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Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Victoria Eaton,

Planning consultation: Herefordshire Minerals and Waste Local Plan.

The following letter outlines Natural England's position on the approach that Herefordshire Council has taken regarding Nutrient Neutrality in the Minerals and Waste Local Plan.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary

Natural England advise that the nutrient neutrality requirement should be removed from policies W4 Wastewater management and M3, M4 and M5 on minerals workings. We agree with requiring NN in policy W3 Agricultural waste, and note the council's decision to apply this across the Wye catchment.

Since discussions regarding the plan in July 2021, NE's position on nutrient neutrality (NN) has moved on. NN has emerged as a way to mitigate the impacts of residential development in 'failing' catchments. Housing developers can calculate their phosphate (or nitrogen) output using a simple calculator and offset that. In April 22, NE rolled this out as a national approach across 'failing' Habitats sites catchments in England. Herefordshire Council is also currently developing a calculator for agricultural applications, through its Agriculture SPD. There are concerns that applying NN to matters other than these would not be possible, and also is not appropriate and could risk undermining the national approach.

Policy W4: Wastewater management

It is not clear what aspect of this policy NN would be applied to. If the policy is requiring that the WwTW discharge should be made nutrient neutral, then that would be a significant change and counter to NE's current advice. The current approach requires developments wishing to connect up to WwTW to be made nutrient neutral. This policy would counter that, by requiring the WwTW discharge to be made NN.

In most situations the only planning permission the undertaker needs, would be for the construction works. These types of construction activities wouldn't typically generate P. The main potential risk would be around the loss of sediments / soils during construction and operation, because phosphate binds to strongly to sediment, and particularly because the works will be in very close proximity to a

watercourse. This should be dealt with through a requirement for appropriate measures to avoid impacts, such as the best practice handling of soils to reduce losses.

[Guidance for Successful Reclamation of Mineral and Waste sites](#)

[Good Practice Guide for Handling Soils.](#)

We would query whether this policy is aimed more at getting improvements to WwTW, to contribute towards a reduction in phosphate in the river, and to benefit the river restoration, rather than being fully used up by new development. We would recommend a conversation with DCWW regarding this.

Policies M3 Winning and working of sand and gravel, M4 Winning and working of crushed rock (limestone) & M5 Winning and working of sandstone

It is not felt that that minerals workings should be asked to be nutrient neutral. The updated HRA highlights some possible sources of P –

5.22 Mineral working proposals would not normally be considered as a source of phosphate, as they do not generate wastewater from residential occupancy and there is no mining of phosphate rock in Herefordshire (see also 'Avoidance and Mitigation' section below). Therefore, while the above policies and site allocations could result in some discharges/run-off to the River Wye and River Lugg, these are unlikely to adversely affect the integrity of the SAC because any discharges or run-off will not be high in phosphates.

However, the Preparing the Publication Draft MWLP document recognises that mineral working can result in a change in agricultural land, throughout the extraction process: stripping away topsoil and subsoil; extracting the mineral; and restoration. Restoration proposals involving schemes that would draw in a lot of visitors to the area could also result in phosphate releases (from wastewater). Restoration to agriculture could also result in phosphate releases, if too much of the nutrient is added to the land.

The main potential risk is around the loss of sediments / soils during construction and operation. This should be dealt with through a requirement for appropriate measures to avoid impacts, such as the best practice handling of soils to reduce losses.

The risks post-restoration that are presented in the second half of the extract would be controlled through other permissions and regulations. The application of nutrients after restoring a site to agriculture should be controlled through agricultural regulations. Regarding recreational use leading to an increase in sewage, we would question this, unless there are plans to create a new recreation destination. If these sorts of aspirations emerged in the future then other permissions will be required, which would be required to have their own assessments, including HRAs.

Furthermore, it is not clear how NN from minerals workings could actually be done. There is no current calculator, so it would need a bespoke approach to quantify how much P the proposal would be generating, which is the first step in knowing how much to offset. This would be challenging and technical undertaking, and we would want to be sure it was absolutely necessary.

W3 Agricultural waste management

We are satisfied that nutrient neutrality is more appropriate here and satisfies with the changes put forward in the main modifications.

Applying nutrient neutrality across the Wye catchment

Regarding the Council's paper on *Nutrient neutrality – approach in the MWLP*; if the council wishes to take this approach then this is the council's decision. As a part of your evidence you may wish to speak to the Environment Agency as there have been some exceedances seen on the Wye very recently.

Yours sincerely

Rebecca Underdown
West Midlands Area Team