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Habitat Regulations Assessment

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This report describes work commissioned by Tai Hedyn Ltd by an instruction dated 15th December 2025. The Client's representative for the contract was Peter Page of Tai Hedyn Ltd. Hannah Webster of JBA Consulting carried out this work

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Abbreviations

AMP7	Seventh Asset Management Plan period (runs 2020-2025)
AONB	Area of Outstanding Natural Beauty
HoF	Hands off Flow
CIEEM	Chartered Institute of Ecology and Environmental Management
EPS	European Protected Species
HRA	Habitat Regulations Assessment
INNS	Invasive Non-Native Species
JNCC	Joint Nature Conservation Committee
MAGIC	Multi-Agency Geographic Information for the Countryside
NRW	Natural Resources Wales
PEA	Preliminary Ecological Appraisal
SAC	Special Area of Conservation
SPA	Special Protection Area

1 Introduction

1.1 Project Background

JBA Consulting was commissioned by Tai Hedyd Ltd to undertake a Habitat Regulations Assessment (HRA) to support a Section 73 planning application for the redevelopment of a site at Usk Way, Newport.

As the proposed works site is located adjacent to a Special Area of Conservation (SAC) and within 5km of an SAC, a Special Protection Area (SPA) and Ramsar site, a HRA is required to be undertaken by the competent authority(s), prior to the consenting of works. This report provides information to support a HRA Screening and Appropriate Assessment for the proposed works. It is intended to identify, describe and assess impact pathways that could result in likely significant effects on European designated sites (i.e. SACs and SPAs), followed by a more detailed assessment of the potential impacts of the work on site integrity, and the avoidance/mitigation measures required to ensure no adverse impact on site integrity.

1.2 Legislative Context

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora, known as the 'Habitats Directive' was adopted in 1992. The Directive establishes the requirement for a European ecological network of protected sites by designating SACs and SPAs, which together make up the Natura 2000 network of designated sites. The Directive is transposed into law through the Conservation of Habitats and Species Regulations 2017 (hereafter 'the Regulations'). The Regulations require that an HRA is undertaken by a competent authority prior to the issue of any consent to consider whether a proposed plan or project is likely to have a significant effect on a Natura 2000 site. Government guidance also requires that Ramsar sites (listed under the Convention on Wetlands of International Importance [Ramsar Convention]) are included within an HRA (together, SACs, SPAs and Ramsar sites are known previously as 'European sites').

The 2017 Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives). The main changes to the 2017 Regulations post Brexit are:

- the creation of a National Site Network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations.
- the establishment of management objectives for the National Site Network (the 'network objectives').
- a duty for appropriate authorities to manage and where necessary adapt the National Site Network as a whole to achieve the network objectives.
- an amended process for the designation of SACs.

- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission.
- arrangements replacing the European Commission's functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species.
- arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK.

Post Brexit, SACs, SPAs and Ramsar sites are still referred to as European sites, reflecting their international level of importance. SPAs and SACs are still designated for qualifying interests as derived from Annex I and Annex II of the Habitats Directive. Any retained caselaw, i.e., rulings issued prior to Brexit, are still followed until they are superseded by new domestic rulings.

For all plans and projects, which are not wholly directly connected with, or necessary to, the conservation management of the site's qualifying features, a formal test for likely significant effects (either alone or in-combination with other plans or projects) on a European site(s) is required. This assessment is based on available ecological information on the designated site(s), other plans, projects and policies relevant to the area and details of the proposed works.

If the assessment concludes that the works may have a significant adverse effect on the conservation objectives of the site(s), or that such an effect cannot be ruled out (adopting a precautionary approach) an Appropriate Assessment (Stage 2) must be carried out. An Appropriate Assessment involves an assessment of the potential effects of a development on the qualifying interests of the site, in view of the site(s) conservation objectives. If significant adverse effects are identified, mitigation or avoidance measures can be applied.

Following the European Court of Justice (ECJ) judgement in the case of "people over wind" (Case C-323/17). Measures that are necessary to avoid or reduce impacts on the European site can only be considered at the Appropriate Assessment stage (Stage 2).

If it cannot be concluded that the proposed works will not adversely impact upon the integrity of the site(s), the project will not be able to proceed without further conditions and/or assessment (IROPI). In such cases, compensatory measures will be required.

2 Habitats Regulations Assessment Process

2.1 Overview

Habitat Regulations Assessment follows a four-stage process as outlined in the Habitats Regulations Assessment Handbook (DTA, 2019) and summarised in Table 2-1 below. This report provides evidence to support Stage 1 and Stage 2 of the HRA process, to provide the Competent Authority(s) with information to make their assessment.

Table 2-1. The HRA Process

HRA Stage	Description
Stage 1: Screening	This stage identifies the likely significant effects upon a European site of a project or plan, either alone or in combination with other projects or plans and determines whether these impacts are likely to be significant. Following the recent ECJ judgement in the case of People over Wind & Sweetman v Coillte Teoranta (Case C-323/17) measures that are necessary to avoid or reduce impacts on the European site can only be considered at Stage 2. If no likely significant effect is determined, the project or plan can proceed. If a likely significant effect is identified, stage 2 is commenced.
Stage 2: Appropriate Assessment	Stage 2 is subsequent to the identification of likely significant effects upon a European site in stage 1. This assessment determines whether a project or plan would have an adverse impact on the integrity of a European site, either alone or in combination with other projects or plans, in view of the site(s) conservation objectives. This assessment is confined to the effects on the internationally important habitats and species for which the site is designated (i.e. the interest features of the site). Appropriate Assessments, in line with ECJ Case C 461/17 Holohan v An Bord Pleanála, must also consider impacts upon habitats and species within or outside of a site boundary if they support a qualifying feature and could impact upon the conservation objectives of the site. If no adverse impact is determined, the project or plan can proceed. If an adverse impact is identified, stage 3 is commenced.
Stage 3: Assessment where no alternatives and adverse impacts remain	Where a plan or project has been found to have adverse impacts on the integrity of a European site, potential avoidance/mitigation measures or alternative options should be identified. If suitable avoidance/mitigation or alternative options are identified, that result in there being no adverse impacts from the project or plan on the integrity of the European site(s), the project or plan can proceed. If no suitable avoidance/mitigation or alternative options are identified, as a rule the project or plan should not proceed.

