

**Shropshire Council Local Plan
2016 -2038**

Statement of Common Ground between

**The Environment Agency and
Shropshire Council**

August 2021

Contents

1. Introduction.....	3
2. Background.....	3
3. EA Regulation 19 representation: overview.....	3
4. EA comments where SC's response involves minor modifications.....	4
4.1. Policy DP13.....	4
4.2. Policy DP19.....	9
4.3. Policy DP21.....	12
4.4. Policy DP22.....	19
4.5. Policy DP25.....	21
4.6. Policy DP26.....	22
4.7. Policy DP32.....	22
4.8. Policy DP33.....	24
4.9. Policy SP3.....	25
5. Formal approval.....	26
Appendix A: Copy of EA Representation to Regulation 19 Consultation	27
Appendix B: Summary of issues raised by EA where SC proposes no change.....	28
Appendix C: NE-EA Joint Advisory Position on the Clun catchment 23.07.21	57

1. Introduction

- 1.1. This Statement of Common Ground (SoCG) has been prepared by Shropshire Council (SC) with comments supplied by the Environment Agency (EA). It sets out the response from SC to the representation made by EA to the Regulation 19 Pre-Submission Draft Shropshire Local Plan consultation. Subsequent comments made on the draft of this document by EA clarify where issues have been resolved and where they remain unresolved. These comments are included in this SoCG under the heading EA further comments – for example the EA comments on this paragraph, are shown below (blue text used for ease of understanding).

[EA further comments](#)

- 1.2. [We have identified some areas where soundness issues remain.](#)

2. Background

- 2.1. The current Local Plan for Shropshire comprises the Core Strategy (2011) and the Site Allocations and Management of Development document (2015), together with any adopted formal Neighbourhood Plans. These documents allocate land for employment and housing and set out development management policies for the period 2006-2026.
- 2.2. Local Planning Authorities are required to keep under review, any matters that might affect the development of their area. Changes to numbers of houses needed in Shropshire and to national planning policy mean that the Council is now updating the Local Plan.
- 2.3. The Draft Shropshire Local Plan covers the period 2016-2038 and has been prepared in several iterative stages:
 - Issues and Options;
 - Preferred Scale and Distribution of Development;
 - Preferred Sites;
 - Preferred Strategic Sites;
 - Regulation 18 Pre-Submission Draft
 - Regulation 19 Pre-Submission Draft.
- 2.4. Each of these stages was subject to public consultation and comments were received from EA as a statutory consultee. The EA's Regulation 19 response ([Appendix A](#)) forms the basis for this Statement of Common Ground and is discussed in greater detail in section 3 onwards.

3. EA Regulation 19 representation: overview

- 3.1. EA's representation comprises a large number of comments on many aspects of the Pre-Submission Draft of the Shropshire Local Plan. the evidence base and the Habitats Regulations Assessment (HRA). EA indicated that they do not consider these documents to be either legally compliant or sound. They also stated that the settlement policies were not sound. In the absence of clarification SC understand that EA's views on soundness apply to all the comments they have made.
- 3.2. Given the number of comments from EA, SC feel it would not be practical to address all of them in detail in this SoCG. Accordingly, [Appendix B](#) sets out a summary

analysis of EA's representation and SC's response for all issues where the Council is not proposing a modification to the Pre-Submission Draft of the Shropshire Local Plan. The final column of Appendix B shows whether agreement has been reached for these issues.

- 3.3. The remainder of this SoCG sets out the minor modifications that SC are proposing in response to EA's comments on the following policies and their explanatory text:
- Policy DP13
 - Policy DP19
 - Policy DP21
 - Policy DP22
 - Policy DP25
 - Policy DP26
 - Policy DP32
 - Policy DP33
 - Policy SP3

4. EA comments where SC's response involves minor modifications.

Deleted text is shown as ~~struck through~~, additional text shown as **bold and underlined**

4.1. Policy DP13

EA comment

- 4.1.1. We do not agree that development policy and settlement policy wording and the statutory requirement for a project level HRA for development (as outlined in the HRA) will prevent adverse effects on the integrity of the River Clun SAC. Measures to ensure that developments achieve nutrient neutrality cannot yet be calculated and therefore there is no guarantee that nutrient neutrality can be achieved for the scale of development in the Local Plan. Suggest that development is not allocated in the Clun catchment. There may be scope for windfall proposals to be assessed on an individual basis but there needs to be some discussion on that to ensure that mitigation has a reasonable prospect of delivery.

SC response

- 4.1.2. The Council proposes to make minor modifications to Policy DP13 The Clun Catchment, and the explanatory text as follows (note: for clarity, the entire policy and explanation are reproduced, and the paragraph numbering within this relates to the Pre-Submission Draft Shropshire Local Plan):

DP13 Development in the River Clun Catchment

1. To protect the integrity of the ~~R~~**R**iver Clun Special Area of Conservation (**SAC**) and to comply with the Habitats Regulations and policy DP12, development within the catchment of the ~~R~~**R**iver Clun will only be permitted if it can demonstrate either nutrient neutrality or **a reduction in** nutrient **levels**.~~betterment~~
2. All measures relied on to deliver either nutrient neutrality or **a reduction in** nutrient ~~betterment~~ **levels** must demonstrate with sufficient certainty that they:
 - a. ~~Meet the required~~ **Will achieve either** nutrient **neutrality or a** reduction **in** **nutrient levels** ~~or improvement~~; and

- b. They can be secured and funded for the lifetime of the development's effects; **and**
- c. **Do not compromise the ability of the River Clun SAC to reach favourable conservation status.**

