

**Flintshire Local Development Plan 2015 – 2030
EXAMINATION IN PUBLIC**

**Hearing Session Matters Arising Changes (MACs)
Tuesday 23rd November 2021**

Outcomes of work on Phosphates

Hearing Statement by Flintshire County Council



Submitted 17th November 2021

Flintshire Local Development Plan (2015 - 2030) Examination in Public

Flintshire County Council Statement: Outcomes of Work on Phosphates

This statement has been prepared by Flintshire County Council (FCC) in response to the Inspectors' hearing agenda and covers item 4 'Work on phosphates issue'

Key Issue: Work on phosphates issue

Council to explain approach including:

- Phosphorous reduction strategy;
- Statement of common ground;
- Updating of HRA;
- Policy amendment/MAC101;
- Implications for allocations, windfall allowance, soundness of LDP.

Council's Response:

1. Introduction

- 1.1 The issue of levels of phosphates emanating from new development proposed in Local Development Plans (LDPs) and the relationship to new water quality targets set by Natural Resources Wales (NRW) for river Special Areas of Conservation (SACs), is a Wales-wide issue. A number of national workstreams have been established to try to identify a strategic approach to mitigation involving all relevant stakeholders including Local Planning Authorities (LPA), NRW, Dŵr Cymru Welsh Water, Welsh Government, other environmental agencies, the Planning Inspectorate, and developers.
- 1.2 A compliance test undertaken by NRW found a failure of the Flintshire LDP to meet these new standards in the River Dee and Bala Lake SAC, with the same outcome found for the Wrexham LDP for the same SAC. NRW subsequently released guidance to Local Planning Authorities seeking to ensure, through the Habitat Regulations Assessment (HRA) of their LDPs, that there are no adverse effects on the integrity of any SACs arising from development promoted in the plan.
- 1.3 Following on from this, The Inspectors wrote to both Councils asking that the implications of NRW's new targets and guidance for the SAC in relation to phosphate loading from new development, be addressed within the LDP.
- 1.4 Given that both the Flintshire and Wrexham LDPs are now at very similar stages of Examination, relate to the same SAC, share the same lead Inspector, and are both approaching consultation on their Matters Arising Changes, both Councils have taken a joint approach to responding to this highly technical matter and

where there is no precedent set in Wales as yet, and have worked with expert consultants and in consultation with NRW to agree an approach that addresses the requirement previously set by the Inspectors and assists the Examination process.

- 1.5 Following the Council's letter to the Inspectors dated 6th October 2021 ([FCC025](#)) where the Council explained its approach to the phosphates issue, and the Inspectors helpful response dated 14th October 2021 ([INSP013](#)), the Council has now prepared the documents set out in its outlined approach, that are necessary and appropriate in order to address the requirement to demonstrate that the plan will have no adverse effects on the SAC from the development proposed within it. These are explained in turn as follows.

2. The Dee Catchment Phosphorous Reduction Strategy (DCPRS) ([FCC031](#))

- 2.1 The primary drivers for preparing a strategy are the legal protection afforded to the river under the Habitats Regulations, the need to assess the implication of planned LDP growth and the fact that phosphates is a much wider issue in scale and context than the LDP alone, requiring multi-agency partner working across the whole catchment area.
- 2.2 From the position initially set out in its statement to Matter 1 of the Examination ([M1.01](#)), and following NRW advice and expert professional opinion provided by consultants, the Council have concluded that the LDP cannot rely on existing phosphates consents at local wastewater treatment works to conclude that there would be no adverse effect to the integrity of the SAC from development proposed in the LDP. To satisfy the legal duties under the Habitat Regulations, development promoted by the LDP must be mitigated to reduce phosphates from wastewater.
- 2.3 The DCPRS therefore sets out the strategic approach to delivering phosphates reductions in the Dee catchment while also facilitating LDP growth. It contains practical measures to mitigate phosphates entering the river and explains how these will be delivered in practice. It serves two clear purposes: firstly, to provide evidence to demonstrate that adverse effects from development in the LDP will be avoided and secondly, to set out a longer-term approach to deliver reductions in phosphates across the whole river catchment, which go beyond housing development and even land use planning, to include primary and large scale sources of phosphates, such as agriculture (animal waste and fertilisers).
- 2.4 The strategy represents a 'living document' and as such, will be subject to refinement under the stewardship of a multi-agency board to be established in the near future.

