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ALDI, Mon Bank,  
Newport

## Ecological Assessment

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# Summary

- S.1. This report has been prepared by Tyler Grange Group Ltd on behalf of Aldi Stores Ltd. It sets out the findings of an Ecological Assessment of a parcel of land at Abberley Hall Road, Newport, at OS Grid Reference ST 30412 86820, hereinafter referred to as the 'site'.
- S.2. The site comprises an area of open land with species-poor, semi-improved grassland, improved grassland and tall ruderal of site ecological importance and disturbed/ephemeral grassland and ornamental shrubs of negligible ecological importance. Adjacent offsite habitats include a copse of local ecological importance, and pond of unknown importance (due to no access) and several patches of the invasive Japanese knotweed of negligible ecological importance.
- S.3. The site is not covered by or adjacent to any sites that are the subject of statutory or non-statutory protection. There are several European designated sites within the study area however, the Habitat Regulations Assessment of the Newport City Council Local Plan concludes that it is unlikely that there would be any likely significant effects to either internationally designated site as a result of a development such as this, either singularly or in combination with other developments.
- S.4. The proposed development is to build an Aldi supermarket with associated hardstanding and soft landscaping. This is likely to result in the loss of all habitat on site. Whilst the habitats on site have some potential to support commuting/foraging bats, birds, hedgehog and invertebrates, it is considered that the effects of the proposals are either temporary or can be mitigated for within the design of the site.
- S.5. The timing of removal of woody vegetation, e.g. the ornamental shrubs and sturdier tall ruderal species, to protect nesting birds and the landscape design and management can be controlled by appropriately worded planning conditions.
- S.6. The potential to improve the biodiversity of the site also exists, and recommendations are made that should contribute to local BAP targets.
- S.7. In conclusion, no ecological issues that could affect the principle of development of the site have been identified. Those valuable ecological features that exist, or could exist, at the site could be accommodated by the adoption of relatively simple design principles and the precautionary methods described in this report. As such, the development should be in conformity with relevant planning policy and legislation set out in **Appendix 1**.



# Section 1: Introduction, Context and Purpose

## Introduction

- 1.1. This report has been prepared by Tyler Grange Group Ltd on behalf of Aldi Stores Ltd. It sets out the findings of an Ecological Assessment of a parcel of land at Abberley Hall Road, Newport, at OS Grid Reference ST 30412 86820, hereinafter referred to as the 'site'.

## Context

- 1.2. A full planning application to build an Aldi supermarket and associated hardstanding and soft landscaping is to be submitted to Newport City Council.

## Purpose

- 1.3. This report:
  - Uses available background data and results of field surveys, to describe and evaluate the ecological features present within the likely 'zone of influence' (Zoi)<sup>1</sup> of the proposed development;
  - Identifies further work required to inform the planning application;
  - Assesses ecological issues and opportunities as a result of development; and
  - Where appropriate, makes recommendations for mitigation of adverse effects and ecological enhancement, to ensure conformity with policy and legislation listed in **Appendix 1**.
- 1.4. This assessment and the terminology used are consistent with the 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (CIEEM, 2018).

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<sup>1</sup> Defined as the area over which ecological features may be subject to significant effects as a result of activities associated with a project and associated activities (CIEEM, 2018).



# Section 2: Methodology

## Data Search

- 2.1. The aim of the data search is to collate existing ecological records for the site and adjacent areas. Obtaining existing records is an important part of the assessment process as it provides information on issues that may not be apparent during a single survey, which by its nature provides only a 'snapshot' of the ecology of a given site.
- 2.2. The data search has been undertaken for a 10km radius around the site for European statutory sites, a 2km radius for national statutory and non-statutory sites and 1km radius for protected species (extended to 4km for bats) was requested from the records centre.
- 2.3. The following organisations and individuals have been contacted and, where relevant, the information provided has been incorporated with acknowledgement within this report:
  - South East Wales Biodiversity Records Centre (SEWBReC), for details of protected species records and non-statutory sites;
  - The Multi-Agency Geographic Information for the Countryside website<sup>2</sup> was accessed for information on the location of statutory designated nature conservation sites;
  - Newport City Council website was consulted for details of relevant local planning policies and supplementary planning guidance; and
  - The Newport City Council's Local Biodiversity Action Plan and UK Priority Species list were consulted for priority habitats and species subject to conservation action, to assist with the evaluation of ecological features and to inform site enhancement strategies.

### *Extended Phase I Habitat Survey*

- 2.4. An 'extended' Phase I habitat survey was undertaken on 1<sup>st</sup> April 2020 by Sara Curtis, an experienced field ecologist, associate member of the Chartered Institute of Ecology and Environmental Management (CIEEM). The technique was based upon Phase I survey methodology (JNCC, 2010). This 'extended' Phase I technique provides an inventory of the habitat types present and dominant species.
- 2.5. The weather conditions for the survey were calm and dry with an air temperature of 5°C and 100% cloud cover.
- 2.6. Using the above method, the site was classified into areas of similar botanical community types with a representative sample of those species present at the time of the survey being described.
- 2.7. Additionally, incidental records of fauna were also made during the survey and the habitats identified were evaluated for their potential to support legally protected and priority species.

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<sup>2</sup> <https://magic.defra.gov.uk/MagicMap.aspx>

## Evaluation

- 2.8. The evaluation of habitats and species is defined in accordance with published guidance (CIEEM, 2018). The level of importance of specific ecological features is assigned using a geographic frame of reference, with international being most important, then national, regional, county, district, local and lastly, within the site boundary only.
- 2.9. Evaluation is based on various characteristics that can be used to identify ecological features likely to be important in terms of biodiversity. These include site designations (such as SSSIs), or for undesignated features, the size, conservation status (locally, nationally or internationally), and the quality of the ecological feature. In terms of the latter, quality can refer to habitats (for instance if they are particularly diverse, or a good example of a specific habitat type), other features (such as wildlife corridors or mosaics of habitats) or species populations or assemblages.

