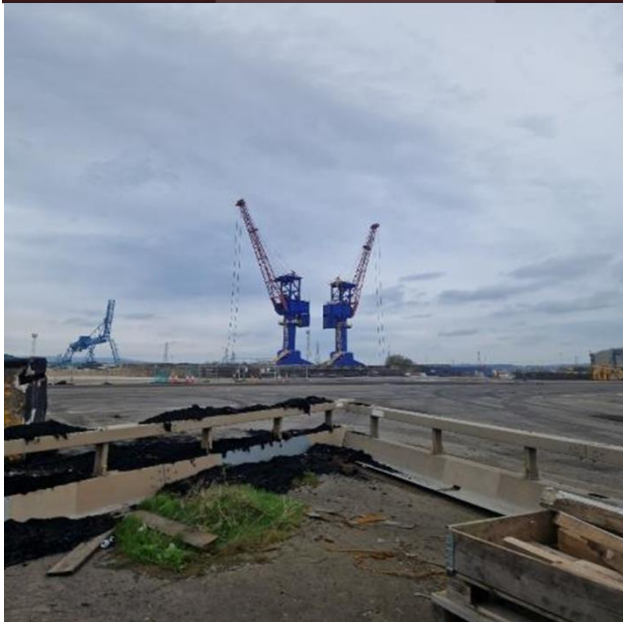


Newport Harbour

Ecological Impact Assessment (EcIA)



Client:

Stephenson Halliday

Report Reference:

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EXECUTIVE SUMMARY

- i RammSanderson Ecology Ltd were commissioned by Stephenson Halliday to undertake an Ecological Impact Assessment to support the proposed application to demolish buildings on site, clear ground and instal industrial plant for the manufacture of cement substitute from recycled waste products. Installed structures will include additional ship unloading equipment, storage, Vertical Roller Mill and storage silos, located at Newport Harbour, South Wales.
- ii The land within the site boundary is 5ha in size and was comprised of developed sealed surfaces with areas of sparsely vegetated land and ponds.
- iii A Habitat Regulations Assessment has been undertaken by RammSanderson Ecology in 2024 due to the development sites proximity to the Seven Estuary RAMSAR/SAC/SPA/SSSI (400m south west of the development site) and the River Usk SAC/SSSI (200m south of the development site).
- iv This Scheme has a baseline of 3.58 habitat units, 0 hedgerow unis and 0 watercourse units. Biodiversity net gain is not a requirement of planning for Wales.

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1 INTRODUCTION

1.1 Terms of Reference

- i RammSanderson Ecology Ltd (RS) were commissioned by Stephenson Halliday to undertake a Preliminary Ecological Appraisal (PEA) to assess the potential ecological constraints to the proposed application to demolish buildings on site, clear ground and instal industrial plant for the manufacture of cement substitute from recycled waste products. Installed structures will include additional ship unloading equipment, storage, Vertical Roller Mill and storage silos (hereafter referred to as the 'Scheme'), located at Newport Harbour, south of the city of Newport, South Wales. All land situated within the red line of the Scheme is hereafter referred to as the 'Site' and is shown on Figure 1.
- ii The purpose of this EclA is to demonstrate how the Scheme accords with relevant national and local planning policy and legislation. Further details on relevant planning policy and legislation are provided in Appendix A.
- iii This EclA details the methodology followed to undertake the assessment, describes the ecological baseline relevant to the Scheme and evaluates the nature conservation importance of ecological features present within the Study Area (see Section 2). The EclA characterises the impacts (both positive and negative) of the Scheme on Important Ecological Features (IEF)¹, and where necessary, sets out appropriate and proportionate avoidance, mitigation and compensation measures that will be delivered by the Applicant. The significance of any residual effects (both positive and negative) of the Scheme on the IEFs has been assessed, and opportunities for enhancement are identified with the overall aim of achieving biodiversity net gain through the Scheme.
- iv This EclA forms part of the supporting technical documentation for the planning application submitted for the Scheme and has been undertaken with reference to current good practice² and is consistent with the requirements of British Standard 42020:2013 *Biodiversity. Code of Practice for Planning and Development*.

1.2 The Scheme

- i The Scheme involves the demolition of existing structures and infilling of the on-site ponds to enable the installation of the industrial plant and associated proposals.
- ii There are three phases to the Scheme. These are;
 - Site preparation, connection to services, security fencing, provision of foundations.
 - Importation, storage and onward distribution of estimated aprox.100,000 tonnes per annum of cement and or cement substitutes.
 - Importation of estimated approx. 1,000,000 tonnes per annum of raw materials such as cement clinker and slag, construction and operation of mill for processing, manufacture of cement and cement substitutes and onward distribution. Substation and hydrogen storage will be investigated.
- iii The first phase involves the removal of existing redundant temporary buildings, scrub and the provision of temporary welfare facilities.
- iv The second phase requires the installation of silos. The cement coming from the import vessels will be unloaded pneumatically and transported via pipes to four storage silos of approximately 45m height with weighbridges beneath the silos. All operations within this phase would occur on a 24 hour basis. The silos will be above the

¹ Important Ecological Features are habitats, species, ecosystems and their functions and processes that are of conservation importance and could potentially be affected by the Scheme. Various characteristics contribute to a feature's importance including its rarity, diversity, size, population trend, distinctiveness, naturalness, fragility, typicalness, recorded history, potential value and intrinsic appeal.

² CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland. Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

height of the lighting columns but below the height of the wind turbines located to the east of the Site. Additional aircraft warning lights will be installed if required.

- v Whilst Phase 2 is operational, Phase 3 will be constructed. The material that is unloaded in Phase 3 consists of raw materials such as cement clinker. These raw materials will be unloaded directly from vessels to a hopper/conveyor system that will carry the material over the rail sidings. Some raw materials such as slag can be stored in open air, others such as clinker need to be stored in a covered storage to the south of the railway line. From the storage area the raw material is fed into the mill and the final product is moved to the four retained silos used in Phase 2 which are augmented with a further 4/6 silos. Roadgoing vehicles would arrive at the Site entrance and be directed to the space beneath a silo. A sealed connection will be formed and a 30-tonne load directed into the vehicle. Weighing is automatic and, upon decoupling, the vehicle is driven from the Site to its' delivery destination. Receptor locations will be smaller silos serving concrete batching plants on industrial sites or specific construction sites.
- vi Phase 3 also includes the permanent office/welfare and septic tank arrangement. A clean water supply will be taken from the mains system but a heat exchange coolant system will be in operation that may require an abstraction and discharge consent from Natural Resources Wales. Loading takes place automatically from the silo above and is controlled by a small workforce of two personnel per shift. Again, it is proposed that operations would take place on a 24 hour basis (Stephenson Halliday, 2024).

2 METHODOLOGY

2.1 Scope of the EclA

i The EclA has been undertaken as follows:

- Define the Study Area for the assessment, which considers the Zone of Influence³ (ZoI) of the Scheme.
- Undertake desk and field-based assessments for designated sites, habitats and species to determine the ecological baseline for the Scheme within the Study Area.
- Determine the nature conservation importance of each ecological feature recorded during the desk and field-based assessments to determine which of those features are IEFs in the context of the EclA.
- Assess the potential impacts on IEFs because of the Scheme.
- Design suitable avoidance and mitigation measures to address potential impacts.
- Determine the significance of any residual effects and design suitable compensation measures to address significant residual effects; and,
- Identify opportunities for biodiversity enhancements including delivery of Biodiversity Net Gain (BNG).

2.2 Important Ecological Features

i The EclA has focused on the potential impacts to ecological features (habitats, species, ecosystems and their functions/ processes) that are considered important and potentially affected by the Scheme. The EclA has not carried out detailed assessments of features that are sufficiently widespread, unthreatened and resilient to impacts and which will remain viable and sustainable should the Scheme proceed as detailed in Section 1.

ii For this EclA, the following are considered IEFs requiring detailed assessment:

- Statutory designated sites.
- Non-statutory designated sites.
- Habitats and species of principal importance (HoPI / SoPI) for the conservation of biodiversity in Wales⁴.
- Irreplaceable habitats including ancient woodland and veteran trees.
- Individual habitat types or mosaics that may not qualify as HoPI but form an important part of ecosystems and their function.
- Legally protected species⁵
- Species of conservation concern, Red Data Book (RDB) species – UK⁶.
- Birds of Conservation Concern – UK⁷.

iii The EclA has also considered legally controlled plant species listed as invasive on Schedule 9 of the Wildlife and Countryside Act 1981 in Britain (e.g., Japanese knotweed, Himalayan balsam, giant hogweed).

2.3 Study Area

i Desk and field-based studies have been undertaken to establish the biodiversity baseline that may be impacted by the Scheme. The scale of the Study Areas varies dependent upon the ecology of the feature being assessed

³ The Zone of Influence is the area over which ecological features may be affected by biophysical changes because of the Scheme and associated activities.

⁴ Listed under the Environment (Wales) Act 2016. <https://www.gov.wales/environment-wales-act-2016-biodiversity-and-resilience-ecosystems>

⁵ Legally protected species are those listed on the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2018, Protection of Badgers 1992.

