

## 7.1 SUMMARY OF CONSULTATION RESPONSES

Table 7.1.1 summarises the responses received from the various statutory and voluntary bodies and local biological recorders consulted to inform the assessment process.

**Table 7.1.1. Consultation responses relating to ecology and nature conservation**

Consultee	Summary of response
<p>Countryside Council for Wales (CCW), now part of Natural Resources Wales (NRW), (Angela Hunt, Conservation Officer)</p>	<p><b>Summary of response to planning enquiry</b></p> <p>The site is sensitive as it is adjacent to the River Usk Special Area of Conservation (SAC), and River Usk (Lower Usk) Site of Special Scientific Interest (SSSI). CCW's main concerns relate to the potential for adverse impacts on fish and otter features of the SAC.</p> <p>The EIA should contain sufficient information to enable the relevant competent authorities to ascertain whether the proposal is likely to have a significant effect on the SAC as a requirement of Regulation 61 (1) of the Conservation of Habitats and Species Regulations 2010. Under the Habitats Regulations, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the SAC.</p> <p>The EIA should include sufficient information to enable the local planning authority to determine the extent of any environmental impacts arising from the proposed scheme on protected species and other nature conservation, countryside and landscape interests.</p> <p>The EIA should follow the latest policy guidance. The assessment of impacts should cover all types of impacts, at all stages of the project. It should include a description of the existing natural resources, and an assessment of the significance of any likely impacts. The Newport Biodiversity Team and the Environment Agency Wales should also be consulted on the scope of the EIA. CCW expects the developer to contact other organisations for biological records relevant to the site and its surrounds.</p> <p>Measures that will be put in place to protect international sites must be described in detail with the planning application, not left to be agreed after consent is granted. The EIA must also consider the SSSI, SINCS sites, protected species and key habitats.</p> <p>Mitigation measures should seek to: i. avoid damage to ecological interests within and without the proposed development boundary; ii. mitigate any unavoidable damage; and iii. compensate for any residual damage that cannot be mitigated for. The ES should include a detailed description of all the measures that will be implemented. These should be relevant and proportionate to the nature and scale of the likely adverse impacts. Only measures that the developer firmly commits to should be included in the ES.</p> <p>The ES should include details of a monitoring programme covering the natural heritage interests through construction and operational phases of the development. Monitoring should trigger the implementation of the relevant contingency measures identified in Environmental Management Plans (EMPs).</p>

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	<p>Possible measures to avoid adverse impacts on the River Usk Special Area Of Conservation (SAC) include: Avoid any construction works that result in vibration, or works in the river, at sensitive times of the year i.e. fish migration and spawning period from 1 March – 30 June. Where construction works have to take place at sensitive times of year activities should be regulated to ensure that fish migration can occur; avoid discharges of polluted or turbid water; seek advice from the Environment Agency on maintaining riparian habitats. Avoid operations within and immediately adjacent to the river at sensitive periods of the day e.g. dawn and dusk. Provide a buffer of at least 10 metres between the development and the river during both construction and operation phases. Identify and maintain an appropriate working corridor that does not impact on the buffer area. Restrict construction lighting to working areas. Do not light the riverbank. No trenches to be left open overnight. All construction debris should be removed from the river and its banks; and the areas disturbed by construction should be restored to as natural a condition as possible.</p> <p><b>Summary of comments in relation to initial recommendations and proposed survey programme.</b></p> <p>Initial design recommendations seem appropriate. Agree that the River Usk and its adjacent mud banks and saltmarsh habitat should be strictly protected at all times. Measures should be taken to ensure that there is no accidental disturbance of the saltmarsh, or discharge of polluted water into the outfalls. It would probably be appropriate to install a temporary fence around the construction site to minimise the potential for accidental disturbance.</p> <p>There should be a buffer of at least 10m between any development and the river. The riverside path should not be moved any closer to the river than existing. It would be beneficial to plant up the strip between the path and the river with appropriate species to provide a dense buffer to discourage dogs and people from the edge of the river, in order to reduce potential disturbance to otters.</p> <p>We refer you to the ‘Newport Urban Otter Habitat – A Survey for Otter habitat along the River Usk in the City of Newport’. This survey assesses the habitat potential for otters of different reaches of the river within Newport, and contains recommendations for provision of holts/resting places.</p> <p>Otter activity is confirmed along the river, with otters commuting up and down. It may be appropriate to survey the riverbank itself, as well as the development site - both a habitat survey and to check whether there are any otter resting sites on the bank in this area. This is particularly important if there is any likelihood of activity on the riverbank, e.g. if new outfalls needed or before deciding if/where to locate any new holt.</p> <p><b>Comments received in relation to initial mitigation concepts</b></p> <p>In principle we support the concept of a barrier strip, but recommend you seek the advice of the Environment Agency who may have plans or requirements for flood defences/ land raising on the edge of the river, or specific requirements regarding distances of development from the river.</p>

