

Monmouthshire Select Committee Minutes

Meeting of Place Scrutiny Committee held at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA with remote attendance on Thursday, 27th March, 2025 at 2.00 pm

Councillors Present

County Councillor Jane Lucas (Chair)

County Councillors: Louise Brown, Emma Bryn, Tomos Davies, Lisa Dymock, Jackie Strong, Laura Wright, Tudor Thomas, John Crook, Malcolm Lane and M. Newell

Officers in Attendance

Hazel Ilett, Scrutiny Manager
Robert McGowan, Policy and Scrutiny Officer
Craig O'Connor, Chief Officer, Place
Ross Price, Engineer
Kate Stinchcombe, Biodiversity & Ecology Officer
Sali Palmer, Biodiversity & Ecology Officer
James Galsworthy (NRW, Team Leader Integrated Engineering)
Andy Karran (Gwent Wildlife Trust)

APOLOGIES: None

1. Declarations of Interest

None.

2. To confirm the minutes of the previous meeting

The minutes were agreed.

3. Place Scrutiny Committee Forward Work Programme and Action List

Members were reminded about Welsh Water visits at Monmouth and Pwllmeyric on 24th April. Members were asked to give contact details for disability reps and for the public to get in touch, ahead of the Active Travel item at the next meeting.

4. Council and Cabinet Work Planner

5. Public Open Forum

Councillor Strong read a submission on behalf of a resident, concerning the Nedern, Item 8. The resident noted that the Nedern was problem-free until the mid-1990s when the construction of the second Severn Bridge began. The river runs through a tunnel under the M4 Motorway, which is protected by a screen. This screen often gets blocked with debris, causing the river to flood. In the 1980s, the river was dredged to remove weeds and silt but now only weeds are removed, which leads to additional problems. The river runs alongside the old Pill House site, which now hosts a concrete recycling business. This business stores large amounts of aggregate near the river, posing a risk of spillage without a proper removal mechanism. Winter flooding from the Nedern could hinder access to the walk from Caldicot Castle to the Cornfield project. A new drainage channel was constructed to remove water from house building plans in the area. However, with high river levels, previously dry areas are now flooded. This issue could

be resolved by fitting a non-return flap on the river end of the drainage channel. The proposal to build around 100 houses is welcomed, but it is important to consider that this will lead to more water draining into the river. To address these issues, the resident suggested redesigning or modifying the M4 tunnel screens to make them more efficient, to implement an early warning system for high river levels, and to establish a better river maintenance program.

A resident delivered a presentation outlining concerns about the protection of bats, relating to Item 9. They raised concerns about the removal of key protections for bats by Monmouthshire County Council, questioning the rationale behind it. They highlighted the importance of stringent safeguards for developments in the bats' core sustenance zones, as recommended by environmental consultants. They emphasised the need for specific bat surveys and mitigation measures to protect bat populations and criticised the council's replacement of specific survey requirements with vague wording in policy NR1. They provided information on the greater horseshoe bat, its habitat requirements, and its endangered status and discussed the impact of proposed developments on bat habitats, particularly the Lease Brook site near Newton Court. They suggested that the council remove the dilution of protections for bats and adding specific wording to ensure no adverse effects on bats from developments. They highlighted the importance of protecting the bats' core sustenance zones and ensuring proper survey and mitigation measures are in place.

Andy Karran, Evidence Manager at Gwent Wildlife Trust, provided comments relating to Item 9, specifically on the HA4 site in Monmouth. They expressed concerns about the impact on the triple SI, SAC, and the greater horseshoe bat population. Andy noted that the 1-kilometre juvenile sustenance zone is not commonly used in Wales and referenced its use in North Somerset and Mendip SAC guidance. They emphasised the need for more survey work to determine the impact on the bats, suggesting that surveys should be conducted by qualified individuals at the appropriate times with sufficient effort.

6. Nedern Maintenance - To discuss the maintenance of the Nedern, particularly throughout the Castle grounds, Caldicot

James Galsworthy (NRW) answered the members' questions with Ross Price.