⁶ Species Status Assessment project published by Joint Nature Conservation Committee (JNCC) in 1999. <http://jncc.defra.gov.uk/default.aspx?page=3352>.

⁷ (Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015). Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man.

and its vulnerability to change resulting from construction and operation of the Scheme. Ecological features outside of the Study Area are unlikely to be affected by the Scheme and are not considered in this EcIA.

- ii Table 1 summarises the Study Area for the Scheme.

Table 1. Background Records and Field Surveys Study Areas

Ecological Feature	Background Records Study Area ⁸	Field Survey Study Area ⁹
Designated Sites and Habitats	1km	Within and adjacent to the Application Site
Great crested newt	1km	250m
Badger	1km	30m
Other protected and notable species	1km	Within and adjacent to the Application Site

2.4 Desk Study

2.4.1 Background Records

- i A desk study has been undertaken to obtain background records relevant to the Scheme and the EcIA, including records of statutory and non-statutory designated sites and protected and notable species within the Study Areas detailed above in Table 1. The data obtained provides contextual information for the scope of field surveys, to aid the evaluation of field survey results, and to provide supplementary information where complete field survey coverage has not been possible.
- ii On 17/05/2024 the South East Wales Biodiversity Records Centre

2.4.2 Planning Policy

- iii To demonstrate how the Scheme accords with relevant national and local planning policy, the following have been reviewed as part of this assessment:
- The Newport Local Plan 2015 and
 - Newport Replacement Local Development Plan 2023-2036

2.5 Field Surveys

- i Field surveys have been designed to collect information on the habitats and species present that may be affected by the Scheme. The geographical areas across which field surveys have been undertaken are the areas over which ecological features are likely to be subject to impacts from the construction or operation of the Scheme if they are present and accounting for the Scheme design measures detailed in Section 1.
- ii Table 2 summarises the field surveys that have been undertaken to inform the EcIA.
- iii Detailed methodologies for collection of field survey data, and any specific limitations and deviations encountered during these surveys, are presented in Appendix 2.

⁸ Distance measured from the Application Site Boundary.

⁹ Distance measured from the Application Site Boundary.

Table 2. Field Surveys undertaken to inform EclA

Ecological Feature	Survey Type	Date(s) of Survey(s)
Habitats	Preliminary Ecological Appraisal	March 2024

- iv No other field surveys have been undertaken to support this EclA as they were considered unnecessary (see Section 3 for more details).

2.6 Assessment criteria

- i This EclA broadly follows CIEEMs Guidelines for Ecological Impact Assessment in the United Kingdom with the following clarifications specific to the Scheme.

2.6.2 Nature conservation evaluation

- ii Several criteria have become accepted as a means of assessing the nature conservation importance of a defined area of land which are set out in *A Nature Conservation Review*¹⁰ and include diversity, rarity and naturalness.
- iii For this EclA, the nature conservation importance or potential value of an ecological feature is determined within the following geographic context:
- International (Europe): such as Special Areas of Conservation (SAC) or Special Protection Areas (SPA).
 - National (Wales): such as Sites of Special Scientific Interest (SSSI);
 - Regional (*): such as populations of species which enrich biodiversity on a regional scale and whose loss would significantly affect the species national distribution.
 - County (Gwent): such as Local Nature Reserves (LNR) or populations of species which qualify for Local Wildlife Site (LWS) designation.
 - Local (Newport Docks): the feature has some ecological importance, but is not of a scale warranting consideration outside of the boundaries of the Application Site itself; and
 - Negligible: the feature either has little or no importance for biodiversity, or is considered sufficiently widespread, unthreatened, and resilient to impacts and will remain viable and sustainable.

**A geographical area for Regional importance has not been defined. A feature is of 'Regional' importance when it is of greater geographical importance than within Gwent, but does not reach the threshold to be of National importance.*

- iv Ecological features of Local or higher nature conservation importance are considered IEFs requiring detailed assessment. In addition, for the EclA to demonstrate how the Scheme will comply with statutory requirements and policy objectives for biodiversity, some ecological features are considered IEFs even if they are not of Local or higher nature conservation importance. These are features that are protected by national legislation and include:
- Badgers, legally protected through the Protection of Badgers Act, 1992;
 - All nesting birds, legally protected through the Wildlife and Countryside Act, 1981; and,
 - Non-native invasive plant species, listed on Schedule 9 of the Wildlife and Countryside Act, 1981.

2.6.3 Temporal scope

- v Potential impacts on IEFs have been assessed in the context of how the predicted baseline conditions might change between the surveys and the start of construction.

¹⁰ Ratcliffe, D. (1977). *A Nature Conservation Review*.

- vi Long-term trend information was used to make judgements about the significance of an impact or effect on the conservation objectives or condition of a designated site, or the conservation status of a habitat or species (for example a species with a long term, national population decline may be more susceptible to impacts attributable to the Scheme). Where this information was available it is referenced in Section 4.
- vii A high-level construction programme for the Scheme is outlined in Section 1. Once construction is complete, this ECIA has assumed that the operational phase of the Scheme will last for the foreseeable future.

2.6.4 Approach to mitigation

- viii Where impacts on IEFs are predicted, the approach to mitigation engages the following hierarchy:
 - Avoid features where possible.
 - Minimise impact by design, method of working or other measures, for example by enhancing existing features; and,
 - Compensate for significant residual impacts (e.g., by providing suitable habitats elsewhere).
- ix The highest level of the hierarchy has been applied where possible. Only where this cannot reasonably be adopted have lower levels been considered. The rationale for the proposed level of mitigation has been detailed in Section 4, including sufficient detail to show that these measures are feasible and will be provided by the Applicant.
- x Throughout this ECIA, the potential to secure biodiversity enhancement, and therefore overall net gain, has been considered.

2.7 Limitations to the Assessment

- i The ecological surveys undertaken to support this ECIA have not produced a complete list of plants and animals and the absence of evidence of any particular species should not be taken as conclusive proof that the species is not present or that it will not be present in the future. However, the results of these surveys have been reviewed and are considered to be sufficient to undertake this ECIA.

3 BASELINE CONDITIONS AND NATURE CONSERVATION IMPORTANCE

- i The following sections provide a summary of the baseline conditions relevant to the Scheme and the assessment of potential impacts of the Scheme on biodiversity. The baseline is based on the results of the desk and field-based studies undertaken within the Study Area to inform this ECIA.
- ii Regarding background data, 'recent' records are considered to be those no older than 10 years from the date of the desk study. Records outside of this period are historical and have only been reported where more recent records do not exist. Exceptions to this are detailed in the appropriate sections below.
- iii Ecological features which are present or considered likely to be present within the Study Area have been assigned a geographical scale of nature conservation importance in line with the criteria detailed in Section 2. Nature conservation importance is summarised in Table 6.
- iv Where it has not been possible to achieve 100% survey coverage for a habitat or species, the baseline conditions have been based on a reasonable precautionary approach, supported by the results of the desk study.

3.2 Designated Sites

- i Table 3 summarises the designated sites situated within the Study Area.

Table 3. Designated Sites within Study Area

Site Name	Designation	Location ¹¹	Brief Description
Severn estuary	SSSI ¹ , SAC ² , SPA ³ and Ramsar	0.4km SW	The estuary has a diverse geological setting and a wide range of geomorphological features, especially sediment deposits. The estuary's overall interest depends on its large size, and on the processes and interrelationships between the intertidal and marine habitats and its fauna. Contains estuaries, sandbanks, mudflats and sandbanks, Atlantic salt meadows and reefs as habitats listed in Annex I, as well as Sea Lamprey, River Lamprey and Twaite shad species listed in Annex II. Supports internationally important wintering populations of Bewick's swan, as well as wider populations of waterfowl reaching over 20,000. The estuary is important for several species of fish that migrate between sea and river via the estuary. Furthermore, small patches of the nationally rare plant grass-poly are found within the grasslands of the estuary.
River Usk	SSSI ¹ and SAC ²	0.2km S	High-quality example of a river flowing over sandstone, with its associated habitats, plant and animal species within a linear ecosystem.
Gwent Levels – St. Brides	SSSI ¹	0.8km W	Contains reed and ditch habitat, which play host to a wide range of aquatic plants as well as a diverse community of insects and other invertebrates. Also found to be an important site for the shrill carder bee.

¹¹ SSSI – Sites of Special Scientific Interest

² SAC – Special Area of Conservation

³ SPA – Special Protection Areas

⁴ NNR – National Nature Reserve

Site Name	Designation	Location ¹¹	Brief Description
Newport Wetlands	NNR ⁴	0.5km S	A blend of estuary, wetland and reedbed to provide habitat for wetland bird species, including nationally important breeding populations such as water rail, Cetti's warbler and bearded tit.

3.2.2 Field Survey

- ii No designated sites were identified within the Site.

3.3 Habitats

3.3.1 Desk Study

- i Table 4 summarises relevant records of HoPI¹², ancient woodlands, and protected and/or notable¹³ flora¹⁴ (including veteran trees¹⁵) within the Study Area.

