

26/0191

From: Ben Hooton <Ben@era4.com>

Sent: 05 June 2026 11:03

To: Roberts, Geraint (Principal Planning Officer) <GeraintN.Roberts@newport.gov.uk>

Subject: Newport - Further Ecology Response

Hi Geraint,

Please see a response from EBS to the NCC Ecologist comments below.

Please let me know if you require any further information.

Kind regards,

Ben

From: Bill Gaudie <envbussols@gmail.com>

Sent: Friday, June 05, 2026 10:13 AM

To: Benjamin Hooton <Ben@era4.com>

Subject: Reply to NCC Ecologist Comments

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Hi Ben

Thank you for forwarding the comments made by the NCC Ecologist regarding the report on Modular Data Centre application at Liberty Steel.

Please see my responses (in red) below.

I hope these answer any outstanding queries. If you could forward them on to Geraint it would be much appreciated.

Many thanks

Bill

In relation to the HRA Screening Report, the River Usk SAC is considered, however section 3.3 states that 'No other European sites lie within 5 km of the application boundary.' This is incorrect, as the Severn Estuary SAC/SPA/Ramsar is about 2km away at its nearest point. The Screening Report does not consider whether the habitats on site would have provided functionally-linked land for mobile species such as Otter. Similarly, if the Severn Estuary had been scoped-in, then the use of the bare ground on the site for wetland birds should also have been considered. Some of those birds, and the otter, may well have used the waterbodies on site and have been disturbed by site clearance.

The application site is separated from the River Usk by a railway line, and the steel works directly to the west. The Severn Estuary to the south is separated from the site by the Uskmouth Power Station and a large sewage works. These uses all contain a significant amount of activity and their urban form acts as a barrier that will deter transient species from forming functional linkages to the application site.

EBS undertook several site surveys since the owner purchased the site and there has been no evidence of transient species visiting the application site or birds nesting or feeding on the 0.83 ha application site. However, the HRA report should have identified the Severn Estuary SAC/SPA/Ramsar Site and explicitly stated that there was no evidence of species like otter visiting the wider site, and specifically no evidence of any protected species living, using or visiting the application site or birds nesting in this area.

Section 5.4 of the Screening Report concludes that a significant effect on the River Usk SAC is not likely, so an Appropriate Assessment is not needed. In respect of any construction that may take place, NRW have indicated in their 30th April response that subject to use of a CEMP planning condition to secure mitigation measures, they consider there would be no adverse effect on the integrity of the River Usk SAC. Mitigation measures cannot be taken into account at the Test of Likely Significance stage, and can only be used with an Appropriate Assessment to secure no adverse effect on integrity. Therefore the Applicant's Ecologist should be invited to submit a draft Appropriate Assessment incorporating NRW's advice, which we can adopt as our own if we agree with its methodology and conclusions. An Appropriate Assessment, and consultation of NRW on the AA report, must be conducted before planning consent is granted.

The application site covers 0.83 ha. The development of this relatively small area is unlikely to result in any impact on the River Usk or the Severn Estuary. The development comprises the provision of a concrete slab upon which to site plant and equipment. The application site does not include the water bodies and the development will not affect or disturb the water bodies. Creating a cap over the ground is likely to be of benefit in terms of pollution and contamination risk. The run off from this will be clean water and can be managed and controlled. Therefore, there is unlikely to be any offsite impacts from the development proposed by this application over the 0.83 ha site.

I agree with the Ecologist on these points. Consideration of mobile species associated with the River and Marine SACs are appropriate here since their presence shouldn't be automatically discounted.

Over the many site visits that the EBS has made there has been no evidence of mobile species visiting the application site. The potential for such species was checked and this should have been made clear in the HRA and supporting information. These species have been discounted because of a lack of any evidence of activity on the site from the multiple site visits undertaken by EBS.

The point on the AA is correct as well (People over Wind) – the first test is low bar – *could there be a significant effect?* and if the answer is yes then an AA is required where mitigatory measures can be considered.

The application site comprises approximately 0.83 ha of predominantly bare ground and gravel located within a wider industrial area. It is physically separated from the River Usk and Severn Estuary by substantial industrial development, transport infrastructure and other operational land uses. Multiple ecological surveys and site visits undertaken by EBS before, during and after the clearance works identified no evidence of otter, wetland birds or other qualifying mobile species using the application site. Given the limited ecological value of the application site, the absence of qualifying species, the lack of functional linkage with the

designated sites and the nature of the proposed development, EBS considers there is no credible pathway through which the proposal could result in a likely significant effect on the River Usk SAC or Severn Estuary SAC/SPA/Ramsar. Accordingly, an Appropriate Assessment is not considered necessary.

Ultimately the AA is for us to do but without some information on the mobile species we won't be able to do it in my mind.

Does the above provide sufficient information to clarify the approach and to demonstrate these factors were taken into account?

I'd also like some clarification on the clearance point. EBS say there was no clearance when they went there but the site photo they provide shows clearance?

EBS have visited the site on numerous occasions since the site was purchased and undertook surveys before, during and after the clearance works. The photo used in the report was of the application site and taken at one of the later visits.

The site is a designated SINC and birch scrub is not without its virtues in ecological terms. However I will await further consultee comment on these points.



Ben Hooton

Head of Planning

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