



## GWYNEDD COUNCIL – Report to Gwynedd Council's Cabinet

<b>Item title:</b>	Establishment of a Nutrient Management Board
<b>Cabinet Member:</b>	Cllr. Craig ab Iago
<b>Relevant Officer:</b>	Gareth Jones Assistant Head of Department
<b>Meeting date:</b>	16/12/2025

### 1. DECISION SOUGHT:

- That the Cabinet supports the establishment, and the Council's participation in, the Nutrient Management Board for the Gwyrfai River in accordance with the terms of reference in Appendix 2.
- That the Cabinet appoints the Head of the Environment Department to represent the Council on the new Board and delegates the right to the Head to confirm the representation of Council officers on the Board and to undertake any non-substantial changes to the Terms of Reference.

### 2 THE REASON WHY CABINET NEEDS TO MAKE THE DECISION

- 2.1 The formation of a Nutrient Management Board (NMB) is essential in order to coordinate strategic actions to reduce nutrient pollution in Special Areas of Conservation catchments. The NMB will provide a multi-agency collaborative forum to prepare a Nutrient Management Plan. It will also enable the partners to identify and implement short, medium and long-term measures to restore and maintain the SAC's, the Afon Gwyrfai, preferential conservation status.
- 2.2 The draft terms of reference of the board are set out in Appendix 2. They are based on the approach used by other Nutrient Management Boards in Wales. It will be a matter for the proposed board to agree on their final form.

### 3. INTRODUCTION AND RATIONALE

#### 3.1 Background

- 3.1.1 Nine rivers in Wales have been designated as Special Areas of Conservation (SACs) under habitat regulations, with two of these rivers in the Gwynedd Council area, the Afon Gwyrfai and the Afon Eden. These rivers are important ecosystems that support rare and important wildlife.
- 3.1.2 High levels of phosphates in rivers can have an adverse effect on biodiversity and water quality. In sensitive areas such as SAC's, high levels of phosphates can have a significant impact on ecosystems that support important species such as Atlantic salmon, freshwater pearl mussel, white-clawed crayfish, and floating water-plantain.

3.1.3 Public bodies in Wales have a statutory duty to contribute to the achievement of water quality targets, and thereby to protect the rivers that are SACs, by regulating activities for which they are responsible. In January 2021, Natural Resources Wales (NRW) published a report which presented an assessment of the levels of phosphate in rivers that are SACs measured against revised water quality targets.

3.1.4 The review showed that over 60% of water bodies assessed in river catchments in a SAC, failed to meet the revised water quality targets for phosphate. However, at the time the findings of the reports showed that the rivers in Gwynedd, were meeting the water quality targets.

3.1.5 More recently further work has been carried out by NRW which shows that the Afon Gwyrfai (map showing the catchment area of the river shown in appendix 3) is failing to meet the water quality targets due to phosphorus levels being too high. The source of the nutrient is uncertain, which makes it difficult to address the problem and improve water quality. A range of factors can account for the levels found in the river, including public and private sewage treatment, agriculture, forestry, seasonal flow. NRW continues to monitor the river to try to gain a better understanding of the reasons and/or factors causing the river to be failing its water quality targets. It will be necessary to continue to work closely with NRW to try to understand the origin of the nutrient. We have already asked NRW about the origin of the nutrient as this is essential for trying to plan towards a solution, but NRW has not confirmed the origin to date.

3.1.6 NRW's assessments show that the river Eden is also failing to meet targets but is not currently subject to development restrictions, this is because only one high sample is responsible for the failure.

3.1.7 It is important to note that Natural Resources Wales has responsibility for river quality including water quality in SACs. However, NRW does not establish or manage the Nutrient Management Board; this responsibility lies with Local Authorities, even though they do not have direct control over the river. When NRW published the results of their review back in 2021 funding was being offered to Authorities to help with the costs of setting up and running a BRM, but there is currently no additional funding being offered to implement this.

## 3.2 Rationale and justification for the recommendation

3.2.1 Since no SAC rivers within their areas had previously failed to meet phosphate requirements, Gwynedd Council and Snowdonia National Park Authority did not consider it necessary to establish a Nutrient Management Board at that time, and this position was communicated to NRW. However, following NRW's recent review, circumstances have changed, and it is now necessary to address this requirement by establishing a Nutrient Management Board for the Afon Gwyrfai area.