Table 4. HoPI, Ancient Woodland and Protected and Notable Flora within Study Area

Habitat/ Flora Feature	Reason for Conservation Interest	Location ¹⁶	Desk Study Comments
Saltmarsh	Coastal and marine habitat, Local Biodiversity Action Plan	0.3km E Additional 6 parcels S and SW	Numerous parcels found along the banks of the River Usk and on either side of the Severn estuary.
Mud, mud/shingle, sand, rock.	Intertidal substrates, Local Biodiversity Action Plan	0.2km S Additional 10 parcels	2 intertidal sand parcels found within either site of the estuary, as do the 2 rock parcels. Mud parcels follow the edges of the two rivers and continue along the edge of the estuary.
River Usk	Local Biodiversity Action Plan (SAC,SSSI)	0.2km S	High-quality example of a river flowing over sandstone, with its associated habitats, plant and animal species within a linear ecosystem.

3.3.2 Field Survey

- ii Table 5 summarises the results of the habitat survey and detailed botanical surveys. Habitats are shown on Figure 2, with specific features highlighted by TNs.

¹² Priority habitats are taken as principal habitats for the conservation of biodiversity listed under Section 41 of the Natural Environment and Rural Communities Act 2006.

¹³ Protected and/or notable flora are taken as principal flora for the conservation of biodiversity listed under Section 41 of the Natural Environment and Rural Communities Act 2006; any flora listed in an IUCN Red Data Book; and any other flora listed under the County Rare and Scarce Plants in Buckinghamshire list (BMERC, 2012).

¹⁴ For this assessment 'flora' includes: vascular and non-vascular plants, fungi and lichens.

¹⁵ For this assessment the definition of a veteran tree is taken "A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally."

¹⁶ Where features are situated outside of the Site boundary, the distance and direction is given at the closest point of the designated site from the Site

Table 5: Habitats within Survey Area

- iii Summary descriptions of the habitats within the Field Survey Area are provided below in Table 3 and shown on Figure 2, with specific features highlighted by Target Notes (TNs).
- iv Habitat types detailed are listed in order of the UKHabs UK Habitat Classification Version 2.0 (UKHabs, 2023). The species list provided in this report reflect only those taxa observed during the survey and are not an exhaustive list of all species that may be present, as the survey only provides a snapshot of the Site.

Habitat	Description	Area (m ²)	Proportion of site (%)	Ecological Importance & Outcome of Proposal	Photograph
r1f6 41 Temporary water bodies	An ephemeral body of water present on hard standing within the south of the Site. Water levels are likely to be inconsistent, being a mix of rainwater and sea spray. Vegetation was sparse, with tufts of grass present sporadically. Rusting metal in large mounds was present within the water (TN2).	1838	3	Ecologically negligible due to the lack of vegetation, hardstanding substrate and varied water levels. Likely to be lost as part of the proposals.	
r1g 41 316 Other standing water	Two shallow ponds were present towards the east of the Site with a significant algal bloom present suggesting eutrophication of the water. Sparse vegetation was present, with frequent curled dock and occasional goat willow, common reed, flag iris and rosebay willowherb.	1093	2	Limited ecological suitability due to high pollution levels indicated by the algal bloom, high disturbance of the Site, and isolation due to major dispersal barriers being present on all sides of the Site.	

Habitat	Description	Area (m ²)	Proportion of site (%)	Ecological Importance & Outcome of Proposal	Photograph
u1b Developed land; sealed surface	The Site was predominantly comprised of developed land in the form of hard-standing surfaces. This was unvegetated, with high levels of disturbance from moving plant.	44223	82	Negligible ecological suitability due to the developed nature of the land, as well as the high levels of disturbance from moving plant and other industrial activities.	
u1b5 Buildings	There was a single-story wooden building present within the southeast of the Site. The building was derelict and in a poor state of repair.	241	0.45	Limited in suitability for roosting bats, and the surrounding habitat is largely negligible for foraging. The building is anticipated to be lost as part of the works.	

Habitat	Description	Area (m ²)	Proportion of site (%)	Ecological Importance & Outcome of Proposal	Photograph
u1f Sparsely vegetated urban land	On the east side of the Site, there are three parcels of sparsely vegetated urban land. These are primarily comprised of loose gravel substrates with ruderal/ephemeral vegetation growing through. These areas were comprised of abundant narrow leaved ragwort, frequent mayweed, bristly oxtongue, colts foot, pineapple weed and forget-me-nots. Occasionally, sticky mouse-eared chickweed, white stonecrop, spear thistle and bramble were present. Buddleia was also present within the eastern most parcel (TN1).	6520	12	Limited ecological suitability. Mostly suitable for commuting terrestrial mammals. Anticipated to be lost as part of the works.	
w1g 33 Other broadleaved woodland; line of trees	The eastern boundary of the Site is comprised of a strip of woodland trees, mostly comprised of semi-mature silver birch trees.	115		Limited ecological suitability due to the sparseness of the vegetation, as well as the small nature of the trees. The trees are also surrounded by negligible habitat. Anticipated to be lost as part of the works.	

3.3.3 Constraints and Recommendations

- v No priority habitats were identified within the Site. The habitats identified within the Site were mostly limited in their potential to support protected species and were lacking generally in floral diversity. Priority habitats within the Desk Study Area, such as the river, saltmarsh, mud, mud/shingle, sand, rock habitat 200m from Site, have the potential to be impacted through the construction of a potential outfall into the River Usk. During the construction materials will be transported to and from site, increasing traffic flows and air pollution within 200m of the Saltmarsh. The saltmarshes are located along the banks of the River Usk SAC and within the Severn Estuary SAC, SPA, RAMSAR, therefore mitigation measures will be provided within a Construction and Ecological Management Plan and a Habitat Regulations Assessment.
- vi It is recommended that habitat creation is undertaken as part of the Scheme to increase the opportunities for protected species within the local area. This will be informed by the results of the biodiversity impact assessment (BIA).

3.4 Great Crested Newt (and other amphibians)

3.4.1 Desk Study

- i There are no recent records of great crested newts (GCN) within the Desk Study Area.
- ii A total of 12 water bodies are present within 250m of the Site. Three of the water bodies have been screened out of further assessment because they are flowing watercourses unsuitable for great crested newts¹⁷. The remainder of the waterbodies are beyond dispersal barriers to great crested newt movement and therefore no further consideration is required.

3.4.2 Field Survey

- iii No features were identified within the Site boundary that could support GCN. Although three bodies of water were identified within the Site (including P1, P2 and P3 on figure 3), these were scoped out of suitability for GCN. One of the water bodies was ephemeral in nature with no vegetation present. It will partly be fed by sea spray so will be high in salinity. P3, although more permanent than the other water body identified, was noted to have algal blooms present, suggesting nutrient pollution of the water.
- iv Terrestrial habitat on Site, and the immediate area around the Site, was deemed negligible for GCN due to the lack of vegetation cover, the high levels of disturbance from industrial activities and the urban nature of the habitats.

v Otters

3.4.3 Desk study

- vi There were no local records of otter within the desk study. However, two ditches and a pond were noted within 100m (D3 and P4). As these were unlikely to support significant fish population (not stocked), the balance of probability reduces the likelihood of this species leaving the abundant foraging grounds of the River Usk and migrating up to P4. Therefore, the possibility of holts was deemed negligible.

¹⁷ Great crested newts do not generally like running water, though they will inhabit very slow-flowing watercourses such as backwaters, ditches and canals.

3.4.4 Field Survey

- vii No suitable habitats for this species were recorded on Site and they are deemed likely absent. Therefore, in combination with the desk study result

3.5 Badger

3.5.1 Desk Study

- i There were no recent records of badger within the Study Area.

3.5.2 Field Survey

- ii No evidence of badger was recorded within the Study Area. Habitats were limited in their suitability to support badgers in sett building, foraging or commuting due to the dominance of developed habitats within the Site, the high levels of industrial disturbance and the wider urban, industrial landscape beyond the Site, with limited connectivity.

3.6 Bats

3.6.1 Desk Study

- i There was one recent record of bats within the Study Area, 0.96km SE of the Site relating to a common pipistrelle.

3.6.2 Field Survey

Buildings

- ii One building was present within the Application Site and lacked suitable roosting opportunities for bats. Buildings are shown on Figure 4. Detailed descriptions of the buildings are provided in Appendix 3.

Activity

- iii Habitats on Site were classified as negligible for foraging bats due to the lack of vegetation, dominance of developed land, high levels of industrial disturbance and the overall urban, industrial landscape beyond the Site. The edge of the estuary and docks provide suitable commuting habitat that connects to the River Usk,

3.1 Hazel Dormouse

3.1.1 Desk Study

- i There are no recent records of hazel dormouse within the Desk Study Area.

3.1.2 Field Survey

- ii No habitats were identified within the Site that could support hazel dormouse, and the immediate areas around the Site boundary were also deemed unsuitable, due to the lack of vegetation and the industrial nature of the area.

3.2 Reptiles

- i 'Common species of reptile' refers to common lizard, slow worm, adder and grass snake. The Site is located outside of the known range of smooth snake and sand lizard and these species are not considered in this report

3.2.2 Desk Study

- ii There are two recent records, one of common lizard and one of adder, within the Desk Study Area. These were 0.5km and 0.72km NW of the Site boundary respectively.

