



HOUSE OF COMMONS  
LONDON SW1A 0AA

Mark Drakeford MS  
First Minister  
Welsh Government  
5th Floor, Tŷ Hywel  
Cardiff Bay  
CF99 1NA

23<sup>rd</sup> December 2021

Dear First Minister,

**RE: Phosphate Strategy**

I write to you in relation to the Welsh Government and Natural Resources Wales' (NRW) new standards for phosphorus in wastewater, following conversations with Wrexham Council, local developers, and several constituents. This also follows previous correspondence to the Welsh Government, which I have yet to receive a response to.

Whilst I commend the Welsh Government's commitment to protecting ecologically important environments, like the River Dee in my constituency, the new regulations on phosphates in wastewater are having a foreseeable impact on local planning applications and the wider planning process.

Unfortunately, the new rules have, according to Wrexham Council, resulted in an effective moratorium on any new developments, which has caused widespread disruption and delay within the planning system. In Wrexham, large scale developments like Ty Nos, a supported living facility which will provide much needed accommodation for vulnerable individuals, has been affected, as have smaller scale home renovations such as home adaptations to support vulnerable or disabled residents. As an example, constituents have explained to me that the transfer of elderly, disabled or vulnerable individuals out of hospital has been delayed because applications to adapt homes to cater for additional needs has been delayed.

Indeed, I also understand that Wrexham Council is not the only local authority to be affected by this. Many other local authorities in Wales are facing similar issues, which is causing widespread disruption across Wales.

As such, I would urge the Welsh Government and NRW to look again at these regulations so that, in the short term, the planning system can restart immediately.

Thank you in advance for your support with this urgent issue.

Yours sincerely,

**Sarah Atherton**  
Member of Parliament for Wrexham



**Adam Price AS/MS**  
Dwyrain Caerfyrddin a Dinefwr  
Carmarthen East and Dinefwr

37 Wind Street  
Ammanford  
SA18 3DN

05.01.2021

Dear Minister

I am writing on behalf of my constituent [redacted] who in July 2019 submitted a planning application for a shop, tearoom and post office at [redacted] in [redacted] which is a listed building. This presents an excellent opportunity for the community in [redacted] with the local Community Council being strong supporters.

My understanding is that in 2020 flood consequence assessments were undertaken due to the location of a nearby stream.

They were then submitted, and then Mr [redacted] was made aware of the new legislation with regard to Phosphate targets in rivers, and how new planning applications for dwellings were subject to these new regulations.

Since this stage of the process, progress on the application for this valuable asset to the community has come to a halt. I understand that this is a common issue for many developments since National Resources Wales implemented the phosphate regulations.

I also understand that there is a scheduled upgrade to the sewerage works in [redacted] 2025. I'm sure that you will be aware of the national picture, and of the backlog of planning applications since these new regulations were implemented – particularly in rural authorities such as Carmarthenshire.

Whilst I completely agree that environmental priorities must be adhered to, particularly in the context of climate change, I would be grateful if you could shine any light on when the Welsh Government believes there will be progress in this area:

I would kindly ask if you could give any indication of whether Welsh Government has a solution in mind, what it might look like, and most importantly – the timeline for it's implementation

Diolch

Adam Price AS MS,



Dwyrain Caerfyrddin a Dinefwr  
Carmarthen East and Dinefwr



**Senedd Cymru**  
**Welsh Parliament**

✉ [adam.price@senedd.cymru](mailto:adam.price@senedd.cymru) / [adam.price@senedd.wales](mailto:adam.price@senedd.wales)  
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@Adamprice



/AdamPricePlaid

**Iles, Nicholas (CCRA - Planning)**

---

**From:** Eluned Morgan MS <eluned.morgan@caseworker.senedd.wales>  
**Sent:** 20 January 2022 09:45  
**To:** Correspondence mail - LG  
**Subject:** FW: Materion yn codi pryder yn Nhregaron (Case Ref: EM3665)

**Eluned Morgan AS/MS**

19, Cartlett  
 Haverfordwest  
 SA61 2LH

0300 200 7264  
 eluned.morgan@senedd.wales

Date: 20 January 2022  
 Reference: EM3665

Dear Minister,

Please find below an email from a county councillor which my constituency office was copied into. Could you please provide a response which can be forwarded to Councillor

Thank you for your help with this enquiry.

Yours Sincerely,

Eluned Morgan AS/MS

[Click here to read my updated privacy policy](#)

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**From:**  
**Sent:** 8 January 2022 15:06  
**To:** Jones, Elin (Aelod o  
**Cc:**  
**Subject:** Materion yn codi pryder yn Nhregaron

[[https://senedd.wales/media/obuo0sep/senedd\\_logo\\_xs.png](https://senedd.wales/media/obuo0sep/senedd_logo_xs.png)]  
 E-mail protection couldn't recognize this email as this is the first time you received an email from this sender

Annwyl Aelodau'r Senedd,

Cysylltaf fel  
 ardal yma ar hyn bryd.

ac fe'

I nodi pryder am ddau fater sydd yn effeithio yr

Yn gyntaf, mae'r achos o lefelau ffosffadau yn yr afon Teifi wedi effeithio ar unrhyw ddatblygiad ar hyd cwrs yr afon, mae hyn yn cael effaith ar 45% o Geredigion. Oherwydd hyn, mae atal unrhyw ddatblygiad yn cael effaith andwyol ar economi yr ardal. Mewn sir lle mae llawer o

weithwyr hunangyflogedig yn ddibynnol ar adeiladu, mae atal y gwaith yn mynd I gael effaith ar fywoliaeth unigolion a theuluoedd, heb son am bobol ifanc yn methu cael cartrefi yn eu ardal.

Yn ail, mae sawl cais wedi dod I'r Cyngor Tref o ran plannu coed ar dir amaethyddol da. Mae sawl unigolyn wedi cysylltu I nodi eu pryder, rhai ohonynt yn gymdogion I'r llefydd sydd am blannu ac maent yn gofidio gall y fath yma o ddatblygiad gael effaith ar eu llesiant hwy.

Pa gamau gall y Senedd gymeryd I gefnogi siroedd gwledig ac yn wir ardaloedd gwledig, I gadw eu cynefin er mwyn cenedlaethau y dyfodol?

Edrychaf ymlaen at glywed wrthoch.

Cofion,

Cynghorvdd / Councillor  
Ward  
Aelod C  
Cabinet M  
Cyngor Sir Ceredigion County Council

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ateb Saesneg i bob gohebiaeth Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

Ymwadiad:

Er y cymerir pob gofal posib i sicrhau cywirdeb unrhyw wybodaeth a chyngor a roddir yn yr ohebiaeth hon, ni dderbynnir atebolrwydd am unrhyw golledion a all godi o unrhyw gamgymeriadau sy'n gynwysedig ac fe'ch atgoffir o'r angen i chi ofyn am gyngor proffesiynol eich hun.

Bwriedir y neges ebost hon, ac unrhyw atodiadau iddi, at sylw'r person(au) y'i danfonwyd atynt yn unig. Os nad chi yw'r derbynnydd y cyfeiriwyd y neges hon ato ef neu hi, neu'r person sydd gyfrifol am drosglwyddo'r neges hon iddo ef neu hi, mi ddylech hysbysu'r anfonwr ar eich union. Oni bai mai chi yw'r person neu gynrychiolydd y person y cyfeiriwyd y neges hon at ef neu hi nid ydych wedi eich awdurdodi i, ac ni ddylech chi, ddarllen, copio, dosbarthu, defnyddio na chadw'r neges hon nac unrhyw gyfran ohoni.

O dan GDPR y DU, Deddf Diogelu Data 2018, a Deddf Rhyddid Gwybodaeth 2000, gellir datgelu cynnwys yr e-bost hwn.

We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and correspondence in English will be answered in English. Corresponding in Welsh will not involve any delay.

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**Iles, Nicholas (CCRA - Planning)**

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**From:** Skates, Ken (Aelod o'r Senedd | Member of the Senedd)  
<Ken.Skates@senedd.wales>  
**Sent:** 03 February 2022 15:43  
**To:** Correspondence mail - JJ  
**Subject:** Phosphates and planning permission  
**Attachments:** Sineo +224e21121617580.pdf  
  
**Categories:** Kayleigh

Dear Julie,

I have been contacted by my constituent Mr [redacted] regarding concerns about phosphates and the refusal of all planning permissions.

I have attached the letter sent to me which outlines Mr [redacted] concerns and would be grateful for your thoughts regarding this matter so that I may share them with my constituent.

Thank you in advance.

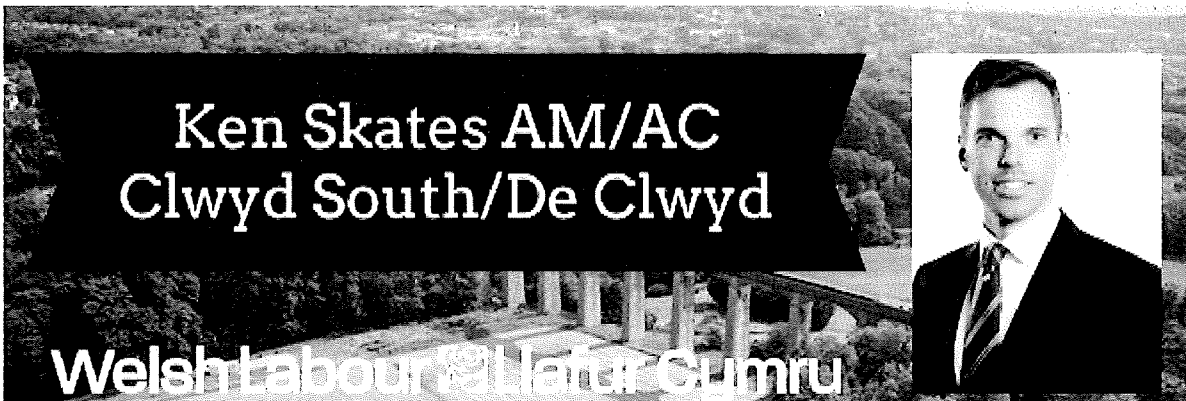
Yours ever,

Ken

Ken Skates MS  
Member of the Senedd for Clwyd South

Website: [kenskates.co.uk](http://kenskates.co.uk)  
Facebook: [facebook.com/KenSkatesMS](https://facebook.com/KenSkatesMS)  
Twitter: [twitter.com/KenSkatesMS](https://twitter.com/KenSkatesMS)

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# GOWER HOMES

15th December 2021

Our Ref: MWF/AM

Wrexham Business Professionals  
Bromfield House  
Ellice Way  
Wrexham Technology Park  
Wrexham  
LL13 7YW

Dear Gill

## A Complete Moratorium on all Planning Applications for all Uses in N E Wales for the Foreseeable Future

I trust that you are keeping well.

Just when you thought planning could not get worse.....

We have just purchased/contracted to buy 3 sites, two of which are brownfield, all of which are within settlement limit so there is (in normal planning times) a presumption for approval of development.

However, 4 weeks ago Wrexham council planning department informed me that they would not be able to offer a "positive planning recommendation" (which means a refusal) for our derelict brownfield site in Acrefair. Upon discussing this further with the Wrexham planners, they informed me that **they have been refusing all applications in Wrexham for the last 4 weeks and will be doing so for the foreseeable future – which I think may be for as long as two years.**

This is not just housing applications – it is any use that will generate an increase in foul sewerage waste from the site or premises. So any industrial expansion, office development, employment expansion, including new schools or hospital extensions - all development in Wrexham CBC, and large parts of Flintshire and I believe some of Denbighshire plus certain regions in Mid/South Wales are similarly affected and will be refused planning permission. You can only imagine the impact on the housing industry (market value and affordable housing providers).

### The problem is this:

- In January 2021, the Welsh Assembly Government Agency Natural Resources Wales (NRW), introduced new water quality targets and reduced the allowable phosphate levels in the River Dee by between 50% and 80%
- Around 3 months ago, NRW started recommending that all planning applications be refused. This at first didn't seem to be a problem because we had had it confirmed from Welsh Water (WW) that "most waste water treatment works (WWTW) in Wrexham, including Five Fords and Cefn Mawr, have capacity to accommodate additional flows and still be within their phosphate consent limit"

Page 1 of 4



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- Then it was pointed out by NRW (via our Acrefair planning application and all other pending applications) that the phosphate discharge consent held by most WWTW apply to before 2009, and do not take into account any new information or the tighter phosphate targets for water bodies within the River Dee catchment area and that NRW need to carry out appropriate assessment – until they do so Wrexham planners feel unable to determine planning applications positively which they claim is how they have been advised by “Cardiff”. In fairness to the Wrexham planners who have been very good since the pandemic, this is too big a problem for them to know how to deal with it and it is not they who should be harangued.

**This is a catastrophic situation for the housebuilders in this part of Wales but it is also catastrophic for the economic development for the region and clearly sends out the message that North East Wales is closed for business. This is the last thing we need following on from the ongoing Covid-19 pandemic.**

How NRW have the ability to impose a complete moratorium on all development seems totally inappropriate for 3 reasons:

1. This is primarily a problem caused by agricultural practices so why should the construction sector be penalised like this?
2. New development is such a small contributor to phosphate in the River Dee – around 0.23% per year by my fairly simplistic calculation - see attached sheet.
3. NRW do not know for certain that phosphate levels in the River Dee are in excess of the new phosphate targets because NRW have not carried out appropriate assessments (AA's). The last AA's that were carried out were in 2009 by NRW's predecessor the Environment Agency (EA). So rather than calling for all development to be refused, NRW surely had a duty to carry out AA's in a timely manner well before introducing their new targets so that all parties could have been appropriately prepared.

### The problem will pass quickly?

The planning department, until recently were suggesting that the problem will be resolved in the next couple of months and that interim solutions are being discussed – this is completely fanciful;

- The local planning departments talk of there being interim solutions – these “interim solutions” are basically a mini treatment plant (septic tanks) to every home/office extension/factory extension which is in any case not acceptable to WW nor NRW so not a viable solution.
- A document “Dee Catchment area Phosphorus Reduction Strategy” (DCPRS) was published on 22<sup>nd</sup> November 2021. This is a consultation draft which has been developed by Wrexham County Borough Council (WCBC), Flintshire County Council (FCC) and NRW which seems to be quite positive in terms of delivery timescales indeed indicating that “Category 1 (phase 1) measures will be delivered.... and allow the first development window to be fully released – end of December 2022” The development industry know that generally council's do not hit their timescales – WCBC for example published in 2012, a delivery timescale for the LDP suggesting adoption would be 2016. The LDP is still not complete or adapted and is now estimated to be complete in late 2022, maybe later. So this DCPRS document cannot be relied upon in terms of timescales.



## Construction grinding to a halt – job losses

With the planners refusing all planning permissions half of our workload will cease in April 2022 resulting in 25 jobs lost and all of our workload will cease in November 2022 with a total of around 40 jobs lost – as we build entirely in NE Wales. These numbers do not include our supply chain of suppliers and consultants. This will be replicated right across the region for all construction sectors resulting in thousands of jobs lost.

## The Interim Solution:

I think we all accept that improved water quality targets are a good thing. Because betterment will be delivered and the new NRW water quality targets will be achieved in the medium term and as mitigation is beyond all these businesses, housing associations and public sector entities submitting planning applications, the solution is;

Welsh Government to issue a directive to NRW that their new water quality targets that were introduced in January 2021 be paused, in retrospect, to allow a transitional period arrangement to be put in place to enable LPA's to consider fully the implications which will then allow planning applications to proceed as normal and approvals issued. The same has just been done for new climate change planning rules (Tan 15) on flooding which were to have taken effect from 1/12/2021 – see attached Daily Post 26/11/21 article – Julie Jones, WAG Climate Change Minister has confirmed a suspension of Tan 15 until June 2023 – “to allow LPA's to consider fully the impact of these changes”.

## Summary

- In a nutshell NRW have been remiss and should have carried out their appropriate assessments some years ago prior to introducing their new phosphate targets (not afterwards) and should not be recommending refusal of all permissions in North Wales.
- The NRW should also be focussing efforts proportionately on the main sources of the phosphate pollution – the Agricultural sector who produce 70% of the phosphates.
- The whole of Wrexham, large parts of Flintshire and those parts of Cheshire and North Shropshire whose rivers flow into the Dee, all planning permission will be refused for possibly 2 years (may be longer) which will mean no affordable houses, no factories, schools, hospital and offices built in this period which will signal that NE Wales is closed for business with thousands of jobs lost. We do desperately need political intervention at a senior level to prevent this from happening. Wrexham Business Professionals is well connected politically and I would like to think that this problem can be raised with Lesley Griffiths and above.

