

**Water Steering Group for Herefordshire Meeting**  
**Minutes and Action Points**  
**Monday 02 July, 14:00 – 16:00**  
 Plough Lane, Hereford

**PRESENT:**

Harry Adshead	HA	Growth Strategy Manager, Dwr Cymru Welsh Water
Sam Banks	SB	Team Leader, Neighbourhood Planning, Herefordshire Council
Kevin Bishop	KB	Development Manager, Northern Localities, Herefordshire Council
Dane Broomfield	DP	Lower Wye & Herefordshire Land and Water Team Leader, Environment Agency
Philip Deeley	PD	Planning Policy, Herefordshire Council
Hayley Pankhurst	HP	Lead Adviser, Land Use Operations, Natural England
Kevin Singleton	KS	Team Leader, Strategic Planning, Herefordshire Council
Bridgit Symons	BS	Senior Ecologist (Planning), Herefordshire Council
Robert Widdicombe	RW	Ecological Consultant, Herefordshire Council

**APOLOGIES:**

Ian Butterfield	IB	Freshwater Senior Specialist, Natural England
Russell Pryce	RP	Strategic Applications Officer, Herefordshire Council

ITEM		ACTION
1.	<p><b>WELCOMES &amp; INTRODUCTIONS</b></p> <p>KS welcomed everyone to the meeting and round the table introductions took place.</p>	
2.	<p><b>Updated Terms of Reference</b></p> <p>PD provided detail as to the reasoning for the updated Terms of Reference. It was felt that the four key areas of work identified by the higher level meeting (12 May 2012) needed to be reflected. The work of advancing the Core Strategy with a specific water policy alongside long-term mitigation techniques will be the remit of the technical steering group. The water steering group will focus on the issues of monitoring (both current water quality and anticipated water quality). The water steering group is also the forum to analyse current existing development management pressures.</p> <p>The Terms of Reference maintains the existing proposals to widen the water steering group post Core Strategy adoption. This will include inviting the agricultural industry (NFU) to attend. This will aid joint working to ensure best practice in the agricultural sector can be delivered.</p> <p>DB was queried as to the option of including the steering group within the River Severn Catchment Panel. DB informed that he was aware that Dr David Nicholson was now a contact with the catchment panel and that establishing the steering group as a subset to the wider catchment panel would be a benefit as would increase the ability of the group to make</p>	

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	strategic impact further up the chain of command. The work of ensuring the water steering group forms part of the catchment panel will continue.	
3.	<p><b>Update on UK TAG</b></p> <p>DB and HP provided an update as to the progress of UK TAG in providing a national target for phosphates. A draft target is anticipated in October 2012 albeit it is believed that current difficulties faced by UK TAG are being driven by SEPA.</p> <p>DB highlighted that Natural England and the Environment Agency need to examine wider and non-traditional options for allowing growth to proceed. This would represent a move away from standard policy outcomes. In order to achieve this, options would need to be discussed and agreed with DEFRA to ensure that there would be no objections to non-standardised approaches.</p> <p><b>DB to liaise with NE and seek meeting with DEFRA</b></p>	DB
4.	<p><b>Update on Core Strategy</b></p> <p>PD outlined the Counsel opinion that further consultation is required. This consultation will be on a complete draft Core Strategy and associated SEA and HRA documents. KS provided more detail on the circulated timetable for production of the Core Strategy which is being taken to Cabinet for approval in the following week. The Cabinet report identifies the importance of producing a sound and robust SEA and HRA.</p> <p>PD discussed the recent elected member training day on water quality which provide Councillor's with details on HRA law, the ecology of the Special Areas of Conservation, the work of the water steering group and current processes in development management. While Councillor feedback had yet to be received there was the initial thought that the event was beneficial and provided a clear picture to those present.</p> <p>However during the event the impacts of agricultural practices were questioned. DB suggested that it might be beneficial for a follow-up session on the agricultural impacts on the SAC in which he would be happy to present at. The presentation could also include catchment sensitive farming from Natural England. HP thought Professor Lindsey McEwen (University of Gloucester) might also be able to provide information. DB also suggested that current work on Coughton Brook could be a good case study as to the examination of the agricultural issues and the feasibility of options to deliver best practice.</p> <p><b>PD to discuss with Dr David Nicholson the potential of a follow-up event to provide elected members with an update on the agricultural impacts on water quality.</b></p>	PD
5.	<p><b>SIMCAT headroom and proposed monitoring procedure</b></p> <p>Following earlier correspondence from HA on the figures used for the current SIMCAT, DB confirmed at the meeting that the SIMCAT incorporated exact phosphate concentrations rather than consented limits. Notwithstanding this</p>	

