

NUTRIENT STATEMENT: Development proposals involving connection to public wastewater treatment works (Wastewater Treatment Works)

Date: December 2024

Background

1. In January 2021, Natural Resources Wales published a report assessing compliance with phosphorus targets for Welsh river Special Areas of Conservation, as revised by the Joint Nature Conservation Committee. This report presented Natural Resources Wales' assessment of how much phosphorus there is in Special Areas of Conservation rivers measured against revised water quality targets. The evidence review showed that over 60% of the water bodies assessed in Special Areas of Conservation river catchments were failing to meet the revised water quality targets for phosphorus. High concentrations of phosphorus lead to the process of nutrient enrichment, also known as eutrophication, and can alter the balance of plant species in our rivers causing significant ecological damage.
2. Specifically, in the Bannau Brycheiniog (Brecon Beacons) National Park Authority area, the assessment identified that within the River Usk catchment 88% of the river's water bodies failed to meet the required phosphorus target and within the River Wye catchment 67% failed to meet the required phosphorus target. 0% of the water bodies in the River Tywi catchment were identified as failing to meet the required phosphorus target. An update to phosphorus targets was published by Natural Resources Wales in August 2023.
3. In January 2024, Natural Resources Wales published an assessment of other water quality attributes against targets in Special Areas of Conservation rivers. The study included an assessment of ammonia, which can have direct toxic effects on aquatic life or be a pollutant leading to nutrient enrichment. While most Special Areas of Conservation catchments were found to be meeting ammonia targets, Planning Authorities will need to consider the effect of development on ammonia discharges to Special Areas of Conservation rivers.
4. It is understood that updated phosphorus monitoring information will be published by Natural Resources Wales in early 2025.
5. Natural Resources Wales has published advice for planning authorities for planning applications affecting nutrient sensitive river Special Areas of Conservation. This guidance is periodically updated; the latest version is available [here](https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities-) (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities->

[for-planning-applications-affecting-phosphorus-sensitive-river-special-areas-of-conservation/?lang=en](#)).

6. Natural Resources Wales have advised Local Planning Authorities that *"Other 'appropriate steps' (in accordance with Article 6(2) of the Habitats Directive) are being undertaken by Natural Resources Wales and other stakeholders to address other existing sources of P and restore Special Areas of Conservation to favourable condition, in relation to rural land use"*. (Natural Resources Wales Briefing Note issued July 2023)

Habitats Regulations Assessment

7. Special Areas of Conservation are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) – also known as the Habitats Regulations.
8. The Bannau Brycheiniog National Park Authority is a Competent Authority and must carry out an assessment under the Habitats Regulations, known as a Habitats Regulations Assessment, to test if a plan or project proposal could significantly harm the designated features of Special Areas of Conservation.
9. The Welsh Government has a useful guide for the Habitats Regulations Assessment process. It sets out the general approach as well as key principles to follow. Some key principles relate to the need for a precautionary approach to be taken to decision-making, the need to make judgements based on the facts of the individual situation and the ecological condition of the site's features whilst using the best available objective and scientific information to make confident decisions.
10. See here for further information and the various steps to Habitats Regulations Assessment : <https://www.gov.wales/habitats-regulations-assessments-protecting-european-site-html>.

Duty and Purposes of National Parks

11. The statutory purposes and duty of National Parks is set out in the Environment Act 1995.

Our statutory purposes:

- to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park
- to promote opportunities for public enjoyment and understanding of the special qualities of the National Park

Our statutory duty:

- to foster the economic and social well-being of communities living within the National Park

12. The Statutory Purposes and our Statutory Duty form the basis of all the work we do.
13. These twin purposes are underpinned by the Sandford Principle which asserts the primacy of the first purpose over the second in cases of irreconcilable conflict.

14. In addition to the two statutory purposes, Section 62 of the Environment Act places a duty onto the National Park to “*foster the economic and social well-being of local communities, within the National Park*”. This duty should be fulfilled in the pursuit of the National Park purposes.

What wider actions are being undertaken in the Special Areas of Conservation river catchments?

