Bannau Brycheiniog

NUTRIENT STATEMENT VERSION 2: Development proposals involving connection to public wastewater treatment works

VERSION 1: December 2024

VERSION 2: October 2026

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 the phosphorus compliance data 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. In March 2025, Natural Resources Wales published updated water quality monitoring information. Within the Bannau Brycheiniog (Brecon Beacons) National Park Authority

area, 46% of the river Usk's water bodies failed to meet the required phosphorus target. Within the River Wye catchment 58% failed to meet the required phosphorus target. All assessed River Tywi waterbodies still complied with the required phosphorus targets, although phosphorus levels were raised. The number of failing waterbodies in the River Usk and River Wye catchments has generally fallen overall, even accounting for the inclusion of some previously unassessed waterbodies. However, the new water quality data reveal a nuanced picture with some waterbodies deteriorating and others improving.

5. In June 2025, Natural Resources Wales published updated conservation advice and condition assessments for marine protected areas. Condition assessments for three Welsh marine SACs concluded that nutrient sensitive features within certain waterbodies are in unfavourable condition due to nitrogen enrichment. The Burry Inlet Inner waterbody within the Carmarthen Bay and Estuaries SAC is one of those affected having failed both relevant chemical (dissolved inorganic nitrogen) and biological indicators for nitrogen enrichment.

6. Natural Resources Wales has updated the published advice regarding nutrient neutrality in relation to new development within nutrient-sensitive Special Areas of Conservation, both river and marine. The latest version of the guidance is available here: Natural Resources Wales / Advice to planning authorities for planning applications affecting nutrient sensitive Special Areas of Conservation.

7. In relation to river SAC catchments, the guidance confirms that nutrient neutrality is still required in all waterbodies failing their phosphorus targets as well as all waterbodies upstream of that point. All waterbodies within the River Usk catchment are still required to demonstrate nutrient neutrality. Nutrient neutrality may not be required within some lower waterbodies of the River Wye catchment, or any part of the River Twyi catchment, although capacity to accommodate additional phosphorus will be limited. In such instances, new development must demonstrate that water quality targets will neither be exceeded nor prevented from being achieved in future.

8. In relation to marine SAC waterbodies, the guidance requires nutrient neutrality for nitrogen discharges within a river catchment that drains to a nutrient sensitive SAC waterbody. Therefore, developments connecting to wastewater treatment works discharging to the Loughor river catchment will be required to demonstrate nutrient neutrality. The upper reaches of the Loughor are located in the southwest area of the National Park. In practice, the requirement for nutrient neutrality is restricted to development connecting to those mains sewer networks located along the southwestern boundary of the National Park.

9. Natural Resources Wales has 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

10. Special Areas of Conservation are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) – also known as the Habitats Regulations.

11. The Bannau Brycheiniog (Brecon Beacons) 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.

12. 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.

13. 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

14. 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

15. The Statutory Purposes and our Statutory Duty form the basis of all the work we do.

16. 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.

17. 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 river Special Areas of Conservation catchments?

18. Welsh Government have supported initiatives to establish Nutrient Management Boards and Catchment Partnerships for the river Special Areas of Conservation catchments. The Bannau Brycheiniog (Brecon Beacons) 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 (Brecon Beacons) 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. The Usk Nutrient Management Plan was published in April 2025. Further information on the work of the Usk Catchment Partnership is available at https://uskcatchmentpartnership.wales/
    - Bannau Brycheiniog (Brecon Beacons) National Park Authority is represented at the **River Wye Nutrient Management Board and Statutory Officers Group**. Evidence bases for the Welsh and English parts of the Wye have been published to inform nutrient management actions as part of an updated Wye Catchment Management Plan (in preparation).
    - The **West Wales Nutrient Management Board** has been established for the Tywi, Teifi and Cleddau river catchments again with Bannau Brycheiniog (Brecon Beacons) National Park Authority representation. Nutrient Management Plans for each catchment have been published. Steps are also underway to establish separate catchment partnerships to aid delivery of the plans and address wider issues.

19. In addition to this:
    - Natural Resources Wales has established 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 has published an **All-Wales Nutrient Calculator** to assist with assessing impacts: Nutrient budget calculator | GOV.WALES. 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

20. There are numerous wastewater treatment works of varying sizes within the three river Special Area of Conservation catchments within the Bannau Brycheiniog (Brecon Beacons) National Park. Each wastewater treatment works operates under an environmental permit which is authorised and regulated by Natural Resources Wales.