Yours sincerely

Gower Homes Ltd

Page 3 of 4



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15/12/21

## Phosphates in the River Dee

It is generally accepted that around 70% of phosphates in rivers are caused by agricultural practices, the remaining 30% is caused by the built environment (homes, workplaces, schools etc.).

There are 27 million houses in the UK and we build around 210,000 new houses each year (2015 – 2019\*), so 210,000 new houses represent around 0.78% of total housing stock per annum. So 0.78% of 30% is 0.234% - this figure will actually be even smaller because housing is not 100% of the built environment.

### **So why is the 0.234% contributor per year penalised so harshly?**

A further observation – parts of Cheshire and North Shropshire whose rivers and sewerage systems flow into the River Dee and contributing to phosphate discharge are not being penalised by the Environment Agency (NRW counterparts in England) and permissions continue to be granted. Clearly the Environment Agency is taking a more pragmatic approach than NRW.

\*prior to the pandemic.



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**Sam Rowlands**

Member of the Senedd for  
North Wales

Aelod o'r Senedd dros  
Gogledd Cymru

North Wales Office | Swyddfa Gogledd Cymru  
North Wales Business Park, Abergale LL22 8LJ

Cardiff Office | Swyddfa Caerdydd  
Cardiff Bay, Cardiff CF99 1SN

Tel | Ffôn: 0300 200 7267

Email | E-bost: sam.rowlands@senedd.wales

Julie James MS  
Welsh Minister for Climate Change  
5<sup>th</sup> Floor  
Tŷ Hywel  
Cardiff  
CF99 1NA

(Via email: [correspondence.julie.james@gov.wales](mailto:correspondence.julie.james@gov.wales))

1<sup>st</sup> March 2022

Dear *Julie*

**Planning guidance**

I have recently been contacted by one of my constituents regarding a planning application they have lodged with Denbighshire County Council. The development could result in an increase in phosphate discharge from the property and I understand that it is in the River Dee and Bala Lake protection areas.

Whilst the property already has a mains sewerage connection, Denbighshire County Council appear unable to approve the planning application as there is no Welsh Government guidance on managing increased phosphate discharges. I believe my constituent has suggested installing their own waste water treatment facility to address the problem, however, the Council are still unable to consider this mitigation in the absence of Welsh Government planning guidance.

I would be grateful if you could let me know whether there has been an oversight on Denbighshire County Council's part, or whether the Welsh Government has any plans to introduce new planning guidance on this issue.

A copy of Denbighshire County Council's latest correspondence with my office is enclosed.


Yours sincerely,

Sam Rowlands MS  
Member of the Senedd for North Wales



**Senedd Cymru**  
**Welsh Parliament**

**From:** \_\_\_\_\_  
**Sent:** 18 February 2022 12:14  
**To**  
<K>  
**Cc**  
<G>  
**Subject:** Planning Application ref

 E-mail protection couldn't recognize this email as this is the first time you received an email from this sender Paul.Mead@denblghshire.gov.uk

Dear

Thank you for your recent email in relation to the above planning application submitted by Mrs Comber.

As you may know the Regulations were introduced in January 2021 and essentially set targets for the rivers that are classed as Special Areas of Conservation (River Dee and Bala Lake in this instance). The initial data found that many of these rivers were already exceeding the acceptable levels for phosphate and do not have additional head room for additional phosphate loads. Since then, this has been having an impact upon development on a national level.

The subject development is within the sewered area of Betws GG so should connect to the sewer in accordance with the Circular 008/2018 which sets out a hierarchy approach for drainage. However, there is currently no phosphate permit on the relevant Wates Water Treatment Works to enable this development to be connected. The development would also fail the screening criteria set out within the guidance to connect to a private sewerage treatment plant (Please see link to see the developments that we are currently able to screen out: <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>). We had advised Mrs Comber that she could discuss this option further with the Natural Resources Wales permitting team – but from your email it sounds like this has not been fruitful.

There are working groups at a national level which include Welsh Government, Natural Resources Wales, Dwr Cymru Welsh Water, Welsh Local Government Association, Planning and Environment Decisions Wales (PEDW), Home Builders Federation and the affected Local Authorities. The groups are working towards developing guidance, calculators, mitigation and to establish boards for managing phosphate. However, although a lot has been progressed, there remains no agreed calculator, guidance or agreed solutions/mitigation yet to enable us to assess the impacts and agree phosphate neutrality on developments (that cannot be screened out under the Natural Resources Wales guidance).

We are not aware of any acceptable mitigation and without a calculator or guidance have no means to assess the amount of phosphate to be managed or acceptability of any mitigation. Unfortunately, until this is progressed at a national level and we receive further guidance/ mitigation options, we are not able to approve this development under the Habitat Regulations.

If you would like to discuss or clarify any of the above in greater detail, please e-mail my colleague at the above e-mail address.



Diolch/Thanks,

Rheolwr Datblygu  
Development Manager  
Planning, Public Protection and Countryside Service  
Gwasanaethau Cynllunio, Gwarchod y Cyhoedd a Chefn Gwlad  
Caledfryn, Ffordd v Ffair/Smithfield Road, Ddinbych/Denbigh LL163RJ  
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**Elin Jones AS / MS**


Aelod o'r Senedd dros Geredigion  
Member of the Senedd for Ceredigion


Julie James MS  
Minister for Climate Change  
Welsh Government  
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Tŷ Hywel  
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 01970 624 516

   ElinCeredigion

Dyddiad | Date: 11 Mawrth / March 2022

Dear Minister,

**RE: Aldi Aberystwyth revised planning application**

I write to you once again with regards to the revised planning application for an Aldi store in Aberystwyth, that was called-in by the Welsh Government in July 2019. Thank you for your previous correspondence on the matter (JJ/12137/21).

I have been updated today by staff involved in the Aldi Aberystwyth project, and I was disappointed to hear that they have still not received a decision on the planning application, several months after a decision was expected at the beginning of December.

This revised scheme by Aldi, which was supported unanimously by both Ceredigion County Council planning officers and Councillors, will serve Aberystwyth much better than the previous planning application by Aldi which was approved. The revised scheme addresses many of the concerns raised by local businesses, has taken into account the need for enhanced measures to tackle flooding, and has removed the original idea of including a hotel on the site.

I would be grateful if you could look into this matter as soon as possible, as the people of Aberystwyth can't understand why after planning was unanimously approved for a previous application, that there is still no further development of this land two years later.

I look forward to your response.

Sincerely,

**Elin Jones AS/MS**  
**Ceredigion**



**Plaid Cymru**  
**Party of Wales**

**Croesewir gohebiaeth yn Gymraeg neu Saesneg.**  
**We welcome correspondence in Welsh or English.**



**Iles, Nicholas (CCRA - Planning)**

**From:** Davies, Paul (Aelod o'r Senedd | Member of the Senedd)  
<Paul.Davies@senedd.wales>  
**Sent:** 30 March 2022 14:43  
**To:** Correspondence mail - JJ  
**Subject:** Planning Applications on Hold Due to Special Areas of Conservation and Phosphate Levels

Dear Julie,

I'm writing to you regarding representations I've received in relation to NRW's guidance on phosphate levels for Special Areas of Conservation (SACs) across Wales. I understand that the guidance is having a disproportionate impact on planning applications and stopping even smaller, residential extensions from taking place. Indeed, in one example that I was given, a modest one-bedroom extension to a property did not go ahead because of the guidance.

I'm sure you'll agree with me that whilst action must be taken to protect our rivers, it's important that action is proportionate and does not stop all planning activity in our local communities. As a result, some builders and developers are frustrated that developments have not been able to take place and that in turn it's having a detrimental impact on the local economy and local jobs.

I know that discussions are taking place between stakeholders and that locally, a Management Oversight Group has been established. Therefore, I'd welcome an update on this matter and whether there are any solutions to allow developments, whilst offsetting potential phosphate increases. Given that the current situation is blocking economic and housing development, I sincerely hope that action is being taken so planning applications can once again be determined.

I look forward to your response in due course.

Kind regards,

Paul

**Paul Davies MS**

Member of the Welsh Parliament for  
Preseli Pembrokeshire  
Shadow Minister for the Economy

**Paul Davies AS**

Aelod Senedd Cymru dros  
Preseli Penfro  
Gweinidog yr Wrthblaid dros yr Economi

CARDIFF BAY

**0300 200 7216**

CONSTITUENCY

**01437 766 425**



Ceidwadwyr  
Cymreig



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Welsh Parliament

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**Lesley Griffiths**

Aelod o'r Senedd dros  
Wrecsam

Member of the Senedd for  
Wrexham

Our Ref: LG 7812 & LG7838  
Your Ref: JJ/12169/21 & JJ/12311/21


Julie James, MS  
Minister for Climate Change  
Welsh Government  
Cardiff Bay  
Cardiff  
CF99 1SN


**Senedd Cymru**


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Lesley.Griffiths@senedd.cymru  
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@lesley4wrexham 

@lesley4wrexham 

20 April 2022

Dear Julie

**Re: NRW Advice on Planning Applications Affecting Phosphate Levels Within SACs**

I write in my capacity as the Member of the Senedd for Wrexham and refer to my letters of 22 November and 8 December 2021 regarding the above, copies of which are enclosed, for ease of reference.

You will note in the email from [redacted] then Chief Officer Planning and Regulatory at Wrexham County Borough Council, which was enclosed with my letter of 8 December, Mr [redacted] states "This issue (ie Natural Resources Wales' position on new developments which may lead to further deterioration in the condition of riverine Special Areas of Conservation (SACs) due to the potential to increase phosphate levels within the SAC, and the effect of this on planning applications) is one of, if not the biggest, issues facing the Planning system in Wales. Indeed, we are reaching a point in Wrexham and other local authorities of having to impose a near moratorium on all new development."

Unfortunately, I do not appear to have received a response from you to my letters of 22 November and 8 December. However, since then, I have been contacted by other constituents and local businesses with their concerns on this issue and would be very grateful if you now let me have a general response on this which I can share with everyone who has contacted me.



**Senedd Cymru  
Welsh Parliament**



**Welsh Labour  
Llafur Cymru**

Thank you for your assistance and I look forward to hearing from you as soon as possible please.

Yours sincerely

Lesley Griffiths, MS

Encs

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The costs of this publication have been met by the Senedd Commission from public funds.



**Lesley Griffiths**

Aelod o'r Senedd dros  
Wrecsam

Member of the Senedd for  
Wrexham

Our Ref: LG7812


Julie James, MS  
Minister for Climate Change  
Welsh Government  
Cardiff Bay  
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22 November 2021

Dear Julie

**Re: NRW Advice to Planning Authorities for Planning Applications Affecting Phosphorus Sensitive River Special Areas of Conservation**

I write in my capacity as the Member of the Senedd for Wrexham and have been contacted by my constituent,  
with his concerns on the above.

Mr [redacted] emailed me on 14 November 2021 as follows:-

"Are you able to please advise on the way the Welsh Government are dealing with the issue, details below, concerning the water contamination where there appears to be a lack of understanding of the consequences to planning?"

<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>

I would be grateful if you could look into Mr [redacted] concerns and let me have more information so I am better able to advise my constituent.



Thank you for your assistance and I look forward to hearing from you.

Yours sincerely

Lesley Griffiths, MS

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**Lesley Griffiths**

Aelod o'r Senedd dros  
Wrecsam

Member of the Senedd for  
Wrexham

Our Ref: LG7838


Julie James, MS  
Minister for Climate Change  
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**Senedd Cymru**


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8 December 2021

Dear Julie

**Re: Wrexham County Borough Council response -**

I write in my capacity as the Member of the Senedd for Wrexham.

I enclose a copy of an email I have received from Chief Officer  
Planning and Regulatory at Wrexham County Borough Council regarding the  
above planning application. You will note his comments and I would be very  
interested in your views in order I am better able to advise my constituent.

Yours sincerely

Lesley Griffiths, MS

Enc

You can view our Privacy Policy at <http://www.lesleygriffiths.co.uk/en/privacy-policy/>  
or contact me for a paper copy.



Senedd Cymru  
Welsh Parliament



Welsh Labour  
Llafur Cymru

Dear Lesley,

In January 2021 NRW issued a Planning Position Statement which advised that development which is likely to increase the amount of phosphate in the catchment area of a river designated a Special Area of Conservation (SAC) could lead to damaging effects on the SAC. Such developments require a Habitat Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC.

The application site lies within the catchment of the River Dee and Bala Lake SAC and tourist accommodation has the potential to increase phosphate in the SAC by way of additional foul water drainage flows.

The site is in an area served by public sewers and the foul water drainage system for the site will connect to these. These, in turn, connect to a wastewater treatment works (WWTW) and Welsh Water have confirmed that this has a phosphate consent and capacity to accommodate the foul water flows from the site whilst adhering to the limits on that consent. Nevertheless, even where a phosphate consent is in place, treated foul water from WWTW is discharged into the river with a residual amount of phosphate in it, albeit an amount specified in the phosphate consents.

Despite the above, the phosphate consent for WWTW were subject to Appropriate Assessments undertaken by the then Environment Agency Wales in 2009. The conclusions of those assessments do not take account of the new information and tighter phosphorus targets for the SAC detailed in the Compliance Assessment report that NRW published in January 2021. The assessments also pre-dated case law precedent (the "Dutch" and the "Compton" cases). In short, the Council cannot rely upon the extant phosphate consents when considering the impacts of new development.

The Council can only conclude no adverse impact upon the SAC if sufficient information is provided to demonstrate that this development will be phosphorous neutral. On the basis of the information presented to us to date, I am not able to reach that conclusion.

The issues faced by this particular application are faced by a significant and growing number of other applications in the County Borough. There are approximately 70 such applications that cannot be determined at this time and I understand that there are in the region of 1000 such applications across Wales. Such developments include new build residential development (including schemes that will deliver affordable housing) and employment development. In Wrexham town centre a development to provide accommodation for homeless people cannot progress because of this issue. You may also be aware that this is a matter that is currently prevented the Wrexham Local Development Plan from progressing to adoption.

The Council, along with Flintshire County Council, has prepared a Draft Catchment Phosphorus Reduction Strategy (November 2021) which offers a way for some new development to come forward subject to the implementation of the mitigation measures outlined in the Strategy also being secured. Significant work is still required to identify and implement site-specific measures and there will be significant challenges in delivering mitigation to enable development to proceed. It may therefore be some time before we can grant Planning permission for developments that have the potential to increase phosphate discharges to the river.

This issue is one of, if not the biggest, issues facing the Planning system in Wales. Indeed, we are reaching a point in Wrexham and other local authorities of having to impose a near moratorium on all new development.







Whilst we will continue to work with Natural Resources Wales, Welsh Water and neighbouring Councils to identify solutions, I believe action by Welsh Government is urgently needed to lead, coordinate and resource a response to this issue. It is not an issue that can be left solely to Planning authorities to consider/attempt to resolve on a case by case basis when dealing with individual Planning applications.

I would urge you to make urgent representations in the Senedd and directly to Welsh Government in this respect.

Regards

Prif Swyddog Cynllunio a Rheoleiddio/Chief Officer Planning and Regulatory



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-  [twitter.com/cbswreccsam](https://twitter.com/cbswreccsam) [twitter.com/wrexhamcbc](https://twitter.com/wrexhamcbc)
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**Ysgrifennwch ataf yn Gymraeg neu Saesneg**  
Please write to me in Welsh or English



**Iles, Nicholas (CCRA - Planning)**

---

**From:** Hannah Blythyn MS/AS <Hannah.blythyn@caseworker.senedd.wales>  
**Sent:** 11 April 2022 10:17  
**To:** Correspondence mail - JJ  
**Cc:** louise.hughes@senedd.wales  
**Subject:** Mr I  
**Attachments:** letter2236.pdf

Dear Julie,

Please see the attached letter on behalf of my constituent for your attention.

Best wishes,  
Hannah

**Hannah Blythyn MS//AS**  
**Member of the Welsh Parliament for Delyn // Aelod o Senedd Cymru dros Delyn**





**Hannah Blythyn**

Aelod o'r Senedd dros  
Delyn

Member of the Senedd for  
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@HannahBlythyn 

/HannahBlythyn 

Our reference: HB2908

11 April 2022

Dear Julie,

**Re: Mr**

I wrote to you last year on behalf of my constituent Mr [redacted] regarding a planning application that is subject to a call-in request to the Welsh Government. The application has been submitted to Flintshire County Council under reference [redacted] and is for a residential development of over 200 homes, along with public open space and a new link road on land just off Gwernaffield Road in Mold.

Mr [redacted] has now contacted me again asking whether there is any further update in relation to the call in request and whether this has now been considered. He has been made aware of a suggestion that the application may be on hold due to the concerns around nitrate phosphates and raises concerns that this could be an issue given the site's proximity to the River Alyn.