15. Welsh Government have supported initiatives to establish Nutrient Management Boards for the Special Areas of Conservation catchments. The Bannau Brycheiniog National Park Authority is involved in a number of activities to improve water quality across the National Park.

- The Usk Catchment Partnership has been established and is currently hosted by the Bannau Brycheiniog National Park Authority; this brings together statutory bodies and interested parties around a shared aim to restore the ecological health and resilience of the River Usk and its catchment.
- Bannau Brycheiniog National Park Authority is represented at the River Wye Nutrient Management Board and Statutory Officers Group.
- A Nutrient Management Board has been established for the Tywi as part of the West Wales Nutrient Management Plan preparation, again with Bannau Brycheiniog National Park Authority representation

16. In addition to this:

- Natural Resources Wales have recently launched the Upper Wye Catchment Restoration Project, with goals to protect species and improve habitats by tackling various pressures impacting the river and delivering enhancements in the upper catchment will benefit the entire river system.
- The Welsh Government is currently finalising an All-Wales Nutrient Calculator to assist with assessing impacts. A Mitigation Measures Menu is available on the Welsh Government website: <https://www.gov.wales/river-pollution-summit-action-plan#content>.

Wastewater Treatment Works and Environmental Permits

17. There are numerous Wastewater Treatment Works of varying sizes within the three Special Areas of Conservation catchments within the Bannau Brycheiniog National Park. Each Wastewater Treatment Works operates under an environmental permit which is authorised and regulated by Natural Resources Wales.

18. Natural Resources Wales has undertaken a review of existing water company permits for the larger Wastewater Treatment Works (i.e. those with a dry weather flow, final effluent discharge of more than 20m³/day) against revised phosphorus targets.

19. Natural Resources Wales summary information on the phosphorus limits on environmental permits for wastewater treatment work discharges is also available: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/phosphorus-limits-on-environmental-permits-for-waste-water-treatment-work-discharges/?lang=en>

20. For further information, Natural Resources Wales keeps a Public Register of permit information available here: <https://naturalresourceswales.gov.uk/permits-and-permissions/public-register-environmental-permitting/?lang=en>

What does the Natural Resources Wales guidance mean for connections to public wastewater treatment works where the environmental permit has been reviewed against revised nutrient and water quality targets?

21. Where a Wastewater Treatment Works permit has been reviewed against revised water quality targets and, in some cases, varied accordingly, new developments connecting to the associated public sewer will still be subject to a Habitats Regulations Assessment by the Bannau Brycheiniog National Park Authority. Whilst the nutrient impacts of new connections should be considered on a **case-by-case basis**, Natural Resources Wales advise that it is **likely** that a conclusion of no likely significant effect **could** be drawn in the context of water quality impacts where the sewerage undertaker confirms the following apply:

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits (meaning both nutrient limits with immediate effective dates and for some permits, tighter nutrient limits with future effective dates), and
- the Wastewater Treatment Works is currently operating in compliance with permit conditions or will be in advance of new connections being made, where permit conditions include those for flow, final effluent standards and flow passed forward¹ (for works with storm tanks or direct storm overflow).

22. Although, it should be noted that the scope of a Habitats Regulations Assessment may need to be wider than the scope of the permit review and consider other site characteristics, new information or changes in circumstances.

23. Whether specific mitigation is required for a given development will be considered on a **case-by-case basis, as part of the Habitats Regulations Assessment process**. Natural Resources Wales advise that **where appropriate**, Planning Authorities are advised to condition timing of development to correspond with delivery of future improvements at wastewater treatment works including those scheduled under Asset Management Plan. Grampian conditions² may be used but, as development specific mitigation, should be considered on a case-by-case basis at Appropriate Assessment. Where future improvements or enhancements are required to enable a treatment works to meet reviewed permit limits, **conclusions of no likely significant effect or no adverse effect on site integrity can only be made if there is certainty at the time that the Habitats Regulations Assessment is being carried out that these improvements proposed**

