Herefordshire Council

Position Statement - Development in the River Lugg Catchment Area
April 2021 An Update

Developing Strategic Solutions

The **Nutrient Management Plan (NMP)** is currently under review. An update is being drafted by regulatory bodies which all key stakeholders have fed into, outlining measures being developed independently to improve phosphate reduction. This is now being refined by the statutory bodies; Natural England (NE), Natural Resources Wales (NRW) and the Environment Agency (EA). The purpose of the review is to provide an increased level of certainty around Phosphate reduction and timescales. It is anticipated that this review will once more allow it to be relied upon as mitigation for plans and projects. The review is understood to be reported back to the NMB at their next meeting, planned for May 2021.

Following the update on the River Wye published by NRW in December 2020, the review of the NMP now takes into consideration the failing wider River Wye catchment in Wales only, as well as the River Lugg catchment area in Herefordshire:

https://naturalresources.wales/about-us/news-and-events/news/nrw-issues-new-advice-to-safeguard-the-river-wye-special-area-of-conservation/?lang=en

An **Interim Phosphate Delivery Plan (IP)** is being developed by consultants appointed by Herefordshire Council, in consultation with NE, Stages 1 and 2 have now been completed. The following information is now available on our website from April 2021:

- A Non-technical summary for both Stages 1 and 2 (to follow shortly) of the IP.
- Stage 1 '*Guidance on Calculating Phosphate Budgets for New Development*' a detailed report.
- A Phosphate Calculator - enabling applicants and agents to calculate the phosphate load of a development and where appropriate the amount that needs to be mitigated.
- A You Tube tutorial on how to operate the phosphate calculator.
- Stage 2 '*Mitigation Options for Phosphate Removal*' detailed report

Stage 3 of the IP is now underway with ongoing consultation with NE. This stage will set out both the legal and planning processes required for securing mitigation to enable development to proceed, it is expected this stage will be completed by May 2021.

- If you require **support** in completing the calculator, we recommend, in the first instance, seeking the advice of a specialist consultant.

- The council may also be able to provide guidance through its pre-application advice:

https://www.herefordshire.gov.uk/planning-services/planning-services-1/4

- Natural England also offer a Discretionary Advice Service (DAS):

https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals

Strategic Wetlands for Phosphate Mitigation
Herefordshire Council are currently working to develop a number of integrated constructed wetlands within the River Lugg catchment area. These wetlands will help to address both the existing water quality of the river and to deliver mitigation for phosphate from development.

Good progress is being made and the Council will provide further updates as these sites develop.

In the interim
On Natural England's advice, there remains potential for a positive appropriate assessment, where it can be demonstrated that development is **nutrient neutral** or would lead to **betterment** to enable development to proceed**.** Proposals will need to provide appropriate evidence of avoidance/mitigation measures. (Refer to Stage 2 of the Interim Plan for guidance).

Update to Criteria for Discharges to Drainage Fields
In relation to discharges to drainage fields in the red zone, Natural England have indicated that if all the following criteria are in place and can be evidenced, then phosphates would be unlikely to reach the river and therefore there is no pathway for impacts. With no pathway for impacts there is no need for further Habitat Regulations Assessment – Please note these criteria have been revised by Natural England in March 2021:

Proposed thresholds

Small discharges to ground i.e. less than $2m^3/day$[1] that are within the surface or groundwater catchment of a designated site will present a low risk that the phosphorus will have a significant effect on the designated site where certain conditions are met:

a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature) **and**;
b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse, **and**;
c) The drainage field is in an area with a slope no greater than 15%, **and**;
d) The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times **and**;
e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3 **and**;
f) There are no other known factors which would expedite the transport of phosphorus for example fissured geology, insufficient soil below the drainage pipes, known sewer flooding, conditions in the soil/geology that would cause remobilisation phosphorus, presence of mineshafts, etc **and**;

g) To ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground.

Further Update: The Frequently Asked Questions section on the council's website is due to be updated in **May 2021**.