## Quality Control

- 2.10. All ecologists at Tyler Grange Group Ltd are members of CIEEM and abide by the Institute's Code of Professional Conduct.

## Limitations

- 2.11. Owing to the timing of the surveys, some plant species may not have been visible. Where this affects the assessment of importance of features, this is stated.
- 2.12. According to online mapping, a small pond lies within 20m of the site, however it was not possible to access this pond to assess its importance. As such, a precautionary approach has been taken when assessing the site and potential impacts of the proposals.



# Section 3: Ecological Features and Evaluation

## Context

- 3.1. The site is located within the city of Newport and comprises a grassland field with some scattered tall ruderal. It is surrounded by residential developments with a railway line to the north. The site boundary can be seen in Figure 2 below.



Figure 2: Site location taken from Google Maps accessed on the 17<sup>th</sup> April 2020.

## Protected Sites

### *Statutory Sites*

- 3.2. There are several European and national statutory sites within the study area, details of which are given in Table 3.1 below.

Site Name	Designation	Distance and Direction from Site (km - N/S/W/E)	Description/Summary of Reason for Designation
<b>European</b>			
River Usk / Afon Wysg	SAC	1.3 km E	<p>The site supports a range of Annex II fish species and is famous for its salmon <i>Salmo salar</i>.</p> <p>The Annex II primary species:</p> <ul style="list-style-type: none"> <li>• Sea lamprey;</li> <li>• Brook lamprey <i>Lampetra planeri</i>;</li> <li>• River lamprey;</li> <li>• Twaite shad;</li> <li>• Atlantic salmon;</li> <li>• Bullhead <i>Cottus gobio</i>; and</li> <li>• Otter <i>Lutra lutra</i>.</li> </ul> <p>There are also Annex I habitats of Water courses with <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation present as a qualifying feature.</p>
Severn Estuary (Wales)	Ramsar  Special Area of Conservation (SAC)	2.7 km S	<p>Tidal river and estuary with mud flats, sand flats, lagoons and salt marshes/pastures/steppes.</p> <p>Internationally important populations of several species of waterbirds as well as its fish species migrating between the sea and rivers via the estuary.</p> <p>Annex I primary habitats:</p> <ul style="list-style-type: none"> <li>• Estuaries, mudflats and sandflats not covered by seawater at low tide and Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>).</li> </ul> <p>Annex I qualifying habitats:</p> <ul style="list-style-type: none"> <li>• Sandbanks which are slightly covered by sea water all the time and reefs.</li> </ul> <p>Annex II primary species:</p> <ul style="list-style-type: none"> <li>• Sea lamprey (<i>Petromyzon marinus</i>);</li> <li>• River lamprey (<i>Lampetra fluviatilis</i>); and</li> <li>• Twaite shad (<i>Alosa fallax</i>).</li> </ul> <p>It also has these qualifying features: Assemblage of migratory fish species (sea lamprey, river lamprey, twaite</p>





	Special Protection Area (SPA)		<p>shad, allis shad <i>Alosa alosa</i>, salmon <i>Salmo salar</i>, sea trout <i>Salmo trutta</i>, eel <i>Anguilliformes</i> sp.)</p> <p>Internationally important waterfowl Bewick's swan <i>Cygnus columbianus bewickii</i>, European white-fronted goose <i>Anser albifrons</i>, dunlin <i>Calidris alpina</i>, redshank <i>Tringa totanus</i>, shelduck <i>Tadorna tadorna</i>, gadwall <i>Mareca strepera</i>.</p>
<b>National</b>			
River Usk (Lower Usk)/Afon Wysg (Wysg Isaf)	SSSI	1.3 km E	<p>Important wildlife corridor, an essential migration route and key breeding area for many nationally and internationally important species and the <i>special habitat of running water supporting Ranunculion vegetation</i>.</p> <p>Species include:</p> <ul style="list-style-type: none"> <li>• Otter <i>Lutra lutra</i>;</li> <li>• Allis shad;</li> <li>• Twaite shad;</li> <li>• Brook lamprey;</li> <li>• River lamprey;</li> <li>• Bullhead;</li> <li>• Atlantic salmon;</li> <li>• Atlantic stream crayfish <i>Austropotamobius pallipes</i>.</li> </ul> <p>There are a group of rare and scarce craneflies including <i>Limonia omissinervis</i>, <i>Erioptera limbata</i> and <i>Rhabdomastix hilaris</i>, <i>Gonomyia abbreviata</i> and <i>Cheilotrichia imbuta</i>.</p>
Gwent levels - St Brides	SSSI	1.5 km S	<p><b>Habitats:</b> The Reens contain Standing Water and ditch habitats.</p> <p><b>Plant species:</b> <i>Potamogeton trichoides</i>, <i>Ranunculus trichophyllus</i>, <i>Potamogeton berchtoldii</i>, <i>Lathyrus nissolia</i>, <i>Thalictrum flavum</i>.</p> <p><b>Invertebrates:</b> <i>Chrysogaster macquarti</i> <i>Hydaticus transversalis</i> <i>Stenomicroa cogani</i> <i>Coenagrion pulchellum</i> <i>Odontomyia ornata</i> <i>Hydrophilus piceus</i> <i>Plateumaris braccata</i> <i>Hydaticus transversalis</i> <i>Hydrocharis morsus-ranae</i>, <i>Potamogeton trichoides</i>, <i>Oenanthe fistulosa</i>, <i>Sagittaria sagittifolia</i>. Shrill carder bee</p>

Table 3.1: European and National statutory sites within 10km and 2km of the site respectively.



- 3.3. Ramsar sites, SPAs and SACs are considered to be of **international importance** due to their European designations. SSSIs are considered to be of **national importance**.