HRA Stage	Description
	However, in exceptional circumstances, if there is an 'imperative reason of overriding public interest' for the implementation of the project or plan, consideration can be given to proceeding in the absence of alternative solutions. In these cases, compensatory measures will have to be put in place to offset any negative impacts.
Stage 4: Compensatory measures	Stage 4 comprises an assessment of the compensatory measures where, in light of an assessment of imperative reasons of overriding public interest, it is deemed that the project should proceed.

2.2 The Precautionary Principle

If there is uncertainty, and it is not possible, based on the information available, to confidently determine no significant effects on a site then the precautionary principle will be applied, and the plan will be subject to an appropriate assessment (HRA Stage 2).

2.3 Guidance

The methodology used for this assessment is based on guidance in The Habitats Regulations Assessment Handbook (DTA, 2019). In addition, the following guidance documents were also consulted:

- European Commission Notice: Managing Natura 2000 sites. The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018)
- UK Government Guidance on the Use of Habitats Regulations Assessment (UK Government, 2019).

2.4 Assumptions and Limitations

Information on the works and conditions on site are based on current knowledge at the time of writing. Cumulative impacts are based on published documentation. If other projects with the potential for cumulative impacts are identified, it may be necessary to re-assess this project.

3 Description of the Project

3.1 Site Location

The proposed development site is located at Usk Way in Newport, South Wales. The site is located to the east of the A4042 Usk Way in Newport and is 0.86ha. It comprises of brownfield land and has previously been used for temporary car parking. The site is bounded to the north by a residential building, to the east and south by the River Usk and a footpath, and to the west by the A4042 Usk Way. The site is accessed from the A4042 Usk Way to the west of the site. The site location and red line boundary are shown in Figure 3-1.

3.2 Proposed Development

Planning permission under planning reference 21/0983 was granted in 2021 for the development of 122 dwellings, two commercial units (A1 and A3 use classes), and associated works, including landscaping, sustainable drainage, and car and cycle parking. The development will comprise of five blocks, labelled A-E, as shown in Figure 3-2.

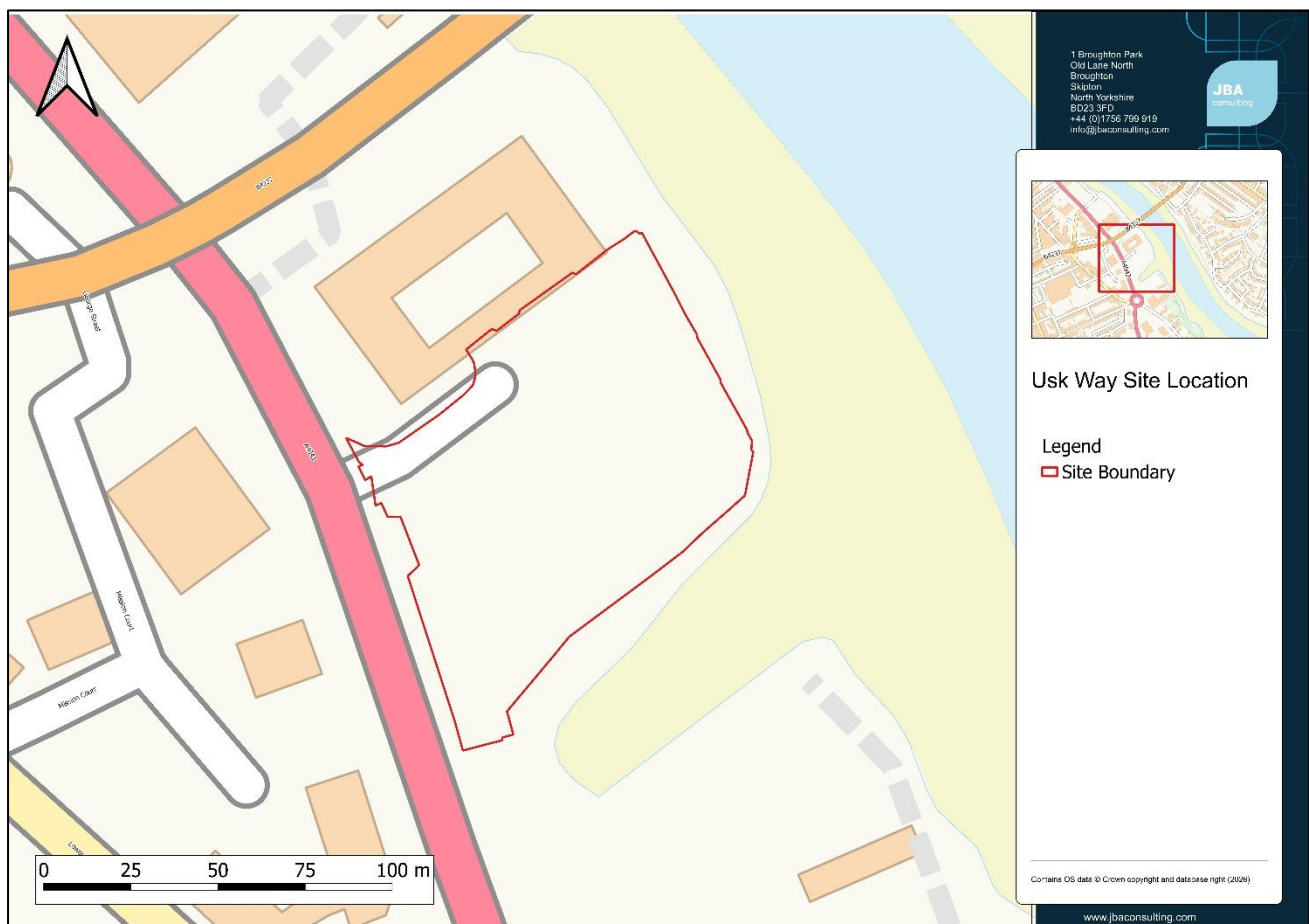


Figure 3-1. Site location and boundary.



Figure 3-2. Proposed site plan.

4 European Sites

4.1 Project Area of Influence and European Sites

The River Usk SAC lies adjacent to the site boundary to the east and is separated from the site by a public footpath. The Severn Estuary SAC, SPA and Ramsar site lies approximately 3.5km to the south of the site and downstream from the proposed works location. The site location in relation to the designated sites is mapped below in Figure 4-1 and Figure 4-2.

