

**Minutes of the Meeting of Thriving Communities Overview and Scrutiny
Committee held at the Council Chamber, Penmorfa, Aberaeron and remotely
on Wednesday 07 December 2022**

PRESENT: Councillor Gwyn Wigley Evans (Chairman), Councillors Marc Davies Gethin Davies, Meirion Davies, Rhodri Davies, Steve Davies, Rhodri Evans, Wyn Evans, Chris James, Maldwyn Lewis, Sian Maehrlein, Ann Bowen-Morgan, John Roberts and Carl Worrall.

Also in attendance: Councillors Amanda Edwards, Eryl Evans, Ceris Jones and Gareth Lloyd

Cabinet Members Present: Councillors Clive Davies, Keith Henson and Alun Williams.

Officers in attendance: Mr Russell Hughes Pickering, Corporate Lead Officer, Economy & Regeneration; Dr Sarah Groves-Phillips, Planning Policy Manager, Mrs Lisa Evans, Standards and Scrutiny Officer and Mrs Dana Jones, Democratic and Standards Officer

(10.00am-12:40pm)

1 Apologies

None.

**2 Disclosures of personal interest (including whipping declarations)
Members are reminded of their personal responsibility to declare any personal and prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. In addition, Members must declare any prohibited party whip which the Member has been given in relation to the meeting as per the Local Government (Wales) Measure 2011.**

None.

3 Update on Phosphate Situation

Consideration was given to the update report on the Phosphate Situation at the request of the Committee. Dr Sarah Groves-Phillips, Planning Policy Manager provided Members with the background to the phosphate situation.

It was reported that currently, since the introduction of the interim and revised guidance, the LPA had worked closely with neighbouring authorities who share river catchments namely Carmarthenshire (Tywi) and Pembrokeshire (Cleddau) to address the situation:

- As a collective the Council had 3 Nutrient Management Boards (NMB) and held the inception meetings, developed a term of reference and established a Technical Officers Group and Stakeholder Group.

- Had Lobbied Welsh Government for NMB funding, which had been awarded at £75,000 for the 2022-2023 financial year with expectations of £100,000 per catchment for the next 3 subsequent years.
- Appointed a NMB programme Manager to take forward the work of the NMBs and develop the Nutrient Management Plan for the catchment – they intend to go out for a NMB officer to support the role in the coming weeks.
- Appointed consultants to expand the Carmarthenshire Nutrient calculator and mitigation guidelines into the Teifi and Cleddau catchments. This was expected to be ready in January / February 2023. Some concerns expressed by NRW would be addressed in the new release and it was anticipated this calculator would be adopted nationally and rolled out as the All-Wales Nutrient Calculator.
- The Council had undertaken a Geographical Information System (GIS) mapping exercise across the 3 catchments and now had detailed modelling of where ‘the phosphate hotspots’ were and suggested mitigations to reduce phosphate run-off.
- The Council were currently conducting a feasibility study to create a Nutrient Credit Trading Scheme regionally liaising with DCWW who were also working on a similar project from a Water Company perspective.
- They were seeking detailed advice on creating long term strategies for the NMPs through the leading expert in the field, including reconsidering / testing the catchment water bodies to establish if there were some where we could implement a ‘de-minimus’ threshold where development may be acceptable.
- DCWW had completed the source apportionment work on the Teifi and this had revealed that 68% of the phosphorus sampled in the river was from WWTP’s rather than diffuse phosphates (agricultural and surface water run off) as previously expected.
- To address the source of the phosphates the Council were in early days stages of working with DCWW to establish sites for wetlands and how this could ‘over engineer’ them to not only address the WWTP permit level but provide some ‘headroom’ for future development.
- LPA were starting to liaise with NRW on where they were undertaking river restoration projects so we can ‘piggyback’ of existing works and increase the headroom capacity through extending riparian buffers they may be working on.
- LPA had developed Green Infrastructure Action Plans for each of the 6 towns where Phosphate’s mitigations had been a key theme for developing the greening projects.
- LPA had worked closely with the Public Service Board to ensure Phosphate mitigation projects had been identified in the forthcoming Well-Being Plan.
- LPA had worked closely with the Economy and Regeneration Team to ensure that Nutrient Management was a key theme in the Ceredigion Shared Prosperity Fund (SPF) Bid to UK Government so forthcoming mitigation projects could potentially be financed through SPF.

