

Uskmouth AW2

784-B070326

Reptile Survey Report

AW2 Energy Storage Ltd

April 2025

Document prepared on behalf of Tetra Tech Group Limited. Registered in England number: 6595608



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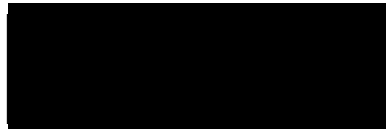
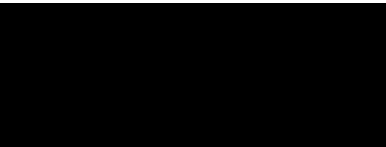
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Executive summary

Contents	Summary
Site Location	The site is located at Uskmouth Power Station next to the mouth of the River Usk in Nash, Newport. The site is centred at Ordinance Survey National Grid Reference ST 32722 83753.
Proposals	No finalised development proposals are available at the time of writing, it is understood that a Battery Energy Storage Site (BESS) development is planned.
Scope of this Survey(s)	Presence / likely absence reptile surveys were carried out on the site over seven visits, utilising c. 15 refugia mats per hectare.
Results and Evaluation	No reptiles were recorded during the surveys area; however, reptiles are known to inhabit the wider site. Reptiles are likely absent from the site, or present in very low numbers.
Recommendations	As reptiles are likely absent from the site, no further survey or mitigation is required. It is recommended that precautionary working methods, with respect to reptiles are followed. This includes a toolbox talk and vegetation clearance under supervision of Ecological Clerk of Works (ECoW) due to the presence of reptiles recorded within the wider site
Conclusions	Surveys found that reptiles are likely absent from site and no specific mitigation is required.

1.0 Introduction

1.1 Background

Tetra Tech was commissioned by AW2 Energy Storage Ltd. in January 2025 to undertake a reptile survey of Uskmouth AW2, hereafter referred to as “the site”.

This report has been prepared by Consultant Ecologist Fraser McCarter BSc (Hons) and the conditions pertinent to it are provided in Appendix A.

Reptiles are protected species, full details of that protection, including types of offences and policy position are provided in Appendix B.

1.2 Site location

The site is located at Uskmouth Power Station in Newport, Wales and is centered at Ordnance Survey National Grid Reference ST 32878 83698 (Figure 1). It comprises a disused ash storage structure which has begun to be colonised by vegetation. Encircling the area is a drainage ditch, along with patches of scrub, colonising ground, and semi-improved grassland situated among the train tracks to the north of the storage zone. To the west of the site, there are two ponds bordered by dense scrub habitats that connect to the Newport Wetlands National Nature Reserve located to the south.

1.3 Development proposals

The project is for the creation of a Battery Energy Storage System (BESS). This is to be located in the area of Uskmouth Power Station that was previously the waste ash storage for the wider site. The development will result in the loss of an area of semi-improve neutral grassland, scrub, ephemeral vegetation, and hardstanding.

1.4 Purpose of the report

The purpose of this assessment is to:

- Determine the presence or likely absence of reptiles within the site area.
- Identify if any additional surveys are required to inform this assessment.
- Determine the population size of reptiles, if confirmed to be present.
- Determine if any potential impacts on reptiles are likely to arise from the development.

- Provide preliminary advice and outline strategies to avoid / mitigate / compensate for any likely impacts on reptiles.
- Identify opportunities for enhancement for reptiles.

The details of this report will remain valid for a period of two years from the date of the final survey i.e. **25/04/2027**, after which the validity of this assessment should be reviewed to determine whether further updates are necessary.

The recommendations within this report should be reviewed (and reassessed if necessary) should there be any changes to the red line boundary or development proposals which this report was based on.

Note that scientific names are provided at the first mention of each species and common names (where appropriate) are then used throughout the rest of the report for ease of reading.

2.0 Methodology

2.1 Historic surveys

Reptile surveys were conducted on the wider Uskmouth Power Station site in 2022 which found adult and juvenile grass snake *Natrix helvetica* (RPS, 2022). There was an incidental sighting of a grass snake at the site in 2024, however reptiles surveys conducted in 2023 and 2024 found no reptiles on site (Tetra Tech, 2023) (Tetra Tech, 2024).

