

CEREDIGION COUNTY COUNCIL

Report to: Cabinet

Date of meeting: 05.10.2021

Title: Phosphates position paper for the LDP

Purpose of the report: To inform Cabinet of the implications of phosphate levels in the Teifi SAC catchment on delivery of the replacement LDP.

For: Decision

Cabinet Portfolio and Cabinet Member: Economy and Regeneration, Cllr Rhodri Evans

In January 2021 Natural Resources Wales (NRW) published evidence in relation to phosphate levels for riverine Special Areas of Conservation (SACs) in Wales, (including the Afon Teifi in Ceredigion) accompanied by interim planning position statement/ guidance which was updated in May 2021.

This report provides an overview of the NRW guidance and its implications on the current and replacement LDP and sets out some high level options for the Cabinet to consider, with a view to finding the way forward, whilst considering there will be timescale implications upon Plan preparation. The situation has potential corporate and policy implications for spatial development and potential impacts within urban and rural Ceredigion.

NRW has produced 'interim planning advice' to avoid further deterioration in environmental capacity, which relates to the Afon Teifi catchment. As the Local Planning Authority (LPA) the Council is the competent authority as defined in the Habitats Regulations and are required to have regard for advice given by the NRW (a statutory consultee) when making planning decisions for both individual developments and the Local Development Plan (LDP). All LDPs should be screened to determine whether any policies are likely to have a significant effect on the SACs.

The implications for the current LDP:

- phosphates impact on 50% USCs, 14% RSCs
- Total area of land affected - 806 km² or 44.6% of Ceredigion.
- 14 allocated housing sites / 24% of all housing allocations, equating to 572 houses of which 114.4 are expected to be affordable are constrained.
- 44 linked settlements are affected.
- 5 employment allocations (28% of total employment allocations in Ceredigion) and 2 mixed use allocations (20% of the total).

Implications for the replacement LDP:

- 89 candidate sites from 293 are potentially affected. (30% of total sites submitted.)
- There will be a requirement for a 3rd call for candidate sites which may need to include land for phosphate mitigation measures, as and when the types of land and mitigation measures are known.
- The proposed settlement hierarchy for the replacement LDP will need to be reviewed as many settlements proposed are impacted by the phosphate situation.
- The SA/SEA will need to be reviewed to consider the social, economic and environmental implications from the impacts of phosphates on the Afon Teifi catchment area.
- The replacement LDP will be subject to a further screening in relation to its potential impact on the riverine SACs, and potentially a requirement for each development allocation to undertake a full Appropriate Assessment where it may result in an impact on the SAC waterbody.
- Strategic and spatial changes to the LDP will require key pieces of evidence to undergo review including settlement role and function, spatial options, housing supply, viability and the Welsh language impact assessment.
- Future Wales- The National Plan 2040 identified the Teifi Valley as a regional growth zone, this area is now entirely constrained by phosphates and therefore the inability to meet National Policy will need to be considered in the plan review.

The timetable for preparation of the replacement LDP will require a form of delay factored in irrespective of the preferred option, due to the impacts of the phosphate situation.

Options appraisal:

1. 6 town plan- Continue with plan preparation with the amended Preferred Strategy reflecting the previously agreed 6 town approach. There would be significant risks with allocating in areas impacted by phosphates- the LDP would not be able to demonstrate deliverability at examination and would likely fail the tests of soundness.
2. Passive approach- temporarily pause the LDP preparation until further information, evidence and mitigation measures have been agreed. The Adopted Plan is in place and has no drop dead date, allowing for consideration of development proposals in areas that are not affected by phosphates. This approach has been adopted by Pembrokeshire, Carmarthenshire and Brecon Beacons National Park Authority.
3. Spatial realignment- Commencement on a new replacement Local Development Plan with a new Delivery Agreement and a full reconsideration of the plan, including a spatial strategy that excluded those areas affected by phosphates. This is the preferred option for the Welsh Government. It would however mean we would be unable in the median term to allocate any future housing or employment land within the Teifi catchment.

In reality all options have associated risks and the report explores these in more detail, however it would be a likely waste of council resources to continue with option 1 - a plan that in all likelihood would fail at examination as we would be unable to demonstrate its deliverability and calling its soundness into question. In terms of option 2 this appears to be the preferred option regionally as it allows time to explore the emerging evidence and data and reconsider our options as we understand more about mitigations. It would also allow time for a Nutrient Management Board and associated Nutrient Management Plan for the Teifi to be developed. In terms of option 3 whilst this would deliver a plan in a timely manner it would direct most of the growth required across the county to a much smaller number of service centres and there would still be questions over the soundness of the plan if it is not meeting the needs of a significant proportion of the population of the county. It may also have political ramifications locally as it would be adopting a different approach to our traditional model of 6 towns. Therefore it is recommended that option 2 an indefinite pause is adopted in order to allow time for the science and evidence to build, mitigations to be developed and local solutions sought.

**Has an Integrated Impact Assessment been completed?
If, not, please state why** Yes

Wellbeing of Future Generations:

Summary:

Long term:

Collaboration:

Involvement:

Prevention:

Integration:

Recommendation(s):

That Cabinet recommends that Council agrees a temporary but as yet unspecified length pause for the adoption of the replacement local development plan.

Reasons for decision:

To allow for further work to be undertaken around the phosphate situation for evidence and data gathering and for mitigation solutions to be devised.

To ensure the replacement plan meets the tests of soundness, is deliverable and fit for purpose.