My constituent also refers to Flintshire County Council's Local Development Plan (LDP) which is yet to be finalised. Mr [redacted] says that since the draft plan was signed off there have been significant changes in site availability, and he refers to land at County Hall which he feels would be a brownfield site for development and as such should take priority over greenfield sites such as the area subject to the planning application. He is asking whether there is any scope for this to be referred back to Flintshire Council to consider.

I would be grateful for an update on the call-in request to the Welsh Government, and for information on whether this has yet been considered. I would also be grateful for any information you can provide on Mr [redacted]'s enquiries in relation to nitrate phosphates and whether the Welsh Government's position on this is likely to further delay the application, or result in its refusal. Are you also able to advise on the latest position on Flintshire Council's LDP and whether there is any



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Welsh Parliament**

scope for changes given Mr Housecroft's comments on the change in availability of land locally for development.

Best wishes,

Hannah Blythyn MS  
Delyn

**Jane Dodds**

Aelod o'r Senedd dros  
Canolbarth a Gorllewin Cymru

Member of the Senedd for  
Mid and West Wales


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/JaneDoddsWLD 

Dyddiad | Date: 15th June 2022

Pwnc | Subject: Developments - Draining to Talgarth WWTW in Powys

Dear Minister,

I am writing to you regarding the developments to drain Talgarth WWTW in Powys.

A constituent, who is also a Planning Consultant acting for a number of Housing Associations across Wales, has written to me raising the current issues concerning Phosphate Pollution of a number of their River SACs (including the Wye and Usk) which has put significant levels of affordable housing development on hold.

My constituent has written to me with their concerns on the specific developments in and around Talgarth.

My constituent has explained that Powys County Council's Housing Department and the Housing Association Pobl Group are seeking to develop a significant number of affordable homes on a number of sites in and around Talgarth and Bronllys, all of which drain foul water to the Talgarth Wastewater Treatment Works.

I understand that the treatment works already has Phosphate stripping equipment in place and Natural Resources for Wales have stated that they are going to tighten the permit, subsequently requiring Dwr Cymru to increase the level of Phosphate treatment.

I understand that Dwr Cymru has confirmed that it is a straightforward exercise and that it would create capacity for the housing developments to then proceed whilst still ensuring a significant reduction in Phosphates entering into the River Wye via the treatment works.

However, my constituent has had confirmation that based on correspondence received to date, it seems that it will not happen until 2025 at the very earliest.



Natural Resources for Wales have been asked to bring forward the increased Phosphate treatment through developer funding, but my constituent has not been provided with clarity on this matter.

My constituent's view is that Natural Resources for Wales has already stated that the Phosphate permit tightening needs to take place, and given that they have developers willing to assist in bringing this forward, there should be no problems in putting this in place.

Could you please investigate and clarify what the Welsh Government can do to bring the date forward from 2025 and whether you can assist in facilitating developers making financial contributions themselves in order to bring that 2025 date forward?

Thank you and I look forward to hearing from you.

Yours Sincerely/Yn Gywir,

Jane Dodds MS, Mid and West Wales

**Iles, Nicholas (CCRA - Planning)**

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**From:** Sarah Atherton MP <sarah.atherton.mp@parliament.uk>  
**Sent:** 26 July 2022 21:45  
**To:** Correspondence mail - JJ  
**Subject:** FW: Phosphates (Case Ref: SA10339)  
**Attachments:** image001.png; image002.png; image003.png

Good evening,

Sarah Atherton MP has been contacted the Director of SG Estates, a local housing developer, who has raised concerns with the Welsh Government's policy relating to phosphates. Mr [redacted] would like the Welsh Government to allow housing developments to go ahead whilst the full scale and implications of the phosphates policy are known.

I have included Mr [redacted] email below and would be grateful if you could consider the points he raises and provide your response.

I hope to hear from you soon.

Best wishes,

The Office of Sarah Atherton MP  
Member of Parliament for Wrexham

A: 65 Regent Street, Wrexham, LL11 1PF  
E: sarah.atherton.mp@parliament.uk  
T: 01978 291742



---

Sarah many thanks for your email.

We are currently trying to navigate through this issue as part of a consortium of housebuilders which include the likes of Barratts, Redrow, Bellway, Castlegreen etc.

We made contact last week via a Teams meeting with members of Natural Resources Wales, Welsh Water and WCBC to try and get some sort of idea how long this issue may take to resolve. Gideon Carpenter a senior member of NRW indicated that they are undertaking a 'permit revue and sage modelling' to bottom out the state of the river systems in special areas of conservation (sac's) and the results from this won't be made available until December 2023. These results will then highlight which Sac's require mitigation. This won't tell us what mitigation will be adopted and how long, or indeed how much, the mitigation will cost to implement. This timeline is simply unsustainable and will result in large job losses in the housebuilding industry. It could mean that Wrexham will not have any new homes built, including affordable housing for years to come. It will have a devastating effect on the local economy and will impact nationally too.

We are not disagreeing that something needs to be done with the level of phosphates in our rivers and we are prepared to pay our fair share of the cost to mitigate these levels. Just to reiterate that new housing development only contributes about 1% of the phosphate generation in our rivers. Approximately 80% is generated from agriculture. To be able to pay our fair share, housing developments must be given the go ahead immediately so that our share of costs associated with mitigation can be generated. Without suitable planning permissions that money will not be there.

We need Welsh Government to lift restrictions on all new developments until the results of the NRW's permit revue and sage modelling are available and mitigation has been agreed. This process could take two or three years to complete and during this time many new homes will not have been built, no 106 payments will be made to improve local infrastructure, no schools contributions, no affordable homes, the list goes on.

This new legislation needs to be deferred until all the information is available. If it's not there will be job losses and company closures.

I would very much appreciate it if Sarah could raise our issues with the Welsh Government as soon as possible please. Our main aim is a delay to the implementation of the new regulations until all the necessary investigations have been completed by NRW and the mitigation requirements have been determined. In the meantime the housebuilding industry can restart on sites that have been impacted on the new regs ( currently 2000 plus house starts ) and this will allow the industry to continue until such time as we know the full implications/ costs associated with the phosphate issue. We are only asking for time and are committed to help pay for any remediation required in the medium term

I hope you can assist and look forward to your response in due course.  
Kind regards

Director

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This message (including any attachments) is confidential and may be legally privileged. The content and views expressed are those of the sender and not necessarily of SG Estates Limited. If you are not the intended recipient, you must not disclose, copy or use any part of it. Please delete all copies immediately and notify the sender.

**Iles, Nicholas (CCRA - Planning)**

---

**From:** Skates, Ken (Aelod o'r Senedd | Member of the Senedd)  
<Ken.Skates@senedd.wales>  
**Sent:** 03 August 2022 08:43  
**To:** Correspondence mail - JJ  
**Subject:** Fw: NRW embargo on all planning applications in the Dee catchment area which involve private drainage.  
**Attachments:** Phophates .pdf

Dear Julie,

I have been contacted by my constituent [redacted] regarding his concerns about the above. Since his initial email, shared below with his permission, Mr [redacted] has requested that I contact you for your thoughts on the matter and enquire whether a directive could be issued regarding those applications which pose a threat such as those he outlines.

I would be extremely grateful for a response I can share with my constituent, and I thank you in advance for your consideration of this matter.

Best wishes,

Ken

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**From:**  
**Sent:** 19 July 2022 15:54  
**To:** Skates, Ken (Aelod o'r Senedd | Member of the Senedd) <Ken.Skates@senedd.wales>; Skates, Ken (Aelod o'r Senedd | Member of the Senedd) <Ken.Skates@senedd.wales>  
**Cc:**  
**Subject:** NRW embargo on all planning applications in the Dee catchment area which involve private drainage.  
Dear Mr Skates,

I have been informed by Wrexham CBC's Planning and Enforcement Officer, [redacted] that my planning application will be held up until at least the end of October, due to a N.R.W embargo on all planning applications which involve private drainage schemes in the whole of the Dee catchment Area.

I have set out my observations about the micro environment here at Cloy Lane and the distance to the Dee in the attached paper which I have sent to the planners. This outlines the friction of distance factors which mitigate against any likelihood of Fir Tree House phosphates reaching the River Dee and is based on my observation of water movement here over the past 35 years and my training in hydrology as part of my Geography degree.

Irrespective of this detail, it seems an extraordinary blunt and unintelligent initiative from the NRW to treat every square centimetre of the Dee Catchment as of equal risk!

Given the proven massive volumes of direct pollution by permitted storm discharges of raw sewage, by the Water Companies, together with the regular overland flow of fertilisers and cattle manure into the river, it seems trebly ridiculous to penalise the smallest potential contributors located so far away from the river.

I would remind you of the plethora of intensive chicken raising installations that have received planning permission in very recent times, which pose a much bigger risk than an individual septic tank like ours- an example of which can be seen on [redacted] in Worthenbury, which is barely 40 metres upslope from the Emral Brook, which flows into the DEE less than 2 miles away.

I would very much appreciate your support in helping to resolve this issue at Welsh Assembly level as a matter of some urgency .

Should there be significant delays in resolving the issue through the need for major infrastructure schemes or

legislation requirements, perhaps you could persuade the NRW to release those applications that pose the least threat such as ours?

Kind Regards,



## The Phosphates Embargo As Related To

While acknowledging the problem of excessive phosphates levels in the River Dee, the effect of an individual dwelling, located a number of miles away from the river will be minimal in comparison with the current massive pollution sources from farms and the Water Authorities.

The embargo lumps all developments in the same category of risk- from individual small 2- bedroom dwellings like our proposal to large groups of houses.

No consideration is given to location- blanketing the whole catchment area of the River Dee is a needlessly blunt instrument to address the problem.

We are located some 400 metres from the nearest open field drain to the east to which our land drains along a slope of under 2% through permanent grassland, where evapotranspiration will reduce overland flow to an absolute minimum—any run -off will take decades to reach it.

Water in this drain flows into a small stream some 500 metres beyond-this tributary flows into the Emral Brook and ultimately into the River Dee some 8 kilometres to the north near Shocklach.

Our planned development will meet most of the requirements set out in the guidance note for private drainage ( B.S standard installation, maximum discharge rate, 40 metres plus from surface water features, more than 50m from a SAC boundary)

The criterion which cannot be met is the 200m distance from any other discharges to ground and the density ratio of 1 for every 4 hectares.

The very nature of rural settlement patterns in our area mitigates against such separation. Given the local site and drainage information above, We would ask for this last criterion to be waived in the light of the extremely small risk of phosphates reaching the River Dee from a new, fully functioning private drainage system that meets B.S. Standard 6297 + 2008.

4/6/2022



**Iles, Nicholas (CCRA - Planning)**

---

**From:** Bryant, Jayne (Aelod o'r Senedd | Member of the Senedd)  
<Jayne.Bryant@senedd.wales>  
**Sent:** 28 July 2021 14:38  
**To:** Correspondence mail - JJ  
**Subject:** Phosphates in Welsh Rivers  
**Attachments:**

Dear Julie

I have received the attached letter from one of my constituents who is concerned about the level of phosphates in Welsh rivers.

I would be very grateful if you could let me have the Welsh Government's response or comments on this issue.

Very best wishes

Jayne



**Jayne Bryant**  
**Member of the Senedd** for Newport West  
**Aelod Senedd** dros Gorllewin Casnewydd  
**Welsh Parliament** | Senedd Cymru



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@JBryantNewport



[jayne.bryant@senedd.wales](mailto:jayne.bryant@senedd.wales)



@JBryantWales



[jaynebryant.wales](http://jaynebryant.wales)



@JBryantWales

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Jayne Bryant MS/AS may send you emails occasionally to keep you updated about her work as the Senedd Member for Newport West. If you would prefer not to receive these emails, please email [Jayne.Bryant@senedd.wales](mailto:jayne.bryant@senedd.wales).

Senedd Cymru yw'r corf sy'n cael ei ethol yn ddemocrataidd i gynrychioli buddiannau Cymru a'i phobl, i ddeddfu ar gyfer Cymru ac i ddwyn llywodraeth Cymru i gyfrif. | The Senedd is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh government to account. Dylid ystyried unrhyw ddatganiad neu sylw a geir yn y neges hon fel un personol ac nid o reidrwydd yn fynegiant o safbwynt Senedd Cymru, unrhyw ran ohono neu unrhyw gorff cysylltiedig. | Any of the statements or comments made above should be regarded as personal and not necessarily those of the Senedd, any constituent part or connected body. **Croesewir gohebiaeth yn Gymraeg neu Saesneg. | We welcome correspondence in Welsh or English.**



Leader of the Council / Member of the Senedd

MH

22/07/2021

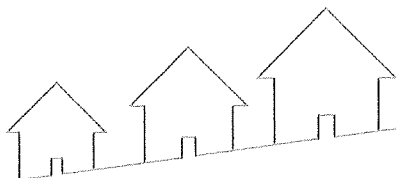
Dear Leader / MS

### **Nutrient neutrality and its implications for housebuilding**

The Home Builders Federation would like to draw your attention to an issue that is causing severe delays to new housebuilding across at least nine local authorities in Wales, including housing developments in your own local authority area or constituency.

Following a Court of Justice of the European Union judgement issued in 2018, Natural England has been considering the condition of many rivers and protected wetland areas. It is assessing whether these are vulnerable to deterioration from nutrients: the release of excess nitrogen and phosphorous via farming and development activities. Where protected wetland areas are deemed to be at risk, the agency is reminding local authorities of their legal responsibilities to prevent these areas deteriorating further. Consequently, new development of all types, in areas affected cannot be permitted unless the applicant is able to demonstrate nutrient neutrality: that phosphorus and nitrogen that is harmful to the habitat of protected water areas through release into the waterways via the sewerage system is not allowed to increase above permitted levels.

The nutrients issue is now causing the delay to the construction of housing, although the exact number of new homes affected in Wales is unknown, the information is currently being collated by the LPAs affected. Importantly the issue affects the delivery of all new homes, both affordable and private. The local authorities currently affected include Monmouth, Newport, Carmarthenshire, Wrexham, Flintshire, Ceredigion, Pembrokeshire, Brecon Beacons National Park and Powys. Providing mitigation is proving challenging because the favoured solution involves removing land from agricultural production to create new natural habitats, sometimes referred to as nature-based projects. This is land hungry and projects are slow to become operational. In terms of fallowing agricultural land this can range from a requirement of 1ha per dwelling to 1ha per 6 dwellings depending on the level of treatment available at the receiving wastewater treatment plant. As an example, a site in Monmouth for 113 dwellings where no treatment exists at the wastewater treatment plant, will require 252ha of agricultural land to be fallowed or 6.5 ha of wetland to be created. This assumes also that farmers will be willing to sell their land to provide this mitigation and begs the question whether sufficient land will come forward quickly enough, in sufficient quantity, to unlock the homes currently delayed. Even though house building generates negligible levels of nutrients – the chief source is from farming – it is residential development that is having to pay the cost. Housing delivery has stalled in the areas affected, including the supply of new affordable homes. There is also the economic dimension to consider. The delay to development means the loss or delay of new employment, new infrastructure and



other associated public benefits. The issue is also delaying the adoption of Local Development Plans, affecting the supply of housing longer-term as well.

### **What we ask you to do**

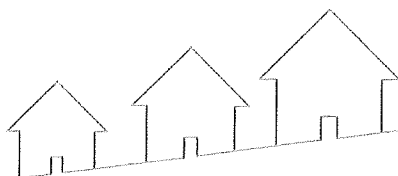
The industry is keen to play its part to protect and enhance the environment but there will be significant challenges associated with the scale of the nature-based projects needed if this is relied upon as the chief solution to this issue. The volume of land that is likely to be required to be converted from agricultural use to natural habitats is considerable. Moreover, progress in delivering these projects is likely to be slow. It is the HBF's view that the most effective and fair course of action for the Welsh Government is to focus upon a rapid and overdue upgrade to the sewerage system, especially wastewater treatment plants, so that these can capture nutrients closer to the source before they enter our watercourses. The risks associated with phosphorous entering watercourses is one that has been recognised for a long time by the water industry, dating back to the Water Framework Directive 2003. Moreover, under Section 94 of the Water Industry Act 1991 Sewerage Companies have a statutory duty to provide adequate and effective wastewater treatment, including ensuring that levels of phosphates and nitrates meet effluent quality standards set by existing and transposed EU Directives. To assist with the maintenance and improvement of wastewater management the housebuilding industry has contributed significantly to water and sewerage infrastructure charges since Water & Sewerage Sector privatisation in 1989. This historic and ongoing contribution by housebuilders to ensure that the water network was adequately financed to meet national housing requirements should not be dismissed lightly.

