

**Herefordshire Water Steering Group**  
**Minutes and Action Points**  
**Friday 28<sup>th</sup> September 2012**  
 Plough Lane, Herefordshire Council

**PRESENT:**

Ian Butterfield	IB	Natural England
Hayley Pankhurst	HP	Natural England
Mark Davies	MD	Environment Agency
Harry Adshead	HA	Dwr Cymru Welsh Water
Caroline Chapman	CC	David Tyldesley and Associates
Kevin Singleton	KS	Herefordshire Council
Sam Banks	SB	Herefordshire Council
Simon Withers	SW	Herefordshire Council
Kevin Bishop	KB	Herefordshire Council
Philip Deeley	PD	Herefordshire Council
Bridgit Symons	BS	Herefordshire Council
Robert Widdicombe	RW	Herefordshire Council

**APOLOGIES:**

Dane Broomfield	DB	Environment Agency
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ITEM		ACTION
1.	<p><b>Welcomes and Introductions</b>                      KS welcomed everyone to the meeting and round the table introductions took place.</p>	
2.	<p><b>Update from 14<sup>th</sup> September meeting</b></p> <p>PD gave an update from the previous meeting between NE, EA and HC. PD informed the group that EA are updating their Review of Consents (RoC) to make reference to the need of a nutrient management plan for the River Wye SAC. This will affirm all licences, with modifications where necessary, on the basis of further action to be taken under Regulation 64(3) such that existing headroom can be regarded as compliant with the Habitat Regulations. The nutrient management plan (NMP) will be the responsibility of EA and NE with appropriate support given from HC as required. The NMP is anticipated to be completed by July 2013 to accord with Core Strategy timetabling on taking a pre-submission Core Strategy to Cabinet. Prior to this NE and EA are advancing a statement of intent (Sol) to undertake the NMP. The purpose of this document is to inform the existing Core Strategy Habitat Regulations Assessment in order that planned consultation on the draft Core Strategy in the new year can proceed.</p>	

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	<p>MD updated the group that following internal discussions at EA it is anticipated that a draft updated RoC will be ready for comment from group members on 05<sup>th</sup> / 08<sup>th</sup> Oct. Alongside this the Sol for the NMP is anticipated to be ready for comment at the same time.</p> <p>HA highlighted that if the NMP identifies work that is required by DCWW then timetabling is critical as work on DCWW's PR14 Business Plan is underway. Alongside this EA Wales has already provided DCWW with detail as to which treatment works are requiring improvements.</p> <p>MD believed it to be the responsibility of the Local Authority to liaise with DCWW on growth projections. PD/HA informed the group that this has already been undertaken but the further work required would be driven by environmental improvements which will need to be identified in the NMP.</p> <p>IB agreed to liaise with Tony Harrington and EA Midlands office to ensure that Herefordshire treatment works are being put forward for inclusion in DCWW's emerging plans</p> <p>HA highlighted that because of investigative work required, improvement projects to treatment works are required at the earliest opportunity. Phase 2 of the National Environment Programme is scheduled for Feb 2013 with the next water quality phase in Dec 2013 which will be too late for projects to be included in DCWW's plans.</p> <p>CC discussed with the group that further HRA work is required where Core Strategy growth will outstrip existing licence. CC felt that this will represent a considerable challenge on the basis of currently proposed timescales for completion of the HRA. HA indicated that whilst DCWW would require a new permit from EA, they would not be looking for new assets but rather incremental alterations to licences. IB stated that the constant load consent could demonstrate feasibility. CC cautioned this approach as it can be difficult to demonstrate that such an approach will not result in actual increases in nutrient load to the watercourse depending on the operating practices at the treatment works. PD to calculate when it is anticipated that development would outstrip capacity and liaise with HA. This will provide a basis for discussions with EA on identifying an appropriate method to increase capacity e.g. constant load licences.</p> <p>CC and IB agreed that early discussion with CCW would be beneficial to update them on agreements to date and programme of future works. PD to liaise with CCW and invite them to future meetings.</p> <p>MD advised that a NMP was being advanced in Poole and is close to completion. The Poole NMP will identify options that could be implemented to achieve relevant water quality targets. The document could be of use in the</p>	<p><b>IB</b></p> <p><b>PD</b></p> <p><b>PD</b></p>