Summary of the DCPRS:

- 2.5 The strategy sets out a series of broad milestones where action on mitigation measures (both LDP-specific and wider, non-LDP-specific) will be put in place for the development in the LDP to progress and for phosphates to be reduced more

widely. This will include necessary developer proposals on-site, such as combined SuDS and reed beds and tree planting, and developer contributions off-site (i.e. via Section 106 Planning Obligations), such as to enhance phosphate filters in water treatment works.

- 2.6 The first of two elements in the strategy aims to facilitate the delivery of development and avoid adverse effects on the SAC from planned growth as a result of the treatment of wastewater. In principle, new development will be 'phosphate neutral' (i.e. not add any additional phosphate into the SAC to make the situation worse). The responsibility for ensuring that development provides this mitigation (called **Category 1 measures** in the strategy) falls with the LPA; hence the revised Policy EN15 in the LDP.
- 2.7 The second element aims to deliver wider phosphate reductions across the whole River Dee catchment, primarily caused by agriculture and discharges from wastewater treatment works (called **Category 2 measures** in the strategy). The strategy acknowledges that responsibility for these actions rests with many key stakeholders from all sectors, including landowners, Welsh Water, NRW, Welsh Government and the local councils. The strategy sets out a framework for how these wider reductions may be achieved and, importantly, the legislative and regulatory framework that will determine roles and responsibilities for delivering this work. It is envisaged that this work will be coordinated via a multi-agency partnership called a '**Nutrient Management Board**', (following the model already being established elsewhere in Wales for impacted rivers).
- 2.8 The strategy identifies a range of measures which are technically feasible and which can reasonably be delivered (not all of these will be used; the intent is to demonstrate that there are solutions to the problem). Such measures include agricultural source control, enhancing technology and practices at wastewater treatment works, Sustainable Drainage Systems (SuDS), Integrated Buffer Zones (IBZs), agricultural improvements and nature-based solutions (wetlands and tree planting). The strategy goes on to describe the principles by which the measures will be selected (efficiency, effectiveness, deliverability, least onerous).
- 2.9 The final section of the strategy considers implementation issues, the potential need for a developer contribution scheme and potential sources of funding to address the wider issues (e.g. Welsh Government Grant in Aid, Strategic Allocated Funding and Water Quality Capital Fund, Welsh Government farming funding to deliver positive environmental benefits and AMP8, amongst several quoted sources). There are also targets and milestones to measure the success of the strategy. Beyond delivery of the milestones themselves, monitoring of water quality within the SAC is proposed to provide confidence that the strategy is meeting its objectives.
- 2.10 As stated above, the **DCPRS** is a 'living' document and the submitted first version will accompany the MACs consultation as part of the Plan's evidence base. The

Council intends to continue to develop the DCPRS prior to the Plan being considered for adoption by the Council. It is intended that it will further evolve over the lifetime of the LDP with regular reviews to reflect learning and take account of any new evidence or information that becomes available.

2.11 The strategy will be directly linked to and support **LDP Policy EN15: Water Resources**. It will also support the Council's associated supplementary planning guidance (SPG) which will be prepared in the appropriate manner with full engagement, following adoption of the LDP.

2.12 The strategy, with its measures and timescales, can be relied upon to ensure that the delivery of development proposed in the LDP **will not have an adverse effect on the integrity of the SAC**.

3. Statement of Common Ground ([SOCG012](#))

3.1 This is a joint statement produced by the Council and Natural Resources Wales (NRW) who are a key stakeholder and who have been working in close collaboration with the Council throughout the different stages of LDP preparation, the Examination and the preparation of the strategy. It is additional to [SOCG006](#), submitted for Examination in January 2021.

3.2 The statement sets out the common ground between both parties on the strategic approach to reducing phosphorus levels within the SAC catchment, to assist the Inspectors.

3.3 For the purposes of the LDP, the Council requires support from NRW and other stakeholders to secure changes in riverine water quality of a scale, timing and certainty needed to deliver the proposed allocations, whilst avoiding an adverse effect on the integrity of the SAC. Mitigation measures provided by the LDP would then sit under the umbrella of a wider strategy to meet the phosphorus targets, restore the SAC to a favourable condition and create environmental capacity for future development.

3.4 NRW support the approach being taken in developing the DCPRS and are satisfied that, in principle, the proposed strategic approach to the delivery of mitigation is acceptable.

4. Update of the Habitats Regulations Assessment (HRA)

4.1 The Council must make an assessment of the implications of the LDP before it is adopted (Habitat Regulations Assessment, HRA) and can adopt the LDP only if adverse effects on site integrity can be avoided.

