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HCPRE RESPONSE TO HEREFORDSHIRE COUNCIL DRAFT AGRICULTURE SUPPLEMENTARY PLANNING DOCUMENT

HCPRE has several concerns about the draft Agricultural Supplementary Planning Document (SPD) as set out below.

In general, HCPRE does not believe the SPD assists either planning applicants or officers in understanding when or where agricultural development proposals are likely to be deemed acceptable or to be refused.

The proposed use of the Farmscoper tool to try to address the severe problem of agricultural pollution to the River Wye Special Area of Conservation is of particular concern.

Before turning to the detailed content of the draft SPD, HCPRE has the following comments and queries.

Timing

The timing of the issuance of this document appears strange as it coincides with a revision of the Planning Authority's Core Strategy local development plan. Given the urgent need to address the impact of the agricultural sector on the River Special Area of Conservation (SAC) and the wider environment in the county, HCPRE expects the revised Core Strategy to contain new policies to control agricultural development.

As the SPD is based on current Core Strategy policies, it is likely to require substantial revision as the new development plan proceeds towards adoption. Members have been requesting an agricultural SPD since at least 2015, when the Core Strategy was adopted without any specific policies to address agricultural development, so it is unclear why the Guidance has been produced at this stage in the Core Strategy revision process.

Is it the intention to provide prompt revisions to the SPD in the light of changes to the Core Strategy?

Climate Change

Despite the fact that Herefordshire Council has declared a climate emergency, the only reference to Climate Change in the SPD is at paragraph 2.5, which advises that applicants should complete a Climate Change Compliance checklist.

The Council's checklist does not address the main greenhouse gas emissions from agriculture – methane and nitrous oxide - despite the sector being one of the biggest contributors to climate change.

Agriculture accounted for 69% of total UK nitrous oxide emissions and 48% of all methane emissions in 2020, according to the government's **Agri-Climate Report 2022**. It is, consequently, vital that Climate Change impacts are considered in any relevant planning application and that applicants demonstrate that their proposed development will result in a reduction in greenhouse gas emissions.

Agricultural emissions come from livestock, agricultural soils, stationary combustion sources and off-road machinery.

Best and Most Versatile agricultural land

The introduction to the SPD at paragraph 1.1 acknowledges that Herefordshire has some of the most productive agricultural land in the country, but there is no guidance to ensure the protection of best and most versatile (BMV) land. Paragraph 174 b) of the **National Planning Policy Framework** requires policies and decisions to recognise "*the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.*" Many intensive livestock units and anaerobic digesters have been built on BMV land, with



The countryside charity
Herefordshire

applicants arguing that the land remains in agricultural use. This ignores the fact that the land is put beyond any agricultural use by the erection of large buildings and infrastructure because soil is usually removed from the site and any that remains is severely compacted and covered in concrete. The SPD should set out the presumption that BMV land is not developed.

Restoration Clauses

There is no policy or guidance requiring the restoration of agricultural land at the end of the life of development. It should be remembered that agricultural buildings do not constitute previously developed land (see NPPF Glossary) and there is, consequently, no presumption for redevelopment when such buildings reach the ends of their lives.

Biosecurity

The guidance fails to address biosecurity, although this is an increasing concern given the Covid and Avian Flu pandemics. DEFRA recommends, for example, that new poultry units should be at least 3 km apart, because this is the exclusion zone in the event of outbreaks of diseases such as Avian Flu. (**DEFRA Code of Practice for the Welfare of Meat and Meat Breeding Chickens 2018**).

Bio-aerosols

Although the SPD contains a section on air pollution it fails to consider bio-aerosols. This point is addressed in more detail below.

Development Parameters

It is disappointing that the SPD fails to set parameters for agricultural development, such as acceptable distances from sensitive receptors, although there are good reasons for doing so. For example, the **Town and Country Planning (General Permitted Development)(England) Order 2015** (GPDO) recognizes 400m as the distance at which livestock buildings of more than 500 sq m are likely to have an adverse impact on neighbours and the DEFRA research report AC0104 found that dust from intensive poultry units could spread 100m. That research, however, was based on much smaller poultry units than are now commonplace and more recent research has found dust, particulates and bio-aerosols from intensive livestock units travel much greater distances and can threaten human health.