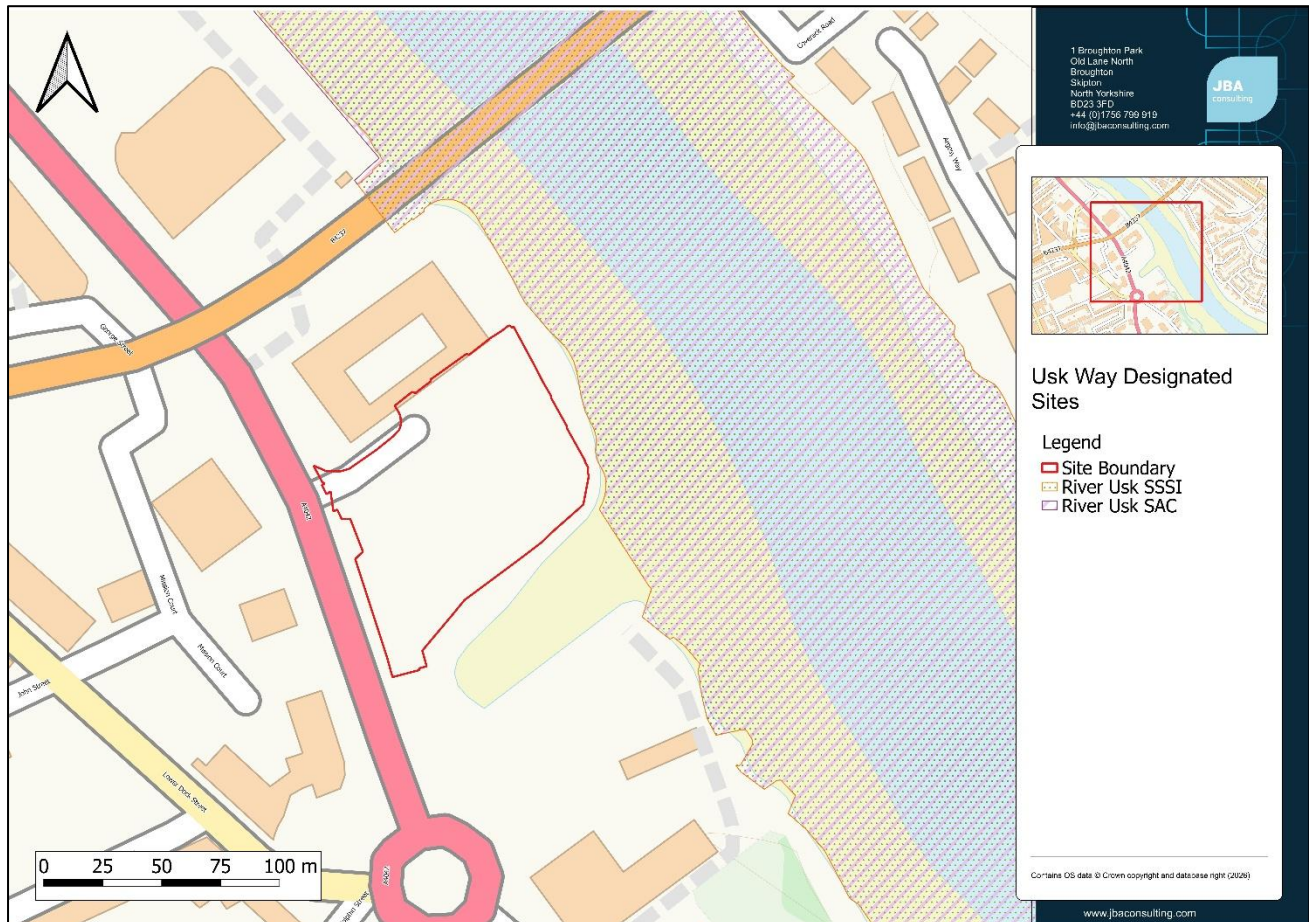


Figure 4-1. River Usk SAC and the Site Location

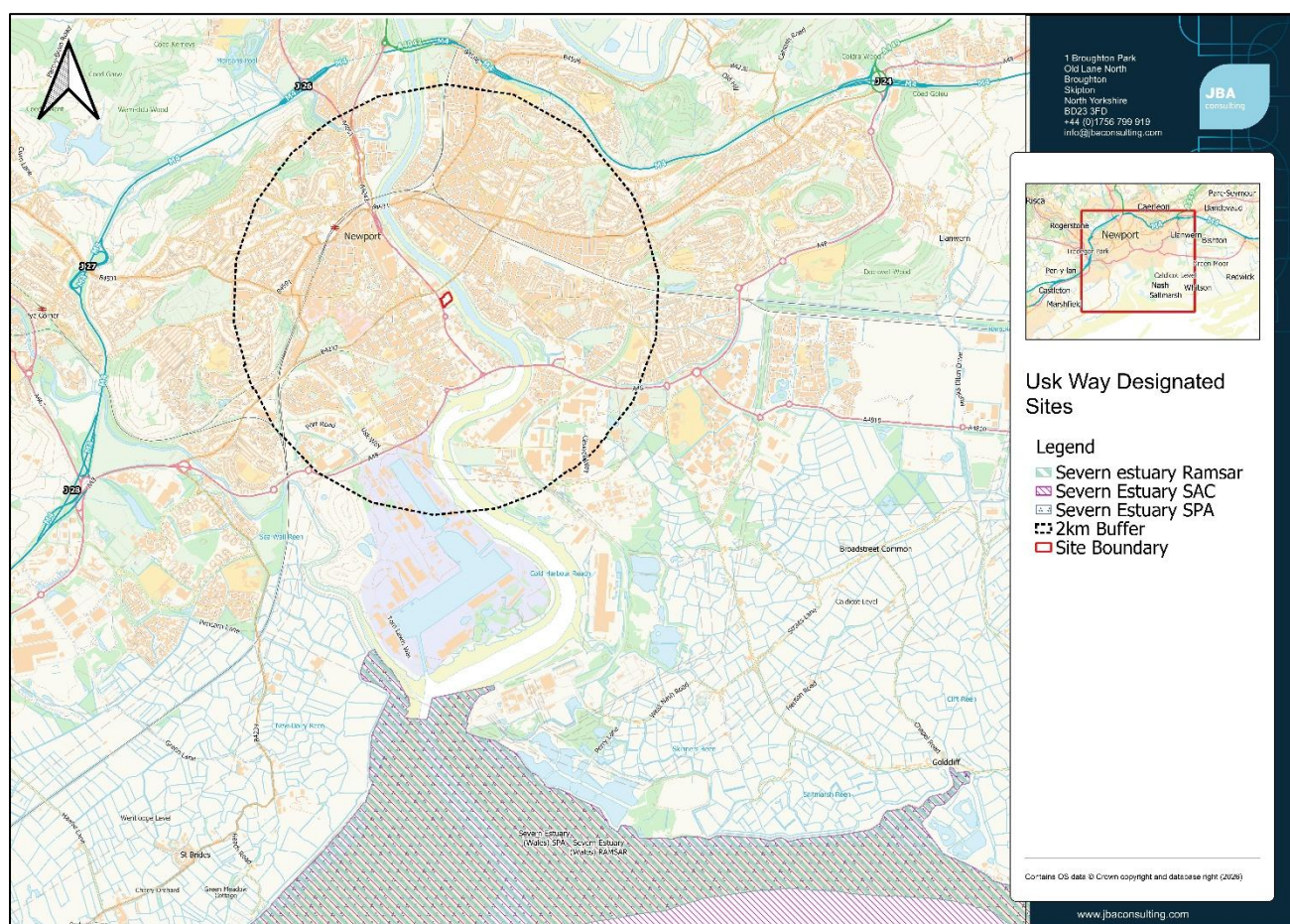


Figure 4-2. Severn Estuary SAC, SPA and Ramsar and the Site Location.

4.2 River Usk SAC

4.2.1 Qualifying Features

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:

- 3260 Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation

Annex II species that are a primary reason for selection of this site:

- 1095 Sea Lamprey *Petromyzon marinus*
- 1096 Brook Lamprey *Lampetra planeri*
- 1099 River Lamprey *Lampetra fluviatilis*
- 1103 Twaite Shad *Alosa fallax*
- 1106 Atlantic Salmon *Salmo salar*
- 1163 Bullhead *Cottus gobio*
- 1355 Otter *Lutra lutra*

4.2.2 Conservation Objectives

For habitat features:

- Extent should be stable in the long term, or where appropriate increasing;
- Quality (including in terms of ecological structure and function) should be being maintained, or where appropriate improving;
- Populations of the habitat's typical species must be being maintained or where appropriate increasing;
- Factors affecting the extent and quality of the habitat and its typical species (and thus affecting the habitat's future prospects) should be under appropriate control.

For species features:

- The size of the population should be stable or increasing, allowing for natural variability, and sustainable in the long term;
- The distribution of the population should be being maintained;
- There should be sufficient habitat, of sufficient quality, to support the population in the long term;
- Factors affecting the population or its habitat should be under appropriate control.

4.3 Severn Estuary SAC

4.3.1 Qualifying Features

Annex I habitats that are a primary reason for selection of this site

- 1130 Estuaries
- 1140 Mudflats and sandflats not covered by seawater at low tide
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

- 1110 Sandbanks which are slightly covered by sea water all the time
- 1170 Reefs

Annex II species that are a primary reason for selection of this site

- 1095 Sea lamprey *Petromyzon marinus*
- 1099 River lamprey *Lampetra fluviatilis*
- 1103 Twaite shad *Alosa fallax*

4.3.2 Conservation Objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats

- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

4.4 Severn Estuary SPA

4.4.1 Qualifying Features