4.2 An HRA was originally submitted alongside the Deposit LDP for Examination in Public (EiP), but due to the changes to the Plan that arose during the EiP (MACs) and this new phosphate issue, an addendum report is now required.

4.3 The HRA addendum concludes that, subject to the revised Policy EN15 and the strategic approach to phosphorous reduction set out in the DCPRS, **the LDP will have no adverse effect on the integrity of any European sites.**

5. Amended Policy EN15/MAC101 ([FCC030](#))

5.1 Policy EN15 deals with protection of the water environment by providing a backstop; ensuring that new development does not have an adverse impact on that environment in terms of phosphate levels. It is also linked to the DCPRS and the delivery of the measures contained within it, at both levels of implementation and responsibility.

5.2 In order for Policy EN15 to continue to serve as a mitigation measure, a revision to the 2019 Deposit wording is necessary, specifically to refer to the strategic approach being taken to deliver phosphorus reduction measures across the river catchment. The proposed revised wording for the policy and reasoned justification has been agreed with NRW. See appendix 1 for amended policy wording and reasoned justification.

6. Implications for allocations, windfall allowance, and soundness of the LDP

Allocations

6.1 The issue of phosphates in Flintshire is not county-wide, as there are only three inland waste water treatment works (WWTW) that discharge to the River Alyn, which is part of the wider catchment draining to the River Dee, which is the SAC protected river at issue for development emanating from both the Flintshire and Wrexham LDPs.

6.2 The Flintshire LDP makes provision for 7,870 units to deliver the housing requirement of 6,950 units. This means that even when taking account of the accepted adjustment resulting from IMAC001 at Warren Hall, there is still a 13.2% flexibility allowance built into the plan's housing balance sheet.

6.3 In terms of the allocations in the plan, of the 1,775 units provided via allocations, only 550 drain to the WWTW which discharge into the R Alyn. This amounts to 7% of the overall level of housing provided in the plan made up from four allocations – HN1.1 Well St, Buckley; HN1.5 Denbigh Rd/Gwernaffield Rd, Mold; HN1.9 Wrexham Rd, HCAC; HN1.10 Cae Isa, New Brighton. This is a relatively modest impact to be mitigated and the DCPRS provides the basis of the means to achieve this, along with of course any mitigation proposals that the respective site developers bring forward, which they are free to do. All have scope for SuDs

schemes that could be enhanced to develop wetlands/reed beds e.g. already indicated this in proposals seen for Cae Isa and Wrexham Rd.

- 6.4 The allocated sites trajectory (Appendix 3a in MAC's document [FCC030](#)) currently anticipates the Well St., Buckley (HN1.1), Wrexham Rd., Abermorddu (HN1.9), and Cae Isa , New Brighton (HN1.10) sites all being fully developed by 1/4/2026, and the Denbigh Rd. /Greenfield Rd., Mold site (HN1.6) being fully developed by 1/4/2028. If however as a consequence of the implementation of mitigation proposals the development of all four sites was delayed by a year the sites would still be completed well within the Plan period. As a consequence this would not affect the LDP housing supply of 7870 units or the AABR trajectory, other than a slight adjustment to the annual distribution of anticipated completions within the trajectory.
- 6.5 From the above, a significant proportion of the proposed provision in the Plan remains free to be delivered without the need for further phosphate mitigation, providing a continuity of the ability of the plan to maintain delivery rates for housing in line with its trajectory, whilst allowing the proportionate mitigation required to be considered and put in place.

Windfall Allowance

- 6.6 In terms of windfalls and any impact on the windfall allowance made by the plan, the DCPRS has assumed an extreme worst case scenario in forecasting windfall development that could come forward and that would drain to the three WWTW. This is based on an extrapolation of previous trends for windfall development in the catchments of these WWTWs producing a total forecast of 482 units over the remaining life of the plan (Buckley WWTW 246; Mold WWTW 164; Hope WWTW 72).
- 6.7 The Inspector will have also noted from previous consideration of the windfall allowance that the actual trend for the delivery of windfalls either long term or so far during the plan period, is approximately double the allowance made in the housing balance sheet (60 units p.a.). This is why having used this trend the scenario for windfall development in the DCPRS is very much 'worst case'. Of equal importance is the fact that of the expected windfall provision of 600 units over the entire plan period, 489 units have already been provided in the first five years of the plan. This leaves a residual provision of just 111 units to be provided over the remaining ten years of the plan from 2020 onwards, equivalent to just 11 units per annum. This was set out following the hearing session on this, in an explanatory note provided by the Council ([FCC014](#)).
- 6.8 The Council therefore concludes several things from this in relation to impact on windfall allowance:
- A significant actual contribution has already been made towards planned windfalls (81.5% delivered);

- The plan only needs to recover a further 11 windfall units per year over the remainder of the plan period;
- Whilst this trend is likely to be higher, this or the rate assumed in the DCPRS doesn't have to be delivered to maintain the plan's housing balance sheet and soundness.