¹ Flow Passed Forward is defined as the rate of flow (litres per second) of the wastewater arriving at the overflow from its upstream collection system and passed forward to the continuation flow. Flow Passed Forward must be maintained for the duration of the spill event, or the hydraulic capacity of the downstream sewer shall be deemed to have been exceeded (as per the individual permit condition of the storm overflow) [as per Natural Resources Wales Guidance Note: GN066: How to classify storm overflow performance]

² Grampian conditions are negative conditions which preclude the implementation of development permitted by a planning permission until some step required by the condition has been undertaken. The term derives from Grampian Regional Council v City of Aberdeen (1984).

within the Asset Management Plan will be implemented (Bannau Brycheiniog National Park Authority bold words for emphasis).

24. Please see the Natural Resources Wales guidance for further information.

The Nutrient Position in some individual settlements

What is the National Park's approach in respect of connections to public wastewater treatment works where the environmental permit has been reviewed against revised nutrient targets?

25. As stated above, the Natural Resources Wales guidance makes it clear that proposals need to be considered on a case-by-case basis. Key principles of undertaking Habitats Regulations Assessments relate to the need for a precautionary approach to be taken to decision making, the need to make judgements based on the facts of the individual situation and the ecological condition of the site's features whilst using the best available objective and scientific information to inform decisions. In addition, as a National Park Authority, due consideration needs to be given to our statutory duty and purposes (further information is available here: <https://bannau.wales/the-authority/who-we-are/aims-and-purposes/>). Natural Resources Wales advise us that work on wider measures is in place across the Special Areas of Conservation catchments to address the nutrient contributions from other sources.
26. With the above matters in mind, we set out below the Authority's current approach in relation to the Wastewater Treatment Works permits which have been reviewed against revised nutrient and water quality targets to date; this includes specific guidance on our approach in the larger settlements of the National Park for the Wye and Usk Special Areas of Conservation catchments:

Brecon

Natural Resources Wales Permit Review Context

27. The Brecon Wastewater Treatment Works Environmental Permit has been reviewed by Natural Resources Wales and was published on 22nd November 2023. The permit now has a phosphorus limit of 5mg/litre effective from 28th November 2023 and a tightened phosphorus limit of 2mg/litre will be imposed from 31st December 2025.
28. Dŵr Cymru Welsh Water have also provided written commitment to implement the phosphorus limit of 2mg/litre by July 2024, ahead of the required date; nevertheless, certainty of implementation is secured through the permit date of 31st December 2025.
29. The Brecon Wastewater Treatment Works was non-compliant from a Flow Passed Forward perspective, but a scheme has been undertaken to address this; monitoring equipment is still being installed in order for Dŵr Cymru Welsh Water to demonstrate compliance during 2025.
30. The permit has an ammonia limit of 15mg/litre effective from 28th November 2023. Dŵr Cymru Welsh Water have confirmed that the Wastewater Treatment Works is compliant with this limit.

National Park Approach

31. The Bannau Brycheiniog National Park Authority will consult Dŵr Cymru Welsh Water and Natural Resources Wales on new planning applications. Based on the current information available and adopting a precautionary approach which takes account of the ecological condition of the site's features and phosphorus targets for the waterbody, we currently anticipate screening in developments which propose new connections to the Brecon Wastewater Treatment Works. We will therefore undertake an Appropriate Assessment in consultation with Natural Resources Wales and will consider matters on a case-by-case basis. Recent consultation responses from Dŵr Cymru Welsh Water on planning applications are confirming there is capacity in place to accommodate the additional wastewater in compliance with the revised permit limits and that the Wastewater Treatment Works is currently operating in compliance with permit conditions or will be in advance of new connections being made, where permit conditions include those for flow, final effluent standards and flow passed forward. Provided this continues to be confirmed, in the majority of cases we envisage being able to approve development proposing new connections to this Wastewater Treatment Works prior to 31st December 2025, subject to Grampian style conditions linked to this date. This is due to the level of intervention to water quality discharges at the Brecon Wastewater Treatment Works as a result of phosphorus reduction i.e. a phosphorus limit being imposed which will then be tightened further within the lifetime of a normal planning permission, as well as the compliance works to the Flow Passed Forward being undertaken.

