

## River Lugg HRA Questions and Answers Update June 2021

Are Herefordshire Council's Interim Delivery Plan Guidance and approach in line with Natural England's advice and work in other areas?

Yes, Herefordshire Council has been working closely with Natural England both locally and nationally to develop our guidance to current national best practice. The consultants we are using; Ricardo, are also developing national guidance on behalf of Natural England we are therefore confident our local guidance, will be in line with the national advice.

Herefordshire Council are also collaborating with ecologists at a number of other local authorities including Somerset, Wiltshire and the other River Wye catchment authorities.

My application has had an agreement on drainage in principal prior to the updated position statement's revised drainage criteria, – will it need to be reviewed again?

Yes we will need to work to updated guidance unless agreed otherwise.

For urban runoff within the Herefordshire calculator, the estimate is 1.63 kgP/ha/yr– where does this originate from? As this is a lot higher than other models have assumed.

This is based on detailed assessment by the consultants and includes pet waste within urban areas, taking it out of green space values. It is acknowledged that this figure could reduce particularly if SUDS are included within the scheme and we will take this into account where evidence is provided with an application.

What information will be required to demonstrate certainty over providing scheme specific wetlands and SUDs?

The application must demonstrate that the SuDS or wetland has been designed by a suitably qualified specialist to meet the specific requirements of the proposed development. Details of monitoring and maintenance will need to be agreed

**CSOs (Combined Sewage Overflows) - Are these addressed within the calculator?**

Natural England's advice is that where a development discharges to a Waste Water Treatment Works (WWTW) within the affected catchment, in this case the River Lugg, by providing Nutrient Neutrality mitigation in line with the calculator, a 20% buffer is applied which addresses CSOs. Where the WWTW is outside the catchment, a specific assessment of CSO impacts would be required.

In these cases Natural England have advised that at a recent appeal case for 46 dwellings and taking into account cumulative impacts, it was not possible to confirm no adverse effect on the integrity of the SAC site, they further advised that there is no set threshold *by which one can be certain of absence of adverse effect*. Herefordshire Council therefore hold the view that these impacts must be assessed on a 'case by case' basis awaiting further advice from Natural England and other stakeholders.

**Natural England's Updated Drainage Criteria:**

Where the criteria are not met will an application be refused?

This will not mean an automatic refusal, rather that the application cannot be screened out from detailed HRA using the criteria and so will be subject to a more detailed Appropriate Assessment on a case by case basis. Further information may be required around the detail of the application to enable this process.

### What details of package treatment plants will be required to demonstrate their efficiency in processing phosphate?

Natural England have advised that the manufacturers technical specification data sheet should be provided for the specific model proposed in order to demonstrate this, as this can vary a great deal.

### What is the 2m<sup>3</sup>/day discharge threshold based on?

The limit of 2m<sup>3</sup>/day is based upon this being the size used for discharges to ground in the General Binding Rules, it is also representative of the size of the majority of the septic tanks investigated within Natural England report [NECR171](#), from which most of the criteria are based.

### What is the 50m distance from sensitive features based on?

50m is the distance at which no phosphorus signal was detected. (Refer to Natural England reports NECR171 and [Phosphorous in Package Treatment Plant effluents - NECR221 \(naturalengland.org.uk\)](#))

### What is the 200m distance between drainage fields based on?

The 200m is based on the 50m distance where no phosphorus signal was detected (NECR171) for each septic tank. So for two drainage field areas not to overlap they need to be at least 100m apart. A safety factor of two is then applied to ensure that in the long term there will be the certainty that the effective drainage field phosphorus retention areas do not overlap. This also ensures that the maximum density of these systems is no more than one for every 4ha (or 25 per km<sup>2</sup>), as set out in in NECR170.

### How would the 200m criteria be worked out?

Details to demonstrate this should be provided with an application, historic discharge to ground licences granted by the EA can be found online and could help in determining the position of existing drainage fields. Some cases may need to rely on reasonable assumptions e.g. where residences are present but there is no mains connection available a private sewage treatment system can be assumed.

### What is meant by a surface water feature?

A relevant surface feature would be one that enables nutrients to travel into surface waters and is connected to the SAC, so it will enable nutrients to potentially reach the River Lugg. If there is a ditch or drain within the 40m, then evidence to support that it is not hydrologically connected to the River Lugg would need to be provided.

### How do we obtain access to the GIS mapping layer of the Small Sewage Discharge Risk Zone Map (England)?

The mapped information referred to is available within Herefordshire Council for internal use and we use this to screen applications against, whilst we are able to advise on the outcome of this we are not permitted through our licencing agreement to pass on the actual data. However data is built into the calculator to enable applicants and agents to use this to work out their phosphate impact.

### **Drainage Mounds** - What information is required to support a proposal for one of these?

The application must include evidence that there is percolation within the underlying soils to support a Drainage Mound. This should include percolation testing in line with BS 6297. When proposing a Drainage Field, the test should be carried out at the invert level of the Drainage Field. Conversely when proposing a Drainage Mound, the test should be carried out at the ground surface to provide the percolation rate for the receiving soil. The BS6297 tests must be completed in full (a minimum of 3 fills of each test hole) and must drain down within 6 hours (equivalent of a Vp of 140 s/mm). Two nearby tests should be completed.

The applicant must also provide details of groundwater trial pits that demonstrate the groundwater level is a minimum of 2 meters below the ground surface