6.9 The issue of phosphates does not also prevent windfall sites from coming forward, but may affect their timing depending on provision of suitable mitigation. There is also still significant scope county-wide for windfall development to come forward that will drain to WWTW not affected by this issue.

Implications for Plan Soundness

6.10 The issue of phosphates is a new matter and only arose from the implementation of new targets for phosphate levels in SAC rivers, brought in by NRW in January 2021. This is a Wales-wide issue affecting the Planning System, Development Plans, and specific development proposals, but where the issue and the need for a solution goes far beyond the responsibility or ability of the Planning System to respond to.

6.11 So that the manner and potential consequences of the introduction of these new standards does not become a barrier or place an embargo on development in Wales or Flintshire, the Council has followed the advice of NRW which was to demonstrate through the Habitats Regulations Assessment (HRA) of the LDP, that there are no adverse effects on the integrity on any SAC river from development in the plan.

6.12 Clearly and from the perspective of demonstrating soundness, the Plan is already the subject of an HRA which concludes 'no adverse effect', which has previously satisfied NRW.

6.13 The approach taken in light of phosphates therefore has been to update the HRA on this matter and provide the evidence and approach to confirm its findings of 'no adverse effect'. That evidence is the DCPRS which is a strategy that identifies a range of practical and deliverable approaches to mitigating the impacts at two distinct levels – firstly that which the Council/LPA has responsibility and control over (category 1 measures as summarised earlier), and secondly measures to deliver wider and larger scale reductions in phosphate in the river catchment (category 2 measures). The responsibility for these rests with many stakeholders including NRW, Welsh Water and others. Delivery of measures is proposed via a Nutrient Management Board (NMB) which follows models already established elsewhere, which are already being reviewed by officers in Flintshire and Wrexham to define an initial terms of reference and a technical officer group, to support the implementation of a NMB.

6.14 NRW have been key consultees throughout the production of the DCPRS and have also been involved in revising policy EN15 Water Resources, to provide a

'backstop' alongside the strategy, to ensure development can only take place with suitable mitigation identified.

6.15 NRW have with the Council also produced a joint statement of common ground which sets out the agreed position between both parties on the strategic approach to reducing phosphate levels from development. NRW support the approach taken in developing the DCPRS and amended policy EN15 and are **satisfied in principle that the approach to mitigation is acceptable**. It is on this basis that the HRA addendum concludes 'no adverse effect' from the plan.

6.16 Notwithstanding the above position, the Council has also reflected on the proportionality of this matter for the LDP, and the sense of perspective required to set the issue in its proper context. To illustrate this:

- Only four allocations without planning permission drain to the three impacted WWTW – these are HN1.1, HN1.6, HN1.9, and HN1.10;
- The total units within these allocations requiring mitigation is just 550, or 7% of the overall provision for housing in the Plan;
- The plan currently remains on track in terms of housing delivery and its flexibility allowance at 13.2%, is well above that set out in the development plans manual;
- It has been broadly calculated that one third of phosphate that enters SAC rivers is derived from discharges from WWTW, with two thirds from agriculture and land management practices. If one assumes that 150,000 existing homes in the wider Flintshire and Wrexham catchment for the R Dee discharge foul flows via WWTW annually, the average completion rate or 'addition' of new homes from the Flintshire LDP generating flows, is likely to be c 500 per year. Setting aside that not all of these drain to impacted WWTW, the annual additional contribution to WWTW from new homes in the LDP is 0.3%. Finally, given that WWTW are broadly responsible for one third of the phosphate levels, this relative contribution from the plan reduces proportionately even further.