- Qualifies under Article 4.1 of the Birds Directive by regularly supporting an internationally important wintering population of Bewick's swan *Cygnus columbianus bewickii*
- Qualifies under Article 4.2 by regularly supporting in winter over 20,000 waterfowl
- Qualifies under Article 4.2 by regularly supporting in winter internationally important numbers of European white-fronted goose *Anser albifrons albifrons*, Shelduck *Tadorna tadorna*, Gadwall *Anas strepera*, Dunlin *Calidris alpina alpina* and Redshank *Tringa totanus*

4.4.2 Conservation Objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

4.5 Severn Estuary Ramsar

4.5.1 Qualifying Features

- Ramsar criterion 1: due to immense tidal range (second largest in world) several Annex I habitats present
- Ramsar criterion 3: qualifies due to unusual estuarine communities, reduced diversity and high productivity
- Ramsar criterion 4: This site is important for the run of migratory fish between sea and river via estuary. Species include Salmon *Salmo salar*, sea trout *S. trutta*, sea lamprey *Petromyzon marinus*, river lamprey *Lampetra*

- *fluviatilis*, allis shad *Alosa alosa*, twaite shad *A. fallax*, and eel *Anguilla anguilla*
- Ramsar criterion 5: Assemblages of international importance:
 - Species with peak counts in winter:
 - 70919 waterfowl (5 year peak mean 1998/99-2002/2003)
- Ramsar criterion 6: species/populations occurring at levels of international importance: species with peak counts in winter:
 - Tundra swan *Cygnus columbianus bewickii*
 - Greater white-fronted goose *Anser albifrons albifrons*
 - Common shelduck *Tadorna tadorna*
 - Gadwall *Anas strepera strepera*
 - Dunlin *Calidris alpina alpina*
 - Common redshank *Tringa totanus tetanus*
 - Species/populations identified subsequent to designation for possible future consideration under criterion 6.
 - Species regularly supported during the breeding season:
 - Lesser black-backed gull *Larus fuscus graellsii*
 - Species with peak counts in spring/autumn:
 - Ringed plover *Charadrius hiaticula*
 - Species with peak counts in winter:
 - Eurasian teal *Anas crecca*
 - Northern pintail *Anas acuta*
- Ramsar criterion 8: The fish of the whole estuarine and river system is one of the most diverse in Britain, with over 110 species recorded

5 Screening Assessment

5.1 Introduction

The project is not wholly directly connected with, or necessary to, the conservation management of the listed site's qualifying features; therefore, a HRA screening assessment is required.