Overview and Scrutiny:	The report has been presented to the LDP Working Group and the Development Management Task and Finish group and it was unanimously agreed at both groups that option 2 was the only realistic option.
Policy Framework:	Ceredigion Local Development Plan 2007-2022 and Ceredigion replacement Local Development Plan 2018-2033.
Corporate Priorities:	<p>Corporate Priority 1- Boosting the Economy.</p> <p>1.1 Promote and provide employment opportunities for the citizens of Ceredigion.</p> <p>1.3 Develop 21st Century Infrastructures across the County.</p> <p>Corporate Priority – 2 Investing in People’s Future.</p> <p>2.4 Promote and facilitate the distinct and vibrant bilingual culture and identity of Ceredigion.</p> <p>Corporate Priority -3 Enabling Individual and Family Resilience.</p> <p>3.1 Promote the well-being of individuals and families within safe, affordable and accessible homes.</p> <p>Corporate Priority 4 – Promoting Environmental And Community Resilience.</p> <p>4.1 Actively engage in programmes to deal with the effects of climate change.</p> <p>4.2 To improve infrastructure to facilitate future development to meet community needs.</p> <p>4.3 To help and assist communities to become more self-resilient.</p>
Finance and Procurement implications:	LDPs are costly to produce, so to continue with a plan that would likely fail at examination would have cost implications, to pause the plan will also have cost implications as it will stretch out the length of time it will take to deliver a plan.
Legal Implications:	The authority has a duty to prepare a Local Development Plan. However Welsh Government are involved in seeking solutions to the issue and have supported neighbouring authorities in determining an indefinite pause is the most sensible solution.
Staffing implications:	None
Property / asset implications:	None
Risk(s):	As outlined in report

Statutory Powers:

Background Papers: Phosphate position paper.

Appendices: None

Corporate Lead Officer: Russell Hughes Pickering

Reporting Officer: Sarah Groves- Phillips

Date: 10-09-2021

Papur Sefyllfa - Ffosffadau

Position Paper - Phosphates



Cyngor Sir
CEREDIGION
County Council

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1. Introduction and Purpose

1.1. Process and Timeline

The preparation of the Replacement LDP (rLDP) reflects the Council's statutory responsibilities under the Planning and Compulsory Purchase Act 2004 - setting out policies and proposals for future development and use of land for Ceredigion over the period to 2033. A revised Delivery Agreement (DA) in relation to the rLDP was approved by Welsh Ministers in March 2020 just prior to the national lockdown. As a result of the timing and the subsequent notification by Welsh Government to cease formal consultations on the rLDP and focus on background evidence. The current approved DA is redundant and a replacement DA will be required once works formally recommence.

During January 2021, officers were proceeding with background evidence work – notably the preparation of evidence in relation to recent house price changes and impact on population changes in the county. However, on 21st January 2021, Natural Resources Wales (NRW) published evidence in relation to phosphate levels for riverine Special Area of Conservation (SACs) in Wales (including the Teifi). This was accompanied by planning position statements/guidance¹. This should not be confused with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, albeit interested parties are advised to appraise themselves of these also to develop a rounded picture beyond the LDP itself (see Section 5 of this Paper).

This Paper provides an overview of the NRW guidance and its implications on the rLDP. It sets out some high-level options that Members may wish to endorse for further exploration by officers with a view to finding a way forward. The only thing that is certain at this stage is that there will be timescale implications upon Plan preparation. This Paper should be read with the knowledge that the situation is constantly evolving as new information emerges. The matter is deemed to be requiring reporting due to its potentially

¹ Note: NRW published an update to their interim guidance on the 11th May 2021, the content of which and any future iterations will frame ongoing consideration.

significant corporate and policy implications – most notably in terms of spatial implications and the potential impact within rural Ceredigion.

2. Summary of Current Issues

2.1. Natural Resources Wales’ interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued January 2021).

Ceredigion is characterised by its rich environmental qualities and is home to a number of areas and features designated for their environmental importance including the Afon Teifi riverine Special Areas of Conservation (SAC).

Following new evidence about the environmental impacts of phosphate in watercourses, Natural Resources Wales (NRW) have assessed the 9 riverine SACs 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 of this failure NRW have issued ‘interim planning advice’ to avoid further deterioration in environmental capacity. This ‘advice’ relates to all Riverine SACs whose catchments extend into Ceredigion namely, the Afon Teifi. As a Local Planning Authority (LPA), 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 increase 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 water body. In most cases there will be limited capacity to connect to the public sewerage system and an alternative solution will have to be found. This requirement on drainage considerations will impact on all development that increases the volume or concentration of wastewater.

A map to show the catchment area of the rivers within Ceredigion is set out in Figure 1.

Drainage proposals for developments are required to be given significant consideration within these catchment areas.

NRW have provided [interim planning advice for developers](#). The guidance includes an outline of the type of development which is unlikely to have an impact on phosphate levels in the watercourses.

Further and more detailed information can also be [found directly on NRW's website](#).

The NRW advice note outlines, where a planning application within the catchment areas of the Afon Teifi, cannot evidence that the development proposal would result in phosphate neutrality or betterment, that unfortunately the Local Planning Authority would not be able to support the application. This reflects the unacceptable impact on the water quality of the rivers which are sensitively designated as a SAC. This also has implications for the policies and proposals of the Local Development Plan (including site allocations).

Officers are working on understanding the full implications of NRW's guidance for current planning applications and the progress of the rLDP. The Council must ensure that development proposals do not harm the environmental capacity of our watercourses. Officers are also working collaboratively with NRW in understanding the wider issues and identifying the way forward for all proposals, to find solutions that comply with the requirements of the new interim planning advice.

2.2. Waste Water Treatment Works (WwTW)

The position with regards WwTW phosphate permits is as follows.

There are current phosphate permits at: Llandewi Brefi.

There are no planned Phosphate improvements in Ceredigion within the 2020 -2025 Dŵr Cymru Welsh Water (DCWW) Asset Management Plan (AMP7).

With regard to future investment programmes, DCWW have an agreed two AMP programme (i.e., AMP7 & AMP8) with NRW. However, whilst AMP7 is known the schemes for inclusion in AMP8 are not yet at a stage where they've been finalised. However it is understood a phosphate permit may be introduced in Tregaron. It is understood that the location of WwTWs where

phosphate permits are required to be introduced or tightened is guided by NRW's National Environment Programmes (NEP).

A phosphate permit limit is imposed on a respective DCWW WwTW by the Environmental Regulator (NRW in Wales) and essentially requires DCWW ensure that they remove phosphates from wastewater to meet that limit.

Phosphate permits are assessed over an average of all phosphate results in a rolling 12-month period. The typical method to remove phosphorous from a WwTW is to introduce ferric (iron) dosing and 'strip' the phosphate – the ferric reacts with the phosphate and forms solid precipitates which are then removed via a settlement tank.