It was reported that since the introduction of the guidance, and knowledge and expertise has developed in this area internally the LPA and were now of the view that a multi-faceted strategy was required to ameliorate this issue and were prioritising 4 distinct workstreams these are outlined below:

It was stated that as it was easy to assume that as the Council now know the source apportionment work had confirmed the main source of phosphates was from WWTPs its DCWW's issue to resolve, unfortunately that was not a realistic expectation. Whilst they were now obliged to consider solutions for the Teifi more rigorously, it was still unlikely that Phosphate stripping would be installed county wide due to the high costs and low density of populations among other factors such as soli type river hydrology etc. Phosphate reduction technology will be introduced into Llanybydder into AMP 7 but the type has not yet been finalised and in accordance with their AMP procedures and timelines finalising locations for wetlands in AMP 8, a final decision on this to date had not been made. Its therefore important to consider all methods of phosphate reductions thus the LPA are prioritising the following 4:-

(i) Short term measures to unlock development in the coming months- creation of the nutrient calculator would allow developers to understand their nutrient load – the mitigation guidelines would let them see how they could 'spend' that load. The GIS mapping would identify if that spend was worthwhile. Unfortunately, there were not that many opportunities to 'spend' the load for the scale of developments the council would receive, but they would continue to investigate and amend the mitigation guidelines adding in new solutions as they became available.

2. Medium term measures include utilising expert advice to establish given the episodic failures of the Teifi monitoring whether there were any water bodies in the catchment that consistently achieve (with headroom) their targets so they could create a threshold under which they believe new development would have limited impact on phosphate levels in that river stretch. This meant this could say that housing/ tourism developments up to a certain size would had little impact on the conservation objectives in XYZ location and thus could come forward.

3. Longer medium-term measures include working with partners already undertaking river restoration such as NRW to enhance their existing works and thus create headroom within catchments for new developments. They were currently working under the Habitats Regulations section 6 to procure a list of all works being undertaken and then intend to source finance to multiply the benefits of the existing schemes, utilising the regulatory powers of the partner organisation. This would most likely be in the form of extending riparian buffers which had the most measurable success in reducing phosphate run off.

4. Long term measures include working with DCWW and any other interested partners in over engineering constructed wetlands to not only meet the permit requirements of DCWW WWTPs but also create headroom capacity for additional housing and tourism developments in Teifi SAC catchment. Due to the long- term planning of such developments including land acquisition, planning consent and finance, this will take some time to realise

but would ultimately be the most cost-effective mechanism for delivering real solutions.

It was reported that there were a number of other potential mitigation schemes that continued and each and every one was explored, whilst being mindful of the limited viability of the region and thus trying to ensure all measures were at the most reasonable cost to developers. This would of course necessitate the authority or WG bearing the brunt of the costs, it was too early to speculate what these may be, when this information was available the appropriate reports would be prepared in due course.

The impact of the guidance on other service areas was also an important consideration:

It was reported that following the revised guidance, the Development Management service had prepared a developer toolkit to establish if they could screen out any of the applications held in abeyance as now complying with regulations relating to PTPs which under very specific criteria could now be approved, however the parameters in which they were acceptable were quite tight and thus this would not be a solution open to all. The service continues to work through the backlog of cases and those newly submitted to screen out where the guidance may apply and development could move forward. Given the information requirements to be submitted by developers in order to meet the requirements was fairly onerous this was a relatively slow process as tests of likely significant effect and where necessary appropriate assessments (both requiring ecology expertise) may still be needed to move to decision stage.

The ecology team were successful in a Heritage Lottery funding bid for the Phosphates Reduction and Mitigation (PRAM) project. A project officer was appointed (albeit behind schedule) and they were subject to the tight funding timelines embarking on a programme of works to establish riparian buffers and the feasibility of wetlands on public sector owned land. Unfortunately, this project was devised before we understood the full extent of the issue and what mitigations were best placed. Thus, in hindsight may had been delivered differently never the less the overall outcome of the works was to deliver Phosphate reductions in the Teifi SAC and this was welcomed.

It was likely at some point in quarter one of 2023 that the LPA would receive a marine nutrient release for the marine SACs, as yet they did not know what this would yield. It was anticipated that it would be related to failing targets of nitrogen (a bigger concern in marine environments). The entire Ceredigion coast was covered by 3 marine SACs (Cardigan Bay SAC, Penllyn & Sarnau SAC and the West Wales Marine SAC) and if these SACs were failing their targets and / or the guidance were to be released as it was in England it could lead to a county wide embargo on development that increases waste water. However, it's important to note that the LPA did not know what the marine release would say and / or if they are failing the targets. Furthermore, all was not lost as the lessons learned from the Phosphate release mean we were better placed to manage such an issue and had a clear pathway for managing the impact. They also know that nitrogen was easier to mitigate

than phosphates and all the phosphate reduction works we were planning to embark on also work for nitrogen. So, as we progress the work streams we were also factoring in Nutrient monitoring and mitigations more broadly than simply phosphates to nutrient stack our mitigations where this is allowable.

