

Shropshire Council,
Planning Policy & Strategy Team,
Shirehall,
Abbey Foregate,
Shrewsbury,
Shropshire,
SY2 6ND

24/02/2021

Annwyl / Dear Sir / Madam,

Local Plan Review - 'Regulation 19' Pre-Submission Draft of the Shropshire Local Plan (DLP)

Thank you for consulting Natural Resources Wales (NRW) on the Local Plan Review - 'Regulation 19' Pre-Submission Draft of the Shropshire Local Plan which was received on the 18/12/2020.

Our comments focus on cross-boundary matters involving Welsh interest features.

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent Local Plan documents. At the time of any other consultation there may be new information available which we will need to consider in making a formal response.

Draft Local Plan Policy Comments

Landscape

We note reference in Policy S14.2. Community Hubs: *Oswestry Place Plan Area, that St Martins and Weston Rhyn are within the setting of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). Planning Policy Wales 10 requires development in the setting of an AONB to take account of the special qualities of the designated area. Proposals affecting the setting of the Clwydian Range and Dee Valley AONB must have regard to its identified special qualities in consultation with Natural Resources Wales and the Clwydian Range and Dee Valley AONB Partnership.* This policy wording appropriately deals with issues raised on this matter in our response to the regulation 18 Pre-Submission Draft of the Shropshire Local Plan (DLP) consultation (dated 13/10/2020).

We note that Policy SP3 – Climate Change – refers to supporting of renewable and low carbon. We note Policy DP26 (which supports policy SP3) sets out the criteria for renewable and low carbon infrastructure development with cross reference to other plan policies on the protection of the natural environment. We are satisfied with this approach should renewable energy come forward with the potential to impact the setting of the Clwydian Range and Dee Valley AONB. NRW should be consulted should any such schemes come forward.

Welsh Designated Sites

National Site Network

We note the Regulation 19 Pre-Submission Draft Shropshire Local Plan 2016 to 2038, Habitats Regulations Assessment (HRA), July 2020. We comment as follows in relation to the following designated sites in Wales.

Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC and Midland Meres & Mosses Phase 2 Ramsar

We note that the HRA includes an assessment of the effects upon the Fenns & Whixall Mosses SAC (paragraphs 3.75 – 3.79). The assessment appears to focus on recreational pressures on the site. In our Reg.18 response we highlighted that the site is highly vulnerable to nitrogen (N) deposition and is already widely in exceedance for its bryophyte-rich bog habitat and the SSSI feature waved fork-moss *Dicranum bergeri*. We received additional information as set out below from your authority via email (email from Joy Testil (SCC) to Daniel Davies (NRW) dated 01/02/2021).

The nearest site allocation for housing is 3.8km from the designated site and the Traffic Report (Traffic Impact on Air Quality at International Sites for the Habitat Regulations Assessment, WSP, 6 July 2020) commissioned by SCC shows that there are no busy roads within 200m of the designated site (the nearest is over 500m away). A likely significant effect (LSE) from traffic emissions was ruled out in section 2.32 of the Reg.19 HRA.

As would be expected for a Local Plan, site allocations do not include intensive livestock units, agricultural renovations, anaerobic digester plants or other developments likely to generate significant amounts of atmospheric N. The nearest allocated employment sites are between 4.3 and 7.1km from the SAC.

Any development proposed on land not allocated in the plan, which may generate atmospheric N, will be considered as described in the Regulation 19 HRA sections 2.15 – 2.26, and particularly 2.27 – 2.28. As the type and location of any windfall development is unknown, protection would be provided by applying policies DP12. The Natural Environment, DP18. Pollution and public amenity, DP26. Strategic, Renewable and Low Carbon Infrastructure and SP10. Managing Development in the Countryside. In view of this, SCC considers there will not be a LSE on the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC via atmospheric N as a result of the Shropshire Local Plan.

We concur with this conclusion.

Berwyn SPA and Berwyn and South Clwyd Mountain SAC

A meeting was held between NRW and representatives from the SCC Planning Policy team on the 12th January 2021 to discuss matters previously raised in our Reg.18 response. Clarification was provided on the general approach to investigating potential impacts from traffic emissions on internationally designated wildlife sites used in the DLP HRA. We are satisfied with the conclusions for this site (a copy of the meeting notes are provided in Appendix 1).

River Dee and Bala Lake Special Area of Conservation (SAC)

Following our Reg.18 response, we have since, during January 2021, issued the results of phosphate monitoring for Welsh riverine SACs. This is presented in [Evidence Report No. 489 Compliance Assessment of Welsh River SACs against Phosphorus Targets](#). In summary the evidence report found localised phosphorus failures in the River Dee.

We note that part of the northernmost section of Shropshire falls within the catchment of the River Dee. Residential allocations at Weston Rhyn (c.126 dwellings) and part of site STM0029 at St Martins with SMH038 (140 dwellings) plus the Community Clusters at 'Rhoswiell, Wern and Chirk Bank' and 'Selattyn, Upper/Middle/Lower Hengoed and Pant Glas' fall within the Upper Dee catchment and are around 1-2 km from the river. Whitchurch falls within the Middle Dee catchment (12km away from the river itself).

