

# **WELSH GOVERNMENT**

## **Examination Statement**

**Carmarthenshire Replacement LDP**

**Welsh Government Statement**

**Monday 12<sup>th</sup> January 2026**

**Nutrients: Soundness Test 3 - Clarification**

## **Statement**

1. The purpose of this position statement is to provide clarification on how the Development Plans Manual (DPW, Edition 3, March 2020) should be applied to Carmarthenshire's emerging Revised Local Development Plan (RLDP). This statement should be read in conjunction with, sections 64 and 75 of the Planning and Compulsory Purchase Act, as amended 2004 (PCPA).
2. On 25 June 2025, Natural Resources Wales (NRW) published updated Regulation 37 Conservation Advice and the accompanying condition assessments for the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA), and Carmarthen Bay Special Protection Area (SPA). The condition assessments confirmed unfavourable Dissolved Inorganic Nitrogen (DIN) and opportunistic macroalgae condition in the Carmarthen Bay & Estuaries SAC (Burry Inlet Inner). Developments increasing nitrogen loads must demonstrate nutrient neutrality (NN), specifically the levels of nitrates entering the Marine SAC from development proposed through the emerging Carmarthenshire RLDP, or secure robust mitigation in line with NRW's marine SAC advice.
3. The Carmarthenshire RLDP is in a unique position, in that the plan is in the latter stages of the examination. The majority of the hearing sessions were completed by November 2024, pre-dating the issuing of the condition assessment by some 6 months. However, the findings of the assessments are significant and raise questions about the emerging RLDP's ability to address issues relating to management of excess nutrients, site viability and the deliverability of committed and allocated sites and as such, necessitate further consideration through the examination process.
4. The review of the implications of the condition assessment for the RLDP will require the consideration of a range of factors including the:
  - geographical area in which NN is required.
  - phasing and delivery of growth contained within the RLDP to ensure it is within sustainable locations and reflects the 'lead in times' necessary to ensure compliance with achieving NN targets.
  - known and potential mitigation measures that are available to address the requirement for NN.
  - submitted financial viability assessment(s) to ensure that sufficient 'headroom' exists to accommodate potential mitigation costs thereby allowing the relevant nitrate targets to be achieved over the plan period.
  - need to signpost other policy areas within the RLDP that are necessary to ensure that there is no adverse effect on the integrity of nutrient sensitive protected sites.
  - requirement to update the RLDP's Habitat Regulations Assessment through the provision of relevant Addendums.
  - timely development of guidance in relation to the long-term strategy / action plan to deliver NN and mitigation measures, and
  - provision of framework that monitors the delivery of committed and allocated sites within the affected area and the provision / implementation of guidance in relation to long-term strategy / action plan and mitigation measures.
5. To assist in progressing this matter, the Council has submitted additional evidence to PEDW which assesses the implications of the updated condition assessment on the RLDP (22/08/25, 17/10/25 and 03/12/25) and identify the geographical area where NN advice currently applies for planning purposes. This additional information, along with that already submitted, provide the evidence base for the RLDP.

6. The Welsh Government recognises the unique position of the RLDP, that this is an evolving issue and not all of the potential mitigation measures, costs and implications regarding nitrates are able to be quantified at this point in time.
7. For clarity, the Welsh Government is not advocating that Test 3, specifically in relation to viability and deliverability, is ignored for this plan regarding addressing nitrates issues. However, given the advanced stage reached by the RLDP in its progression to adoption, the Welsh Government recognises there are limits at this point to what can be achieved due to the uncertain cost and timing of future potential solutions. The plan has a flexibility allowance in the viability modelling, as well as other policies to ensure the avoidance of adverse effects, albeit there may be a lesser degree of certainty over the longer term. The Welsh Government is of the opinion that the fine grain detail for the future cannot be achieved now, nor is it necessary for this plan, at such an advanced stage of preparation.
8. Whilst the Welsh Government will not be dis-applying the test of soundness in this matter, in light of the uncertainty, a pragmatic view will be taken to the assessment of the RLDP, at this point in time. Although the requirements of section 75 of the PCPA 2024 have to be taken into account when considering the 'soundness' of the RLDP, it is the Welsh Government's position that significant weight should be given to this position statement in determining the plan as it clarifies guidance, on this particular issue only.

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