The previous Unitary Development Plan contained a policy that set out clear criteria for intensive livestock development (Policy E16). There is no equivalent in this guidance, despite ample evidence of the adverse impact that such development has on many aspects of the county. The pollution of the Rivers Lugg and Wye and the high levels of ammonia in the county are two examples of the environmental impacts of agricultural development. Dr Alison Caffryn of Cardiff University has carried out detailed research into the impacts of intensive poultry unit development on amenity and tourism*. In particular, she has drawn attention to the planning policy void, which has enabled the proliferation of such development with insufficient understanding or tools to protect those who suffer the impacts. It is disappointing that the SPD makes no reference to this research, does not appear to have been informed by it and does not satisfactorily fill this void. It is hoped that new policies in the revised Core Strategy will do so.

* **Controversies over intensive poultry unit developments in Herefordshire and Shropshire: contested values, knowledge and experience** Dr Alison Caffryn, Cardiff University, October 2020.



Livestock Numbers

Both the Rephokus Team at Lancaster University** and the government's Environmental Audit Committee*** have advised of the need to reduce livestock numbers in the Wye catchment to address phosphate pollution. Given this, it would make sense for the SPD to set out ways of doing this through the planning system, for example by setting out the change of use options available to farmers and requiring the same standard of environmental protection from intensive livestock development as is expected from the residential sector.

On page 3 of the draft SPD document there is a Map of Herefordshire showing the areas of the County that require phosphorus assessments for agricultural developments. It is obvious that all but about 10% of the County is covered by the requirement.

- a) Does the Council have sufficient expertise to check the accuracy of reports submitted by applicants for such developments?
- b) Given that there is plenty of sound evidence to indicate that the greatest proportion of current and legacy phosphorus on the land getting into the watercourses is derived from poultry manure from IPU's (the phosphorus can be in the 'raw' manure and from AD digestate) we suggest: no further IPU developments should be allowed until **ALL** the phosphorus soil levels are found to be at an approved level.

Given the recent (Jan 2023) judgment in the US District Court of North Oklahoma vs Cargill et al that those bodies have known since the 1980s that their IPU's were polluting the Illinois River but continued to do so until today, **ALL** poultry manure produced in Herefordshire should be removed from the County.

** **Re-focusing Phosphorus use in the Wye Catchment**, Paul J. A. Withers, Shane A. Rothwell, Kirsty J. Forber and Christopher Lyon, May 2022

*** **Water quality in rivers Fourth Report of Session 2021–22**, House of Commons Environmental Audit Committee

Planning Enforcement

It would also be helpful to include guidance on breaches of planning control. Some development otherwise permitted by the GPDO, requires assessment under the **Town and Country Planning (Environmental Impact Assessment) Regulations 2017** (EIA Regulations) and/or the **Conservation of Habitats and Species Regulations 2017** (Habitats Regulations). If no assessment has been carried out before commencement of development, the works are unauthorized. An example is the installation of feed silos, to convert existing buildings to pig units. Increases in livestock numbers may also result in an intensification of the use, requiring planning permission.

AONB Guidance

There is a significant error in the guidance in respect of proposed development in Areas of Outstanding Natural Beauty (AONB). If followed, the LPA would be in breach of the NPPF and a decision to grant planning permission on the basis of the advice in the SPD is likely to be unlawful. This matter is explained in more detail below.

The following comments relate to specific text or guidance contained in the draft document, and are set out in section order.

MWLP



The countryside charity
Herefordshire

Minerals and Waste Local Plan. The draft SPD says that the MWLP “recognizes the role that anaerobic digestion can play in managing natural agricultural wastes and effectively reducing the amount of raw manure that is deposited on farmland.” This is unlikely to be what the final MWLP will say, because the inspectors at examination recognized that anaerobic digesters (ADs) have the potential for significant adverse impacts on the environment. These include the risk of pollution from digestate, which still contains the nutrients contained in the manure and is generally spread to farmland. The Inspectors recommended that MWLP policy W3 no longer expresses support for ADs (or intensive livestock units), merely sets out requirements for the management of the waste they produce.

HABITATS REGULATIONS PROCESS

This section should make reference to Natural England’s guidance on securing European Site Conservation Objectives.

