**Implications of Updated Marine Conservation Advice for the Revised Local Development Plan 2018 - 2033**

**1. Background**

Natural Resources Wales (NRW) has published updated Regulation 37 Conservation Advice (June 2025) for Carmarthen Bay Special Protection Area (SPA) and accompanying condition assessments for the Carmarthen Bay and Estuaries Special Area of Conservation (SAC). Following their publication, they are now material in the decision-making process as part of Carmarthenshire’s duties as competent authority. The consideration of the conditions assessment extends from the determination of planning applications through to and including the Revised Local Development Plan (LDP).

The condition assessments showed that the nutrient sensitive features in Pembrokeshire Marine, Carmarthen Bay and Estuaries and Cemlyn Bay Special Areas of Conservation (SAC) areas are in unfavourable condition for Dissolved Inorganic Nitrogen and biological indicators (phytoplankton and opportunistic macroalgae) related to nutrient enrichment. Water bodies in marine SACs where features are in unfavourable condition due to current evidence of both chemical and biological failure are:

* Milford Haven Inner (Pembrokeshire Marine SAC)
* Burry Inlet Inner (Carmarthen Bay and Estuaries SAC)
* Cemlyn Lagoon (Cemlyn Bay SAC)

The Council in preparing the Revised LDP is aware of its legal duties under the Well-being of Future Generations (Wales) Act 2015, the Environment (Wales) Act 2016, and the Conservation of Habitats and Species Regulations 2017. This includes ensuring that development in the County does not contribute to the deterioration of Special Areas of Conservation (SACs) or Special Protection Areas (SPAs), including estuarine and marine environments affected by nutrient pollution.

**2. Updated Regulation 37 Conservation Advice (June 2025) and accompanying Condition Assessments for the Carmarthen Bay and Estuaries SAC**

In June 2025, NRW published marine conservation advice under Regulation 37 (3) of the Habitat Regulations along with a conditions assessment for the Marine SAC. In relation to the preparation of the Revised LDP, the consideration of the conservation advice packages and the conditions assessments, are essential as it relates to the following:

* developing, proposing or assessing an activity, plan or project that may affect the protected features of a European Marine Site (EMS)
* preparing Habitats Regulations Assessments or Environmental Impact Assessments for proposed plans or projects that may affect the protected features of an EMS
* planning measures to maintain or restore an EMS and its protected features
* **Carmarthen Bay SPA**

The Carmarthen Bay SPA covers the majority of Carmarthen Bay. The site was designated solely for the Common Scoter and was the first fully marine SPA in Wales. Carmarthen Bay is an extensive shallow bay with a wide variety of seabed types and is one of the most important individual wintering sites in Britain and Ireland for this species.

**Conservation objectives focus on:**

* Maintaining scoter population levels;
* Preventing disturbance (e.g. from vessels, development, noise);
* Protecting food supply (benthic invertebrates);
* Maintaining habitat quality;
* NRW identifies ongoing pressures including runoff, coastal defences, marine litter, and recreational disturbance.

**Implication**

Any Revised LDP allocations or development proposals that may affect marine or coastal waters must be assessed through Habitats Regulations Assessment (HRA) screening, with attention to:

* + Water quality (indirect impacts on prey species)
	+ Coastal activity (e.g. flood defences)
	+ Infrastructure projects (cables, dredging, effluent)
	+ **Carmarthen Bay and Estuaries SAC**

The Carmarthen Bay and Estuaries SAC encompasses four estuaries. The River Loughor, a coastal plain estuary, that flows into the Burry Inlet. The three rivers of the Taf, Tywi (coastal plain estuaries) and the Gwendraeth (a bar-built estuary) make up the Three Rivers estuary complex that join before emptying into Carmarthen Bay itself.

There are extensive areas of intertidal mudflats and sandflats. There is a complete sequence of saltmarsh vegetation, from pioneer vegetation through to upper saltmarsh transitions. The SAC is also important for transitions from saltmarsh to sand dune and other habitats. The SAC includes Helwick Bank, a linear shallow subtidal sandbank that is unusual in being highly exposed to wave and tidal action.