- Can you provide an update on NRW's maintenance programme for the Nedern and its offshoots?

The maintenance programme for the Nedern involves annual grass cutting around September-October and in-channel vegetation removal around December-January. This work is done by contractors and used to be every other year but is now done annually.

- What exactly is NRW's role and responsibility when it comes to protecting river health and preventing pollution?

The responsibility for river health and pollution prevention is not within the remit of the speaker from NRW, and such questions should be directed to their enquiries team, as the ultimate responsibility for river health lies with the landowner.

- Whose responsibility is it to maintain the public land where the Nedern runs through Magor?

The responsibility for maintaining watercourses rests with the landowner. For public land, it would be the responsibility of the relevant authority, such as Monmouthshire County Council.

- Can we arrange a separate meeting to establish responsibilities for the Nedern maintenance and flooding issues?

James agreed to attend a separate meeting to discuss these issues, and it was suggested that David Penny from the internal drainage district team should also be involved.

- How effective is the current maintenance programme in preventing further flooding?

NRW recognises the significant impact of flooding on local businesses. The current maintenance programme involves annual grass cutting and in-channel vegetation removal, which has been increased from every other year to annually. This has improved the effectiveness in preventing flooding.

- What are the risks of the current level of maintenance?

The risks of the current level of maintenance include potential flooding if the maintenance is not sufficient to manage significant flood risks, especially in areas with limited numbers of properties.

- How effective are the relationships between NRW, MCC, and English Highway in managing flood risks?

Effective relationships between NRW, MCC, and English Highway are crucial for managing flood risks, especially regarding assets like the trash gate. Coordination and communication among these entities are necessary to address flood risks effectively.

- What responsibility does NRW have for maintaining rivers on land owned by Monmouthshire County Council or private landowners?

The responsibility for maintaining rivers rests with the landowner, but NRW has permissive powers to undertake work where there is a significant flood risk. This applies to both council-owned and private land.

- How is the Nedern managed through the Country Park?

Any work in the main river watercourse, including the Nedern through the Country Park, would require a flood risk activity permit from NRW. Coordination with NRW is necessary to determine the requirements for such work. The trash gate is a Highways England asset, with remedial work being their responsibility.

- How are river health and flooding related, especially concerning sewage discharge?

River health and flooding are related because sewage discharge during flooding can impact both residents and businesses. The health and safety concerns arise when polluted water affects these areas. There have been previous site meeting with Welsh Water to discuss sewer systems in local areas.

- Does NRW monitor pollution in the Mountain Brook, which connects to the Nedern?

NRW does not have the resources to monitor pollution in the Mountain Brook, which connects to the Nedern. Concerns about pollution should be directed to NRW's environment management team. Welsh Water is responsible for minimising pollution from their assets and NRW can take action against organisations that pollute.

Ross Price, MCC Project Engineer, commented on the member's question from MCC's perspective:

- He explained that the Section 19 flood report, produced after the February 2020 flood events, identified flooding mechanisms and affected areas, and made recommendations for various risk management authorities, including NRW, National Highways, and Monmouthshire County Council. He noted that NRW now undertakes annual maintenance, including clearing cut vegetation from the banks to prevent downstream blockages. National Highways has improved their maintenance practices for the M4 culvert and trash screen, including weekly inspections and inspections during significant weather events. They also have manual lifting equipment available if the hydraulic system fails.
- MCC has formalised its maintenance strategy for the Country Park section of the Nedern, which is in the final stages of consultation with NRW. This strategy will clarify who does what and when. Ross highlighted the importance of the relationships between risk management authorities, noting that MCC works closely with NRW and National Highways to address flooding issues. He mentioned that the Castle grounds and the industrial park are part of the Nedern floodplain, and flooding is expected annually. Only one property at Castle Lodge Crescent was directly flooded from overtopping banks during Storm Dennis, while other properties were affected by surcharging Welsh Water surface water systems.

