

Our Ref: CAS-267599-H9X4
Your Ref: -

Robert McGowan
Scrutiny and Policy Officer
Monmouthshire County Council
County Hall
The Rhadyr
Usk
NP15 1GA

Date: 18th March 2025

Dear Mr McGowan,

Thank you for the telephone conversation on 27th January 2025 and subsequent emails on 5th and 6th February 2025. You have invited Natural Resources Wales (NRW) to comment on specific concerns raised by one of your committees. This is regarding public interest concerning proposed new housing in Monmouthshire's Replacement Local Development Plan (RLDP), specifically around the associated Habitats Regulations Assessment (HRA) and the protection of horseshoe bats.

NRW are Welsh Government's principal technical adviser on the environment and natural resources, and we value the importance the scrutiny committee has in ensuring openness, accountability and transparency in the governance process of Monmouthshire County Council. Whilst we are unable to attend a Scrutiny Committee in person, we have agreed to provide comments to the specific questions you have submitted via email.

The Local Authority Planning Team are considering our response letter and the advice within it. We have also raised some concerns over the proposed allocated site at Leasbrook (Policy HA4) due to potential impacts on the Wye Valley and Forest of Dean Bat Special Area of Conservation (SAC), which includes Newton Court Stable Blocks Bat SSSI (a site that supports roosts of both lesser and greater horseshoe bats).

At this stage, we are advising the Council to undertake further assessment (as part of their HRA) to understand what effect the proposed change in land use may have on bat features roosting in the stable block. We have spoken to the Local Authority Planning team since our response and have been informed that further assessment is being prepared with the intention of sharing that with us prior to submission of the RLDP for examination.

We have responded to those specific concerns raised below which should provide more context for the committee to understand the relevant issues.

1. Screening

The resident believes that CS0270 should have been filtered out as part of the screening process, as it will require mitigation measures such as lighting schemes which, the resident argues, are prohibited under the HRA guidance: www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site . Specifically, the resident notes that it

says, “At this stage, you should not consider any mitigation measures included by the proposer for the purpose of avoiding or minimising risk to a European site” (the resident suggests that this guidance applies to both England and Wales).

NRW Response

There is some misunderstanding from the resident regarding the Habitats Regulations. HRA is a staged process. The resident is correct in stating that mitigation measures should not be considered or looked at during the screening stage (i.e. the first stage). If during screening it is shown that there may be a likely significant effect on a European site, or equally a likely significant effect cannot be ruled out; the proposed allocation must be considered further through an appropriate assessment (i.e. the second stage of HRA). This is the stage that takes a closer look at the potential impacts and proposes any avoidance or mitigation measures to reduce those impacts, so they are unlikely or insignificant. This is referred to as the integrity test and the Council must conclude there to be no adverse effect on the European site’s integrity prior to allocating in the RLDP. This is explained in greater detail under ‘How to carry out an HRA’ in the HRA guidance link above.

2. Significant Effect

The resident further notes that the rules say, “A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there’s a reduction in the amount or quality of designated habitats or the habitats that support designated species”. The resident believes that removing grazing land within the Core Sustenance Zone for the bats, as well as ripping out established hedgerows, adding artificial light and interrupting commuting lines, would lead to a reduction in the amount or quality of designated habitats. As a result, this would qualify as a “likely significant effect”.

NRW Response

The resident is correct, and this is why the proposed allocation has progressed from screening to appropriate assessment stage.

The Council has considered the proposed allocated site through an appropriate assessment (within the HRA which was published alongside the Deposit Plan). Our advice is that the assessment isn’t sufficient to enable a conclusion of no adverse effect. We are advising further assessment, specifically in terms of how the proposal would impact on land currently used for bat foraging, is required before a conclusion on integrity of the SAC can be reached.