3.2.3 Field Survey

- iii No evidence of common reptile species was identified during the Site visit. Habitats on Site were classified as negligible for reptile species due to the dominance of developed surfaces alongside the lack of foraging habitat and high levels of industrial disturbance

3.3 Birds

3.3.1 Desk Study

- i There are recent records for 41 notable¹⁸ bird species within the Desk Study Area. These include two species listed on Annex I of the EC Birds Directive 1994, 10 species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), 14 Species of Principal Importance (SPI), 16 species on the Conservation Concern 5 (BoCC5) Red list (Stanbury, 2021) and 22 species on the BoCC5 Amber list. The records also include no species of bird that are priority species in Newport listed on the Newport local BAP.
- ii Although no records were returned within the Desk Study for them, it should be noted that the Severn Estuary Ramsar is designated partly for hosting significant populations of wintering Bewick's swans. This species is listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), Annex I of the EC Birds Directive 1994, an SPI species as well as being listed as a BoCC5 red list species.

3.3.2 Field Survey

- iii Habitats on Site were deemed negligible for suitably to support breeding bird populations due to the lack of foraging habitat, general lack of opportunities for nesting and high levels of industrial disturbance. Suitable nesting habitats were mostly presented within the line of trees on the eastern boundary, as well as within the sparsely vegetated land.
- iv Despite the Sites proximity to a Ramsar site designated for wintering bird populations, habitats on Site suitable for wintering birds were lacking due to the lack of foraging opportunities and optimal habitat being situated off-Site within the local landscape.

3.4 Terrestrial Invertebrates

3.4.1 Desk Study

- i There are five recent records of notable¹⁹ terrestrial invertebrates within the Desk Study Area. The closest / most relevant of these records is associated with a broom moth which is approximately 180m NW from the Site boundary.

¹⁸ Notable bird species are taken as those listed: on Annex I of the EC Birds Directive (2009/147/EC); on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); as Species of Principal Importance (SPI) for the Conservation of Biodiversity in England listed in Section 41 of the Natural Environment and Rural Communities Act 2006; as Red or Amber in the Birds of Conservation Concern (BoCC) 4 (Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015). Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. British Birds 108, 708-746); bird species or groups listed under the Newport local BAP.

¹⁹ Notable terrestrial invertebrates are taken as principal species for the conservation of biodiversity listed under Section 41 of the Natural Environment and Rural Communities Act 2006; any invertebrate listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); any invertebrate listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended); any invertebrate listed in the IUCN Invertebrate Red Data Book (1991); and any invertebrate listed under a Newport local BAP.

3.4.2 Field Survey

- ii Habitats on Site were generally observed as being negligible for significant populations of notable invertebrates due to the predominance of developed habitats with a lack of floral cover. The most suitable areas for invertebrates were identified as the areas of sparsely vegetated land with ruderal vegetation growing.

3.5 Aquatic Invertebrates (including White-clawed Crayfish)

3.5.1 Desk Study

- i There are no recent records of notable²⁰ aquatic invertebrates (including white-clawed crayfish) within the Desk Study Area.

3.5.2 Field Survey

- ii The only feature identified within the Site boundary suitable for aquatic invertebrates is P3 on Figure 3. However, it is unlikely this waterbody supports significant aquatic invertebrate populations due to its small size and isolation from the wider landscape due to the lack of connectivity and dominance of urban and industrial habitats in the wider landscape.

3.6 Fish

3.6.1 Desk Study

- i There was one recent records of fish within the Desk Study Area, associated with a European eel within 0.81km SW of the Site boundary.
- ii The water within the Alexandra docks immediately adjacent to the Site (P1 on Figure 3) is known to hold significant populations of fish, such as European eels, as well as the River Usk, 200m S of the Site, which has fish species as qualifying criteria.

3.6.2 Field Survey

- iii No features were identified within the Site that would be suitable for notable fish species. However, there are planned discharges and abstraction activities that could impact these species due to hydrological links to River Usk.

3.7 Other Notable Species

3.7.1 Desk Study

- i There are no recent records of other notable species²¹ within the Desk Study Area.

3.7.2 Field Survey

- ii No evidence of notable species was identified during the walkover. Habitats were deemed largely unsuitable for notable species, such as hedgehogs, brown hares or common toads, due

²⁰ Notable aquatic invertebrates are taken as principal species for the conservation of biodiversity under Section 41 of the Natural Environment and Rural Communities Act 2006; any invertebrate listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); any invertebrate listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended); any invertebrate listed in the IUCN Invertebrate Red Data Book (1991); and any invertebrate listed under the Newport local BAP.

²¹ Notable species are taken as principal species for the conservation of biodiversity listed under Section 41 of the Natural Environment and Rural Communities Act 2006; any species listed in an IUCN Red Data Book; and any other species listed under the Newport LOCAL BAP that are not referred to in previous sections of the report.

3.8 Summary of Nature Conservation Importance

i Table 6 summaries the features that have been recorded in the Study Area and their nature conservation importance.

Table 6. Summary of Nature Conservation Importance

Ecological Feature	Geographical Scale of Nature Conservation Importance
Newport Docks	County
Habitats	Site
GCN, Bats, Badgers, Birds	Negligible
Fish	National
Otters	Negligible

4 IMPACT ASSESSMENT, AGREED MITIGATION MEASURES AND SIGNIFICANCE OF RESIDUAL EFFECTS

- i This Section characterises the impacts of the Scheme on IEFs during the construction and operation phases, sets out agreed avoidance and mitigation measures, and assesses the significance of the residual effects (both positive and negative) of the Scheme on these features. Where significant residual effects will occur, appropriate compensation measures are identified to offset those effects. Enhancements agreed by the Applicant are set out in Section 5.
- ii The Applicant has agreed that the general mitigation measures identified in Section 4.1 onwards will be incorporated into the detailed design proposals for the Scheme and implemented as part of the overall development of the Application Site.

4.2 Designated Sites

4.2.1 Construction Impacts and Mitigation

- i The Site has the potential to impact the River Usk SAC/SSSI, as well as the Severn Estuary Ramsar/SPA/SAC/SSSI due to the proximity of the Site to these designated sites, (200m and 400m respectively). Due to potential risks to these European sites, a shadow habitat regulations assessment (sHRA) was undertaken by RammSanderson in October 2024 (RammSanderson, 2024). The results of the sHRA are currently under review/discussion with the Applicant.
- ii The Site is set in an already industrialised area with operational docks. The development site offers no ecological suitability for any of the species within this designated sites and offers negligible ecological value for any protected species, therefore the development will not have an impact on Gwent Levels SSSI or Newport Wetland NNR.

4.2.2 Residual Effects and Compensation Measures

- iii To be read in conjunction with the Habitat Regulations Assessment (RSE_7345_01_V1).

4.1 Habitats

4.1.1 Construction Impacts and Mitigation

- i Development of the Scheme would result in the loss of 4.4ha of developed land sealed surface, 0.29ha of ponds (non-priority), 0.5ha of derelict land and 0.02ha of urban trees. None of these habitats are of significance.

4.1.2 Operation Impacts and Mitigation

- ii No impacts are expected occur to the habitats during the operation of the Scheme.

4.1.3 Residual Effects and Compensation Measures

- iii No significant residual effect would occur to bats and no compensation is proposed.

4.2 Badger

4.2.1 Construction Impacts and Mitigation

- i Due to the lack of records, limited suitability of the Site to support badgers and limited connectivity to the wider landscape, further recommendations for badger are not required.

4.3 Operation Impacts and Mitigation

- i No impacts are expected occur to badgers during the operation of the Scheme.

4.3.2 Residual Effects and Compensation Measures

- ii No significant residual effect would occur to badgers and no compensation is proposed

4.4 Bats

4.4.1 Construction Impacts and Mitigation

- i Due to only one feature being identified on Site that could have potential for bats, which was ultimately classified as negligible potential, no impacts on roosting bats is expected.
- ii Furthermore, as there is a lack of suitable habitat on Site for foraging bats, with the proposed works being restricted in already developed land, no impacts on is expected to occur on bats.

4.5 Operation Impacts and Mitigation

- i No impacts are expected occur to bats during the operation of the Scheme.

4.5.2 Residual Effects and Compensation Measures

- ii No significant residual effect would occur to bats and no compensation is proposed.

4.6 Hazel Dormice

4.6.1 Construction Impacts and Mitigation

- i Despite hazel dormouse being present within the county, habitats on Site were unsuitable for hazel dormouse, with no connectivity present to suitable habitat further afield and therefore no impacts are expected on hazel dormice during construction.

4.7 Operation Impacts and Mitigation

- i No impacts are expected occur to Hazel Dormice during the operation of the Scheme.

4.7.2 Residual Effects and Compensation Measures

- ii No significant residual effect would occur to Hazel Dormice and no compensation is proposed

4.8 Otter and Water Vole

4.8.1 Construction Impacts and Mitigation

- i Due to the lack of features and unsuitability of the terrestrial habitat within the Site boundary, impacts on riparian species during construction is not expected.

4.9 Operation Impacts and Mitigation

- i No impacts are expected occur to otter or water vole during the operation of the Scheme.