Given the emphasis that the Welsh Government has placed on reviving the economy in the post-pandemic period, the importance of housebuilding in its own right, and the broader social and economic benefits of housebuilding, we are keen for your support. We would like you to raise the issue directly with Welsh Government and with the Ministry for Climate Change and call on Government to implement urgently a strategy to break this deadlock.

If you have any immediate questions, or wish to discuss this issue further, please contact Mark Harris at [mark.harris@hbf.co.uk](mailto:mark.harris@hbf.co.uk) or 07770752884.

Yours sincerely,

**Home Builders Federation**



Home Builders Federation  
HBF Wales . PO Box 201. Barry. CF63 9FA  
Tel: 07770 752884  
Email: [wales@hbf.co.uk](mailto:wales@hbf.co.uk) Website: [www.hbf.co.uk](http://www.hbf.co.uk)  
Twitter: @HomeBuildersFed



ATISN 16526 ITEM 016

**Janet Finch-Saunders MS|AS**

Aelod Senedd Cymru dros Aberconwy  
Member of the Welsh Parliament for Aberconwy



Mark Drakeford MS, First Minister,  
Welsh Government,  
*By Email*

Office of Janet Finch-Saunders MS,  
29 Madoc Street,  
Llandudno,  
LL30 2TL.  
01492 871198

Welsh Parliament,  
Cardiff Bay,  
CF99 1SN.  
Janet.Finch-Saunders@Senedd.Wales

26 July 2021

**Re: Phosphates**

Dear First Minister, Mark,

I hope that this letter finds you well. I am writing to highlight my serious concerns about the impact guidance on phosphates is having on the housing sector in Wales.

As you will be aware, phosphate is naturally occurring, and is released slowly, at low levels, from natural sources, such as natural bankside erosion. However, I acknowledge that phosphates can also enter rivers from land management practices, sewerage, and foul water that can contain detergents and food waste.

Whilst I appreciate that Natural Resources Wales (NRW) have advised that 'Each river and section of rivers will need different approaches and NRW will work with people and partners to create both national and local solutions', the reality is very different. It has become clear to me that NRW's approach is stopping development rather than facilitating a reasonable solution.

The guidance issued by NRW applies to the vast majority of planning applications for development with the potential to increase phosphates into the water courses in the catchments of nine river SACs in Wales. Unless developments can show that they can be phosphate-neutral or negative, the planning authorities have no course of action other than to reject applications.

The seriousness of the situation is clear when considering the following examples:

- planning applications for residents in Brecon and Radnorshire who live within the catchment zone of the Usk and Wye rivers are being blocked;
- a site in Monmouth for 113 dwellings where no treatment exists at the wastewater treatment plant, will require 252ha of agricultural land to be fallowed or 6.5ha of wetland to be created (I would be amazed if any farmers would be willing to sell so much land to unlock the delayed homes);
- I have been notified that the delivery of all new homes, both affordable and private, are being negatively affected in numerous authorities including Monmouth, Newport, Carmarthenshire, Wrexham, Flintshire, Ceredigion, Pembrokeshire, Brecon Beacons National Park, and Powys.

[Cont...]



**Janet Finch-Saunders MS|AS**

Aelod Senedd Cymru dros Aberconwy  
Member of the Welsh Parliament for Aberconwy

[Cont...]

The Home Builders Association have been clear to me that the industry is keen to play its part to protect and enhance the environment, but the significant challenges associated with the scale of the nature-based projects needed if this is relied upon as the chief solution to the issue, is unfeasible. It follows that I would be grateful if you could pursue the possibility of focusing upon a rapid and overdue upgrade to the sewerage system, especially wastewater treatment plants, so that these can capture nutrients closer to the source before they enter our watercourses.

In fact, I believe that it would be beneficial to assess whether the statutory duty under Section 94, Water Industry Act 199, to provide adequate and effective wastewater treatment, is being adhered to in Wales. The need for this is supported by the fact that in the whole of Brecon and Radnorshire, only two of Welsh Water's treatment works, at Talgarth and Llandrindod Wells, can currently remove the phosphates to an acceptable standard.

Finally, I am clear that there is an urgent need to undertake a virtual stakeholders meeting, to include representatives of planning authorities, builders, architects, Welsh Water, NRW, and Welsh Government. Should you not be willing to undertake such action, I can assure you that it is a step I will take. However, I am eager to work with you to unblock the considerable barrier that has been created to developments we need during our well known housing crisis.

Kind regards.

**Janet Finch-Saunders MS/AS**



# Bridgemere UK plc

Carden Hall Estate Office, Clutton, Cheshire CH3 9GB  
Tel: 01829 782800

15<sup>th</sup> December 2021

**Rt. Hon. Mark Drakeford MS**  
**First Minister of Wales**  
**Welsh Government**  
**5th Floor**  
**Tŷ Hywel**  
**Cardiff Bay**  
**CF99 1NA**

Dear First Minister,

Although we have not met personally, I historically had a good dialogue with your predecessor, Carwyn Jones, in relation to important housing matters in Wales. By way of background, I am the Founder and former Chairman of Redrow Homes, one of the most successful companies in Wales.

Under my stewardship Redrow became a great Welsh success story, building over 100,000 new homes, (housing a population greater than Swansea) and employing around 50,000 people directly and indirectly. I am sure you are aware that Redrow is a FTSE250 company, with a market capitalisation of c.£2.5 billion. I started Redrow from the spare bedroom of my two-bed semi in Rhyl. Today, the head office remains in Flintshire, and I am still the largest shareholder with over 21% of the business.

I am writing to you regarding an extremely serious matter which is having the effect of bringing planning/new development in much of Wales to a complete standstill.

Since my retirement from Redrow two years ago, my private company Bridgemere UK plc purchased a St. Asaph based home building company called Macbryde Homes, now renamed Castle Green Homes. Bridgemere, has invested £100 million into Castle Green over the last two years and during this time, Castle Green has more than tripled in size from 90 to 300 homes per annum (one third of which are affordable homes). Until recently we were well on course to be Wales' next great house building success story, after Redrow. The ambition is to build 1000 homes per annum, within the next four years.

Incredibly, Castle Green's business, over the next few months, is about to come to a juddering halt. This is entirely due to the NRW Phosphate Strategy which has had the effect of bringing most new development proposals in Wales to a halt. The economic impact of this is enormous. We are just weeks away from having to make considerable redundancies and just months away from having to close Castle Green's Wales operations down completely.

I attach a letter which has been signed by senior planners from Ceredigion, Wrexham, Pembrokeshire, and Carmarthenshire County Councils, which explains far more eloquently than I can, the effect of this de facto moratorium is having. To date multiple LDPs are on pause, and 10,000 allocated homes, 1,700 of which are affordable homes, are unable to be developed. I understand that the same directive applies to commercial and industrial development. The economic impact for Wales is potentially catastrophic.

# Bridgemere UK plc

Carden Hall Estate Office, Clutton, Cheshire CH3 9GB  
Tel: 01829 782800

-2-

This effective moratorium has been brought in without notice or consultation and is being applied retrospectively to allocated sites and sites with outline planning permission awaiting reserved matters approval. UK law has no basis for this type of retrospective legislation. Castle Green, amongst many others, will have no alternative but to resort to legal recourse.

This situation is a complete mess, and is I suspect, caused by a small number of people within the NRW who have no idea the damage that their interim planning advice is causing. The irony of the situation is that phosphate release from new development is near to negligible in any case. The overwhelming culprit, for phosphate release is the agricultural sector.

I am sure I speak on behalf of the entire development industry in Wales in asking you to personally intervene in this matter and bring this nonsensical situation to an immediate end.

For clarity, Castle Green is committed to doing what the name says – being a green developer. Our strategy is to be carbon neutral by 2030. We are ready and willing to have an open dialogue with the NRW to help bring about a reduction in phosphate emissions.

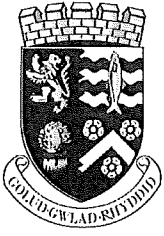
This knee jerk, interim Phosphate Strategy, which has been imposed on the planning and development communities, is neither fair nor reasonable, and is now having a disastrous effect on Welsh businesses and jobs.

I very much look forward to hearing from you as a matter of urgency.

Yours sincerely

cc.

Rt. Hon. Simon Hart MP, Secretary of State for Wales



Cyngor Sir  
**CEREDIGION**  
County Council

Swyddog Arweiniol Corfforaethol : Economi ac Adfywio  
Corporate Lead Officer : Economy and Regeneration

Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron. SA46 0PA  
www.ceredigion.gov.uk

Dyddiad Date	02/12/2021
Gofynnwch am Please ask for	Dr
Llinell uniongyrchol Direct line	01545 572123
Ebost Email	
Eich cyf Your ref	
Fy nghyf My ref	

Dear Phosphates Oversight Group,

RE: Progress made to date on the impact of NRW's interim planning advice

Following the introduction of NRW's interim advice for planning in relation to phosphates in riverine SACs in January 2021, you will no doubt be aware of the substantial implications on LPAs across Wales. In order to respond to the challenges this environmental constraint posed, a planning sub-group was quickly established and has met broadly monthly since. This group has procured counsel advice on a range of issues, prepared impact statements, shared information and coordinated sub – sub groups to consider a variety of individual issues, work remains ongoing. LPAs are also actively researching and exploring solutions including setting up Nutrient Management Boards, developing a phosphate calculator and supporting mitigation projects in Rivers.

However, it is the view of LPAs within the group that greater emphasis on a nationally led and coordinated approach would provide for more direct, strategic and organised action. There is significant frustration that the Oversight Group has met only on two occasions since January and that no additional Sub-Groups have yet been convened. It is for this reason we contact you now, to recommend that in-line with lessons learned in England, as the Oversight Group you consider carefully how you can ensure an overall coordinated approach with clear leadership, which might better organise the varied and diverse collective actions that are ongoing and ensure appropriate resources are directed to such efforts, avoiding wasted efforts.

Whilst concerns remain over the lack of engagement prior to the release of the statement in January 2021, we recognise that the guidance is in place and the following impacts have been identified nationwide:

- Multiple LDPs are on pause or likely to enter formal pause shortly and 2 LDPs are at risk of being found unsound at examination
- Almost 10,000 allocated homes are unable to be developed
- Of which over 1700 were expected to be Affordable homes

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ateb Saesneg i bob gohebiaeth Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and correspondence in English will be answered in English. Corresponding in Welsh will not involve any delay.

Prif Weithredwr / Chief Executive :  
Cyfarwyddwyr Corfforaethol / Corporate Directors :

- A number of national and regional growth zones as defined by Future Wales The National Plan 2040 are now constrained
- There were as of September 2021 over 1000 live planning applications unable to be determined as a result of the guidance and this figure is growing daily – refusals due to phosphates being issued in many authorities with this expected to rise significantly in the coming months

Additional workload pressures are being keenly felt across LPAs and ecology teams, with difficulties recruiting compounding the issue. The additional workload the phosphates guidance alone represents is challenging. In addition to this LPAs are setting up Nutrient Management Boards with little to no guidance on what these should look like. The timescales involved in delivering a Nutrient Management Plan and the lack of information and resources to prepare these alongside associated needs for consultation mean delays are inevitable. We are seeking to co-ordinate approaches to Nutrient Management Boards, but there is currently no budget to support research or solution finding once they are established – a clear gap given the scale of this issue.

The Habitats Regulations is applicable to all plans and projects and therefore there needs to be wider work on this issue beyond simply Planning. The emerging evidence demonstrates that Agriculture in particular is a significant contributor to phosphates within riverine systems e.g., the early apportionment work DCWW have commissioned recognises a significant amount of phosphates in the Wye (circa 70%) comes from agriculture. It is therefore imperative that as a minimum an Agricultural Sub Group is established urgently, with representatives of the Agricultural industry also being involved at a national level so that realistic solutions that genuinely address the phosphate and other nutrient issues can be sought.

It is worth reiterating that planning applications are one step in a number of wider plans and projects. Thus, the current guidance is impacting upon Local Authorities abilities to deliver Growth Deals, City Deals, Transforming Towns, Levelling Up Funding, Land Release Funds, 21<sup>st</sup> Century Schools programmes, Health and Social care schemes, Empty Properties Action Plans, Social Housing Grant and various other national and local regeneration strategies. It is currently holding up a number of LDP's - the WG plan led approach is now in jeopardy with many tenants of Future Wales unable to be delivered, and it will also impact upon delivery of SDPs and place plans.

In addition to the above we are greatly concerned that little detail has been provided to date on future nutrient releases relating to marine SACs by Natural Resources Wales, despite requests from LPAs and the Planning Sub-Group on this matter. This does not reflect the 5 ways of working expected of public bodies in the WBFG Act. When such a release is made this will of course impact upon almost the entire coast of Wales including the Bristol Channel. If this takes place development may be constrained in our nation's capital Cardiff and coastal cities of Newport and Swansea. We would urge the Oversight Group to ensure that clearer communication on this issue is provided.

Whilst we as planners daily balance the impact of land uses on the environment alongside peoples' needs the recent ministerial letter from Julie James setting out the importance of a plan led approach and the delivery of affordable homes can simply not be realised in large parts of Wales at present. And this could shortly extend to our urban centres too, unless a coordinated national response is adopted individual LPAs will continue to flounder as the situation worsens

daily. It is imperative we learn from the mistakes in England and balance the needs to manage the favourable conservation status of our Special Areas of Conservation alongside working towards short and long term national and local solutions and the necessary leadership, infrastructure and resources are required to ameliorate this issue.

We trust that you will consider these points, and recognise the very real frustrations that are growing amongst local authority officers and leaders nationally. We would welcome a response in particular on the following points:

- What consideration has been given to resource allocation for LA's to adequately respond to the new guidelines?
- Provide details of membership of the Oversight group, the Terms of Reference and actions that have been taken following meetings.
- What action groups have been set up in addition to Planning?
- What engagement has been made with the agricultural sector?
- Whether Ministerial attendance at the SAC River Phosphate Planning group is possible, in order to provide leadership and direction?

Yours sincerely



**Iles, Nicholas (CCRA - Planning)**

---

**From:** Sarah Atherton MP <sarah.atherton.mp@parliament.uk>  
**Sent:** 20 December 2021 10:49  
**To:** Correspondence mail - LG  
**Subject:** Phosphates Strategy (Case Ref: SA7728)  
**Attachments:** Sarah Atherton MP 171221 PDF.pdf

**Categories:** Action

Dear Lesley Griffiths MS,

Further to the previous letter from Sarah Atherton MP of 23<sup>rd</sup> November regarding the Welsh Government's new rules on phosphate levels in special areas of conservation (SAC) across Wales, please see the attached correspondence from Sarah Atherton MP. Sarah would be grateful for your consideration of the concerns therein.

Many thanks,

**Office of Sarah Atherton MP  
Member of Parliament for Wrexham**

65 Regent Street | Wrexham | LL11 1PF  
E: sarah.atherton.mp@parliament.uk  
T: 01978 291742









## CARDEN HALL ESTATE

---

17<sup>th</sup> December 2021

**Sarah Atherton MP**

**Email: [sarah.atherton.mp@parliament.uk](mailto:sarah.atherton.mp@parliament.uk)**

Dear Sarah,

I hope you are well and managing to avoid Omicron.

It certainly must be an interesting time for you in Westminster at the moment. The North Shropshire result this morning is certainly a wakeup call for Boris and Co.

Sorry to bother you, but one of my subsidiary companies, Castle Green Homes, has a major issue on two sites which are within your constituency. Site locations are Main Road, Rhosrobin 189 new homes and Rossett Road, Rossett 132 new homes. Rhosrobin has received a reserve matters approval and Rossett should receive its approval in February. However, both sites are and will be held up by the new interim Phosphate Strategy, which has been introduced out of the blue by NRW.

Please see the attached the letters which I have written to Simon Hart and Mark Drakeford. Which will give you a better understanding of the issues.

Castle Green are just finishing two developments in Holt and Drury and it was intended that the respective teams move onto these new sites. Because of the delay by NRW, which looks like a blanket moratorium, a substantial number of local jobs will be lost. You will see from my letter that the NRW stance is non-sensical and has come without warning.

Anything you can do to help matters would be greatly appreciated.

Please do not hesitate to contact me if I can add any further information.

I look forward to hearing from you.

Very best wishes



**Iles, Nicholas (CCRA - Planning)**

---

**From:** (ESNR - Planning) on behalf of Planning Directorate Mailbox  
**Sent:** 15 October 2021 08:19  
**To:** Decisions Branch - Ministerials/Gweinidogol - Cangen Benderfyniadau  
**Subject:** FW: 172/2021 Uskmouth power station.  
  