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	<p>DB highlighted that the SIMCAT adopted a very conservative approach to its calculations. PD also noted that the headroom capacity calculations were based on the 99% headroom figure which was in excess of 3,000 units less than the 100% headroom figure. This once again provided a precautionary buffer. Accordingly for progressing current development management planning applications, the SIMCAT provides a high level of certainty that the watercourse will not exceed draft Conservation Objectives. DB highlighted that the SIMCAT report itself identifies its conservative nature and that the report recommends that should further work be undertaken that the latest SIMCAT modelling software is used for greater accuracy.</p> <p>PD provided an update of growth figures upstream in the Wye and Lugg catchment from Powys County Council and Brecon Beacons National Park. DB confirmed that these figures could be included within a SIMCAT model. This will ensure the headroom capacity figure will be inclusive of other plans and policies.</p> <p>HA questioned the flow rate data used as high variations in flow can lead to potentially inaccuracies in the results. DB confirmed that such variations are critical but the statistical analysis of the SIMCAT model should allow this to be overcome.</p> <p>It was agreed that it would be beneficial to re-run SIMCAT for the Wye to include consented phosphate licences and growth upstream. However to do this it would be beneficial to prepare a brief for the consultants and this brief to be agreed by steering group members.</p> <p>It was discussed that there currently is no modelling data for the Lugg catchment. DB has review of consent data for the Lugg albeit it is anticipated that this will use information from 2002; after which subsequent improvements have been delivered. PD has requested from DB the SIMCAT report for the Lugg as it would provide an initial useful starting point in assessing the issue of water quality and identifying mitigation measures. Also if a new SIMCAT model is run for the Lugg then the successes of improvements delivered post 2002 can be measured; again aiding the identification of the mitigation techniques.</p> <p><b>DB to provide SIMCAT report on the River Lugg undertaken as part of the Review of Consents to Herefordshire Council / steering group members</b></p> <p><b>PD to discuss the need to re-run SIMCAT with Dr David Nicholson / David Tyldesley and Associates and potentially prepare a brief; Water Steering Group members will be updated on progress</b></p> <p>PD queried whether any of the steering group members had methods of calculating dissipation rates of phosphate in the watercourse. DB noted the difficulty in undertaking / using such calculations as there are numerous external impacts, e.g. phosphate rich sediments are impacted by flows and therefore at low flow can remain in situ but under high flows the phosphates again would be in transit through the watercourse.</p> <p>It was questioned whether any of the agencies had threshold boundaries that could apply to existing small-scale developments, for example a single dwelling</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p>DB</p> <p>PD</p> <p></p>