21. 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 20m^3/day) against revised phosphorus targets.

22. 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 advice mean for connections to public wastewater treatment works where the environmental permit has been reviewed against revised nutrient and water quality targets?

23. 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 (Brecon Beacons) 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 receive and 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, **and**
    - the wastewater treatment works is discharging into a water body catchment that is meeting water quality targets for phosphorus **and** all downstream river water bodies are also meeting their phosphorus targets **or**;
    - consultation with Natural Resources Wales and Dŵr Cymru Welsh Water confirms that the final effluent phosphorus limits for the WwTW have been reduced through recent review, the WwTW was previously operating with phosphorus load higher than can be discharged under revised permit limits[1], and the works will be operating within reduced limits at commencement of occupation.

24. 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.

25. 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

[1] Where a wastewater treatment works did not have a phosphorus limit prior to the permit review and no further tightening of the phosphorus limit is proposed a reduction in phosphorus load must be evidenced by monitoring data collected prior to the introduction of the brand-new phosphorus limit (the 'backstop' limit).

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 the Asset Management Plan. Grampian conditions[2] 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 within the Asset Management Plan will be implemented** (Bannau Brycheiniog [Brecon Beacons] National Park Authority bold words for emphasis).

26. Please see the Natural Resources Wales advice 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?

27. As stated above, the Natural Resources Wales guidance makes it clear that proposals need to be considered on a case-by-case basis. The 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.

28. 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.

29. Our approach has been informed by an Environmental Information Request (EIR) response received from Dŵr Cymru Welsh Water in February 2026. This EIR response was sought in line with NRW guidance. The EIR response provides detail around the

[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).

phosphorus concentration in the discharge of each wastewater treatment works to enable an understanding of whether the wastewater treatment works previously operated with a phosphorus load higher than can be discharged under revised permit limits or not.

Brecon

Natural Resources Wales Permit Review Context

30. The Brecon Wastewater Treatment Works Environmental Permit has been reviewed by Natural Resources Wales and was published on 22nd November 2023. The permit had a phosphorus limit of 5mg/litre effective from 28th November 2023 and a tightened phosphorus limit of 2mg/litre subsequently imposed from 31st December 2025.

31. The Brecon Wastewater Treatment Works was previously non-compliant from a Flow Passed Forward[3] perspective, but a scheme has been undertaken to address this. Dŵr Cymru Welsh Water has now confirmed Brecon Wastewater Treatment Works is currently compliant in terms of Flow Passed Forward.

32. 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 currently compliant with this limit.

33. The Dŵr Cymru Welsh Water EIR response has confirmed that the Brecon Wastewater Treatment Works was previously operating at a phosphorus concentration which was higher than the limit allowed for as part of the permit review.

National Park Approach

34. The Bannau Brycheiniog (Brecon Beacons) National Park Authority will consult Dŵr Cymru Welsh Water and Natural Resources Wales on new planning applications.

35. Based on the current information available which takes account of the ecological condition of the site's features and phosphorus targets for the waterbody, we anticipate screening out developments which propose new connections to the Brecon Wastewater Treatment Works.

36. We will continue to consider matters on a case-by-case basis; providing Dŵr Cymru Welsh Water continue to confirm there is capacity to accommodate the additional wastewater in compliance with the revised permit limits (including those for flow, final effluent standards and flow passed forward), we envisage being able to approve development proposing new connections to this wastewater treatment works.

[3] 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]

Crickhowell

Natural Resources Wales Permit Review Context

37. The Crickhowell Wastewater Treatment Works Environmental Permit has 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.

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

39. The permit has an ammonia limit of 20mg/litre effective from 7th February 2024. Dŵr Cymru Welsh Water has confirmed that the wastewater treatment works is compliant with this limit.

40. The Dŵr Cymru Welsh Water EIR response has confirmed that the Crickhowell Wastewater Treatment Works was previously operating at a phosphorus concentration which was higher than the limit allowed for as part of the permit review.

National Park Approach

41. Bannau Brycheiniog (Brecon Beacons) National Park Authority will consult Dŵr Cymru Welsh Water and Natural Resources Wales on new planning applications. Based on the current information available which takes account of the ecological condition of the site's features and phosphorus targets for the waterbody, we anticipate screening out developments which propose new connections to the Crickhowell Wastewater Treatment Works.