### *Non-statutory (Local) Sites*

- 3.4. Non statutory sites relating to biodiversity within the Newport area are known as Sites of Importance for Nature Conservation (SINCs) of which there are seven within the study area, as detailed in Table 3.2 below. NRW Priority Areas are included on the list established under Section 7 of the Environment (Wales) Act 2016, which identifies them as habitats of principal importance.

Site Name	Designation	Distance and Direction from Site (km - N/S/W/E)	Description/Summary of Reason for Designation
Gaer Pond	Wildlife Site/SINC	600m W	Suburban pond with tall swamp vegetation and Nationally Scarce fly species ( <i>Typhamyza bifasciata</i> )
Coastal Saltmarsh	NRW Priority Area	800m S	NRW Priority habitat areas are semi-natural types included on the lists established under Section 7 of the Environment (Wales) Act 2016
Lowland Wetland	NRW Priority Area	1.1 km S	NRW Priority habitat areas are semi-natural types included on the lists established under Section 7 of the Environment (Wales) Act 2016.
Gaer Fort (1232 m)	Wildlife Site/SINC	1.1 km W	Large mosaic area of unimproved neutral and semi-improved acid grassland with areas of lowland heath, bracken and scrub. Large population of yellow meadow ant anthill ( <i>Lasius flavus</i> ).
Afon Ebbw River	Wildlife Site/SINC	1.2 km SW	Major river system with associated semi-improved neutral grassland and marshy grassland, swamp, scrub and semi-natural woodland. Associated species include: Bulbous foxtail ( <i>Alopecurus bulbosus</i> ) near confluence with Usk, kingfisher <i>Alcedo atthis</i> , sand martin <i>Riparia riparia</i> and grass snake <i>Matrix Helvetica</i> .
Marshall's	Wildlife Site/SINC	1.5 km SE	Mosaic neutral grassland, post-industrial, wetland along the banks of the Usk.
Allt-yr-yn	Wildlife Site/SINC	1.8 km NW	Mosaic of ancient semi-natural woodland, recent woodland, ponds, semi- and unimproved neutral grasslands.
Coed y Glasllwch	Wildlife Site/SINC	1.8 km NW	Unknown
Woodland PAWS	NRW Priority Area	1.8 km N	NRW Priority habitat areas are semi-natural types included on the lists established under Section 7 of the Environment (Wales) Act 2016.
Barrack Hill	Wildlife Site/SINC	1.9 km N	A large mosaic



			site with semi-improved wet and dry neutral grassland, scrub and bracken with small stream and drains Graig Wood, Brynglas Ancient semi-natural woodland)
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**Table 3.2: Local sites within 2km of the site.**

3.5. The local sites above are selected on the basis that they meet the criteria for local wildlife sites selection, for sites of importance at a county level and as such are considered to be of county importance.

### **Habitats and Flora**

3.6. The habitats present on site include:

- Grassland (species-poor semi-improved);
- Grassland (improved);
- Grassland (disturbed/ephemeral);
- Ornamental shrubs;
- Tall ruderal; and
- Offsite habitats/flora (copse, invasive species).

3.7. For ease of reference, habitat types have been described below and shown on Habitats Features Plan 13111/P01.

### **Grassland (Species-Poor Semi-Improved)**

3.8. Species-poor, semi-improved grassland dominates the site with species including cock's-foot *Dactylis glomerata*, false oat grass *Arrhenatherum elatius*, common bent *Agrostis capillaris*, broad-leaved dock *Rumex obtusifolius*, eyebright *Euphrasia* sp., red fescue *Festuca rubra*, creeping thistle *Cirsium arvense*, daisy *Bellis perennis*, dandelion *Taraxacum* sp., oxeye daisy *Leucanthemum vulgare*, creeping buttercup *Ranunculus repens*, ribwort plantain *Plantago lanceolata*, hogweed *Heracleum sphondylium* and cinquefoil *Potentilla reptans* being present (Photograph 1).

3.9. Some patches of hard rush *Juncus inflexus*, self-seeded willow, willowherb *Epilobium* and several sedges *Carex* sp. are present, indicating the ground, although currently dry, is subject to some waterlogging.





**Photograph 1: Species-poor semi-improved grassland dominates the site. Patches of hard rush are present within the grassland.**

- 3.10. This habitat type comprises common and widespread species, likely to offer an ecological resource within the confines of the site only. It is therefore considered to be **site ecological importance**.

#### *Grassland (Improved)*

- 3.11. The site has a narrow strip of improved grassland running along the western and northern boundaries, adjacent to the offsite footpath (**Photograph 2**) with species such as perennial rye grass *Lolium perenne*, common bent, daisy, eyebright, broad-leaved dock *Rumex obtusifolius*, dandelion *Taraxacum* sp., daffodil *Narcissus* sp., clover *Trifolium* sp., yarrow *Achillea millefolium* and pineapple weed *Matricaria discoidea*.



**Photograph 2: Improved grassland around the edges of the site.**

- 3.12. This habitat type comprises common and widespread species, likely to offer an ecological resource within the confines of the site only. It is therefore considered to be **site ecological importance**.

### *Grassland (Disturbed/Ephemeral)*

- 3.13. There are several large patches of grassland that have been recently disturbed by machinery, creating some bare patches and allowing areas of ephemeral vegetation to colonise located towards the southern boundary (**Photograph 4**). Species within these patches are similar to the other grassland areas with additional speedwell *Veronica* sp. specimens. These areas offer limited ecological resource and are considered to be of **negligible ecological importance**.



**Photograph 3: Disturbed grassland towards the southern boundaries.**

### *Ornamental Shrubs*

- 3.14. A section of ornamental shrubs (species unknown) lies along the southern boundary, near to the roundabout (**Photograph 4**). Whilst this habitat type may be of use to local fauna, ornamental shrubs are considered to be of **negligible ecological importance** only.