It can be concluded that the issues faced are infrastructural as well as environmental in this regard. It also frames the discussion with an awareness of the wider role of multi-agency organisations – e.g., DCWW and NRW and in this regard the Council will be unable to address this matter in isolation.

3. Implications for the Current LDP

3.1. The Settlement Hierarchy

At present the following settlements are impacted by Phosphates:

Table 1: LDP Settlements affected by WWTWs (RAG status):

LDP Settlement Hierarchy / Category	WWTW with existing phosphate stripping in place and up to date permit	WWTW with phosphate stripping improvements planned in AMP 7 (2020-2025)	WWTW with phosphate stripping improvements planned in AMP 8 (2026-2030)	WWTW without Phosphate Stripping in place or planned
Urban Service Centres			Tregaron	Llandysul Lampeter Newcastle Emlyn (Adpar)
Rural service Centres				Cenarth Pontrhydfendigaid
Linked Settlements	Llanddewi Brefi			Aberbanc Alltyblacca Betws Bledrws Betws Ifan Beulah Blaenannerch Blaenporth Brongest

LDP Settlement Hierarchy / Category	WWTW with existing phosphate stripping in place and up to date permit	WWTW with phosphate stripping improvements planned in AMP 7 (2020-2025)	WWTW with phosphate stripping improvements planned in AMP 8 (2026-2030)	WWTW without Phosphate Stripping in place or planned
				Bronnant Bryngwyn Brynhoffnant Capel Dewi (SOUTH) Cellan/Fishers Arms Coed y Bryn Cribyn Croeslan Cwm Cou Cwrtnwydd Drefach Ffostrasol Gorsgoch Henllan/Trebedw Highmead Horeb Llandyfriog Llandygwydd

LDP Settlement Hierarchy / Category	WWTW with existing phosphate stripping in place and up to date permit	WWTW with phosphate stripping improvements planned in AMP 7 (2020-2025)	WWTW with phosphate stripping improvements planned in AMP 8 (2026-2030)	WWTW without Phosphate Stripping in place or planned
				Llangybi Llanwnnen Llechryd Maesymeillion Penrhiwllan Pentrellwyn Plwmp Prengwyn Rhydlewis / Hawen Rhydowen Sarnau Silian Talgarreg Tanygroes Ystrad Meurig

Phosphates therefore impact upon 50% USCs and 14% of RSCs in the current LDP. The total land area of Ceredigion affected by Phosphates equates to 806sq.km or 44.6%

3.2. Residential: Allocations

A total of 14 allocated housing sites (24% of all housing allocations within the county) are impacted. Most of the issues impact on Urban and Rural Service Centres (USC and RSC) respectively as defined within the strategy of the current LDP.

This equates to an allocated amount of 572 houses of which 114.4 were expected to be affordable homes.

Table 2: LDP Housing Allocated Sites within Afon Tefi SAC Catchment

Allocated Site Ref	Site Name	Settlement Name	Area_Ha	Number of Houses	Number of Affordable Houses
H0401	Land opposite Parc y Trap, Adpar	Adpar	2.69	35	7
H0501	Former Lampeter Primary school	Llanbedr Pont Steffan/Lampeter	0.65	12	2.4
H0502	Site rear of Ffynon Bedr	Llanbedr Pont Steffan/Lampeter	0.81	20	4
H0503	Site on corner of Forest Road	Llanbedr Pont Steffan/Lampeter	0.57	9	1.8
H0504	Forest Road	Llanbedr Pont Steffan/Lampeter	4.52	90	18
H0505	Land adj Maes-yr-deri	Llanbedr Pont Steffan/Lampeter	4.2	105	21
H0601	Ty ol i'r Fawydd/ Rear of the Beeches	Llandysul	4.85	126	25.2
H0701	Land off Dewi Road	Tregaron	1.8	36	7.2

Allocated Site Ref	Site Name	Settlement Name	Area_Ha	Number of Houses	Number of Affordable Houses
H0702	Land rear to Rhyd Y Fawnog	Tregaron	1.52	38	7.6
H1101	Land off Spring Meadow Estate	Cenarth	0.37	7	1.4
H1102	Gog/dwyrain Ysgol Cenarth/ North east Cenarth School	Cenarth	0.79	17	3.4
H1103	Ty ol/ i'r gog/dwyrain Tegfan/ Land at and n/ east of Tegfan	Cenarth	0.86	14	2.8
H2001	Dolwerdd	Pontrhydfendigaid	1.76	44	8.8
H2002	Land Adjacent to Rock House	Pontrhydfendigaid	0.77	19	3.8
Total			26.16	572	114.4

3.3. Residential: Other components of housing supply

As well as the USCs and RSCs listed above a number of Linked Settlements are also affected and in accordance with Policy S04 they have no remaining capacity and are currently running at minus 75 units (please note the -75 number is because these settlements had already exceeded their allowance within the LDP (2007-2022) by 75 units to date April 2021).

Table 3: LDP Linked Settlements within Afon Tefi SAC Catchment

Linked Settlement Name	Settlement Group Name	Units Remaining
Blaenannerch	Aberporth / Parclyn	4
Brynhoffnant	Aberporth / Parclyn	-2
Sarnau	Aberporth / Parclyn	-17
Blaenporth	Aberporth / Parclyn	3
Tanygroes	Aberporth / Parclyn	-2
Llechryd	Aberteifi / Cardigan	-12
Llandygwydd	Cenarth	2
Cribyn	Felinfach/ Ystrad Aeron	-5
Betws Bledrws	Llanbedr Pont Steffan/Lampeter	4
Cellan/Fishers Arms	Llanbedr Pont Steffan/Lampeter	3
Cwrtnewydd	Llanbedr Pont Steffan/Lampeter	1
Drefach	Llanbedr Pont Steffan/Lampeter	-4
Gorsgoch	Llanbedr Pont Steffan/Lampeter	-2
Llangybi	Llanbedr Pont Steffan/Lampeter	5
Llanwnnen	Llanbedr Pont Steffan/Lampeter	-17
Llwyn-y-groes	Llanbedr Pont Steffan/Lampeter	3
Silian	Llanbedr Pont Steffan/Lampeter	3
Aberbanc	Llanbedr Pont Steffan/Lampeter	-25