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	<p>situated several miles upstream of the SAC. NE stated that they would not be able to provide a threshold target as it is the responsibility of the Local Planning Authority, as competent authority, to identify such issues. The NW Leicestershire example of 10 or less dwellings was based on the agreement of a set of strategic actions points. DB noted that dependent on the treatment process proposed the distance threshold would vary. It was then questioned whether NE could provide a set of criteria that the Council could use to gauge likely significant effects as where no LSE's are identified the Local Authority does not need to consult Natural England.</p> <p><b>HP to discuss to IB and DB about a series of guiding criteria</b></p> <p>HP questioned the potential use of CIL to fund improvements to treatment works based on recent discussions with Shropshire Council and Severn Trent. HA stated it was his understanding that it could be used to bridge potential funding gaps between projects in the AMP and cost of adding in extra work (i.e. phosphate removal). KB also believed that the principle of CIL was to fund off-site infrastructure requirements necessary to deliver set objectives while S106 was for on-site contributions. DB is aware of the practice of using S106 to advance AMP schemes but is not aware of reasons why a treatment works needs to be in an AMP in order to receive developer funding.</p> <p><b>HA to confirm with development team and legal team at Dwr Cymru Welsh Water regarding what CIL can be used for.</b></p> <p><b>PD to continue discussions with Shropshire to seek to identify Severn Trent reasoning for stating they are unable to receive CIL funding. Should no answer be forthcoming, PD to seek to get advice from Counsel on the matter.</b></p>	<p><b>HP</b></p> <p><b>HA</b></p> <p><b>PD</b></p>
<p><b>6.</b></p>	<p><b>Development Management issues</b></p> <p>Continuing the discussion from the previous agenda item, KB requested confirmation about the suitability of soakaway systems to be introduced in non-sewer areas. Soakaway to ground is considered by Environment Agency and Natural England as an appropriate scheme in non-sewer areas. DB highlighted that a closed / sealed system is also a suitable option while the use of soakaways can be more beneficial on large-scale applications.</p> <p>PD queried the role of circular 03/99 (Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development) in which primacy should be given to new developments connecting with the existing sewerage treatment works. Based on the circular, in areas with a sewer system development should connect but this would increase flow from the works, leading to potential failure in the watercourse. DB highlighted that this is an example where a non-traditional approach might be needed an alternative to connecting to sewer should be supported in a main sewer area.</p> <p>It was indicated that not connecting to the sewer in a main sewer area would be supported if conditions / plans were incorporated to attach to the mains post agreement / delivery of the strategic improvements. PD highlighted that this was the case for strategic developments at Ashby-de-la-Zouch albeit it was</p>	

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	<p>considered that the developer agreed to such a condition to attain planning permission but would be unlikely to deliver the scheme until the strategic improvements were delivered. Accordingly there could be limited development coming forward from the imposition of such conditions. HA queried the potential of this as it would be more feasible to connect straight to the mains in advance of future improvements. Such an option needs to be discussed with David Tyldesley and Associates.</p> <p>HP queried the efficiency and effectiveness of installing package treatment plants. DB and HA confirmed that PTPs have significantly higher phosphate discharge than existing treatment works (potentially 30-40mg/l). Therefore such schemes are not desirable.</p> <p>Moreton-on-Lugg was discussed in the context of the above. DB indicated that should they propose a PTP scheme then the Environment Agency would be unlikely to grant a discharge licence.</p> <p>KB / RW stressed that there are significant numbers of planning applications being halted due to the water quality constraints (in excess of 100 applications). The group agreed that a guidance note is needed in the interim support by all parties to demonstrate alternative and acceptable treatment processes that can be adopted, this work is seen as a key priority – <b>see agenda item 9 for action point</b></p>	
7.	<p><b>Neighbourhood Planning</b></p> <p>SB provided a background to Herefordshire Council's establishment of the Neighbourhood Planning Team following new Government legislation. Following this SB discussed the recent consultation work undertaken by the Neighbourhood Planning Team and highlighted the parish map of where interest is in progressing a neighbourhood plan. The following parishes are already progressing a neighbourhood plan;</p> <ul style="list-style-type: none"> <li>▪ Lyonshall</li> <li>▪ Shobdon</li> <li>▪ Almeley</li> <li>▪ Leominster</li> </ul> <p>The following settlements are anticipated to submit applications to initiate the neighbourhood plan process;</p> <ul style="list-style-type: none"> <li>▪ Pembridge</li> <li>▪ Dorstone</li> <li>▪ Colwall (Severn Trent)</li> <li>▪ Ewyas Harold</li> </ul> <p>It is anticipated that no neighbourhood plan would be delivered in advance of the Core Strategy. Confirmation was required how the agencies present wish to be consulted and involved in the process outside the mandatory consultation periods, particularly with regard to the water quality pressures.</p> <p>DB stated he would discuss this with his colleague Mark Davies and to see if</p>	