The following section identifies potential hazards of the proposed works. The effects of relevant hazards are then assessed in relation to each of the relevant qualifying features of the European sites outlined above. The likelihood of potential exposure to the hazard and the mechanism of effect are also identified where possible. This then allows for likely significant effects on the interest features of the designated sites to be identified.

5.2 Potential Hazards to European Sites

The proposed works, as detailed in Section 3, were assessed in order to identify potential hazards that might arise to the relevant interest features of the River Usk SAC and the Severn Estuary SAC, SPA and Ramsar, as a result of the works. The list of potential hazards to the identified European sites are based on the designated site features and conservation objectives. These are:

- Direct habitat loss
- Noise and visual disturbance
- Water pollution
- Physical damage/mortality
- Competition from, or mortality due to, invasive non-native species (INNS)

The results of this screening assessment are shown in

5.3 Assessment of Likely Significant Effects

Assessment of the hazards identified above was undertaken to determine whether they would be likely to have a significant effect on the relevant qualifying features of the River Usk SAC and the Severn Estuary SAC, SPA and Ramsar, as a consequence of the works either alone or in combination with other plans or projects. The results of the screening assessment are given below in Table 5-1. Assessment of Likely Significant Effects.. Plans and projects considered for the in-combination assessment are outlined in Section 6.4.

Table 5-1. Assessment of Likely Significant Effects.

Qualifying Feature	Risk (Pressure)	Likely significant effect alone	Yes or No	Likely significant effect in combination
River Usk SAC				
3260 Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	Habitat loss	As the River Usk adjacent to the site is tidal it does not support this Annex I habitat in this location. All areas of this Annex I habitat are upstream of the proposed works location and therefore there is no pathway for effect. No Likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
	Physical damage			
	Water pollution			
	Competition from Non-Native Invasive species			
1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1103 Twaite Shad <i>Alosa fallax</i> 1106 Atlantic Salmon <i>Salmo salar</i> 1163 Bullhead <i>Cottus</i>	Habitat Loss	No in-channel works are proposed, and all works will remain on the opposite side of the public footpath from the river. Therefore, there is no potential for the works to cause habitat loss or community simplification in the SAC. No Likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
	Disturbance Physical damage	Potential adverse impact on fish species due to temporary disturbance caused by ground and water vibration during construction of the scheme (including sheet piling).	Yes	In combination assessment carried forward to Appropriate Assessment.

Qualifying Feature	Risk (Pressure)	Likely significant effect alone	Yes or No	Likely significant effect in combination
<i>gobio</i>		Likely significant effect.		
	Water Pollution	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on-site avoidance and mitigation measures. Likely significant effect.	Yes	In combination assessment carried forward to Appropriate Assessment.
1355 Otter <i>Lutra lutra</i>	Habitat loss	The site offers no potential for use by Otters as a holt or resting place, and Otters are considered highly likely to be absent from the red-line boundary of the development. As there are no proposed works within the river channel there is no potential for the works to cause habitat loss or habitat simplification. No Likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
	Disturbance Physical damage	Elevated noise levels from construction activities and plant, and lighting of the river corridor during the construction of the scheme could cause temporary disturbance to otter in close proximity to the construction works. This disturbance could affect otter movement in the area and could hinder or prevent otter from commuting, foraging or resting. Likely significant effect.	Yes	In combination assessment carried forward to Appropriate Assessment.

Qualifying Feature	Risk (Pressure)	Likely significant effect alone	Yes or No	Likely significant effect in combination
	Water pollution	During the proposed works, accidental fuel leaks or spills, or sediment mobilisation, could cause changes in water chemistry and impact upon suitable Otter habitat and prey species within the SAC, in the absence of suitable on-site avoidance and mitigation measures. Likely significant effect.	Yes	In combination assessment carried forward to Appropriate Assessment.
Severn estuary SAC				
1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) 1110 Sandbanks which are slightly covered by sea water all the time 1170 Reefs	Habitat loss	The proposed works are located approximately 3.5km away from the SAC and no habitats designated in the SAC are present within the proposed works site.	No	No potential for effects in combination with other PPPs have been identified.
	Physical damage	Therefore, there is no potential for the works to cause habitat loss, community simplification or physical damage to the habitats in the SAC. No Likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
	Water pollution	During the proposed works, accidental fuel leaks or spills, or sediment mobilisation, could cause changes in water chemistry and impact upon wider habitats including qualifying features within the Severn Estuary SAC, in the absence of suitable on-site avoidance and mitigation measures. Likely significant effect.	Yes	In combination assessment carried forward to Appropriate Assessment.

Qualifying Feature	Risk (Pressure)	Likely significant effect alone	Yes or No	Likely significant effect in combination
	Competition from Non-Native Invasive species	The distance from the proposed works minimises the risk of any spread of non-native species. It is considered highly unlikely that there would be any effects on the SAC from these pressures. No Likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
1095 Sea Lamprey <i>Petromyzon marinus</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1103 Twait Shad <i>Alosa fallax</i>	Habitat loss	The proposed works are located approximately 3.5km away from the SAC and there will be no in-channel working within the River Usk. Therefore, there is no potential for the works to cause habitat loss or community simplification to the fish species in the SAC. No likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.

Qualifying Feature	Risk (Pressure)	Likely significant effect alone	Yes or No	Likely significant effect in combination
	Disturbance Physical damage	The proposed works are located approximately 3.5km away from the SAC and there will be no in-channel working within the River Usk. Therefore, there is no potential for the works to cause disturbance or physical damage to the fish species in the SAC. No likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
Severn Estuary SPA				
Wintering population of Bewick's swan <i>Cygnus columbianus bewickii</i> Regularly supporting in winter over 20,000 waterfowl Regularly supporting in winter internationally important numbers of European white-fronted goose <i>Anser albifrons albifrons</i> , Shelduck <i>Tadorna tadorna</i> , Gadwall <i>Anas strepera</i> ,	Habitat loss	The proposed works are located approximately 3.5km away from the SPA and the works site does not support any populations of the species for which the SPA is designated. Therefore, there is no potential for the works to cause habitat loss or community simplification to the wintering bird populations of the SPA. No likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
	Disturbance	The proposed works are located approximately 3.5km away from the SPA and the works site does not support any populations of the species for which the SPA is designated.	No	No potential for effects in combination with other PPPs have been identified.