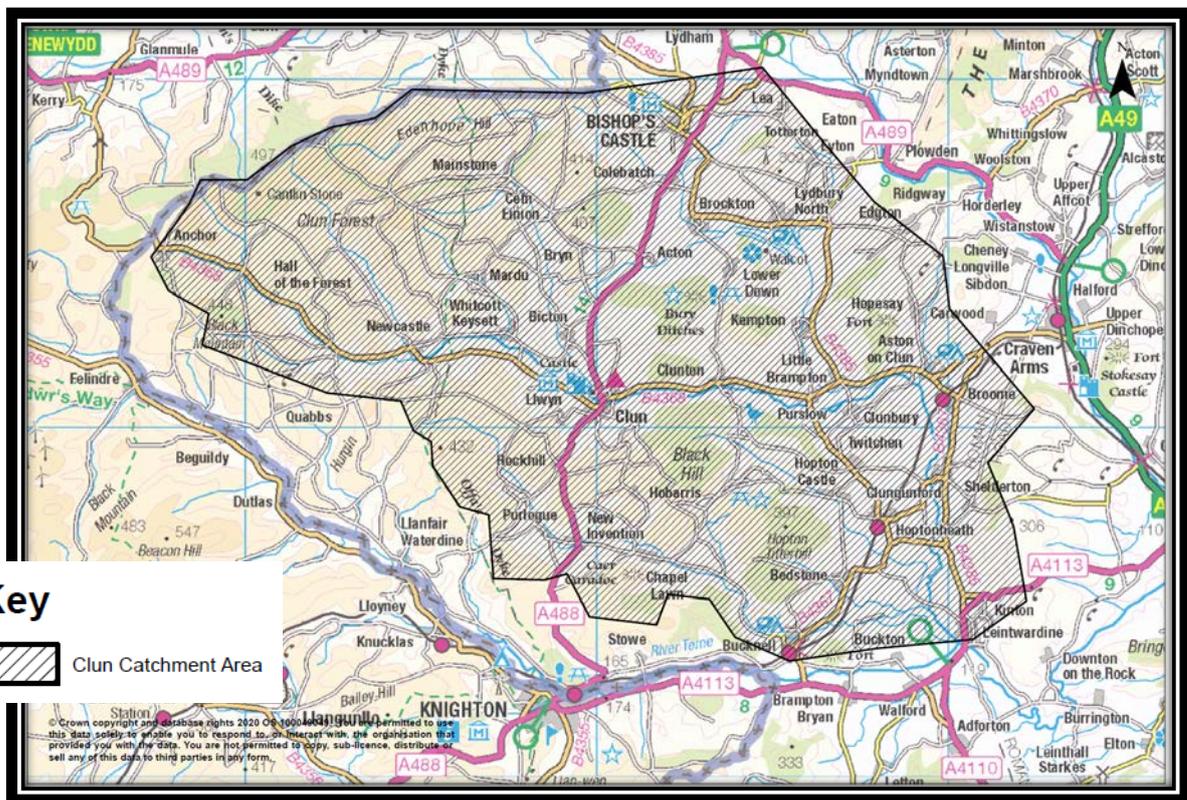
EA further comments

- 4.1.3. We have concerns on the deliverability of proposed allocation sites and deferral to this policy without detailed evidence etc upfront. See joint EA/NE advisory position statement (July 2021).
- 4.1.4. SC Note: The NE-EA Joint Advisory Position on the Clun catchment 23.07.21 is included as **Appendix C** to this SoCG

Explanation

4.134 The extent of the river Clun catchment is illustrated in Figure DP13.1.

Figure DP13.1: Extent of the River Clun Catchment



4.135 Part of the river Clun is a Special Area of Conservation (SAC) notified solely for the presence of Freshwater Pearl Mussels. The SAC is within Unit 6 of the River Teme Site of Special Scientific Interest (SSSI), which was assessed at March 2014 as being in unfavourable declining condition for a number of reasons. These include high levels of silt and nutrients (particularly ortho-phosphate and nitrogen) which affect the health of the pearl mussel population. A review of the monitoring data from the Environment Agency (EA) for the River Clun (2000-2011), shows that although there has been an improvement in the ortho-phosphate (P) concentration, it is higher than is required for a recruiting pearl mussel population. Additionally, in most of the river Clun, including within the SAC, it is higher than

that required to maintain adult mussels. The River Clun Nutrient Management Plan 2014 was jointly commissioned by Natural England and the Environment Agency. It gathered together a wealth of information on the catchment and SAC, set targets for ortho-phosphate, nitrogen and suspended solids to be achieved by 2027 and detailed a range of mitigation measures that could be applied to reach the targets. Improvements to waste-water treatment works serving the catchment were made as a result of this.

- 4.136 Notwithstanding these improvements, the Habitat Regulations Assessment (HRA) for this Plan shows that most^{*8} development in the river Clun catchment is likely to have an adverse effect on the river Clun SAC. ~~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.~~ Accordingly, to comply with the requirements of the Conservation of Habitats and Species Regulations 2017 **as amended**, this policy restricts development to that which is either nutrient neutral in terms of its effect on the SAC or results in a betterment. ~~This is in anticipation of measures to achieve either of these criteria being found in the future for the majority⁸ of development in the catchment. Such measures could include an updated Nutrient Management Plan and sufficiently robust Action Plan to provide the level of certainty required by the Habitats Regulations that the SAC restoration targets can be achieved in an appropriate timescale.~~

[EA further comments](#)

- 4.1.5. [At present there is not a sufficient level of certainty and it is unclear when such would be available. In the absence of that restoration plan \(action plan as part of the NMP\) and sufficient evidence as part of the local plan \(there is no evidence currently\), there are concerns.](#)

- 4.137 Natural England's advice on nutrient neutrality measures states that they should:
- a. Have sufficient certainty that the measures will deliver the required reduction to make the development neutral;
 - b. Have sufficient certainty that the measures will be implemented, e.g. secured and funded for the lifetime of the development's effects;
 - c. Be preventive in nature so as to avoid effects in the first place rather than offset or compensate for damage. Consideration will therefore need to be given as to (i) when the measures will come online and into effect and (ii) when the pollutants come online as the impact may be phased and take place over the lifetime of a development, rather than on day one. It may be that a range of measures may be helpful to address impacts over time;
 - d. Not undermine the objective of restoring the site to favourable condition by making the restore objective appreciably more difficult or prejudicing the fulfilment of that objective. For example, where there is only a limited pool of measures available for addressing an existing exceeded threshold and these are used to enable growth rather than bring the site **SAC** into favourable condition. The key question would be whether, in fact, there is actually a limited pool of measures in the relevant circumstances;
 - e. Not directly use or double count measures that are in place, ~~to meet the Habitats Directive article 6(1)(2) requirements~~ **or must be put in place, to protect, conserve or restore the SAC** in order to justify new growth;
 - f. Be carefully justified, together with calculations of the baseline nutrient contribution of the development and any avoidance land (e.g. wetland to avoid effects). For example, over-estimating the existing impact of development land and under-estimating existing benefits from avoidance land to reduce the amount of measures needed to meet nutrient neutrality would not satisfy the precautionary principle; and

- g. Ensure that the baseline for the development site and any avoidance land does not undermine the objective of restoring the site.