2.2 Desk study

The desktop study comprised two elements:

- A data search records of reptiles within 2 km of the site boundary obtained from South East Wales Biodiversity Records Centre (SEWBRC) during April 2024.
- Online element including a 2 km search using: Multi Agency Geographic Information for the Countryside (MAGIC) (<https://magic.defra.gov.uk>) website and Ordnance Survey (OS) and Aerial Imagery (<https://www.bing.com/maps>). This included a search for any designated sites within 2km supporting reptiles. The search was conducted on 1st April 2025.

2.3 Field surveys

2.3.1 Biosecurity

All surveys were conducted in accordance with Tetra Tech Biosecurity Policy (Tetra Tech, 2025).

2.3.2 Presence / likely absence surveys

All surveys were conducted by experienced surveyors, Consultant Ecologist Fraser McCarter BSc (Hons) and Assistant Ecologist Andrew Carrow BSc.

Surveys were undertaken in accordance with the Herpetofauna Workers' Manual (Gent & Gibson, 2003) and Advice Sheet 10 – Reptile Survey (Froglife, 1999) and comprised the use of two complementary methods – direct observation and artificial refuge checks. These two methods were applied over seven visits from 2nd April 2025 to 16th April 2025 in suitable weather conditions (see Table 1 below).

Direct observation required surveyors to walk slowly towards suitable basking spots and artificial refuges, scanning 3-4 m ahead of footfall to observe any reptiles which may be basking out in the open or upon natural / artificial refuges. Natural refuges include features such as embankments, compost heaps, hedgerow bases, dry stone walls, sun traps, edge habitats, piles of logs, brash and bricks. Artificial refuges are sections of bitumen roofing felt approximately 0.5 x 0.5m, which have been geo-tagged, and placed across the site in areas considered to have habitat suitable to support reptile activity (see Figure 2 for artificial refuge placement plan). The density of artificial refuges used was approximately 15 per hectare.

On 5th March 2025 50 refuges were set out in suitable areas, these were then left undisturbed on the site for three weeks prior to the commencement of surveys. This allowed the refuges to settle within the environment and reptiles, if present, to find and utilise them.

On each visit, each refuge was first checked for basking individuals from a distance before being hand searched for sheltering reptiles. The location and species of each reptile sighting would be recorded for analysis of distribution across the site.

Reptiles are active from March to October however it is considered that the most successful months to survey are April, May and September (Froglife, 1999); although it is recognised that the exact optimal timing to survey is dependent on environmental variables such as temperature, rainfall and wind. Heavy rain, strong wind and high temperatures are unsuitable conditions to survey for reptiles. Froglife (1999) states that the best time of day to survey for reptiles is between 08:30 to 11:00 and between 16:00 and 18:30 when air temperature is between 9°C and 18°C. Weather conditions were recorded for each survey and are presented in Table 1.

Table 1. Survey dates and weather conditions – presence / likely absence survey

Survey No.	Date	Time		Air temperature (°C)		Wind speed	Cloud cover (%)	Precipitation (%)
		Start	End	Initial	Final			
1	02/04/2025	16:24	17:49	16	16	Light breeze	0	0
2	04/04/2025	12:30	13:58	15	15	Light breeze	0	0
3	07/04/2025	16:04	17:24	15	15	Light breeze	0	0

4	09/04/2025	15:51	17:18	16	15	Calm	0	0
5	11/04/2025	08:46	10:01	9	12	Calm	0	0
6	14/04/2025	08:35	09:54	9	10	Moderate breeze	40	0
7	16/04/2025	10:02	11:49	9	9	Light breeze	80	0

2.4 Limitations

Records of reptiles previously obtained from SEWBRC are from April 2024, which is over a year old (at the time of issue), and considered out-of-date for the purposes of this report. Additionally, the records were obtained for another site within the wider Uskmouth Power Station site. This is not considered a significant limitation of the surveys as although the data is out-of-date, the previous observations of grass snake within the wider site (from surveys in 2022, and an incidental observation from 2024) are the main qualifying factors for reptile surveys for this development. Obtaining up-to-date biological data is unlikely to provide additional information which would change the need for reptile surveys or the outcome of the surveys.