Crickhowell

Natural Resources Wales Permit Review Context

32. The Crickhowell Wastewater Treatment Works Environmental Permit has recently been reviewed by Natural Resources Wales and was published on 31st January 2024. The permit now has a phosphorus limit of 5mg/litre effective from 7th February 2025.

33. The Crickhowell Wastewater Treatment Works is currently compliant from a Flow Passed Forward perspective.

34. The permit has an ammonia limit of 20mg/litre effective from 7th February 2024. Dŵr Cymru Welsh Water have confirmed that the Wastewater Treatment Works is compliant with this limit.

National Park Approach

35. Bannau Brycheiniog National Park Authority will consult Dŵr Cymru Welsh Water and Natural Resources Wales on new planning applications. Based on the current information available and adopting a precautionary approach which takes account of the ecological condition of the site's features and phosphorus targets for the waterbody, we anticipate screening in developments which propose new connections to the Crickhowell Wastewater Treatment Works. We will therefore undertake an Appropriate Assessment in consultation with Natural Resources Wales and consider matters on a case-by-case basis. Recent consultation responses from Dŵr Cymru Welsh Water advise that there is limited capacity for additional foul drainage flows to the Wastewater Treatment Works; this capacity will increase following the implementation of improvement works by 7th February 2025. Dŵr Cymru Welsh Water also advise that the Wastewater Treatment

Works is currently operating in compliance with permit conditions or will be in advance of new connections being made, where permit conditions include those for flow, final effluent standards and flow passed forward. Provided this continues to be confirmed, in the majority of cases - we envisage being able to approve development proposing new connections to this Wastewater Treatment Works prior to 7th February 2025 subject to Grampian style conditions. This is due to the level of intervention being introduced in terms of phosphorus reduction at the Wastewater Treatment Works (i.e. a phosphorus limit being introduced within the lifetime of a normal planning permission and compliant Flow Passed Forward).

Aberbaiden

Natural Resources Wales Permit Review Context

36. The Aberbaiden Wastewater Treatment Works Environmental Permit has recently been reviewed by Natural Resources Wales and was re-issued on 23rd January 2024. The permit now has a phosphorus limit of 5mg/litre effective from 30th January 2025.
37. The Aberbaiden Wastewater Treatment Works is currently compliant from a flow passed forward perspective as Dŵr Cymru Welsh Water has recently undertaken a scheme to rectify an apparent significant non-compliance.
38. The permit has an ammonia limit of 15mg/litre, also effective from 30th January 2024. Dŵr Cymru Welsh Water have confirmed that the Wastewater Treatment Works will be compliant with this limit.

National Park Approach

39. Bannau Brycheiniog National Park Authority will consult Dŵr Cymru Welsh Water and Natural Resources Wales on new planning applications. Based on the current information available and adopting a precautionary approach which takes account of the ecological condition of the site's features and phosphorus targets for the waterbody, we anticipate screening in developments which propose new connections to the Aberbaiden Wastewater Treatment Works. We will therefore undertake an Appropriate Assessment in consultation with Natural Resources Wales and consider matters on a case-by-case basis. Recent consultation responses from Dŵr Cymru Welsh Water on planning applications are confirming there is capacity to accommodate the additional wastewater in compliance with the revised permit limits and that the Wastewater Treatment Works is currently operating in compliance with permit conditions or will be in advance of new connections being made, where permit conditions include those for flow, final effluent standards and flow passed forward. Provided this continues to be confirmed, in the majority of cases - we envisage being able to approve development proposing new connections to this Wastewater Treatment Works prior to 30th January 2025, subject to Grampian style conditions. This is due to the level of intervention being introduced in terms of phosphorus reduction at the Wastewater Treatment Works (i.e. a new phosphorus limit being introduced within the lifetime of a normal planning permission and significant recent works to the Flow Passed Forward having been undertaken).