The following were Future Workstreams:-

- Commissioning HRA specialist advice on NRW compliance report of the Teifi, and where appropriate constructively challenging NRW in their role as the nature conservation body
- Continued lobbying of WG and NRW in their role as environmental regulator for provision of clarity of interpretation and clear leadership.
- Undertake strategic land use review of Authority's assets to identify sites for mitigation purposes – linking into disposal strategy and PRAM project.
- Identify & shortlist potential onsite and offsite mitigation measures – gather evidence, produce high level, outline costs for shortlisted mitigation schemes. incl. surface water separation, filter strips, planting, wetlands – undertaking feasibility and technical appraisals and identifying funding streams.
- Produce GIS Maps showing mitigation options.
- Develop strategy to deliver off-site mitigation schemes.
- Establish a framework for and develop and implement a Nutrient Credit Trading System.
- Develop a Nutrient Management Supplementary Planning Guidance (SPG) Incl. potentially enabling locally focused delivery.
- Explore potential for retro fitting RSL Housing Stock with water saving measures to enable AH delivery.
- Develop a Water retention and reduction SPG.
- Develop opportunities for Grampian conditions and s106 agreements to secure mitigation.

Following questions and comments from the floor, it was AGREED that an update on the Phosphate Situation would be provided at the April 2023 meeting.

4 Development Management

Mr Russell Hughes-Pickering, Corporate Lead Officer- Economy and Regeneration reported that in 2021 Audit Wales completed a review of the Planning Service in Ceredigion. The final review document was published in November 2021.

The report set out 10 recommendations relating to governance arrangements and to improving service capacity.

Appendix 1 presented set out the Council's response and progress against each of these recommendations.

It was reported that the work was taken forward through a Task and Finish Group that had been set up earlier in 2021 to implement an Action Plan for the improvement of governance and performance issues. The focus up until

to March 2022 was largely on addressing governance issues and identifying additional resource to tackle planning application and enforcement backlogs.

The work on governance issues resulted in changes to the Constitution agreed in March 2022, including:

- New Terms of Reference
- New Operational Procedures
- New Code of Practice
- New Delegated Powers

It was reported that training was provided to all Members after the elections in May and these changes had now been embedded with procedures and practices being adopted well.

To address performance issues, it was necessary to look at tackling issues in four main areas of the development management process – validation, consultee delays, phosphates and staff capacity to deal with cases.

Validation was running 8 weeks late, so cases were often reaching officers at a point where decision should normally be issued. To address this, additional resources and training was made available corporately. The current position was that most applications were now processed within a day or two of being submitted which was where the service would like to be. Other issues remain as a significant number of applications were of a poor quality, meaning many required further information or changes in order to become validated.

Consultee delays often reflect capacity issues elsewhere, for example, in Highways or Ecology. Where the Council had control additional resources had been provided to help address issues. Further resource was being sought to assist with ecological input, in particular to help clear cases where phosphates had been an issue.

The phosphate issue had led to a large number of cases being held in abeyance building up a backlog of cases. New guidance and a proforma would help progress some applications but would add pressures over the next 3-4 months to clear cases.

Overall, there were now 511 planning applications (where ideally the service would want around 200) and 550 enforcement cases (ideally should be no more than 200 cases).

As staff recruitment has proved difficult, a tender exercise for engaging consultants took place earlier in the year and following evaluation of tenders, Capita were appointed to support the service deal with planning applications and enforcement cases. Capita have been actively working on cases since the beginning of September 2022 and are beginning to deliver recommendations so decisions can be made by the Authority. The process for considering applications or enforcement matters and making decisions was the same regardless of whether the staff are in house or contracted.

The above arrangements were expected to make a noticeable difference in the backlog level and time take to deliver decisions over the next 3-4 months but was likely to take up to 12 months to reach optimum levels.

Following questions from the floor, it was AGREED that an update report on the planning service would be provided at the April meeting.

5 To confirm the Minutes of the previous Meeting and to consider any matters arising from those Minutes

It was agreed to confirm the minutes of the meeting held on 19 October 2022.

6 To consider the Overview and Scrutiny Forward Work Programme

It was agreed to note the contents of the Forward Work Programme presented subject to the following:

- An update on the phosphates and planning service would be provided at the April as previously agreed at the meeting.
- Welsh Transport Strategy also be presented in the April meeting, to include details of the land/planning permission which were required to proceed with the reopening the Aberystwyth to Carmarthen railway line

Confirmed at the Meeting of the Thriving Communities Overview and Scrutiny Committee held on 10 February 2023

Chairman: _____

Date: _____