The surveys were undertaken over a period of two weeks in April which differs from the recommended survey visits established in the guidance (Froglife, 1999). This is not considered a significant limitation as the guidance states that this is just a recommendation and all surveys were undertaken during suitable weather conditions and temperatures when reptiles would still be active.

The second survey was undertaken between 12:30-13:58 which is considered outside of the standard time of day periods to survey reptiles. This is not considered a significant limitation on this survey as it had been raining in the morning and reptiles would not be active at that time. The survey time was taken when the rain broke and, when the sun came out, reptiles are more likely to be found basking.

Notwithstanding the limitations highlighted above, the survey effort applied to date is considered sufficient to meet the aims of the survey and this report, in accordance with the aforementioned guidelines.

3.0 Baseline conditions

3.1 Historic surveys

A reptile presence / likely absence survey was completed by RPS (2022), and Tetra Tech (2023; 2024) within the wider site boundary.

The RPS survey found that juvenile and adult grass snake were present in the wider Uskmouth Power Station with observations of two individuals adjacent to the operational drain in the wider site, approximately 130m to the southeast of the site.

Tetra Tech surveys did not return any observations of reptiles.

3.2 Desk study

The data provided by SEWBRC included 38 records of reptiles within 2 km of the site. The closest record was from a grass snake and was located 0.19 km south from the site. Connectivity between this location and the site is good due to an unobstructed area of woodland, scrub and grassland.

Table 2: Desk Study Results

Designation/Feature	Description
Locally Designated Sites within 2 km where reptiles are cited	Afon Ebbw River Local Wildlife Site – 1.73 km NW 'Associated species include bulbous foxtail <i>Alopercurus bubous</i> near confluence with Usk, kingfisher <i>Alcedo atthis</i> , sand martin <i>Riparia riparia</i> , and grass snake.'
LERC records within 2 km within last 10 years	Returned 38 records of grass snake and one record of adder <i>Vipera berus</i> .

3.3 Field study

See Table 3 for survey results of surveys.

Table 3. Survey Results

Survey No.	Date	Records				Notes
		Mat No.	Species	No. Adults	No. Juveniles	
1	02/04/2025	-	-	-	-	No reptiles
2	04/04/2025	-	-	-	-	No reptiles
3	07/04/2025	-	-	-	-	No reptiles
4	09/04/2025	-	-	-	-	No reptiles
5	11/04/2025	-	-	-	-	No reptiles
6	14/04/2025	-	-	-	-	No reptiles
7	16/04/2025	-	-	-	-	No reptiles
Key	♂ male, ♀ female, juv = juveniles					

4.0 Discussion

4.1 Impacts

Following the desk and field surveys, reptiles have been found to be likely absent from the site. Therefore, there are no significant impacts predicted on reptile populations due to the proposed works. However, the absence of evidence does not mean evidence of absence, and a low undetected population of reptiles may still be present on site.

4.2 Mitigation

As no evidence of reptiles were found during the surveys, mitigation for these species is not required however, reptiles are known to be present in the wider site. Precautionary working methods are recommended to avoid an offence under Wildlife and Countryside Act 1981 (as amended).

Precautionary working methods include:

- A toolbox talk is to be given by a suitably competent ecologist to all construction and vegetation clearance workers, prior to construction commencement. The toolbox talk will include an overview of common reptile identification, their legal protections, signs and habitats, and;
- Vegetation clearance of reptile suitable habitat will be completed under the supervision of a suitably experienced Ecological Clerk of Works (ECoW).

4.3 Enhancement

It is a requirement of the National Planning Policy Framework (NPPF) to provide enhancements for biodiversity as part of development. The following measures are proposed in order to enhance the site for reptiles:

- Ecologist input into future landscape design for the site including reptile hibernacula, and a mosaic of semi-natural habitats suitable for reptiles.

5.0 Summary

Seven reptile surveys have been undertaken on the site during April – May 2025, with this report concluding that reptiles are likely absent from the site.