4.9.2 Residual Effects and Compensation Measures

- ii No significant residual effect would occur to otter or water vole and no compensation is proposed

4.10 Great Crested Newts

4.10.1 Construction Impacts and Mitigation

- i Despite the high number of water bodies within 250m of the Site, the Site is isolated from the wider landscape due to the urban, industrial landscape, and lack of connectivity through suitable habitats. Alongside this, the lack of records, and unsuitability of terrestrial habitats on Site, there are no further recommendations for GCN deemed necessary.

4.11 Operation Impacts and Mitigation

- i No impacts are expected occur to great crested newts during the operation of the Scheme.

4.11.2 Residual Effects and Compensation Measures

- ii No significant residual effect would occur to great crested newts and no compensation is proposed.

4.12 Reptiles

4.12.1 Construction Impacts and Mitigation

- i Due to the lack of suitable habitat within the Site, and the lack of connectivity to the wider landscape, the presence of reptiles on Site is deemed negligible and therefore no impacts will occur through construction.

4.12.2 Operation Impacts and Mitigation

- ii No impacts are expected occur to reptiles during the operation of the Scheme.

4.12.3 Residual Effects and Compensation Measures

- iii No significant residual effect would occur to reptiles and no compensation is proposed.

4.13 Birds

4.13.1 Construction Impacts and Mitigation

- i Breeding bird surveys are not recommended due to the habitats on Site general unsuitability to support significant breeding assemblages of birds. However, as there is some suitability for nesting within the trees and sparsely vegetated land, it is recommended that any vegetation clearance is undertaken outside of the nesting bird season (1st March- 31st August). If this is not possible, vegetation clearance should be preceded by a nesting bird check, at a maximum of 24 hours before clearance, by a suitability qualified ecologist. If any nests are identified, these will need to be buffered from works at a distance deemed suitable by the ecologist until the nest has finished and the chicks have fully fledged.

4.13.2 Operation Impacts and Mitigation

- ii No impacts are expected occur to birds during the operation of the Scheme.

4.13.3 Residual Effects and Compensation Measures

- iii No significant residual effect would occur to birds and no compensation is proposed.

4.14 Terrestrial Invertebrates

4.14.1 Construction Impacts and Mitigation

- i Due to the predominance of developed habitats on Site, with limited vegetation cover or floral diversity, the Site is deemed negligible in supporting significant populations of notable invertebrate species. Therefore no mitigation is required.

4.14.2 Operation Impacts and Mitigation

- ii No impacts are expected occur to terrestrial invertebrates during the operation of the Scheme.

4.14.3 Residual Effects and Compensation Measures

- iii No significant residual effect would occur to terrestrial invertebrates and no compensation is proposed.

4.15 Aquatic Invertebrates

4.15.1 Construction Impacts and Mitigation

- i Due to the predominance of developed habitats on Site, with limited vegetation cover or floral diversity, the Site is deemed negligible in supporting significant populations of notable aquatic invertebrate species. Therefore no mitigation is required.

4.15.2 Operation Impacts and Mitigation

- ii No impacts are expected occur to aquatic invertebrates during the operation of the Scheme.

4.15.3 Residual Effects and Compensation Measures

- iii No significant residual effect would occur to aquatic invertebrates and no compensation is proposed.

4.16 Fish

4.16.1 Construction Impacts and Mitigation

- i Although the Site is within close proximity of habitats suitable for notable fish, such as the Severn Estuary, River Usk and Alexandra dock, impacts on these are not anticipated due to the works being restricted within the Site boundary, with no direct works happening within the water. Furthermore, the local area is already subject to high levels of industrial activity, with the waters of Alexandra dock being controlled as well. No further surveys or mitigation are required.

4.16.2 Operation Impacts and Mitigation

- ii The scheme will require water cooling abstraction and discharge. This could have a potential on fish species dependent on the scale of discharge. Any abstraction will require pipes with eel shields to prevent injury to eel species.

4.16.3 Residual Effects and Compensation Measures

National Resource Wales will need to be contacted to discuss impacts and mitigation.

5 GREEN INFRASTRUCTURE STATEMENT

5.1.1 Background

- i Planning Policy Wales (PPW) Edition 12 (published February 2024) included the requirement for a Green Infrastructure Statement (GIS) to accompany all planning applications. The GIS should demonstrate how the 'Stepwise Approach' to evaluating biodiversity impacts of a Scheme on biodiversity has been applied. The GIS should also discuss how green infrastructure has been considered within the Scheme design, in a way which is proportionate to the scale of the site and development proposals. The GIS will demonstrate how a net benefit for biodiversity may be achieved by the Scheme.

5.1.2 Baseline Habitats

- ii Habitats present within the Application Site include developed sealed surfaces with areas of sparsely vegetated land and ponds. The ponds have been identified as having negligible/limited ecological suitability due to limited vegetation, high pollution levels, high disturbance of the Application Site, and isolation due to major dispersal barriers being present on all sides of the Application Site. The sparsely vegetated land and trees have both been identified as being of limited ecological suitability due to sparseness of vegetation and small size of trees. Overall, none of the habitats present within the Application Site are considered to be of ecological significance.

5.1.3 Biodiversity Net Gain

- iii A Biodiversity Net Gain metric has been completed for the Scheme, although Biodiversity net gain is not a requirement of planning in Wales. The on site baseline biodiversity unit score for the Application Site is 3.58 habitat units, 0 hedgerow units and 0 watercourse units. The Scheme will result in the loss of all baseline habitats within the Application Site.

5.1.4 Stepwise Approach

- iv The Stepwise Approach has been considered for the Scheme, as detailed below.
- v **AVOID and MINIMISE:** The habitats present within the Application Site are not considered to be of ecological significance. All habitats are proposed to be lost to facilitate the Scheme and therefore there is currently no opportunity to avoid or minimise impacts on habitats.
- vi **MITIGATE:** No mitigation measures are deemed necessary for the habitats present within the Application Site due to their negligible ecological significance. Mitigation measures have been described in Section 4 for fish and birds, and a SHRA has been issued separately to mitigate for any potential impacts on designated sites.
- vii **COMPENSATE ON SITE and ENHANCE:** The following compensation measures/enhancements could be delivered for biodiversity as part of the Scheme, which do not contribute towards the calculation of biodiversity net gain but can still deliver significant improvements for biodiversity:
 - It is recommended that the Scheme includes landscape planting where possible. Any landscape planting associated with the Scheme should consider the use of native shrub species and also species such as lavender which provide important sources for pollinating species. The Royal Horticultural Society provide online resources to identify suitable plants for garden areas that are aesthetically pleasing but of significant value to local pollinators (www.rhs.org.uk/plantsforpollinators).
 - Consideration to provision of bird nest boxes could also be given in respects to the new building. Use of boxes such as the Schwegler 1B nest box provide a long-term nest box solution requiring limited replacement unlike wooden boxes which need regular replacement as a result of weathering.

- Consideration to provision of bat boxes could also be given in respects to the new building. Use of in-cavity boxes such as Ibstock Enclosed Bat Box C provide a long-term nest box solution incorporated into the building.
- Consideration to provision of swift bricks could also be given in respects to the new building. Use of integrated swift bricks, such as the Woodstone Build-In Swift Box, provide a long-term nest box solution incorporated into the building, with minimal maintenance requirements.

5.1.5 Wider Biodiversity Enhancement

- viii Due to the limited ecological significance of existing habitats present within the Site, the above compensation measures/enhancements are deemed sufficient and proportionate for the Scheme, therefore, no wider biodiversity enhancements are proposed.

5.1.6 Management and Maintenance

- ix The management/maintenance of the compensation measures/enhancements detailed above should be captured within a landscape ecological management plan (LEMP) following detailed design.

