

Archwiliad Cynllun Datblygu Lleol Newydd Sir Fynwy 2018-2033 Monmouthshire Replacement Local Development Plan 2018-2033 Examination

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Andrew Jones
Head of Planning
Monmouthshire County Council

01 December 2025

Dear Mr Jones

Replacement Monmouthshire Local Development Plan (LDP) – Initial questions

Having reviewed the Deposit LDP and submission documents, we consider further information to address the issue of the effect of proposed development on riverine Special Areas of Conservation (SACs) is required before the examination can proceed any further.

It may be that some of the information we seek is contained within the submission documents. If so, this information should be signposted rather than duplicated.

The LDP identifies several allocations as connecting to a wastewater treatment works (WwTW) ultimately discharging to a riverine SAC which is presently failing to meet water quality targets in relation to phosphorus. The Habitat Regulations Assessment (HRA) notes that allocations have been made having regard to WwTW permit limits and phosphates solutions proposed as part of a wider approach to the issue with Natural Resources Wales and Dŵr Cymru Welsh Water. The Infrastructure Delivery Plan Background Paper (updated October 2025) also refers to collaborative working to find solutions to enable growth through the LDP process that do not harm the environmental capacity of watercourses.

Whilst the Infrastructure Delivery Plan Background Paper provides some information on WwTW permit capacity, based on the Deposit consultation response from Dŵr Cymru Welsh Water, this is limited. We also consider the information provided in respect of other measures to be insufficient to meet the requirements of Welsh Government's 'Interim Planning Policy Statement on Development in SAC Rivers' (5 August 2025), particularly the need to demonstrate that appropriate steps to avoid deterioration have been secured.

We also consider that the viability and deliverability implications of securing any potential mitigation has not been made clear.

You are also asked to address:

- The implications of the recent judgement of *CG Fry & Son Ltd v SSHCLG [2025] UKSC 35*, which confirms that the requirement for HRA applies to the discharge of planning conditions, for the delivery of housing commitments i.e. those sites not yet complete and subject to the discharge of conditions;
- Your approach to non-residential allocations, particularly given the findings of Annex B to the HRA that policies in relation to Gypsy and Traveller sites, and employment sites, should be screened in for Appropriate Assessment; and
- Additional points set out in the annex to this letter.

Given the potential importance of this matter to ensuring delivery of the LDP strategy, we request the information contained within the attached annex be provided before the examination can proceed further. In recognition of this, we are suspending the examination for a period of **12 weeks** to enable you to complete the additional work and engage with relevant stakeholders.

The Council should prepare a **work programme** for undertaking all additional work, identifying key tasks, and target dates for completion and submission of new/updated documents. The work programme should be submitted to us via the Programme Officer no later than **15 December 2025**. The Council should provide an update to the Programme Officer every **4 weeks**.

The Council must submit the required information and documents by **23 February 2026**, after which we will inform you of the next steps in the examination process. Upon reflection, if the Council consider this period to be insufficient to enable submission of the further evidence that is required to progress with the examination, please advise the Programme Officer of a likely timescale and keep her apprised of any updates.

If any of the matters we have set out above are unclear, please contact the Programme Officer as soon as possible.

This letter will be published on the examination website. We are not inviting any comments or responses from interested parties.

Yours sincerely,

J de-Courcey and C MacFarlane

INSPECTORS

Annex:

The matters contained within the body of the letter should be addressed, including the information below, with an updated HRA, Infrastructure Delivery Plan, mitigation action plan, explanatory/background paper, and schedule of proposed changes to the LDP.

- Clear information on current and future strategies and actions of the Council/Nutrient Management Board; potential timescales and delivery mechanisms; and possible mitigation solutions and their likely effectiveness in reducing nutrient loads.
- For affected sites (allocations and commitments), confirm:
 - Forecast increases in volumes of phosphorus in each year of the LDP (making reasonable assumptions for units/floorspace, phasing, build out and occupancy).
 - Overall total loads for each catchment.
 - The name of the relevant WwTW, permit limits and how any identified capacity relates to the objective of nutrient neutrality.
 - Updated information on planned/recent improvements for phosphorus stripping (including the percentage efficiency of such stripping) at any relevant WwTW.
 - Where additional phosphorus loadings would arise from the site (i.e. less than 100% stripping), signpost potential suitable on-site or off-site mitigation measures to avoid or reduce adverse effects on the SACs, including the predicted duration of any effects and potential load reductions.
- Ensure that the approach to identifying affected sites is undertaken on a consistent basis, providing a justification for that taken to non-residential development.
- Clarify the potential effect of the *CG Fry* judgement (in relation to the requirement for HRA on the discharge of planning conditions) on the delivery of committed sites and identify any assumptions made in relation to windfall allowances.
- Clarify how dwelling numbers and densities for each allocated site have been arrived at and the implications for on-site mitigation measures.
- Clarify whether the Preliminary Viability Report and Addendum Update include a sufficient allowance for any potential mitigation measures.
- A review of the relevant Deposit LDP policies, and identify any amendments required, in light of the matters raised and information requested.
- Consultation with NRW on the updated HRA and their response.