

From: Harris, Matthew (Ecology Officer) <Matthew.Harris@newport.gov.uk>
Sent: 02 June 2025 12:49:35 UTC+01:00
To: "Foote, Adam (Principal Planning Officer)" <Adam.Foote@newport.gov.uk>
Subject: RE: Planning Application Correspondence Regarding case ref: 25/0328

Hello Adam, although I do not agree with all of the reasoning in Mr Hannaby's response, enough clarity has now been provided so I would not object to this application.

Based upon the information now provided, I accept that the laying-down area is unlikely to support any significant habitats or species, and that the route for access as defined below should not have any significant adverse effect.

I do not agree with the general view that financial cost can be used to justify the absence of surveys and mitigation measures. E.g. *'It would add additional costs to an already stretched budget.'* and *'I would remind you that this development is being funded by the home owners on the Jubilee Park Estate because no public body or landowner will take responsibility or contribute to the works and there is not an unlimited pot of money available.'*

The requirements to provide adequate information, to apply the step-wise approach to mitigation, and to secure net benefit for biodiversity, are set out clearly in planning policy and if these details cannot be provided, then we should normally refuse to grant planning consent, regardless of the circumstances of the Applicant.

Similarly, if land ownership or timing constraints lead to the absence of adequate survey, mitigation or enhancement, then I do not agree that this can be used to justify non-compliance with planning policy.

In this instance, a response to my concerns over the appropriateness of the enhancement measures would have been better coming from the Applicant's Ecological Consultant rather than their planning agent. I am familiar with the Ecologist in this case and am confident that they would have responded positively to my concerns. However, I accept the case that in this instance the options for enhancement are limited, and it would be unreasonable to object to the measures proposed so far.

We should use a planning condition to secure implementation of the ecological mitigation and biodiversity enhancement measures set out in section 5 of the PEA.

Matt

From: Foote, Adam (Principal Planning Officer) <Adam.Foote@newport.gov.uk>
Sent: 28 May 2025 09:42
To: Harris, Matthew (Ecology Officer) <Matthew.Harris@newport.gov.uk>
Subject: FW: Planning Application Correspondence Regarding case ref: 25/0328

Hi Matthew

Please see the below email and attached document which has been produced in response to your earlier comments, can you please review and let me know if these are sufficient as to overcome your previous concerns?

Thanks

Adam

From: sean Hannaby <hannabyplanning@gmail.com>

Sent: 22 May 2025 17:20

To: Foote, Adam (Principal Planning Officer) <Adam.Foote@newport.gov.uk>

Subject: Re: Planning Application Correspondence Regarding case ref: 25/0328

Adam,

Apologies I omitted to include the attachment...

Kind regards

Sean

Sean Hannaby DipTP MBA

Hannaby Planning Solutions Ltd

Windrush, Marsh Hill GL16 8JW

M: 07834 970833

E: hannabyplanning@gmail.com

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On Thu, May 22, 2025 at 5:17 PM sean Hannaby <hannabyplanning@gmail.com> wrote:

Hi Adam,

I have now had an opportunity to discuss the ecology comments with my client. The comments from Matthew Harris boil down to 3 main issues:

1. Access:

Matthew wants more certainty about the access for construction vehicles as both the Outline Method Statement and PEA create some uncertainty about whether the access will result in loss of habitat or works to trees for crane access by stating that the access may include use of the footpath from the welfare ground

Response:

My clients' acknowledge that this uncertainty is not helpful. In reality there is no specific intention to use the footpath from the welfare ground; it was simply floated as a possibility.

Therefore I can confirm that the access will be via the existing estate roads: via Jubilee Way and Park Way onto Jubilee Park Walk. The surfaced Jubilee Park Walk is about 3m wide and will be sufficient to cater for vehicles accessing the site from Park Way; although as this splits off towards the laydown area, some or all of the landscaping between the 2 sections of the Walk will likely be lost, along with some or all landscaping within the rest of the laydown area.

If you wish, you can attach a condition stating that construction access shall only be via Park Way.

2. Laydown Area:

Matthew is not satisfied that the PEA has adequately considered the impacts on the habitats within the laydown area. He points out that the PEA makes broad reference to it but does not map out the habitat areas within it, although he acknowledges that it may well consist of recently planted ornamental plants.

Response:

I do not think Matthew's concerns are entirely justified. The PEA does in fact refer to a large part of the Laydown area: Page 34 of the PEA describes the area between the flood wall and Jubilee Park Walk as *'informal landscaping and amenity areas including fenced areas of immature scrub and rough grassland, these are likely to support protected species including nesting birds and reptiles in particular.'* A photograph of the fenced area is included on page 38 and the laydown area is mapped out on page 39 which describes the laydown area as being *'amenity grassland.'*

You will note that, as a result of the PEA assessment; the fenced off area referred to is excluded from the laydown area. The fenced off area is different to the laydown area in that, because it is fenced off, it is not heavily maintained like the rest of the open space and, as a result, it contains scrub and rough grassland that may contain protected species.

I have attached a copy of an aerial photograph of the site with the laydown area marked in Blue and the part of it that was referred to in the PEA marked in Green.