Qualifying Feature	Risk (Pressure)	Likely significant effect alone	Yes or No	Likely significant effect in combination
Dunlin <i>Calidris alpina alpina</i> and Redshank <i>Tringa totanus</i>		Therefore, there is no potential for the works to disturbance to the wintering bird populations of the SPA. No likely significant effect.		
Severn Estuary Ramsar				
Ramsar criterion 1: several Annex I habitats present Ramsar criterion 3: unusual estuarine communities	Habitat loss	The proposed works are located approximately 3.5km away from the Ramsar site and no habitats designated in the Ramsar are present within the proposed works site.	No	No potential for effects in combination with other PPPs have been identified.
	Physical damage	Therefore, there is no potential for the works to cause habitat loss, community simplification or physical damage to the habitats in the SAC. No likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
	Water pollution	During the proposed works, accidental fuel leaks or spills, or sediment mobilisation, could cause changes in water chemistry and impact upon wider habitats including qualifying features within the Severn Estuary Ramsar, in the absence of suitable on-site avoidance and mitigation measures. Likely significant effect.	Yes	In combination assessment carried forward to Appropriate Assessment.

Qualifying Feature	Risk (Pressure)	Likely significant effect alone	Yes or No	Likely significant effect in combination
	Competition from Non-Native Invasive species	The distance from the proposed works minimises the risk of any spread of non-native species. It is considered highly unlikely that there would be any effects on the Ramsar from these pressures. No Likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
Ramsar criterion 5: Species with peak counts in winter: 70919 waterfowl Ramsar criterion 6: species with peak counts in winter: Tundra swan <i>Cygnus</i>	Habitat loss	The proposed works are located approximately 3.5km away from the SPA and the works site does not support any populations of the species for which the Ramsar is designated. Therefore, there is no potential for the works to cause habitat loss or community simplification to the bird populations of the Ramsar site. No likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.

<i>columbianus bewickii</i> Greater white-fronted goose <i>Anser albifrons albifrons</i> Common shelduck <i>Tadorna tadorna</i> Gadwall <i>Anas strepera strepera</i> Dunlin <i>Calidris alpina alpina</i> Common redshank <i>Tringa totanus tetanus</i> Species regularly supported during the breeding season: Lesser black-backed gull <i>Larus fuscus graellsii</i> Species with peak counts in spring/autumn: Ringed plover <i>Charadrius hiaticula</i> Species with peak counts in winter: Eurasian teal <i>Anas</i>	Disturbance	The proposed works are located approximately 3.5km away from the SPA and the works site does not support any populations of the species for which the Ramsar is designated. Therefore, there is no potential for the works to cause disturbance to the bird populations of the Ramsar site. No likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.
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Qualifying Feature	Risk (Pressure)	Likely significant effect alone	Yes or No	Likely significant effect in combination
<i>crecca</i> Northern pintail <i>Anas acuta</i>				
Ramsar criterion 4: Migratory fish, species include Salmon <i>Salmo salar</i>, sea trout <i>S. trutta</i>, sea lamprey <i>Petromyzon marinus</i>, river lamprey <i>Lampetra fluviatilis</i>, allis shad <i>Alosa alosa</i>, twaite shad <i>A. fallax</i>, and eel <i>Anguilla Anguilla</i> Ramsar criterion 8: The fish of the whole estuarine and river system is one of the most diverse in Britain,	Habitat loss	The proposed works are located approximately 3.5km away from the SPA and the works site does not support any populations of the species for which the Ramsar is designated. Therefore, there is no potential for the works to cause habitat loss or community simplification to the fish populations of the Ramsar site. No likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.

Qualifying Feature	Risk (Pressure)	Likely significant effect alone	Yes or No	Likely significant effect in combination
with over 110 species recorded	Disturbance	The proposed works are located approximately 3.5km away from the SPA and the works site does not support any populations of the species for which the Ramsar is designated. Therefore, there is no potential for the works to cause disturbance to the bird populations of the Ramsar site. No likely significant effect.	No	No potential for effects in combination with other PPPs have been identified.

5.4 In-Combination Effects

It is necessary to consider the potential of cumulative effects from this project in combination with other projects that would be likely to have a significant effect on the River Usk SAC and Severn Estuary SAC, SPA and Ramsar.

The Newport City planning portal was searched on 05/March 2026 for any planning applications for projects which could act in-combination with the proposed development works at Usk Way to cause likely significant effects to the River Usk SAC. This search identified several planning applications in the local vicinity in recent years. Of relevance to this assessment are two planning applications outlined below.

There is a planning application for the construction of a new leisure centre and community health and wellbeing centre including a swimming pool hall at the land to the southeast of University of Wales Newport City Campus, Usk Way approximately 300m to the northwest of the proposed works at Usk Way. Given the close distance there is potential for in-combination effects with the proposed works at the leisure centre and those at Usk Way if construction of both projects run in conjuncture.

There are no National Infrastructure Planning projects in the vicinity of the proposed works.

The Newport Local Development Plan (Newport City Council, 2015a) allocates numerous parcels of land within the city for consideration for future development, the proposed works location at Usk Way is one of the areas identified for housing development in the plan.

There are also three other areas of land allocated for housing in the immediate vicinity of Usk Way. No potential in-combination effects have been identified from the Local Development Plan, as the HRA of the plan concludes that with mitigation there would be no likely significant effect on any designated site (Newport City Council, 2015b).

No other projects or plans have been identified which could cause in combination effects with the proposed development works.

5.5 Screening Statement Conclusion

At stage 1 certain effects could not be screened out without appropriate mitigation/avoidance strategies put in place; consequently, a stage 2 appropriate assessment is required. Those effects requiring appropriate assessment are summarised in Table 5-2. Summary of screening conclusions for the proposed scheme showing all screened in hazards and European Sites.

Table 5-2. Summary of screening conclusions for the proposed scheme showing all screened in hazards and European Sites.