Llanfoist

Natural Resources Wales Permit Review Context

40. The Llanfoist Wastewater Treatment Works Environmental Permit has recently been reviewed by Natural Resources Wales and was published on 6th November 2023. The permit now has a phosphorus limit of 5mg/litre effective from 13th November 2023 and a tightened phosphorus limit of 2mg/litre will be imposed from 31st December 2025.
41. The Llanfoist Wastewater Treatment Works is currently compliant from a flow passed forward perspective.
42. The permit has an ammonia limit of 20mg/litre effective from 13th November 2023. Dŵr Cymru Welsh Water have confirmed that the Wastewater Treatment Works is compliant with this limit.

National Park Approach

43. Bannau Brycheiniog National Park Authority will consult Dŵr Cymru Welsh Water and Natural Resources Wales on new planning applications. Based on the current information available and adopting a precautionary approach which takes account of the ecological condition of the site's features and phosphorus targets for the waterbody, we anticipate screening in developments which propose new connections to the Llanfoist Wastewater Treatment Works. We will therefore undertake an Appropriate Assessment in consultation with Natural Resources Wales and consider matters on a case-by-case basis. Recent advice from Dŵr Cymru Welsh Water on planning applications are confirming there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits and the sewer network and that the Wastewater Treatment Works is currently operating in compliance with permit conditions or will be in advance of new connections being made, where permit conditions include those for flow, final effluent standards and flow passed forward. Provided this continues to be confirmed, in the majority of cases - due to the level of improvement being introduced in terms of phosphorus reduction at this Wastewater Treatment Works - we envisage being able to approve development proposing new connections to this Wastewater Treatment Works prior to 31st December 2025, subject to Grampian style conditions. This is due to the level of intervention being introduced in terms of phosphorus reduction at the Wastewater Treatment Works (i.e. a phosphorus limit being introduced and then further tightened within the lifetime of a normal planning permission and compliant Flow Passed Forward).

Talgarth

Natural Resources Wales Permit Review Context

44. The Talgarth Wastewater Treatment Works Environmental Permit has recently been reviewed by Natural Resources Wales and was re-issued on 14th August 2023. The permit does not alter the existing phosphorus limit of 2mg/litre on the permit until 31st March 2030 at which point Dŵr Cymru Welsh Water will need to have implemented a scheme in Asset Management Plan 8 to meet the tighter limit of 0.25mg/litre.
45. The Talgarth Wastewater Treatment Works is currently not compliant from a flow passed forward perspective.

46. Dŵr Cymru Welsh Water has recently undertaken a scheme to assist with compliance from a flow passed forward perspective however we understand some matters are being worked through so demonstration of compliance is not yet confirmed.
47. The permit has an ammonia limit of 8mg/litre effective from 14th August 2023.

National Park Approach

48. Bannau Brycheiniog National Park Authority will consult Dŵr Cymru Welsh Water and Natural Resources Wales on new planning applications. Based on the current information available and adopting a precautionary approach which takes account of the ecological condition of the site's features and phosphorus targets for the waterbody, we anticipate screening in developments which propose new connections to the Talgarth Wastewater Treatment Works. Please note that this includes development in Llangors and other small settlements, as well as Talgarth. We will therefore undertake an Appropriate Assessment in consultation with Natural Resources Wales and consider matters on a case-by-case basis. Recent advice from Dŵr Cymru Welsh Water is that there is capacity to accommodate the additional wastewater in compliance with the phosphorus limit on the revised permit but there is insufficient hydraulic capacity to meet flow passed forward compliance requirements. We expect Dŵr Cymru Welsh Water to confirm flow passed forward compliance during 2025. However, there remains no change to the phosphorus reduction at the Wastewater Treatment Works until 31st March 2030 which is outside the lifetime of a normal planning permission and also identified as part of Asset Management Plan 8 which has not yet commenced. This raises concern over the appropriateness of a Grampian condition which should not be imposed if there is no reasonable prospect of the required action being performed within the time limit imposed by the permission (usually 5 years).
49. The Natural Resources Wales Compliance Report shows that this waterbody of the River Wye Special Areas of Conservation has a phosphorus target of 25 µg l⁻¹, but is failing this target with an annual mean of 77 µg l⁻¹. This is a significant level of failure. Therefore, we do not envisage being able to approve development proposing new residential connections to this Wastewater Treatment Works **at this point in time** using a Grampian condition. Such development proposals would therefore need to include acceptable, site-specific mitigation measures to demonstrate phosphorus and nutrient neutrality. The Welsh Government is undertaking work to produce a nutrient calculator to assist developers in calculating their existing and proposed phosphorus contributions in order to demonstrate nutrient neutrality.
50. We will keep the above approach under review. The publication of new phosphorus and water quality compliance information by Natural Resources Wales in early 2025 will be helpful to better understand the trajectory of any improvements in water quality in the river Wye and therefore the level of certainty we could attribute to an Appropriate Assessment in this particular location.