Linked Settlement Name	Settlement Group Name	Units Remaining
Coed y Bryn	Llanbedr Pont Steffan/Lampeter	-2
Croeslan	Llandysul	10
Henllan/Trebedw	Llandysul	-7
Horeb	Llandysul	-4
Maesymeillion	Llandysul	-4
Prengwyn	Llandysul	-1
Rhydlewys / Hawen	Llandysul	-1
Rhydowen	Llandysul	0
Talgarreg	Llandysul	-9
Capel Dewi (SOUTH)	Llandysul	4
Ffostrasol	Llandysul	-5
Penrhiwllan	Llandysul	-6
Pentrellwyn	Llandysul	4
Alltyblacca	Llanybydder	0
Highmead	Llanybydder	3
Plwmp	Cei Newydd/New Quay	-1
Betws Ifan	Newcastle Emlyn (Adpar)	-3
Beulah	Newcastle Emlyn (Adpar)	-4
Brongest	Newcastle Emlyn (Adpar)	-1
Bryngwyn	Newcastle Emlyn (Adpar)	3
Cwm Cou	Newcastle Emlyn (Adpar)	-4
Llandyfriog	Newcastle Emlyn (Adpar)	6
Pont-rhyd-y-groes	Pontrhydfendigaid	4
Ystrad Meurig	Pontrhydfendigaid	1

Linked Settlement Name	Settlement Group Name	Units Remaining
Bronnant	Tregaron	0
Llanddewi Brefi	Tregaron	0
	Total	-75

3.4. Employment Allocations

In total some 5 allocations equating to 39.25 ha (28% of all employment allocations within the County) are impacted. All are located within USCs and RSCs.

Table 4: LDP Employment Allocated Sites within Afon Tefi SAC Catchment

Allocated Site Ref	Area Ha	Site Name	Settlement Name
E0501	15.94	Parc Busnes Llambed/Llambed Business Park	Llanbedr Pont Steffan/Lampeter
E0502	1.07	Safle yr Hen Farchnad/Old Mart Site	Llanbedr Pont Steffan/Lampeter
E0601	6.43	Parc Menter Llandysul/Llandysul Enterprise	Llandysul
E0602	5.13	Parc Busnes Horeb/Horeb Business Park	Llandysul
E0801	10.68	Parc Aberporth	Aberporth/Parcllyn
Total	39.25		

It should be noted that the delivery of employment proposals across the County is also supported through policies S03 and S04 which enable appropriate unallocated opportunities to come forward. Such opportunities may also be adversely impacted.

3.5. Mixed Use Allocations

In total some 2 mixed use allocations equating to 55.89 ha (20% of all mixed use allocations within the County) are impacted. The sites are located within an USC or RSC.

Table 5: LDP Mixed Use Allocated Sites within Afon Tefi SAC Catchment

Allocation Site Ref	Site Name	Settlement Name	Area Ha
M0701	Prosiect Cylch Caron, ty ol Gwesty Talbot/ Cylch Caron Project, rear Talbot Hotel	Tregaron	3.67
M0801	Maes Awyr Gorllewin Cymru, Blaenannerch/ West Wales Airport, Blaenannerch	Aberporth / Parcllyn	52.22

**Please note there are a number of reasons an allocated site may not come forward, phosphates may just be one impact of many and therefore the numbers stated above need to be considered in this light.*

4. Implications for the Replacement LDP

4.1. Candidate Sites

To date as part of the preparation of rLDP, 2 calls for candidate sites have been made whereupon 293 candidate sites were proposed. Work has been undertaken to assess these sites against a number of criteria, however not Phosphates specific analysis. Of the candidate sites submitted 89 are potentially impacted by the NRW planning advice on phosphates which equates to 30% of total candidate site submissions. There will be a need to run a 3rd call for candidate sites and to go back to existing site proposers with a Phosphates specific questionnaire in order to ascertain if or how the NRW guidance can be met.

A future call for candidate sites may also call for land for phosphates mitigation measures as and when the types of land required become known.

4.2. The Settlement Hierarchy

The proposed settlement hierarchy for the rLDP included the following settlements (those highlighted in red are now impacted by phosphates). It will be necessary to review the settlement hierarchy in some detail and consider alternative options for delivering housing in these areas.

Hierarchy terminology:

USC Urban Service Centre

RSC rural Service Centre

SLS sustainable linked settlement

LLS large linked settlement

LS Linked settlement

Minor OMH – minor open market housing

Alloc sites and WF – Allocated sites and wind fall

Nat Pol – National Policy only

Table 6: rLDP Proposed Settlement Hierarchy Highlighting those Impacted by Phosphates

Service Centre and Linked Settlement name	Settlement Type	Potential Development
1 Aberaeron (Llwyncelyn / Ffosyffin)		
Aberarth	SLS	Minor OMH
Ciliau Aeron	SLS	Minor OMH
Pennant	LS	Nat Pol
2 Cardigan		
Ferwig	SLS	Minor OMH
Gwbert	LS	Nat Pol
Llangoedmor	LS	Nat Pol
Llechryd	LLS	Alloc Sites+ WF
Penparc	LLS	Alloc Sites+ WF
3 Aberystwyth /Llanbadarn Fawr /Waunfawr /Penparcau / Commins Coch / Rhydyfelin		
Blaenplwyf	SLS	Minor OMH
Capel Bangor	LLS	Alloc Sites+ WF
Capel Seion	LS	Nat Pol
Commins Coch	Moved to USC	
Goginan	LS	Nat Pol
Llanfarian	LLS	Alloc Sites+ WF