4.138 Consequently, mitigation measures to support development in achieving nutrient neutrality or a betterment will be set out in a River Clun Catchment Supplementary Planning Document (SPD). This SPD will be prepared once a River Clun SAC Restoration Plan is in place.

[EA further comments](#)

- 4.1.6. Does not seem effective, justified, or evidence based. Relies on the restoration plan being in place, which may not enable additional growth.
- 4.1.7. We have advised you undertake an evidence to inform your potential growth (allocation sites). This work might contribute to the restoration plan.
- 4.1.8. Current uncertainty.

The River Clun SAC Restoration Plan will set out the measures needed to bring the river Clun SAC back to favourable conservation status. Once these restoration measure have been determined, the mitigation measures needed to remove the impact of development on the SAC can be identified. Mitigation measures to remove an adverse effect from development must be in addition to, and must not prevent, the delivery of restoration measures for the SAC. If the SAC Restoration Plan identifies that developer contributions are also necessary to make development in the Clun catchment acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development; then these will be sought in line with Policy DP25.

[EA further comments](#)

- 4.1.9. Evidence on likely mitigation including cost/feasibility etc should inform if this is necessary. Not just rely on 'if' a later potential from any restoration plan (which may not enable additional growth). It seems premature to include this related to your proposed allocation sites.
- 4.1.10. Related, notwithstanding the above concern, Policy DP25 also suggests a potential limit of 50 dwellings for contributions which of course may not assist delivery of any potential development contribution scheme in the Clun catchment
- 4.1.11. Confidence that there would be feasible deliverable measures in place in the plan period is considered low.

4.139 The Council will support the statutory agencies and other relevant stakeholders in the preparation of the River Clun SAC Restoration Plan at the earliest opportunity in this Local Plan period, and to an agreed timescale. This, and the subsequent River Clun Catchment SPD will give the necessary certainty that the SAC can be protected from the adverse effects of development and will provide clarity and certainty for applicants on how to meet the requirements of this policy.

[EA further comments](#)

- 4.1.12. We have no timescale for the production of the NMP RP or timescales for implementation of any measures to achieve betterment for the SAC.

4.1.13. An SPD might provide general 'guidance' but a lot of the detail should be provided as 'evidence' up front now, this is what we have been advising. Inclusion of any site allocations seems premature. We advise they are removed.

4.140 The River Clun Catchment SPD will also include a nutrient calculator. This will enable applicants to assess the amount of nutrients currently entering the river Clun SAC from their site and compare this with those projected to arise once development has taken place. Where development would increase nutrient levels, applicants will then be able to determine the most appropriate mitigation measures for achieving nutrient neutrality or providing a betterment.

⁸ *Shropshire Council has produced a Guidance Note on Development within the river Clun catchment which gives information on what types of development are not likely to damage the SAC and the information needed to support such applications*
www.shropshire.gov.uk/media/1874/gn12-development-within-the-river-clun-catchment.pdf

4.1.14. The Council considers that these minor modifications to Policy DP13 provide sufficient certainty that adverse effects from development in the river Clun catchment can be avoided and the River Clun SAC can thus be safeguarded. Additionally, as the housing allocations in Bucknell and Clun will be subject to Policy DP13, the Council considers it appropriate to continue to include them in the Draft Shropshire Local Plan.

[EA further comments](#)

4.1.15. Agreement not reached. There is current uncertainty in the absence of evidence to demonstrate otherwise to include sites within the Clun Catchment in this plan. The need for evidence as part of an effective plan making process and the inability to rely on a restoration plan is explained elsewhere.

Policy DP13: Agreement not reached

4.2. Policy DP19

Policy DP19		
EA comment	SC response	Agreement reached
Suggested amendments to make the policy more effective		
<p>1. Para 6: Proposals should help to conserve and enhance existing watercourses and riverside habitats in line with Policy DP12 wherever possible. Management, mitigation and compensation measures will be included should aim to improve water quality and create or enhance riverine and aquatic habitats</p>	<p>1. Amendment not accepted. This part of policy DP19 seeks to encourage the conservation and enhancement of existing watercourses. This amendment would impose an unjustified requirement. No change proposed.</p>	<p>No EA further comments The wording encourages and aims to include Maybe it could say “will be included, where necessary...”</p>
<p>2. Point 1 should be amended to say “maintain” or to meet good status.</p>	<p>2. Amendment accepted, and minor modification proposed. 1. Development proposals which would lead to deterioration in class under the Water Framework (WFD) or compromise the ability of those water bodies covered by the WFD (Water Framework Directive) to maintain or meet good status standards, both during construction and when operational, will not be supported.</p>	<p>Yes</p>
<p>3. Point 2b should be revised to: “Prevented hazardous substances from entering groundwater and limit non-hazardous pollutants from entering groundwater.” This applies to all groundwater, not just within SPZ1 / SPZ’s.</p>	<p>3. Amendment not accepted. Any discharge of pollutants which enter groundwater directly, or may enter into the soil and reach groundwater, is a groundwater activity. Such an activity requires an environmental permit which is administered by the Environment Agency. The planning system should not duplicate other regulatory regimes. No change proposed.</p>	<p>No EA further comments An EP may not regulate all of this. No further comment.</p>
<p>4. Within Shropshire there are many people who rely on private water supply wells, boreholes and springs for their potable water. Proposals in rural settings not served by mains foul drainage must consider the issue of</p>	<p>4. The Council recognises the importance of protecting private potable water supplies and a minor modification to paragraph 4.178 is proposed as follows: 4.178 Water is an important and essential resource that needs to be managed in a sustainable way, so that it may continue to support Shropshire’s homes, farms, industry, recreation and</p>	<p>Yes</p>