42. We will continue to consider matters on a case-by-case basis; providing Dŵr Cymru Welsh Water continue to confirm there is capacity to accommodate the additional wastewater in compliance with the revised permit limits (including those for flow, final effluent standards and flow passed forward), we envisage being able to approve development proposing new connections to this wastewater treatment works.

Aberbaiden

Natural Resources Wales Permit Review Context

43. The Aberbaiden Wastewater Treatment Works Environmental Permit has 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. Dŵr Cymru Welsh Water have confirmed that the wastewater treatment works is compliant with this limit.

44. The Aberbaiden Wastewater Treatment Works is currently compliant from a flow passed forward perspective as Dŵr Cymru Welsh Water has undertaken a scheme to rectify an apparent significant non-compliance.

45. The permit has an ammonia limit of 15mg/litre, effective from 30th January 2024. Dŵr Cymru Welsh Water have confirmed that the wastewater treatment works is compliant with this limit.

46. The Dŵr Cymru Welsh Water EIR response has confirmed that the Aberbaiden Wastewater Treatment Works was previously operating at a phosphorus concentration which was higher than the limit allowed for as part of the permit review.

National Park Approach

47. Bannau Brycheiniog (Brecon Beacons) National Park Authority will consult Dŵr Cymru Welsh Water and Natural Resources Wales on new planning applications. Based on the current information available, which takes account of the ecological condition of the site's features and phosphorus targets for the waterbody, we anticipate screening out developments which propose new connections to the Aberbaiden Wastewater Treatment Works.

48. Considering the marginal reduction in phosphorus concentration highlighted in the Dŵr Cymru Welsh Water EIR response, we will continue to consider matters on a case-by-case basis; providing Dŵr Cymru Welsh Water continue to confirm there is capacity to accommodate the additional wastewater in compliance with the revised permit limits (including those for flow, final effluent standards and flow passed forward) we envisage being able to approve development proposing new connections to this wastewater treatment works.

Llanfoist

Natural Resources Wales Permit Review Context

49. The Llanfoist Wastewater Treatment Works Environmental Permit has 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 was imposed from 31st December 2025.

50. The Llanfoist Wastewater Treatment Works is currently compliant from a flow passed forward perspective.

51. 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.

52. The Dŵr Cymru Welsh Water EIR response has confirmed that the Llanfoist Wastewater Treatment Works was previously operating at a phosphorus concentration which was higher than the limit allowed for as part of the permit review.

National Park Approach

53. Bannau Brycheiniog (Brecon Beacons) National Park Authority will consult Dŵr Cymru Welsh Water and Natural Resources Wales on new planning applications. Based on the current information available, which takes account of the ecological condition of the site's features and phosphorus targets for the waterbody, we anticipate screening out developments which propose new connections to the Llanfoist Wastewater Treatment Works.

54. We will continue to consider matters on a case-by-case basis; providing Dŵr Cymru Welsh Water continue to confirm there is capacity to accommodate the additional wastewater in compliance with the revised permit limits (including those for flow, final effluent standards and flow passed forward), we envisage being able to approve development proposing new connections to this wastewater treatment works.

Talgarth

Natural Resources Wales Permit Review Context

55. The Talgarth Wastewater Treatment Works Environmental Permit has been reviewed by Natural Resources Wales and was re-issued on 14th August 2023. The permit allowed retention of the existing phosphorus limit of 2mg/litre on the permit until 31st March 2030 at which point Dŵr Cymru Welsh Water would need to have implemented a scheme in Asset Management Plan 8 to meet the tighter limit of 0.25mg/litre. The permit was amended on 14th August 2026 requiring implementation of the 0.25mg/litre limit to commence from 1st April 2028.

56. The Talgarth Wastewater Treatment Works has shown inconsistent permit compliance from a flow passed forward perspective. We understand Dŵr Cymru Welsh Water has completed a scheme to assist with compliance from a flow passed forward perspective. We expect further monitoring will confirm permit compliance.

57. The permit has an ammonia limit of 8mg/litre effective from 14th August 2023. Dŵr Cymru Welsh Water have confirmed that the wastewater treatment works is compliant with this limit.

58. The Dŵr Cymru Welsh Water EIR response has confirmed that the Talgarth Wastewater Treatment Works was previously operating at a phosphorus concentration which was higher than the limit allowed for as part of the permit review.