Service Centre and Linked Settlement name	Settlement Type	Potential Development
Llangorwen	LS	Nat Pol
4 Newcastle Emlyn (Adpar)		
Betws Ifan	LS	Nat Pol
Beulah	LS	Nat Pol
Brongest	LS	Nat Pol
Bryngwyn	LS	Nat Pol
Cwm Cou	LS	Nat Pol
Llandyfriog	SLS	Minor OMH
5 Lampeter		
Cellan/Fishers Arms	SLS	Minor OMH
Cwrtnwydd	LS	Nat Pol
Drefach / Llanwennog	LS	Nat Pol
Llangybi	SLS	Minor OMH
Llanwnen	SLS	Minor OMH
6 Llandysul		
Capel Dewi(SOUTH)	LS	Nat Pol
Coed y Bryn	LS	Nat Pol
Croeslan	SLS	Minor OMH
Ffostrasol	SLS	Minor OMH

Service Centre and Linked Settlement name	Settlement Type	Potential Development
Henllan/Trebedw	SLS	Minor OMH
Horeb	Needs to be considered further	
Penrhiwllan / Aberbanc	SLS	Minor OMH
Pentrellwyn	LS	Nat Pol
Rhydowen / Pontsian	LS	Nat Pol
Talgarreg	LS	Nat Pol
7 Tregaron		
Bron-nant	LS	Nat Pol
Llanddewi Brefi	SLS	Minor OMH
Llangeitho	SLS	Minor OMH
8 Aberporth / Parcilyn		
Blaenannerch	LS	Nat Pol
Blaenporth	SLS	Minor OMH
Tanygroes	SLS	Minor OMH
Tresaith	LS	Nat Pol
9 Bow Street		
Llandre	LLS	Alloc Sites+ WF
10 New Quay / Cross Inn		

Service Centre and Linked Settlement name	Settlement Type	Potential Development
Caerwedros / Llwyndafydd	LS	Nat Pol
Maen-y-groes	LS	Nat Pol
Pentre'r Bryn / Synod Inn	LS	Nat Pol
Plwmp	LS	Nat Pol
11 Cenarth		
Llandygwydd	LS	Nat Pol
12 Felinfach / Ystrad Aeron		
Cilcennin	LS	Nat Pol
Cribyn	SLS	Minor OMH
Dihewyd	LS	Nat Pol
Talsarn	LS	Nat Pol
13 Llanarth		
Gilfachreda	SLS	Minor OMH
Mydroilyn	LS	Nat Pol
14 Llanilar		
Llanafan	LS	Nat Pol
Lledrod	LS	Nat Pol
15 Llanon		
Bethania	LS	Nat Pol

Service Centre and Linked Settlement name	Settlement Type	Potential Development
Cross Inn (Llanon) / Nebo	LS	Nat Pol
16 Llanrhystud		
Llangwyrfon	LS	Nat Pol
17 Llanybydder		
Alltyblacca / Highmead	SLS	Minor OMH
18 Penrhyncoch		
19 Ponterwyd		
Devils Bridge	LS	Nat Pol
20 Pontrhyndendigaid		
Pont-rhyd-y-groes	LS	Nat Pol
Ysbyty Ystwyth	LS	Nat Pol
Ystrad Meurig	LS	Nat Pol
21 Talybont		
Eglwysfach / Furnace	SLS	Minor OMH
Tre Taliesin	SLS	Minor OMH
Tre'r Ddol	SLS	Minor OMH
22 Borth		
Dol-y-bont	Removed as Settlement	

Service Centre and Linked Settlement name	Settlement Type	Potential Development
Ynyslas	LS	Nat Pol
23 Brynhoffnant		
Llangrannog	LS	Nat Pol
Pontgarreg	LS	Nat Pol
Sarnau	LS	Nat Pol
Rhydlewis/ Hawen	LS	Nat Pol

4.3. Sustainability Appraisal / Strategic Environmental Assessment

Dependent on the agreed way forward, there will be a need to review the SA/SEA in an iterative manner. Given the nature of the issues being discussed, there are likely to be social, economic, and environmental implications that will require review.

4.4. Habitats Regulations Assessment

Irrespective of the agreed way forward the emergence of the phosphate issue in relation to the freshwater SACs will require the rLDP to be subject to a further screening in relation to its potential impact on these designations. Dependent on the agreed way forward, this may require a full Appropriate Assessment being required for each development allocation where it may result in an impact on the SAC and its water quality. It should be noted that without deliverable and evidenced mitigation no site will pass a full Appropriate Assessment.

4.5. Mitigation and other Solutions

Dependent on the agreed way forward, there will be implications – notably those impact assessments underpinning the Plan’s preparation. Due to the

scale and strategic nature of any change to the Plan there will be a requirement to revisit some of the earlier stages of the Plans preparatory process.

Those key pieces of evidence that are likely to require review include settlement role and function, spatial options, housing supply, viability (in the event of a developer pays option) and the Welsh language impact assessment. The scale and scope of the work will vary subject to the respective option and reflects the need for the Plan's evidence base to be iterative and responsive to changes in circumstances and the Plan's content.

Future Wales the National Plan 2040 was published on the 24th of February 2021 and identified two regional growth areas for Ceredigion these include:

- Aberystwyth
- Teifi Valley (Lampeter, Llandysul, New Castle Emlyn and Cardigan)

It is now clear that outside of Cardigan, the Teifi Valley regional growth zone is now entirely constrained by phosphates, therefore consideration of this inability to meet National policy will need to be made in plan review.

The rLDP in reflecting the issues associated with phosphates will irrespective of the way forward require additional policies to mitigate (where appropriate) for the impact and potentially provide a pathway for acceptable developments to be considered and permitted. In order to deliver such policies, provisions and mechanisms will need to be developed which provide evidence and a framework for the implementation of these policies. Such approaches are further considered within this paper.

5. Options Appraisal

5.1. Overview

The following high-level options are provided to frame discussion and to inform the agreed next steps. It should be noted that matters are evolving with the following intended to guide our understanding of the options available. This section should be read with the awareness that whilst there can be an emphasis on seeking to avoid the affected areas, there is still likely to be a need to identify solutions within the areas themselves as part of a forward-thinking approach - as such reference is made to Section 6 of this Paper.