6.17 As the strategy fully recognises this is not just a problem for the Planning System or LDPs to deal with and resolve. Indeed in relative terms the bigger issues are in the wider catchment and outside of any direct responsibility or control of the Council. Given the way the Planning System is regulated and governed by legislation, it has been relatively easy to direct the need to mitigate the impact of phosphates to Planning, and it will continue to do a lot of work to meet this obligation. That said, and as and when it does achieve improvements, despite this effort these will be of a relatively minor scale, in comparison to the main contributors which are WWTW and agricultural practices. It is the Council's belief that relatively minor improvements at this much larger scale of impact, will have proportionately significant impacts in reducing phosphate levels. The Council is fully committed to playing its part in this issue and working successfully with other committed stakeholders.

6.18 From a plan soundness perspective, the Council considers that the Plan will not have an adverse effect on phosphate levels in SAC protected rivers and has demonstrated how and proportionately, this can be appropriately mitigated to allow sustainable development to take place. The Plan therefore remains sound and the Council invites the Inspector to conclude this from the evidence provided.

Appendix 1 EN15 Water Resources – amended policy wording and reasoned justification

EN15: Water Resources

Development affecting water resources will only be permitted if:

- a. it would not have a significant adverse impact on the capacity and flow of groundwater, surface water, or coastal water systems;**
- b. it would not pose an unacceptable risk to the quality of groundwater, surface water, or coastal water;**
- c. it would have access to adequate water supply, sewerage and sewage treatment facilities which either already exist, or will be provided in time to serve the development, without detriment to existing abstractions, water quality, fisheries, amenity or nature conservation; and**
- d. there is no adverse effect on the integrity of the River Dee and Bala Lake SAC in particular through the treatment of waste water.**

To ensure no adverse effect on the integrity of the River Dee and Bala Lake SAC, development creating waste water discharges will be required to demonstrate there is no increase in phosphorus levels in the SAC.

This can be achieved through implementation of mitigation measures and associated supplementary planning guidance. Mitigation will involve, either:

- 1. Delivery of measures specified in the Dee Catchment Phosphorus Reduction Strategy (DCPRS), which will require:**
 - i. Developer contributions/community infrastructure levy funds to deliver measures identified within the DCPRS to reduce phosphorus levels within the catchment.**
 - ii. Phasing of development to meet the delivery milestones within the DCPRS, and delaying development if milestones have not been met;**

OR

- 2. Using alternative mitigation approaches to those mentioned in 1. above. Where further evidence demonstrates that adverse effects on the integrity of the River Dee and Bala Lake SAC can be avoided using alternative mitigation, these must be agreed with the Council, in consultation with Natural Resources Wales.**

12.X1 Developers should contact the Council at an early stage in relation to development proposals which have the potential to adversely affect the flow and/or quality of water to avoid potential delay and/or refusal of a planning application. Developers proposing planning applications should also contact NRW for pre-application advice where appropriate.

12.X2 Climate change is likely to have a significant impact on Wales' climate with longer periods of warm dry weather with less frequent rainfall but more intense rainfall events. The likelihood of declining rainfall during the summer months is a significant issue and will place greater pressure on existing water supplies, particularly during long dry summers. To ensure security for the future water supply the development plan should consider proposals in light of the existing hydrological system, and future potential changes.

12.X3 In the first instance all development should seek to connect to the existing mains waste water infrastructure network. Exceptionally, for development where it is not feasible to connect to public waste water treatment works, any such proposals will need to justify why connection is not feasible and demonstrate compliance with Welsh Government Circular 008/2018 and Natural Resources Wales guidance for connections to private treatment works/septic tanks. New development proposals which place pressure on the capacity of the existing water supply and the water and sewerage treatment infrastructure must ensure the necessary infrastructure is in place, or will be provided to serve them within an appropriate AMP programme. The increasing pressure on the infrastructure and on nature is an important consideration and new development will be expected to demonstrate that adequate consideration is given to the conservation of water resources and the protection of water quality.

12.X4 In addition to improving waste water infrastructure provision, water quality can be improved through a number of measures including: effective design; the use of wetlands/greenspace for flood alleviation; the use of SuDS; sustainable water use in design; the planting of native species; the removal of invasive non-native species; and good agricultural practice. Some of these measures can be taken forward through the planning system whereby other policies in the Plan work in combination with the protection of water resources policy to contribute to managing the water quality issues.

12.X5 Additional considerations apply to new development where there is the potential for increases in phosphorus, particularly as a result of waste water discharges, to have an adverse effect on the integrity of the River Dee and Bala Lake Special Area of Conservation (SAC), in line with the Habitats Regulations.