National Park Approach

59. Bannau Brycheiniog (Brecon Beacons) 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.

60. We will therefore undertake an Appropriate Assessment in consultation with Natural Resources Wales and consider matters on a case-by-case basis.

61. Recent advice from Dŵr Cymru Welsh Water is that there is capacity to accommodate the additional wastewater in compliance with the current phosphorus limit on the revised permit. Dŵr Cymru Welsh Water have completed works to ensure hydraulic capacity and flow passed forward compliance. Provided compliance is confirmed at the point of decision, we envisage being able to approve development proposing new connections to this wastewater treatment works prior to 1st April 2028, subject to a Grampian-style condition linked to this date. 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 further tightened within the lifetime of a normal planning permission and an expectation of compliant flow passed forward via further monitoring).

62. 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 59 µg l^{-1}. This remains a significant level of failure despite a reduction from the previous annual mean of 77 µg l^{-1}. **Therefore, we do not envisage being able to approve development proposing new residential connections to this wastewater treatment works without a Grampian condition.**

63. We will keep the above approach under review and continue to liaise with Dŵr Cymru Welsh Water regarding the timetable for completion of phosphorus reduction measures. The publication of further phosphorus and water quality compliance information by Natural Resources Wales in 2027 will be helpful to supplement our understanding of the trajectory of improvements in water quality in the river Wye.

Other Settlements

Natural Resources Wales Permit Review Context

64. The wastewater treatment works environmental permits for the following settlements have recently been reviewed by Natural Resources Wales and re-issued with the following phosphorus and ammonia limits:

Settlement	Date Permit Re-Issued	Permit Context
Aber Village	24/05/2024	5mg/l phosphorus limit effective from 23/05/2025 Ammonia limit: n/a
Brynmawr	11/05/2023	1mg/l phosphorus limit effective from 31/12/2023 Ammonia limit 6mg/l
Bwlch Llangynidr (South)	13/03/2024	5mg/l phosphorus limit effective from 20/03/2024

Settlement	Date Permit Re-Issued	Permit Context
		Ammonia limit: n/a (20mg/l limit effective from 31/03/2030)
Cradoc	24/06/2024**	5mg/l phosphorus limit effective from 01/07/2025 and varied permit (variation issued 11/03/2025) Ammonia limit: n/a
Coedwaungaer	24/06/2024	5mg/l phosphorus limit effective from 01/07/2024 Ammonia limit: n/a
Groesffordd	27/06/2024	5mg/l phosphorus limit effective from 28/01/2028 Ammonia limit: n/a
Libanus	08/12/2023	5mg/l phosphorus limit effective from 15/12/2023 with this tightened to 2mg/l on 31/03/2030 Ammonia limit 20mg/l
Llanbedr	19/06/2024	5mg/l phosphorus limit effective from 26/06/2024 with this tightened to 1mg/l on 31/03/2032 Ammonia limit 7.5mg/l
Llanfrynach	18/03/2024	5mg/l phosphorus limit effective from 28/01/2028 with this tightened to 2.5mg/l on 31/03/2030 Ammonia limit 7mg/l
Llanspyddid	21/12/2023	5mg/l phosphorus limit effective from 03/01/2024 Ammonia limit: n/a
Sennybridge Army Camp	18/01/2024	5mg/l phosphorus limit effective from 25/01/2024 with this tightened to 3.5mg/l on 31/03/2030 Ammonia limit 10mg/l
Talybont	14/02/2024	5mg/l phosphorus limit effective from 21/02/2024 with this tightened to 1mg/l on 31/03/2030 Ammonia limit 5mg/l
Trecastle	21/12/2023	5mg/l phosphorus limit effective from 03/01/2024 with this tightened to 0.75mg/l on 31/03/2030

Settlement	Date Permit Re-Issued	Permit Context
		Ammonia limit 30mg/l
Ffairfach	26/02/2024	5mg/l phosphorus limit effective from 04/03/2024 Ammonia limit 10mg/l
Myddfai	18/01/2024	5mg/l phosphorus limit effective from 25/01/2024 Ammonia limit 5mg/l
Llanigon	28/06/2024	5mg/l phosphorus limit effective from 05/07/2024 with this tightened to 0.5mg/l on 31/03/2030 Ammonia limit: n/a
Pandy	06/12/2023	5mg/l phosphorus limit effective from 26/01/2023 Ammonia limit 20mg/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.*

65. Dŵr Cymru Welsh Water has confirmed those wastewater treatment works permits that have ammonia limits are currently compliant.