5.2. Timescales

It is recognised that the issues of phosphates and the publication of the NRW Interim Guidance has had a wide ranging impact on Planning across Wales. In this regard the preparation of an LDP is no different with clear implications upon the content and deliverability of its policies and provisions as well as its compliance with legislation and national planning Policy and guidance. Whilst there are impacts on its content there will also be delays in the timetable for the preparation of the Plan. In setting out the following options it should be recognised that irrespective of which option is preferred, a form of delay will have to be factored in to include the potential for further reporting and additional changes to its content.

The following table presents the options available in respect of the rLDP:

Table 7: Options available in respect of the rLDP

Options	Explanation	Risks	Impact on timescales
<p>A 6 Town Plan</p> <p>Continue with plan preparation with amended Preferred Strategy (PS) reflecting previously agreed settlement strategy e.g. 6 town focus</p>	<p>This option acknowledges the importance of the council’s priority to maintain a 6 town approach in the rLDP if this remains the case then it may be possible to continue drafting a plan with the settlement strategy previously agreed at PS stage with some amendments. Policies on mitigations and robust monitoring would be required. Allocations could still be made in the phosphate</p>	<p>There would be significant risks involved in continuing to allocate in areas impacted by phosphates as the LPA would not be able to demonstrate delivery at examination. In addition, further risks include a failure to comply with the Council’s duty as the Competent Authority under the Habitat Regulations (HRA). In this respect the content of the Revised LDP will require a further screening with allocated sites in the affected areas requiring an appropriate assessment under the Habitat Regulations. This option is not considered to be realistic unless there are investments by Dwr Cymru Welsh Water (DCWW) programmed in advance of the Examination to Wastewater Treatment Works (WwTW)</p>	<p>The LPA could submit an amended Delivery Agreement (DA) and resume work on the rLDP within a matter of weeks this would result in an overall delay factoring in Covid 19 as well, to the previously agreed DA of approx. 18 months.</p>

	<p>affected areas, but not expected to be delivered in the earlier stages of the plan period.</p>	<p>in the south of the County within the Plan period so that they are phosphate enabled and that development can be delivered by 2033. This is highly unlikely. This would still result in the requirement to move much of the proposed development in the affected catchments to the end of the Plan period / trajectory which would call into question how realistic the Plan is, and its compliance with the Tests of Soundness. In terms of private investment through the ‘developer pays’, it is highly unlikely to secure sufficient contributions to enable upgrading WwTW facilities, given viability is already acknowledged as low in the Teifi Valley. Additional costs could render developments unviable or may necessitate a reduction in other planning contributions such as the</p>	
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		<p>provision of affordable housing and public open space etc. The emphasis would have to be on proactive monitoring, and it would have to be demonstrated that the mitigation as set out in Section 6 of this Paper are achievable and realistic and at present it is too early to judge this.</p> <p>In terms of costs there is potential for abortive costs as the council pursue a strategy that would most likely not be supported at examination, assuming mitigation measures and solutions are not available by deposit stage of the rLDP.</p>	
<p>Passive approach (Wait and See) Halt plan preparation until certainty that the phosphate issue can be resolved</p>	<p>This option acknowledges the fact that the Council has an Adopted Plan in place, with no drop dead date, and given the uncertainty</p>	<p>The current LDP is out of date and there is a risk that the LPA would increasingly see applications considered in light of national policy with less local emphasis. This could lead to pressure from Welsh</p>	<p>It is not known how long it will take to develop solutions and mitigations for the Phosphates issue and any future nutrient releases from NRW therefore a passive</p>

	<p>with regards the ongoing emergence of the 'phosphate issue', the Council may consider it appropriate to pause with the preparation of the replacement Plan temporarily. There also remains a possibility that there will be future focus on the estuarine areas, notably in terms of nutrients. The current Development Plan is still allowing for the consideration of development proposals in those areas that are not affected and as such key corporate developments (including the strategic /</p>	<p>Government on compliance with national policy where the development plan is out of date.</p> <p>With any 'LDP pause' there are issues and challenges that are not able to be addressed by current policies which have been highlighted or exacerbated by Covid 19 including delivery of affordable housing, supporting economic growth and recovery and revitalising the high street. These would remain in place in any pause.</p>	<p>approach runs a risk that the council could be without an up to date plan for some considerable time.</p>
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	<p>corporate development of significance in the growth areas) can be considered. However, they remain subject to the constraints resulting from the issues in relation to phosphates and the interim NRW guidance.</p> <p>Following the establishment of Corporate Joint Committees, the preparation of an SDP for the region will commence in the summer of 2022.</p> <p>Any delay in relation to the Plans preparation may result in non-adoption to ensure it</p>		
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	<p>complies with the content of the emerging SDP.</p> <p>It is worth noting that this is the approach Pembrokeshire, Carmarthenshire and Brecon Beacons National Park Authority Local Planning Authorities have taken – all formally declaring an unspecified LDP pause.</p>		
<p>Spatial realignment (WG preferred option)</p> <p>Withdraw the rLDP and commence a new rLDP with a revised plan period – following an approach advocated by WG of</p>	<p>This option would see the plan process start from scratch with a new DA and a full reconsideration of the plan. This would include considering an alternative spatial strategy that excluded the phosphate affected</p>	<p>This option would involve the removal of all development allocations (including housing and employment) within the affected areas from the Plan approx. 44% of the county namely settlements of Lampeter, Tregaron, Adpar and various RSCs and Linked Settlements as outlined in RAG status table above). Whilst this would address</p>	<p>Upon preparation of a new DA a new timescale would be set which would usually be 3.5 years with 3 month slippage so adoption of the replacement plan could be expected by end of 2025 assuming submission of the</p>