12.X6 Increases in flows to mains waste water treatment works can lead to increases in nutrients in watercourses as a result of discharges from the works. This policy seeks to manage waste water discharges arising from new development to ensure compliance with the Habitats Regulations 2017 (as amended) and known waste water treatment works constraints. It applies to the River Dee and Bala Lake SAC including its tributaries.

12.X7 In January 2021, Natural Resources Wales (NRW) set new phosphorus standards for riverine Special Areas of Conservation (SACs) with targets 50-80% tighter than previously and gave Local Authorities new advice. In respect of Flintshire, a compliance test undertaken by NRW found failure to meet these new standards in the River Dee and Bala Lake SAC. The three waste water treatment works which serve the LDP allocations all discharge into the R. Alyn which flows into the Dee. Following advice from NRW, the Council's view is that it would not be appropriate for the LDP to rely on Habitats Regulations Assessments (HRAs) supporting existing phosphorus Permits at waste water treatment works to conclude there would be no adverse effect on the integrity of the River Dee and Bala Lake SAC from LDP development.

12.X8 The addendum Habitats Regulations Assessment 2021 which followed the new standards confirmed impacts on water quality as an issue for the River Dee and Bala Lake SAC, and

improvements to the management of waste water will be required to ensure no adverse effect on the integrity of the River Dee and Bala Lake SAC and the ability to deliver the scale of growth set out in the LDP is maintained.

12.X9 To avoid an adverse effect, Flintshire County Council, Welsh Water and NRW have worked closely together identifying the circumstances in which water discharges and waste water treatment works need to be managed. Consequently the Council will expect developments to connect to existing sewage infrastructure. The waste water treatment works (Mold, Buckley and Hope) serving four of the LDP allocations have phosphorus stripping and a phosphorus Permit limit from NRW for waste water discharges. However, these phosphorus Permit limits were set prior to the new standards and condition report for the River Dee and Bala Lake SAC, and for the purposes of the LDP the HRAs supporting the discharge Permit at the treatment works cannot be relied upon to conclude no adverse effect on site integrity so mitigation would still be required. The remaining housing allocations are served by waste water treatment works which drain to the tidal sections of the R. Dee. Tidal sections of the SAC have been excluded, as the evidence base underpinning the new targets applies to freshwaters only.

12.X10 To facilitate delivery of development which may be affected by this policy, the Council have prepared 'the 'Dee Catchment Phosphorus Reduction Strategy' (DCPRS). The document sets out the strategic approach for delivering phosphorus reductions in the Dee catchment while also facilitating LDP growth and demonstrating that mitigation can be delivered in practice. The document sets out a range of measures, which have been agreed in consultation with NRW. Category 1 measures are for the Council to deliver to comply with the Habitats Regulations and avoid adverse effects from the development provided for within the plan. It also sets out key milestones, responsibility for delivery for the milestones, how development is phased in relation to the milestones, and how constraints to delivery can be addressed. The DCPRS also sets out a range of other Category 2 measures to deliver wider reductions across the catchment the responsibility for delivery of which is outside the scope of the LDP. The DCPRS is a living document that will develop during the lifetime of the LDP, in consultation with NRW.

12.X11. The DCPRS details, in a Developer Contribution Scheme (DCS), how measures would be funded, charges calculated and planning obligations / Community Infrastructure Levy used to deliver mitigation measures. When the DCPRS is updated with detailed mitigation measures the DCS will also be updated. Developers may wish to pursue their own approach to mitigation, they are not compelled to use the mitigation provided in the DCS/DCPRS, but these must be agreed with the Council, in consultation with NRW

12.X12 The DCPRS will be supported by the establishment of a Nutrient Management Board which will have wider duties with a broader aim to deliver the long term solutions, category 2 measures, to address the issue of excessive phosphorus in rivers, generated from existing activities and land uses in the wider catchment. Potential category 2 measures which might be relied upon to deliver wider benefits and net reductions across the catchment (i.e. over and above the category 1 measures) are included in the DCPRS. These measures are outside the scope of the LDP and planning but are important for a robust approach to reducing phosphorus in the River Dee and Bala Lake SAC.

12.X13 Ultimately, development can only be supported where it would not lead to increased phosphorus in the SAC through delivering mitigation, but it may also be necessary to delay development where milestones in the DCPRS have not been met.

12.X14 Local water companies are responsible for providing and maintaining waste water treatment works at a standard to meet permitted conditions. Their asset management programmes will set out capital works to ensure compliance with discharge licences. In the future should the discharge Permits for treatment works be updated and such works be required, then it may be necessary to update the DCPRS, the mitigation measures and SPG.