Chair's Summary:

Members acknowledged the significant flooding impact on businesses and properties, particularly during Storm Dennis. The importance of regular maintenance and coordination among various authorities has been emphasised. Officers highlighted improvements in maintenance practices, such as annual vegetation clearance and proactive inspections of the M4 culvert and trash screen and recognised the need for a formalised maintenance strategy to clarify responsibilities and improve flood risk management. Members appreciate the efforts of NRW and MCC in addressing flood

risks and maintaining the Nedern, while noting the ongoing need for vigilance and collaboration.

The Chair expressed thanks on behalf of the committee for Mr Galsworthy's attendance today. Members' further questions will be sent to NRW for a formal written response – **ACTION**

7. Bats and Habitats Regulations Appraisals - To discuss the protection of horseshoe bats and related HRA, particularly regarding proposed new housing

Craig O'Connor delivered introductory remarks, in which they emphasised MCC's commitment to the climate and nature emergency, ensuring that development proposals are sustainable and balanced. He clarified that MCC is not removing protections for bats and aims to protect and enhance ecological and wildlife interests. Craig explained that the council's approach to policy wording aims to avoid being too prescriptive, allowing flexibility to request bat surveys and ecological assessments across all development types and areas, not just within core sustenance zones. He assured members that the replacement local development plan is undergoing a detailed consultation process, including addressing concerns raised by Natural Resources Wales regarding the habitat regulations assessment methodology. Craig mentioned that the plan will be reviewed by an independent planning inspector, who will examine the habitat regulations assessment and make an informed decision on the development's acceptability.

Kate Stinchcombe delivered a presentation, outlining MCC's responses to the concerns that have been raised. Craig O'Connor and Kate Stinchcombe answered the members' questions:

- A member asked Andy Karran of Gwent Wildlife Trust if they believed that there has been a dilution in protection for horseshoe bats.

Mr Karran stated that he did not believe there had been any dilution in the protection of horseshoe bats. He explained that the wording changes were made to ensure impacts on bats are assessed across all areas within Monmouthshire under different circumstances. He expressed concerns about the significance of the proposed development area within the core sustenance zone, noting that areas closer to the maternity roost may be more valuable. He emphasised the need to look into whether the proposed development area is still of significance despite being a small percentage of the sustenance area.

- A member expressed concerns about the general details of the core sustenance zones for greater and lesser horseshoe bats, specifically mentioning a site in Shirenewton. They questioned whether surveys were being conducted for other sites within these zones.

It was clarified that the Redlands site in Shirenewton is within the two-kilometre zone of a hibernation site, which requires different survey considerations compared to maternity sites. It was explained that the Redlands site had low ecological value, with closely managed hedgerows, and highlighted the importance of case-by-case assessment. The need for flexibility in survey requirements to address site-specific conditions was

emphasised. Members were assured that effects on hibernation roosts are being considered in the addendum to the habitat regulations assessment.

- The member argued that removing specific details of bat surveys and mitigation from the policy weakens it. They suggested that local policies should reinforce national policies to emphasise local importance.

It was explained that the replacement local development plan (RLDP) must align with Welsh Government's guidance, which requires avoiding duplication of national policies. They acknowledged the challenge but emphasised that the RLDP is part of a broader planning policy framework, including national and regional policies. They assured that all consultation responses are being reviewed, and amendments may be made to strengthen policies where necessary.

- She noted a general weakening of wording and protections in the proposed replacement local development plan compared to the current LDP, suggesting that development priorities were overriding protections.

The officer responded that the amount of information gathered for the Monmouth site is the highest level of information they have ever seen for a development site, which is appropriate given its proximity to the SAC. It was highlighted that the RLDP aims to enhance policies beyond the existing adopted LDP, incorporating new standards for net zero requirements and renewable energy, which will provide the planning committee with tools to enforce higher standards on development proposals. If significant time passes before the development is taken forward, updated surveys would be required.

- A member asked for clarification on who was involved in signing off the process for the Habitat Regulations Assessment (HRA) and how different views within the ecology team were considered in the final outcome.