**Photograph 4: Ornamental shrubs adjacent to the roundabout.**

## *Tall Ruderal*

- 3.15. A narrow section of tall ruderal vegetation lies along the north and western boundaries (**Photograph 5**); this continues off site, over the track to the north and west. Species within this area include buddleia *Buddleja* sp., bramble *Rubus fruticosus*, false oat grass, willow *Salix* sp., nettle *Urtica dioica*, broad leaved dock and spear thistle *Cirsium vulgare*.



**Photograph 5: Tall ruderal along the northern and western boundaries.**

- 3.16. The tall ruderal species within the site are a common and widespread habitat, which are likely to provide an ecological resource within the site only and as such are considered to be of **site ecological importance**.

## *Offsite Habitats/Flora*

### Copse

- 3.17. Offsite to the north lies a small unmanaged copse (**Photograph 6**) with young to semi-mature specimens comprising species such as ash *Fraxinus excelsior*, silver birch *Betula pendula*, willow, bramble and ivy *Hedera helix*.



**Photograph 6: Copse offsite to the north**

- 3.18. Copses such as this are irreplaceable in the short term and are likely to form part of a wider urban network of trees. As such the copse is considered to be of **local ecological importance**.

Pond

- 3.19. OS maps of the area show a small pond which lies within the copse to the north of the site, less than 20m from site. Access to view and assess this pond was not possible.

Invasive Species

- 3.20. Several patches of Japanese knotweed *Fallopia japonica* lie just off site within the tall ruderal vegetation and adjacent to the copse (**Photograph 7**).



**Photograph 7: Stands of Japanese Knotweed adjacent to site to the north.**

- 3.21. Japanese knotweed is an invasive species and as such considered to be of **negligible ecological importance**.

## Fauna

- 3.22. For ease of reference, descriptions of the fauna have been described alphabetically, below.

### *Amphibians*

- 3.23. 8 records of common toad were returned from SEWBReC with the nearest being 0.5km west of the site. No records were returned for great crested newt (GCN).
- 3.24. There are no waterbodies on site, however there are five waterbodies within 500m of the site, three of which separated from the site by the railway. The railway is considered to be a barrier to dispersal of amphibians therefore these three can be scoped out. A fourth waterbody, the Twenty Acres Reen, lies approximately 360m to the south-east of the site. The fifth is the pond within the copse to the north of the site, which due to lack of access cannot be assessed for its potential for amphibians..
- 3.25. There are limited sub-optimal habitats on site for common toad, namely the longer grassland areas, with more optimal habitats within the offsite copse to the north. As such, the site is not expected to support a high number of toads and they are not mentioned any further in this report.
- 3.26. The grassland on site is not considered to be suitable habitat for GCN in its current state due to the very recent disturbance by machinery. The areas that have begun to grow back are not yet tussocky therefore are unlikely to be suitable. In addition, GCN are known to utilise ponds usually within 250m of each other (English Nature, 2001); the distance between the nearest two waterbodies, namely the pond in the copse to the north and the Twenty Acres Reen, is c.430m. As such it is unlikely that these waterbodies and the site habitats between them support a population of GCN therefore they are not discussed further in this report.

### *Bats*

- 3.27. SEWBReC returned the following bat species from within the study area shown below:
- Brown long-eared Bat *Plecotus auratus* - 2 records, closest record being 1.1km east;
  - Common Pipistrelle *Pipistrellus pipistrellus* - 51 records, closest record being 0.8km north-east;
  - Daubenton's Bat *Myotis daubentonii* - 4 records, closest record being 1.4km south;
  - Noctule Bat *Nyctalus noctule* - 7 records, closest record being 1.4km west;
  - Soprano Pipistrelle *Pipistrellus pygmaeus* - 8 records, closest record being 1.5km north;
  - Nathusius pipistrelle *Pipistrellus nathusii* - 2 records, closest record being 1.5km north east;
  - Whiskered Bat *Myotis mystacinus* - 3 records, closest being 1.7km north;
  - Lesser horseshoe bat *Rhinolophus hipposideros* - 1 record 3.8km north; and
  - Greater Horseshoe Bat *Rhinolophus ferrumequinum* - 1 record, 3.5km west.





### Site Potential for Foraging and Commuting Bats

- 3.28. The site is well lit by street lighting which reduces the likelihood of any light sensitive species (such as long-eared, horseshoe and *myotis* species) utilising the site. The majority of habitats on site are unlikely to provide many foraging resources for bats if present; however, the directly adjacent offsite hedgerows and trees within the small copse to the north may provide commuting/foraging opportunities around the site. These habitats connect to trees along the railway. Any assemblage of bats using the site would not be expected to be of any more than site ecological importance.

### Birds

- 3.29. SEWBRc returned records for many species of bird, the majority of which are very unlikely to utilise the habitats on site.
- 3.30. Given the limited nature of the habitats present on site, as well as the presence of more optimal habitats in the wider area, any assemblage of birds present are not expected to rely solely on the site. The bird assemblage would likely be of no more than **site ecological importance**.

### Hedgehog

- 3.31. SEWBRc returned 18 records of hedgehog *Erinaceus europaeus* from within 1km of the site with the closest being within 0.6km to the east.
- 3.32. Whilst it is possible that hedgehog might utilise the grassland on site for foraging, there is more optimal habitat present within the copse to the north, therefore any individual utilising the site is unlikely to be wholly reliant upon the resources within. In addition, there is no suitable nesting habitat on site therefore it is unlikely that the species would be onsite during daylight hours and as such would not be disturbed by construction activities. As such, any hedgehog population using the site is unlikely to be of greater than **site ecological importance**.