Policy DP19		
EA comment	SC response	Agreement reached
<p>appropriate foul drainage provision. Private potable groundwater should be considered as part of the planning process – such might be apparent through a water features survey and you might seek a default ‘50m radius’ from any such supply to ensure this potential risk is covered.</p>	<p>biodiversity. The mains supply provides most of Shropshire’s drinking water, but private water supplies are a significant feature of some remoter rural areas. These private supplies are sourced from ground water and surface water <u>and should be taken into account, particularly in relation to non-mains foul drainage.</u> Surface and ground water are important to people and the wider natural environment, so their use needs to be sustainable, sources need to be safeguarded from pollution and over- abstraction and development needs to avoid contamination or obstruction.</p>	
<p>5. Paragraph 3. We agree as there are certain development proposals (uses or design aspects) within a SPZ1, or the protection zone of a private potable groundwater supply, which will result in an ‘Objection in Principle’ from us. We suggest you could add ‘Development within SPZ2 and 3 will only be permitted where an appropriate risk assessment is provided’.</p>	<p>5. No change proposed. Any discharge of pollutants which enter groundwater directly, or may enter into the soil and reach groundwater, is a groundwater activity. Such an activity requires a risk assessment as part of an application for an environmental permit administered by the Environment Agency. Adding a requirement for a risk assessment to this policy for SPZ2 and 3 would duplicate an existing pollution control regime. Additionally, compliance with such regimes is required by Policy DP18. No change proposed.</p>	<p>No EA further comments The policy covers development proposals in SPZ so would cover majority of the most sensitive areas. Permitting might not cover the rest but we wouldn’t make any further comments on this.</p>
<p>6. Paragraph 4. Notwithstanding the commitment to high levels of water efficiency in new development, the Local Authority should ensure that it has fully taken into account the availability of water for new developments, particularly in areas of water stress.</p>	<p>6. Noted. The Shropshire Water Cycle Study demonstrates that there is sufficient water available to support the levels of growth proposed in the Local Plan. No change proposed.</p>	<p>Yes EA further comments Agree, the WCS looks at a strategic water supply balance. Non mains water issues would need to be looked at individually</p>
<p>7. Paragraph 5c: Non mains drainage should assess water quality impacts.</p>	<p>7. Noted. The Policy specifically covers non-mains drainage in point 5c. No change proposed.</p>	<p>Yes</p>

Policy DP19		
EA comment	SC response	Agreement reached
		<p><u>EA further comments</u> Yes agree, whether you could refer to the order of preference for non mains systems and an avoidance of cesspools. Herefordshire Council have an approach to cover rural non mains drainage issues.</p> <p>Some lines from that - Where evidence is submitted to the local planning authority to indicate connection to the wastewater infrastructure network is not practical, alternative foul drainage options should be considered in the following order: provision of or connection to a package sewage treatment works (discharging to watercourse or soakaway); septic tank (discharging to soakaway).</p> <p>The use of cesspools will only be considered in exceptional circumstances and where it can be demonstrated that sufficient precautionary measures will ensure no adverse effect upon natural drainage water quality objectives.</p>
8. Paragraph 7: (re river restoration...) move to flood risk section (doesn't really sit with water resource/quality).	8. Amendment not accepted. This paragraph also covers asset renewal which does fit with the remainder of the policy. No change proposed.	Yes <u>EA further comments</u> River restoration and enhancement could sit within the flood risk policy. We agree it could also be part of water supply /waste water asset renewal

4.3. Policy DP21

Policy DP21		
EA comment	SC response	Agreement reached
Suggestions to make the policy sound and more effective		
1. The policy is quite long and seems to duplicate some parts of the NPPF and NPPG guidance.	1. No change proposed. The policy is designed to synthesise national policy and guidance to provide clarity for all those involved in the Development Management process.	Yes
2. Paragraph 7: We previously advised to focus on specific local Shropshire flood risk requirements linked to the SFRA e.g. flood risk reduction and betterment for 'all' proposals in flood zone 3 'including climate change' (rather than just those subject to the Exception Test).	2. Minor modification for clarity to Para 7 of policy proposed: 7. Where development in Flood Zones 3a and 3b is permitted it should be designed and constructed to remain operational and safe in times of flood and where possible, to reduce flood risk or provide a betterment. Development permitted in Flood Zone 3b should also be designed and constructed so that it does not: a. Impede water flows; and/or b. Increase flood risk elsewhere; and/or c. Result in a net loss of floodplain storage.	Yes
3. Flood risk reduction and betterment opportunities should be sought for all proposals in flood zone 3 (including climate change) not just part 10 of the policy... but specifically...In those catchments	3. Noted. Minor modification in point 2 above addresses this point. No change proposed.	Yes EA further comments Yes, agree – change to para 7 ensures that will be relevant to all proposals in FZ3 (or 1% CC) not just those catchments where the

Policy DP21		
EA comment	SC response	Agreement reached
where the cumulative effect of development is likely to have the greatest impact on flood risk, (as set out in the SFRA Level 2)		cumulative effect of development is likely to have the greatest impact on flood risk.
4. Paragraph 2: This part is confusing - 2. The Sequential Test is not needed for; a) Development on land allocated in this plan unless the use of the site (is a greater vulnerability that that allocated) or is not in accordance with the use specified in this Plan.	4. Text omitted in error so minor modification proposed to paragraph 2a 2. The Sequential Test is not needed for: a. Development on land allocated in this plan unless the proposed use of the site has either a greater vulnerability than the allocated use or is not in accordance with the use specified in this Plan.	Yes
5. Paragraph 4.191: The sequential approach is still necessary at FRA level e.g. specific proposals on site to guide development to the best, lowest risk areas and to avoid flood risk.	5. Agree that parts of a site at lowest risk of flooding should be preferred. Minor modification to paragraph 4.191 proposed. 4.191 The Sequential Test is applied at all stages in the planning application process, both between different flood zones and within a flood zone: and within a site so that areas at least risk of flooding are preferentially developed . All opportunities to locate new developments (except Water Compatible) in reasonably available areas of little or no flood risk should be explored, prior to any decision to locate them in areas of higher risk.	Yes
6. Paragraph 4.194. New climate change figures for peak river flow are coming out and we will provide an update in due course. Maybe include a line at the end of this paragraph to refer to future EA updates.	6. Agree that future updates to climate change allowances should be considered in the planning process. Propose minor modification to para 4.194 4.194 The effects of flooding are expected to worsen with climate change and this needs to be taken into account when considering development. The Environment Agency has produced guidance on the allowances for climate change for each river basin district. which are regularly updated . Shropshire falls within the Severn river basin district. Depending on the vulnerability of development	No EA further comments The NPPG (Government policy) publishes the Climate Change guidance, not the EA, but we have a local area CC Guidance. The SFRA-1 is likely to be out of date and need an update from 20 July 2021 when new CC allowances for peak river flows (fluvial) are published and an update likely provided on NPPG. See:

