

## Report of Director of Planning and Park Direction

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### **Subject: Nutrient Management Board**

#### **Purpose of this report**

The purpose of this report is to seek approval from NPA, for the delegation of decisions relating to the Nutrient Management Board to the Chief Executive Officer and the Director of Planning and Park Direction.

#### **Background**

In January 2021, Natural Resources Wales (NRW) published a report which assessed compliance with revised phosphorus targets for Welsh Riverine Special Areas of Conservation (SACs). Of the 107 water bodies assessed, 61% failed. This includes the River Cleddau SAC, which had a failure rate of 88%.

In light of the above, NRW issued interim planning guidance advising competent authorities to undertake a Habitats Regulations Assessment (HRA) prior to determining any planning application that would generate an increased volume or concentration of wastewater to ensure that the design will not contribute to increased phosphate levels in the SAC. Therefore, any development that increases phosphate levels in the SAC is not acceptable under the Habitats Regulations Assessments.

Natural Resources Wales have requested that impacted Authorities establish a Nutrient Management Plan Board for the River Cleddau SAC. The role of the River Cleddau SAC Nutrient Management Plan Board is to identify and deliver actions to achieve the conservation targets of the SAC. The primary mechanism for achieving this would be through the delivery of the Nutrient Management Plan.

It is proposed that the Nutrient Management Plan Board would be supported by two additional groups – A Technical Officers Group and a Stakeholder Group. The first meeting of the Board took place on the 17<sup>th</sup> March 2022, where the Authority was represented by the Director of Planning and Park Direction.

PCNPA is not currently significantly impacted by the River Cleddau SAC in terms of its impact upon planning decisions, however if the report is extended to include Marine SACs it is likely there will be significant effects and if this occurs a separate report will be reported to Members.

This report seeks approval for the delegation of decisions relating to the Nutrient Management Plan Board for the River Cleddau Special Area of Conservation.

## **Risk Considerations**

Whilst the risks are currently low due to the locations of the failing elements of the SAC, the determination of any planning application that would result in an increase to the phosphate level would be impacted.

## **Financial Considerations**

It is likely there will be cost implications in preparing and delivering the plan, which will be shared with the other impacted authorities. The regional authorities with responsibility for NMB's are working closely with NRW and WG to establish what resources are available.

**Recommendation: Members are asked to approve the delegation of decisions relating to the Cleddau SAC Nutrient Management Board to the Chief Executive Officer and the Director of Planning and Park Direction**

*Author: Nicola Gandy, Director Planning and Park Direction*

## Terms of Reference for the River Cleddau Nutrient Management Board

1. The Nutrient Management Board is a long-term collaborative strategic partnership, entered into on a voluntary basis, with joint ownership of the Nutrient Management Plan.
2. The objective of the Board is to identify and deliver actions that achieve the phosphorous conservation target of the River Cleddau SAC. The primary mechanism for achieving this will be through the delivery of the Nutrient Management Plan.
3. The Board will consist of two or more Board Members as shown in the schedules to this Terms of Reference
4. The Board Member will be responsible for the delivery of any identified actions, subject to any necessary democratic approval being obtained, and for identifying and obtaining the necessary resources to deliver those actions.
5. The Board will work together to review contributions across all organisations, working collaboratively to achieve the objectives outlined in clause 2 and ensuring all members understand the issues and work together to resolve them.
6. The Board will prepare a Delivery Plan setting out measurable actions assigned to each Board Member and a timetable for their delivery. The Delivery Plan will include details of engagement with stakeholders including methods for community involvement to further the objectives of the Plan.
7. The Board will review performance and delivery of actions within the plan and take timely corrective action where identified. The contributions of all organisations will be discussed as a whole.
8. The Nutrient Management Action Plan will initially be reviewed by the Board annually and be subject to regular updates. Thereafter the Nutrient Management Plan will be subject to mutually agreed reviewed periods as detailed in the action plan.
9. The Board will be supported by input from a Technical Group and a Stakeholder Group to help inform their decisions with the Board agreeing the frequency of Technical and Stakeholder Group meetings. Both groups will be formed on a sub-regional basis, with non-voting representation on the Nutrient Management Board. The terms of reference for both groups will be determined by the Board.
10. The Board will direct the Technical Group where additional actions or evidence is required.
11. The Board will be chaired by an elected member of the local authority with the largest geographical SAC river catchment spread for that particular board. Chairs will not be present at meetings of boards they do not themselves chair, instead a senior officer of

that authority, will represent any Authority with voting right on Boards where they share rivers catchments.

12. Board Members with voting rights will have 1 vote per Board Member. Any vote taken by a Board will not be binding upon Board Members.