### Invertebrates

- 3.33. Whilst there are habitats on site that could support invertebrate species, given their limited nature, any species utilising the site are unlikely to be wholly reliant on it, as such any assemblage is unlikely to be of greater than **site ecological importance only**.

### Reptiles

- 3.34. DERC returned the following records for reptiles from within 1km of the site:
- 8 records of common lizard *Zootoca vivipara* with the closest record being 0.3km north; and
  - 17 records of slow-worm *Anguis fragilis* with the closest record being 0.6km north.
- 3.35. The grassland onsite is not considered to be suitable for reptiles as it has been recently disturbed. There is no thatch layer or cover within the main body of grassland and the banks are north facing providing limited sunlight and basking spots. As such, reptiles are not considered further within this report.



# Section 4: Issues, Mitigation and Enhancement

## Proposed Development

- 4.1. The proposed development includes the construction of an Aldi supermarket and car parking facilities with associated landscaping and planting within the site boundary.
- 4.2. The potential consequences with respect to development of the site are set out below, with reference to relevant legislation and planning policy, which is summarised in **Appendix 1**.

## Potential Impacts and Requirement for Mitigation

- 4.3. Both the Countryside and Rights of Way (CRoW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006 give the importance of conserving biodiversity a statutory basis, requiring government departments (which includes Local Planning Authorities) to have regard for biodiversity in carrying out their obligations (which includes determination of planning applications) and to take positive steps to further the conservation of listed species and habitats. These articles of legislation require Newport City Council to take measures to protect species or habitats from the adverse effects of development, where appropriate, by using planning conditions or obligations.

## Designated Sites

- 4.4. Due to the nature of the proposals, i.e. retail, no impacts as a consequence of an increase in visitor numbers to the area will occur to any designated sites described in Section 3.
- 4.5. The Habitat Regulations Assessment of the Newport City Council Local Plan<sup>3</sup> concludes that it is unlikely that there would be any likely significant effects, e.g hydrology, air quality, noise etc, to either internationally designated site as a result of such a development, either singularly or in combination with other developments. Furthermore, the habitats on site as well as its urban location mean that none of the species associated with the designated sites would be expected to utilise it.
- 4.6. Nonetheless, best practice methods as set out by CIRIA (CIRIA, 2016) such as those relating to noise, vibration, run-off, dust and air pollution, will be undertaken during construction further ensuring that no impacts will occur to the protected sites.
- 4.7. The proposals will not have any impacts to non-statutory sites in the area due to nature of the development and the distances involved.

## Habitats and Flora

- 4.8. The proposals will likely result in the loss of all habitat on site, with the offsite tall ruderal and copse being retained.
- 4.9. The opportunities that the site resources represent to protected species is discussed below.

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<sup>3</sup> <https://www.newport.gov.uk/documents/Planning-Documents/LDP-2011-2026/Habitats-Regulation-Assessment--final.pdf>



- 4.10. The loss of habitats of negligible ecological importance, namely the disturbed grassland and ornamental shrubs will have no ecological impact and require no specific mitigation.
- 4.11. The new planting and landscaping proposed within the site can be designed to mitigate for the loss of habitats of site ecological importance, namely the species-poor semi-improved grassland, improved grassland and tall ruderal.
- 4.12. New planting proposed for the site will include native or ecologically beneficial species throughout which will compensate for the lost native species vegetation as well as providing foraging and shelter opportunities for fauna.
- 4.13. It is unlikely that the offsite trees within the copse will be impacted by the development due to the existing footpath between them and the site. However, should any works be required in that area, the trees must be adequately protected from damage during the construction period. As such, protective fencing (where appropriate and in line with British Standards - BS 5837:2012 Trees in relation to design, demolition and construction) would be installed along the trees for the duration of the construction period.

## **Fauna**

### *Bats*

- 4.14. In England and Wales, bats and their roosts are predominantly protected under the Conservation of Habitats and Species Regulations (2010), with other complimentary legislation comprised of the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; and the Natural Environment and Rural Communities Act (NERC, 2006).
- 4.15. The site is already well lit with street lights however, precautionary mitigation in the form of sensitive lighting should be employed at the site. Lighting at the site during the construction and operation phases of the proposed development should be sympathetic to bats that may be utilising the site and nearby habitats for foraging and commuting activity. Lighting at the site should aim to avoid areas of the site that are likely to be of value to foraging and commuting bats, namely the offsite copse to the north. The lighting at the site should be designed to minimise disturbance to bats. It is therefore recommended that directional (if possible) LED lights using a warm white spectrum (<2700 Kelvin) and wavelengths of higher than 550nm be adopted (BCT/ILP, 2018).
- 4.16. The site may be enhanced for bats through the landscape design, including the creation of new habitats using native species (or those with known benefit to wildlife) with the aim of enhancing the extent and quality of foraging and commuting habitat on site for bats. Suitable habitats include grassland seeded with a wildflower mix, scrub and hedgerows.

### *Birds*

- 4.17. All wild birds, their nests and eggs are afforded protection under the WCA 1981 (as amended) and hence this legislation could be triggered.
- 4.18. Impacts regarding the construction of the building are unlikely to impact the assemblage of birds present.
- 4.19. To avoid triggering the legislation protecting nesting birds, removal of woody vegetation such as the ornamental shrubs and the sturdier tall ruderal patches should be timed outside the nesting bird season (generally taken as March to August, inclusive) or be preceded by a check for active nests



by an ecologist. If a nest is found an appropriate buffer will need to be left undisturbed until the chicks have fledged, as confirmed by an ecologist.

- 4.20. Provision for nesting birds will be provided in time when new tree planting matures. Further enhancements could be provided in the form of bird boxes on suitable proposed trees within the site.

### *Hedgehog*

- 4.21. Hedgehog are listed as Species of Principal Importance under the Natural Environment and Communities (NERC) Act 2006.
- 4.22. The grassland and tall ruderal provide suitable foraging habitats. However, it is anticipated that foraging activity could persist on site with the proposed planting scheme.