Other Settlements

Natural Resources Wales Permit Review Context

51. The Wastewater Treatment Works Environmental Permits for the following settlements have recently been reviewed by Natural Resources Wales and re-issued:

| Settlement | Date Permit Re-Issued | Permit Context |
|-----------------------|------------------------------|--|
| Libanus | 08/12/2023 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 15/12/2023 with this tightened to 2mg/l on 31/03/2030 • Ammonia limit 20mg/l |
| Sennybridge Army Camp | 18/01/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 25/01/2024 with this tightened to 3.5mg/l on 31/03/2030 • Ammonia limit 10mg/l |
| Bwlch Llangynidr | 13/03/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 20/03/2024 • Ammonia limit: n/a (20mg/l limit effective from 31/03/2030) |
| Llanfrynach | 18/03/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 28/01/2028 with this tightened to 2.5mg/l on 31/03/2030 • Ammonia limit 7mg/l |
| Trecastle | 21/12/2023 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 03/01/2024 with this tightened to 0.75mg/l on 31/03/2030 • Ammonia limit 30mg/l |
| Talybont | 14/02/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 21/02/2024 with this tightened to 1mg/l on 31/03/2030 • Ammonia limit 5mg/l |
| Llanspyddid | 21/12/2023 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 03/01/2024 • Ammonia limit: n/a |
| Llanbedr | 19/06/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 26/06/2024 with this tightened to 1mg/l on 31/03/2032 • Ammonia limit 7.5mg/l |
| Groesffordd | 27/06/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 28/01/2028 • Ammonia limit: n/a |
| Cradoc | 24/06/2024** | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 01/07/2025 • Ammonia limit: n/a |
| Coedwaungaer | 24/06/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 01/07/2024 • Ammonia limit: n/a |
| Aber Village | 24/05/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 23/05/2025 • Ammonia limit: n/a |
| Brynmawr | 11/05/2023 | <ul style="list-style-type: none"> • 1mg/l phosphorus limit effective from 31/12/2023 • Ammonia limit 6mg/l |
| Pandy | 06/12/2023 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 26/01/2028 • Ammonia limit 20mg/l |
| Llanigon | 28/06/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 05/07/2024 with this tightened to 0.5mg/l on 31/03/2030 • Ammonia limit: n/a |
| Myddfai | 18/01/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 25/01/2024 • Ammonia limit 5mg/l |
| Ffairfach | 26/02/2024 | <ul style="list-style-type: none"> • 5mg/l phosphorus limit effective from 04/03/2024 • Ammonia limit 10mg/l |

***We have been informed by Natural Resources Wales that these Wastewater Treatment Works are being monitored by Dŵr Cymru Welsh Water and may be subject to an operator-initiated variation to delay the implementation of the phosphorus limit.*

52. We have written to Dŵr Cymru Welsh Water to understand whether each of the above Wastewater Treatment Works are compliant or not from a flow passed forward perspective. Once we understand this, we will be in a better position to confirm the National Park's stance in respect of developments which propose new connections to these Wastewater Treatment Works. Dŵr Cymru Welsh Water has confirmed those Wastewater Treatment Works permits that have ammonia limits are currently compliant.

NB THE ABOVE APPROACH WILL BE KEPT UNDER REVIEW AND UPDATED SHOULD NEW INFORMATION ARISE.