The Burry Inlet and Three Rivers system (the Taf, Tywi and Gwendraeth) provide a migratory route for salmonids, lampreys and shad. It is recognised for the following features:

* Estuaries
* Mudflats and sandflats not covered by seawater at low tide
* Atlantic salt meadows
* Salicornia and other annuals colonising mud and sand
* Large shallow inlets and bays
* Sandbanks which are slightly covered by sea water all the time
* Allis shad
* Twaite shad

and supports a significant presence of:

* River lamprey
* Sea lamprey
* Otter

**Implication**

Where development discharges into the SAC or its contributing freshwater catchments, nutrient neutrality or mitigation may be required to demonstrate no adverse effect on site integrity. This may apply to:

* Foul drainage schemes
* New housing or allocations in failing catchments
* Certain new employment or commercial proposals where they result in additional wastewater discharges
* In-combination impacts across the catchment

**3. Interim Advice to Local Planning Authorities**

On the 25th July 2025 NRW issued interim planning advice to local planning authorities this recognised the significant challenges and the complexities, and NRWs commitment to develop a proportionate approach to provide the desired outcomes for the environment and to help support sustainable development.

**The guidance states that:**

‘New developments leading to an increase in nitrogen discharges directly to, or catchments draining to these sites may contribute to unfavourable condition of, or undermine measures to restore these features. We therefore advise Planning Authorities that a conclusion of no adverse effect on site integrity may be drawn in a Habitats Regulations Assessment, where any plans or projects in these areas with the potential to increase nutrient discharges can secure appropriate mitigation and demonstrate nutrient neutrality for nitrogen.’

In light of this advice there are clear essential requirements for the Revised LDP to ensure its content and preparatory process comply with legislative requirements in relation to the provisions of the Habitat Regulations. These will be further considered below but will require a further addendum to the HRA accompanying the Plan and potential revisions to the Plans content to reflect the requirements in relation to nutrient neutrality.

As per the interim advice, the Authority is utilising the screening principles as set out in NRW SAC Rivers planning advice for those types of development unlikely to increase nutrient discharges and advice on agricultural developments, domestic extensions, private treatment systems, separator toilets and permitted development.

The publication of the interim advice was accompanied by a map outlining the freshwater catchments that drain to the marine SACs (Annex 1), where nutrient neutrality for nitrogen can be demonstrated or mitigation provided - see below. Whilst informally a GIS layer has been provided showing all the catchments draining to the nutrient sensitive marine designated sites (It should be noted that at the time of writing this is not for disclosure in the public domain), this is for indicative purposes only pending the formal publication by NRW. Note this is being used as an internal tool for identifying areas where nutrient neutrality may be required and if or where there may be hydrological pathways. As noted in the interim advice, regard will also be had to those areas where new developments may lead to an increase in nitrogen discharges directly into the catchments or those where they connect to a Waste Water Treatment Works (WWTW) which discharges into these catchments. This will be done through the areas defined under Annex 1 (as elaborated on through detailed mapping) and or by referencing sites or allocations in WWTW catchments which extend beyond the area identified by NRW but where the discharge from the treatment works is within the boundaries in the definitive mapping outlined indicatively below.



**Note:** The recent publication of the regulation 37 (3) of the Habitat Regulations along with a conditions assessment for the Marine SAC forms part of a phased approach by NRW. This reflects the emerging nature of both evidence and further detail/information on the issues affecting the marine SAC and the implication on differing land uses as well understanding the sources of pollution. This paper has been prepared within the context of this developing landscape and as such this represents a holding position which will be supplemented by subsequent information in due course. This position notably relates to the quantification of impact on development as identified within the Plan. Further information and certainty in relation to the extent of the areas shown in Annex 1, and the constituent allocations requiring nutrient neutrality and by extension the WWTW catchments discharging into those areas, is awaited from NRW in the form of definitive GIS layers for public consumption.

**4. Partnership Working**

Following the publication and the issues arising from the NRW guidance on phosphate levels in riverine SACs, a considerable focus was placed on partnership working. This continues to take the form of national and regional partnerships. These include regulators and water companies through to house builders to citizen scientists. This way of working has been particularly successful where focused on shared ownership of the issue and the development of solutions.