### *Invertebrates*

- 4.23. Whilst the loss of the habitats present on site would cause a temporary impact to any assemblage of invertebrate's present, it is expected that this would be reversed once the new planting and re-seeding have established. As such, no specific mitigation or compensation is required.



## Section 5: Conclusions

- 5.1. No ecological issues that could affect the principle of development of the site have been identified. Those valuable ecological features that exist at the site can be accommodated by the adoption of relatively simple design principles. The potential to improve the biodiversity of the site also exists, and recommendations are made that will contribute to local BAP targets.
- 5.2. The mitigation and enhancement strategy could be controlled by appropriately worded planning conditions to:
  - Secure a strategy to avoid impacts to retained trees during construction; and
  - Secure a management strategy for the site's ecological enhancements in line with **Section 4**.



# References

Bat Conservation Trust and the Institute of Lighting Professionals (ILP) (2018) *Bats and Artificial lighting in the UK*. Guidance Note 08/18. ILP, Rugby, Warwickshire.

Chartered Institute of Ecology and Environmental Management (2018). *Guidelines for Ecological Impact Assessment in the UK and Ireland*. <http://www.cieem.net/ecia-guidelines-terrestrial->. Chartered Institute of Ecology and Environmental Management, Winchester.

CIRIA (2016) *Environmental Good Practice On Site Pocket Book, 4<sup>th</sup> Edition*. London.

English Nature (2001) *Great Crested Newt Mitigation Guidelines*. Version: August 2001.

Joint Nature Conservation Committee (2010). *Handbook for Phase 1 habitat survey - a technique for environmental audit*. JNCC, Peterborough.

Multi-Agency Geographic Information for the Countryside (MAGIC) Interactive maps, available online at: <http://www.natureonthemap.naturalengland.org.uk>

UK Biodiversity Action Plan Website: <http://jncc.defra.gov.uk/page-5155>



# Appendix 1: Legislation and Planning Policy



# Appendix 1: Legislation and Planning Policy

A1.1. This section summarises the legislation and national, regional and local planning policies, as well as other reference documents, relevant to the baseline ecology results.

## Legislation

A1.2. Specific habitats and species receive legal protection in the UK under various pieces of legislation, including:

- The Wildlife and Countryside Act 1981 (as amended);
- The Conservation of Habitats and Species Regulations 2019 (as amended);
- The Countryside and Rights of Way Act 2000;
- The Natural Environment and Rural Communities Act 2006;
- The Hedgerows Regulations 1997; and
- The Protection of Badgers Act 1992.

A1.3. The European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive', provides for the protection of key habitats and species considered of European importance. Annexes II and IV of the Directive list all species considered of community interest. The legal framework to protect the species covered by the Habitats Directive has been enacted under UK law through The Conservation of Habitats and Species Regulations 2019 (as amended).

A1.4. In Britain, the WCA 1981 (as amended) is the primary legislation protecting habitats and species. SSSIs, representing the best examples of our natural heritage, are notified under the WCA 1981 (as amended) by reason of their flora, fauna, geology or other features. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants.

A1.5. The CRoW Act 2000 strengthens the species enforcement provisions of the WCA 1981 (as amended) and makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site.

## *Species and Habitats of Principal Importance and the UK Biodiversity Action Plan*

A1.3. The UK Post-2010 Biodiversity Framework succeeded the UK BAP partnership in 2011 and covers the period 2011 to 2020. However, the lists of Priority Species and Habitats agreed under the UKBAP still form the basis of much biodiversity work in the UK. The current strategy for England is 'Biodiversity 2020: A Strategy for England's wildlife and ecosystem services' published under the UK Post-2010 UK Biodiversity Framework. Although the UK BAP has been succeeded, Species Action Plans (SAPs) developed for the UK BAP remain valuable resources for background information on priority species under the UK Post-2010 Biodiversity Framework.

A1.4. Priority Species and Habitats identified under the UKBAP are also referred to as Species and Habitats of Principal Importance for the conservation of biodiversity in England and Wales within Sections 41 (England) and 42 (Wales) of the Natural Environment and Rural Communities (NERC)





Act 2006. The commitment to preserving, restoring or enhancing biodiversity is further emphasised for England and Wales in Section 40 of the NERC Act 2006.

## National Planning Policy

### Planning Policy Wales (PPW) Edition 10

A1.6. Chapter 6 of the PPW (Distinctive and Natural Places) includes the following commitments and what they relate to where they are applicable to this site:

- 6.4: Biodiversity and Ecological Networks – Promoting biodiversity by enhanced biodiversity and resilience of ecosystems duty (as set out in The Environment (Wales) Act 2016. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss and increase the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.

Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
  - ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
  - ensure statutorily and non-statutorily designated sites are properly protected and managed;
  - safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation;
  - interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
  - secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.
- 6.4.5: Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty) – Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems.
  - 6.4.10: Designated sites - Planning authorities must have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests.
  - 6.4.15: Protection and Management of Designated Sites - Statutorily designated sites must be protected from damage and deterioration, with their important features conserved and enhanced by appropriate management.



- 6.4.22: Protected species - The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre. Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site. Proposals for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.
- 6.4.24: Trees, woodlands and hedgerows - Planning authorities should protect trees, hedgerows, groups of trees/...woodland where they have ecological value, contribute to the character or amenity...or perform a beneficial...green infrastructure function.

*Technical Advice Note 5 (TAN 5), Nature Conservation and Planning (2009)*

A1.7. The purpose of Technical Advice Note (Wales) 5 (TAN5) is to supplement the information provided in PPW. This provides advice for local planning authorities on:

- The key principles of positive planning for nature conservation;
- Nature conservation and Local Development Plans;
- Nature conservation in development management procedures;
- Development affecting protected internationally and nationally designated Sites and habitats; and
- Development affecting protected and priority habitats and species.

