasing;
- Quality (including in terms of ecological structure and function) should be being maintained, or where appropriate improving;
- Populations of the habitat's typical species must be being maintained or where appropriate increasing;
- Factors affecting the extent and quality of the habitat and its typical species (and thus affecting).

For Species features:

- The size of the population should be stable or increasing, allowing for natural variability, and sustainable in the long term;
- The distribution of the population should be being maintained;
- There should be sufficient habitat, of sufficient quality, to support the population in the long term;
- Factors affecting the population or its habitat should be under appropriate control.

4.3 Severn Estuary Special Area of Conservation (SAC)

4.3.1 Qualifying Features

Annex I habitats that are a primary reason for selection include:

- 1130 Estuaries
- 1140 Mudflats and sandflats not covered by seawater at low tide
- 1330 Atlantic salt meadows *Glauco-Puccinellietalia maritima*

Annex I habitats present as a qualifying feature, but not a primary reason for selection include:

- 1110 Sandbanks which are slightly covered by sea water all the time
- 1170 Reefs

Annex II species that are a primary reason for selection include:

- 1095 Sea Lamprey *Petromyzon marinus*
- 1099 River Lamprey *Lampetra fluviatilis*
- 1103 Twaite Shad *Alosa fallax*

4.3.2 Conservation Objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

4.4 Severn Estuary Special Protection Area (SPA)

4.4.1 Qualifying Features

- This site qualifies under Article 4.1 of the Birds Directive by regularly supporting an internationally important wintering population of Bewick's swan *Cygnus columbianus bewickii*, an Annex 1 species.
- This site also qualifies under Article 4.2 as a wetland of international importance by regularly supporting in winter over 20,000 waterfowl
- The Severn Estuary also qualifies under Article 4.2 by regularly supporting in winter internationally important numbers of the following 5 species of migratory waterfowl: European white-fronted goose *Anser albifrons albifrons*, Shelduck *Tadorna tadorna*, Gadwall *Anas strepera*, Dunlin *Calidris alpina* and Redshank *Tringa totanus*
- The Severn Estuary also supports nationally important wintering populations of a further 10 species: Wigeon *Anas penelope*, Teal *Anas crecca*, Pintail *Anas acuta*, Pochard *Athya ferina*, Tufted duck *Aythya fuligilla*, Plover *Charadrius hiaticula*, Grey plover *Pluvialis squatarola*,), Curlew *Numenius arquata* Whimbrel *N. phaeopus* and Spotted redshank *Tringa erythropus*
- In addition, during passage periods, the estuary supports nationally important numbers of Ringed plover, Dunlin, Whimbrel and Redshank
- The Severn Estuary also supports a nationally important breeding population of a migratory species including Lesser black-backed gulls *Larus fuscus*

4.4.2 Conservation Objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

4.5 Severn Estuary Ramsar

4.5.1 Qualifying Features

- Ramsar interest feature 1: Estuaries
- Ramsar interest feature 2: Assemblage of migratory fish species
- Ramsar interest feature 3: Internationally important populations of waterfowl: Bewick's swan
- Ramsar interest feature 4: Internationally important populations of waterfowl: European white-fronted goose
- Ramsar interest feature 5: Internationally important populations of waterfowl: Dunlin
- Ramsar interest feature 6: Internationally important populations of waterfowl: Redshank
- Ramsar interest feature 7: Internationally important populations of waterfowl: Shelduck
- Ramsar interest feature 8: Internationally important populations of waterfowl: gadwall
- Ramsar interest feature 9: Internationally important assemblage of waterfowl

5 Screening Assessment

5.1 Introduction

The project is not wholly directly connected with, or necessary to, the conservation management of the listed site's qualifying features; therefore, a HRA screening assessment is required.

The following section identifies potential hazards of the proposed works. The effects of relevant hazards are then assessed in relation to each of the relevant qualifying features of the European sites outlined above. The likelihood of potential exposure to the hazard and the mechanism of effect are also identified where possible. This then allows for likely significant effects on the interest features of the designated sites to be identified.