66. NRW advise that in river bodies meeting ammonia targets, developments connecting to a public sewer should be subject to Appropriate Assessment where there is potential for increased ammonia concentrations in the receiving watercourse at the point of discharge, including cases where the permit for the works does not contain an ammonia limit.

National Park Approach

67. The Dŵr Cymru Welsh Water EIR response identifies that although phosphorus limits have been introduced at these wastewater treatment works, not all are able to demonstrate that a reduction in phosphorus loads has, or will, occur. Some wastewater treatment works discharge to waterbodies passing phosphorus targets and some to waterbodies failing phosphorus targets and/or with failing waterbodies below. As above, we will take a case-by-case approach for proposals connecting to these sites.

Llanigon, Pandy, Myddfai and Ffairfach

68. The Natural Resources Wales Compliance Report shows that the assessed waterbodies of the Special Areas of Conservation below these wastewater treatment works are passing their phosphorus targets. Bannau Brycheiniog (Brecon Beacons) 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 out developments which propose new connections to these wastewater treatment works.

Libanus, Sennybridge Army Camp, Llanfrynach, Trecastle, Talybont

69. The Natural Resources Wales Compliance Report shows that the waterbodies of the Special Areas of Conservation below these wastewater treatment works are failing their phosphorus targets. The Dŵr Cymru Welsh Water EIR response indicates a reduction in phosphorus load will be achieved once tightened phosphorus limits are implemented.

70. Bannau Brycheiniog (Brecon Beacons) 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 these wastewater treatment works.

71. We will therefore undertake an Appropriate Assessment in consultation with Natural Resources Wales and consider matters on a case-by-case basis.

72. Provided Dŵr Cymru Welsh Water confirm there is capacity to accommodate the additional wastewater in compliance with the current phosphorus limit on the revised permit, and that there is sufficient hydraulic capacity and flow passed forward compliance (where relevant), we envisage being able to approve development proposing new connections to this wastewater treatment works prior to 1st April 2028, subject to a Grampian condition linked to this date. 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 further tightened within the lifetime of a normal planning permission).

73. **Due to presence of failing waterbodies below the wastewater treatment works we do not envisage being able to approve development proposing new residential connections to these wastewater treatment works without a Grampian condition.**

Llanbedr

74. The Natural Resources Wales Compliance Report shows that although Llanbedr Wastewater Treatment Works discharges to a Special Area of Conservation waterbody that is passing its phosphorus target, the waterbody below is failing its phosphorus target. Discharges from Llanbedr Wastewater Treatment Works are expected to demonstrate a reduction in phosphorus load from 1st April 2032. However, this date is currently outside the lifetime of a normal planning permission and consequently **cannot** be subject to a Grampian-style condition at this time.

Bwlch Llangynidr (South), Llanspyddid, Cradoc, Coedwaungaer, Aber Village, Brymawr, Groesffordd

75. The Natural Resources Wales Compliance Report shows that although Bwlch Llangynidr (South) and Aber Village Wastewater Treatment Works discharge to Special Area of Conservation waterbodies that are passing their phosphorus targets, there are one or more waterbodies below that are failing their phosphorus targets. Llanspyddid, Cradoc, Coedwaungaer and Groesfordd all discharge to waterbodies that are failing their phosphorus targets (and there are also failing waterbodies below each one).

76. There is no monitoring data currently available to enable demonstration of reduced phosphorus loads in wastewater discharges. Therefore, it is likely that development proposals connecting to these wastewater treatment works will need to demonstrate nutrient neutrality for a conclusion of no adverse effect on site integrity to be drawn.

77. The Local Planning Authority 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, and for the lifetime of the development.

78. We will keep the above approach under review and continue to liaise with Dŵr Cymru Welsh Water regarding monitoring data and any improvements undertaken under the current Asset Management Plan (AMP8) that may enable development to proceed without demonstrating nutrient neutrality. The publication of further phosphorus and water quality compliance information by Natural Resources Wales in 2027 will be helpful to supplement our understanding of the trajectory of improvements in water quality in the river Wye.

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

79. 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 (Brecon Beacons) National Park Authority and Powys County Council – although most of the current population is located within the Bannau Brycheiniog (Brecon Beacons) National Park boundary.