What is the position in relation to Hay-on-Wye Wastewater Treatment Works?

53. The Hay-on-Wye Wastewater Treatment Works is located in England but serves development located in Hay-on-Wye which is located in Wales. Areas of land which connect to this Wastewater Treatment Works are also located across three Local Planning Authorities – Herefordshire Council, Bannau Brycheiniog National Park Authority and Powys County Council – although most of the current population is located within the Bannau Brycheiniog National Park boundary.

54. The Bannau Brycheiniog National Park Authority has been working with the appropriate nature conservation bodies in England and Wales (Natural England and Natural Resources Wales), in liaison with neighbouring Local Planning Authorities, who have issued the following letters [Natural England Letter Hay on Wye](#), [Hay-on-Wye Natural Resources Wales](#); this explains how developments proposing to connect to the Hay-on-Wye Wastewater Treatment Works will be considered. It confirms that the stretch of river downstream of the Hay on Wye Wastewater Treatment Works is meeting its phosphorus targets and there is no need for nutrient neutrality rules to be applied.

55. The Environmental Permit for the Wastewater Treatment Works is issued by the Environment Agency and will not be reviewed by Natural Resources Wales. The Wastewater Treatment Works is operated by Dŵr Cymru Welsh Water and the Bannau Brycheiniog National Park Authority has therefore written to Dŵr Cymru Welsh Water; it has confirmed that there is no phosphorus limit requirement for the Wastewater Treatment Works.

National Park Approach

56. Based on the Natural England and Natural Resources Wales advice issued to us as well as on current information available which demonstrates this waterbody is passing its phosphorus targets, in the vast majority of cases we anticipate screening out developments which propose new connections to the Hay-on-Wye Wastewater Treatment Works. This is on the basis that these connections are not considered likely to cause the designated site to become unfavourable or fail the nutrient target or come close to failing it at any location which is important for maintaining the sensitive

designated interest features of the European site. This screening position has been communicated to Natural England who has indicated it has no objection to this stance.

57. The Bannau Brycheiniog National Park Authority will continue to consult Dŵr Cymru Welsh Water on such planning applications.

What does this updated Natural Resources Wales guidance mean in terms of connections to public wastewater treatment works where the environmental permit has not been reviewed against revised water quality targets?

58. All of the environmental permits for the larger Wastewater Treatment Works (Wastewater Treatment Works) have now been reviewed by Natural Resources Wales. Most of the permits for smaller Wastewater Treatment Works - that have dry weather flows less than 20m³/day - have not been reviewed by Natural Resources Wales and there is no plan for them to be reviewed at this time.

59. Where a permit for a wastewater treatment works has not yet been reviewed against the revised water quality targets, Natural Resources Wales advise that Planning Authorities undertake an Appropriate Assessment of new connections to a public sewer taking into consideration the revised phosphorus targets for the river Special Areas of Conservation and local water body targets for ammonia. It is likely that development proposals connecting to such Wastewater Treatment Works will need to demonstrate nutrient neutrality for a conclusion of no adverse effect on site integrity to be drawn. The LPA will consider the matter on a case-by-case basis through the Habitats Regulations Assessment process; however, the positive determination of planning applications is **unlikely** in the absence of information which is sufficiently certain, with site-specific mitigation measures to ensure nutrient neutrality or betterment in this scenario.

Sources of further information:

Natural Resources Wales's Phosphorus and Water Quality Compliance Assessments are available here:

<https://naturalresources.wales/evidence-and-data/research-and-reports/water-reports/?lang=en>

Further information on Habitats Regulations Assessments can be found on the Welsh Government website here: <https://www.gov.wales/habitats-regulations-assessments-protecting-european-site-html>

Analysis has been undertaken by Dŵr Cymru Welsh Water and Natural Resources Wales to understand the different contributing elements to the phosphorus load to our rivers – also referred to as SAGIS (Source Apportionment Geographical Information System). Further information on this is available here:

<https://corporate.dwrcymru.com/en/community/environment/river-water-quality/sac-rivers>