The assessment (pages 33 and 34 of the HRA) indicates that a LSE could not be ruled out on the SAC and so policies defer down to mitigate at project level. This is detailed at paragraph 3.37 onwards where it states that *'either the capacity is available for the plan period or upgrades at the appropriate time are technically possible'* and it is concluded *'through the Water Development Policies and Settlement Policies wording and the statutory requirement for a project level HRA for development, there will be no adverse effects on the integrity of the River Dee and Bala Lake SAC as a result of the Draft Local Plan'* [sic].

We have taken early steps, via our [Planning Position Statement](#) and [Interim Planning Advice Following River SAC Compliance Report](#), following the publication of Evidence Report 489 on how in our opinion it affects policy preparation and development management. These standing advice documents outline the information needs we believe a competent authority, under the Habitat Regulations, should consider in preparing the HRA for a plan or project. In light of the new evidence report we advise the information presented in these documents should be considered in the HRA for the DLP.

Severn Estuary SAC, SPA, RAMSAR

In terms of Severn Estuary SAC, SPA, RAMSAR we note the HRA conclusion that 'application of policies DP20. to 23. in the DLP will protect water courses and water bodies, and in so doing are likely to prevent adverse effects on site integrity, alone and in combination, on international sites (paragraph 3.20). We concur with this conclusion.

Tanat & Vyrnwy Bat SAC

We would refer you to our previous comments to the Reg.18 consultation which identified that there is recent evidence to suggest that there is cross-border movement of protected species (lesser horseshoe bats) between Shropshire and Powys, although not specifically from the sites that make up this SAC. This may have implications where development could impact on potential commuting routes/ corridors of vegetation between the counties and should be considered at the planning application stage. We note and welcome the proposed amendments to the policy wording of Policy S14.2 which acknowledges this matter.

Montgomery Canal SAC

We would refer you to our previous comments to the Reg.18 consultation which advised that NRW should be formally consulted when any plans to re-open the canal to boat movements close to the Welsh border at Llanymynech come to fruition, and that a HRA will be required.

Sites of Special Scientific Interest (SSSIs)

Following our Reg.18 consultation response, which questioned the approach taken to the assessment of potential impacts upon Welsh SSSIs, your Authority confirmed that a 500m buffer was applied to assess indirect effects on SSSIs arising from sites promoted for housing and/ or employment use in the DLP. For project level assessment we would expect any SSSIs within 200m of a development site to be assessed for potential impacts upon air quality from housing/ commercial development e.g. as a result from dust during the construction stage or traffic generation. The approach taken goes over and above this screening distance and therefore appears appropriate for housing/ commercial development site allocations.

You have confirmed that there is only one proposed allocation in Shropshire within 500m of a Welsh SSSI (Montgomery Canal SSSI). We are satisfied that any impacts upon that site have been adequately assessed.

Other forms of development (e.g. intensive agricultural use or large-scale combustion processes) have the potential to impact Welsh designated sites. However, we understand that there is uncertainty as to where and when certain types of development which may result in point sources of air pollution will come forward within the local plan area. We note that the DLP includes relevant policies that would require assessment of the potential impacts of such development on Welsh designated sites (National Site network and SSSIs).

Protected Species

We are of the view that the submission is not likely to be detrimental to the maintenance of the Favourable Conservation Status of any the Welsh populations of protected species.

We advise that our response identifies the requirement to consider mobile species included on Schedule 2 of the Habitats and Species Regulations 2017 (as amended). Considering the proposed allocations and extent and connectivity of the National Site Network, this will effectively be the otter in respect of the Dee catchment. We advise that our responses identify the requirement to ensure continued breeding, foraging and dispersal within the catchment.

If you have any queries, or if you require any further information, please do not hesitate to contact us.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Uwch Cynghorydd Cynllunio Datblygu / Senior Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales

Appendix 1: Meeting Notes

A meeting was held between NRW and representatives from the SCC Planning Policy team on the 12th January 2021 to discuss matters previously raised in our Reg.18 response. Clarification was provided on the general approach to investigating potential impacts from traffic emissions on internationally designated wildlife sites used in the DLP HRA.

