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Our ref: 337976
Your ref: N/A



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BY EMAIL ONLY

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Consultation: Regulation 19 pre-submission draft of the Shropshire Local Plan

Thank you for your consultation on the above dated 18 December 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Town and Country Planning (Local Planning) (England) Regulations 2012

Natural England welcomes the content of the Local Plan and we have the following comments to make.

Soundness

Natural England notes that the plan is at the publication stage and as such your authority is seeking confirmation on the soundness of the plan. As far as Natural England is concerned the plan is largely considered sound i.e the plan is positively prepared as demonstrated by policies supporting green infrastructure and preventing fragmentation of habitats. The plan is justified, the evidence base appears robust as far as Natural England's remit is concerned and alternatives have been considered throughout the plan stages. As far as Natural England is concerned most of the policies within the plan are deliverable and flexible and therefore the plan should be effective and the plan is consistent with national policy with regard to those within Natural England's remit. Natural England however has reservations about the allocations within the catchment of the River Clun Special Area of Conservation (SAC), the related policy within the plan (DP13) and the Appropriate Assessment conclusions related to this SAC which will be covered in more detail below.

Duty to co-operate

Natural England can confirm that we have been involved in discussions with the local planning authority as the plan has emerged especially in relation to the following subject areas: Water quality and quantity, air pollution, biodiversity and geodiversity, landscapes, both nationally designated and local landscape character, green infrastructure including priority habitat creation, climate change, soil, waste, strategic mitigation solutions and biodiversity net gain. Additionally the Local Planning Authority (LPA) have been involved in discussions with Natural England as the Habitat Regulations Assessment for the plan has emerged and informed the different stages of the plan.

Habitats Regulations Assessment (HRA) and the River Clun SAC

Natural England acknowledges this report and confirms that we agree with the conclusions with the exception of the River Clun Special Area of Conservation.

With regard to the Appropriate Assessment for the River Clun SAC, we note that in your HRA screening on page 33, 232 dwellings are proposed within the catchment, however in the appropriate

assessment, 319 are proposed. Natural England is concerned that residential development within the allocated sites within the catchment may not be deliverable based on the current evidence.

3.23 of the Habitat Regulations Assessment (HRA) presents the AA of the River Clun SAC and correctly establishes that it is unfavourable – declining due to levels of phosphates, nitrogen and suspended solids in the river being too high to support the population of the freshwater pearl mussels for which the site is notified. The AA acknowledges that the river is important for salmon and trout but does not mention that these fish species are essential to the life cycle of the mussels as the juvenile mussels are encysted within the gills of these fish.

3.27 states that 319 dwellings and an employment site are allocated within the catchment and that without mitigation these will have an adverse effect on the integrity of the site without mitigation which Natural England agrees with.

3.29 refers to nutrient neutrality principles and the particular difficulties of applying it within the catchment of the River Clun i.e the requirements for the restoration of the SAC versus that which is required to provide for nutrient neutrality. Natural England agrees with this.

3.30 commits to working with stakeholders to develop a plan with enough certainty of mitigation measures and actions that will unlock development which Natural England welcomes and we look forward to these discussions. However one of the concerns we have is that we do not yet know where mitigation measures to restore the SAC would be best located. Potentially these allocation sites may be required for some of the mitigation measures described in 3.29 such as integrated constructed wetlands or to be rewilded. It may therefore be premature to include these allocation at this point.

3.31 refers to the specific policy in the local plan designed to protect the River Clun SAC (DP13) which requires development to either be nutrient neutral or provide a nutrient benefit despite the acknowledged difficulties above. In addition to those difficulties the wording nutrient neutral and nutrient betterment do not describe in enough certainty what would be required. For instance a heavily fertilised agricultural field is likely to generate higher levels of nitrogen than a residential development but in-combination could still be contributing to the failure of the SAC. There may also be unintended consequences of such wording in addition. If a landowner was planning to apply for planning permission in future they could spend the preceding years applying higher levels of fertiliser in order to reduce the requirements for mitigation when it becomes time to submit a planning application.

We note that at present no acceptable nutrient neutrality or nutrient betterment schemes have been seen by Natural England and that there is currently a live planning application for 55 dwellings in Bishop's Castle which has been in-determination for more than a year which neither the developers or your authority have been able to design a scheme which meets the requirements of the Habitat Regulations which again lends credence to these allocations being premature.

DP13 Development in the River Clun Catchment

Natural England welcomes the inclusion of a specific policy for the River Clun catchment and the requirements for a robust assessment of application under the habitat regulations however for the above reasons Natural England advises caution around nutrient neutrality and betterment. The explanation wording for the policy is all correct however.

Paragraph 4.136 states

“Practical mitigation measures which would remove this effect for larger applications have yet to be proposed, but this is not to say that they will not come forward during the Plan period.”

In Natural England's opinion alongside the issues highlighted above, this policy and the associated residential allocations may not be deliverable without additional work to inform the evidence underpinning the restoration scheme. We do not believe the policy and the allocations are compatible with the Dutch Nitrogen Judgment at the present stage though you may wish to seek

your own legal advice.

Notwithstanding the above we have the following comments on the content of the plan.

The Plan's vision and strategy

Natural England advises that the Plan's vision and emerging development strategy addresses impacts and opportunities for the natural environment. We note the aspiration to protect and enhance the environment and move towards a zero carbon economy.

We note the Strategic Approach and while Natural England has no comment on the numbers of new dwellings required we support the approach overall.

Policies

SP3 Climate Change Natural England supports this strategic policy for tackling climate change. All 4 parts of the policy are strongly supported by Natural England. Natural England also strongly supports DP11 Minimising Carbon Emissions.

DP12 The Natural Environment

Natural England strongly supports this policy. It should provide protection to the most aspects of the natural environment we are pleased to see net gain has been incorporated into the plan, in our view this could contribute to significant improvements for biodiversity and contribute to wider environmental benefits such as clean air and water and to help restore, buffer and connect existing environmental assets. We look forward to working with your authority on the scheme as it develops.

DP14 Green Infrastructure

Natural England supports this policy. Well designed multi-functional green infrastructure contributes greatly to a number benefits both for people and nature. Your green infrastructure should dovetail with your biodiversity net gain strategies in order to maximise benefits.

DP18 Pollution and Public Amenity

Natural England supports this policy especially with regard to requirements for air quality assessments and consideration of tranquillity within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

DP24 Shropshire Hills Area of Outstanding Natural Beauty.

Natural England welcomes the inclusion of a specific policy for the AONB. Great weight should be given to the comments of the AONB unit. You should also consider the setting of the AONB. Development in close proximity or adjacent to the AONB could have damaging impacts on the designated landscape.

Sites of Least Environmental Value

In accordance with the National Planning Policy Framework (NPPF), the plan's development strategy appears to avoid areas of high environmental value. Natural England notes the evidence in the HRA, which demonstrates that sites of least environmental value are allocated i.e. they avoid designated sites and landscapes. This is with the exception of the allocations within the catchment of the River Clun SAC as discussed above.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Grady McLean on 07881 835753. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

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