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	<p>Prefer option with bund and perpendicular ridges, as it would provide more protection to river edge. Suggest could also plant up in gaps by river to increase otter friendly habitat.</p> <p>Bunding so close to the river edge must not destabilise the bank. Don't move contaminated soil to the bunds.</p> <p>Need to see dimensions and cross sections before commenting fully. How wide is the buffer? How would it look on the ground / in relation to houses, road etc. Is the bund high enough? What is the profile of the bund? Is it stable?</p> <p>Suggest may need to plant up continuous vegetation cover on top of bund/ make planting dense in order to prevent people and dogs accessing. May need to fence bund until planting becomes established. Recommend planting is established before the houses are occupied.</p> <p>If the possible off site enhancement area to the north was better managed it would be a good enhancement for otters, which we would greatly welcome. However, we recommend looking into the possibility of simply fencing off the whole area in the first instance.</p>
<p>Newport City Council, (Katie Godfrey, County Ecologist)</p>	<p><b>Summary of response to planning enquiry</b></p> <p>Ecology in the EIA should follow IEM best practice Guidelines for Ecological Impact Assessment. It should have regard to all relevant wildlife legislation and planning policies, and the Newport LBAP. It should contain an initial SEWBRc desktop study as a pre-cursor to survey work.</p> <p>The EIA should examine impacts on valued ecological receptors. They should include impacts related to increased use of the area by humans, including: lighting; noise; traffic; and litter; and potential impacts on the soil and geology of the area; information should be provided construction impacts (e.g. drilling, noise, and dust); including the timing, longevity, scale and extent of the impact. Mitigation measures should be proposed for any negative ecological impacts.</p> <p>The application area lies adjacent to the River Usk SAC and SSSI. Strategic policy CE5 of the Deposit UDP applies.</p> <p>An Appropriate Assessment is required if there is potential for the development to adversely affect the integrity of the SAC during construction and possibly during the operational phase.</p> <p>The following ecological baseline information should be provided within the EIA: Phase 1 Habitat survey, bat survey (including use of site for foraging, commuting and roosting); Otter survey, Badger survey, Breeding and migratory bird survey, Reptile and Amphibian survey; Invertebrate survey. Results of the surveys should also be submitted to SEWBRc.</p> <p><b>Summary of comments in relation to initial recommendations and proposed survey programme.</b></p> <p>Happy with the current survey effort, proposed surveys and proposed mitigation recommendations. Concur with the findings from CCW.</p>

