

**From:** Redgwell, Joanna <[Joanna.Redgwell@naturalengland.org.uk](mailto:Joanna.Redgwell@naturalengland.org.uk)>  
**Sent:** 17 November 2020 12:00  
**To:** Willimont, Marc <[Marc.Willimont@herefordshire.gov.uk](mailto:Marc.Willimont@herefordshire.gov.uk)>  
**Cc:** Minett, Claire <[Claire.Minett@naturalengland.org.uk](mailto:Claire.Minett@naturalengland.org.uk)>; [david.throup@environment-agency.gov.uk](mailto:david.throup@environment-agency.gov.uk); Duberley, Elizabeth <[Elizabeth.Duberley@herefordshire.gov.uk](mailto:Elizabeth.Duberley@herefordshire.gov.uk)>  
**Subject:** Confirmation of position FW: Combined Sewage Overflows affecting Lugg  
**Importance:** High

Hello Marc

Claire sent this to me as planning manager and I discussed the position with you, Claire and Dave Throup this morning.

The particular case in question was "Penny Bit Cottage". This was raised with us by your ecologist who asked us about the impact of CSOs. Without further information on the permitting of the CSO, rainfall data etc. the scale of the possible impact from the development via the CSO is uncertain although likely to be very small when taking into account the frequency of CSO operation, the CSO contribution relative to nutrient loading from all sources, and the relative additional contribution of a single dwelling to all elements that lead to a CSO operating. Therefore, we feel this particular case would be 'de minimus' and that, in retrospect, an overly precautionary approach has been taken.

The Dutch Nitrogen case is throwing up new questions all the time, and therefore it is to be expected that issues such as this will arise. Whilst it is our statutory role to provide advice, it is of course for the LPA to decide how much risk around uncertainty, but it can be difficult. There is a good working relationship between your staff, and Gillian and Hayley, who regularly pick up the phone to each other, but if you or they feel a case is of sufficient significance, or precedent setting, do feel free to copy me in or contact me as well, I am happy to help determine our final position.

Going back to CSOs – this case has highlighted that they do need to be considered in both the interim delivery plan and the NMP. The contributions of CSOs will need to be considered in the calculations. As this is challenging, due to the variables involved (rainfall, differing permits etc) the approach taken in developing the nutrient neutrality methodology for the Solent catchment has not been explicitly included within the NN calculation. Rather their potential impact is taken into account in the overall NN methodology, through the 20% 'buffer' or safety factor. It will be important to agree the approach for CSOs in the interim plan with the consultants, as this is an area increasingly under scrutiny. I say this assuming it is possible to incorporate this into this work, as I don't think we have seen a recent specification. As I mentioned Hayley is the key contact for this, we look forward to contact from Liz when you are ready.

I will forward this separately to Gillian, Hayley and Rob, so they are aware.

Thanks

Joanna Redgwell  
Manager West Midlands team  
Natural England, County Hall, Spetchley Road, Worcester WR5 2NP

Tel: 07900 608368

**From:** Minett, Claire <[Claire.Minett@naturalengland.org.uk](mailto:Claire.Minett@naturalengland.org.uk)>  
**Sent:** 11 November 2020 10:53  
**To:** Redgwell, Joanna <[Joanna.Redgwell@naturalengland.org.uk](mailto:Joanna.Redgwell@naturalengland.org.uk)>  
**Subject:** FW: Combined Sewage Overflows affecting Lugg  
**Importance:** High

**From:** Willimont, Marc <[Marc.Willimont@herefordshire.gov.uk](mailto:Marc.Willimont@herefordshire.gov.uk)>  
**Sent:** 10 November 2020 19:17  
**To:** Throup, David <[david.throup@environment-agency.gov.uk](mailto:david.throup@environment-agency.gov.uk)>; Minett, Claire <[Claire.Minett@naturalengland.org.uk](mailto:Claire.Minett@naturalengland.org.uk)>  
**Subject:** FW: Combined Sewage Overflows affecting Lugg

Dear Both,

I'm not sure if you are aware of recent objections to planning development in the Lugg catchment now from the risk of overflowing CSOs, rather than input into the Lugg via WWTWs?

I would welcome a conversation with you both before the TAG meeting on the 18<sup>th</sup>, as I sense this is going to get political and may not be something we could defend unless we have NE and EA support – which I'm unsure we would get.

Can you let know availability and I will get Jane to set up a Webex or Zoom to suit.