In the case of the Wye SAC this is the **Supplementary advice on conserving and restoring site features River Wye/ Afon Gwy Special Area of Conservation (SAC) Site Code: UK0012642.**

This contains detailed guidance as to how agriculture (and other sources) can adversely affect each of the qualifying features of the Wye SAC, including through air pollution, disturbance and water abstraction.

The SSSI units of the Wye, which underpin the SAC designation, are all in unfavourable ecological condition, in large part due to nutrient pollution which triggered huge algal blooms in recent years, but also because of low water levels, a consequence, at least in part, of over abstraction.

In its most recent formal report under Article 17 of the Habitats Directive (January 2013 to December 2018), the UK recorded the overall assessment of Conservation Status for the Ranunculus Fluitans (water crowfoot), a key qualifying feature of the Wye SAC, as “Unfavourable – Bad”. Since then, up to 95% of the water crowfoot was lost from the Wye due to algal blooms.

While phosphate pollution is a significant concern for the SAC, it is important to take a holistic approach, recognizing the range of outputs and impacts from agricultural development that may have an adverse impact on the ecology of the river. These are detailed in the Natural England guidance.

The guidance explains that the Wye is failing its nitrogen target of 1.5 mg/l and the objective of any decision should be to seek to restore the river to that target, so there is a requirement to address nitrogen pollution as well as phosphates/phosphorus. This includes reducing atmospheric ammonia levels and nitrogen deposited from the air.

ENVIRONMENTAL IMPACT ASSESSMENT

Paragraph 3.3.1 states that “applications for major developments will be screened by the Council to determine whether a proposed project is likely to have significant effects on the environment and whether an Environmental Impact Assessment is required.”

The SPD should explain that development falling under Schedule 1 of the EIA Regulations automatically requires EIA.

The SPD does not explain what is meant by “major development.”

The **Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO)** defines major development (so far as relevant to the SPD) in Article 2 as:

“.. any one or more of the following—



The countryside charity
Herefordshire

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

Livestock unit development providing more than 500 sq m of floorspace and projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes over more than 0.5 hectare require screening under Schedule 2 of the EIA Regulations. The reference to “major” development in the SPD is, consequently, potentially misleading.

It would also be helpful to make clear that EIA screening should be carried out within three weeks of the receipt of an application that falls within Schedule 2 of the Regulations, as this deadline is almost invariably missed.

PHOSPHORUS LEVELS IN RIVERS

See Habitats Regulations above and comment below on the proposed use of Farmscoper in Habitats Regulations Assessment.

AMMONIA AND NITROGEN DEPOSITION

Paragraph 3.5.4 says “*planning applications will be dealt with on a case-by-case basis until the new approaches by DEFRA and the JNCC are finalised.*”

The JNCC **Guidance on Decision-making Thresholds for Air Pollution** was published in December 2021 and should be followed. The relevant air quality and ecology bodies also have up to date guidance, which should provide the basis for air quality assessment.

The institute of Air Quality Management’s (IAQM) guidance is contained in **Land-Use Planning & Development Control: Planning For Air Quality** and **A Guide to the Assessment of Air Quality Impacts on Designated Nature Conservation Sites**.

The Chartered Institute of Ecology and Environmental Management’s **Advisory Note: Ecological Assessment of Air Quality Impact** sets out the procedure to enable ecologists and air quality specialists “*to make an informed judgement as to the ecological effects of changes in pollution concentrations and deposition rates*”.

The reference to the Woodland Trust’s guidance on ammonia impacts on woodland is welcomed, but it is important to remember that many other habitats are also vulnerable to ammonia and other types of air pollution. Plantlife has provided guidance in its report **We need to talk about nitrogen**.

LANDSCAPE AND VISUAL IMPACT

Areas of Outstanding Natural Beauty

The approach to development in Areas of Outstanding Natural Beauty in Paragraphs 3.7.8 – 3.7.10, is contrary to the NPPF and potentially unlawful.