If on completion of all the actions within the report, a proposed development design could be brought forward which will meet the legal requirements set out under ecological legislation and national / local planning policy.

6.0 References

- Froglife. (1999). *Advice Sheet 10: Reptile Survey. An introduction to planning, conducting and interpreting surveys for snake and lizard conservation*. Peterborough: Froglife.
- Gent, T., & Gibson, S. (2003). *Herpetofauna Workers' Manual*. Peterborough: JNCC.
- Newport City Council. (2015). *Newport Local Development Plan 2011-26*.
- RPS. (2022). *Reptile Survey Report - Uskmouth BESS*.
- Tetra Tech. (2023). *Uskmouth BESS Species Survey Report*. Bristol: Tetra Tech.
- Tetra Tech. (2024). *249MW Chimney Stack BESS Reptile Report*. Bristol: Tetra Tech.
- Tetra Tech. (2025). *Biosecurity Policy*.

Figures

Figure 1: Site location plan

Figure 2: Refuge placement plan



Site Location Plan

Uskmouth AW2



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Legend

Survey areas

Notes:

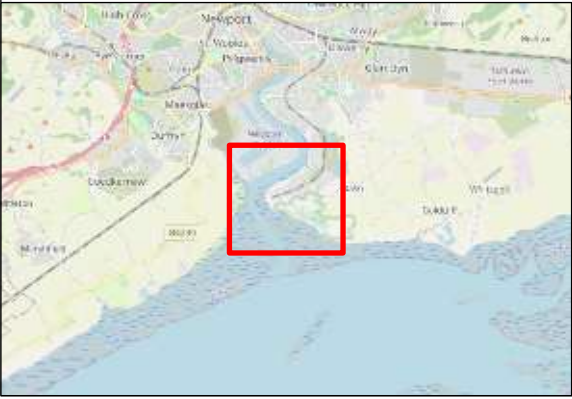
Drawn by: CHRIS.DAWE
Checked by: Fraser McCarter

Figure No. 1
Revision No. A
11 April 2025

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Scale 1:10,000 @A3

British National Grid
NGR: 332573E 183397N

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Reptile Refugia Placement Plan

Uskmouth AW2



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Legend

- Survey area
- Reptile refugia location

Notes:

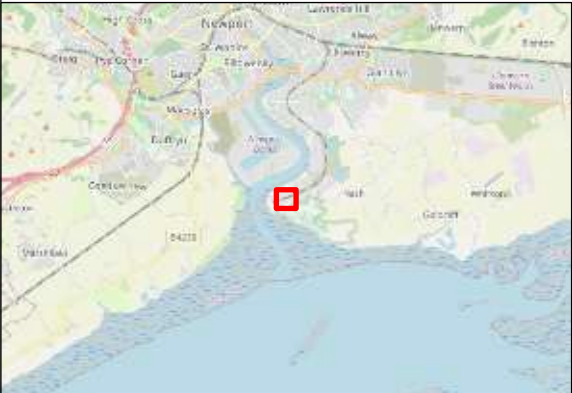
Drawn by: CHRIS.DAWE
Checked by: Fraser McCarter

Figure No. 2
Revision No. A
11 April 2025

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Scale 1:1,750 @A3

British National Grid
NGR: 332544E 183521N

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Appendices

Appendix A: Report conditions

Appendix B: Legislation & policy

Appendix A: Report Conditions

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The report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections'. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times. No investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather-related conditions. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions. The “shelf life” of the Report will be determined by a number of factors including; its original purpose, the Client’s instructions, passage of time, advances in technology and techniques, changes in legislation etc. and therefore may require future re-assessment.

The whole of the report must be read as other sections of the report may contain information which puts into context the findings in any executive summary.

The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Tetra Tech accept no liability for issues with performance arising from such factors.

Appendix B: Legislation & Policy

Habitats Directive

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, or the 'Habitats Directive', is a European Union directive adopted in 1992 in response to the Bern Convention. Its aims are to protect approximately 220 habitats and 1,000 species listed in its several Annexes.

