

Delegated Decision Report

Application No:	25/1066	Statutory Period Expires:	16th February 2026
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Site:	<i>Land South Of Cock Street Redwick Newport South Wales</i>		
Proposal:	<i>HEDGE REMOVED ON ONE SIDE OF DITCH TO OPEN WATERCOURSE TO INCREASE SUNLIGHT FOR AQUATIC FLORA OF THE SSSI TO FLOURISH</i>		
Applicant:	<i>T Waters</i>		
Type:	Hedgerow Removal	Ward:	Llanwern
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is situated within Redwick within the Gwent Levels Landscape of Outstanding Historic Interest. The site is predominantly characterised by agricultural fields and farm holdings. The site is designated within the Gwent Levels Site of Specific Scientific Interest, countryside, underdeveloped coastal zone, special landscape area, and The Levels archaeological sensitive area. The site is also within Flood Zone 3 (Sea defended) as defined by NRW's Flood Map for Planning.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks to remove hedgerow across land to the South of Cock Street. The hedgerow to be removed is across 4no. different sections of land which equates to approximately 534m as stated by the applicant. NRW state this would be the Southern hedgerow of the reens only.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems

6.4.11 Planning authorities must follow a step- wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact.

5.3 Technical Advice Note

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 15: development, flooding and coastal erosion

Technical advice note (TAN) 24: the historic environment

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

GP5- Natural Environment

SP3- Flood Risk

SP5- Countryside

SP8- Special Landscape Areas

SP9- Conservation of the Natural, Historic, and Built Environment

CE4- Historic Landscapes, Parks, Gardens and Battlefields

CE6- Archaeology

CE9- Coastal Zone

5.4 SUPPLEMENTARY PLANNING GUIDANCE

ARCHAEOLOGY-AND-ARCHAEOLOGICALLY-SENSITIVE-AREAS

WILDLIFE-AND-DEVELOPMENT

TREES, WOODLAND, HEDGEROWS AND DEVELOPMENT SITES

6. CONSULTATION RESPONSES

6.1 Ecology Officer:

I accept that the removal of these hedgerows will result in the betterment of the features for which the SSSI has been notified, however traditional hedgerows such as these will have value for a range of other non-SSSI features, as well as for climate change mitigation and adaptation. I note in their response of 20th January that NRW have advised '*Removing only the southern hedgerow, while retaining and managing the northern one, ensures essential linear features remain in place to support species movement and foraging, including for dormice*'. However, no clearance methodology is provided which would assure us that harm to individual dormice will be avoided. For example, I would normally expect above-ground vegetation to be cleared in winter when the dormice are hibernating at ground level, then stumps and roots etc cleared in spring when they have emerged from hibernation and made their way to retained vegetation nearby. Alternatively, a directional clearance to encourage active dormice to move to retained habitats could be employed. Either way, we should be provided with a clearance methodology statement.

Similarly, I would be asking for assurance that clearance will avoid disturbance to nesting birds, which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. For example will clearance take place outside the March to August nesting season, or will the hedgerows be surveyed prior to clearance and avoidance measures put in place until the nest is no longer in use?

Finally, will there be compensation for the loss of hedgerow habitat? In accordance with section 6.4.42 of PPW 12, *'Permanent removal of trees, woodland **and hedgerows** will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. **Where loss is unavoidable developers will be required to provide compensatory planting** (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.'*

6.2 NRW:

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes less vulnerable development. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 (Sea) and the TAN 15 Defended Zone. Given the scale and nature of the works (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences.

Protected Sites

The application site is within the Gwent Levels - Whitson Site of Special Scientific Interest (SSSI). The proposed hedgerow removal is necessary to support habitat and ditch management works within the Gwent Levels SSSIs. Under our Land Management Agreements, we routinely seek consent to remove hedgerows along one side of selected ditches to improve sunlight penetration, which benefits the aquatic plants and invertebrates that form part of the SSSI's notified features. The works will not result in significant habitat loss or disturbance. Removing only the southern hedgerow, while retaining and managing the northern one, ensures essential linear features remain in place to support species movement and foraging, including for dormice. Therefore, we consider the proposed works are not likely to damage the notified features of the SSSI.

6.3 Wildlife in Newport:

No comments received.

6.4 HENEB:

No comments received.

6.5 Landscape Officer:

The proposal is to remove hedges over 30 years old from one side of the ditches to increase sunlight for aquatic flora of the SSSI to flourish. Works will be undertaken as part of a section 16 management agreement between landowner and Natural Resources Wales. I have no objection to removal from an ecological point of view. The ecological benefits will outweigh any visual amenity losses. However the length at 534m is significant and no mitigation planting is proposed in suitable alternative locations away from the sunny banks of the reens. I have not commented on a hedgerow removal notice previously and am unclear whether mitigation planting in a suitable location would be possible.

6.6 Tree Team: No comments received.

7. PUBLIC REPRESENTATIONS

7.1 Site Notice was put up on 16/01/2026.

7.2 Councillor Martyn Francis Kellaway did not provide comment on the application.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site is outside the settlement boundary and has other designations that make such works particularly sensitive in environmental terms.

