



Herefordshire Council
Plough Lane Offices
Hereford
HR4 0LE

Our ref: SV/2022/111226/CS-
03/EW1-L01

Your ref:

Date: 15 September 2022

F.A.O: Vicky Eaton

Dear Vicky

HEREFORDSHIRE MINERALS AND WASTE LOCAL PLAN

I refer to the Herefordshire Minerals & Waste Local Plan (MWLP) and the additional pre-examination consultation as detailed in your email of the 23 August 2022. At this time would not express a need to attend the formal hearing (examination) based on our position. We would offer the following additional comments as written representations at this time and will also inform the Programme Officer of this position.

Within the '*Matters, Issues and Questions*' document relating to the Independent Examination we note reference to Nutrient Neutrality (NN), discussions with Natural England (NE) and the latest position regarding engagement with other bodies. Since our Reg 19 representations our direct engagement with the Herefordshire Council on the issue of NN has been limited but it is understood that discussions have been ongoing with NE as the primary statutory consultee on this matter.

With reference to the above, and following your Councils discussions with NE, we note the position of Herefordshire Council as detailed within the paper '*Nutrient Neutrality – approach in the MWLP*', specifically the requirement for NN from development within the Wye SAC as a whole and not limited to the Lugg Catchment where conservation targets are currently failing. We acknowledge the rationale and justification for this approach and would have no further comment at this time.

We also acknowledge the NE Position Statement (dated 6 September 2022) which comments on this approach. The Position Statement includes an update on measures to mitigate the '*impacts of residential development in failing catchments*' but that there remain complexities around applying NN in other instances, for example wastewater management (as detailed in Policy W4). We would not raise any concerns in relation to the points raised by NE in their Position Statement.

We have previously provided comment, through our Reg 19 Representations, with a view to ensuring a robust MWLP submission and that development can be achieved without impact on the integrity of the River Wye SAC, including the Lugg Catchment.

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When considering the ‘*Schedule of Main Modifications and Minor Changes*’ it is noted, and welcomed, that the MWLP (Section 7) now includes greater detail in relation to this particular issue and references the need to achieve at least NN. In relation to the key points raised in our previous reps we would offer the following:

W3 – Agricultural Waste Management: We provided comment on Policy W3 in our Reg 19 Reps. In those Reps we recommended Herefordshire Council consider NN and whether there was sufficient evidence to confirm sites were deliverable. We acknowledged the need for mitigation but questioned whether there was sufficient certainty that shows the MWLP is effective and deliverable without impact on the integrity of the River Wye SAC.

We note, and welcome, NE comments on the need for requiring NN in Policy W3 and the Council’s decision to apply this across the Wye catchment. We also note that the Policy has been re-worded, in part in consideration of the above, with a requirement to demonstrate NN within the River Wye SAC. The site-specific Development Criteria has also been modified to mirror the above and seek to ensure at least NN.

However, as previously stated, based on this Policy, there could be cases where Herefordshire Council could refuse planning permission where development on sites within the MWLP do not demonstrate NN. This may lead to stalled applications and uncertainty around what and when development could come forward.

In our previous Reps we stated that for agricultural developments it might be difficult to achieve NN and that wider options could be provided locally or in the catchment to deliver mitigation linked to the Nutrient Management Plan (NMP), currently under review, and help achieve NN. These could take the form of environmental projects or improvements works.

On the above we are aware that Herefordshire Council are seeking to progress mitigation measures to assist in the reduction of phosphate levels and with a view to resolving water quality issues within the County. It is noted from the Inspectors question (No.21) that clarification is sought on the mitigation measures that could be taken to ensure NN.

We are aware, and supportive of, a number of Integrated Wetlands schemes that are in the process of being implemented to help free up some growth in the Wye Catchment, as strategic mitigation for Phosphate reduction. It is understood that a development contribution scheme is also being pursued and we are also aware of the forthcoming agricultural Supplementary Planning Document (SPD) to further consider these mitigation options.

Therefore your Council should be satisfied that the level of mitigative work will accommodate the proposed growth in the MWLP. It could be argued that, as submitted, the MWLP is not fully clear on potential options/solutions which may have prompted the abovementioned question from the Inspector. Ultimately Herefordshire Council should be satisfied, and offer a level of certainty, that the mitigation being progressed are viable and deliverable. We would recommend that you ensure you have reasonable certainty to take forward the sites in this MWLP.

W4 – Wastewater Management: In our Reg 19 Reps we stated that we welcomed that the MWLP ‘*recognises the effects of waste water discharges and seeks to ensure new, extended or upgraded wastewater works would need to contribute to achieving Nutrient*

Neutrality or betterment. It is just unclear what, when and how such measures would be necessary to inform any sites within this plan'.

This question is also raised in the inspectors' questions (109) where it is asked how it could be demonstrated that NN, in relation to waste water management, could be achieved.

On this point we note the comments made by NE and the advice that NN requirements be removed from this specific Policy.

W6 – Waste Management Facilities: Similar to Policy W3, in relation to NN, there is not full clarity on how and when the required mitigation measures are to be implemented and delivered. Leaving or deferring such matters to the planning application stage may not be appropriate, given the above. NPPG advises that you should ensure a reasonable prospect of delivery as part of effective plan making. Therefore your Council should be confident/satisfied that your approach is reasonable and effective.

Summary: In consideration of the above Herefordshire Council should be satisfied, in consultation with NE, as the primary consultation body on this matter, that the approach taken within the MWLP, including the suite of mitigation measures being progressed, is viable and deliverable and that there is a reasonable degree of certainty provided to take forward the sites in the Plan.

We acknowledge the other modifications made and would offer no further comment at this time.

I trust that the above confirms our position at this time.

Yours faithfully

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