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	<p>EA has established a planning protocol for neighbourhood plans. <b>DB / MD to liaise with SB on any procedures</b></p> <p>HA queried whether a Parish could seek higher growth than that already consulted upon as even small increases in growth to rural settlements can have significant impacts upon achieving licences. SB stated that neighbourhood plans need to be pro-growth but it is anticipated that total growth from Neighbourhood Plans will be equal to that set out for the rural areas in the Core Strategy consultation albeit there may be variation in the precise amount of growth each settlement proposes.</p> <p>HP questioned whether the consultations would come from the Local Authority or the Parish to which SB stated that the Parishes would be contacting Natural England as the Council's role in the neighbourhood planning process is one of support rather than undertaking specific tasks unless instructed to do so. HP requested a copy of the parish map and, while consultation documents are usually sent to the Natural England consultation hub, it might be more appropriate for those Parishes within the Wye / Lugg catchment be forwarded to HP due to understanding and experiences on the issue.</p> <p><b>SB to forward copy of Parish map to Natural England</b></p> <p>PD queried whether a neighbourhood plan coming forward in advance of the core strategy could continue while the Core Strategy HRA advances appropriate mitigation. HP stated that such a process would be contrary to the regulations and the neighbourhood plan itself would need to tackle their water quality issue.</p> <p>HA asked as to the plan period of neighbourhood plans. SB highlighted that while it is at the discretion of the Parish, they are being encouraged to adopt a plan period that matches the Core Strategy (up to 2031).</p> <p>Neighbourhood Planning will be on all future water steering group agendas. This will ensure that all members are aware of the development proposals coming forward.</p>	<p><b>DB/MD</b></p> <p><b>SB</b></p>
<p><b>8.</b></p>	<p><b>Use Classes and projected flow / loads</b></p> <p>Following comments from Natural England about factoring in flows from non-residential and employment land uses, PD highlighted the British Water Code of Practice Flows and Loads document which provides a table for anticipated flows when designing a package treatment plant. No objection was raised to the continued use of the document however <b>HP stated that she would discuss with Ian Butterfield the availability of similar work undertaken in North West Leicestershire on flows from different land uses.</b> Furthermore HA indicated that the Code of Practice document could lead to double counting as Welsh Water work on the basis that average individual flow (0.15m<sup>3</sup>/person/day) is derived irrespective of where they are.</p> <p>PD highlighted that the British Water document does not contain information on retail. HA indicated that a sewer model would be able to provide a guide to retail contributions and Welsh Water has such a sewer model. <b>HA to examine</b></p>	<p><b>HP</b></p> <p><b>HA</b></p>

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	<p><b>the appropriateness of existing sewer model for Hereford and forward to Herefordshire Council.</b></p> <p>Should such a model not be sufficient, PD agreed to undertake detailed analysis of the current Edgar Street Grid proposals to identify drainage requirements of the retail element.</p>	
<p><b>9.</b></p>	<p><b>Update on Consultants</b></p> <p>PD advised the group that an inception meeting between Herefordshire Council and David Tyldesley and Associates has been arranged for 05 July 2012. PD asked the group is there any specific pressing issue that we should seek DTA support on. The group decided that DTA should focus on producing guidance notes (see agenda item 6) for applicants (would also support development management). While this is being progressed, work could be undertaken on advancing SIMCAT modelling for the catchment, which in turn would be beneficial for identifying and agreeing long-term mitigation measures.</p> <p><b>PD to discuss with Dr David Nicholson prior to meeting with DTA and will update the water steering group members accordingly on delivery and progression of guidance note by DTA</b></p> <p><b>PD to set up meeting to work through mitigation measures – both short-term and long-term</b></p>	<p><b>PD</b></p> <p><b>PD</b></p>
<p><b>10.</b></p>	<p><b>AOB</b></p> <p>DB introduced work undertaken by Environment Agency for Birmingham City Council on mapping its watercourses and compliance with the Water Framework Directive. DB has received confirmation that the Environment Agency will undertake similar work for Herefordshire to provide the agency with a rural example. This will aid the identification of areas of constraint and opportunity in the watercourse which in turn will aid mitigation measures. DB will keep members up-to-date on the progress (anticipated in September).</p>	
<p><b>11.</b></p>	<p><b>Dates on next meetings</b></p> <p>Water Steering Group – Monday 10 September  Technical Steering Group – based on agenda item 6 and 9, <b>PD to organise dates at the earliest opportunity post meeting with DTA.</b></p>	<p><b>PD</b></p>