Policy DP21		
EA comment	SC response	Agreement reached
	<p>proposed, and the flood risk classification, different allowances should be taken into account as set out in the Shropshire SFRA-1 <u>and any updates from the Environment Agency.</u></p>	<p>https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances <u>Amended line -</u> The Environment Agency has produced 'local area' guidance on the allowances for climate change for each river basin district. <u>which are regularly updated.</u> Shropshire falls within the Severn river basin district and there are local 'management catchments' within this (peak river flow maps and allowances are available at https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=363522b846b842a4a905829a8d8b3d0 c) Depending on these catchments, and vulnerability of development, different allowances should be taken into account. See <u>any updates from the Environment Agency and detail at</u> https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances</p>
<p>7. Paragraph 4.195. A separate (FRAP) permit or (LA permit) may be required.</p>	<p>7. Noted. No change proposed.</p>	<p>Yes</p>
<p>8. Paragraph 10 of the policy. We would welcome an inclusion to say that all development provides flood risk contributions to help bring forward new or existing flood defence improvement schemes.</p>	<p>8. Paragraph 56 of the National Planning Policy Framework (NPPF) states "Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development". It is considered that the requirements of draft Policy DP21 are</p>	<p>No EA further comments We understand your comment in the context of 'all development' but we mean all development including access within flood zone 3 (1%cc) or reliant upon flood warning/existing defence,</p>

Policy DP21		
EA comment	SC response	Agreement reached
	<p>consistent with the requirements of the NPPF (including paragraph 56), having been informed by the NPPF itself, the Strategic Flood Risk Assessment (SFRA) undertaken to inform the draft Shropshire Local Plan, any Flood Risk Assessments (FRA) necessary for specific development proposals and any other relevant information. It is not considered that a requirement for all development (irrespective of its location and the conclusions within available evidence) to make contributions toward flood warning services or new/existing flood defence maintenance is appropriate, nor is it considered to comply with paragraph 56 of the NPPF</p>	<p>could offer a flood risk contribution, being reasonable in those necessity tests.</p>
<p>9. Introductory sentence to policy. The recognised flood risk policy hierarchy is to appraise, manage and reduce flood risk approach. This is normally looked at in terms of ‘assess’ – avoid, substitute (Sequential Test or Sequential Approach/Alternative uses), then control measures and mitigation (as a final option). Presumably by minimise flood risk in the first instance you mean avoid? And managing residual risk are those risks that remain after the usual appropriate design control mitigation has been fully considered/incorporated.</p>	<p>9. Noted. The phrase, ‘minimise flood risk’ is intended to include avoidance through the sequential approach whilst recognising that it isn’t always possible to completely eliminate all risk of flooding. This is consistent with national policy which requires a sequential approach followed by an exception test. SC confirm that managing residual risk is as the representation suggests.</p>	<p>Yes EA further comments No further comment – we were encouraging use of the term avoidance which is also part of your SFRA terminology.</p>
<p>10. Para 4.188. SFRA also considered/ included a level of ‘climate change allowance’ – appropriate ‘at that time’ (in line</p>	<p>10. Noted. No change proposed.</p>	<p>Yes EA further comments No further comment here, see climate change comments above</p>

Policy DP21		
EA comment	SC response	Agreement reached
with government guidance) note to new emerging update to peak river flows (fluvial).		
<p>11. Para 4.193. Suggested amendments in bold. This policy sets out when a site-specific Flood Risk Assessment (FRA) is needed to inform a planning proposal. In considering the safety of the development, the FRA must demonstrate the occupants of any new dwellings will have access to an area of “dry ground above the 1% river flood level plus climate change” or safe refuge.</p>	<p>11 and 12 Minor modifications to paragraph 4.193 proposed as follows:</p> <p>4.193. This policy sets out when a site-specific Flood Risk Assessment (FRA) is needed to inform a planning proposal. In considering the safety of the development, the FRA must demonstrate the occupants of any new dwellings will have access to an area of safe refuge. Where prior evacuation is the safest option, the refuge should be an area outside of 1% annual exceedance probability flood event from all sources. Where prior evacuation is not preferred, internal safe refuge must be provided. The FRA should <u>follow the guidance in the Flood and Coastal Erosion section of the NPPG and</u> provide an evidence base for the Council to determine which option is the safest for that particular proposal.</p>	<p>No</p> <p><u>EA further comments</u> EA comment 10 and 11) -those comments were intended to inform specific development proposals in the absence of clarity on those points perhaps in the NPPG - dry ground above 1% river flood level plus climate change. But we note you have taken that level of detail out.</p> <p>The L2 SFRA actually confirms - Safe access and egress should be available during the design flood event. Firstly, this should seek to avoid areas of a site at flood risk. If that is not possible then access routes should be located above the sign flood event levels. Where that is not possible, access through shallow and slow flowing water that poses a low flood hazard may acceptable.</p> <p>And more specific detail is within your level 1 SFRA - 9.3.4 Access and egress.</p> <p>Maybe just refer to that (SFRA link) too if you el necessary.</p> <p>No further comment</p>

Policy DP21		
EA comment	SC response	Agreement reached
<p>12. Para 4.193. Suggested amendments in bold. Where prior evacuation is the safest option, the refuge should be an area outside of 1% annual exceedance probability with climate change flood event from all sources. Where prior evacuation is not preferred, internal safe refuge must be provided at an appropriate level above the 1% with climate change, with appropriate freeboard, flood level. The FRA should provide an evidence base for the Council to determine which option is the safest for that particular proposal. This should include:</p> <p>FRA should demonstrate that the development has safe, pedestrian access above the 1% river flood level plus climate change. Pedestrian access should preferably remain flood free in a 1% river flood event plus climate change. However, in cases where this may not be achievable, the FRA may demonstrate that pedestrian access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (above the 1%</p>		See above