## **The Environment (Wales) Act 2016**

A1.8. This piece of legislation is to plan and manage Wales' natural resources. The key area that is relevant to the proposals relates to the sustainable management of the Welsh Natural Resources, the principles of which are outlined below:

- Building resilience - A resilient ecosystem is one that is healthy and functions in a way that is able to address pressures and demands placed on it and is able to deliver benefits over the long term to meet current social, economic and environmental needs.
- Managing multiple benefits - Our ecosystems provide us with a wide range of services and benefits. We need to take all of these into account when we make decisions about how we use



them, so that they provide multiple benefits for the long term. This includes taking into account their intrinsic value.

- Adaptive management - Ecosystem processes and functions are complex and variable, and our approach will be adaptive with a focus on active learning derived from monitoring and outcomes and taking into account the time lags and feedback times for ecosystems to respond to interventions. It is about 'learning by doing'.
- Long term - It is also important to take account of the short, medium and long-term consequences of actions, and consider time lags and feedback times for ecosystems to respond to any interventions.
- Evidence - This means gathering information and considering all the social, economic and environmental evidence (including evidence in respect of uncertainties) from a wide range of experts and stakeholders at the local, regional and national level as appropriate, both to identify priorities and opportunities for their management and also in delivering the management actions.
- Collaboration and co-operation - It is about having a two-way communication across local, regional, national and international levels and being interconnected between policy, process and people to break down silo ways of working. This approach supports the development and implementation of the new, innovative solutions that are needed.
- Working at the right scale - An ecosystem is a functioning unit that can operate at any scale depending on the problem or issue being addressed.

## Local Planning Policy

### Newport Local Development Plan 2011-2026

#### Objective 5 – Conservation of the Built Environment

*“To ensure that all development or use of land does not adversely affect, and seeks to preserve or enhance, the quality of the historic and built environment.*

*The quality of the built environment is a contributor to the quality of life. Newport has a variety of interesting buildings and structures, including within the City Centre where many fine Victorian buildings remain, having escaped the redevelopment that many towns and cities saw in the 1960s and 70s. In other areas, the built environment goes back to Roman and Mediaeval times and important remains survive both above and below present ground level. The Strategy therefore seeks to preserve historical quality and to ensure that new development is carefully designed.”*

#### Objective 6 – Conservation of the Natural Environment

*“To protect and enhance the quality of the natural environment, including landscape, protected habitats and species of principal importance for biodiversity in Wales (regardless of greenfield or brownfield status) and the protection of controlled waters.*

*Newport has an important natural heritage not only in its countryside, but also within its urban area. Numerous designations apply to sites and species within the County Borough, and the Strategy seeks to maintain and enhance biodiversity.”*



## Objective 7 – Community Facilities and Infrastructure

*“To ensure the provision of appropriate new, and/or enhanced existing, community facilities, and to safeguard existing well used facilities.*

*New community facilities provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. New development will be required to make contributions to the provision of community facilities and infrastructure necessary for the development. This will largely be achieved through obligations negotiated under Section 106 of the Planning Act 1990 (as amended) and also through the Community Infrastructure Levy brought in by the 2008 Planning Act, or as amended.”*

## **Biodiversity Action Plans**

- A1.9. The UK Post-2010 Biodiversity Framework succeeded the UK BAP partnership in 2011 and covers the period 2011 to 2020. However, the lists of Priority Species and Habitats agreed under the UKBAP still form the basis of much biodiversity work in the UK. Although the UK BAP has been succeeded, Species Action Plans (SAPs) developed for the UK BAP remain valuable resources for background information on priority species under the UK Post-2010 Biodiversity Framework.
- A1.10. Priority Species and Habitats identified under the UKBAP are also referred to as Species and Habitats of Principal Importance for the conservation of biodiversity in England and Wales within Sections 41 (England) and 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006. The commitment to preserving, restoring or enhancing biodiversity is further emphasised for England and Wales in Section 40 of the NERC Act 2006.

### *Local Biodiversity Action Plan*

- A1.11. The Newport Biodiversity Partnership is a partnership of more than 15 organizations and individuals who are involved with, either professionally or personally, conserving and enhancing Newport's biodiversity. Through working together as a partnership, more can be understood, more can be planned and more can be achieved. The Partnership's members include organizations such as Natural Resources Wales, Gwent Wildlife Trust and RSPB, as well as Butterfly Conservation, Gwent Fungus Group and the Internal Drainage Board. Residents are also part of the partnership, along with housing associations such as Newport City Homes and Charter Housing.