Qualifying Feature	Hazard	Likely significant effect alone or in combination
River Usk SAC		
1095 Sea Lamprey	Water pollution	Alone
1096 Brook Lamprey	Disturbance	Alone
1099 River Lamprey		

Qualifying Feature	Hazard	Likely significant effect alone or in combination
1103 Twaite Shad 1106 Atlantic Salmon 1163 Bullhead		
1355 Otter	Water pollution	Alone
	Disturbance	Alone
Severn Estuary SAC		
1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) 1110 Sandbanks which are slightly covered by sea water all the time 1170 Reefs	Water pollution	Alone
Severn Estuary Ramsar		
Ramsar criterion 1: several Annex I habitats present Ramsar criterion 3: unusual estuarine communities	Water pollution	Alone

6 Appropriate Assessment

6.1 Introduction

Stage 2 of the HRA process is an Appropriate Assessment, which is required because likely significant effects caused by the proposed works have been identified on the River Usk and the Severn Estuary SAC, SPA and Ramsar. The Appropriate Assessment determines whether the project will have an adverse impact on the integrity of the European sites. In this assessment, avoidance or mitigation measures are applied to a point where the effects identified are no longer significant. If no significant impact on site integrity can be demonstrated, beyond reasonable scientific doubt, the project can proceed. If sufficient avoidance or mitigation measures cannot be applied, the project should not be taken forward in its current form unless there is a demonstration of no suitable alternatives and there are reasons of overriding public interest.

6.2 European Site

Table 6-1 below shows the European sites that have been screened into the Appropriate Assessment, as summarised in Table 5-2.

Table 6-1. European sites screened into this assessment

Site Name	Proximity to site
River Usk SAC	Adjacent
Severn Estuary SAC	3.5km
Severn Estuary SPA	3.5km
Severn Estuary Ramsar	3.5km

6.3 General Mitigation Measures

6.3.1 Pollution Prevention Measures

Appropriate pollution prevention measures will be implemented to ensure that the habitats within proximity of the works, and hydrologically connected to them, including the interest features and supporting habitats of the River Usk SAC and the Severn Estuary SAC, SPA and Ramsar are not degraded as a result of pollution events during the construction phase. Pollution prevention measures will be strictly adhered to during the works. Pollution prevention measures could include, but are not limited to:

- Abiding by industry standard pollution prevention guidelines, such as those given in CIRIA Guidance: Control of water pollution from construction sites. Guidance for consultants and contractors (C532D) (Masters-Williams, 2001).
- Any chemical, fuel and oil stores should be located on impervious bases within a secured bud with a storage capacity 110% of the stored volume.
- Biodegradable oils and fuels should be used where possible.
- Drip trays should be placed underneath and standing machinery to prevent pollution by oil/fuel leaks. Where practicable, refuelling of vehicles and machinery

should be carried out on an impermeable surface in one designated area well away from any watercourse or drainage (at least 10m).

- Emergency spill kits should be available on site and staff trained in their use.
- Operators should check their vehicles daily before starting work to confirm the absence of leakages. Any leakages should be reported immediately.
- Daily checks should be carried out and records kept on a weekly basis and any items that have been repaired/replaced/rejected noted and recorded. Any items of plant machinery found to have been defective should be removed from site immediately or positioned in a place safely until such time that it can be removed.
- Silt run off should be prevented by incorporating the following actions:
 - Silt curtains, or other appropriate method of silt containment, should be used to prevent silt from the construction works entering the watercourse.

With appropriate pollution prevention measures put in place the proposed works should not impact upon the integrity of any European sites.

6.4 Appropriate Assessment of Project Impacts and Mitigation

Taking into account the prevailing site conditions, screened in qualifying features, and the typical habitats and species necessary to the conservation of these features, the proposed works and mitigation measures and the conservation objectives for each European site, the following table details the Appropriate Assessment undertaken for the project. In Table 6-2 avoidance and mitigation measures are presented, and an assessment is made on whether an adverse impact remains after the mitigation is applied.

Table 6-2. Appropriate Assessment of Hazards and Mitigation.

Qualifying Feature	Description of adverse effect(s)	Can adverse effect(s) be mitigated	Description of mitigation measures and how they would be applied	Can adverse effect on site integrity be ruled out
River Usk SAC				
- 3260 Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche Batrachium vegetation	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on site avoidance and mitigation measures.	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes
1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1103 Twaite Shad <i>Alosa fallax</i> 1106 Atlantic Salmon <i>Salmo salar</i> 1163 Bullhead <i>Cottus gobio</i>	Potential adverse impact on fish species due to temporary disturbance caused by ground and water noise and vibration during construction of the scheme.	Yes	Piling operations will be conducted using the following approach: - Driven/percussive piling will not be carried out during the core adult Shad migration period – taken as 1st March to 30th June inclusive. -If piling operations are required during the core adult Shad migration period identified above (1st March to 30th June inclusive) then this will be Continuous Flight Auger (CFA) piling, where this approach is technically feasible – as vibration levels generated by auger piling are much lower than those generated by driven/percussive piling. -If	Yes

Qualifying Feature	Description of adverse effect(s)	Can adverse effect(s) be mitigated	Description of mitigation measures and how they would be applied	Can adverse effect on site integrity be ruled out
			driven/percussive piling is required during the core adult Shad migration period this will be restricted to limited periods of the tide when the risk of disturbance to migratory fish is minimised (when Shad and other migratory fish are unlikely to be migrating). Specifically, driven piling works will only be undertaken during the falling tide of the river (high tide plus one hour and low tide minus one hour), when Shad are unlikely to be migrating. (This approach has been agreed with NRW Fisheries experts on previous projects following monitoring work undertaken on the Riverside flood alleviation scheme in Newport).	
	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on site avoidance and mitigation measures.	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes
1355 Otter <i>Lutra lutra</i>	Potential adverse	Yes	Works near the watercourse should not	Yes

Qualifying Feature	Description of adverse effect(s)	Can adverse effect(s) be mitigated	Description of mitigation measures and how they would be applied	Can adverse effect on site integrity be ruled out
	impact on Otter due to noise and light pollution during construction of the scheme causing temporary disturbance.		be undertaken at night and watercourses should not be illuminated by lighting, such as security lights, during works. Any floodlights should be fitted with a directional cowl to avoid light-spill onto the river. Excavations left overnight should either be covered, or an escape ramp installed to prevent the trapping of animals such as Otter. The same restriction must be enforced for the decommissioning of the site. Should an Otter be encountered on site during the works, all works should cease immediately, and advice be obtained from an experienced ecologist.	
	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on site avoidance and mitigation measures.	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes

Qualifying Feature	Description of adverse effect(s)	Can adverse effect(s) be mitigated	Description of mitigation measures and how they would be applied	Can adverse effect on site integrity be ruled out
Severn Estuary SAC				
1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1110 Sandbanks which are slightly covered by sea water all the time 1170 Reefs	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the SAC, in the absence of suitable on site avoidance and mitigation measures	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes
Severn Estuary Ramsar				
Ramsar criterion 1: several Annex I habitats present Ramsar criterion 3: unusual estuarine communities	During the construction phase, accidental fuel or concrete spills could cause changes in water chemistry and impact upon the habitats within the Ramsar, in the absence of suitable on site avoidance and mitigation measures	Yes	Standard construction industry practices and associated measures for the management of pollution prevention are required throughout the duration of the proposed works. These measures are outlined in section 6.3.1.	Yes

6.5 Implementation of Mitigation

The mitigation measures listed above are to be included in the Method Statement produced by the contractor who will be undertaking the works. The appointed contractor will therefore be responsible for ensuring that all on-site mitigation measures are implemented effectively.

7 Conclusion

The proposed scheme will not have an adverse impact upon the qualifying features of the River Usk SAC or the Severn Estuary SAC, SPA and Ramsar either alone or in combination with any other plans or projects, providing the following mitigation measures are implemented:

- Industry standard pollution prevention measures, particularly addressing the risks of fuel and concrete spills.
- Prior to works commencing each day, the works area and immediate vicinity will be checked for Otter. Should an Otter be encountered on site during the works, all works should cease immediately, and advice be obtained from an experienced ecologist.
- The works will be undertaken during months of least sensitivity to fish and Lamprey species (July to mid-October inclusive) and will be timed to avoid the spawning season (March to July inclusive) and migration season (October to February inclusive).
- Where possible, works should be carried out in daylight hours. If works must be carried out at night, any artificial worksite lighting should be minimised. Any floodlights should be fitted with a directional cowl to avoid light-spill onto the watercourse.

References

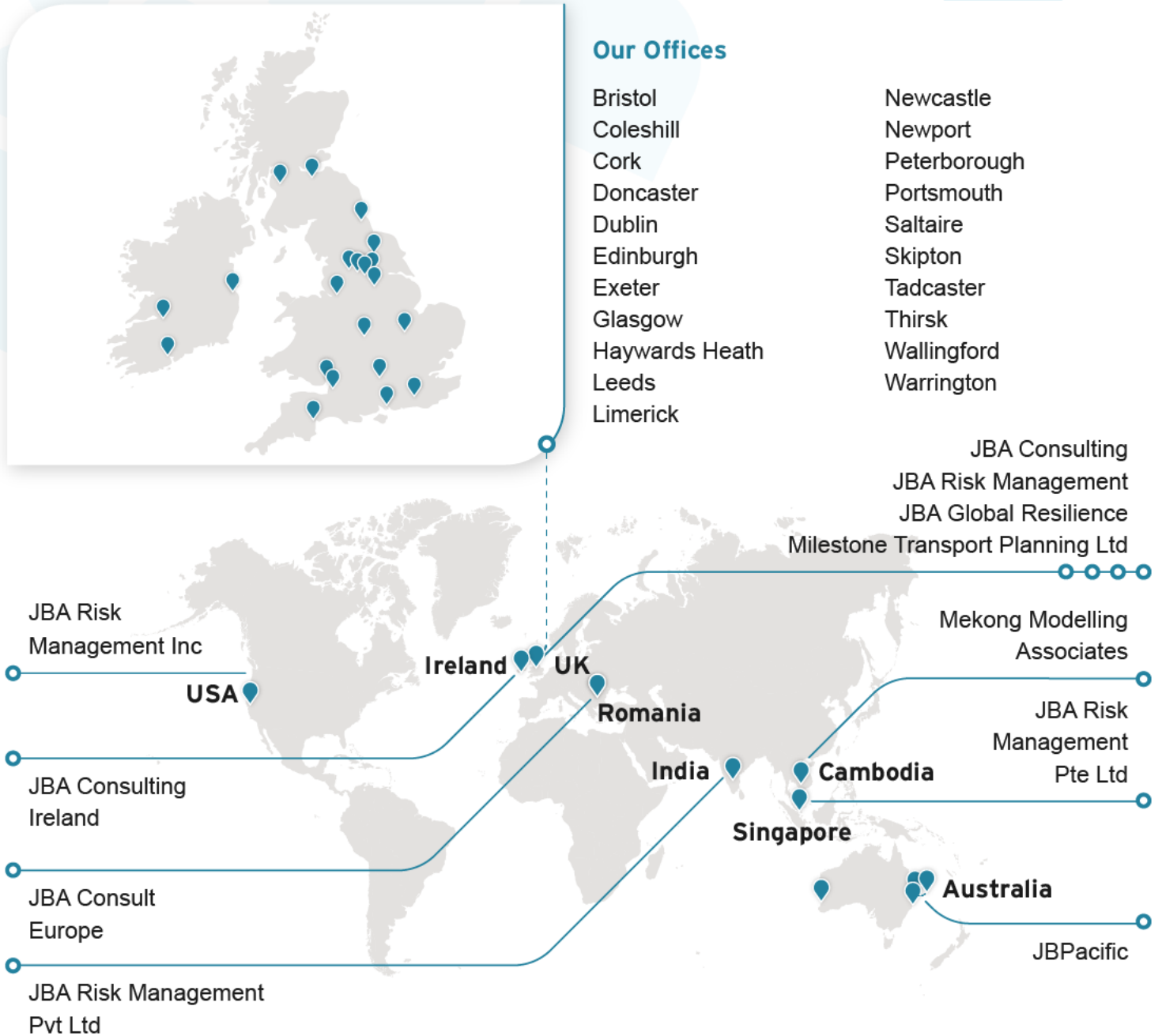
DTA (2019). The Habitats Regulations Assessment Handbook. [Online] Available at: <https://www.dtapublications.co.uk/handbook/>. [Accessed: 01/09/2025].

European Commission (2018). Managing Natural 2000 sites. The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. [Online] Available at: https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/Provisions_Art_.nov_2018_endocx.pdf. [Accessed: 01/09/2025].

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