80. The Bannau Brycheiniog (Brecon Beacons) 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 Resources Wales, Natural England; 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.

81. The wastewater treatment works discharges to a waterbody that is passing its phosphorus target, and all downstream waterbodies are also passing.

82. 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 (Brecon Beacons) 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

83. 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.

84. The Bannau Brycheiniog (Brecon Beacons) National Park Authority will continue to consult Dŵr Cymru Welsh Water on such planning applications.

What does the latest Natural Resources Wales advice mean in terms of connections to public wastewater treatment works where the environmental permit <u>has not been reviewed</u> against revised water quality targets?

85. All of the environmental permits for the larger 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 20m^3/day - have not been reviewed by Natural Resources Wales and there is no plan for them to be reviewed at this time.

86. 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 Local Planning Authority 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, and for the lifetime of the development.

87. The environmental permits for the wastewater treatment works at the settlements in the following table have **not** recently been reviewed by Natural Resources Wales. The table highlights whether these small wastewater treatment works discharge to failing waterbodies, or that there are failing waterbodies downstream and where nutrient neutrality is therefore required.

Settlement (and River SAC catchment)	**Discharge to failing waterbody and/or failing waterbody downstream**	**Nutrient neutrality required**
Usk Catchment		
Peterstone Court	Yes	Yes
Pencelli	Yes	Yes
Pennorth & Scethrog	Yes	Yes
Cross Oak	Yes	Yes
Crai	Yes	Yes
Cwmdu	Yes	Yes
Tretower	Yes	Yes
Llangenny	Yes	Yes
Glangrwyney	Yes	Yes
Llanwenarth	Yes	Yes
Brynmawr (Blackrock)	Yes	Yes
Tywi Catchment		
Twynllanan	No	No
Gwynfe	No	No
Bryngwyn	No	No
Bethlehem	No	No
Trapp	No	No
Wye Catchment		
Velindre	Yes	Yes
Ffordlas	No	No
Cwmyoy	No	No

88. The wastewater treatment works at these smaller settlements may be identified for improvements under the current Asset Management Plan (AMP8). The Bannau Brycheiniog (Brecon Beacons) National Park Authority will continue to liaise with Dŵr Cymru Welsh Water regarding this work and any improvements that may enable development to proceed without demonstrating nutrient neutrality.

What wider measures are being undertaken in river catchments discharging to marine Special Areas of Conservation?

89. It is expected that some actions to restore river SAC catchments will also be implemented in the Loughor catchment. The measures identified and undertaken will be informed by an assessment identifying the relative contributions of nitrogen sources within the relevant marine SAC catchments. The outcome of the source apportionment modelling is expected to be published by Dŵr Cymru Welsh Water in spring 2027 following review by Natural Resources Wales.

    - A task force established by Welsh Government brought together Local Authorities, Natural Resources Wales and Dŵr Cymru Welsh Water to identify and explore reasonable options that would allow sustainable development to resume.
    - Welsh Government have provided financial assistance through the West Wales Nutrient Management Board.
    - The All-Wales Nutrient Calculator has been updated for the Loughor catchment.
    - Natural Resources Wales has commenced work developing an integrated approach for a Catchment Nutrient Recovery Plan for the Loughor catchment.

Wastewater Treatment Works and Environmental Permits

90. It is unlikely that meaningful reductions in nitrogen discharges can be achieved through operational improvements to existing wastewater treatment works (unlike phosphorus discharges). Consequently, developments will need to either demonstrate nutrient neutrality or identify appropriate mitigation measures capable of being secured and implemented upstream of any proposed discharge point. Available information indicates the main sewer network discharging to wastewater treatment works serving Glanamman extends into the National Park. Brynamman's sewer network immediately abuts parts of the National Park boundary. Any new development located at the periphery of the settlement and falling within the National Park may result in discharges to the wastewater treatment works serving Brynamman.

91. In addition to NRW guidance, a Developer Mitigation Handbook has been developed in partnership with other local planning authorities to provide information and support for developers: Developer Mitigation Handbook.

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

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

Natural Resources Wales's Condition assessments for Welsh European marine sites (EMS) are available here: https://www.naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/protected-areas-of-land-and-seas/condition-assessments-for-welsh-european-marine-sites-ems/?lang=en.

Natural Resources Wales has published advice regarding achievement of nutrient neutrality for development proposals: Natural Resources Wales / Principles of nutrient neutrality in relation to development or water discharge permit proposals

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