8.2 Visual Amenity

8.2.1 The application site lies within the Gwent Levels Landscape of Outstanding Historic Interest, designated open countryside, undeveloped coastal land, and a Special Landscape Area. As such, Policies CE9, SP5, SP8 and SP9 are relevant. Development in this location must conserve, enhance, and appropriately manage recognised historic features, and demonstrate a clear understanding of the site's setting. Proposals must also respect the landscape character and biodiversity of both the site and its wider surroundings. The proposed hedge removal is located within open agricultural fields and would not be readily visible from adopted highways. As no new built development is proposed, the scheme would not adversely impact the undeveloped coastal zone and would remain as an open, green, agricultural setting. Moreover, the hedgerow to be removed lies on the southern side of the reens, while the northern hedgerow would remain. This would limit the visual harm on the special landscape area given that hedging to the North of the reens are to be retained. Nevertheless, the extent of vegetation loss is considered significant, and some form of mitigation planting should therefore be provided. The Landscape Officer has commented that there is no objection to the hedge removal from an ecological perspective, however the Ecology Officer notes that the benefits of the hedge removal to the ecology of the reens has not been supplemented by information relating to the impact of hedgerow removal on the ecology of the hedge itself for example and the impact upon birds or species that may forage in the hedgerow. No mitigation or compensation or a method statement for the removal has been submitted with the application. Accordingly, while the removal of the hedgerow could be acceptable in principle in terms of its impact upon the wider historic landscape and visual amenity generally, the application lacks information to support it.

8.3 Landscaping/Planting

8.3.1 The Ecology officer notes in accordance with section 6.4.42 of PPW 12, '*Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is*

unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. No information in the form of a green infrastructure statement, a biodiversity enhancement, or information on compensatory planting has been provided contrary to PPW12, Policy 9 of Future Wales and Policy GP5 of the NLDP 2011-2026.

8.4 Ecology

- 8.4.1 NRW have stated that the removal is necessary to increase sunlight for aquatic flora of the SSSI to flourish. It is noted that no supporting data has been provided to underpin this. The Ecology Officer has provided comment on the application and accepts that the removal of the hedgerows will result in betterment of the features of the SSSI, however, these hedgerows have benefits for climate change and adaptation also. Moreover, NRW note that solely removing the Southern hedging will allow dormice and other species movement and foraging to the Northern hedgerow. The Ecology officer raises concerns over this as no clearance methodology has been provided to ensure that dormice will be protected. Without this, a full assessment cannot be made on the full impact. Moreover, no information has been provided to ensure works will be carried out to avoid nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b). It is not clear on the methodology for surveys and clearance. Therefore, the application is contrary to Policy GP5 of the Newport Local Development Plan (2011-2026). Planning authorities must follow a step- wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact. Furthermore, PPW12 states at paragraph 6.4.12 "Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission." This application is contrary to PPW12.

8.5 Flooding

- 8.5.1 The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 (Sea) and the TAN 15 Defended Zone. The planning application proposes less vulnerable development. Given the scale and nature of the works (and in the absence of a flood consequences assessment) NRW consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. Therefore, this is acceptable and compliant with Policy SP3.

8.6 Other comments

- 8.6.1 The application site is also within The Levels archaeological sensitive area. HENEB have been consulted but have not provided comment on the application. Removal of trees and hedges often involve ground works to grub up and remove rooting systems. The application lacks a method statement to confirm this and the impact upon any archaeological resource cannot therefore be confirmed. The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining

planning applications, whether those remains are a scheduled monument or not. A key objective in section 6 of PPW12 is to conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy. In this case, the impact upon the archaeologically sensitive area is not known and this is significant concern/objection.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

- 10.1 While the proposed hedgerow removal may offer ecological benefits for the SSSI, the application fails to demonstrate that the resulting loss of visual amenity and green infrastructure has been properly assessed or mitigated. In the absence of a green infrastructure statement, compensatory planting proposals, and appropriate ecological methodologies, particularly relating to dormice and nesting birds, the scheme does not comply with PPW 12, Future Wales Policy 9, or Policy GP5 of the Newport Local Development Plan. Consequently, although the principle of hedge removal could be acceptable, the lack of essential supporting information renders the proposal unacceptable and not policy compliant in its current form and it is refused.

11. DECISION

REFUSED

01 The development, by reason of its nature, extent and location, will have a significant adverse impact on landscape, historical and ecological interests by reason of ground disturbance, loss of foraging habitat, general disturbance to wildlife and loss of landscape and is not in accordance with the Stepwise Approach of PPW12. No information has been provided to mitigate this objection, contrary to Policy SP5, SP8, SP9, GP5 of the Newport Local Development Plan 2011-2026, Policy 9 of Future Wales; The National Plan, Technical Advice Note 5 and Planning Policy Wales 12.

02 The development, by reason of the extent of removal, and location, will have a significant adverse impact on the character and amenity of the Special Landscape Area, wider Countryside and Gwent Levels Landscape of Outstanding Historic Interest. No information has been provided to mitigate this objection, contrary to Policy SP5, SP8, SP9, GP5 of the Newport Local Development Plan 2011-2026, Future Wales; The National Plan and Planning Policy Wales 12.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Block Plan - Map of Hedge Removal; Revised Site Location Plan; 33WAV36RB - Map for Variation Agreement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP5, SP3, SP5, SP8, SP9, CE4, CE6, CE9 were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.