

**From:** Harris, Matthew (Ecology Officer) <Matthew.Harris@newport.gov.uk>  
**Sent:** 01 May 2026 14:48  
**To:** Roberts, Geraint (Principal Planning Officer) <GeraintN.Roberts@newport.gov.uk>  
**Subject:** RE: Planning Consultation Request for case ref: 26/0191

Hello Geraint, I have the following comments on this application, which are made without prejudice to any further comments that I may make in the light of any new information or of alterations to the plans as submitted. Where I have not made comment on a particular section of the Preliminary Ecological Appraisal report dated 6th March 2026, it should be assumed that I am in agreement with the text of that particular section.

Section 2.1 Desk Study - it is a concern that no reference is made to the Local Records Centre SEWBReC, nor to any data they may hold which may be relevant to this application. There are very many biodiversity records near this site, so an analysis of these may well have altered the assessment of likely impact of the proposed scheme

Table 3.2.3 Species and species groups requiring further consideration - I agree that surveys of nearby waterbodies for GCN should be carried out, and that the results of these surveys should be available to inform determination of this planning application. However, as the terrestrial habitat of the site has already been cleared, if any GCN had been present then they will already have been harmed.

Table 3.3 Species and species groups which are not given further consideration - I do not agree that reptiles should have been scoped-out of ecological surveys. The mosaic of scrubby habitats and bare ground with post-industrial debris may well have supported widespread reptile species. However, any such habitat has already been cleared, so I imagine reptiles are no longer present.

Similarly, in the same table, the potential presence of Dormice has been dismissed on the grounds of '*No suitable habitat on or adjacent to site*'. If the scrub habitats on site were sparse, then they may have been sub-optimal for this species. However, much of the adjacent site appeared to consist of dense, continuous scrub, before it was cleared, so this may well have supported Dormice, which do occur nearby.

Section 4.1 recommends further surveys to be carried out, however as above, the site is now cleared, so apart from confirming that no habitat apart from bare soil remains, further surveys are of reduced value.

Appendix 1 – WILDLIFE LEGISLATION & SPECIES INFORMATION quotes extensively from the NPPF, which of course is the framework in operation in England, and is of no relevance to Wales. Similarly the NERC Act biodiversity duty is referred to, which no longer applies in Wales.

What is not referred to is the Environment (Wales) Act 2016 nor Planning Policy Wales v12. These publications make it clear that biodiversity and the resilience of ecosystems must be maintained and enhanced, with the DECCA framework used to assess ecosystem resilience, and the stepwise approach used to secure net benefit. In addition, all planning applications should be supported by a Green Infrastructure Statement. From what I can see, neither the DECCA framework, the Stepwise Approach nor a Green Infrastructure Statement have been provided with this application, so it is not in conformity with PPW12.

Appendix 2 includes a low-resolution image of the site, which appears to show that it had already been partially cleared. If some clearance had already taken place at the time of the survey, then this

throws doubt on the accuracy of the Phase 1 survey and the PEA, as we have no evidence of what the habitats were like before the clearance took place. In relation to prior clearance of sites before planning consent is sought, PPW12 section 6.4.16 provides clear advice: *'Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point.'*

Any demonstration of enhancement, or net benefit for biodiversity, as required by PPW12 should take account of my views in relation to the species likely to have occurred on this site as above, together with the advice from PPW12 that enhancement should use as a baseline the habitats before they were cleared, not after.

In relation to the HRA Screening Report, the River Usk SAC is considered, however section 3.3 states that *'No other European sites lie within 5 km of the application boundary.'* This is incorrect, as the Severn Estuary SAC/SPA/Ramsar is about 2km away at its nearest point. The Screening Report does not consider whether the habitats on site would have provided functionally-linked land for mobile species such as Otter. Similarly, if the Severn Estuary had been scoped-in, then the use of the bare ground on the site for wetland birds should also have been considered. Some of those birds, and the otter, may well have used the waterbodies on site and have been disturbed by site clearance.

Section 5.4 of the Screening Report concludes that a significant effect on the River Usk SAC is not likely, so an Appropriate Assessment is not needed. In respect of any construction that may take place, NRW have indicated in their 30<sup>th</sup> April response that subject to use of a CEMP planning condition to secure mitigation measures, they consider there would be no adverse effect on the integrity of the River Usk SAC. Mitigation measures cannot be taken into account at the Test of Likely Significance stage, and can only be used with an Appropriate Assessment to secure no adverse effect on integrity. Therefore the Applicant's Ecologist should be invited to submit a draft Appropriate Assessment incorporating NRW's advice, which we can adopt as our own if we agree with its methodology and conclusions. An Appropriate Assessment, and consultation of NRW on the AA report, must be conducted before planning consent is granted.

Matt Harris  
Ecology Officer