SCHEDULE  
(BOARD MEMBERS)

<b>CLEDDAU</b>	<b>TEIFI</b>	<b>TYWI</b>
<b>VOTING BOARD MEMBERS</b>	<b>VOTING BOARD MEMBERS</b>	<b>VOTING BOARD MEMBERS</b>
<b>Chair</b> (Pembrokeshire County Council)	<b>Chair</b> (Ceredigion County Council)	<b>Chair</b> (Carmarthenshire County Council)
Pembrokeshire Coast National Park	Dŵr Cymru Welsh Water	Brecon Beacons National Park Authority
Dŵr Cymru Welsh Water	Natural Resources Wales	Dŵr Cymru Welsh Water
Natural Resources Wales		Natural Resources Wales
<b>NON-VOTING BOARD MEMBERS</b>	<b>NON-VOTING BOARD MEMBERS</b>	<b>NON-VOTING BOARD MEMBERS</b>

**Terms of Reference for the River Teifi Nutrient Management Board**

1. The Nutrient Management Board is a long-term collaborative strategic partnership, entered into on a voluntary basis, with joint ownership of the Nutrient Management Plan.
2. The objective of the Board is to identify and deliver actions that achieve the phosphorous conservation target of the River Teifi SAC. The primary mechanism for achieving this will be through the delivery of the Nutrient Management Plan.
3. The Board will consist of two or more Board Members as shown in the schedules to this Terms of Reference
4. The Board Member will be responsible for the delivery of any identified actions, subject to any necessary democratic approval being obtained, and for identifying and obtaining the necessary resources to deliver those actions.

5. The Board will work together to review contributions across all organisations, working collaboratively to achieve the objectives outlined in clause 2 and ensuring all members understand the issues and work together to resolve them.
6. The Board will prepare a Delivery Plan setting out measurable actions assigned to each Board Member and a timetable for their delivery. The Delivery Plan will include details of engagement with stakeholders including methods for community involvement to further the objectives of the Plan.
7. The Board will review performance and delivery of actions within the plan and take timely corrective action where identified. The contributions of all organisations will be discussed as a whole.
8. The Nutrient Management Action Plan will initially be reviewed by the Board annually and be subject to regular updates. Thereafter the Nutrient Management Plan will be subject to mutually agreed reviewed periods as detailed in the action plan.
9. The Board will be supported by input from a Technical Group and a Stakeholder Group to help inform their decisions with the Board agreeing the frequency of Technical and Stakeholder Group meetings. Both groups will be formed on a sub-regional basis, with non-voting representation on the Nutrient Management Board. The terms of reference for both groups will be determined by the Board.
10. The Board will direct the Technical Group where additional actions or evidence is required.
11. The Board will be chaired by an elected member of the local authority with the largest geographical SAC river catchment spread for that particular board. Chairs will not be present at meetings of boards they do not themselves chair, instead a senior officer of that authority, will represent any Authority with voting right on Boards where they share rivers catchments.
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Pembrokeshire Coast National Park	Dŵr Cymru Welsh Water	Brecon Beacons National Park Authority
Dŵr Cymru Welsh Water	Natural Resources Wales	Dŵr Cymru Welsh Water
Natural Resources Wales		Natural Resources Wales
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### Terms of Reference for the River Tywi Nutrient Management Board

1. The Nutrient Management Board is a long-term collaborative strategic partnership, entered into on a voluntary basis, with joint ownership of the Nutrient Management Plan.
2. The objective of the Board is to identify and deliver actions that achieve the phosphorous conservation target of the River Cleddau SAC. The primary mechanism for achieving this will be through the delivery of the Nutrient Management Plan.
3. The Board will consist of two or more Board Members as shown in the schedules to this Terms of Reference
4. The Board Member will be responsible for the delivery of any identified actions, subject to any necessary democratic approval being obtained, and for identifying and obtaining the necessary resources to deliver those actions.
5. The Board will work together to review contributions across all organisations, working collaboratively to achieve the objectives outlined in clause 2 and ensuring all members understand the issues and work together to resolve them.
6. The Board will prepare a Delivery Plan setting out measurable actions assigned to each Board Member and a timetable for their delivery. The Delivery Plan will include details of engagement with stakeholders including methods for community involvement to further the objectives of the Plan.
7. The Board will review performance and delivery of actions within the plan and take timely corrective action where identified. The contributions of all organisations will be discussed as a whole.
8. The Nutrient Management Action Plan will initially be reviewed by the Board annually and be subject to regular updates. Thereafter the Nutrient Management Plan will be subject to mutually agreed reviewed periods as detailed in the action plan.

9. The Board will be supported by input from a Technical Group and a Stakeholder Group to help inform their decisions with the Board agreeing the frequency of Technical and Stakeholder Group meetings. Both groups will be formed on a sub-regional basis, with non-voting representation on the Nutrient Management Board. The terms of reference for both groups will be determined by the Board.
10. The Board will direct the Technical Group where additional actions or evidence is required.
11. The Board will be chaired by an elected member of the local authority with the largest geographical SAC river catchment spread for that particular board. Chairs will not be present at meetings of boards they do not themselves chair, instead a senior officer of that authority, will represent any Authority with voting right on Boards where they share rivers catchments.
12. Board Members with voting rights will have 1 vote per Board Member. Any vote taken by a Board will not be binding upon Board Members.

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(BOARD MEMBERS)

<b>CLEDDAU</b>	<b>TEIFI</b>	<b>TYWI</b>
<b>VOTING BOARD MEMBERS</b>	<b>VOTING BOARD MEMBERS</b>	<b>VOTING BOARD MEMBERS</b>
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Pembrokeshire Coast National Park	Dŵr Cymru Welsh Water	Brecon Beacons National Park Authority
Dŵr Cymru Welsh Water	Natural Resources Wales	Dŵr Cymru Welsh Water
Natural Resources Wales		Natural Resources Wales
<b>NON-VOTING BOARD MEMBERS</b>	<b>NON-VOTING BOARD MEMBERS</b>	<b>NON-VOTING BOARD MEMBERS</b>