In the UK, the Habitats Directive is transposed into national law via the Conservation of Habitats and Species Regulations 2017 (as amended) in England and Wales, and via the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) in Northern Ireland.

Conservation of Habitats and Species Regulations 2017 (as amended)

The 2018 amendments mainly related to the impact of the *People Over Wind* decision and some implications arising for neighbourhood plan development and a range of other planning tools including Local Development Orders and Permission in Principle – see here for full details:

<https://www.legislation.gov.uk/ukxi/2018/1307/note/made>

The 2019 amendments related to the EU exit. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change.– see here for full details:

<https://www.legislation.gov.uk/ukdsi/2019/9780111176573>

The Regulations make it an offence to deliberately capture, kill, disturb, take eggs of or trade in smooth snake or sand lizard.

Wildlife & Countryside Act 1981 (as amended)

This is the principal mechanism for the legislative protection of wildlife in the UK. Since it was first introduced, the Act has been amended several times. All six species of reptile native to the United Kingdom are protected through inclusion under Schedule 5 of the

Wildlife and Countryside Act 1981 (as amended) and benefit from various levels of protection. This legislation makes it an offence to:

- Intentionally or recklessly kill or injure these animals; and
- Sell, offer for sale, possess or transport for the purpose of sale of publish advertisement to buy or sell individual reptiles.

The smooth snake, *Coronella austriaca*; and sand lizard, *Lacerta agilis* are also listed under Schedule 5 Section 9.4b and 9.4c which makes it an offence to:

- Intentionally disturb while occupying a structure or place used for shelter or protection; and
- Obstruct access to such a site.

Natural Environment and Rural Communities Act 2006

Section 41 (S41) of this Act requires the Secretary of State to publish a list (in consultation with Natural England) of Habitats and Species which are of Principal Importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as public bodies including local and regional authorities, in implementing their duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal (e.g. planning) functions. The S41 list includes 65 Habitats of Principal Importance and 1,150 Species of Principal Importance.

Local Biodiversity Action Plan (LBAP)

Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level) and are usually drawn up by a consortium of local Government organisations and conservation charities.

Some LBAP's may also include Habitat Action Plans (HAP) and/or Species Action Plans (SAP), which are used to guide and inform the local decision-making process.

National Planning Policy (Wales)

The national planning policy guidance is found principally in Planning Policy Wales Edition 12 (PPW) dated February 2024 (Welsh Government, 2024). The document is supported by a series of Technical Advice Notes (TANs) with the most relevant for ecology being TAN 5: Nature

Conservation and Planning (Welsh Government, 2009), which provides advice on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. A summary of the main points relevant to the ecological assessment of the development is provided below.

Paragraph 6.4.2 states that local planning authorities, along with other public bodies, as part of the Environment (Wales) Act 2016 have a duty to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of biodiversity and help maximise contributions to achieve well-being goals. Section 7 of the Act 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 biodiversity.

Paragraph 6.4.3 states that the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall, there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Development plan strategies, policies and development proposals must consider the need to:

- support the maintenance and enhancement of biodiversity, and the resilience of ecosystems;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats, including the most recent targets set out in the 2022 UN Global Biodiversity Framework;
- ensure statutorily and non-statutorily designated sites are properly protected and managed and their role at the heart of resilient ecological networks is safeguarded;
- safeguard protected species and species of principal importance and existing biodiversity assets from direct, indirect or cumulative adverse impacts that affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water, air and soil, including peat; and
- secure the maintenance and enhancement of ecosystem resilience and resilient ecological networks by improving diversity, extent, condition, and connectivity.

Paragraph 6.4.4 states that biodiversity and ecosystem resilience considerations should be taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems which should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on biodiversity and ecosystem resilience cannot be avoided, minimised or mitigated/restored, and as a last resort compensated for, it will be necessary to refuse planning permission.

Paragraph 6.4.5 states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions, and that 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. A net

benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site. The step-wise approach outlined below is the means of demonstrating the steps which have been taken towards securing a net benefit for biodiversity. Planning authorities must also take account of and promote the resilience of ecosystems, in particular the following attributes, known as the DECCA Framework. The diversity between and within ecosystems; the extent or scale of ecosystems; the condition and connections between and within ecosystems and the adaptability of ecosystems must be taken into account.