<p>avoiding allocation in Phosphate affected zones</p>	<p>settlements and re-distributing growth to sustainable areas that are not affected. In order to ensure plan delivery and meeting the tests of soundness. Whilst some development could occur in the phosphate affected areas it would need to comply with NRW guidance. For future developments, policies in the plan could reflect a criteria based approach allowing developments to come forward if and when mitigations are available.</p>	<p>some of the legal and procedural issues in progressing the Plan it would reduce the development opportunities arising in the affected areas. However, it should be recognised that the implications of the phosphate issue would de facto have this affect in any case. Whilst it would not necessarily see the settlements in the affected areas re-classified in terms of their position in the strategy it would see their contribution in terms of growth significantly downgraded. This plan for growth outside of 3 of the main towns could have a number of impact including on the Welsh speaking rates of the area as future growth would be restricted (though it is now) it may also redistribute growth to smaller settlements which could have adverse impacts on those Welsh speaking</p>	<p>DA to WG by end of this year.</p>
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		<p>communities who may feel there is too much growth in their locality. It would also see a burden of growth falling on Aberystwyth as the only remaining regional growth zone identified in Future Wales, which may cause concern as the town would be absorbing all of the growth for Ceredigion in one regional growth zone instead of two.</p>	
<p>SDP approach</p>	<p>This option would see the council move towards work on a regional Strategic Development Plan which is now required under the Local Government Act. This is a collaborative plan across the GMW region including Powys, Ceredigion and BBNPA</p>	<p>The risks involved in such an approach include relying on an outdated LDP with no drop dead date, and the associated implications of having limited 'locally proofed policies' and thus being reliant on national policy for decision making. However it must be stated that the ability of the LDP to diverge from national policy in the rLDP is highly constrained, so in effect any rLDP will be more closely aligned with Future</p>	<p>Work could commence on an SDP following the first meeting of the CJC in July 2022 whereupon a DA will need to be prepared setting out the statutory timetable for SDP preparation of approx. 5 years therefore adoption of an SDP could be anticipated in 2027 – 2028. Thus allowing for an</p>

	<p>and will be required regardless of the approach taken above. However if work were to commence on this using existing resources (as sourcing an SDP team is likely to prove challenging given the difficulty in planning role recruitment locally) whilst an rLDP on pause, it would allow existing staff to channel resources into this area and upon adoption work on an LDP lite rather than a rLDP which will likely need a formal review upon adoption of the SDP anyway.</p>	<p>Wales than is perhaps the wider expectations of the community. WG have been clear in their stance that an rLDP should be prepared alongside an SDP and thus shifting focus to SDP may not be supported at a national level. Finally Powys have a plan in place with a drop dead date of 2026 and therefore their focus is on adopting an rLDP prior to this deadline so they are not out of plan period before any SDP is adopted. So there are some 'out of plan sync' issues locally.</p>	<p>LDP lite to begin and be completed by 2029-2030.</p>
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6. Potential Technical Solutions and Policy Based Approaches

6.1. Importance of identifying solutions

Whilst Section 5 of this Paper sets out ‘avoidance options’ at a macro scale, there will still be an expectation that solutions are identified within the affected areas themselves. Further research will be undertaken by officers in regards potential mitigation measures, however an outline of some initial outcomes follows below. Consideration will be given to introducing dedicated local policies for the areas affected and as such will require denoting on the Proposals Map.

It is important to note that the rLDP will only be part of the solution. In this regard, with a view to reviewing the risks facing the Council, there will be some matters which are outside the influence and scope of the Planning Service and indeed the Council itself. The scale of the issues, both in terms of spatial extent and cross agency responsibility, are likely to mean that a multi partnership approach will be required at a landscape scale – e.g., Memorandum of Understanding (MoU).

In terms of limitations and to appreciate the scale of the issues facing the Council, reference is drawn to the position in the Brecon Beacons National Park. A report (ENC7Item 8) submitted to the [Planning, Access and Rights of Way Committee on Tuesday, 26th January, 2021](#) summarised the issues faced and these would be of relevance to Ceredigion also. Of particular note within the [Cover Report](#) is the following extract:

“3.1 Restricting new planning permissions will only ever have a minimal impact on meeting phosphate targets and bringing the designated features back into favourable condition; significant factors that are largely outside the scope of planning control can have a much greater impact. Unfortunately, the situation has not been arrested sooner and we are uncertain as to how long ‘legacy phosphates’ and phosphate loading introduced by uncontrolled activities will mean that new permissions will need to be restricted. This may include certain agricultural developments that are submitted via the ‘prior

notification' procedure. At the very least, it is likely that 'prior approval' will be required in most circumstances to allow for the relevant assessments to take place. Officers are considering the potential impacts on other forms of permitted development, including homeowners' rights to extend and make alterations to their property.

3.2 It is likely that a concerted cross-sector, landscape-scale effort to improve environmental quality and sectoral practices alongside regulation and enforcement will be required to improve water quality and build the ecological resilience of the River Wye so that the designated features it supports are returned to favourable condition. We are members of the River Wye Nutrient Management Plan Board, its technical advisory group, and the Wye Catchment Partnership. Despite the best efforts of these bodies (and others) over the last 10 years, the issue is yet to be resolved.

3.3 Although a very difficult task, establishing the evidence-base, modelling and monitoring indicators needed to demonstrate environmental and ecological capacity to accept the loading of new development must be a priority.

3.4 The letter received from NRW and its enclosures were sent to agents on 21 December 2020, with a commitment to meeting with them in the near future. Officers have also been asked if they can contact those to whom pre-application advice has been given during the previous 6 months to alert them to the issue. A high-level meeting between representatives of the National Park Authority and MP's took place on 8th January. A verbal update on any developments regarding the issue can be provided at PAROW.

3.5 The development of landscape scale nature-based solutions to the issues identified within this report will be a matter for investigation within the next iteration of the Management Plan. This will take concerted partnership working with a range of stakeholders not least, NRW, DCWW and landowners/managers within the affected catchment. The first meeting of such a grouping is scheduled to take place on the 18th of January”.

In noting that the provisions of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 are not directly related to the LDP, it

further frames the cross sectoral dimension to the issues being faced. Members are therefore asked to note that the Council, as a corporate body, faces challenges in policy terms in terms of reconciling its commitment to nature conservation and its declaration of the climate emergency with the requirement to recognise and support those agricultural and rural communities which form a key component of the social fabric of the County.

Generally, there will be a requirement for strategic avoidance or mitigation solutions. Projects to convert agricultural land to open space/habitat and upgrading of WwTW have been evidenced as the primary success measures in England. It is also worth noting that surface water run-off appears to be emerging as a further phosphate load consideration, arising from garden fertilisers and road salt for example, in relation to protected habitats.

