

Appendix 1 – Monmouthshire RLDP additional Work Programme to address the issue of the effect of proposed development on riverine Special Areas of Conservation

Introduction

Monmouthshire County Council (MCC) has received correspondence from the Inspectors examining the RLDP requesting the preparation of further information to address the issue of the effect of proposed development on riverine SACs in respect to the discharge of phosphorus. The Council has been tasked with preparing a work programme for undertaking all additional work, identifying key tasks and target dates for completion and submission of new/updated documents by 15th December 2025, details of which are set out in the table below.

This scope of the additional work requires:

- a) Further information on the potential increase in nutrient loading from implementation of the RLDP.
- b) Further information on the approach to mitigation on a ‘year by year’ and catchment basis.
- c) Details of the steps being taken to implement mitigation measures and how they will be secured.
- d) Consideration of the recent judgement of *CG Fry & Sons Ltd v SSHCLG* [2025] UKSC 35, which relates to committed developments.
- e) Consideration of whether nutrient contributions from non-residential development need to be considered.

As part of this work, consideration will be given to the current and future strategies and actions of the relevant Wye Nutrient Management Board and the Usk Catchment Partnership, together with potential mitigation options, potential timescales and delivery mechanisms.

The outcomes of this work will require the preparation of an updated Infrastructure Delivery Plan and HRA (in consultation with NRW), an explanatory/background paper, high level mitigation action plan and schedule of proposed changes to the RLDP, as relevant.

Monmouthshire County Council is in the process of appointing consultants to assist with this work.

Work Programme: Approach and Methodology

Task	Timescale
1 Inception and progress meetings with consultant	Commence January 2026
2 Budget calculations and increased capacity generated by WwTW improvements Budget calculations will be undertaken using the latest calculator provided by the Welsh Government, which covers both the River Usk and River Wye catchments, in order to give confidence that the quantum of development proposed in any allocated or committed sites in areas where nutrient neutrality restrictions apply can reasonably be developed, and whether any additional mitigation is needed above that provided through the tightening of phosphorous permit limits at some WwTW. In accordance with the Inspectors' requests, the results will be presented as follows: • Forecast increases in volumes of phosphorus (P) each year of the RLDP in each SAC catchment by making reasonable assumptions for units/floorspace, phasing, build out and occupancy. • Overall total loads for development in both the River Usk and River Wye catchments for each year of the RLDP. • The name of the relevant WwTW, current or future proposed permit limits and how any identified phosphorous capacity relates to the nutrient neutrality requirements for the catchment the WwTW serves (i.e. is there capacity released that permits all development to come forward as planned in the RLDP or are there potential phasing issues or need for additional mitigation at any time or location).	Complete end January 2026
3 Investigation of high-level mitigation options Where it is identified that additional phosphorous loadings would arise (despite WwTW improvements) due to developments in the RLDP, additional mitigation will be needed to offset the increase. Consideration will be given at a high level to the range of alternative and additional mitigation measures that may be considered in order to make all proposed development nutrient neutral. This will include some worked examples of how any residual excess phosphorous (by RLDP year and catchment) could be mitigated. At this stage it would not be development/site specific but would provide an indication as to what scale of mitigation might be needed and approximate costs. The potential relevance of employment site allocations to contribute a nutrient load to the SAC sites will be considered, together with consideration of the recent judgement of <i>CG Fry & Sons Ltd v SSHCLG</i> [2025] UKSC 35 which relates to committed developments.	Complete by 23 rd February 2026

4	Reflecting the outcomes of the above tasks, update the following as necessary: • Infrastructure Delivery Plan. • RLDP policy framework. Review relevant Deposit RLDP policies, identify any amendments required and, if necessary, prepare a schedule of proposed changes to the RLDP. • High level viability assessment to account for any additional mitigation that is required. • HRA – consult with NRW on any proposed updates.	Complete by end April 2026
5	Explanatory/Background Paper and High-level Mitigation Action Plan Preparation of an explanatory/background paper to draw together the findings of the above tasks and clarify the Council's position regarding the matters raised. Preparation of a mitigation action plan (setting out high level mitigation options to be agreed at the Development Management Stage).	Complete by end April 2026

The Council trust that the above scope of work is an acceptable approach to effectively address the matters raised in your letter of 1st December 2025. If it is considered that any of the tasks set out above require further refinement/detail or are not clear, we would be grateful if you could let us know at your earliest convenience.