**Categories:** Green Category

Please see the email below which has been sent to the Planning Directorate Mailbox. Could you please deal with the query or pass to a relevant colleague for action.

**I would be grateful if you could notify me when the correspondence has been replied to so that it can be recorded in the correspondence log.**

Many thanks,

**From:**  
**Sent:** 14 October 2021 22:56  
**To:** Planning Directorate Mailbox <Planning.Director@gov.wales>  
**Subject:** 172/2021 Uskmouth power station.

Good morning, the permit variation application for the conversion of the Uskmouth power station doesn't appear on your database. A year after being taken off of Newport city council ie "called in". As we're looking at power shortages, is the Welsh Government delaying this development ?

Regards,



**Iles, Nicholas (CCRA - Planning)**

---

**From:**  
**Sent:** 08 July 2022 12:22  
**To:** (CCRA - Planning)  
**Cc:** Customer Help; Planning Directorate Mailbox  
**Subject:** RE: 071/2022 You have been forwarded an enquiry from the First Point of Contact Centre. Ref:04491004

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear

I had this reply:

"This process was implemented when Covid-19 started in 2020 and Powys CC are currently still sending the site notices to the agent/applicant to display on site. I believe discussions have taken place between Senior Officers with regard to reverting back to the Officer doing this but to date no changes have been made to the process.

I have copied [redacted] into this response as the Planner who is dealing with the application"

I then emailed the officer only to find he was away until the 11th. This will delay the planning further.

They need to change this as soon as possible and get back in the office.

I would be grateful if you sort this out as soon as possible.

Best regards

Beacon Architectural Services  
Ty Mondas  
Trecastle  
Brecon  
LD3 8 1111  
Tel: 0  
Mob:

[www.beaconarchitecturalservices.co.uk](http://www.beaconarchitecturalservices.co.uk)

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----- Original Message -----

From:

To:

Cc: Planning.Director@gov.wales; CustomerHelp@gov.wales

Sent: Friday, 8 Jul, 2022 At 12:08

Subject: RE: 071/2022 You have been forwarded an enquiry from the First Point of Contact Centre. Ref:04491004

Dear

Thank you for your enquiry. Article 12 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 requires local planning authorities to undertake the publicity for planning applications they receive. What has Powys County Council's response been to you when you have told them you will not be posting the notice for them?

Yours sincerely

Pennaeth y Gangen Rheoli Datblygu / Head of Development Management Branch  
Y Gyfarwyddiaeth Gynllunio / Planning Directorate

Y Grŵp Newid Hinsawdd a Materion Gwledig / Climate Change and Rural Affairs Group

Llywodraeth Cymru / Welsh Government

**Enquiry:**

Planning Matters - Cais Cynllunio / Planning Application, 22/1045/FUL

p{margin:0}

Dear Welsh Assembly,

I would be grateful if you could do something about the attached.

Every time I submit an application to Powys I receive the attached letter. If there were still Covid 19 restrictions then maybe I would understand, but the council gets paid for putting up the planning notice. I am sorry to say I think they are just being lazy!

And your site which they directed me to says there are NO restrictions.

Please let me know what you intend to do about this matter.

Best regards

Beacon Architectural Services

Ty Mondas

Trecastle

Brecon

LD3 8UH

Tel:

Mol

[www.beaconarchitecturalservices.co.uk](http://www.beaconarchitecturalservices.co.uk)

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer does not consent to Internet email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of BEACON ARCHITECTURAL SERVICES shall be understood as neither given nor endorsed by it.

----- Original Message -----

From: [planning.services@nowvs.gov.uk](mailto:planning.services@nowvs.gov.uk)  
To:  
Sent: Thursday, 7 Jul, 2022 At 15:44  
Subject: Cais Cynllunio / Planning Application, 22/1045/FUL

Annwyl / Dear Mr

Yn amgaaedig, ceir llythyr yn ymwneud a'r cyflwyniad cynllunio canlynol a dderbyniwyd gan Gyngor Sir Powys ar 04.07.2022.

Please find attached a letter with details in relation to the following Planning Application received by Powys County Council on 4 July 2022.

Cyfeirnod:

Ceisydd: Mr

Cynnig: Retrospective planning permission for a agricultural building for the storage of farm machinery, animal feed and the welfare of sheep together with hardstanding area

Cyfeiriad y Safle:

Reference:

Applicant: Mr

Proposal: Retrospective planning permission for a agricultural building for the storage of farm machinery, animal feed and the welfare of sheep together with hardstanding area

Site Address:

Dyfynnwch y cyfeirnod cais cynllunio uchod ym mhob gohebiaeth.

Please quote the above planning application reference in all correspondence.

Cofion da / Kind regards,

Gwasanaethau Cynllunio / Planning Services

Rheoli Datblygu / Development Control

Cyngor Sir Powys / Powys County Council

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / Correspondence welcomed in Welsh and English

Mae'r e bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth freintiedig. Os yw wedi eich cyrraedd trwy gamgymeriad ni ellwch ei gopio, ei ddosbarthu na'i ddangos i unrhyw un arall a dylech gysylltu gyda Cyngor Sir Powys ar unwaith. Mae unrhyw gynnwys nad yw'n ymwneud gyda busnes swyddogol Cyngor Sir Powys yn bersonol i'r awdur ac nid yw'n awdurdodedig gan y Cyngor.

This e mail and any attachments are confidential and intended for the named recipient only. The content may contain privileged information. If it has reached you by mistake, you should not copy, distribute or show the content to anyone but should contact Powys County Council at once. Any content that is not pertinent to Powys County Council business is personal to the author, and is not necessarily the view of the Council.

**Additional Instructions:**

**Customer:**

**Enquiry Number:**

HR-884304-Z3K2

**Enquiry Date:**

08/07/2022 10:29

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein hysbysiad preifatrwydd yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



**Iles, Nicholas (CCRA - Planning)**

---

**From:**  
**Sent:** 27 January 2022 16:47  
**To:** Correspondence mail - FM  
**Subject:** FW: Urgent Letter from  
**Attachments:** Rt Hon Mark Drakeford 151221 PDF.pdf; Rt Hon Mark Drakeford 151221 attachment.docx

**Categories:** Kayleigh

Dear First Minister,

I refer to my letter of the 15th December, which I have attached again for ease. I am hoping that you have had an opportunity to consider my letter in relation to the extremely serious matter of the NRW Phosphate Strategy and the impact it is causing, and I would ask you for an urgent response.

Since writing to you, we have had to lay off 25 Operatives, and every week that passes more Welsh jobs are being lost. These Tradesmen had been expected to move to a large new site in Wrexham, but because of this moratorium, we are unable to do so despite the site having full planning permission and building regs approval.

I am aware of many small businesses coming under stress due to this knee-jerk interim Phosphate Strategy.

Given the damaging effect this is having, I would appreciate your urgent attention.

Yours sincerely,

**From:**  
**Sent:** 15 December 2021 16:22  
**To:** [Correspondence.Mark.Drakeford@gov.wales](mailto:Correspondence.Mark.Drakeford@gov.wales)  
**Subject:** Urgent Letter from .

Please find attached a copy of a letter from [REDACTED] CBE, which has been sent out in the post today, for the attention of the Rt. Hon. Mark Drakeford, First Minister for Wales.

Could I please ask that you provide the letter to Mr Drakeford as soon as possible, as this relates to an urgent issue.

Thanks for your help.

Regards

Carden Hall Estate Office | Clutton | Cheshire | CH3 9GB  
Tel: 01829 782800 | Mobile: [REDACTED] | Email: [REDACTED]



# Bridgemere UK plc

Carden Hall Estate Office, Clutton, Cheshire CH3 9GB  
Tel: 01829 782800

15<sup>th</sup> December 2021

**Rt. Hon. Mark Drakeford MS**  
**First Minister of Wales**  
**Welsh Government**  
**5th Floor**  
**Tŷ Hywel**  
**Cardiff Bay**  
**CF99 1NA**

Dear First Minister,

Although we have not met personally, I historically had a good dialogue with your predecessor, Carwyn Jones, in relation to important housing matters in Wales. By way of background, I am the Founder and former Chairman of Redrow Homes, one of the most successful companies in Wales.

Under my stewardship Redrow became a great Welsh success story, building over 100,000 new homes, (housing a population greater than Swansea) and employing around 50,000 people directly and indirectly. I am sure you are aware that Redrow is a FTSE250 company, with a market capitalisation of c.£2.5 billion. I started Redrow from the spare bedroom of my two-bed semi in Rhyl. Today, the head office remains in Flintshire, and I am still the largest shareholder with over 21% of the business.

I am writing to you regarding an extremely serious matter which is having the effect of bringing planning/new development in much of Wales to a complete standstill.

Since my retirement from Redrow two years ago, my private company Bridgemere UK plc purchased a St. Asaph based home building company called Macbryde Homes, now renamed Castle Green Homes. Bridgemere, has invested £100 million into Castle Green over the last two years and during this time, Castle Green has more than tripled in size from 90 to 300 homes per annum (one third of which are affordable homes). Until recently we were well on course to be Wales' next great house building success story, after Redrow. The ambition is to build 1000 homes per annum, within the next four years.

Incredibly, Castle Green's business, over the next few months, is about to come to a juddering halt. This is entirely due to the NRW Phosphate Strategy which has had the effect of bringing most new development proposals in Wales to a halt. The economic impact of this is enormous. We are just weeks away from having to make considerable redundancies and just months away from having to close Castle Green's Wales operations down completely.

I attach a letter which has been signed by senior planners from Ceredigion, Wrexham, Pembrokeshire, and Carmarthenshire County Councils, which explains far more eloquently than I can, the effect of this de facto moratorium is having. To date multiple LDPs are on pause, and 10,000 allocated homes, 1,700 of which are affordable homes, are unable to be developed. I understand that the same directive applies to commercial and industrial development. The economic impact for Wales is potentially catastrophic.

# Bridgemere UK plc

Carden Hall Estate Office, Clutton, Cheshire CH3 9GB  
Tel: 01829 782800

-2-

This effective moratorium has been brought in without notice or consultation and is being applied retrospectively to allocated sites and sites with outline planning permission awaiting reserved matters approval. UK law has no basis for this type of retrospective legislation. Castle Green, amongst many others, will have no alternative but to resort to legal recourse.

This situation is a complete mess, and is I suspect, caused by a small number of people within the NRW who have no idea the damage that their interim planning advice is causing. The irony of the situation is that phosphate release from new development is near to negligible in any case. The overwhelming culprit, for phosphate release is the agricultural sector.

I am sure I speak on behalf of the entire development industry in Wales in asking you to personally intervene in this matter and bring this nonsensical situation to an immediate end.

For clarity, Castle Green is committed to doing what the name says – being a green developer. Our strategy is to be carbon neutral by 2030. We are ready and willing to have an open dialogue with the NRW to help bring about a reduction in phosphate emissions.

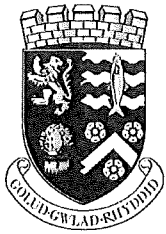
This knee jerk, interim Phosphate Strategy, which has been imposed on the planning and development communities, is neither fair nor reasonable, and is now having a disastrous effect on Welsh businesses and jobs.

I very much look forward to hearing from you as a matter of urgency.

Yours sincerely

cc.

Rt. Hon. Simon Hart MP, Secretary of State for Wales



Cyngor Sir  
**CEREDIGION**  
County Council

Swyddog Arweiniol Corfforaethol : Economi ac Adfywio  
Corporate Lead Officer : Economy and Regeneration

Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron. SA46 0PA  
www.ceredigion.gov.uk

Dyddiad Date	02/12/2021
Gofynnwch am Please ask for	Dr
Llinell uniongyrchol Direct line	01545 572123
Ebost Email	
Eich cyf Your ref	
Fy nghyf My ref	

Dear Phosphates Oversight Group,

RE: Progress made to date on the impact of NRW's interim planning advice

Following the introduction of NRW's interim advice for planning in relation to phosphates in riverine SACs in January 2021, you will no doubt be aware of the substantial implications on LPAs across Wales. In order to respond to the challenges this environmental constraint posed, a planning sub-group was quickly established and has met broadly monthly since. This group has procured counsel advice on a range of issues, prepared impact statements, shared information and coordinated sub – sub groups to consider a variety of individual issues, work remains ongoing. LPAs are also actively researching and exploring solutions including setting up Nutrient Management Boards, developing a phosphate calculator and supporting mitigation projects in Rivers.

However, it is the view of LPAs within the group that greater emphasis on a nationally led and coordinated approach would provide for more direct, strategic and organised action. There is significant frustration that the Oversight Group has met only on two occasions since January and that no additional Sub-Groups have yet been convened. It is for this reason we contact you now, to recommend that in-line with lessons learned in England, as the Oversight Group you consider carefully how you can ensure an overall coordinated approach with clear leadership, which might better organise the varied and diverse collective actions that are ongoing and ensure appropriate resources are directed to such efforts, avoiding wasted efforts.

Whilst concerns remain over the lack of engagement prior to the release of the statement in January 2021, we recognise that the guidance is in place and the following impacts have been identified nationwide:

- Multiple LDPs are on pause or likely to enter formal pause shortly and 2 LDPs are at risk of being found unsound at examination
- Almost 10,000 allocated homes are unable to be developed
- Of which over 1700 were expected to be Affordable homes

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ateb Saesneg i bob gohebiaeth Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and correspondence in English will be answered in English. Corresponding in Welsh will not involve any delay.

---

Prif Weithredwr / Chief Executive :  
Cyfarwyddwyr Corfforaethol / Corporate Directors :

- A number of national and regional growth zones as defined by Future Wales The National Plan 2040 are now constrained
- There were as of September 2021 over 1000 live planning applications unable to be determined as a result of the guidance and this figure is growing daily – refusals due to phosphates being issued in many authorities with this expected to rise significantly in the coming months

Additional workload pressures are being keenly felt across LPAs and ecology teams, with difficulties recruiting compounding the issue. The additional workload the phosphates guidance alone represents is challenging. In addition to this LPAs are setting up Nutrient Management Boards with little to no guidance on what these should look like. The timescales involved in delivering a Nutrient Management Plan and the lack of information and resources to prepare these alongside associated needs for consultation mean delays are inevitable. We are seeking to co-ordinate approaches to Nutrient Management Boards, but there is currently no budget to support research or solution finding once they are established – a clear gap given the scale of this issue.

The Habitats Regulations is applicable to all plans and projects and therefore there needs to be wider work on this issue beyond simply Planning. The emerging evidence demonstrates that Agriculture in particular is a significant contributor to phosphates within riverine systems e.g., the early apportionment work DCWW have commissioned recognises a significant amount of phosphates in the Wye (circa 70%) comes from agriculture. It is therefore imperative that as a minimum an Agricultural Sub Group is established urgently, with representatives of the Agricultural industry also being involved at a national level so that realistic solutions that genuinely address the phosphate and other nutrient issues can be sought.

It is worth reiterating that planning applications are one step in a number of wider plans and projects. Thus, the current guidance is impacting upon Local Authorities abilities to deliver Growth Deals, City Deals, Transforming Towns, Levelling Up Funding, Land Release Funds, 21<sup>st</sup> Century Schools programmes, Health and Social care schemes, Empty Properties Action Plans, Social Housing Grant and various other national and local regeneration strategies. It is currently holding up a number of LDP's - the WG plan led approach is now in jeopardy with many tenants of Future Wales unable to be delivered, and it will also impact upon delivery of SDPs and place plans.

In addition to the above we are greatly concerned that little detail has been provided to date on future nutrient releases relating to marine SACs by Natural Resources Wales, despite requests from LPAs and the Planning Sub-Group on this matter. This does not reflect the 5 ways of working expected of public bodies in the WBFG Act. When such a release is made this will of course impact upon almost the entire coast of Wales including the Bristol Channel. If this takes place development may be constrained in our nation's capital Cardiff and coastal cities of Newport and Swansea. We would urge the Oversight Group to ensure that clearer communication on this issue is provided.

Whilst we as planners daily balance the impact of land uses on the environment alongside peoples' needs the recent ministerial letter from Julie James setting out the importance of a plan led approach and the delivery of affordable homes can simply not be realised in large parts of Wales at present. And this could shortly extend to our urban centres too, unless a coordinated national response is adopted individual LPAs will continue to flounder as the situation worsens

daily. It is imperative we learn from the mistakes in England and balance the needs to manage the favourable conservation status of our Special Areas of Conservation alongside working towards short and long term national and local solutions and the necessary leadership, infrastructure and resources are required to ameliorate this issue.

