

Flintshire LDP MACs & Phosphates Hearing Session

Tuesday 23 November 2021

19/11/21

Welsh Government Statement in Response to Phosphates

Flintshire County Council, in conjunction with Wrexham County Borough Council and their respective consultants, have been progressing technical work to address the issue of phosphates in the riverine environment, specifically with regard to Special Areas of Conservation (SACs) in this specific instance the River Dee and Bala Lake SAC. Natural Resources Wales (NRW) issued guidance to Local Planning Authorities (LPAs) across Wales to ensure that through the Habitats Regulations Assessment (HRA) of Local Development Plans (LDPs) there are no adverse effects on the integrity of any SAC arising from development promoted in the plan.

Flintshire and Wrexham Councils have collectively been working on a Dee Catchment Phosphorous Reduction Strategy (DCPRS) to demonstrate that at the plan-making level their respective LDP does not have an adverse effect on the Dee and Bala SAC, thereby enabling the plan to be adopted. This is supported by amendments to Policy EN15, thus providing a policy to implement this approach. **The Welsh Government support both the DCPRS strategy and Policy EN15 and, on the issue of addressing phosphates, considers the plan can be found 'sound'.**

The Council have identified Category 1 measures that will be required to provide appropriate and sufficient mitigation measures, through policy EN15, to enable development to come forward. This could include developer contributions and phasing to deliver mitigation measures at key milestones within the DCPRS. Category 2 measures are beyond the remit of the LPA/LDP, with this work coordinated through a 'Nutrient Management Board' a multi-agency partnership.

The plan is supported by an amended HRA incorporating the updated phosphate work, agreed by NRW, the statutory body with responsibilities for this matter. A Statement of Common Ground (SoCG) has been agreed by all interested parties, including NRW.

It is important to note that the phosphate technical work to support the plan is at the plan level degree of depth, not the minutiae. Currently, not all of the measures/costs required to implement detailed mitigation schemes are/can be known. The DCPRS provides a framework to work within, delivering on the principles and aided by key milestones, with the comfort of a 'backstop' policy to avoid adverse effects occurring. The evidence to support the plan should demonstrate there is sufficient certainty that the plan can progress, reflecting the DCPRS, whilst incorporating a degree of flexibility in the policy framework to adapt in the future, if necessary.

In summary, the Welsh Government concurs with NRW's view that developing the DCPRS and the stated amendments to policy EN15 provide an appropriate approach to mitigation, ensuring there are 'no adverse effects' from the plan.