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	<p>Provided details of local Sites of Importance for Nature Conservation (Appendix 7.2).</p> <p><b>Comments received in relation to initial mitigation concepts</b></p> <p>Additional comments received in relation to design of draft mitigation proposals are summarised below: (1) Use of bank/ thorny hedge is a good idea for a buffer strip, creating a feature similar to Welsh hedgebanks. Use of stone/ ruderal habitat for banks would be beneficial for invertebrates and any reptiles. (2) management of the buffer-strip would need to be discussed and agreed, e.g. a specific management regime to support wildflowers. (3) I support the idea of offsite compensation, however this would need to be agreed as there is uncertainty over the ownership of the river bank by the Glebelands. (4). On site mitigation to minimise impacts during construction would have to involve otter fencing. It would be a good idea to create the bund and scrub planting prior to any works being carried out. This could then be fenced and allowed time to establish.</p>
<p>Environment Agency (EA), now part of NRW (Stuart Craxford, Biodiversity Team Leader)</p>	<p>EA has no specific biodiversity data for this area and is happy for CCW to deal with this site. I understand you met with Angela Hunt on a recent site visit and I mentioned my thoughts to Angela prior to her visit.</p> <p>We are aware that otters use the River Usk corridor within Newport although we have no information on any natal holts within the City reach of the river. We recommend you check the otter report produced by Just Mammals, which highlights the better otter habitat within Newport and makes suggestions for mitigation at specific locations.</p> <p>The other issue is the shad migration up the river particularly during April and May. These are a sensitive species and any activity causing vibration (e.g. piling) should be restricted during this period.</p>
<p>Gwent Wildlife Trust (Sorrel Jones)</p>	<p>Newport is known for brownfield sites (often contaminated) that contain rare plants and invertebrates, for example Deptford Pink, Wormwood Moonshiner Beetle, Small Ranunculus Moth, and Shril Carder Bee. If the habitat is suitable an invertebrate survey should be undertaken. Compare plant list to the SINC criteria for post-industrial sites in the South Wales Wildlife Sites guidelines. Be aware of invasive species, including Knotweed.</p> <p>CCW and NCC will cover the requirements relating to the Usk SAC/SSSI.</p>
<p>Wildlife in Newport Group (Roger James).</p>	<p>No recollection of anything of significance in this area but it is maturing short / tall ruderal habitat which could turn up anything. Potential for Small Ranunculus Moth if foodplant is present.</p> <p>If the ruderal habitat is likely to be lost, recommend investigating the possibility of mitigating this by creating new ruderal habitat in Glebelands SINC north of M4.</p>
<p>Gwent County Recorder for Butterflies and larger moths (Martin Anthoney)</p>	<p>All records to 2011 sent to SEWBReC. In 2012 the only relevant extra records are Small Ranunculus moth breeding on prickly lettuce just the other side of the river and to the south. The survey should include an inspection of the foodplant for larvae in July/ August. Previous grid refs were ST311886, ST315881, ST311892 and ST314882, and there is a reasonable chance of it being in ruderal parts of the study area. Thought to be extinct in the middle of last century, Small Ranunculus reappeared in Britain in the late 1990s and is now steadily increasing its range but is</p>

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	still a Red Data Book species.
Botanical Society of the British Isles (Stephanie Tyler, Joint County Recorder)	No data for the site, but Roger James has been looking at this site for about 10 years, mainly looking for <i>Lactuca serriola</i> . He reports that it is maturing ruderal with no plants of any significance for conservation.
Gwent County Recorder for Bryophytes (Sam Bosanquet)	Not aware of any bryologists looking at the area. Study of waste ground approx 1km to the south and in Newport Docks confirmed no species of bryological conservation significance. Other taxa would be of greater conservation significance than any mosses or liverworts that are likely to be present.
Gwent County Recorder for Birds/ Gwent Ornithological Society (Chris Jones)	<p>Not aware of any specific records for the Herbert Road site. There are several species that may use any reed / scrub areas at the site, so a survey should be undertaken, especially during the breeding season, to confirm the presence / absence of Bearded Tit, Cetti's Warbler, Willow Warbler and Reed Bunting.</p> <p>Bearded Tit currently breed at Newport Wetlands Reserve. Birds are known to disperse from the site during the autumn, and could use the stands of reed along the river Usk. There is a recent record of 'several birds' heard at the nearby reedbed alongside 'the Moorings' estate.</p> <p>There is a good population of Cetti's Warbler on the Gwent levels. Birds have also been recorded from a number of locations along the river Usk, including the Moorings and an area of wet scrubby ground at Caerleon Comprehensive School. Birds have also been noted along the river near the southern distributor road bridge.</p>
Gwent Amphibian and Reptile Group (Melanie Dodd)	All data is sent to SEWBReC.
Gwent Bat Group (Ellen Kershaw)	No specific knowledge of the area. There could be potential for Daubenton's Bats because the site is close to the river Usk.
Gwent County Recorder for Mammals (Jan Kitchington)	Only records are for Otters in 2000/2001, when spraints and footprints were regularly found under the rail and road bridges over the river near the Herbert Road site. There are Badger records for the same period using gardens and the river bank at Haisbro Ave/ The Moorings area.
Royal Society for the Protection of Birds	No response received.
Gwent Badger Group (Steve Clark)	No response received.