

Monmouthshire Phosphates Briefing Update July 2023

- 1.1 This paper provides an update on the challenging environmental issue of water quality in both the River Wye and River Usk. Monmouthshire lies at the lower reaches of both rivers, before they enter the Severn Estuary. The issues described below affect the whole of the non-tidal stretches of both rivers. This paper focuses on the implications for Monmouthshire in terms of development proposals and the development of the Replacement Local Development Plan (RLDP).
- 1.2 The Rivers Wye and Usk within Monmouthshire are designated as Special Areas of Conservation (SAC). Both rivers have unacceptably high levels of phosphates that are harming water quality and the ecosystem. In these two river catchments, the evidence shows that approximately 2/3rds of the phosphate pollution derives from agriculture, such as intensive poultry farms, fertiliser spreading and runoff from agricultural fields.

Source apportionment from DCWW analysis:

	River Usk	River Wye
Agriculture	67%	72%
Wastewater Treatment Works	21%	23%
Intermittent discharges	1%	2%
Other	11%	3%

- 1.3 The extent of the river catchment affected within Monmouthshire is shown in Appendix 1.
- 1.4 Following a high profile Court case known as the Dutch case, it became clear that greater action was required than simply trying to improve water quality via Nutrient Management Plans. As a result, in January 2021 Natural Resource Wales (NRW) issued planning guidance relating to the output of phosphate from development proposals. This guidance ensures that development proposals can only be granted planning permission if they result in a neutral impact or improvement in phosphate levels in the river (neutrality or betterment). This planning guidance impacts on the decision-making of a number of Local Planning Authorities across Wales in relation to their Special Area of Conservation (SAC) watercourses.
- 1.5 Since the guidance was introduced, Monmouthshire County Council has been working collaboratively with a range of organisations including NRW, Dŵr Cymru Welsh Water (DCWW), Welsh Government, other Councils in Wales and England, environmental groups, developers, farmers and other stakeholders to try to establish solutions that will ensure that development proposals do not have an adverse impact on water quality within the SAC rivers but instead see the health of our rivers safeguarded and restored.
- 1.6 In February 2023, Dŵr Cymru Welsh Water (DCWW) committed to investing a further £60m across Wales before the end of 2025 to further reduce the phosphorous contribution from Wastewater Treatment Works (WwTW) discharges. This is in addition to an initial investment of £100m in phosphorous reduction within their current Asset Management Plan for 2020-2025 (AMP7).
- 1.7 There are 36 WwTWs of various sizes within Monmouthshire. Only Raglan WwTW currently has phosphate stripping capability. DCWW has committed to prioritising improvement works

at the Llanfoist WwTW serving Abergavenny (benefitting the River Usk catchment), and Monmouth WwTW (benefitting the River Wye catchment). These improvements are currently subject to design and regulatory approval however there is a firm commitment that these improvements will be completed by 31st March 2025. This investment will significantly reduce the amount of phosphates entering the water environment from the treatment works, providing environmental improvement and capacity for new development (housing, commercial, retail, agricultural) to proceed, supporting the long-term sustainability of towns and communities while safeguarding water quality.

What does this mean for the Monmouthshire Replacement Local Development Plan?

- 1.8 The Preferred Strategy consultation in December 2022 and January 2023 proposed no new site allocations in the primary settlement of Monmouth, or within the upper River Wye catchment north of Bigsweir Bridge. This approach was taken due to the lack of an identified strategic solution to the treatment of phosphates at the Monmouth Wastewater Treatment Works (WwTW) within the Plan period. However, the Welsh Government's response letter advised that new site allocations should be considered in Monmouth on the basis that sufficient certainty is provided by DCWW's planned improvements at the Monmouth Wastewater Treatment Works by 31st March 2025:

“Due to high phosphate levels in the Wye and Usk Welsh Water has made a commitment to improve the Wastewater Treatment facilities in Monmouth and Llanfoist. Improvements to both works are currently subject to design and regulatory approval. On the basis that improvement to both works to remove phosphates are planned it is appropriate to identify new affordable housing led allocations in both Monmouth and Abergavenny in the Deposit plan.”

- 1.9 The removal of this spatial constraint in the Monmouth area means that the RLDP can allocate new affordable-housing-led development within Monmouth. This will assist in addressing the Plan's key objectives, including the delivery of much needed new affordable homes in the town, and allowing development that support the economic growth of the area.

Site Allocations

- 1.10 It is proposed that the Deposit Plan will identify a new strategic site allocation for approximately 250-300 homes in the primary settlement of Monmouth. This is in addition to the three legacy sites identified in the Preferred Strategy comprising 275-290 new homes carried forwards from the adopted LDP or existing planning consents/applications but unable to progress due to the phosphate restriction:

- the current LDP allocation at Tudor Road, Wyesham (35 – 50 homes);
- the current LDP allocation at Drewen Farm, Monmouth (110 homes);
- the extant planning permission at Rockfield Road, Monmouth (70 homes); and
- a new allocation for the remaining 60 homes at Rockfield Road, Monmouth.