3. Diluted protections

The resident further argues that Monmouthshire County Council (MCC) has diluted the protection for the Greater Horseshoe Bats. The resident notes that in the HRA (p9), the consultants proposed “To meet the requirements of the Habitats Directive regarding allocated greenfield sites within the Core Sustenance Zones (CSZs) of the Usk Bat Sites SAC and the Wye Valley and Forest of Dean Bat Sites SAC, the applicant is required to provide evidence that the development will not result in adverse effects on site integrity. To achieve this, a habitat assessment will have to be undertaken by a suitably qualified

professional. Where habitats are suitable, a suite of bat surveys (e.g. bat activity surveys, roost emergence surveys) will need to be undertaken between April and September. Where a land parcel is demonstrably used by SAC bats, mitigation and avoidance measures might be required, and the planning application will likely need to be assessed through a project-level Habitats Regulations Assessment and will need to consider matters such as habitat connectivity, foraging value and minimised lighting”.

However, the resident further quotes that “With regard to this recommendation Monmouthshire Council expressed concern as to whether the extent of the suggested wording is needed as it is too prescriptive. Instead, the Deposit Plan addresses these recommendations by providing less prescriptive form of wording in Policy NR1 – Nature Recovery and Geodiversity and its supporting text in paragraphs 10.10.2 – 10.10.8 under the heading International/National (Statutory) Sites and Protected Sites and Species with specific reference to Functionally Linked Land in paragraph 10.10.5, but without providing specific details of the need for bat surveys, survey seasons and the potential need for mitigation”. (these paragraphs are in the RLDP Deposit Plan, p84: www.monmouthshire.gov.uk/app/uploads/2024/10/Monmouthshire-Deposit-RLDP.pdf)

The resident therefore accuses MCC of diluting or removing the protection of horseshoe bats.

Here is a link to the HRA (as well as the points raised above from p9, bat sites are discussed in full on p76): www.monmouthshire.gov.uk/app/uploads/2024/10/HRA-of-the-Monmouthshire-RLDP-Deposit-Plan.pdf

NRW Response

This point has been noted in our response letter (paragraphs 8 and 9). This part of the HRA is proposing mitigation measures to avoid or reduce the adverse effects on the European site which have been found. However, given our advice that the appropriate assessment is currently insufficient, it is premature to advise on mitigation measures. We would expect this to be reconsidered in an updated HRA once the further assessment has been carried out and found to be appropriate.

4. Sustenance Zone

Finally, the resident is concerned about the 3km Core Sustenance Zone. The resident notes: “On p138 of the HRA (Policy HA4 – Land at Leasbrook, Monmouth), it does not mention that this site (i.e. CS0270) is well within the Core Sustenance Zone of 3km for The Greater Horseshoe Bats. In fact, the site is only 950 metres from the Newton Court SSSI. The HRA talks only about a ‘Greater Horseshoe Bat Juvenile Sustenance Zone’ in relation to site HA4. But the Bat Conservation Trust in their guidance do not differentiate between adult and juvenile bats. They instead, based on a thorough literature review, have recommended a 3Km Core Sustenance Zone for the Greater Horseshoe Bats.”

NRW Response

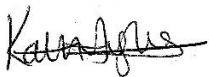
Our understanding is that the HRA has considered proposed allocated sites within 3km of both Wye Valley SAC and Forest of Dean Bat and Usk Bat Sites SAC, although this may

not be explicitly clear in the HRA. We have reviewed the Deposit Plan and HRA considering a 3km core sustenance zone on both SACs.

In summary, there are some issues with the level of assessment that's been carried out in the HRA. This may be addressed and found to be acceptable subject to avoidance or mitigation measures being brought forward during the planning application stage. However, the further assessment could conclude the proposal would adversely affect the integrity of the SAC and the Council would need to reconsider this allocation.

We trust these comments aid the committees understanding of NRW's position regarding the points made by the resident. Should you require any further information or have any questions regarding the above, please do not hesitate to contact me.

Yours faithfully



Kathryn Hughes

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.

Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.