5.1.7 Overall GIS Assessment

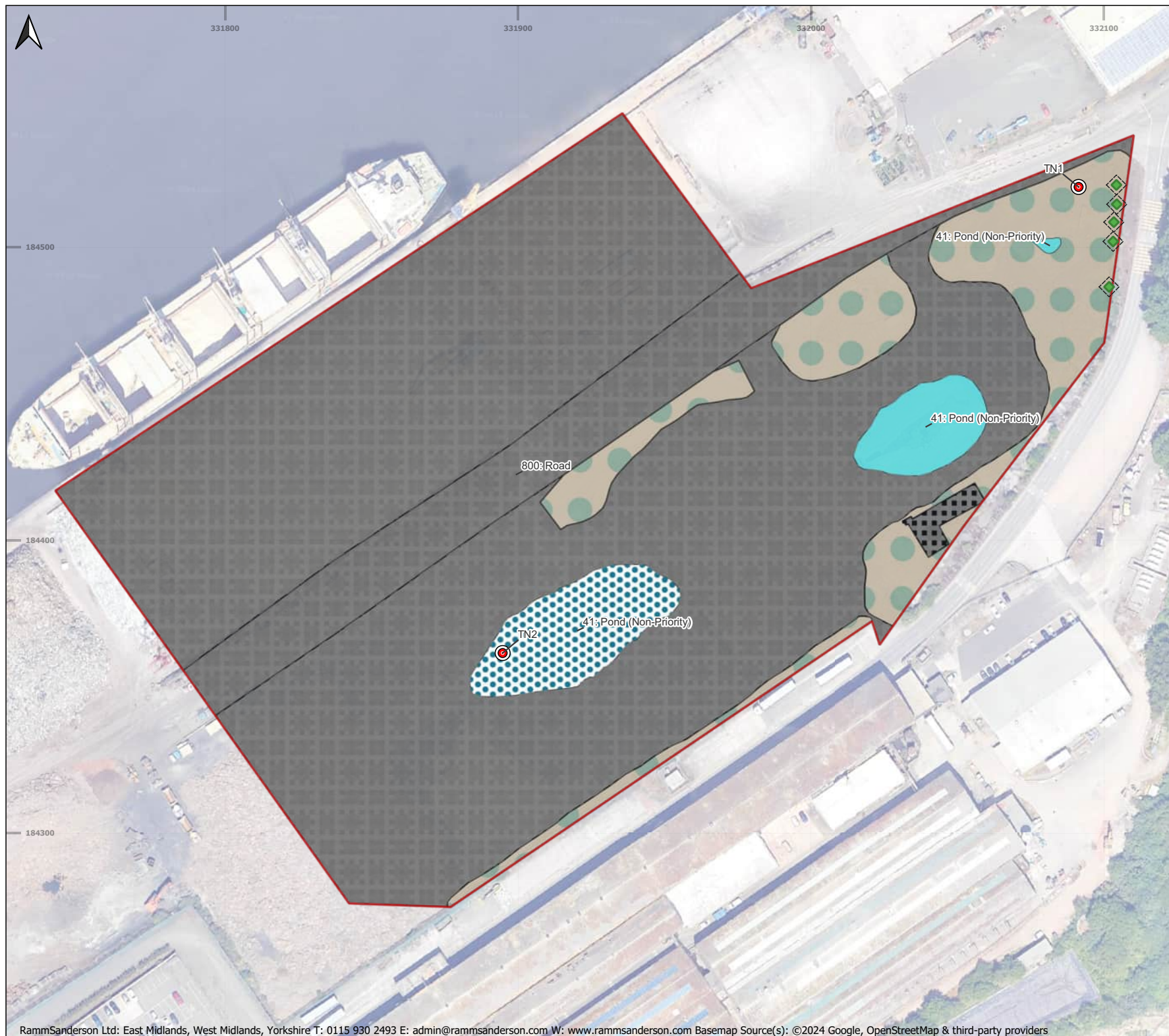
- x A Stepwise Approach has been taken to determine the impacts on biodiversity as a result of the Scheme. The Stepwise Approach has identified on site biodiversity compensation and enhancement measures which the Applicant has agreed to incorporate into the detailed design proposals for the Scheme and implemented as part of the overall development of the Application Site. These measures are deemed proportionate based on the baseline habitats present, the size of the Application Site and the nature of the Scheme. Therefore, a net biodiversity benefit will be achieved through the Scheme.

6 CONCLUSION

- i This ECIA is based on a desk study and ecological surveys undertaken between March and May 2024. The scope of the surveys was based on the EZoI of the Scheme and included an extended Phase 1 habitat survey following UKHabs methodology and habitat condition surveys. The ecological features present within the Survey Area are shown in Figures 2, 3, 4 and 5. Once all relevant available information was obtained, the significance of effects (both positive and negative) on IEFs was assessed.
- ii The Applicant has agreed that the avoidance, mitigation, and compensation measures identified in Section 4 and 5 above will be incorporated into the detailed design proposals for the Scheme and implemented as part of the overall development of the Application Site. The Scheme has maximised opportunities to incorporate and enhance biodiversity within the proposals wherever possible.
- iii Impacts from the construction or operational phases of the Scheme are predicted to result in none of the following significant negative residual effects:
 - Undermine the conservation objectives or condition of designated sites and their features of interest;
 - A change in ecosystem structure and function; and,
 - Threaten the conservation status of undesignated habitats or protected and notable species.



RammSanderson		
Title: Site Context Plan		
Project: RSE_7345 Newport harbour (landside)		
Client: Stephenson Halliday		
Date: 05/03/2024	Fig:	Author: EB
A4 Scale: 1:1900	ID: RSE_7345_STC_0324_V1R1	
EPSG:27700 OSGB36 / British National Grid		



Key

- Site Boundary
- r1f6: Other temporary ponds and scrapes
- r1g: Other standing water
- u1b: Developed land; sealed surface
- u1b5: Buildings
- u1f: Sparsely vegetated urban land
- u1f 200: Tree (Small urban tree)
- Target Notes
 - TN1: Buddleia Shrub
 - TN2: Rusting Metal in Large Debris Mounds



Title: UKHabs Habitat Plan

Project: Newport Docks

Client: Stephenson Halliday

Date: 21/08/2024

Fig:

Author: RD

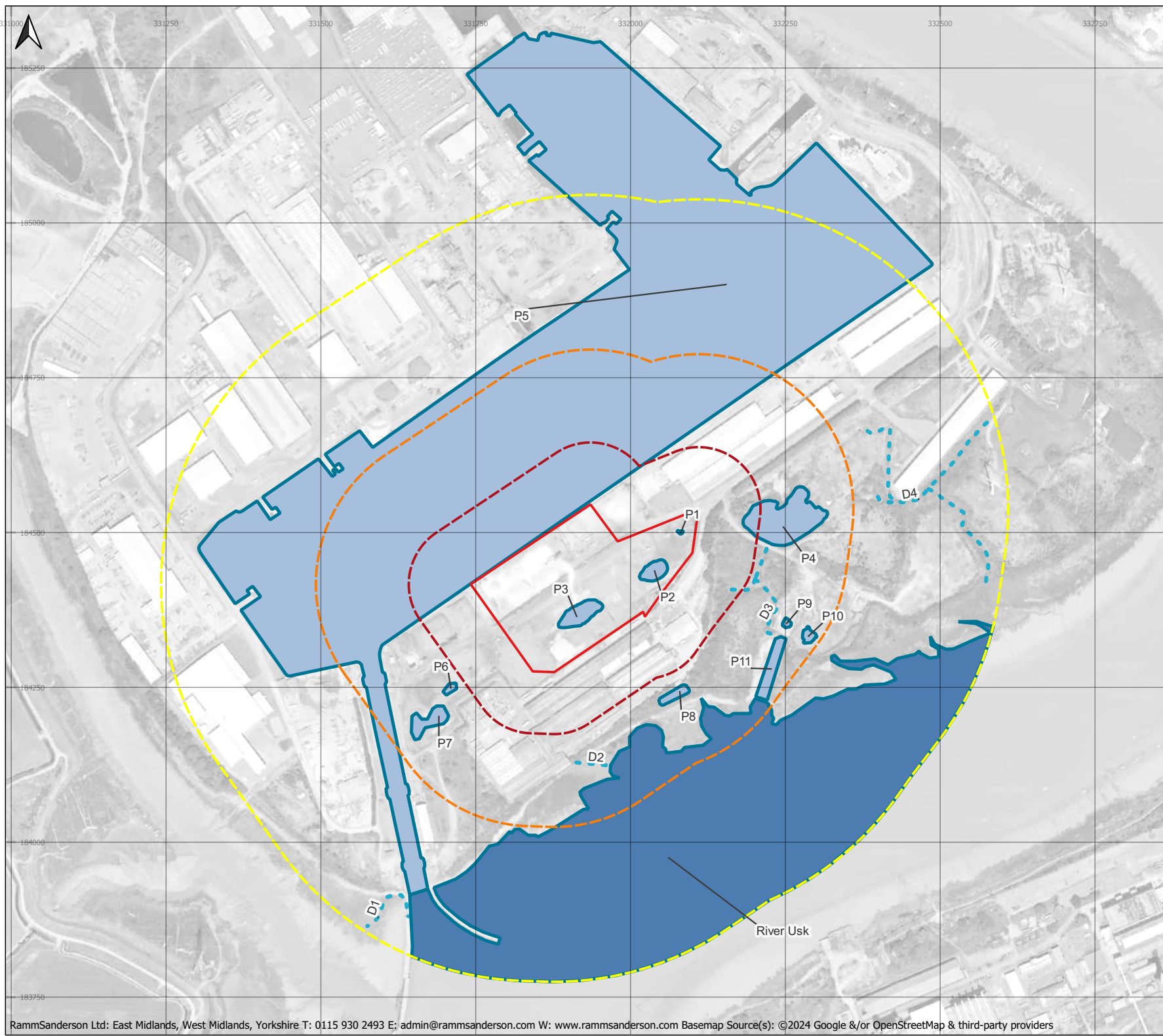
Habitat MMU: 25m²

Linear MMU: 5m (length)

A4 Scale: 1:1700

ID: RSE_7345_UKH_0824_V1R2

EPSG:27700 OSGB36 / British National Grid



Key

- Site Boundary
- 100m Buffer
- 250m Buffer
- 500m Buffer
- Pond Location
- River Usk
- Ditch/Drain

**RammSanderson**

Title: Waterbody Plan

Project: Stephenson Halliday

Client: Newport Docks

Date: 21/08/2024

Fig:

