

From: Harris, Matthew (Ecology Officer) <Matthew.Harris@newport.gov.uk>
Sent: 21 November 2025 15:13
To: Roberts, Geraint (Principal Planning Officer) <GeraintN.Roberts@newport.gov.uk>
Subject: RE: Planning Consultation Request for case ref: 25/0965

Hello Geraint,

I have considered the following and other documents submitted with this Prior Approval, and have provided comments as below.

- Bat Survey Report Rev 02 dated September 2025,
- Bat Hibernation Survey Report dated June 2025
- Preliminary Ecological Appraisal Rev 01 dated August 2025
- Nesting Bird Report Rev 01 dated August 2025
- HRA Screening Report Rev 01 dated August 2025
- Template Method Statement to be used within a Bat Development Licence Application dated September 2025

As acknowledged in the bat survey report, due to the size, complexity and inaccessibility of parts of the site for safety reasons, a non-standard approach to bat surveys has been adopted.

Whilst bats were detected in several buildings, there is no doubt in my mind that not all potential roosting sites were examined nor that all bat roosts on site were detected and characterised. Furthermore, as the demolition of this site is scheduled to take place over three years, we can also be sure that the nature and location of bat roosts will change during that time. Therefore we need a pragmatic approach to ensuring the protection of bats at this site, and in this respect I support the methodology adopted by the Applicant's Ecological Consultants. Our main concerns in respect of bats are to avoid disturbance, harm to bats themselves, and damage / destruction of their roosting sites.

In relation to disturbance and harm to bats during demolition, the bat survey reports set out a methodology in the Appendix H Outline Mitigation Plan. This includes works supervised by a licensed Ecologist, pre-demolition inspections, soft-stripping of potential roosting features and a protocol to be followed in the event that bats are discovered during demolition. I do not disagree with these proposals.

Regarding the destruction of roosts during demolition, compensation is proposed in the form of enhancement of an existing retained roost, building B16, to accommodate more bats, together with installation of bat boxes on this building and on trees nearby. Again, I do not disagree with this proposal.

In both cases, only NRW can advise whether the mitigation and compensation measures proposed will avoid a detrimental impact upon the favourable conservation status of the bat species affected. This is one of the three tests used to determine an EPS derogation licence

application. In the normal course of events, and in accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, we should seek NRW's advice on this issue.

This is reflected in section 2.4 of the DMM Section 3 Annex: Application of the Habitats Directive to the Process of Prior Approval:-

'Although an LPA must consider the (three) tests, it should not duplicate the role of the conservation body. A LPA should only refuse to approve details requiring prior approval where both a criminal offence relating to European protected species (EPS) is likely to result from the development and where a licence from Natural Resources Wales (NRW) is unlikely to be granted. Where NRW has stated it is satisfied a proposed development can be licensed, the LPA is entitled to rely upon their view.' This advice arises from the Morge ruling as you know.

However, I understand that NRW have confirmed they will not be able to provide an indication as to whether they are likely to grant a licence or not. If this is the case then I would support whatever decision you make as to whether or not to grant this prior approval, given that we cannot know whether NRW would be likely to grant a licence. From my perspective, the mitigation proposed in respect of bats is adequate.

In accordance with section 6.2.2 of TAN 5,

- *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*
- *'Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval.'*
- *'Where a survey is required by the authority, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is given.'*

I will take your advice as to whether this advice applies equally to the Prior Approval process. If it does, then we need to balance this guidance with the reasonableness of requiring all surveys for a phased development up-front, knowing that surveys for the later phases of demolition will inevitably expire and need to be repeated. Guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM) on the Lifespan of Ecological Reports and Surveys from April 2019 advises that, particularly in the case of mobile species such as bats, surveys greater than 18 months old should be reviewed and/or repeated. With this in mind, if we required survey reports for the entirety of the site in order to inform the 25/0965 case, then surveys of later phases would become obsolete after 18 months / 2 years, so would have to be repeated. In ecological terms, I do not have an issue with phased bat surveys for a demolition exercise that will take place over 3 years.

Nesting birds are present on site, including a schedule 1 species (Peregrine Falcon) which is subject to increased protection against disturbance. Nesting birds 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. Schedule 1 birds are protected against intentional disturbance during breeding, including their nest, eggs or dependent young. From the documents provided I am satisfied that the Applicant is aware of this protection via the advice provided by their Ecological Consultants, and I support the mitigation measures proposed.

Matt