



Herefordshire Core Strategy Local Plan Examination

Joint Position statement – February 2015

Introduction

In response to questions posed by the Inspector and third parties related to the Nutrient Management Plan, we submit this joint Natural England/Environment Agency statement to assist the Examination in Public of Herefordshire Council's (HC) Core Strategy.

Background

Our engagement around the core strategy is based on the following:

- Our separate response(s) to the Core Strategy itself as statutory consultees;
- Our joint development of a Nutrient Management Plan (NMP) for the River Wye Special Area of Conservation (SAC), which provides an evidence base for Herefordshire Council, as competent authority, to consider effects of future development;
- Our respective Defra family roles as the statutory nature conservation body (NE) advising the competent authorities (EA and HC) on the implementation of the conservation regulations and the EA as the regulator for water quality.

The development of the NMP has been a collaborative process. The approach to developing the Plan and the early indications from the evidence base was the subject of a stakeholder workshop in October 2013. Contributors included Welsh Water, NFU, Herefordshire and Powys Councils, the Local Nature Partnership along with agronomists, farmers and local interest groups. Subsequently in August 2014 there was a further workshop to discuss the development of an Action Plan, again with a wide group of stakeholders attending within the catchment. The NMP evidence base and options appraisal has been included as supporting documentation for Herefordshire Council's Core Strategy and was available for public consultation. The full NMP is available on the gov.uk website and is supporting information for the Water Framework Directive River Basin Management Plan 2 consultation process. There is no legal requirement for formal consultation of the NMP. However it has been the subject of targeted consultation with relevant interest groups and organisations.

Our position

On the Core Strategy itself:

- We believe the policies related to the NMP to be sound and legally compliant.
- Natural England has agreed a Statement of Common Ground with Herefordshire Council which sets out how their concerns have or will be addressed.
- The Core Strategy provides the necessary policy framework to ensure planned development is able to be delivered in a phased way to allow the necessary infrastructure to be in place to support new development and safeguard the SAC (Policy SS3 – Releasing land for residential development). The framework also accepts that individual developments will still need their own assessments under the Habitats Regulations.



On the question of the status of the Nutrient Management Plan and its implications:

- As Herefordshire Council set out in their written reply to 'question 14' in advance, the NMP has been produced by the Environment Agency and Natural England. It focuses on phosphates and the potential measures that could be implemented in order to better manage these inputs, to bring about the required reductions to meet and sustain the Conservation Objectives of the SAC, (see Section 1.2 of the NMP - Evidence base and options).
- The NMP does not in itself need an HRA as all aspects of the Plan are required to achieve the Conservation Objectives for the site
- NMPs are already part of the approach for designated sites where growth may compromise conservation objective water quality targets (including the Rivers Mease, Avon and Clun).
- The Evidence base and options appraisal section of the NMP were produced and published in May 2014. The first version of an Action Plan was published in November 2014. In the introduction to the Action Plan it is clearly stated that the NMP is designed to achieving and maintaining Favourable Conservation Status for the River Wye SAC, whilst allowing for a sustainable level of growth in Herefordshire, and as such the NMP is intended to support and be read in conjunction with the Core Strategy for Herefordshire.
- The NMP has taken into account the levels of growth proposed within the Core Strategy and considered these in combination with emerging growth proposals in Powys. The explanatory letter from the Environment Agency and Natural England, which accompanied the Evidence base and options appraisal section of the NMP in May 2014, makes clear that the agencies have a high degree of confidence in the success of the NMP due to its broad base of options.
- The evidence provided by the NMP demonstrates that the levels of development proposed in the Core Strategy are deliverable over the NMP period. There are no significant implications for the SAC over first five years of the Core Strategy, based upon the indicative trajectory. However, over the NMP period it will be important to monitor the impact of the Core Strategy and the measures set out in the NMP Action Plan and there is a mechanism to do so. This is to ensure that the Conservation Objectives of the SAC are achieved and Herefordshire Council will continue to work closely with the Agencies, water companies and other stakeholders to ensure success of the NMP and associated Action Plan.
- There are a range of scenarios based on the balance of improvements required from both point sources and diffuse sources of pollution. Some of the actions are already being implemented and their effectiveness will be monitored. However the exact balance of contribution needed is yet to be determined and the contribution from various sectors agreed. All relevant parties are committed to achieving favourable conservation status on the River Wye SAC, and the NMP will continue to be refined to secure the most environmentally and cost effective measures.
- The NMP Action Plan is designed to be iterative and flexible. The Action Plan is confident about what is needed to address the impacts of planned population growth


and within a defined timescale. However, other changes are harder to quantify, such as the beneficial influence of increased flow as a result of changes to abstraction licenses in the catchment that are already in progress. To allow for this the model will be re-run on a regular basis to ensure the effectiveness of any measures are quantified and the trend towards compliance monitored. This will enable us to adjust the Action Plan accordingly to make sure that the SAC's are protected.

- We believe it is reasonable to assume that, although water treatment levels are not currently permitted in the UK to meet the eventual scale of the challenge posed by development in Herefordshire, technology will improve such that the required discharge levels are achievable within the time scale of the NMP (where it is required). This is because treatment works in the UK regularly out-perform the current 0.5 milligrams per litre (mg/l) target, in some cases using traditional metal salt dosing only, and very low Phosphate levels are already achieved in many countries in Europe, the US and Canada. In addition, the most likely scenario in the options appraisal only requires 0.1mg/l to be achieved at Leominster Sewage Treatment Works. However, this will depend on future investment for the water industry through the Periodic Review process and trials being carried out during the Asset Management Plan 6 period (2016-2020) to determine the most effective enhanced treatment regimes.
- In respect of inputs from diffuse sources, the NMP promotes requirements for land managers to undertake risk assessments for all of their agricultural activities. Should these identify a risk of loss of nutrients or soils they will be required to produce a plan of action that will prevent these losses occurring. We recognise that whilst this is currently a voluntary approach, there is a commitment to seek existing provision for more formal regulatory controls if this approach fails to deliver the necessary uptake.

Conclusion

- We believe that because the policy allows for development to be phased and there is acceptance that individual developments will still need their own assessments under the Habitats Regulations, there are sufficient safeguards and our conclusions on the NMP are appropriate as a response to a strategic document like the Core Strategy.
- Natural England and the Environment Agency will continue to work closely with the Council to ensure that development management decisions are made in accordance with the NMP.

Signed on behalf of Natural England

A handwritten signature in black ink, appearing to read "Audrey Roy".

Audrey Roy

Signed on behalf of the Environment Agency

A handwritten signature in black ink, appearing to read "Dafydd Evans".

Dafydd Evans



Area Manager, South Mercia



Area Manager