We trust that you will consider these points, and recognise the very real frustrations that are growing amongst local authority officers and leaders nationally. We would welcome a response in particular on the following points:

- What consideration has been given to resource allocation for LA's to adequately respond to the new guidelines?
- Provide details of membership of the Oversight group, the Terms of Reference and actions that have been taken following meetings.
- What action groups have been set up in addition to Planning?
- What engagement has been made with the agricultural sector?
- Whether Ministerial attendance at the SAC River Phosphate Planning group is possible, in order to provide leadership and direction?

Yours sincerely





**Iles, Nicholas (CCRA - Planning)**

---

**From:** PS Minister for Climate Change  
**Sent:** 22 February 2022 10:25  
**To:** Correspondence mail - JJ  
**Subject:** FW: Aberystwyth Store Planning Delay  
**Attachments:** Aberystwyth Store Planning Delay 220222.pdf

For you please

**From:** Purcell, Hayley (Staff Cymorth yr Aelod | Member Support Staff) <Hayley.Purcell@senedd.wales>  
**Sent:** 22 February 2022 10:18  
**To:** PS Minister for Climate Change <PSMCC@gov.wales>  
**Subject:** FW: Aberystwyth Store Planning Delay

**From:**  
**Sent:** 22 February 2022 10:17  
**To:** James, Julie (Aelod o'r Senedd | Member of the Senedd) <[Julie.James@senedd.wales](mailto:Julie.James@senedd.wales)>  
**Subject:** Aberystwyth Store Planning Delay

Dear Julie James MS,

Please find attached a letter sent on behalf of our regarding the Aldi  
Aberystwyth Store Planning Delay.

With kind regards,

ALDI Cardiff  
Wentloog Avenue  
CARDIFF  
CF3 2GJ  
United Kingdom

Tel: +44 2921 324531  
Fax: +44 2921 324601

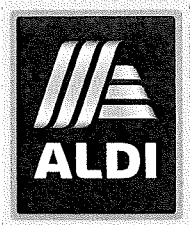
 **SAVE PAPER - THINK BEFORE YOU PRINT**

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## ALDI STORES LIMITED (CARDIFF)

Wentloog Avenue, Cardiff, CF3 2GJ

Telephone: 02921 324600  
Facsimile: 02921 324601

Julie James  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

22 February 2022

Dear Julie James MS,

### **Aldi – Aberystwyth Store Planning Delay**

I am writing to you regarding Aldi's expansion plans in Aberystwyth, and the concerns we have in the prolonged delay on deciding whether to grant planning permission for a new food store at Park Avenue.

You may be aware that Aldi's proposals for Park Avenue have garnered significant local support, and some press coverage following the application's approval by Ceredigion County Council in June 2019. Shortly after the approval by Ceredigion County Council, the plans were recovered for consideration by the Welsh Government. Whilst a public inquiry was scheduled to be held in March 2020; it was understandably delayed until January 2021 due to Coronavirus. However, since then, a decision has not been announced.

The proposals have gained significant support amongst local residents, with 91% of local respondents in favour of the proposed development. Aldi are keen to develop this site in a key area of Aberystwyth to meet local demand for a new shopping venue for the local community. This development marks a crucial boost to rejuvenation plans for the local area in accordance with the Ceredigion Local Plan (2007-2022), creating 40 jobs and helping boost the local economy. Ceredigion County Council and Elin Jones MS are also acutely aware of the situation, and fully support the proposal plans.

We remain deeply concerned over the delay in the approval decision over these plans. Until there is a decision, Aldi cannot proceed with development of, or alternative plans for the site, meaning a delay in investment, job creation or new opportunities.

In your capacity as Welsh Minister for Climate Change, we would like to know what timelines there are on making this decision, what obstructions may be delaying the process, and what can be done to expedite the resolution of these issues.

This delay is having a detrimental impact on the residents of Aberystwyth, who are left with an eyesore in a key location of their town, and no clear understanding of when this situation will be resolved.

We would be delighted to meet with you should you be available in the coming weeks to discuss our proposal plans and the benefits it would bring to the Ceredigion region.

Yours sincerely



**Iles, Nicholas (CCRA - Planning)**

---

**From:**  
**Sent:** 19 May 2022 11:19  
**To:** Correspondence mail - JJ  
**Cc:**  
**Subject:** Delayed planning decision

Dear Julie

I hope you are the correct person to contact. We are looking for some assistance in getting a response for the Vale of Glamorgan planning department in reference to our listed building application to change the timber windows which are present for a more environmentally friendly option, with the spiralling energy costs we would like to boost the energy efficiency of the property. We submitted our application last August ref \_\_\_\_\_ with a full window evaluation, yet we are still waiting on the decision from the planning department. The property already has some pvc windows but we are waiting on a decision on being able to change these along with the rotten timber windows. We should have received a decision in December but this is still on going. I can not get a response from Peter Thomas or from the planning department as a whole. We are trying to make the property habitable, at the moment it is not habitable or secure for decisions out of our control yet we are paying full council tax.

I look forward to hearing from you.

Many thanks

Sent from [Mail](#) for Windows



**Iles, Nicholas (CCRA - Planning)**

---

**From:**  
**Sent:** 01 June 2022 12:46  
**To:** Jane.Dodds@senedd.wales; Eluned.Morgan@senedd.wales;  
Joyce.Watson@senedd.wales; Cefin.Campbell@Senedd.Wales  
**Cc:** Correspondence mail - JJ; Correspondence Mail - LW;  
**Subject:** Developments draining to Talgarth WWTW, Powys

Dear Members of the Senedd

I write to you in my capacity as a Planning Consultant acting for a number of Housing Associations across Wales and specifically in Mid Wales. As you will no doubt be aware, the current issue with Phosphate pollution of a number of our River SACs (including the Wye and Usk) has effectively put significant levels of affordable housing development on hold.

In this case, I write specifically in respect of developments in and around Talgarth, which obviously sits within the Mid & West Wales region.

I am acting for both Powys CC Housing Department and Pobl Group (Housing Association) who are seeking to develop a significant number of affordable homes on a number of sites in and around Talgarth/Bronllys, all of which drain foul water to the Talgarth Wastewater Treatment Works. The treatment works already has phosphate stripping equipment in place, and NRW has stated that they are probably going to tighten the permit, thus requiring Dŵr Cymru to increase the amount of phosphate treatment. Dŵr Cymru has confirmed that this is a relatively straightforward exercise and that it would create capacity for the housing developments to then proceed whilst still ensuring a significant reduction in phosphates getting into the River Wye via the treatment works.

However, based on correspondence received to date, it seem that this may not happen until 2025 at the very earliest.

We have asked NRW whether we can bring forward the increased phosphate treatment through developer funding, but we are not really getting any straightforward answers.

In the email correspondence below with NRW and Dŵr Cymru, you might sense my frustration surrounding this. Our view is that NRW has already stated that the phosphate permit tightening needs to take place, and given that we have developers willing to assist in bringing this forward, why can't we just 'get it done' given that there is no obvious downside of doing so.

I'm sorry that we have to bring this to your attention, but we really need some assistance in helping to bring forward these much needed affordable homes and thus, any help you can provide would be very much appreciated, not just by myself, Powys Housing and Pobl, but more importantly by the very many hundreds of families on the current housing waiting list.

Thank you in advance.

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**From:**

**Sent:** 01 June 2022 09:52

**To:** 'SAC Rivers Enquiries / Ymholiadau Afonydd ACA' <SACRiversEnquiries@cyfoethnaturiolcwmru.gov.uk>

**Cc:**

**Subject:** RE: Developments draining to Talgarth WWTW, Powys

Hi

Many thanks for your reply below. This is really appreciated.

However, can you tell us specifically if there is any reason why the permit tightening at Talgarth WWTW could not be brought forward. There are clearly lots of benefits of this happening, i.e. it will reduce phosphate pollution in the River Wye SAC and it will also free up capacity for these much needed affordable sites to come forward. It is unclear whether there are any negatives of bringing this forward.

In the email correspondence below, it is stated that "Initial work suggests that the phosphorus limits at Talgarth WWTW will need to be tightened", so this begs the question, why can't we just get on and do it now, particularly if this could be assisted with developer funding. There is already a phosphate permit in place, so presumably the investment required is not prohibitive.

Although I'm clearly repeating myself, bringing forward the permit tightening would bring forward hundreds of affordable homes. Can we not just make this happen?

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**From:** SAC Rivers Enquiries / Ymholiadau Afonydd ACA <[SACRiversEnquiries@cyfoethnaturiolcymru.gov.uk](mailto:SACRiversEnquiries@cyfoethnaturiolcymru.gov.uk)>

**Sent:** 20 May 2022 18:37

**To:**

**Cc:**

**Subject:** RE: Developments draining to Talgarth WWTW, Powys

Dear Mr

Further to your emails to Rhian Jardine please see my responses to your queries below. Apologies for the delay in getting back to you. I hope this is of assistance.

Kind regards

**From:**

**Sent:** 28 April 2022 09:45

**To:**

**Cc:**

**Subject:** RE: Developments draining to Talgarth WWTW, Powys

\*\* Internal Mail \*\*\*\*\*

Hi

Thanks for your quick reply. Can you give any indication as to when your source apportionment work for the River Wye catchment (in which Talgarth WWTW lies) will be completed?

– are you able to provide any update on the following:

1. What is your timescale for the permit review programme and specifically, when do you think the permit for Talgarth WWTW will be reviewed? I understand the Talgarth WWTW permit is currently 2mg/l and I know that there are proposals during the current AMP to tighten some permits down to 0.3mg/l (e.g. Llandrindod).

The whole permit review programme will take between 12 and 18 months to complete. Please note though that this is completion of the whole technical review and reporting process for all water company permits in all SAC catchments across Wales. In practice the work will be carried out on a phased basis as the SAGIS water quality models are completed in turn. Once the models have been completed by the water companies and their consultants they will be subject to an audit by us. On completion of this audit we should be in a position to advise planning authorities where changes to permits are likely. Knowledge of sites where permits will remain unchanged will be of equal value to planning authorities in enabling planning decisions. The Wye model has been completed by DCWW as you are aware and is being audited. I am hesitant to commit to completion dates for the catchment models and audits as we have seen some delays in the work. I would like to restate though that the Wye is in an advanced stage of the overall process and will be the first catchment on which we will be able to report.

2. Is there any update as to when your National Environment Programme (NEP) will be complete (you indicated in March that it would be done by December 2022)?

My understanding is that DCWW are due to have agreed the NEP by end of this year with detailed submission to OFWAT by Sept 23. Final AMP 8 decisions by OFWAT are due by December 24.

3. When will the AMP8 programme be announced?

See above

4. If the phosphate permit is tightened (either through the AMP or through developer forward funding) and the amount of phosphate then entering the River Wye SAC is thus reduced accordingly, will NRW, in principle allow sites that are allocated within BBNPA LDP and Powys LDP to connect?

DCWW will need to operate in compliance with any revised P limits conditioned on the Environmental Permit for Talgarth WwTW. It will be a matter for them to advise on what new connections to the public sewer they will be able to accommodate within their permit conditions.

We'd welcome your feedback on the above as soon as reasonably possible.

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**From:**

**Sent:** 28 April 2022 08:59

**To:**

**Cc:**

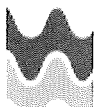
**Subject:** RE: Developments draining to Talgarth WWTW, Powys

Morning

In theory it will be possible for developers to pay to accelerate the introduction of a tightened phosphate permit, but until the source apportionment modelling work is completed and the need for a tightened permit is confirmed in NRW's NEP then it would be premature. Allied to this, as Rhian has indicated in the below email NRW need to undertake their review of permits project too.

Happy to continue discussions and content to meet if this would help.

Kind regards,



Lead Forward Plans Officer | Developer Services |  
Dŵr Cymru Welsh Water

T: 0800 917 2652 | E: 40719 | M:

A: PO Box 3146, Cardiff, CF30 0EH



W: [dwrcymru.com](http://dwrcymru.com)



E: [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

From: E  
Sent: 26 April 2022 10:46  
To:  
Cc:

Subject: RE: Developments draining to Talgarth WWTW, Powys

\*\*\*\*\* External Mail \*\*\*\*\*

Hi

Many thanks for your emails below.

In your emails, you state that *"Initial work suggests that the phosphorus limits at Talgarth WwTW will need to be tightened, and further investment by Dŵr Cymru will be required to meet these permit limits in their Asset Management Plan for 2025-29 (i.e. AMP8)."*

If this is indeed the case, given that there is a significant affordable housing need in the Talgarth/Bronllys area, and given that there are several development sites which are primed and ready for development, we would like to know whether the tightening of the permit (currently 2mg/l) could be brought forward earlier through developer funding because if we wait for the AMP8 programme, it could be several years before any homes are ready for occupancy, in which the time the number of people in housing need will only have grown and the affordability crisis will have deepened.

If, in theory, this could be done, we would like to know what figures would be involved and the timescales for this happening.

We'd welcome your earliest feedback on this.

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From:  
Sent: 09 March 2022 17:32  
To:  
Cc:

On Behalf Of

Subject: RE: Developments draining to Talgarth wwtw, powys

Dear

Thank you for your e-mail of 11th January, seeking confirmation of what discussions have taken place between Dŵr Cymru, Natural Resources Wales (NRW) and Brecon Beacons National Park Authority (BBNPA) regarding developments which drain to Talgarth Wastewater Treatment Works (WwTW), and a likely timeframe for when applications can be processed.

Firstly we would like to apologise for the delay in our response to you.

As you are aware, changes to guidance from the Joint Nature Conservation Committee have led us to review the conservation objectives for river Special Areas of Conservation (SACs) in Wales, including the River Wye. Phosphorus targets have been substantially tightened.

The Court of Justice of the European Union (CJEU) decision, known as the "Dutch case", has established the scope for authorising new development that will lead to additional phosphorus loading is likely to be limited where the conservation status of the SAC is unfavourable due to nutrient standards being exceeded. The River Wye SAC is exceeding the phosphorus targets. It is only by securing commitments to reduce phosphorus loadings from all contributing sectors, and then by delivering these actions, that water quality targets will be achieved.

NRW is advising that developments connecting to an existing public wastewater treatment works that has capacity cannot rely on the current Appropriate Assessments for the environmental permit alone to conclude no adverse effect upon the SAC. This is because the Appropriate Assessments for all extant environmental permits were undertaken by NRW/EA Wales prior to the tighter P targets, as detailed in the SAC Rivers Phosphorous Compliance Assessment Report published in January 2021. As such, until a Review of Permits is undertaken, our current position is that a Habitats Regulation Assessment will need to be undertaken by the Local Planning Authority, Brecon Beacons National Park Authority in this case, in order to establish that new development has no adverse impact on the SAC.

In reference to our water quality planning work at Talgarth WwTW, the development of the Wye catchment phosphorus model has now been completed. Currently we are reviewing where Dŵr Cymru are contributing to failing river stretches, the scale of their contribution to these failures, and the future permit limits required to tackle their *fair share* of failures. Investments to reduce phosphorus loadings from WwTWs in the Wye catchment will be included in the development of our National Environment Programme (NEP) which sets out all statutory environmental obligations that Dŵr Cymru are required to meet. We aim to finalise the NEP by December 2022 and it will then form part of Dŵr Cymru's next business plan (2025-29). In parallel to this work, we are also considering when it would be appropriate to undertake a review of relevant permits to include those commitments agreed with Dŵr Cymru in the NEP.

Initial work suggests that the phosphorus limits at Talgarth WwTW will need to be tightened, and further investment by Dŵr Cymru will be required to meet these permit limits in their Asset Management Plan for 2025-29 (ie AMP8). We will be in discussion with Dŵr Cymru to review our findings and to consider whether the investment in the current and future AMP rounds is targeted at the right locations. Until the improvements to Talgarth WwTW are made we cannot rule out this WwTW having an adverse impact on the SAC.

We cannot comment on timeframes for processing planning applications, as that falls under the responsibility of Brecon Beacons National Park Authority.

I hope this information is helpful.

Kind regards,

Pennaeth Datblygiadau Cynllunio a Môrol / Head of Development Planning and Marine  
Cyfoeth Naturiol Cymru / Natural Resources Wales  
07468 742546

Llanbedr Pont Steffan / Lampeter  
Siaradwr Cymraeg

[www.cyfoethnaturiol.cymru](http://www.cyfoethnaturiol.cymru) / [www.naturalresources.wales](http://www.naturalresources.wales)

**Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi**

**Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay**



**Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy.**

**Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.**

**From:**

**Sent:** 13 January 2022 08:43

**To:** I

**Cc:** J

**Subject:** FW: Developments draining to Talgarth WWTW, Powys

Morning

Thanks for the below email, setting out the context with regard to the sites that Asbri are involved with in the Talgarth WwTW catchment.