Berwyn SPA and Berwyn and South Clwyd Mountain SAC

In order to determine if the DLP would have a Likely Significant Effect (LSE) on the Berwyn SPA or SAC the following points were clarified by SCC:

- Currently there is a general agreement that less than an increase of 1% of the relevant critical level (CLE) or critical load (CLo) of an airborne pollutant, either from the plan alone or in-combination with other plans or projects, is likely to be insignificant (Design Manual for Roads and Bridges).
- DMRB consider that an increase of 1000 AADT (Annual Average Daily Traffic) or 200 AADT HDV is roughly equivalent to an increase of 1% of the critical load or level of NOx.
- The Traffic Report provides the baseline evidence for current AADT figures (2017) for roads within 200m of the National Site Network and projected growth in AADTs to 2038, based on national traffic forecasts and TEMPRO modelling. A 25% increase in AADT was predicted over this plan period.
- For a 25% increase in AADT to exceed the 1000 AADT (or 200 AADT for HDV) significance threshold, the current AADT would have to be 4000 AADT or more (or 800 AADT for HGVs). As a precautionary measure, when screening out the National Site Network within 200m of a main road, current or baseline figures of 3200 AADT all traffic and 640 AADT HDV were used to indicate no LSE from the DLP growth alone or in combination with growth from other local plans.
- Five of the six roads (A5104, B4391, A542, B5430 and B4393) crossing the Berwyn sites from Shropshire which lie within 200m of the SAC/SPA boundary have been screened out on this basis.

This leaves the A5 with a 2017 AADT figure of 5043 for all traffic and 415 for HDVs.

The DLP HRA concludes No LSE from the general 25% predicted increase in traffic on the A5 because:

- The increase for HDV of 104 is below the 200 AADT threshold.
- The increase in AADT all traffic is predicted to be 1261. Although this is over the 1000 figure, it is not greatly so.
- The graph of pollution reduction with increase of distance from the road shows that the highest levels are within the first 50m with a steep initial decline and gradual trailing off towards 200m.
- At its closest point, the SPA/SAC is over 50m from the road and in a valley. The topography of the land combined with the location of the habitat of concern

(heathland) and for which the site is qualified is at some distance and other ecosystem features including grassland, bracken and woodland provide a buffer to NO_x dispersal from the A5.

- NO_x gases have shown a steady decline over recent years and this trend is due to continue under current control measures, even when taking into account predicted growth.
- The predicted level of NO_x increase is unlikely to affect use of the habitat by the designated bird species for the SPA.

Nitrogen Oxides (NO_x) impacts on the Berwyn SAC/SPA

With reference to the (Air Pollution Information System) APIS website and European Dry Heaths as the designated habitat type:

- If 1000 AADT is considered roughly equivalent to 1% of the critical level, then it can be assumed a precautionary 1.5% of the CLe increase by 2038 as a result of all land use plans on the A5.
- The critical level for NO_x is 30µg/m³.
- The maximum background level of NO_x for the Berwyn sites is 8.2 µg/m³ (average. 4.23 µg/m³).
- Add the 1.5% of the CLe (30x 0.015= 0.45 µg/m³) to the current maximum background level 0.45+8.2= 8.65 µg/m³ of NO_x by 2038 (Process contribution (PC) + sum PCs + background).
- This is 29% of the CLe and is less than the 70% point at which NRW would advise that a potential LSE could occur).

It can therefore be concluded there would be No LSE from traffic generated atmospheric nitrogen as a result of the DLP on the Berwyn SAC/SPA, as NO_x concentrations will be below the level at which damage is likely to occur.

Nitrogen deposition on the Berwyn SAC/SPA

With reference to APIS data:

- Currently the background level of N deposition from all sources of N is 20.16 kgN/ha/yr. This exceeds the CLo of 10-20 kgN/ha/yr for European Dry Heaths.
- Looking at the trends for N and NO_x, the trend for N deposition is steady, that for NO_x is decreasing year on year.
- The data for local N deposition shows that only 5% is due to UK road traffic. The data shows for long range deposition that deposition due to UK traffic is only 8% of the total. Agricultural and long-distance transport are by far the major contributors and reductions to these contributors must be through international and national policy and regulation.
- The 0.45 µg/m³ predicted increase in-combination by 2038 can be converted to kgN/ha/yr via a formula. NRW estimates that the N deposition from the predicted NO_x increase is less than 0.65% of the most precautionary CLo for the designated

habitats. This level of increase would be hard to detect within the 'noise' of modelling techniques.

We concur with your Authorities' conclusion that an Appropriate Assessment is not required for nitrogen deposition arising from the Shropshire Local Plan on the Berwyn SAC/SPA.

Recreational impacts on the Berwyn SAC/SPA

SCC have explained that previously recreational impacts had been screened out in the HRA as having No LSE due to only 145 houses being allocated within 10km of the nearest point of the SAC/SPA (which cover over 8000ha). Powys also have allocated relatively small numbers of houses (c.380 dwellings) between Shropshire and the Berwyn sites in the region closest to the SAC/SPA and Shropshire.

NRW were not aware of any formal visitor surveys nor the exact location of damage to designated features due to visitor pressure. Notwithstanding this, SCC have taken on board the anecdotal evidence of increased use during the Covid pandemic and the need to make provision for possible threats in future. Policy wording is in place via DP12 to require additional green space in large developments and to fund measures in SAC/SPA visitor management plans through developer contributions should such plans be produced in future (sections 3.80 – 3.95 of the Reg. 19 HRA).

We concur that sufficient protection from recreational impacts on the Berwyn SAC/SPA is provided via the policy framework in the DLP.