



MEMO

TO	Newport City Council
FROM	ERM and Carter Jonas
DATE	23 April 2025
REFERENCE	CWL01&02
SUBJECT	Removal of Condition 6 (Dormouse Method Statement)

This memo has been prepared by ERM to provide supporting evidence to Newport City Council (NCC) for the removal of Condition 6 attached to planning permission ref: 24/0006.

Background

An Extended Phase 1 habitat survey was initially undertaken by BSG in 2021 and subsequently updated by ERM in May 2023.

At the time of the 2021 study, the South East Wales Biodiversity Records Centre (SEWBREC) returned thirty-one records of hazel dormouse within the search radius. The closest record was located 909m southeast of the site.

This position was reviewed as part of the 2023 update provided by ERM. Surveys undertaken concluded that there were some limited food sources onsite, but that habitats lacked the required diversity, food sources and connectivity to other areas of suitable habitat for hazel dormice.

Accordingly, the species was therefore considered absent from site and no further surveys were recommended.

24/0006

In its response to the application dated 24 April 2024, NCC's ecologist indicated that recent records had shown records within 200m of the site on the Gwent Levels. As above, it should be noted that records of dormice within 200m of the site were not available at the time of ecological assessment and were therefore not factored into the project prior to this point.

In relation to scrub along the western boundary of the site proposed for removal, whilst acknowledging that the removal of this small area was unlikely to compromise the favorable conservation status of dormice, the ecologist considered the presence of dormice should be assumed and that a method statement should be conditioned to avoid harm to this species during vegetation clearance.

The following condition (Condition 6) was accordingly added to the planning permission:

"Prior to the commencement of any operations including clearance of vegetation within the area marked as G3 on 'Drawing No. 1575-TCP-001-A - Tree Constraints Plan' a Dormice Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The DMS should assume the presence of dormice and put details forward for the avoidance of harm to this species during clearance. Works to this area

Reason: In the interest in preserving the status of a European Protected Species in accordance with Policy GP5 of the NLDP 2011- 2026 (adopted January 2015).

[illegible]

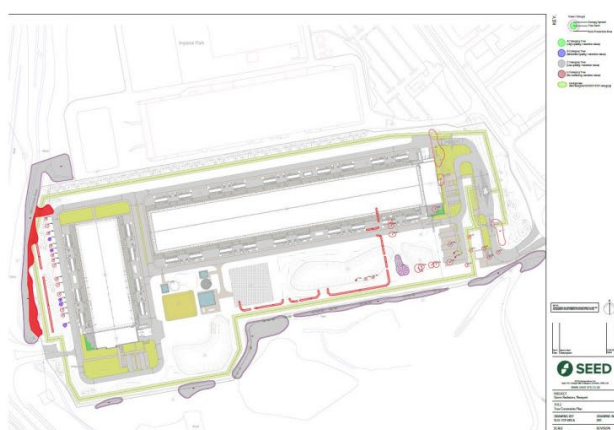
Removal as part of Prior Notification

However, it would not have been possible to comply with the terms of this condition, as clearance of the area of vegetation in question had already been undertaken in late 2023. This was to facilitate the installation of hoarding erected as part of the early demolition works, as secured by Prior Notification application ref: 23/0889.

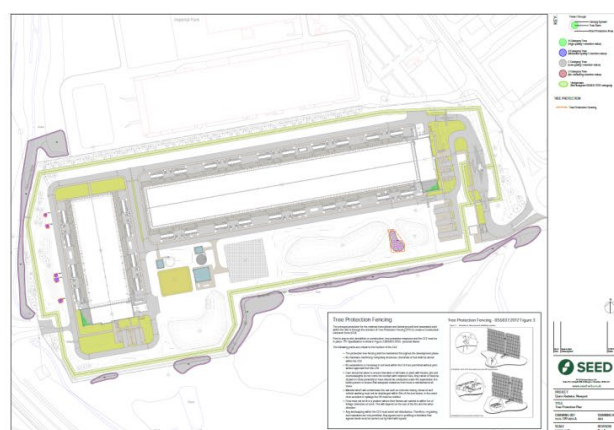
Supported by the ecological and arboricultural assessments that supported application ref: 24/0006, the removal of this vegetation was made clear in the submitted (and subsequently approved) documents supporting that Prior Notification application.

As detailed in Section 6.2 of the 'Tree Protection Plan – Demolition Phase' document:

"The drawing extract below shows protected trees within 'orange' fencing and indicates what trees (subject to permission) will be removed 'red'."



Tree Removal Plan



Tree Protection Plan

In its response to this application dated 25 October 2023, we note NCC's ecologist did not raise any concerns with the presence of dormice, assumedly as presence was not known at this time. In fact, it was noted:

"There are no habitats within the red line boundary that I would be concerned about in terms of significant ecological impacts, and in my view the building is sufficiently far from the Gwent Levels SSSI for it to be unlikely that there would be any significant impacts upon that site"

Having a shared understanding of data available at the time, ERM advised that the vegetation along the western boundary could be cleared, having not been identified as suitable for roosting bats and with the clearance being outside of the breeding bird season.

Watching Brief

During the clearance, a Watching Brief for demolition works (including clearance of vegetation) was in place and undertaken by Laura Thurel of Rider Levett Bucknall. She has over 10 years' experience with the following qualifications:

- FdSC Countryside Management, Ecology
- BSC Ecology
- Ecological Clerk of Works (CIEEM)

Whilst the vegetation was not of significant interest to dormice for food or nesting, the clearance of the vegetation was undertaken in 2 stages to allow any fauna to dissipate. During clearance, no signs of dormice were encountered.

Conclusion

As all the vegetation in the area of interest has now been cleared, it is no longer possible for the terms of the planning condition to be complied with. However, the vegetation in question was:

- a) approved to be cleared based on data available at the time and in any case prior to planning permission (with the condition) being granted; and
- b) subject to a Watching Brief during clearance where an appropriate method was undertaken and no evidence of dormice were uncovered.

Accordingly, we endorse that the condition can be removed.

If you wish to discuss this further, please do not hesitate to get in touch.