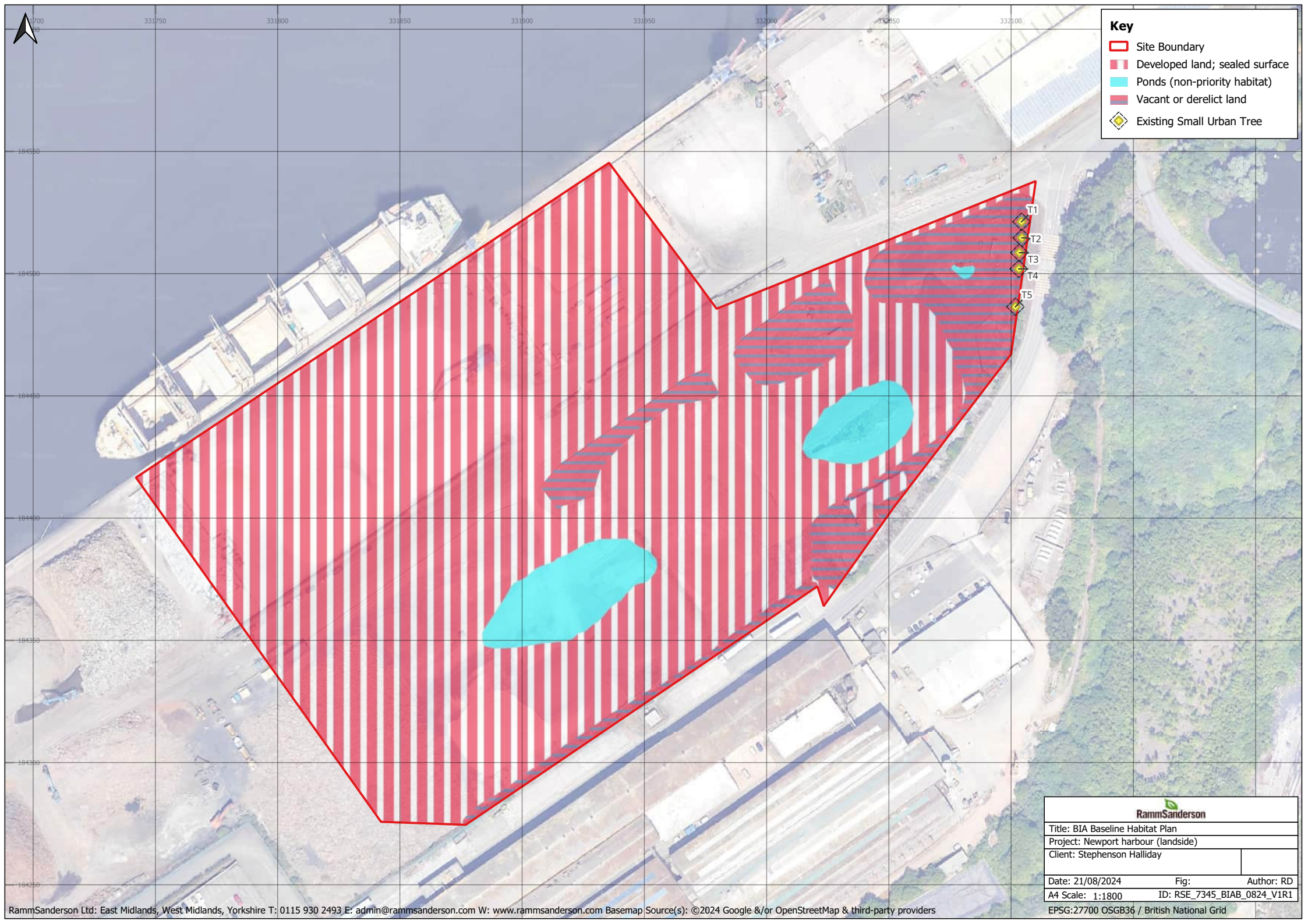
Author: RD

A4 Scale: 1:8000

ID: RSE_7345_WBY_0824_V1R2

EPSG:27700 OSGB36 / British National Grid

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Key

Site Boundary

Developed land; sealed surface

Ponds (non-priority habitat)

Vacant or derelict land

Existing Small Urban Tree

T1
T2
T3
T4
T5

RammSanderson

Title: BIA Baseline Habitat Plan

Project: Newport harbour (landside)

Client: Stephenson Halliday

Date: 21/08/2024

Fig:

Author: RD

A4 Scale: 1:1800

ID: RSE_7345_BIAB_0824_V1R1

EPSG:27700 OSGB36 / British National Grid

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APPENDIX 1: RELEVANT LEGISLATION AND PLANNING POLICY

The UK is no longer a member of the European Union (EU). EU legislation as it applied to the UK on 31 December 2020 is now a part of UK domestic legislation. EU legislation which applied directly or indirectly to the UK before 11.00 p.m. on 31 December 2020 has been retained in UK law as a form of domestic legislation known as 'retained EU legislation'.

The Secretary of State for the Environment, Food and Rural Affairs and Welsh Ministers have made changes to parts of the Conservation of Habitats and Species Regulations 2017 (referred to as the 2017 Regulations) so that they operate effectively. Most of these changes involve transferring functions from the European Commission to the appropriate authorities in England. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant and are now referred to as The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (the 2019 Regulations).

Designated Sites

Locally Designated Sites

Local Wildlife Sites are sites with 'substantive nature conservation value'. They are defined areas, identified and selected for their nature conservation value, based on important, distinctive and threatened habitats and species with a region.

They are usually selected by the relevant Wildlife Trust, along with representatives of the local authority and other local wildlife conservation groups.

The LWS selection panel, select all sites that meet the assigned criteria, unlike SSSIs, which for some habitats are a representative sample of sites that meet the national standard. Consequently, many sites of SSSI quality are not designated and instead are selected as LWSs. Consequently, LWSs can be amongst the best sites for biodiversity.

Protected Species

Bats

These species, known as European Protected Species, are protected under Regulation 43 of the 2017 Regulations as amended by the 2019 Regulations. This makes it an offence to deliberately capture, injure or kill an animal; deliberately disturb an animal; or damage or destroy a breeding site or resting place used by an animal.

Deliberate capture or killing is taken to include "accepting the possibility" of such capture or killing. Deliberate disturbance of animals includes in particular any disturbance which is likely a) to impair their ability (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or b) to affect significantly the local distribution or abundance of the species to which they belong.

Where development works are at risk of causing one or more of the offences listed above, a mitigation licence from Natural Resources Wales can be obtained to facilitate the works that would otherwise be illegal.

These species are also protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb an animal in such a place.

Lower levels of disturbance not covered by the Conservation of Habitats and Species Regulations 2017 remain an offence under the Wildlife and Countryside Act 1981 although a defence is available where such actions are the incidental result of a lawful activity that could not reasonably be avoided.

Nesting Birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), with some species afforded greater protection under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). In addition to the protection from killing or taking that all birds receive, Schedule 1 birds and their young must not be disturbed at the nest.

There are no licensing purposes that explicitly cover development activities affecting wild birds.

Planning Policy

8.1.1 Environment (Wales) Act 2016

- i The Environment (Wales) Act 2016 introduced an enhanced biodiversity¹²⁰ and resilience of ecosystems¹²¹ duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. Section 7 of the Act¹²² requires Welsh Ministers to publish and maintain lists of species and types of habitats that are regarded as of 'principal importance' for the purpose of maintaining and enhancing that biodiversity¹²³. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.

Local Planning Policy

- i. Within the Newport Council Local Plan 2015, the most pertinent paragraphs are as follows, within Objective 6 – Conservation of the Natural Environment:

“To protect and enhance the quality of the natural environment including landscape, protected habitats and species of principal importance for biodiversity in Wales (regardless of greenfield or brownfield status) and the protection of controlled waters.”

“Newport has an important natural heritage not only in its countryside, but also within its urban area. Numerous designations apply to sites and species within the County Borough, and the Strategy seeks to maintain and enhance biodiversity.”

“The strategy of the Plan clearly promotes a brownfield preference to development. This seeks to assist in the protection of sensitive areas including those of nature conservation.”

“Development will not be permitted in the coastal area or adjoining the tidal river unless a) in the undeveloped coastal area such development is required to be on the coast to meet an exceptional need which cannot reasonably be accommodated elsewhere and b) the area is not itself at risk nor will the proposed development exacerbate risks from erosion, flooding or land instability. Development which requires a coastal location should be sited within the developed coastal zone.”

“Previously developed areas around the River Usk provide opportunities for redevelopment and regeneration.”

APPENDIX 2: METHODOLOGY

Desk Study

Background Records Search

- ii The preliminary ecological assessment includes a desk study to obtain background records relevant to a Site and the Scheme. The data obtained provides contextual information for the scope of field surveys, to aid the evaluation of field survey results, and to provide supplementary information where complete field survey coverage is not possible.
- iii The Study Area is dependent upon the nature, timing and scale of the Scheme, as well as the location of the Site and the surrounding landscape. These variables all contribute to what is referred to as the Zone of Influence (Zol) of the Scheme, which is the area over which ecological features may be affected by biophysical changes because of the works and associated activities.
- iv In December 2023 the South East Wales Biodiversity Record Centre was contacted to obtain the following ecological data:
 - Records of non-statutory designated sites within 1 km of the Site boundary.
 - Records of legally protected and notable species (fauna and flora) within 1 km of the Site boundary, including Species of Principal Importance for the Conservation of Biodiversity listed under Section 41 of the Natural Environment & Rural Communities Act 2006 in the England Biodiversity List²².
- v The Multi-Agency Geographic Information for the Countryside (MAGIC) (www.magic.gov.uk) website was reviewed for the following information:
 - Designated sites of nature conservation importance (statutory sites only) within 1 km of the Site; and,
 - Notable habitats within 1 km of the Site, these being areas of ancient woodland and 'Habitats of Principal Importance for the Conservation of Biodiversity' included in the England Biodiversity List.