These sites will all form part of the housing requirement (5,400 homes) plus flexibility. All new site allocations will be required to deliver 50% affordable housing.

Candidate Sites Register

- 1.11 For December 2022 - January 2023's consultation, Candidate Sites within Monmouth and the Upper Wye catchment were filtered out of the RLDP process due to the phosphate constraint.

In accordance with the Welsh Government's response, there is now sufficient confidence of a solution to allocate sites in Monmouth. As a result, the Candidate Sites are being reconsidered and assessed to inform the allocation of a site or sites in Monmouth to provide approximately 250-300 homes. The Candidate Sites register has been updated to reflect this change and is available to view [here](#). The proposed site allocation(s) will be identified within the Deposit Plan and there will be an opportunity to comment at Deposit Plan stage in Spring 2024.

Abergavenny

- 1.12 The updated Candidate Sites Register (available to view [here](#)) also includes an additional Candidate Site that was submitted as part of the Preferred Strategy consultation, namely Land East of Abergavenny 2 (CS0293).
- 1.13 There will be an opportunity to comment on the updated Candidate Sites Register at Deposit Plan stage in Spring 2024. We are not able to accept comments until this time.

What does this mean for Planning Applications?

- 1.14 Given the clear commitment from DCWW to provide phosphate mitigation at the Llanfoist and Monmouth WwTWs by 31st March 2025, the Local Planning Authority is now able to issue planning permissions within the area served by these two WwTWs, subject to a suitably worded 'Grampian condition' preventing commencement of development until 31st March 2025. This will give confidence to the development industry and unlock stalled sites while ensuring new development proposals do not have an adverse impact on water quality within the river SACs.

Ongoing Work to Identify Solutions

- 1.15 In relation to the other WwTWs within Monmouthshire, NRW is currently conducting a review of all permits and water quality to review what capacity (if any) exists to enable development proposals to come forward while ensuring betterment or neutrality of phosphate levels. This pan-Wales approach is supported by the Welsh Government.
- 1.16 As stated in paragraph 1.2, source apportionment data shows that the majority of phosphates entering the rivers come from agricultural activity. Some of these activities, such as new intensive poultry units, require planning permission and are therefore subject to the requirement to demonstrate phosphate neutrality or betterment. There are no such proposals currently within the Monmouthshire LPA area, however there are several proposals upstream in Powys and Herefordshire. Other agricultural activity such as fertiliser spreading and muck spreading fall outside of the Council's control and are in part regulated by Natural Resources Wales (or the Environment Agency in England), and are in part unregulated. The Welsh Government is currently considering the introduction of additional controls over such activities.
- 1.17 In addition to recent human activity, the soil naturally contains phosphates. Together with historic fertiliser application, the river catchments contain elevated levels of 'legacy phosphates' which will take many years to reduce. These phosphates enter the rivers via both normal land drainage and, most notably, via flood events. The Welsh Government and the Council are seeking to work with farmers and other bodies such as Gwent Wildlife Trust to explore the potential for natural flood management solutions, which would have the

combined benefits of reducing surface water flooding and reducing phosphate levels entering the rivers from surface water runoff.

Wye Nutrient Management Board, Wye Cabinet Commission and Usk Catchment Partnership

- 1.18 Monmouthshire County Council is a member of the Wye Nutrient Management Board, the Wye Cabinet Commission and the Usk Catchment Partnership. These groups seek to achieve the long-term ecological sustainability within the river catchments.
- 1.19 The Wye Nutrient Management Board is the body responsible for ensuring the delivery of the Conservation Objectives for the River Wye Special Area of Conservation. It provides an oversight and direction to all involved in delivering the Nutrient Management Plan, with the aim of reducing phosphorus in the river. Members of the Board include Local Planning Authorities, NRW, DCWW, Natural England, Environment Agency, Construction Industry Lobby Group, representatives of the farming industry, The Wye and Usk Foundation and members of the public. The Board works together to review contributions across all organisations, working collaboratively to achieve the objectives and ensuring all members understand the issues and work together to resolve them. A technical group supports the Board to inform decision making. The Nutrient Management Action Plan is reviewed every four years to ensure it is fit for purpose.
- 1.20 Monmouthshire County Council has recently joined the Wye Cabinet Commission, which comprises of local government political and officer leads from Herefordshire, Powys and Monmouthshire County Councils and Bannau Brycheiniog National Park Authority.
- 1.21 The Usk Catchment Partnership's aim is to develop an action-focused partnership to build back ecological resilience to the River Usk. The main contributors are Local Planning Authorities, Wye and Usk Foundation, Gwent Wildlife Trust, NRW, DCWW, farming representatives, community representatives and Cardiff Water School. The long-term aim of the partnership is to develop a Catchment Action Plan that can be adopted by all partners to deliver its actions and ensure the ecological health of the wider river catchment improves over time.

Appendix 1: Map of River Usk and River Wye Catchment Areas