Paragraph 6.4.6 states that planning authorities must also have regard to the list of habitats and species of principal importance under Section 7 of the Environment (Wales) Act 2016, the SoNaRR and Area Statement published by NRW and Section 6 of the Environment (Wales) Act).

Paragraph 6.4.8 states that a proactive and creative approach towards facilitating the delivery of biodiversity and ecosystem resilience outcomes is to be taken in accordance with Section 6 of the Environment (Wales) Act. Taking reasonable steps to maintain and enhance biodiversity in the exercise of their function at plan level and coordinated across regions and sub-regions. The step-wise approach will help decision makers in securing net benefit in biodiversity, with the onus on developers to bring forward proposal in a way which will achieve a net benefit for biodiversity using the step wise approach.

Paragraph 6.4.9 states collaborative arrangements will be required to identify, capture and monitor net benefits for biodiversity across larger areas, making use of existing regional mechanisms or setting up new voluntary arrangements.

Paragraph 6.4.10 states that the broad framework for implementing the Section 6 Duty, securing net benefit for biodiversity and building resilience through the planning system included addressing the following attributes – Diversity, Extent, Condition, Connectivity and Adaptability to change.

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

Paragraph 6.4.12 states that evidence must be provided in the Green Infrastructure Statement that the step-wise approach has been followed, providing a scheme of enhancements to ensure a net benefit for biodiversity.

Paragraph 6.4.13 states that development proposals must demonstrate how attributes of resilience and connectivity will be improved, as far as this is reasonably practical.

Paragraph 6.4.15 details the step-wise approach where first priority for planning authorities is to avoid damage to biodiversity. Proposals in statutory designated sites are, as a matter of principle, unacceptable and must be excluded from site searches. This principle also extends to protected species and habitats which are irreplaceable and must be safeguarded. Each stage of the step-wise approach must be accompanied by a long term management plan of agreed and appropriate avoidance, minimization, mitigation/restoration and compensation measures alongside the agreed enhancements measures.

Paragraph 6.4.16 states that pre-application surveys, research and data searches by developers will be necessary to establish the baseline state of biodiversity and ecosystem resilience on

site. Potential applicants should not conduct any pre-emptive site clearance work before submitting a planning application. In such cases, habitat status will be presumed to be good in the absence of any evidence to the contrary.

Paragraph 6.4.17 where sites are already allocated in an adopted development plan it may not be possible to following the step-wise approach in a sequential way. However, when plans are to be reviewed then allocations should be considered afresh against the step-wise policy and the present biodiversity condition and role in enhancing ecosystem resilience.

Paragraph 6.4.18 – 6.4.23 states that all designated sites must be able to continue to protect the biodiversity and features for which they were designated and contribute to the resilience of ecosystems at the appropriate scale. This ability should not be compromised by inappropriate development or other activity. Statutorily designated sites must be protected from damage and deterioration, with their important features conserved and enhanced by appropriate management. The contribution of the designated site to wider resilient ecological networks should be recognised and captured as part of a strategic approach to planning policy and decision making. Planning authorities should consider opportunities to restore networks of habitats to a healthy condition identified as a result of undertaking the Green Infrastructure Assessment.

Paragraph 6.4.21 states ‘Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible’.

Paragraph 6.4.34 states that where peat is identified within proposed developments considerable weight should be given to its protection.

Paragraph 6.4.35 states that statutorily protected species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 are material considerations if a development would result in disturbance or harm to the species or its habitat, and the range and population of the species should be sustained.

Paragraphs 6.4.37 – 6.4.43 also gives emphasis to the importance of trees, hedgerows, groups of trees and areas of woodlands. Planning authorities must promote the planting of new trees, hedgerows, groups of trees and areas of woodland as part of new development. Replacement planting shall be at a ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. Where a woodland or a shelterbelt area is lost the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers.

Paragraph 6.4.44 states that ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees and ancient hedgerows are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees, woodlands and hedgerows are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits; this protection must prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW.’