Policy DP21		
EA comment	SC response	Agreement reached
<p>river flood level plus climate change). Reference should be made to DEFRA Hazard risk (FD2320) – ‘Danger to People for Combinations of Depth & Velocity’ (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320 at: http://evidence.environment-agency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/FD2320_3364_TRP_pdf.sflb.ashx</p>		

4.4. Policy DP22

Policy DP22		
EA comment	SC response	Agreement reached
<p>1. We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our approach to managing and protecting groundwater: https://www.gov.uk/government/publications/groundwater-protection-position-statements. In addition, they must not be constructed in ground affected by contamination. Also SuDS attenuation basins should normally be located outside of the 1% annual probability fluvial, with climate change, floodplain to avoid operational issues. (e.g. from the system flooding out during a flood event).</p>	<p>1 and 3. Technical details on the design of SuDS, whether urban or rural is covered in the Shropshire Council's Surface Water Management: Interim Guidance for Developers, Shropshire Council's SuDS Handbook (upcoming) and/or the Construction Industry Research and Information Association (CIRIA) SuDS Manual. Paragraph 1 of Policy DP22 requires all major development to be in accordance with these documents. No change proposed</p>	<p>Yes EA further comments Noted. Whilst they may not cross reference to the groundwater position statements. No further comment.</p>
<p>2. Paragraph 6. This could say 'The appropriate climate change allowances 'for peak rainfall' should...</p>	<p>2. This is a useful clarifications and minor modification is proposed as follows: 6. All development must avoid increasing flood risk elsewhere. Runoff from the site post development must not exceed pre-development rates for all storm events up to and including the 1% Annual Exceedance Probability (AEP)1 storm event with an allowance for climate change. The appropriate climate change allowances for peak rainfall should be defined using relevant Environment Agency guidance.</p>	<p>Yes</p>
<p>3. It may be worth a line on rural SuDS and sedimentation control here. For guidance on Water Storage Reservoirs and Rural SuDS to help meet Water Framework Directive objectives please see https://www.gov.uk/government/uploads/system/uploads/a</p>	<p>See 1 above.</p>	<p>Yes</p>

Policy DP22		
EA comment	SC response	Agreement reached
ttachment_data/file/291508/scho0612buwh-e-e.pdf and http://www.ukia.org/		

4.5. Policy DP25

EA comment

- 4.5.1. Where Section 106 is necessary your 4.227 of Policy DP25 suggests that “It is expected this is only likely to be necessary on larger proposals of over 50 dwellings”. However a flood risk contribution (as we have done in the past for sites reliant upon/benefitting from defence and/or flood warning e.g. in Coleham, Shrewsbury for example) may be necessary and relevant to ‘any’ residential scheme.

SC response

- 4.5.2. Policy DP25 identifies the proposed approach to securing any infrastructure necessary to support development. Given this proposed approach it is considered likely that S106 Planning Obligations will, in most instances, only be associated with developments of 50 or more dwellings. Minor modification proposed to Policy DP25 explanation paragraph 4.227 to clarify circumstances for section 106 as follows:

4.227 In some cases it is likely that the CIL derived from a development will be insufficient to meet the specific infrastructure needs of that proposal. In these instances the Council will consider applying additional Section 106 contributions to development where these are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development. It is expected this is **generally** only likely to be necessary on larger proposals of over 50 dwellings **(this of course excludes the circumstances where Section 106 contributions are required for provision of affordable housing, which is separate to the CIL process)**. Where this is considered necessary, consideration will be given to the viability of the proposal

EA further comments

Not sure where the 50 dwelling threshold has been taken from/informed by? We note it says only likely to be necessary on larger proposals over 50 dwellings. Maybe that wouldn't exclude those smaller than that where it meets the tests and we could seek some flood risk contributions (based on our comments to DP21, para 10, above) as per our current process.

This is supported by para 9.3.7 of your SFRA L1.

Agreement not reached

4.6. Policy DP26

Policy DP26		
EA comment	SC response	Agreement reached
1. The Local Authority should ensure that it has fully taken into account the availability of water in new developments, particularly in areas of water stress (Shropshire is moving towards serious water stress).	1. Amendment to part (i) of policy accepted and minor modification proposed: (i) Hydropower applications should pay attention to fish stocks, migratory fish impact and normally be accompanied by; a Flood Risk Assessment (see also Policy DP21); <u>a Water Framework Directive Assessment; and geomorphological assessment</u>	Yes
2. There is the need for appropriate foul drainage arrangement, to avoid extensive proliferation of non-mains drainage. Suggest reference to DP19 should be included to make it more effective.	2. Assessments for noise and air quality emissions are covered by Policy DP18 and so do not need to be specified in this policy. Minor modification to part (j) of policy to cover bio-aerosols proposed: (j) Biomass, energy from waste, biogas and anaerobic digestion proposals should also address the impact on vibration, odour, <u>bio-aerosols</u> and dust (the latter for biomass and energy from waste only). Opportunities to recover heat and power are encouraged in accordance with Policy SP3; and	Yes

4.7. Policy DP32

Policy DP32		
EA comment	SC response	Agreement reached
1. Paragraph 1. Suggest amendment as follows Further to Policy SP17, the development of waste transfer, recycling and recovery facilities will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily avoided and subsequently controlled and managed. Particular consideration will be given (where relevant) to:	1. With regard to proposed amendments to para 1 of draft Policy DP32, it is considered unlikely that <u>all</u> potential adverse impacts can be avoided as suggested in the comment. Such a requirement would be inconsistent with national policy for waste and would impose an unreasonable constraint on this type of essential business and community infrastructure in circumstances where impacts can be satisfactorily controlled. As such, no change is proposed.	No EA further comments No - Whilst that may be the case for some developments, our comment was based around the preference/need to 'avoid' impact from emissions to land air and water first. Then control and mitigate. The policy jumps straight to control. We suggest it could say avoided or controlled... This is linked to Appendix B location criteria of the National Planning Policy for Waste and proximity of sensitive receptors.