I acknowledge that not all the laydown area was surveyed but it is clear from the PEA assessment that the area not surveyed is merely amenity grassland with limited landscaped areas comprised of ornamental managed shrubs that have little or no habitat value.

I would also remind you that the PEA identified a singular lack of flora or fauna within the surveyed area and it seems overkill to commission a survey on this small area of amenity grassland and ornamental landscaping that is no different to the area that has already been surveyed and included in the PEA.

In my client's view; it is excessive and unnecessary to be required to carry out a survey of this relatively small area of ornamental landscaping. It would add additional costs to an already stretched budget and add delays to a scheme that needs to be completed before the Winter.

3. Proposed Ecological Enhancements:

Matthew says that he supports the mitigation measures in general but thinks that more effort could have been made to relate the enhancement to the river habitats '*that are affected by the proposed works.*' He suggests measures such as bird boxes for kingfishers, an artificial otter holt or thorny planting to provide an otter laying up area.

Response:

PPW is clear that any enhancement must be proportionate to the scale and nature of the development and in this case it is considered that there is no significant requirement for enhancement and, in my view, the weight that should be given to the public benefits from the proposed development would outweigh the need for any enhancements at all.

That being said, my client is including some enhancements but, please note that, because the application site is not owned or controlled by the applicant, it was decided to site the proposed enhancements on land within the control of the Community Council (with their agreement) as that would ensure their longevity.

Please also note that the enhancement works do include the removal of invasive plant species along the riverbank and I would point out that, contrary to what Matthew says, the riverine habitats are not affected by the development - these habitats have been destroyed by previous floods and the proposals are to protect against further destruction.

However, if you are insistent that some of the enhancement should be better related to the river, my client is happy to amend the mitigation to include riverine bird boxes but, as the application site area will not include any tree planting, any bird boxes would have to be placed on a tree/trees further along the bank.

The proposals are not suitable to include planting of thorny plants or installing otter holts on the new revetment .

Finally, I would remind you that this development is being funded by the home owners on the Jubilee Park Estate because no public body or landowner will take responsibility or contribute to the works and there is not an unlimited pot of money available.

I would be grateful if you would reconsider the matter and let me know if you are content with the above suggested way forward. If so I will provide you with an amended enhancement proposal.

Kind regards
Sean

Sean Hannaby DipTP MBA

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On Tue, May 13, 2025 at 1:48 PM Foote, Adam (Principal Planning Officer)
<Adam.Foote@newport.gov.uk> wrote:

Hi Sean

Please see the attached comments from our ecologist. Can you review and come back to me with an intention on how you wish to proceed?

Kind regards

Adam

From: sean Hannaby <hannabyplanning@gmail.com>

Sent: 06 May 2025 17:27

To: NCC - Planning <Planning@newport.gov.uk>; Foote, Adam (Principal Planning Officer)
<Adam.Foote@newport.gov.uk>

Subject: Re: Planning Application Correspondence Regarding case ref: 25/0328

Hi Adam,

I assume from the acknowledgment letter I have just received re the above application that you are the planning officer dealing with it?

I don't have an issue with the description of development but the address that has been used may be perceived as a bit misleading. In trying to associate the site with an existing residential address you or your registration colleagues have selected 'land adj 7 Ebbw Close.' This isn't the closest house to the site (which is probably 2 Welsh Oak Way).

Personally I would suggest that 'land adjacent to Jubilee Park Walk' is the most accurate if you want to refer to an existing 'street' name.

I don't have a massive issue with the address; I'm just concerned it may not be seen by the locals as being accurate.

Kind regards
Sean

Sean Hannaby DipTP MBA MRTPI
Hannaby Planning Solutions Ltd
Windrush, Marsh Hill GL16 8JW
M: 07834 970833
E: hannabyplanning@gmail.com

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On Tue, 6 May 2025 at 16:58, <planning@newport.gov.uk> wrote:

This is an automated email from Newport City Council Planning Department. Please find attached relevant documentation. If you have any comments or observations, please reply to the above email address quoting the application number.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu yn y ddwy iaith. Byddwn yn cyfathrebu â chi yn ôl eich dewis. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

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Pan fyddwch yn anfon e-bost at Gyngor Dinas Casnewydd, rydych yn cydsynio i'r Cyngor fonitro a darllen unrhyw e-byst o'r fath at ddibenion cydymffurfio â diogelwch ac â deddfwriaeth. I weld yr ymwadiad llawn ewch i <http://www.newport.gov.uk/ymwadiad>

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu yn y ddwy iaith. Byddwn yn cyfathrebu â chi yn ôl eich dewis. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

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datgelu, dosbarthu neu gopïo'r e-bost i unrhyw barti arall. Mae'r e-bost hon ac unrhyw ffeiliau atodedig yn eiddo i Gyngor Dinas Casnewydd.

Pan fyddwch yn anfon e-bost at Gyngor Dinas Casnewydd, rydych yn cydsynio i'r Cyngor fonitro a darllen unrhyw e-byst o'r fath at ddibenion cydymffurfio â diogelwch ac â deddfwriaeth. I weld yr ymwadiad llawn ewch i <http://www.newport.gov.uk/ymwadiad>