Related to these Biodiversity and Ecological Network policies, Section 6.2 gives weight to the protection and enhancement of multi-functional green infrastructure, which is important for sustainable management of natural resources. Green infrastructure should be incorporated into development through appropriate site selection and use of creative design.

Circular Letter CL-05-04 reaffirmed the Welsh Government's commitment to ensuring that designated sites and species of nature conservation importance are protected from damage and deterioration, with their important features conserved by appropriate management. The letter advised that under specific circumstances a pre-commencement condition should be attached to planning consents requiring the applicant to provide the LPA with a copy of their European Protected Species (EPS) Licence (once issued by NRW). The Circular Letter was withdrawn in March 2018 in an attempt to reduce the number of pre-commencement conditions, with LPAs advised to instead use a replacement informative (to be attached to all relevant consent notices) to avoid unnecessary duplication controls of other legislation.

Environment (Wales) Act

As part of the Welsh Government's commitment to reversing the decline in biodiversity in Wales and increasing the resilience of its ecosystems, the Environment (Wales) Act 2016 aims to build greater resilience into our ecosystems. Biodiversity and well-functioning ecosystems provide natural solutions that build resilience, which in turn help society create jobs, support livelihoods and human well-being, adapt to the adverse impacts of climate change and contribute to sustainable development.

Part 1 of the Environment Act sets out Wales's approach to planning and managing natural resources at a national and local level with a general purpose linked to statutory 'principles of sustainable management of natural resources' defined within the Act.

Section 6 under Part 1 of the Act places an enhanced duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. This duty replaces the section 40 duty in the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), in relation to Wales, and applies to those authorities that fell within the previous duty.

Section 7 replaces the duty in section 42 of the NERC Act 2006. The Welsh Ministers will publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales. The Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and encourage others to take such steps. Certain public authorities will also be required to consider the section 7 list, in complying with the new biodiversity duty under section 6 of the Act. The list is important in assisting public bodies to identify potential issues that they may wish to address in meeting their well-being objectives, in addition to contributing to the well-being goal 'a resilient Wales's (Goal 2). The current Section 7 lists are interim lists which are exactly the same as the previous list under Section 42 of the NERC Act, and is under review in consultation with NRW.

Part 1 of the Act, including Sections 6 and 7, came into force on 21st May 2016.

Newport Local Development Plan 2011-26 (Newport City Council, 2015)

Policy CE7: Conservation Areas	4.35 Newport has a rich and unique natural environment which this Plan seeks to protect and enhance. Areas such as the Gwent Levels, have been specifically recognised by the Wales Spatial Plan. Proposed developments
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	will be required to avoid the loss of such a finite resource. The Plan has been subject to a Sustainability Appraisal (incorporating Strategic Environmental Assessment) and Habitat Regulations Assessment both of which consider the effect that the Plan has on the environment. These assessments have been undertaken alongside the Plan's development. 4.36 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. It is important to recognise the nature conservation value of brownfield sites which will need to be considered as part of any proposal.
Policy SP9: Conservation of the Natural, Historic and Built Environment	2.33 Newport has a rich diversity of natural and historic sites which are recognised at the international, national and local level. Those habitats and species of nature conservation interest represent important environmental resources, and the Council has a duty under various legislation including the Natural Environment and Rural Communities Act (2006)¹⁴ , or as amended, Conservation of Habitats and Species Regulations (2010)¹⁵, Countryside and Rights of Way Act (2000)¹⁶ , or as amended, and the Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations (1999)¹⁷ ,or as amended, to ensure that they are protected from inappropriate or damaging development. National guidance sets out a clear requirement for the planning system to improve as well as protect the environment. Planning Policy Wales¹⁸ and Technical Advice Note 5: Nature Conservation and Planning (2009)¹⁹ set out this framework identifying nature conservation as an integral part of planning for sustainable development. Local advice will be set out in the Supplementary Planning Guidance on Wildlife and Development. Available at: Strategic-Environmental-Assessment-and-Habitat-Regulations-Assessment-Screening-Report_draft-SPG (newport.gov.uk)