

PLACE, SUSTAINABILITY AND CLIMATE CHANGE SCRUTINY COMMITTEE

24 FEBRUARY 2023

PHOSPHATE LEVELS IN PROTECTED RIVERINE SPECIAL AREAS OF CONSERVATION - UPDATE

Purpose:

To update committee on the progress and work undertaken in responding to the impacts of Phosphate pollution in protected Special Areas of Conservation (SAC)

THE SCRUTINY COMMITTEE IS ASKED TO:-

Review and assess the information contained in Report and provide any comments as required.

Reason

To ensure the matter is considered as part of the Committee's Forward Work Plan for scrutiny.

CABINET MEMBER PORTFOLIO HOLDER:-

Cllr. Ann Davies, Cabinet Member for Rural Affairs & Planning Policy

Directorate
Environment

Designations:

Tel Nos. 01267 246270

Name of Head of Service:
Rhodri Griffiths

Head of Place and
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EXECUTIVE SUMMARY

PLACE, SUSTAINABILITY AND CLIMATE CHANGE SCRUTINY COMMITTEE

24 FEBRUARY 2023

PHOSPHATE LEVELS IN PROTECTED RIVERINE SPECIAL AREAS OF CONSERVATION - UPDATE

1. SUMMARY OF PURPOSE OF REPORT.

The report provides an overview of the issues associated with phosphates in the protected Riverine SAC's and outlines the ongoing work being undertaken by the authority in addressing the issue. In this respect Carmarthenshire is at the vanguard across Wales in seeking to address the challenges. It is also working closely with the regulators and Welsh Government and assisting them in their efforts to respond to the content of the Natural Resource Wales (NRW) guidance on planning in phosphate affected area.

On the 21st January 2021, Natural Resources Wales (NRW) published new evidence about the environmental impacts of phosphate in watercourses, further to their assessment of the 9 riverine Special Areas of Conservation (SAC) in Wales. This assessment (based on tighter targets for the water quality of watercourses) established that phosphorus breaches are widespread within Welsh SAC rivers with over 60% of waterbodies failing against the challenging targets.

As a result, NRW issued 'interim planning advice' to avoid further deterioration in environmental capacity. This advice relates to all Riverine SACs whose catchments extend into Carmarthenshire including, the Afon Teifi, Afon Tywi, River Wye and Afon Cleddau.

As a Local Planning Authority, the Council is required to have regard to the advice given by NRW when making planning decisions for both individual developments and Local Development Plans (LDP). Consequently, any proposed development within the river catchment that might result in an increase in phosphate levels will need to clearly evidence that the development can demonstrate phosphate neutrality or betterment in its design and/or its contribution to the river (water body).

The appended Paper outlines the approach the authority has taken in responding to the challenges posed by the NRW guidance.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Rhodri Griffiths

Head of Place and Sustainability

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES /	YES	YES	NONE	YES	YES	YES

1. Policy, Crime & Disorder and Equalities

The impact, arising from the publication of the NRW Phosphate Guidance along with the Councils legal duties under the Conservation of Habitats and Species Regulations 2017 (as amended) has direct impacts on the implementation of Planning Policy in the form of the adopted LDP as well as the emerging Revised LDP. It also as a constraint to certain developments in identified areas may impact on other strategies of the authority and partners including those in relation to Housing and Regeneration as well as certain settlements within the Ten Towns Initiative. Reference is made to the Well-being Goals set out within the Well-being of Future Generations Act 2015 noting that the benefits associated with improvements to environmental qualities and the condition of our Rivers as well as the promotion of sustainable, cohesive communities with access to homes, jobs and local services and facilities.

2. Legal

Reference is had to sources of primary and secondary legislation including the Environment (Wales) Act and the Well-being of Future Generations Act 2015. In considering the issues associated with phosphate levels in protected Riverine SACs regard is had to the provisions of the Habitat Regulations as transposed into the Conservation of Habitats and Species Regulations 2017 (as amended) and our legal duties as the competent authority.

3. Finance

Work associated with the response to phosphates is being delivered through existing financial provisions and grant support from the Welsh Government.

Additional support will where identified be sought as appropriate with use of external funding sources also utilised.

5. Risk Management Issues

Impacts arising from phosphates is identified as a corporate risk register and appropriate control measures have been identified.

6. Physical Assets

Potential for implications on Council landholdings - the extent and nature of the potential impact to be confirmed.

7. Staffing Implications

Funding is met through current financial provisions and external grant funding.

Future staffing requirements to address and implement solutions and mitigation associated with phosphates will be subject to future DoR's.

CABINET MEMBER PORTFOLIO HOLDER AWARE/CONSULTED

YES

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Carmarthenshire Phosphate webpage		https://www.carmarthenshire.gov.wales/home/council-services/planning/ecology-advice/new-phosphate-targets/#.Y-OSZHbP2Uk
NRW Phosphate Guidance		https://naturalresourceswales.gov.uk/splash?orig=%2fguidance-and-advice%2fbusiness-sectors%2fplanning-and-development%2four-role-in-planning-and-development%2fadvise-to-planning-authorities-for-planning-applications-affecting-phosphorus-sensitive-river-special-areas-of-conservation%2f%3flang%3den%3flang%3den&lang=cy