Great Crested Newt Pond Search

- vi Ordnance Survey maps and the Where's the Path website (<https://wtp2.appspot.com/wheresthepath.htm>) have been used to identify the presence of water bodies within 500 m of the Site boundary, in order to help establish if the land within and immediately surrounding the Site could be used by great crested newts. This species can use suitable terrestrial habitat up to 500 m from a breeding pond (English Nature, 2001), though there is a notable decrease in great crested newt abundance beyond 250 m from a breeding pond.

Field Survey

- vii The preliminary ecological assessment includes a walkover survey of the Survey Area (all land within the Site and adjacent to), broadly following the Phase 1 habitat survey methodology as set out in Joint Nature Conservation Committee guidance (Joint Nature Conservation Committee, 2010). This survey method records information on habitat types and is 'extended' to record any evidence of and potential for protected or notable species to be present. Plant names recorded during the survey follow (Stace, 2019).
- viii During the walkover survey, the following protected or notable species are considered:

²² Section 40 of the Natural Environment & Rural Communities Act 2006 requires that very public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

- **Badger:** the survey involves searching for signs of badger activity including setts, tracks, snuffle holes and latrines, following the methodology detailed in (Scottish Natural Heritage, 2018) and (Harris, 1989).
- **Bats:** the survey involves searching for potential roosting sites for bats within trees and structures (such as buildings, bridges or underground features such as mines) and categorising the potential of those trees or structures to support roosting bats (negligible to high, or confirmed roost), in accordance with Bat Conservation Trust (BCT) (Collins, J. (Eds.), 2023) guidance.
- **Birds:** the survey involves assessing the potential of habitats within the Survey Area to support breeding, wintering or migrating birds, either individually notable species or assemblages of both common and rarer species;
- **Great crested newt:** the survey involves assessing the potential of habitats within the Survey Area to support great crested newt, following English Nature (English Nature, 2001) and Froglife (Froglife, 2001) guidance;
- **Reptiles:** the survey involves assessing the potential of habitats within the Survey Area to support reptiles (typically adder, grass snake, common lizard and slow worm only, though in some locations and habitat types (most notably heathland) may also include smooth snake and sand lizard), following Froglife (Froglife, 1999) and JNCC (Joint Nature Conservation Committee, 2003) guidance;
- **Notable species of invertebrate:** the survey involves assessing the potential of habitats within the Survey Area to support notable species of invertebrates, both terrestrial and aquatic (including white-clawed crayfish);
- **Protected or Notable species of plants:** the survey involves recording protected or notable plant species;
- **Other notable species:** the survey involves assessing the potential of habitat within the Survey Area to support other Notable Species, such as hedgehog, brown hare, polecat or common toad;
- **Non-native invasive plant species:** the survey involves recording evidence of the presence of invasive plants listed on (Wildlife and Countryside Act, 1981 (as amended)) and subject to strict legal control.

Tree and Building Bat Roost Suitability Assessment

ix Buildings, trees and other structures were graded as to their suitability for supporting roosting bats using (Collins, J. (Eds.), 2023), an extract of which is provided interpreted in the table below.

Table 7: Criteria for bat roost potential assessment of buildings and trees

Roost Potential	Description	Surveys Required (Buildings)	Surveys Required (Trees)
Confirmed roost	Evidence of roosting bats found during initial daytime inspection.	3 – including 1 dawn as a minimum, or all dusk with augmentation of Night Vision Aids	3 – including 1 dawn as a minimum, or all dusk with augmentation of Night Vision Aids
High/PRF-M *	Structures with one or more features suitable for bat roosting, with obvious suitability for larger numbers of bats.	3 – including 1 dawn as a minimum, or all dusk with augmentation of Night Vision Aids	3 – including 1 dawn as a minimum, or all dusk with augmentation of Night Vision Aids
Moderate	Structure with one or more potential roost sites that could be used due to size, shelter and protection but unlikely to support a roost of high conservation status.	2– including 1 dawn as a minimum	N/A

Roost Potential	Description	Surveys Required (Buildings)	Surveys Required (Trees)
Low/PRF-I	Structure with one or more potential roosting sites used by individual bats opportunistically. Insufficient space, shelter or protection to be used by large numbers of bats.	1 Survey	Precautionary Mitigation Approach, some instances may require further survey
Negligible	No or negligible features identified that are likely to be used by roosting bats	None	None

Biodiversity Accounting

- x The biodiversity net gains assessment involves making a comparison between the biodiversity value of habitats present within the Site prior to a development (i.e. the 'baseline') and the predicted biodiversity value of habitats following the completion of the Scheme (i.e. 'post development'). The comparison is undertaken in terms of 'biodiversity units', with a 'biodiversity metric' providing the mechanism to allow biodiversity values to be calculated and compared.
- xi The metric assesses and generates separate outputs for area-based habitats and linear based habitats (with rivers reported separately to other habitats like hedgerows). A development cannot claim to achieve net gain until biodiversity net gains are predicted across all area-based, linear based and river based habitats.
- xii The calculation for area-based and linear (non-river) habitats calculates biodiversity units as follows:
- Before Works = Distinctiveness Score x Condition Assessment x Area/Length x connectivity x strategic significance
 - After Works = ((Distinctiveness Score x Condition Score x Area/ Length x connectivity x strategic significance) / Time to Target Condition) / Difficulty of Creation/Restoration
- xiii The five factors are determined as set out below:
- Distinctiveness Score – High, Medium or Low, based on UK habitat classifications.
 - Condition Score – Good, Fairly good, Moderate, Fairly poor or Poor, based on habitat condition assessment.
 - Area/Length – hectares (ha)/ length (km) of habitat type.
 - Connectivity – High, Medium and Low.
 - Strategic significance – High (Within area formally identified in local strategy), Medium (Location ecologically desirable but not in local strategy) and Low (Area/compensation not in local strategy/ no local strategy).
 - Time until target condition – time period (in years) until the target condition will be achieved.
 - Difficulty of creation/restoration – a score applied to account for risk associated with creating/restoring different types of habitat.

Limitations

- xiv The aim of a desk study is to help characterise the baseline context of a proposed development and provide valuable background information that would not be captured by a single site survey alone. Information obtained during the course of a desk study is dependent upon people and organisations having made and submitted records for the area of interest. As such, a lack of records for a particular habitats or species does not necessarily mean that the habitats or species do not occur in the study area. Likewise, the presence of records for particular

habitats and species does not automatically mean that these still occur within the area of interest or are relevant in the context of the proposed development.

- xv An ecological survey represents a 'snapshot' in time of the ecological condition of a Site. The ecological character of a Site can change substantially throughout both the course of a year, and from year to year impacting on the extent and quality of habitats potential to support protected species.

APPENDIX 3: Survey Results

Bat Building Assessment

Table 8: Summary of Bat Building Assessment

Feature	Description	Location ²³	Grading	Photographs
Building B1	A single storey, flat roofed, wooden panelled building. The building is currently derelict, in a state of disrepair, with plenty of open access (open doors, windows, broken walls etc.). The roof was noted as being concrete panels with no roof void present between the panels and the interior of the building. No evidence of bats was identified within the building during an internal inspection.	South section of the Site	Negligible	   

²³ Where features are situated outside of the Site boundary, the distance and direction is given at the closest point of the feature from the Site

BIODIVERSITY IMPACT ASSESSMENT

Table 9: Habitat Descriptions

UK Hab Description	Area (hectares) / Baseline Biodiversity Units	Condition Assessment	Habitat Condition Comments
Ponds (Non Priority)	0.2932ha/1,17 units	Poor	Ponds (Non-Priority Habitat) is present on site where the condition has been assessed as poor, as it achieves the following criteria in the condition assessment: Less than 10% of the water surface is covered with duckweed Lemna spp. or filamentous algae. There is an absence of listed non-native plant and animal species ³ . The pond is not artificially stocked with fish. If the pond naturally contains fish, it is a native fish assemblage at low densities. The pond surface is no more than 50% shaded by adjacent trees and scrub.
Developed Land Sealed Surface	4.4466	N/A - other	Developed land; sealed surface is present on site where the condition defaults N/A
Vacant or Derelict Land	0.5098 ha/ 2.04 units	Moderate	Vacant or derelict land is present on site where the condition has been assessed as moderate, as it passes 2 criteria.
Vacant or Derelict Land	0.1422ha/ 0.28 units	Poor	Vacant or derelict land is present on site where the condition has been assessed as poor, as it passes 1 criteria.
Urban Tree	0.0204ha /0.08 units	Poor	5 small scattered trees on site. Precautionary approach taken with condition assessment as survey conducted in winter. Passed 1/6 criteria therefore poor condition.