The SPD advises that “*Each application in the AONB will be decided on its merits, and the potential impact on the AONB will be considered along with the wider economic and social benefits,*” thus prescribing an ordinary balancing exercise of harm against benefit. It fails to recognise that the “presumption in favour of sustainable development” is suspended in an AONB. (See **Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor (Rev 1) [2021] EWCA Civ 74**)



The countryside charity
Herefordshire

This is due to the operation of paragraph 11 d) i) of the NPPF, which says that development proposals that accord with an up-to-date development plan should be approved without delay unless *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development...”*

Footnote 7 lists AONBs as among those protected areas.

Paragraph 176 of the NPPF says:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.”

And Paragraph 177 says:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.”

Much more is needed than consideration of the wider economic and social benefits of development in an AONB. For major development, the applicant must demonstrate exceptional reasons to justify allowing the development in the AONB and show that the grant of permission is in the public interest.

Assessment

It is unclear why the SPD requires only Landscape Appraisal or Landscape and Visual Appraisal (LVA) rather than Landscape and Visual Impact Assessment (LVIA), despite recognising the significant adverse impact much agricultural development has on the Herefordshire landscape.

The Landscape Institute (LI) advises in **Guidance on Landscape and Visual Impact Assessment (GLVIA3)** that LVIA is automatically required in EIA cases.

The LI explains that *“The main difference between an LVIA and LVA is that in an LVIA the assessor is required to identify ‘significant’ effects in accordance with the requirements of Environmental Impact Assessment Regulations 2017, as well as type, nature, duration and geographic extent of the effect whilst an LVA does not require determination of ‘significance’ and may generally hold less detail.”*

In either case, the LI says, the assessment should follow GLVIA3 to ensure it is *“objective with clear thinking, easy to follow, and demonstrate how the (assessor has) informed appropriate siting, design, and mitigation.”*

This section of the SPD should consequently make clear that LVIA is normally required for any development likely to have a significant landscape impact and for all major and/or EIA development. GLVIA3 should be followed whether the applicant undertakes LVA or LVIA.

NOISE

We welcome the advice in paragraph 3.8.6 that noise assessment should include but not be limited to vehicle noise, feedstock delivery, broiler catching and fan noise, as noise assessments for intensive livestock units are often limited to fan noise alone. It would perhaps be helpful to require that all significant sources of noise are included within the



The countryside charity
Herefordshire

assessment, this would include, for example, the mixers, combined heat and power plants and internal vehicle movements on anaerobic digester sites.

Pig units are a particular concern, because of the very loud and disturbing noises made by large numbers of pigs.

AIR QUALITY

Paragraph 3.9.3 advises that *“some proposals will require a screening assessment. This will apply where the proposal will house over 400,000 birds and there is a relevant receptor nearby.”*

This advice is derived from DEFRA’s Review of **Air Quality Impacts Resulting from Particle Emissions from Poultry Farms** and is a misreading of the report. The requirement is for local authorities to screen existing intensive poultry units to determine whether they are causing local exceedences of national Air Quality objectives. The guidance is not relevant to planning applications.

The report was commissioned, as it explains, because *“Data from the most recent National Atmospheric Emissions Inventory (NAEI) suggests that poultry farming contributes approximately 7.1% to total primary PM10 emissions within the UK. As the UK poultry industry is dominated by very large scale units, there is therefore concern that particle emissions from poultry farms could lead locally to exceedences of national Air Quality Strategy objectives for PM10, particularly where large poultry units are present close to locations of relevant exposure. Poultry farms were introduced into the review and assessment process by LAQM.TG(09) because “a small number of local authorities have identified potential exceedences of the PM10 objectives associated with emissions from poultry farms”, albeit very localised.”*

The NAEI data was from 2011, since when there has been a huge increase in the number of intensive poultry units, especially in Herefordshire. The industry’s contribution to PM10 emissions is consequently likely to be much larger, posing a significant risk to human health.

The report says: *“Both short-term and long-term exposure to ambient levels of particles is associated with respiratory and cardiovascular illness and mortality, as well as other ill-health effects. The associations are believed to be causal. PM10 roughly equates to the mass of particles less than 10 micrometres in diameter that are likely to be inhaled into the thoracic region of the respiratory tract.”*

The local authority is consequently not only required to carry out proper assessment of PM10 emissions before the grant of permission, it should also monitor air quality once the units are in operation.

