

Andrew Farrow
Chief Officer (Planning, Environment &
Economy)
Prif Swyddog (Cynllunio, Amgylchedd ac
Economi)



The Planning Inspectors
Flintshire LDP EiP

By email via Programme Officer

Your Ref/Eich Cyl
Our Ref/Ein Cyf AR/LDP/EiP
Date/Dyddiad 6th October 2021
Ask for/Gofynner am Andy Roberts
Direct Dial/Rhif Union 01352 703211
Fax/Ffacs
E-mail/e-bost Andy.roberts@flintshire.gov.uk

Dear Inspectors

Phosphates – A Joint approach by Flintshire and Wrexham Councils to address the requirements of Natural Resources Wales (NRW) to demonstrate no adverse effects from their respective Local Development Plans (LDPs) in relation to new phosphate targets and specific impacts on the River Dee and Bala Lake Special Area of Conservation (SAC) designated rivers

As stated in my email to you dated Friday 1st October 2021, this letter provides you with an update on the above matter and how it relates to the preparation of Matters Arising Changes.

As you are aware, new targets were introduced by NRW in January 2021 who subsequently issued guidance to Local Planning Authorities (LPAs), seeking to ensure, through the Habitat Regulations Assessment (HRA) of the respective plans, that there are no adverse effects on the above conservation receptor from development resulting from each plan.

As Wrexham and Flintshire are similar stages in their Examination in Public and approaching the stage of advertising Matters Arising Changes (MACs), both Councils felt that it would be helpful to provide you with a joint position statement, setting out the approach and intentions each Council has for dealing with the issue of phosphates and the Matters Arising Changes (MACs). Given that both Councils have been working collaboratively on this, the broad approach is essentially the same for both LPAs.

The Approach

The process that is being developed by both Councils in collaboration with NRW, Welsh Water and other stakeholders will provide the following for your consideration:

County Hall, Mold. CH7 6NB
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NB
www.siryfflint.gov.uk

We welcome correspondence in Welsh. We will respond to correspondence received in Welsh without delay.

Rydym yn croesawu gohebiaeth Gymraeg. Ymatebwn yn ddi-odded i ohebiaeth a dderbynnir drwy gyfrwng y Gymraeg.



1. A proportionate assessment of the overall nutrient budget of the development in each plan (i.e. how much phosphate the planned development in each plan is likely to produce).
2. The development of the Dee Catchment Phosphate Reduction Strategy showing how the LDPs plan to manage phosphates arising from development and ensure compliance with Habitat Regulations. The DCPRS will contain the above assessment and a range of potential measures that can be utilised to limit and reduce phosphates directly from development in the plans, as well as wider measures that can be utilised in the wider riverine catchment to reduce the present level of phosphates entering the rivers. This will, for example, involve the creation of a Nutrient Management Board comprising key stakeholders who have responsibility for managing various aspects of the water environment and contributing land uses in the wider catchment, many of which are outside of the control of the Plans or LPAs.
3. Modification of the respective deposit LDP policies that deal with protection of the water environment to provide a backstop to ensure that new development does not have an adverse impact on that environment in terms of phosphate levels. This will be accompanied by a section within the DCPRS showing, in principle, how mitigation will be delivered and developer contributions calculated and secured. After or prior to adoption, a developer contributions supplementary planning guidance (SPG) that forms part of the measures that will be set out in 2, above, will be published, that provide a planning mechanism to assist with mitigating impacts.
4. An addendum to the respective plan Habitat Regulations Assessments (HRA) which will screen all of the MACs for significance of impact, but particularly demonstrate for water quality matters how the plan demonstrates no adverse impacts, from the combined approach set out above.
5. Two similar Statements of Common Ground (SoCG) with NRW which, in summary, will show that the above approach satisfies NRW's guidance to LPAs, issued by letter to each LPA in April.

Timescales

The Councils and NRW hope to complete this work **by the end of October**, when the respective HRA addendums, Amended Matters Arising Change policies, Nutrient Management Strategy and SoCG will be submitted to you for consideration and, hopefully, agreement that they be used to support the publication of MACs for public consultation.

Examination in Public

Both Council's wish to begin their respective MAC consultations well before the end of the calendar year (Wrexham want to begin in November) and whilst you have previously intimated that you may need a further Hearing on the MACs, in particular relating to Flintshire, it is the view of the Councils that the above information will provide enough information on the phosphates matter to support consultation on the MACs. During that consultation, any interested party can comment on this particular matter and the supporting evidence. The Councils would hope that you agree that this removes the need for further Hearings to allow stakeholders to comment on proposed MACs ahead of this wider public consultation.

The Councils hope that the above provides you with clarity of the approach being developed and would be pleased to receive your views and advice on the proposed way forward.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andy Roberts', with a stylized flourish at the end.

Andy Roberts
Senior Manager Strategy