As you correctly set out, there is capacity at Talgarth WwTW to accommodate the foul flows from the 210 dwellings from both a hydraulic and biological perspective – to clarify, the WwTW has a P permit of 2mg/l that was introduced in 2015, and based on our assessments the WwTW would remain compliant with the communication of flows from the 210 dwellings.

However, as is noted in the BBNP statement NRW are advising that a P permit alone at a WwTW cannot be relied upon to demonstrate no adverse impact upon the SAC. This is because the Appropriate Assessment for all extant environmental permits were undertaken by NRW/EA Wales prior to the tighter P targets, as detailed in the Compliance Assessment that NRW published in Jan 2021. As such, until a Review of Permits is undertaken by NRW their current position is that a HRA will need to be undertaken in order to establish that new development has no adverse impact on the SAC.

At this juncture, it is worth setting out how our investment programme sets out how we fund environmental related schemes. We must ensure we meet new environmental obligations included within our capital investment programme (AMP7, 2020-2025), as identified through NRW's Water Quality National Environment Programme (NEP).

The NEP outlines the improvements we need to make to comply with environmental legislation and identifies WwTWs where we need to invest in P removal, either through the tightening of existing P permits or the introduction of new P permits. As such, we have developed a phased programme in agreement with NRW over AMP7 (2020-2025) and

AMP8 (2025-2030), setting out those WwTW where phosphate removal will take place. Based on the latest NEP, the existing P permit at Talgarth WwTW was not identified as requiring tightening.

In order to play our part in trying to move this matter forward, a joint NRW / Welsh Water programme of modelling has been developed looking at the failing SAC rivers. This work is currently underway, and the method of modelling being utilised is the industry standard SAGIS (Source Apportionment Geographic Information System) tool. The purpose of the modelling work is to determine the source apportionment by modelling nutrient loads and concentrations from multiple sources, which will establish and confirm our proportion of the load discharged.

The River Wye model is the most advanced and is fully calibrated – we are in the process of reviewing the findings along with NRW in order to determine whether our investment in phosphate removal at WwTW in the current and next AMP is targeted at the right locations.

However, I would emphasise that it is important that all stakeholders look to develop a range of sustainable options rather than concentrating purely on 'end of pipe' solutions. It is our view that investing in catchment nature-based solutions (NBS) such as planting buffer strips alongside rivers and creating wetlands, as well as managing nutrient/manure addition to farmland more carefully to better manage runoff into rivers will have a more beneficial and sustainable impact for everyone.

To that end, we are wholly supportive and more than willing to play our part in the proposed Nutrient Management Boards (NMBs) that are being set up and will be chaired by the LPAs, with the primary objective to coordinate existing and identify and deliver new actions to secure overall improvements in water quality and achieve the phosphorus conservation objective targets for the SAC. I would however stress the importance of the source apportionment modelling – this needs to be completed, including scenario testing and agreeing whether our investment needs to be moved to different locations before we are able to agree to an NBS approach at any WwTW.

I appreciate that this is a challenging matter for all involved stakeholders, but we are endeavouring to play our part and to that end would be happy to attend a Teams meeting to discuss any of the above points.

Kind regards,



Lead Forward Plans Officer | Developer Services |  
Dŵr Cymru Welsh Water

T: 0800 917 2652 | E: 40719 | M:

A: PO Box 3146, Cardiff, CF30 0EH



W: [dwrcymru.com](http://dwrcymru.com)

E: [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

**From:** | \_\_\_\_\_

**Sent:** 11 January 2022 17:30

**To:** J.

**Cc:** |

**Subject:** Developments draining to Talgarth WWTW, Powys

Dear

I apologise in advance for the email to you all, but we are very anxious to obtain feedback on discussions which have (or haven't) taken place regarding developments which drain to Talgarth Wastewater Treatment Works.

Brecon Beacons National Park Authority (BBNPA) has issued the following [statement](#) on its website and via email to agents of applications in the Talgarth WWTW catchment (see email below as an example);

*“Following sessions at the recent Wrexham LDP Examination it has come to light that LPAs may not be able to rely solely on the presence of Phosphate stripping to guarantee nutrient neutrality. Previously we had understood that P stripping, in place at Talgarth, was sufficient to avoid adverse effects on the River Wye SAC. This is no longer the case.*

*To this end we are investigating with NRW the permitting arrangements for Talgarth WwTW and will update once we are satisfied that the P stripping is sufficient to meet obligations under the Habitats Regulations.*

*At present we are unable to positively determine applications which propose to connect to the Talgarth WwTW. This advice will be updated as and when this issue is resolved.”(highlighting added)*

We have the following proposed developments (amongst others) in Talgarth and Bronllys which will all drain foul water to the Talgarth WWTW;

- 21/20483/DISCON – Discharge conditions 7 (Drainage Scheme) and 15 (Public Sewerage System) in relation to 16/13828/FUL: Residential Development of 15 dwellings – Land off Hay Rd, Talgarth (we have a private developer and an RSL ready to commence development)
- 14/11355/REM – Reserved Matters application for 27 dwellings, Land north of the Doctors Surgery, Talgarth (we have a private developer and an RSL ready to commence development)
- 21/0583/FUL - Development of 17 affordable dwellings - Former Bronllys Primary School, Bronllys (100% affordable)
- Development of 25 affordable dwellings - Former Talgarth Primary School, Talgarth (100% affordable - PAC completed and ready for application submission)
- 126 Dwellings - Former Mid Wales Hospital, Talgarth (pre-planning stage but allocated for development in the LDP)
- P/2018/0428 - Erection of 10 dwellings, Development Opposite Uplands, Bronllys (RSL interest)

As far as we are aware from our own direct consultation with Dŵr Cymru (examples attached), there are no operational issues with the Talgarth WWTW and for all of the above sites, we understand that there is capacity not only to accept the foul flows from these developments, but also to treat the phosphate within the foul flows. On this basis, it remains unclear to us as to why planning applications, including discharge of condition applications are currently on hold and we remain completely in the dark as to what exactly the issue is or what information is required to move the matter forward.

To this end, can you please confirm what discussions (if any) are taking place between Dŵr Cymru, NRW and BBNPA to resolve the issue, a status update on those discussions and a likely timeframe for when applications can be processed.

We and our clients (which includes Powys CC Housing) are naturally very keen to move these projects forward. Together, they account for around **220 dwellings**, a significant proportion of which will be affordable homes in an area where there is an acute need.

We'd be grateful for your collective feedback as soon as reasonably possible. If a Teams meeting may be appropriate forum to do this we'd be happy to establish availability and issue an invitation.

Asbri Planning Ltd | M:

| W: <http://www.asbriplanning.co.uk>

Brecon | Cardiff | Swansea





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**From:**

**Sent:** 16 November 2021 09:42

**To:** Barri

**Subject:**

Morning

I am writing with regards to the discharge of condition application at Land off Hay Road, Talgarth-

As you are aware, In January 2021 Natural Resources Wales set new phosphate standards for the river Special Areas of Conservation (SACs) in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a Habitat Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC condition. The application site is within a river SAC catchment (River Wye SAC) and until recently the Authority had been approving development where wastewater was going to the Talgarth WwTW which has a phosphate permit.

Following sessions at the recent Wrexham LDP Examination it has come to light that LPAs may not be able to rely solely on the presence of Phosphorus stripping to guarantee nutrient neutrality. Previously we had understood that Phosphorus stripping, in place at Talgarth, was sufficient to avoid adverse effects on the River Wye SAC. This is no longer the case. To this end we are investigating with NRW the permitting arrangements for Talgarth WwTW and will update once we are satisfied that the Phosphorus stripping is sufficient to meet obligations under the Habitats Regulations. At present we are unable to positively determine your application until this is resolved.

Under The Conservation of Habitats and Species Regulations 2017, the requirement for assessment continues until such point as the relevant authority has made the 'implementing decision' and given the strong protection given to the environment, in conjunction with the requirement to apply the precautionary principle, the Habitats Regulations continue to apply to applications for discharge of at least negatively worded planning conditions, whether or not they relate specifically to 'phosphates'.

Unfortunately, this puts us in a position whereby we are unable to approve the discharge of condition application. As already mentioned we are investigating how this matter can be resolved but at the present time we do not have an option to approve this application.

Kind Regards

**Uwch Swyddog Cynllunio/ Senior Planning Officer**

**Awdurdod Parc Cenedlaethol Bannau Brycheiniog/Brecon Beacons National Park Authority**

Plas y Ffynnon

Ffordd Cambrian/**Cambrian Way**

Aberhonddu/**Brecon**

LD3 7HP

Ffôn/**Telephone** - 07854 997 527

Safle ar y we/**Website**—[www.beacons-npa.gov.uk](http://www.beacons-npa.gov.uk)

Monday and Friday are my non-working days/Dydd Llun a Dydd Gwener yw fy ddiwrnodau di-waith





# Creu Lleoedd Cymru Placemaking Wales

Llofnodydd y Slarter Charter Signatory

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Yr ydym yn croesawu gohebiaeth yn y Gymraeg. Bydd unrhyw ohebiaeth yn y Gymraeg yn cael ei ateb yn y Gymraeg a ni fydd unrhyw gyswilt trwy gyfrwng y Gymraeg yn arwain at oedi yn y mater sy'n cael ei drin.

*We welcome correspondence in Welsh. Any correspondence in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in the matter being dealt with.*

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**Iles, Nicholas (CCRA - Planning)**

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**From:**  
**Sent:** 27 July 2022 14:54  
**To:** Correspondence mail - JJ  
**Subject:** Phosphate

>> REFERENCE EML-OUT/248-07/A/20220727-105051-466

>>

>>

>> Julie James

>> Minister for Climate Change

>> Welsh Government

>> 5th Floor

>> Tŷ Hywel

>> Cardiff Bay

>> CF99 1NA

>>

>> Dear Minister

>>

>> Housing and Phosphates

>>

>> I am a small independent housing developer based in North Wales. Over 15 years I have created a range of high quality, environmentally conscious projects that have helped regenerate their surrounding areas. My projects range in size from one or two units, through to a large 365 house project that helped regenerate the village of Llay near Wrexham, including 90 affordable homes.

>>

>> Over this period these projects have brought over £70 million of investment into North Wales and helped create employment for hundreds of people.

>>

>> In your June 2021 Cabinet Statement "Social Housing in Wales" you stated that "The case for investing in social housing is as strong as it has ever been. This is why social housing remains a key priority for this Government and it is why we have set out the challenging commitment to deliver 20,000 new low carbon homes for rent within the social sector during this government term."

>>

>> Whether social or market housing, we face a common challenge in the new legislation regarding phosphate levels.

>>

>> Natural Resources Wales (NRW) are not allowing any phosphates to go into rivers that are Special Areas of Conservation as they want to protect the wildlife. My current application will go to the Welsh Water treatment plants they take the levels of phosphate to 1mg per litre and then discharge into the River Dee. NRW are asking for neutrality. I have spoken to many experts on this matter their view is 1mg per litre will not affect wildlife. Welsh water tell me they have capacity to take my extra sewage for my current application of 10 houses in Rossett.

>>

>> AS NRW are consultees on all housing planning applications, they are opposing applications that will increase phosphate.

>>

>> Applications are not being granted, they are simply sitting on planning officers desks undetermined.

>>

>> This absolutist position may kill the housing industry in Wales. Anecdotally 30,000 houses are apparently stalled across Wales and England because of this issue.

>>  
>> I am keen to continue working in Wales, but I am finding it almost impossible to carry on.

>>  
>> I have attempted to work with Natural Resources Wales (NRW) to mitigate matters, but they remain immovable. In my current proposed development of 10 homes, I have offered to put in a treatment plant, including creating a wetland reedbed, but NRW have rejected this as I'm within 30 metres of a main sewer. NRW want me to go into the main however in the next breathe they will not let me discharge to the main sewers as it's increasing the phosphate.

>>  
>> Many potential sites will remain undeveloped because of this issue. This is surely not a sustainable policy in the long term, effectively introducing a moratorium for the future.

>>  
>> I am writing to ask you to review matters, to enable a way forward that allows considerate development to continue.

>>  
>> I would very much appreciate the opportunity to discuss the situation at a meeting.

>>  
>> Yours faithfully

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Kind regards

**Iles, Nicholas (CCRA - Planning)**

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**From:** Correspondence mail - LG  
**Sent:** 22 July 2021 09:59  
**To:** Correspondence mail - JJ  
**Cc:** Correspondence mail - LG  
**Subject:** FW: Phosphates  
**Attachments:** image006.jpg; image003.png; image004.png; image005.png; HBF letter Phosphates.pdf

Good morning,

One for you please ☺

Thanks.

Office of Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd  
Swyddfa Lesley Griffiths AS, Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd  
Welsh Government / Llywodraeth Cymru  
E-mail / E-bost: [Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales) / [Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)

**From:** Griffiths, Lesley (Aelod o'r Senedd | Member of the Senedd) <Lesley.Griffiths@senedd.wales>  
**Sent:** 22 July 2021 09:52  
**To:** PS Minister for Rural Affairs and North Wales, and Trefnydd <PSMRANWT@gov.wales>  
**Subject:** Fwd: Phosphates

Sent from my iPad

Begin forwarded message:

**From:** \_\_\_\_\_  
**Date:** 22 July 2021 at 09:44:07 BST  
**Subject:** Phosphates

Please find attached a letter outlining the current issue of phosphate levels in some rivers in Wales, which is having a significant impact on the delivery of planning consents for new homes and progress on an up to date plan led system.

Unfortunately, although we are working closely with Natural Resources Wales, Welsh Water and Welsh Government, slow progress is currently being made in finding a solution.

Regards

Planning & Policy Advisor Wales  
HOME BUILDERS FEDERATION  
m:  
e:  
a: HBF Wales. PO Box 201. Barry. CF63 9FA

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Leader of the Council / Member of the Senedd

MH

22/07/2021

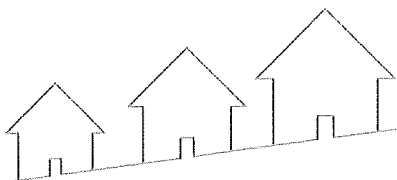
Dear Leader / MS

### **Nutrient neutrality and its implications for housebuilding**

The Home Builders Federation would like to draw your attention to an issue that is causing severe delays to new housebuilding across at least nine local authorities in Wales, including housing developments in your own local authority area or constituency.

Following a Court of Justice of the European Union judgement issued in 2018, Natural England has been considering the condition of many rivers and protected wetland areas. It is assessing whether these are vulnerable to deterioration from nutrients: the release of excess nitrogen and phosphorous via farming and development activities. Where protected wetland areas are deemed to be at risk, the agency is reminding local authorities of their legal responsibilities to prevent these areas deteriorating further. Consequently, new development of all types, in areas affected cannot be permitted unless the applicant is able to demonstrate nutrient neutrality: that phosphorus and nitrogen that is harmful to the habitat of protected water areas through release into the waterways via the sewerage system is not allowed to increase above permitted levels.

The nutrients issue is now causing the delay to the construction of housing, although the exact number of new homes affected in Wales is unknown, the information is currently being collated by the LPAs affected. Importantly the issue affects the delivery of all new homes, both affordable and private. The local authorities currently affected include Monmouth, Newport, Carmarthenshire, Wrexham, Flintshire, Ceredigion, Pembrokeshire, Brecon Beacons National Park and Powys. Providing mitigation is proving challenging because the favoured solution involves removing land from agricultural production to create new natural habitats, sometimes referred to as nature-based projects. This is land hungry and projects are slow to become operational. In terms of fallowing agricultural land this can range from a requirement of 1ha per dwelling to 1ha per 6 dwellings depending on the level of treatment available at the receiving wastewater treatment plant. As an example, a site in Monmouth for 113 dwellings where no treatment exists at the wastewater treatment plant, will require 252ha of agricultural land to be fallowed or 6.5 ha of wetland to be created. This assumes also that farmers will be willing to sell their land to provide this mitigation and begs the question whether sufficient land will come forward quickly enough, in sufficient quantity, to unlock the homes currently delayed. Even though house building generates negligible levels of nutrients – the chief source is from farming – it is residential development that is having to pay the cost. Housing delivery has stalled in the areas affected, including the supply of new affordable homes. There is also the economic dimension to consider. The delay to development means the loss or delay of new employment, new infrastructure and



other associated public benefits. The issue is also delaying the adoption of Local Development Plans, affecting the supply of housing longer-term as well.