5.2 Potential Hazards to European Sites

The proposed project, as detailed in Section 3, was assessed in order to identify potential hazards that might arise to the relevant interest features of the River Usk SAC and the Severn Estuary SAC, SPA and Ramsar. The list of potential hazards to the European sites are based on the designated site features and conservation objectives. These are:

- Direct habitat loss
- Noise and visual disturbance
- Water pollution
- Physical damage/mortality
- Competition from, or mortality due to, invasive non-native species (INNS)

5.3 Assessment of Likely Significant Affects

Assessment of the hazards identified above was undertaken to determine whether they would be likely to have a significant effect on the relevant qualifying features of the River Usk SAC and the Severn Estuary SAC, SPA and Ramsar, as a consequence of the project either alone or in combination with other plans or projects. The results of the screening assessment are given in Table 5-1. Plans and projects considered for the in-combination assessment are outlined in Section 6.4. Where appropriate, both construction and operational phase effects are considered.

Table 5-1. Assessment of Likely Significant Effects

Qualifying Feature	Risk (Pressure)	Likely Significant Effect Alone	Yes or No	Likely Significant Effect In Combination
River Usk SAC				
Annex I habitats present as a qualifying feature, but not a primary reason for selection include: - 3260 Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche</i> - <i>Batrachium</i> vegetation	Direct habitat loss Physical damage Competition from INNS	The Annex I habitats are not present within or adjacent to the works footprint of this proposed development (JBA 2023). This feature is not present in the tidal section of the River Usk. Therefore, the habitats will not be directly impacted upon by the scheme during either the construction phase or during the operation phase. There will be no habitat loss or physical damage to this SAC habitats.	No	No in combination assessment required; zero effect alone.

Qualifying Feature	Risk (Pressure)	Likely Significant Effect Alone	Yes or No	Likely Significant Effect In Combination
	Water Pollution	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	In combination assessment carried forward to Appropriate Assessment.
Annex II species that are a primary reason for selection include: -1095 Sea Lamprey -1096 Brook Lamprey -1099 River Lamprey -1103 Twaite Shad -1106 Atlantic Salmon -1163 Bullhead Annex II species present as a qualifying feature, but not	Direct habitat loss Physical damage/mortality	No in channel works are proposed as part of the development and therefore, habitats supporting fish species will not be directly impacted upon by the scheme during either the construction phase or during the operation phase.	No	No in combination assessment required; zero effect alone.
	Noise and visual disturbance	The construction works will include driven piling, which has the potential to cause vibration of the ground and adjacent water column. This could cause disturbance to these species, which could affect their movement past the area of construction works.	Yes	In combination assessment carried forward to Appropriate Assessment.

Qualifying Feature	Risk (Pressure)	Likely Significant Effect Alone	Yes or No	Likely Significant Effect In Combination
a primary reason for selection include: 1102 Allis Shad	Water Pollution	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	In combination assessment carried forward to Appropriate Assessment.
Annex II species that are a primary reason for selection include: -1355 Otter	Direct habitat loss Physical damage/mortality	The site does not provide habitat suitable for Otter holts or resting Otter and therefore, habitats supporting Otter will not be directly impacted upon by the scheme during either the construction phase or during the operation phase.	No	No in combination assessment required; zero effect alone.
	Noise and visual disturbance	Elevated noise levels from construction activities and plant, and lighting of the river corridor during the construction of the scheme could cause temporary disturbance to otter in close proximity to the construction works. This disturbance could affect otter movement in the area and could hinder or prevent otter from commuting, foraging or resting.	Yes	In combination assessment carried forward to Appropriate Assessment.
	Water Pollution	During the construction phase, accidental fuel or concrete spills could cause changes in water	Yes	In combination assessment carried forward to Appropriate Assessment.

Qualifying Feature	Risk (Pressure)	Likely Significant Effect Alone	Yes or No	Likely Significant Effect In Combination
		chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.		

Qualifying Feature	Risk (Pressure)	Likely Significant Effect Alone	Yes or No	Likely Significant Effect In Combination
Severn Estuary SAC				
All qualifying features of the Severn Estuary SAC	Direct habitat loss Physical damage/mortality Noise and visual disturbance Competition from INNS	The proposed works are located approximately 6.0km from the Severn Estuary SAC and therefore no direct habitat loss or physical damage to the qualifying features are anticipated. No in channel works are proposed. Disturbance to the features of the SAC is also not likely to occur due to the significant distance from the proposed development.	No	No in combination assessment required; zero effect alone.
	Water Pollution	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	In combination assessment carried forward to Appropriate Assessment.
Severn Estuary SPA				
All qualifying features of the Severn Estuary SPA	Direct habitat loss Physical damage/mortality Noise and visual disturbance Competition from INNS	The proposed works are located approximately 6.0km from the Severn Estuary SPA and therefore no direct habitat loss or physical damage to the qualifying features are anticipated. No in channel works are proposed. Disturbance to the features of the SPA is also not likely to occur due to the significant distance from the proposed development.	No	No in combination assessment required; zero effect alone.