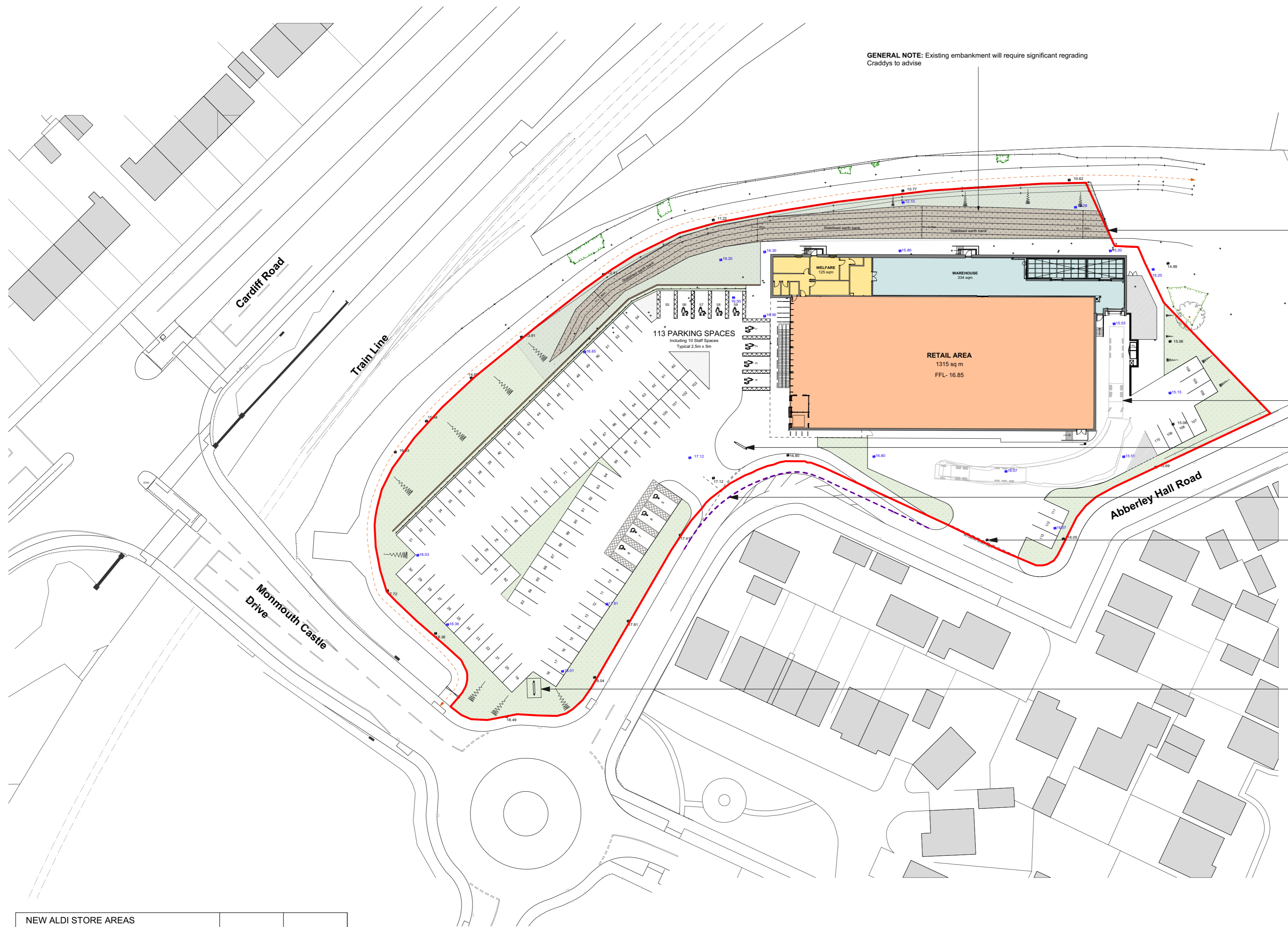


# Appendix 2: Proposed Site Plan



Aldi, Mon Bank, Newport  
Ecological Assessment

13111\_R01\_23<sup>rd</sup> April 2020\_LT\_MM



GENERAL NOTE: Existing embankment will require significant regrading  
Craddys to advise

**KEY**

- Proposed Aldi Site Area (approx)  
8,150 sq m  
2.01 Acres  
8.15 Hectares
- Surface finish with soft landscaping
- Timber Knee Rail Fence
- 13.20 Existing Levels
- 13.20 Proposed Levels
- Proposed Double Pole Sign
- Proposed banking to be reinforced  
subject to confirmation from structural engineer
- Retained public footpath

**NOTE:** This Drawing is Based on Berry Geomatics Topographical Survey  
Drawing 61/18, 07.06.18

0 10 15 20 25 30 M

Blue shade indicates the extent of the proposed extensive regrading of existing bank -  
Stabilised earth bank subject to confirmation from Structural Engineers

- Delivery tracking required
- Aldi double pole sign
- Purple dashed line indicates existing road position.  
Proposed Aldi store requires widening of the road for Delivery  
vehicle access - subject to agreement  
Delivery access / egress to be tracked
- Aldi service yard access
- Aldi double pole sign

NEW ALDI STORE AREAS		
Gross Internal Area	1775 sqm	19,105 sqft
Retail Area	1315 sqm	14,154 sqft
Welfare Block (Including Plant Room)	126 sqm	1,356 sqft
Warehouse (Including Loading Bay & Freezers)	334 sqm	3,595 sqft
Proposed Parking Spaces 2.5x5.0m	113	



**Kendall Kingscott**  
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Chartered Building Surveyors  
Interior Designers  
CDM Co-ordinators

Project  
**Newport, Mon Bank, Cardiff Road**

Client  
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Site Boundary updated in line with Title  
E 15/07/19 JKCMW Plan  
Site boundary amended following receipt  
D 13/12/18 SK NR of NWR / topo information.  
Rv. Date By Ap Note

Drawing Title  
**Proposed Site Plan**

Project No. **180420 P(0)02** Drawing No. **E**

Date **14/5/18** Drawn **BH** Checked **NR** Status **BOARD APPROVAL**

Scale **1:500** Paper Size **A2** Filename **BOARDMaster.vwx**  
Do not scale this drawing. Check all dimensions and levels on site.

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# Plan

Habitat Features Plan (13111/P01)



Aldi, Mon Bank, Newport  
Ecological Assessment

13111\_R01\_23<sup>rd</sup> April 2020\_LT\_MM



- Red Line Boundary
- Broadleaved woodland
- ▨ Grassland (improved)
- Grassland (species-poor semi-improved)
- x Grassland (disturbed/ephemeral)
- E Pond
- ▨ Tall ruderal
- Hardstanding
- x Ornamental shrubs
- + + Fence
- ▲ Japanese knotweed stand



Project Aldi, Mon Bank, Newport  
 Drawing Title **Habitat Features**  
 Scale As Shown (Approximate)  
 Drawing No. 13111/P01  
 Date April 2020  
 Checked LT/SC



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