3.2.2 The purpose of a Nutrient Management Board (NMB) is to identify and implement actions that achieve a favourable phosphate target for rivers within Special Areas of Conservation (SACs). Effective phosphate management across a river catchment requires collaboration between public bodies, private organisations, and regulators; therefore, NMB membership must be multi-agency. The proposed NMB will follow a similar format to those already established in other parts of Wales. At the same time, it is essential that the NMB is fit for purpose and proportionate to the needs of the river and its catchment, which in this case is limited to Gwynedd. Initial discussions have already begun with officials from the National Park Authority to establish a joint NMB for the two Authorities.

3.2.3 The NMB will need to prepare a Nutrient Management Plan with actions to enable improvements in water quality designed to restore and maintain favourable status, whilst also allowing development to continue within the SAC catchment area without increasing the phosphorus load (i.e. nutrient neutral development).

#### Impact on Planning Authorities

3.2.4 Some new developments, including for example; housing and agricultural developments, may result in more nutrients entering rivers or their catchment areas.

#### Planning Applications

3.2.5 Although the phosphorus levels in the Afon Gwyrfa are a concern, this does not mean that new developments cannot proceed. However, the Planning Authority must assess the potential nutrient impacts of proposed developments on water quality within the River Gwyrfa catchment (and, in some cases, adjacent to the catchment—see Appendix 3: SAC Catchment). In line with NRW guidance, new developments may be approved only if it can be demonstrated that they will not cause further deterioration in water quality or compromise the ability of the SAC to achieve its conservation objectives. NRW guidance states:-

3.2.6 This can be achieved if :

- development is not a source of nutrients or
- developments are a source of nutrients but there is no pathway for them to enter the river environment of the ACA or
- Measures related to specific development are put in place so that nutrient neutrality can be achieved.

3.2.7 It is likely that any development within the Gwyrfa catchment area or development that needs to connect to a wastewater treatment plant at Llanfaglan will have to be subject to a Habitats Regulations Assessment to assess its impact on the SAC.

- 3.2.8 It is therefore necessary to note the risks which have already been demonstrated with the delay of some applications due to assessments that are required, as well as risks of applications being refused because they are unable to achieve neutrality in terms of the nutrients which may result from the development.

#### *Local Development Plan*

- 3.2.9 The new LDP will need to be screened to determine if any policies or housing designations are likely to have a significant impact on rivers in an SAC. If it is necessary to consider the designation of a site requiring a connection to a wastewater treatment plant, which has the potential to increase the nutrient load, a further assessment will have to be undertaken to assess whether measures can be proposed to avoid or mitigate the potential effects of phosphorus. This may limit the opportunities to allocate land for developments that are in the Afon Gwyrfaei catchment.
- 3.2.10 Any work planned for by the NMB may be useful in putting measures in place to address the origin of the nutrients that have affected the water quality of the river. It is anticipated that the measures in question may include working with Welsh Water to encourage them to invest in their infrastructure, working with NRW to encourage them to have better management of the river and activities that may affect water quality, and providing appropriate support to land owners.

#### *Resource Implications*

- 3.2.11 There are no direct implications resulting from the recommendation to establish a NMB. However, it may be necessary to commission technical/specialist work to feed into the preparation of the Nutrient Management Plan. Senior officers and officers will be required to attend the meetings of the NMB and any related meetings. Officers will also be required to prepare or feed into the preparation of the Nutrient Management Plan

### **4. Next Steps**

- 4.1 As noted above, phosphorus levels are above the acceptable threshold in the River Gwyrfaei meaning that NMB needs to be established. Officers will go ahead to establish the Board in collaboration with the National Park Authority and other agencies subject to the Cabinet's decision. There is an expectation to establish NMB with key partners with the aim of preparing and implementing a Nutrient Management Plan.
- 4.2 It is also intended to raise awareness amongst Members of the Gwyrfaei Forum and more generally about what this means in terms of new developments in the area.

## **5 Statutory Officers' Comments**

### **5.1 Chief Finance Officer**

I note the content of this report, in particular paragraph 3.2.11 which clarifies that there are no direct financial implications of the implementation of the decision sought. I am satisfied that this is a fair reflection of the situation

### **5.2 Monitoring Officer**

I have had an opportunity to advise on this matter and I am satisfied with the propriety of the decision sought

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## **Appendices**

Appendix 1 – Draft Terms of Reference – Nutrient Management Board

Appendix 2 - Guidance to Nutrient Management Boards

Appendix 3 – Map – Phosphate Sensitive Riverine Special Area of Conservation (SAC) Catchment Area