Many thanks

Marc

**From:** Willimont, Marc  
**Sent:** 10 November 2020 19:11  
**To:** Sanders, Abbey <[Abigail.Sanders@herefordshire.gov.uk](mailto:Abigail.Sanders@herefordshire.gov.uk)>  
**Cc:** Duberley, Elizabeth <[Elizabeth.Duberley@herefordshire.gov.uk](mailto:Elizabeth.Duberley@herefordshire.gov.uk)>; Bishop, Kevin <[Kevin.Bishop@herefordshire.gov.uk](mailto:Kevin.Bishop@herefordshire.gov.uk)>; Withers, Simon <[Simon.Withers@herefordshire.gov.uk](mailto:Simon.Withers@herefordshire.gov.uk)>; Banks, Andrew <[Andrew.Banks@herefordshire.gov.uk](mailto:Andrew.Banks@herefordshire.gov.uk)>; Gibbons, Kelly <[Kelly.Gibbons@herefordshire.gov.uk](mailto:Kelly.Gibbons@herefordshire.gov.uk)>  
**Subject:** RE: Combined Sewage Overflows affecting Lugg

Thanks for this Abbey.

This is something I have spoken to Liz about, following a complaint from a developer about our ecologist's comments on a Lugwardine development as I recall, feeding into the Wye and not the Lugg.

We've known about CSO discharges for years and I have always thought this was a matter for the EA to negotiate or regulate with or against DCWW. More storm lagoons, retro-suds and increased bore to sewers are often the solution and will be caught up in AMP funding and OFWAT scheduling. So what I'm struggling with here is how a developer can overcome

the CSO problem of a particular area other than to put in a private drainage system which is not what we tend to encourage in locations where we have mains.

So are we saying that entire areas of the county may still be blocked for development even if we mitigate P through wetlands, rewilding and WWTW P stripping for example, as the concern over CSOs remains a nationwide problem and is far from being a problem to Herefordshire alone.

I also struggle with the fact that CSO discharges always happen in periods of flood, which is exactly when we don't have algal blooms as the flow is so great and all the elevated BOD pollution will be downstream and out of the catchment in hours. In this respect I would have thought that it is the slow feed of phosphates into our rivers in the May – August period when we have the perfect storm of a warm water temperature with high sunshine combined with low water levels and slow flow – that surely is what we need to be most worried about for eutrophication, LSE and therefore favourable conservation status. CSOs don't cause that as far as I've always understood – for point source, its misconnections or unabated WWTWs that would.

I was going to have a discussion with Dave Throup (EA) and Claire Minett (NE) and may then extend this to a more technical discussion group involving you and Liz and planning, as I sense there are issues of consistency, fairness and compliance here although totally get the HRA / AA angle. I think it just needs more thought.

I'll let you know how this progresses and thanks for the email.

Marc

**From:** Sanders, Abbey <[Abigail.Sanders@herefordshire.gov.uk](mailto:Abigail.Sanders@herefordshire.gov.uk)>

**Sent:** 10 November 2020 11:35

**To:** Bishop, Kevin <[Kevin.Bishop@herefordshire.gov.uk](mailto:Kevin.Bishop@herefordshire.gov.uk)>; Withers, Simon <[Simon.Withers@herefordshire.gov.uk](mailto:Simon.Withers@herefordshire.gov.uk)>; Banks, Andrew <[Andrew.Banks@herefordshire.gov.uk](mailto:Andrew.Banks@herefordshire.gov.uk)>; Gibbons, Kelly <[Kelly.Gibbons@herefordshire.gov.uk](mailto:Kelly.Gibbons@herefordshire.gov.uk)>; Willimont, Marc <[Marc.Willimont@herefordshire.gov.uk](mailto:Marc.Willimont@herefordshire.gov.uk)>

**Cc:** Duberley, Elizabeth <[Elizabeth.Duberley@herefordshire.gov.uk](mailto:Elizabeth.Duberley@herefordshire.gov.uk)>

**Subject:** Combined Sewage Overflows affecting Lugg

Hello all,

Following your DM meeting yesterday, Liz has asked me to send a summary of the situation on Combined Sewage Overflow (CSO) to the River Lugg following our recent discussion with Natural England (NE).

This is the scenario where an area is on mains sewage, discharging to the Wye, but where, in times of peak flow there is an overflow for untreated effluent to be discharged into the Lugg. An application in the area around Lugwardine, Withington, Bartestree was discussed and it was agreed with Natural England that development which would contribute to this would not now be able to show no Likely Significant Effects (LSE) to the favourable conservation status of the Lugg catchment of the Wye and so could not now pass Habitats Regulation Assessment (HRA).

NE have been sent some details by James – a summary is attached showing outflows to Lugg catchment (columns 2, 4 and 6 have been added by James to interpret the original data, there are others discharging to other parts of the Wye catchment we can provide further details if required) – and are investigating this.

The original source data is on the Welsh Water website here;  
<https://www.dwrcymru.com/en/our-services/wastewater/combined-sewer-overflows/hereford>

Kind regards,

Abbey

**Abbey Sanders**

CEcol CEnv MCIEEM

Planning Ecologist | Built and Natural Environment Service  
Economy, Communities and Corporate Services

07792 880212

[Abbey.Sanders@Herefordshire.gov.uk](mailto:Abbey.Sanders@Herefordshire.gov.uk)

**Herefordshire.gov.uk**

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