It was explained that MCC contracted Aecom to conduct the HRA. The process involved discussions between Aecom and the council's internal ecology team. The council felt that Aecom's policy wording was too prescriptive and needed flexibility to ask for ecological surveys outside the three-kilometre zone. The HRA was signed off by officers and will be reviewed by an independent planning inspector when submitted to Welsh Government.

- Are the measures being taken sufficient to protect bats, and is more survey work needed? There are concerns about the impact of building houses on bat habitats, including noise, light, and disturbance.

The officer explained that while any development will have some impact, the goal is to manage and mitigate these effects. The current level of information for the Monmouth site is extensive and includes measures like dark corridors to minimise light pollution. It was noted that the principle of development is based on the best available information and that further surveys would be required if significant time passes before development begins. The RLDP aims to balance housing needs with ecological protection, ensuring sustainable development. It was mentioned that the plan includes significant ecological surveys for all sites and that the process involves thorough assessment and review by

an independent planning inspector. The importance of providing housing and economic opportunities while maintaining ecological interests was highlighted.

- The member asked further if there would be no detriment to bats from building.

The officers responded that it will be detrimental, but the key consideration is whether that detriment is adverse. They explained that the proposed measures, such as the dark skies policy and woodland buffer planting, aim to mitigate the impact on bats. The purpose of the HRA is to make an informed decision based on evidence. They emphasised that the assessment suggests the development will not have a significantly adverse impact on the preservation of the conservation species, and this will be reviewed by NRW and the planning inspector.

- A member asked if there has been a study on the extent of the negative effects of human development beyond development borders, including noise, litter, and damage caused by pets. They enquired about what can be done at the RLDP stage to mitigate these risks, particularly for sensitive sites.

The officer explained that there are many studies showing the impacts of development, including noise, litter, and predation by pets. They mentioned that the RLDP includes measures like green infrastructure, rain gardens with biodiversity planting, and thorny planting to protect species like dormice from cats. The importance of balancing development needs with ecological protection and managing long-term impacts through design and policy measures was emphasised.

- A member expressed reassurance with the mitigation measures proposed by the officers to protect bat habitats while balancing the need for housing development. They emphasised the importance of providing housing for people in Monmouthshire, noting the challenges faced by those in temporary accommodation or homeless. The difficulty of predicting the exact impact of development was acknowledged but they felt confident in the measures outlined to mitigate potential harm. They highlighted the lack of brownfield sites in Monmouthshire, which necessitates developing Greenfield sites, and stressed the need to balance conservation with housing needs.
- A member asked if the five local plan allocations identified in relation to bat sites in the HRA will be publicly available. They sought more information on the surveys done for these sites, as detailed information was provided for the Monmouth site but not for the other four sites.

The officer explained that there is no radio tracking data for the other candidate sites, and the level of information is different. They mentioned that the addendum by Acom will provide a qualitative and quantitative assessment of each site within the core sustenance zones, but there are no associated maps available. They noted that past surveys will be drawn upon for site assessments, and activity bat surveys have been requested for the Redlands site to inform development. It was added that if a planning application is submitted, updated ecology surveys will be requested to ensure the design of the site is influenced by ecological movements and foraging. Officers emphasised that the process is strategic at this stage, but detailed surveys will be required as the years go on.

- Members emphasised that the importance of providing accommodation for those in need is well understood but it is equally important to have a rigorous process before anything is built, as by that time it will be too late. Members need to ensure that what is being put forward enables the right sites to progress.

Chair's Summary:

The Chair thanked everyone for their attendance and contributions, emphasizing the importance of engaging conversations and challenging questions. They acknowledged the strong feelings about the need for housing and the protection of habitats. The Chair recapped the discussions about the impact of development on bat habitats, including concerns about the dilution of bat protection, the need for more detailed surveys, and the impact of human development on bat habitats. They noted the importance of ensuring sustainable development and the need for thorough assessments.

8. Next Meeting

Thursday 22nd May 2025 at 2.00pm.

The meeting ended at **4.10 pm**.