Policy DP32		
EA comment	SC response	Agreement reached
<p>2. Paragraph 2 a. Maybe include odour, dust and bio-aerosols.</p>	<p>2. With regard to para 2a of draft Policy DP32, it is acknowledged that this is a useful clarification and a minor modification is proposed.</p> <p>2a. In-vessel composting and anaerobic digestion facilities will be permitted in appropriate locations, including the re-use of existing buildings or as part of an integrated waste management facility. Open air composting facilities will be permitted in appropriate locations where odour, dust and bio-aerosol emissions can be acceptably controlled and the scale and impacts of the operation do not materially conflict with surrounding land uses</p>	<p>Yes</p>
<p>3. General. The policy could also include the following text. We would encourage the parallel (twin) tracking of an Environmental Permit application with the planning application to provide a greater degree of certainty (on the land use planning impacts and pollution control measures).”</p>	<p>3. and 4. With regard to paras 3 and 4 of draft Policy DP32, it is acknowledged that promoting opportunities for twin-tracking of an Environmental Permit application and Planning Application for a site would provide a greater degree of certainty to the applicant, although this is not a policy consideration. As such an appropriate minor modification is proposed to the paragraph 4.280 in the explanation to draft Policy DP32.</p>	<p>Yes</p>
<p>4 Explanatory text. Could include: "Where developments are subject to an Environmental Permit from the Environment Agency, the EA would encourage pre-application discussions. These applications should provide an appropriate level of detail to inform a reasonable degree of certainty on the planning application and to ensure the principle of the development and use of</p>	<p>Where a Pplanning applications for waste management activities would also require an environmental permit from the Environment Agency, the Environment Agency encourage pre-application discussion <u>Where a Pplanning applications for waste management activities would also require an environmental permit from the Environment Agency, the Environment Agency encourage pre-application discussions and Shropshire Council encourage twin tracking of the environmental permit and planning applications. These applications</u> should provide an appropriate level of</p>	

Policy DP32		
EA comment	SC response	Agreement reached
the land is acceptable with cross reference to permitting constraints”.	detail to inform a reasonable degree of certainty on the planning application and to ensure the principle of the development and use of the land is acceptable with cross reference to permitting constraints. Where development is also subject to approval under pollution control regimes, Shropshire Council will continue to work closely with the Environment Agency to manage the relevant impacts. Further guidance is available from the Environment Agency.	

4.8. Policy DP33

Policy DP33		
EA comment	SC response	Agreement reached
1. Paragraph 2. Landfill/Landraising sites should be located appropriately with reference to relevant documents and policies e.g. (https://www.gov.uk/government/publications/groundwater-protection-position-statements and https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site). Cross reference to DP19 should be made.	1. It is considered that para 2a of draft Policy DP33 provides appropriate reference to the need for compliance with water management and water resource protection policy requirements. Furthermore the draft Shropshire Local Plan should be read as a whole and draft Policy DP19 specifically addresses water resources and water quality.	Yes
2. General. EA normally objects to any proposed landfill site in SPZ1 and does not encourage such in any nominal SPZ for unregulated SPZ supplies. A detailed risk assessment to look at the nature, quantity, impacts and the water table is needed.	2. For clarity a minor modification is proposed to cross reference draft Policy DP19 within para 2a of draft Policy DP33. 2a. Comply with relevant water management and water resource protection policy requirements <u>in accordance with Policy DP19;</u>	Yes
3. General. Parallel tracking is recommended. The hydrogeological risk assessment submitted with a landfill permit application can be used to determine how EA	3. The need to consider opportunities for parallel tracking is recognised. This is proposed to be addressed through a minor	Yes

Policy DP33		
EA comment	SC response	Agreement reached
position statement E1 applies to the planning application. Sites below the water table in sensitive groundwater settings should be refused.	modification to para 4.280 of the explanation to draft Policy DP32. (see paragraph 4.7 above)	

4.9. Policy SP3

Policy SP3		
EA comment	SC response	Agreement reached
1. Paragraph 4. Should include “by avoiding inappropriate development in fluvial flood risk areas”.	1. Minor modification proposed to paragraph 4a of the policy to accommodate the point being made: 4 a) <u>Minimising flood risk by avoiding inappropriate development in areas at highest risk of flooding and by</u> integrating design standards and sustainable drainage systems (SuDS) to manage flood risk associated with more extreme weather events;	Yes
2. General. Your plan appears centred around increasing growth and economic productivity....in line with our strategic climate change objectives and move towards net zero carbon, your Council's declaration and SA objective, we would encourage you to ensure all growth and related transport options are sustainable in the long term with emphasis on addressing the effects of climate change too.	2. Noted. No change proposed. The Local Plan sets out the Council's strategy for the delivery of the objectively assessed housing need and employment requirement. It has been subject to Sustainability Appraisal which assesses policies and site allocations against a range of sustainability objectives, including those designed to minimise, mitigate and adapt to climate change.	Yes
3. Paragraph 4 d. Support. Integrating water efficiency measures to mitigate the impact of drought and reduce resource and associated energy consumption. Whether it needs to link to policy DP20; and/or refer to the expected higher levels of water efficiency standards here? (Noting future likely 'serious water stress' in Shropshire) – see DP20 comments.	3. Support welcomed. Amendment to cross refer to Policy DP20 proposed 4 d) Integrating water efficiency measures (<u>in accordance with Policy DP20</u>) to mitigate the impact of drought and reduce resource and associated energy consumption	Yes

5. Formal approval

	
Name:	Edward West
Position:	Planning Policy and Strategy Manager
Signature:	
Date:	23 rd August 2021
Environment Agency	
Name:	Mark Davies
Position:	Planning Specialist
Signature:	
Date:	26 th August 2021

**Appendix A: Copy of EA Representation to Regulation 19
Consultation**



Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Environment Agency
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Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

(Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text" value="Various"/>	Policy:	<input type="text" value="Various as listed/detailed below"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | |
|------------------------------------------|-------------------------------|-----------------------------------------|
| A. Legally compliant | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| B. Sound | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> |
- (Please tick as appropriate).*

DP8. Gypsy and travellers sites

The Local Authority should ensure that it has fully taken into account the availability of water in new developments, particularly in areas of water stress (Shropshire is moving towards serious water stress). There is the need for appropriate foul drainage arrangement, to avoid extensive proliferation of non-mains drainage. Suggest reference to DP19 should be included to make it more effective.