Qualifying Feature	Risk (Pressure)	Likely Significant Effect Alone	Yes or No	Likely Significant Effect In Combination
	Water Pollution	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	In combination assessment carried forward to Appropriate Assessment.
Severn Estuary Ramsar				
All qualifying features of the Severn Ramsar	Direct habitat loss Physical damage/mortality Noise and visual disturbance Competition from INNS	The proposed works are located approximately 6.0km from the Severn Estuary Ramsar and therefore no direct habitat loss or physical damage to the qualifying features are anticipated. No in channel works are proposed. Disturbance to the features of the Ramsar is also not likely to occur due to the significant distance from the proposed development.	No	No in combination assessment required; zero effect alone.
	Water Pollution	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	In combination assessment carried forward to Appropriate Assessment.

5.4 Screening Statement Conclusion

At stage 1 certain effects could not be screened out without appropriate mitigation/avoidance strategies put in place; consequently a stage 2 appropriate assessment is required. Those effects requiring appropriate assessment are summarised in Table 5-2 below.

Table 5-2. Summary of screening conclusions for the proposed scheme showing all screened in hazards and European Sites.

Qualifying Feature	Hazard	Likely significant effect alone or in combination
River Usk SAC		
Annex I habitats present as a qualifying feature, but not a primary reason for selection include: - 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	Water Pollution	Alone
Annex II species that are a primary reason for selection include: -1095 Sea Lamprey -1096 Brook Lamprey -1099 River Lamprey -1103 Twaite Shad -1106 Atlantic Salmon -1163 Bullhead Annex II species present as a qualifying feature, but not a primary reason for selection include: 1102 Allis Shad	Water Pollution	Alone
	Noise and visual disturbance	Alone
Annex II species that are a primary reason for selection include: -1355 Otter	Water Pollution	Alone
	Noise and visual disturbance	Alone

Qualifying Feature	Hazard	Likely significant effect alone or in combination
Severn Estuary SAC		
All qualifying features of the Severn Estuary SAC	Water Pollution	Alone
Severn Estuary SPA		
All qualifying features of the Severn Estuary SPA	Water Pollution	Alone
Severn Estuary Ramsar		
All qualifying features of the Severn Estuary Ramsar	Water Pollution	Alone

6 Appropriate Assessment

6.1 Introduction

Stage 2 of the HRA process is an Appropriate Assessment, which is required because likely significant effects caused by the proposed works have been identified on the River Usk and the Severn Estuary SAC, SPA and Ramsar. The Appropriate Assessment determines whether the project will have an adverse impact on the integrity of the European sites. In this assessment, avoidance or mitigation measures are applied to a point where the effects identified are no longer significant. If no significant impact on site integrity can be demonstrated, beyond reasonable scientific doubt, the project can proceed. If sufficient avoidance or mitigation measures cannot be applied, the project should not be taken forward in its current form unless there is a demonstration of no suitable alternatives and there are reasons of overriding public interest.

6.2 European Sites

Table 6-1 below shows the European sites that have been screened into the Appropriate Assessment, as summarised in Table 5-2.

Table 6-1. European sites screened into this assessment

Site Name	Proximity to site
River Usk SAC	10m
Severn Estuary SAC	6km
Severn Estuary SPA	6km
Severn Estuary Ramsar	6km

6.3 General Mitigation Measures

6.3.1 Pollution Prevention Measures

Appropriate pollution prevention measures will be implemented to ensure that the habitats within proximity of the works, and hydrologically connected to them, including the interest features and supporting habitats of the River Usk SAC and the Severn Estuary SAC, SPA and Ramsar are not degraded as a result of pollution events during the construction phase. Pollution prevention measures will be strictly adhered to during the works. Pollution prevention measures could include, but are not limited to:

- Abiding by industry standard pollution prevention guidelines, such as those given in CIRIA Guidance: Control of water pollution from construction sites. Guidance for consultants and contractors (C532D) (Masters-Williams, 2001).
- Any chemical, fuel and oil stores should be located on impervious bases within a secured bud with a storage capacity 110% of the stored volume.
- Biodegradable oils and fuels should be used where possible.