[Reference is made to this website](#)

6.2. Technical Solutions

Immediate Measures

Any measures must be undertaken with full regard to the EU Court of Justice, 2018 ruling known as the ‘Dutch Case’. The judgement ruled that development must cause ‘no detriment’ to water quality. The Dutch case ruling applies to all stages of the planning process, in a catchment where water quality has been identified as an issue. While mitigation is allowed under this ruling the future benefit of mitigation measures cannot be relied upon in an appropriate assessment, where those benefits are uncertain at the time of the assessment. The primary short-term measure that has been employed in English counties to address this is the phosphate calculator. The calculator is used by developers to calculate the phosphate burden of a development, and this information is submitted as part of a planning application. Development is only granted if phosphate neutrality is achieved or if certain and measurable mitigation can be secured. Fallowing of land has been the primary mitigation response in the southern English counties to date. Other developer responses have included private wastewater treatment facilities on the development site, and developer investment in public WwTW. These have been recognised to be cost ineffective and not a viable long-term solution in the South of England. The financial unviability is likely to be more pronounced in the affected catchment areas of Ceredigion due to lower house prices, smaller profit margins, and the need for affordable housing.

Calculation of Phosphate Loading

For each qualifying planning application or LDP development allocation, an estimate of the additional phosphate load can be made. Phosphate loads are estimated on a rate of phosphate produced per dwelling assuming an average occupancy of 2.3 people per dwelling, unless there is clear evidence that a higher or lower number is appropriate for the type of residential development proposed. The phosphate load is calculated on the basis that residential development will be built to the highest water efficiency standards provided for by the building regulations. Each local planning authority will impose a planning condition on all planning permissions for one or more net additional

new dwellings requiring construction to the optimum requirement. Natural England and the Environment Agency have provided evidence to justify this imposition within England.

Short-Interim Phosphate Mitigation Measures

The following mitigation measures have been implemented through a Memorandum of Understanding (MoU) within English Counties e.g. Wiltshire

- i. Diverting Surface Water Flows and groundwater ingress away from the Foul Sewage Network (long term);
- ii. Addressing misconnections (short term);
- iii. Reducing flows to the Foul Sewage Network through water efficiency measures (immediate);
- iv. Silt Traps and small farm wetlands on agricultural land (Short term – implemented in 1-2 years?);
- v. Taking land out of intensive agricultural (arable or grass) production through offsetting (Long-term);
- vi. Change land-use from intensive to Less intensive grass production i.e., dairy and pig farming to cattle (Short term 1-2 years);
- vii. Partnership funding for grant applications e.g., measures 4 and 8 (Short term) – potential for grant funding uncertain;
- viii. Diverting surface water flows and groundwater ingress away from the foul sewage network (Long term).

Mid-long-term measures

Memorandum of Understanding (MoU) – A multi-agency agreement to ensure that development is ‘phosphate neutral’, and therefore will not have adverse effects upon the integrity of the affected SAC catchment area. A MoU describes where the parties will work together to help develop and implement appropriate phosphate controls and mitigation measures.

Nutrient Management Board/Plan – a multi-agency board to identify sources of nutrients that are entering the river and steps that can be taken to manage them. An example of this approach can be seen in Herefordshire. The aim of the plan is to manage nutrients in the affected SAC to enable growth in Ceredigion whilst conserving the river environment. The remit of the board

would be to gather an evidence base, appraise options, and develop a local level action plan.

7. Next Steps

It is considered that the approaches can be framed within a short / medium-term and longer-term timescale.

7.1. Short/Medium Term

The Collaborative Approach

Building on the experiences in Somerset, one of the most important aspects and roles for the Local Authority will be to facilitate discussion between stakeholders. In noting that the discussions may be difficult at times and may consist of contrasting viewpoints, a sectoral or isolated approach is unlikely to prove productive. In this regard, it is recommended that a terms of reference, which includes membership, is established. It is envisaged that there will be a key role for elected representatives to lobby and raise awareness.

The Replacement LDP

Full Council will need to consider the implications of the options and decide upon preferred option. There will also be a need to amend the Delivery Agreement. In the event that withdrawal is identified, consideration will need to be given as to whether site promoters are given an opportunity to demonstrate mitigation ahead of the removal of a site, or whether the site is removed by the Council immediately and it is a matter for the site promoter to demonstrate mitigation can be achieved for the Inspector at Examination. Such approaches are likely to be site specific solutions given that there is a lack of strategic mitigation available. Furthermore, due consideration will be given to providing a policy framework that could enable development to proceed in those impacted areas within the Plan period should a solution be identified pre-2033.

The reality in terms of mitigation is that it has to be evidenced based and robust in terms of demonstrating neutrality.

Development Management

Opportunities are available to utilise some of those solutions set out in Section 6 of this Paper. This includes the principle of a phosphate calculator and the trading of 'credits and debits'. It is recommended that discussions are held

with neighbouring authorities as to their plans and support in resource terms is provided to assist alongside continued work at a national level on the Phosphates Planning Sub Group.

Internal review of council land owned assets should be undertaken to identify opportunities for mitigations – a bid has been submitted by the economy and regeneration team to finance such works, as yet no decision has been made on the funding.

7.2. Longer Term

Follow the Science

Whilst there may be opportunities for mitigation on a site by site / case by case basis, it is clear that a high-level strategic approach to mitigation will be required longer term. In order to facilitate this, regional and pan Wales approaches should be adopted through shared approaches and integrated working.

A Nutrient Management Board as utilised in English affected areas may be established with responsibility for producing and monitoring a Nutrient Management Plan for the affected areas.

Given the levels of expertise required, the procurement of specialist to advise will be sought, both in terms of identifying area specific solutions and legal advice to ensure that the LA is fulfilling its duty in this growing and complex area. As such whilst the Councils can work together to frame this work, it is hoped that funding can be provided by the Welsh Government. The appointment of such specialist knowledge may also be sought in developing and implementing the short/medium term approaches.