This section of the SPD should also explain that different sources of emissions to air can combine to create cumulative impacts. For example, Natural England advises the following in its **“Approach to advising competent authorities on Road Traffic Emissions and HRAs”**:

“When considering the potential for in-combination effects, a competent authority should also recognise that different proposal types (‘sectors’) and different pollutants (e.g. ammonia (NH3), nitrogen oxides (NOx and NO2)) can combine together to have the same or similar effect on a given area of habitat. By way of example, nitrogen deposition on a Site can result from both the emissions of ammonia from a farm source and also from emissions of nitrogen oxides from a traffic source, with both having an eutrophication effect.”

As noted above, a further significant concern is emissions of bioaerosols from intensive livestock units and from the storage, movement and spreading of manures. The Health and Safety Executive describes bio-aerosols as *“wood dust to a complex mixture which might include inorganic and organic material derived from feed, litter, faecal material, dander*



The countryside charity
Herefordshire

(skin material), feather and micro-organisms which could cause respiratory disease including asthma and chronic bronchitis.” (Exposure to Dust in Poultry Farming – HSE 2021).

Studies have also found a range of bacteria, endotoxins and fungal spores in emissions from pig and poultry houses.

Bio-aerosols present a threat to human health, both through effects on respiratory function and through their potential to spread disease. There is a consequent requirement to take a precautionary approach to the granting of permissions for intensive livestock units in proximity to dwellings and public spaces.

HIGHWAY SAFETY AND ACCESS

The SPD recognises the adverse impact that the traffic generated by agricultural development can have on highway safety, noise and road surfaces. However, it requires consultation on highway matters only after a planning application has been submitted and assumes that highway impacts can always be addressed through planning conditions, which is not the case. The document should make clear to prospective planning applicants that permission may be refused if the proposed development would have an unacceptable impact on highway safety.

Cumulative highway impacts should also be considered. (NPPF paragraph 110)

The SPD makes no reference to impacts on other highway users, although paragraph 112 of the NPPF requires that development proposals:

- b) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles (our emphasis)*

PUBLIC RIGHTS OF WAY

Paragraph 3.13.3 states that “*the use and enjoyment of public rights of way should not be adversely affected.*” It would be helpful to explain how agricultural development may adversely affect a public right of way, for example through odour, noise, disturbance or loss of views.

The same concerns apply to open access and other areas of land in general use by the public.

FLOOD RISK

Paragraph 3.14.5 describes major agriculture developments as “*sites of 1 hectare or more.*” Buildings of 1,000 sq m or more are also classified as major development and can increase flood risk if not provided with adequate drainage.

PRIVATE WATER SUPPLIES

Some types of agricultural development – intensive livestock units, polytunnels and anaerobic digesters, for example – consume vast quantities of water.

The SPD recognises there is a concern that where development proposals would rely on private water supplies because they may reduce water quality and availability to other residents or businesses.



However, the Guidance fails to address the impact on watercourses, including those within the catchment of the River Wye SAC. Abstraction is a significant concern for the river as low water levels have contributed to algal blooms. The recent case of ***Harris & Anor v Environment Agency [2022] EWHC 2264 (Admin)*** is relevant.

The problem of water usage applies to development relying on mains water as well as private supplies and Welsh Water/Dwr Cymru should be consulted on planning applications for development that would consume significant quantities of water.

HISTORIC ENVIRONMENT

Paragraph 3.16.1 advises that assessment of impacts on the setting of a heritage asset will be carried out at the pre-determination stage of an application and “*where appropriate, mitigation measures to address any adverse impacts*” would be agreed.

This assumes that adverse impacts are always capable of mitigation. The SPD should make clear that where there is an adverse impact on the setting of a listed building, there is a presumption for refusal by operation of paragraph 11 d) i) of the NPPF.

It would be more helpful to applicants to understand before making a planning application whether the adverse impacts of a proposed development on a heritage asset or its setting is capable of mitigation or would trigger the presumption for refusal. This is especially the case given the very high planning fees associated with some forms of agricultural development.

Historic England’s **Planning Note 3 The Setting of Heritage Assets** sets out the procedure and considerations that should apply to heritage impact statements. It would be helpful if the SPD directed applicants to follow this guidance.