In taking forward this partnership approach, Carmarthenshire has taken a leading role and developed the first nutrient calculator in Wales and subsequently codeveloped an extended version across the south west Wales region and supported the development of the All-Wales Calculator. It also established, in co-operation with partners, the Nutrient Management Boards (NMB) for the three riverine SAC catchments in south west Wales and continues to be a leading voice in identifying solutions and next steps across locally, regionally and nationally.

This partnership centred approach is also directly applicable to the implications arising from the Marine advice and the assessments. In this respect many of the arrangements or connections necessary for effective partnership working are already in place with a level of expertise and experience available. Specifically, we are already in discussion with the Welsh Government (WG) on the expansion of the NMB remit to accommodate the impacted marine catchments. We are also in direct contact with the WG with a view to proactively supporting or developing an adapted version of the current nutrient calculator.

As through the NMB model we are in and will develop further direct contact with partners to, where appropriate, undertake co-production of evidence and other tools and strategies to support the ongoing response to the marine guidance.

**5.** **Impact and Implications for the Revised LDP**

* **Spatial and Site Specific**

As noted above we are awaiting certainty on the spatial extent of the freshwater catchments within which nutrient neutrality for nitrogen is required. This will also ensure we are accurately able to identify the WWTW catchments which extend beyond the boundary but discharge into the catchment of the area. Once NRW have made the mapping available for public use an addendum to this paper will be provided. This will contain a detailed breakdown of commitments (including those under construction or previously delivered) as well as allocations, this will also include employment and mixed-use sites.

It should be noted the Authority has no control over the timescales for the public release of the NRW maps.

* **Thematic/Policy**

Specific reference is made to policy **CCH4: Water Quality and Protection of Water Resources** as set out in the 2nd Deposit Revised LDP (subject to subsequent amendment through examination action points). This policy was prepared not only to respond to the issues arising to phosphates in the riverine SACs but was intended to reflect future nutrients in other protected water bodies. In this respect, policy CCH4 provides for developments to ensure they make efficient use of water resources and, where appropriate, contribute towards improvements in water quality.

This policy in principle ensures that the plan includes an appropriate policy framework for the consideration of proposals impacted by the release of the marine guidance and condition assessments. It is however noted that there are specific evidential components relating to the marine publications as consequence the provisions of the policy will require review to ensure it is robust and complete in its content.

In supporting the implementation and use of the policy and the wider provision of the Plan, there remains a commitment to produce Supplementary Planning Guidance. This will include the development of mitigation guidance specific to the marine issue, in addition to that available for phosphates, to support applicants in the delivery of their development proposals. This SPG will also seek to further elaborate on the role of s106 and developer contributions. Further information on the proposed next steps is set out below.

Policy **INF4: Llanelli Wastewater Treatment Works Catchment Surface Water Removal** provides a specific framework in responding to the risk of foul flows generated by new development on the deterioration in the water quality of the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). This policy approach is a longstanding one based on the operating Memorandum of Understanding (between Carmarthenshire, NRW, DCWW and the City and County of Swansea) in the area and reflects that the majority of the sewer system in the Llanelli WWTW catchment is combined (surface and foul flows) and requires development to provide a compensatory surface water removal from the system as part of the granting of planning permission.

Whilst it is acknowledged at this stage that there is limited evidence on the level of benefits this approach delivers in relation to DIN and the catchment identified in the interim guidance, the approach, in terms of its potential to support the reduction of discharges from the WWTW, suggests it has potential benefits. It is however recognised that any benefits in themselves may not fully mitigate the issues.

It is proposed to review the scope of the policy and the developments covered to include it’s potential application at a single dwelling level and that consideration be given to extending this policy approach across the area affected by the interim guidance, and that further evidence gathering be undertaken to quantify the extent of any beneficial impact as part of future mitigation. This will require future amendments to the policy and if taken forward a further iteration or the production of a new SPG, this will be scoped subject to the outcome of the evidence gathering.

Amend **PSD1: Effective Design Solutions: Sustainability and Placemaking** to reflect the potential for water saving requirement as part of a resilience-based approach within the affected marine catchment. This will be supported by a design guide as part of the wider suite of SPG. It is noted that policy CCH4 includes reference to water saving measures, its specific reference in PSD1 would add weight to its requirement as part of a proposal.