ITEM		ACTION
	scoping of the River Wye SAC NMP. MD to circulate version once Poole NMP is adopted.	<b>MD</b>
<b>3.</b>	<p><b>Non-mains drainage screening criteria</b></p> <p>PD questioned where Herefordshire Council could utilise NE's internal screening criteria for non-mains drainage. HP indicated that she does not support the approach in the Lugg catchment as the watercourse is already non-compliant with Conservation Objectives. PD queried this as the screening criteria are based on no likely significant effects, i.e. a development is such a distance from the SAC that it will not impact upon it irrespective of the current standard of water quality. IB stated that NE have examined screening criteria put forward by CC and agree that it potentially could be utilised by Herefordshire Council as this screening criteria is based upon criteria used in the RoC. IB will liaise with EA on this and it is anticipated that a decision will be made on 05<sup>th</sup> Oct.</p> <p>RW highlighted difficulties faced by applicants on non-mains drainage and without significant levels of detailed information (and therefore increased costs) there remains doubt and therefore in theory the only option is to block applications. CC highlighted that there is significant case law covering realistic and probable impacts. Accordingly it is necessary to define volumetric and distance thresholds.</p> <p>CC indicated that it might be advantageous to have a background paper concerning the distance and volumetric thresholds and triviality. This will reduce the risk of any challenge. PD to progress this once decision received from NE and EA over adoption of screening criteria. MD highlighted that currently applied EA standard rules screening criteria in discussion nationally. MD / DB will provide an update on any decisions.</p> <p>SB queried who is the competent authority on such issues in the Neighbourhood Planning process; Parish Council or Local Authority. CC highlighted that section 7 of the Habitat Regulations specifically mentions Parish Council's and recent DEFRA guidance on dual competent authorities may provide a clear delineation on who is the competent authority.</p>	<b>IB</b>
<b>4.</b>	<p><b>Update on UK TAG and National Environment Programme / AMP</b></p> <p>The timetabling of the NEP and AMP had been covered in the first agenda item. IB confirmed that there was no new information on the progress of UK TAG. While it is recognised that this is an area of difficulty, IB suggested it might be beneficial to write to DEFRA explaining the importance of this issue. IB will provide HC with an appropriate contact and PD to liaise with Andrew Ashcroft on drafting a letter to DEFRA.</p>	<b>IB and PD</b>

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	HA highlighted that any improvement works required and the necessary funding can only be delivered in accordance with EA's official target.	
5.	<p><b>Water Steering Group</b></p> <p>KS / PD updated the group on the agreements from the meeting on 14<sup>th</sup> September where the Steering Group is to be expanded to include adjoining authorities as well as CCW. Andrew Ashcroft is currently drafting an updated Terms of Reference for the group and PD will liaise with the adjoining authorities and CCW to update them on the progress made and invite attendees to future meetings.</p>	PD
6.	<p><b>AOB</b></p> <p>CC noted that within the RoC phosphate was not identified as a problem in relation to Rotherwas and Eign treatment works. For completeness CC thought it would be worthwhile noting the underlying reasoning for this and is necessary making reference to the driver for the improvements in relation to P that have been implemented. HA indicated the phosphate stripping at the two treatment works was likely to have been done as a requirement of the Urban Waste Water Treatment Directive due to population equivalents. MD agreed with this and will examine making reference to this in the update to the RoC.</p>	
7.	<p><b>Date of Next Meetings</b></p> <p>The next meeting is scheduled for 17<sup>th</sup> October. IB suggested that a future meeting date of either 15<sup>th</sup> Nov (pm) / 16<sup>th</sup> Nov (am). PD will circulate times and dates and organise the following meeting.</p>	PD