ECONOMIC NEED AND IMPACTS

This section refers to economic impacts, but requires only assessment of claimed economic benefits of development and not of the adverse economic impacts agricultural development may have, for example on the tourism industry. The research by Dr Caffryn is particularly relevant here.

Paragraph 3.17.4 is again misleading as to AONB policy. An argument that a development may have economic benefits is not sufficient to meet the exceptional circumstances test for major development in an AONB. The Applicant needs to demonstrate the national need for the development, that there is no site for the development outside the AONB and that the development would serve the public interest. (NPPF para. 177)

While the provision of local services or facilities (unlikely to be an aspect of agricultural development) may be relevant to considerations of the public interest test, they are not normally sufficient on their own to overcome the great weight that must be attached to conserving and enhancing landscape and scenic beauty or the presumption against permitting major development in the designated area.

Paragraph 3.19.2 Second sentence should be amended to read “...all applicants will be **required** to enter into discussions with Parish Councils etc and to report the outcomes in the required Statement of Community Wishes”



We suggest a professionally produced **cost /benefit analysis** to the County be **required** for any agricultural development.

NUTRIENT BUDGET GUIDANCE

The Habitats Regulations require Herefordshire Council as a competent authority to have ensured, before granting any consent or permission, that the proposed development will not have a significant adverse impact on a protected habitat, alone or in combination with other development. The threshold of evidence is beyond reasonable scientific doubt.

The SPD proposes the use of the Farmscoper tool “to support a HRA assessment” of potential phosphate risks to the River Wye SAC. It is unclear what status or value the Farmscoper would have in the HRA process. It’s use would not meet the scientific certainty test for several reasons, including:

- 1) Several of the inputs to the tool are subjective, for example the drainage categories and the question of whether grazing is intensive or extensive.
- 2) Data, such as existing phosphate levels, are likely to vary across the agricultural holding.
- 3) The inputs to Farmscoper are easily manipulated to achieve a desired result.
- 4) Several of the mitigations listed in Farmscoper are required by **The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018** and are, consequently, legal obligations. They cannot be offered to offset phosphates generated by development. (See, for example, “the avoidance of applying P fertilisers to high P index soils” and “not spreading slurry or poultry manure at high-risk times”.)
- 5) The Tool does not account for the legacy phosphate problem in the Wye catchment and the need to drastically reduce, if not halt, phosphate application for several years.
- 6) There are large volumes of information that ecologist conducting the HRA will not have time, access, or possibly the expertise, to verify.
- 7) The planning authority does not have the capacity or expertise to monitor compliance with mitigations offered, even if these could be secured by planning condition or legal agreement, which seem unlikely in most cases.

Importantly, ADAS, which developed the Farmscoper tool, provides a Cautionary Note on its website advising: *“The information supplied in the FARMSCOPER software is for guidance purposes only and is not intended to fully substitute for professional agricultural advice. Users are responsible for ensuring the accuracy and completeness of all data entered and used by FARMSCOPER, and for any commercial decisions taken based on any of the outputs of this software.”* (Our emphasis)

Herefordshire Council, in adopting the use of this software, would be relying on the accuracy and completeness of data submitted by a third party when discharging its duty under the Habitats Regulations.

Applicants for planning permission are under no such duty and will wish to ensure that the Tool provides them with a result that assists them to obtain planning permission. The planning authority has no way of verifying some of the data supplied by the applicant – for example, livestock numbers are held by the Animal and Plant Health Agency, which does not disclose this information for data protection reasons.

The use of Farmscoper is likely to undermine rather than assist the production of any Habitats Regulations Assessment because it contains so much uncertainty and scope for manipulation.

A statement from an applicant that *“the development would not generate any additional phosphorus loading”* should not carry weight in the decision-making process. How would the local planning authority verify such a statement,



The countryside charity
Herefordshire

monitor the development through its lifetime to ensure it is correct and what penalties would apply if the development did increase phosphate loading?

To demonstrate scientific certainty, the baseline and proposals should be accurately assessed and mitigation should be precise, deliverable and capable of providing a measurable reduction in nutrients.

The Council has produced a phosphate calculator for the residential sector, with quantifiable phosphate credits generated by wetland development. Mitigation for agricultural development should be along similar lines, capable of providing demonstrable reductions in phosphate inputs for the lifetime of the development.

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