* **Supporting Documents and Evidence**

In light of the publication of the regulation 37 Conservation Advice for Carmarthen Bay SPA, and accompanying condition assessments for the Carmarthen Bay and Estuaries SAC, it is deemed likely that an update or **addendum to the Habitat Regulations Assessment** will be required. As part of the scoping of this requirement, the Council will seek to engage NRW to ensure that it is undertaken in full compliance with legislative requirements and that the appropriate features are fully considered.

The preparation of the HRA will be required to also consider the potential for policy amendments as part of any assessment, consequently its preparation will form part of an iterative approach in the development and refinement of the policies as outlined in this paper.

Evidence the contribution of surface water removal as identified in Policy **INF4: Llanelli Wastewater Treatment Works Catchment Surface Water Removal** and quantify its potential contribution as policy intervention.

Evidence gathering is ongoing.

Evidence the contribution of greater water saving and resilience as identified in the potential changes to Policy **PSD1: Effective Design Solutions: Sustainability and Placemaking** and quantify its potential contribution as a design intervention.

Evidence gathering is ongoing.

**6. Next Steps**

**Nutrient Calculator** - the WG recently published an All-Wales Nutrient Calculator (as referenced above). This is intended to help developers calculate the amount of nutrients they need to mitigate before their development can proceed. Whilst the WG have confirmed that the calculator can be utilised for both phosphorus and nitrogen, it is currently only available for the areas covered by SAC river catchments. A further procurement by the WG will need to be undertaken to extend the calculator to those river catchments which are contributing to Marine SAC failures. As noted above, Carmarthenshire has engaged with WG officials to support the timely procurement and development of this update to the calculator.

**Mitigation: Developer Led Guidance**. The Council will prepare mitigation guidance to support applicants and developers within the affected catchments in relation to marine failures. This approach reflects that adopted by Carmarthenshire County Council in being the first authority to prepare and publish mitigation guidance for the riverine SACs.

The guidance will be provided in an SPG handbook offering step-by-step advice on calculation methods, trigger criteria, and identifying when mitigation is required. It will outline measures relevant to new developments, such as SuDS with denitrification, water efficiency, and tertiary wetlands, to ensure planning applications adhere to a consistent and transparent framework.

The procurement of this guidance is ongoing.

**Mitigation: Strategic Guidance**. The Council in identifying potential mitigations, recognises that whilst developer led mitigation represents a potentially viable option, it will be supplemented by strategic scale mitigation. Consequently, guidance on the delivery of strategic scale mitigation will provide a longer term understanding of future provision and investment potential and will be prepared in full collaboration with key partners.

This will include assessing potential measures such as wetland creation, surface water separation schemes, and water efficiency programmes, with an emphasis on evaluating the feasibility of constructed wetlands associated with wastewater treatment facilities. The process will involve coordination with DCWW to evaluate possibilities for new wetland initiatives, as well as the enhancement or further treatment of existing infrastructure, aiming to advance appropriate sites through feasibility studies and planning stages.

Consideration will be given to the measurement of nutrient loading, flow pathways, and the removal rates achievable by various interventions. The findings will inform the prioritisation of mitigation measures based on nutrient load reduction capacity, technical feasibility, and cost-effectiveness, providing a solid evidence base for selecting strategic projects for inclusion in the Action Plan below.

The procurement for this guidance is ongoing.

**Action Plan -** The Action Plan will provide the technical evidence, guidance and delivery schedule necessary to respond to NRW’s updated Regulation 37 Conservation Advice and the Marine Condition Assessments. The scope includes; a review of current and emerging evidence on DIN pressure and pathways into marine SACs; as well as understanding potential contributions from development. The identification and appraisal of both developer led, and strategic mitigation measures will form a component of this wider commission.

The Action Plan will also develop a phased delivery plan for priority mitigation schemes, setting out clear governance, funding and delivery mechanisms to provide certainty on how schemes will be brought forward and maintained, and wetland feasibility reports including having specific regard to the development of credit trading as outlined below.

The procurement for the Action Plan is ongoing.

**Credit Trading** – As part of the preparation of the strategic mitigation guidance and the action plan, the Council will, in conjunction with partners, consider the potential for credit trading to support the future delivery of development as well as opportunities for ecosystems benefits.

This will seek to build on the work of the NMBs in south west Wales as a catchment-based approach and will be developed in collaboration with its partners in terms of understanding the range of considerations including its operational governance.