

From: David Stones [REDACTED]
Sent: 10 April 2025 00:22
To: Planning Enquiries <planningenquiries@herefordshire.gov.uk>; Bailey, Josh
<Joshua.Bailey@herefordshire.gov.uk>
Subject: Objection to Planning Application P240468/F – Failure to Comply with Policy SD4

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Dear Sir/Madam

Please find attached my technical objection to the proposed foul water strategy at the proposed Greyhound Close development in Longtown. The scheme fails to comply with Policy SD4.

Kind regards
David Sones
Glandwr, HR2 0NH

Objection to Planning Application P240468/F – Failure to Comply with Policy SD4

To: planning_enquiries@herefordshire.gov.uk

FAO: Josh Bailey, Planning Case Officer

Planning Application P240468/F – Land South East of Greyhound Close, Longtown

Date: 9th April 2024

Dear Mr. Bailey,

I am writing to formally object to planning application P240468/F on the grounds that the development proposal fails to meet the requirements of Policy SD4 of the Herefordshire Local Plan Core Strategy, relating to wastewater treatment and protection of water quality, specifically in relation to phosphate pollution in the River Wye Special Area of Conservation (SAC).

1. Lack of Phosphate Permit at Longtown WwTW

Welsh Water has confirmed in its consultation response that Longtown Wastewater Treatment Works does not hold a phosphate permit. This is a critical material consideration, as it means there is no regulatory mechanism currently in place to control phosphate discharges from additional development connected to the treatment works.

The absence of a phosphate permit strongly indicates that any increase in foul water load from this development would contribute to nutrient pollution, particularly phosphates, into the downstream River Monnow and River Wye, both of which are part of or connected to designated European protected sites (SACs) that are already failing phosphate targets.

2. Failure to Provide a Habitats Regulations Assessment (HRA)

Given the acknowledged connection to a non-permitted WwTW discharging into the Wye SAC catchment, the Local Planning Authority is legally obliged to undertake a Habitats Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2017.

No such assessment appears to have been published with the application. Without an HRA and Appropriate Assessment, the LPA cannot lawfully approve the development under both national policy and European environmental law.

3. Non-Compliance with Policy SD4

Policy SD4 clearly states that:

“Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.”

“Planning permission will only be granted where adequate waste water treatment is available or can be made available in time to serve the development, and where it can be demonstrated that there will be no significant adverse impact on water quality.”

The current proposal fails both parts of this policy:

- No phosphate permit = inadequate wastewater treatment;
 - No HRA = no evidence that there will be no adverse impact.
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4. Legal and Planning Precedents

The Dutch Nitrogen case and subsequent rulings by UK courts have confirmed that development cannot be permitted where nutrient loading cannot be mitigated or assessed, especially where the relevant WwTW lacks phosphate control.

The council must follow the precautionary principle. In the absence of mitigation, a refusal is the only lawful and policy-compliant outcome.

5. Request

I respectfully request that the application be refused on the grounds that it:

- Fails to comply with Policy SD4 of the Core Strategy;
 - Conflicts with national planning policy (NPPF para180) regarding protected sites;
 - Does not satisfy the requirements of the Habitats Regulations;
 - Poses a risk of contributing to the ongoing decline in water quality in the Wye catchment.
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Thank you for considering this objection. Please confirm receipt and ensure it is recorded against the planning file.

Yours faithfully,
David Stones BEng Civil.
Glandwr, HR2 0NH