### **What we ask you to do**

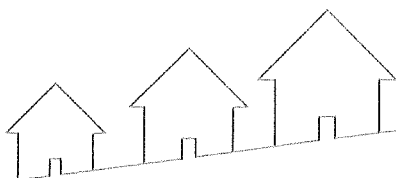
The industry is keen to play its part to protect and enhance the environment but there will be significant challenges associated with the scale of the nature-based projects needed if this is relied upon as the chief solution to this issue. The volume of land that is likely to be required to be converted from agricultural use to natural habitats is considerable. Moreover, progress in delivering these projects is likely to be slow. It is the HBF's view that the most effective and fair course of action for the Welsh Government is to focus upon a rapid and overdue upgrade to the sewerage system, especially wastewater treatment plants, so that these can capture nutrients closer to the source before they enter our watercourses. The risks associated with phosphorous entering watercourses is one that has been recognised for a long time by the water industry, dating back to the Water Framework Directive 2003. Moreover, under Section 94 of the Water Industry Act 1991 Sewerage Companies have a statutory duty to provide adequate and effective wastewater treatment, including ensuring that levels of phosphates and nitrates meet effluent quality standards set by existing and transposed EU Directives. To assist with the maintenance and improvement of wastewater management the housebuilding industry has contributed significantly to water and sewerage infrastructure charges since Water & Sewerage Sector privatisation in 1989. This historic and ongoing contribution by housebuilders to ensure that the water network was adequately financed to meet national housing requirements should not be dismissed lightly.

Given the emphasis that the Welsh Government has placed on reviving the economy in the post-pandemic period, the importance of housebuilding in its own right, and the broader social and economic benefits of housebuilding, we are keen for your support. We would like you to raise the issue directly with Welsh Government and with the Ministry for Climate Change and call on Government to implement urgently a strategy to break this deadlock.

If you have any immediate questions, or wish to discuss this issue further, please contact Mark Harris at [mark.harris@hbf.co.uk](mailto:mark.harris@hbf.co.uk) or 07770752884.

Yours sincerely,

**Home Builders Federation**



Home Builders Federation  
HBF Wales . PO Box 201. Barry. CF63 9FA  
Tel: 07770 752884  
Email: [wales@hbf.co.uk](mailto:wales@hbf.co.uk) Website: [www.hbf.co.uk](http://www.hbf.co.uk)  
Twitter: @HomeBuildersFed



**Iles, Nicholas (CCRA - Planning)**

---

**From:** Correspondence Mail - JH  
**Sent:** 16 September 2021 09:24  
**To:** Correspondence mail - JJ  
**Cc:** Correspondence Mail - JH  
**Subject:** Accommodation for Travellers and gypsy's  
**Attachments:**


Hi there,

I have discussed with Huw and as this is a planning issue, grateful if I can pass onto you for action?

Thanks.

Ysgrifennydd Preifat i Jane Hutt AS, Y Gweinidog Cyfiawnder Cymdeithasol/ **Private Secretary to Jane Hutt MS, Minister for Social Justice**  
Llywodraeth Cymru / **Welsh Government**  
Bae Caerdydd, CF99 1SN/ **Cardiff Bay, CF99 1SN.**  
Ffon/Tel: **07896071003**  
Epost/Email: [PSMSJ@gov.wales](mailto:PSMSJ@gov.wales)

**From:** \_\_\_\_\_  
**Sent:** 15 September 2021 13:00  
**To:** Drakeford, Mark (Aelod o'r Senedd | Member of the Senedd) <[Mark.Drakeford@senedd.wales](mailto:Mark.Drakeford@senedd.wales)>; Antoniwi, Mick (Aelod o'r Senedd | Member of the Senedd) <[Mick.Antoniwi@senedd.wales](mailto:Mick.Antoniwi@senedd.wales)>; Evans, Rebecca (Aelod o'r Senedd | Member of the Senedd) <[Rebecca.Evans@senedd.wales](mailto:Rebecca.Evans@senedd.wales)>; Gething, Vaughan (Aelod o'r Senedd | Member of the Senedd) <[Vaughan.Gething@senedd.wales](mailto:Vaughan.Gething@senedd.wales)>; leslie.griffiths@senedd.wales; James, Julie (Aelod o'r Senedd | Member of the Senedd) <[Julie.James@senedd.wales](mailto:Julie.James@senedd.wales)>; Morgan, Eluned (Aelod o'r Senedd | Member of the Senedd) <[Eluned.Morgan@senedd.wales](mailto:Eluned.Morgan@senedd.wales)>; [jeremy.miles@senedd.wales](mailto:jeremy.miles@senedd.wales); Hutt, Jane (Aelod o'r Senedd | Member of the Senedd) <[Jane.Hutt@senedd.wales](mailto:Jane.Hutt@senedd.wales)>; Blythyn, Hannah (Aelod o'r Senedd | Member of the Senedd) <[Hannah.Blythyn@senedd.wales](mailto:Hannah.Blythyn@senedd.wales)>; Morgan, Julie (Aelod o'r Senedd | Member of the Senedd) <[Julie.Morgan@senedd.wales](mailto:Julie.Morgan@senedd.wales)>; Waters, Lee (Aelod o'r Senedd | Member of the Senedd) <[Lee.Waters@senedd.wales](mailto:Lee.Waters@senedd.wales)>; Neagle, Lynne (Aelod o'r Senedd | Member of the Senedd) <[Lynne.Neagle@senedd.wales](mailto:Lynne.Neagle@senedd.wales)>; Bowden, Dawn (Aelod o'r Senedd | Member of the Senedd) <[Dawn.Bowden@senedd.wales](mailto:Dawn.Bowden@senedd.wales)>  
**Cc:** \_\_\_\_\_  
**Subject:** Accommodation for Travellers and gypsy's

 E-mail protection couldn't recognize this email as this is the first time you received an email from this sender [rhdtedwards@aol.com](mailto:rhdtedwards@aol.com)

Dear Elected Members

Please find attached correspondence with M

I placed a cheque with them for £1068.00 to cover the costs of planning and a pre-visit last Thursday. Unfortunately nothing has been received and the cheque has not yet been cashed. I am at a loss as to why it is taking so long, nearly a week to cash a cheque in respect of the application.

I now have to advise the Travellers and Gypsy's organiser the current situation.

Please could the person dealing with this advise me who my contact should be in the Welsh Government and the appropriate department?

I have been advised R.C.T. are going to bank my cheque at the beginning of next week.

I apologise to have to involve you with this, however, I have already advised the Traffic Commissioner of the dysfunctionality of R.C.T. of which I will prove when the matter comes to tribunal in Pontypridd.

Yours faithfully

Attention of Mr  
Rhondda Cynon Taff County Borough Council  
Planning Department  
Sardis House  
Sardis Road  
Pontypridd CF37 1DU

26<sup>th</sup> August 2021

Dear Mr

Please will you pass this on to the relevant officer as it contains information on allocation of Gypsies and Travelers sites?

Having been approached by the community, I spoke to them again yesterday and they informed me that Julie James M.S., issued a statement in a ministerial forward to assist their community and are concerned that there is no such facility within R.C.T. They have clear intention to improve mobile homes under 2013 Act, however, at this stage I am requested to write to yourselves regarding any expectations you have to comply in full with current legislation. A copy of this document is also being sent to the community council local members pointing out that the Housing Act 2014 and the Equality Act 2010 so that once I receive your response, within 1 calendar month the civil society community council also local charities can become involved in the development of the site already identified by them following the high profile raised at the former bus depot and factory site at Gelli Road, Ynysybwl CF37 3HP.

I will copy this correspondence to all the organisations identified within the health and activity development at the project.

If you require any further information on the prosperous and secure section please advise the writer.

My initial discussions are in respect of planning consent for the former Gelli Road site. I appreciate the local authority will need to do a site appraisal, clearly this will include Traffic Planning to accommodate the amount of cars already having to seek parking space in the area.

I submit the site access is well laid out and any poor visibility is at the exit into Robert Street by the Co-operative store. An ability to use an exit and entry into the site is considered good, no

previous formal request has been received regarding this application. I hope this communication will result in positivity within the community.

The precedence of an established site is in line with government targets. A well constructed site which already has water and 3 phase electric system on site. Property values will be enhanced with a good understanding. Welcoming those unfortunate people, for whatever reasons to set up a community in Ynysybwl.

As you are aware, Ynysybwl is currently under the Vision Project, Heart of Civil Society, this charity grant of 1.2 million could result in a major improvement in economic activity. Natural Resources Wales are aware of the sewerage already on site to be connected.

The Public Health and Protection will have the confidence of a site complimentary to the community. The Police will also be involved with hopefully a full time police officer within the community to be re-established.

Western Power Distribution have a site abutting this proposal, which could be complimentary. They already use part of the current site for parking etc.

#### **POLICY CONTENTS R.C.T. DEVELOPMENT PLAN**

**Policy CS1** – Would appear to be welcome within the strategy.

**Policy AW2** – Stipulates the proposals will only be submitted in suitable locations.

**Policy AW5** - Examines the criteria for development in relation to amenity and accessibility which is a key behind the reasoning e.g. close to shops, bus stops, community centre, primary school etc,

**Policy AW6** – Will require a high quality design, I have already started to include landscaping and to include a visual amenity is always prioritised.

**Policy AW10** – Supports proposals which are not detrimental to public health and the environment.

I would like you to consider this matter as an improvement under policy guidelines **SSA26**.

#### **PLANNING HISTORY**

Is set out above, this site has always been used as a brown field site whilst I have been alive.

#### **PUBLICITY**

If within 4 weeks we do not receive a response a full application will be made pointing out that the current site is partly unsightly due to lack of investment. The site access is dangerous and has poor visibility, Traffic Management would certainly resolve current problems. It is agreed that part of the site will be overlooked by residents; however, having had a bus depot there since early 60's to the mid 90's, this was never a grave concern.

There has been no previous application for this type of development, I appreciate better consultation will be required, it is not in my opinion going to devalue the site of a few houses. Any consultation should be carried out with my own planner in relation to highway issues.

Please note the site will include more than enough space for parking and maneuvering of all vehicles associated with the occupiers within the site.

Curtilage proposals regarding water supply, sewerage, power, drainage, sewerage and water disposal, there is no ground water issues. I ask you to note in particular this site has never been flooded and main electric supply is serviced following a £300,000.00 investment in upgrading the current electrical facilities.

**Policy SSA26** has been totally unsuccessful as an option for reasons of highway access onto the narrow road to Penycoedcae, lack of shops, while this site can easily be associated with supplementary planning guidance, in particular design and place making access circulation, planning requirements can be running in tandem with reducing off street parking in Robert Street. I have been advised that that the Vision Project offices opposite have been vacated and sold to a developer Mr Peart so the current requirements at Robert Street will be under further pressure if no method of parking on the highway is made.

#### **PLANNING GUIDANCE**

These should fall into the National Planning Policy, issue 10 in Wales on 05/12/2018 and appears to have an appeal within the guidelines. I ask the council to meet to consider proposals I will be making which I say has a unique opportunity to cope with development achieving well being through place making under **PPW10** is also consistent with the proposed development circular **005/2018** enhances the position. I would work with the council and Welsh Government for resources under planning acts all made in accordance with material considerations as outlined above.

#### **MAIN ISSUES**

The site has never had any housing, it is in close proximity to number 1 to 5 of Gelli Road, Ynysybwl, within the centre of Ynysybwl. There are a number of facilities and amenities, these include the Taff Trail, which travels North to South of Glyncoch. It is in line with planning policy Wales **005/2018** and we invite the local planning authority to consider additional criteria to benefit the community.

I can confirm the site will be private and serviced via sustainable rent of £10.00 per week.

Historical factors relating to **SSA26** are only noted as there has been no subsequent interest in the Beddau site.

I also point out the policies under **AW15** would be met in full.

I appreciate the number of families would not exceed 60 caravans as this is a very large site, paragraph 39 of the circular relates to the countryside, this will not apply.

I believe the council should be realistic about the availability or likely availability of alternatives to the car in accessing local services.

It is noted there have been over rigid applications, in particular Ynysybwl has a growing population e.g. an extra councilor from next May, good local infrastructure, population of size and density to ensure that in proportion to local settled communities. In effect this application suggests there is no alternative and I am working within the LDP policy **AW2**. I believe that the council should weigh up their commitment to **AW15** and **AW2**, policy **NSA12** in respect of this matter. There is plenty of availability for traffic movements and parking. The council should consider all the facts and certainly not consider placing a red herring on highways safety. The community has long sought improvement reflecting those in the Cynon Valley.

The impact of the character and appearance of the area will have excellent topography, a BPNPA would be sent in due course. The vegetation is being dealt with and should be completed by the weekend.

I am at this stage, hence I will give a month before full application counts for this site.

I will forward copies to Joel James M.S, Helydd Fychan M.S., Councilor Steve Belsdock, Councilor Mike Powell together with Ahead Wales based in Newport and funded by the Welsh Government.

I look forward to hearing from you before the end of September.

Yours faithfully

C.C.

**Iles, Nicholas (CCRA - Planning)**

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**From:**  
**Sent:** 26 October 2021 16:10  
**To:** Correspondence mail - FM  
**Subject:** planning permission delays

Hi Mark how are you,

Sorry to bother you with this, I submitted planning application for a drive in March – it was originally rejected for an obscure reason around the lines of ‘the subsequent owners may not like it.’

I have since gone through the appeal process and I understand the decision is with WAG.

It's been a while now, parking on my street is already tough and with younger generations buying the homes from the elderly the number of cars is rapidly increasing. It would be nice not to park on the kerb and block half the road with my car. Furthermore I currently need to drive to the end of the cul de sac to turn around, posing a health and safety risk with the young children living on the road which would be avoided if I could just turn around on the drive. The neighbours on my street are happy to sign a petition supporting the build of the drive (most houses already have one as well).

Can someone please get back to me about this application?

Many thanks,





**Iles, Nicholas (CCRA - Planning)**

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**From:**  
**Sent:** 17 November 2021 14:06  
**To:** Correspondence mail - FM; correspondence.juile.james@gov.wales;  
chiefexecutivesoffice@naturalresourceswales.gov.uk;

**Subject:** recently introduced policy

Dear first minster, Ladies and Gentleman

I thank you all for browsing this email, realising that you are all extremely busy people I will keep this as brief as I can.

In January of this year I submitted an advisory planning application in order to gauge opinion on a single dwelling at Dinas Dinlle. The response was positive with a reply stating it would be supported by the relevant planning authority.

Following this outcome in April myself and my wife submitted a full planning application C21/0405/17/LL. During the consultation period NRW raised concerns re a recently issued report 'Compliance assessment of Welsh river SAC's against Phosphate targets' which was published in January 2021, accompanying this a planning position statement, further planning advice was issued to planning authorities in May 2021. This report and subsequent advice was issued by NRW.

Our application would have seen sewage treated via Llanfaglan treatment works, which discharges via an SAC river. As such the objection raised by NRW in respect of possible adverse effects on an SAC due to sewerage discharge necessitated Bio Diversity to screen the application by way of Natural Habitats assessment. They concluded there was no adverse effect on the SAC and recommended the development as did the planning authority.

The Natural habitats assessment was returned to NRW who disagreed with its contents, as such despite numerous emails and phone calls my application is basically stuck in the system.

Ive now become aware that the 1st December 2021 sees the release of NRW's Flood map for planning, which will have the effect of placing my plot 90 percent in the flood zone all be its on the absolute extremity, this will mean I will not be able to build my family home.

I would like you all to consider this!

You set off in your car from Cardiff to London at 70mph at Bristol your stopped by the police who state you were speeding you protest you were travelling at 70mph, The officer informs you since you started your journey the speed limits been reduced to 60mph thus he issues you a £40,000 fine. Undeterred as your sure justice will prevail you now continue at 60mph, a little further down the road your stopped again for speeding, again you protest. The officer informs you that the limits now been reduced to 50mph and issues you a further £40,000 fine.

This is the position I find myself and my wife in we started our journey with a set of rules in place, along the way those rules have been changed, which as of December 1st will have resulted in the loss of our lives

savings £80,000, we would not have started the journey had those rules applied when we made our application. This simply cannot be morally correct.

Our application should have been dealt with within eight weeks, each department uses up the maximum time they are allowed before responding often exceeding allowed time frames. Reports have been sent to the wrong people/ not sent to people resulting in further delays, emails phone calls have been ignored. The case officers admits a lack of understanding /guidance as lead to delays. It appears are application is currently sitting in an in tray awaiting the 1st December when just reason will arise to refuse.

There is no multi agency approach with each stakeholder holding a different interpretation of what is and what isn't policy. Its like someones printed policy as a jigsaw distributed the various pieces through the various departments/ sub departs, forgetting to give out the picture of what those pieces make.

As policy makers I respectfully ask that you give consideration to my experience in the hope improvements can be made, in order that others do not suffer the same loss as ourselves.

thank you all for your time

Kind regards