- Drip trays should be placed underneath and standing machinery to prevent pollution by oil/fuel leaks. Where practicable, refuelling of vehicles and machinery should be carried out on an impermeable surface in one designated area well away from any watercourse or drainage (at least 10m).
- Emergency spill kits should be available on site and staff trained in their use.
- Operators should check their vehicles daily before starting work to confirm the absence of leakages. Any leakages should be reported immediately.
- Daily checks should be carried out and records kept on a weekly basis and any items that have been repaired/replaced/rejected noted and recorded. Any items of plant machinery found to have been defective should be removed from site immediately or positioned in a place safely until such time that it can be removed.
- Silt run off should be prevented by incorporating the following actions:
 - Silt curtains, or other appropriate method of silt containment, should be used to prevent silt from the construction works entering the watercourse.

With appropriate pollution prevention measures put in place the proposed works should not impact upon the integrity of any European sites.

6.4 In-Combination Effects

6.4.1 Severn River Basin Management Plan (Environment Agency, December 2015)

The actions contained within this plan aim to improve the ecological and chemical status of the Usk water body, and take into account the conservation objectives of the Usk SAC. These actions are not likely to cause an adverse effect on the SAC and may deliver significant benefits. As such, there will be no in-combination effects with the proposed development.

6.4.2 Severn Estuary Flood Risk Management Strategy (Natural Resources Wales/Environment Agency, Consultation Draft, July 2013)

The strategy indicates that improvements are required to the existing flood defences on the River Usk adjacent to the Transporter Bridge at Stephenson Street (approximately 2.2km downstream of the development) and provides an indicative timescale of 5 to 10 years for these works to be carried out. These works may be delivered at the same time as the development and therefore have potential to have in-combination effects. However, detailed information on the timing, nature and extent of proposals is not available at this time to inform an assessment.

6.4.3 Severn Shoreline Management Plan Review (SMP2) and Action Plan (Severn Estuary Coastal Group, October 2010)

The Severn Estuary is located approximately 6.0km to the south of the proposed development and it is envisaged that the proposals within the Severn Shoreline Management Plan will not have an in combination effect with the proposed scheme in Newport due to this distance. A review of the Action Plan indicates that there are actions

proposed for the River Usk in Newport that will have an in-combination effect with the proposals.

In addition, the following plans have been reviewed.

- Newport City Council Local Flood Risk Management Strategy, Final (October 2014)
- Newport City Council Revised Deposit Local Development Plan (LDP) 2011-2026

These plans contain provisions that seek the protection and enhancement of the River Usk SAC. As such, it is not likely that they will have an in-combination effect with the proposed development at Coverack Road.

6.4.4 Planning Applications - Newport City Council

Other plans and projects with potential in-combination impacts were reviewed through Newport City Council's interactive online planning portal. No plans were identified that could potentially act in-combination with the proposed works. All of the planning applications within 1km of the site are all small-scale works that have no direct connection to the site. There are no Nationally Significant Infrastructure projects within 1km of the site. There are no Nationally Significant Infrastructure projects within 1km of the site.

6.5 Appropriate Assessment of Project Impacts and Mitigation

Taking into account the prevailing site conditions, screened in qualifying features, and the typical habitats and species necessary to the conservation of these features, the proposed works and mitigation measures and the conservation objectives for each European site, the following table details the Appropriate Assessment undertaken for the project. In Table 6-2 avoidance and mitigation measures are presented, and an assessment is made on whether an adverse impact remains after the mitigation is applied.

Table 6-2. Appropriate Assessment of Hazards and Mitigation

Qualifying Feature	Description of adverse effect(s)	Can adverse effect(s) be mitigated	Description of mitigation measures and how they would be applied	Can adverse effect on site integrity be ruled out
River Usk SAC				
Annex I habitats present as a qualifying feature, but not a primary reason for selection include: - 3260 Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes
Annex II species that are a primary reason for selection include: -1095 Sea Lamprey -1096 Brook Lamprey -1099 River Lamprey	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes

-1103 Twaite Shad -1106 Atlantic Salmon -1163 Bullhead Annex II species present as a qualifying feature, but not a primary reason for selection include: -1102 Allis Shad	Potential adverse impact on fish species due to temporary disturbance caused by ground and water noise and vibration during construction of the scheme.	Yes	Piling operations will be conducted during months of least sensitivity to fish and Lamprey species using the following approach: -Driven/percussive piling will not be carried out during the core adult Shad migration period (taken as 1st March to 30th June inclusive) and timed to avoid the Lamprey spawning season (April to July inclusive). -If piling operations are required during this time period then Continuous Flight Auger (CFA) piling should be used, as vibration levels generated by auger piling are much lower than those generated by driven/percussive piling. -If driven/percussive piling is required during the core adult Shad migration period this will be restricted to limited periods of the tide when the risk of disturbance to migratory fish is minimised (when Shad and other migratory fish are unlikely to be migrating). Specifically, driven piling works will only be undertaken during the falling tide of the river (high tide plus one hour and low tide minus one hour), when Shad are unlikely to be migrating. (This approach has been agreed with NRW Fisheries experts on previous projects following monitoring work undertaken	Yes
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Qualifying Feature	Description of adverse effect(s)	Can adverse effect(s) be mitigated	Description of mitigation measures and how they would be applied	Can adverse effect on site integrity be ruled out
			on the Riverside flood alleviation scheme in Newport).	
Annex II species that are a primary reason for selection include: -1355 Otter	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes

	Potential adverse impact on otter due to noise and light pollution during construction of the scheme causing temporary disturbance.	Yes	Prior to the clearance of dense scrub vegetation along the northern edge of the development, this area should be checked by a suitably experienced ecologist. If any evidence of Otter usage is found within this area of scrub then a licence application for the disturbance of an otter resting place must be submitted to Natural Resources Wales. No piles of debris or sharp materials should be stored within 30 m of the river bank. Any stored material near the river bank should be fenced off to avoid otters entering the area and using the stacks of materials as shelter. Any excavations within 30m of the water's edge should be either covered, or ramps provided over night to allow suitable egress for otters or other mammals and ensure that they do not get trapped. Any open pipework with an outside diameter of greater than 150mm must be blanked off at the end of each work day to prevent animals entering/becoming trapped. No works should result in the illumination of the river corridor during the night. If night working is required, then lighting should be directional to prevent illumination of the river.	Yes
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Qualifying Feature	Description of adverse effect(s)	Can adverse effect(s) be mitigated	Description of mitigation measures and how they would be applied	Can adverse effect on site integrity be ruled out
Severn Estuary SAC				
All qualifying features of the Severn Estuary SAC	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes
Severn Estuary SPA				
All qualifying features of the Severn Estuary SPA	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes

Qualifying Feature	Description of adverse effect(s)	Can adverse effect(s) be mitigated	Description of mitigation measures and how they would be applied	Can adverse effect on site integrity be ruled out
Severn Estuary Ramsar				
All qualifying features of the Severn Estuary Ramsar	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures.	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes

6.6 Implementation of Mitigation

The mitigation measures listed above are to be included in the Method Statement produced by the contractor who will be undertaking the works. The appointed contractor will therefore be responsible for ensuring that all on-site mitigation measures are implemented effectively.

7 Conclusion

The proposed scheme will not have an adverse impact upon the qualifying features of the River Usk SAC or the Severn Estuary SAC, SPA and Ramsar either alone or in combination with any other plans or projects, providing the following mitigation measures are implemented:

- Industry standard pollution prevention measures, particularly addressing the risks of fuel and concrete spills.
- Prior to works commencing each day, the works area and immediate vicinity will be checked for Otter. Should an Otter be encountered on site during the works, all works should cease immediately, and advice be obtained from an experienced ecologist.
- Piling operations will be conducted during months of least sensitivity to fish and Lamprey species. Driven/percussive piling will not be carried out during the core adult Shad migration period (taken as 1st March to 30th June inclusive) and timed to avoid the Lamprey spawning season (April to July inclusive). If piling operations are required during this time, restrictions as outlined in Table 6-2, including the method of piling to be used (Continuous Flight Auger (CFA) piling) and tidal restrictions (driven piling works should only be undertaken during the falling tide of the river (high tide plus one hour and low tide minus one hour), when Shad are unlikely to be migrating.) will need to be put in place and agreed with NRW.
- Where possible, works should be carried out in daylight hours. If works must be carried out at night, any artificial worksite lighting should be minimised. Any floodlights should be fitted with a directional cowl to avoid light-spill onto the watercourse.

References

DTA (2019). The Habitats Regulations Assessment Handbook. [Online] Available at: <https://www.dtapublications.co.uk/handbook/>. [Accessed 30.11.23].

European Commission (2018). Managing Natural 2000 sites. The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. [Online] Available at: https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/Provisions_Art_-_nov_2018_endocx.pdf. [Accessed 30.11.23].

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