DP19. Water Resources and Water Quality

We have some suggested amendments to make the policy more effective:

Proposals should help to conserve and enhance existing watercourses and riverside habitats in line with Policy DP12 wherever possible. Management, mitigation and compensation measures **'will be included'** ~~should aim~~ to improve water quality and create or enhance riverine and aquatic habitats.

Point 1 should be amended to say "maintain" or to meet good status.

Point 2b should be revised to: "Prevented hazardous substances from entering groundwater and limit non-hazardous pollutants from entering groundwater." This applies to **all groundwater**, not just within SPZ1 / SPZ's. <https://www.gov.uk/government/publications/protect-groundwater-and-prevent-groundwater-pollution/protect-groundwater-and-prevent-groundwater-pollution>.

Point 2 Private potable groundwater supplies would not be identified by the Environment Agency (on our SPZ mapping), but should still be considered as part of the planning process – such might be apparent through a water features survey and you might seek a default '50m radius' from any such supply to ensure this potential risk is covered. Your Private Water Supply team may further advise you.

Point 3 – We agree as there are certain development proposals (uses or design aspects) within a SPZ1, or the protection zone of a private potable groundwater supply, which will result in an 'Objection in Principle' from us. We would suggest you could add 'Development within SPZ2 and 3 will only be permitted where an appropriate risk assessment is provided'.

Some developments within SPZ2 or 3, will be considered on a risk based approach with the exception of developments involving deep soakaways, sewerage, trade and storm effluent to ground, which will only be supported where it can be demonstrated that these are necessary, are the only option available and where adequate safeguards against possible contamination can be agreed, implemented and maintained. Development proposals will be expected to provide full details of the proposed construction of new buildings and construction techniques, including foundation design.

Point 4 – Notwithstanding the commitment to high levels of water efficiency in new development, the Local Authority should ensure that it has fully taken into account the availability of water for new developments, particularly in areas of water stress.

Proposals in rural settings not served by mains foul drainage must consider the issue of appropriate foul drainage provision. Within Shropshire there are many people who rely on private water supply wells, boreholes and springs for their potable water. We do not encourage the extensive proliferation of non-mains drainage. Large scale development that is not able to be serviced by mains water or mains foul drainage could potentially have negative environmental impacts for water resource and water quality.

Note - Under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. Dewatering proposed excavations may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed

impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

5-c... Non mains drainage should assess water quality impacts. There are other considerations as outlined on our non mains foul drainage assessment form (copy attached) for your consideration.

Point 7 – (re river restoration...) move to flood risk section (doesn't really sit with water resource/quality).

DP20 Water efficiency – support: linked to local evidence (including information we previously shared with you) demonstrating a need for and wider WCS viability work.

As an update, whilst not formalised yet, we published our consultation on the updated method and initial outcomes for determining areas of 'water stress' in England on 11 February 2021. The final assessment will provide the Environment Agency's advice to the Secretary of State on the water company areas that should be determined to be in areas of serious water stress. Of note, Shropshire is showing as an area of "serious water stress".

DP21 Flood risk: Some comments and suggestions to make the policy more effective and sound. The policy is quite long and seems to duplicate some parts of the NPPF and NPPG guidance. We previously advised to focus on specific local Shropshire flood risk requirements linked to the SFRA.

E.g. flood risk reduction and betterment for 'all' proposals in flood zone 3 'including climate change' (rather than just those subject to the Exception Test). And opportunities should be sought not just (part 10 of the policy)... but specifically... In those catchments where the cumulative effect of development is likely to have the greatest impact on flood risk, (as set out in the SFRA Level 2)

This part is confusing -

2. The Sequential Test is not needed for:

- a. Development on land allocated in this plan unless the use of the site **(is a greater vulnerability than that allocated?)**, or is not in accordance with the use specified in this Plan.

4.191 – 'sequential approach' is still necessary at the FRA level e.g. specific proposals on site to guide development to the best, lowest risk areas and to avoid flood risk.

4.194 – new Climate Change figures for peak river flow are coming out....

It should be noted that the climate change allowances (fluvial) have been revisited nationally following UKCP18 rainfall projections. We are finalising the position and will provide an update on this in due course in relation to potential uplifts for the fluvial peak river flow climate change allowances. We are currently looking at how that will affect our area and finalising options/guidance. The changes shouldn't be too significant, and for Shrewsbury it looks like the climate change is relatively similar to previous modelled information for the design event. So whilst Climate Change may worsen flood risk, the expectations for this to get worse is not quite as severe/progressive compared to previous and existing modelled data on the Severn e.g. at Shrewsbury i.e. it's already quite precautionary. Maybe include a line at the end of the text to refer to this update - include "as set out in the Shropshire SFRA-1" 'or as part of any future update to climate change allowances (for peak river flow)'.

4.195 – a separate (FRAP) permit or (LA permit) may be required.

Whilst we note the line in part 10...We would recommend that All development provided Flood risk contributions towards flood warning service or towards new or existing flood defence maintenance contributions would be sought where necessary in line with a specific FRA and the planning tests (to make the development acceptable...). Not just perhaps in “those catchments where the cumulative effect of development is likely to have the greatest impact on flood risk, (as set out in the SFRA Level 2) “

It should be an All development will (maybe particularly those within ...)

We would welcome this inclusion to help bring forward new or existing flood defence improvement schemes (provided to you as part of your Infrastructure Delivery (Implementation plan) that we or your Authority (LLFA led) are promoting e.g. Much Wenlock.

Note – Where Section 106 is necessary your 4.227 of Policy DP25 suggests that “It is expected this is only likely to be necessary on larger proposals of over 50 dwellings”. However a flood risk contribution (as we have done in the past for sites reliant upon/benefitting from defence and/or flood warning e.g. in Coleham, Shrewsbury for example) may be necessary and relevant to ‘any’ residential scheme.

4.186. This policy synthesises the requirements of the NPPF and the guidance in the NPPG to provide a clear explanation of the process by which planning proposals can minimise flood risk in the first instance and manage residual risk in the second.

It might be seen as a duplication.

The recognised flood risk policy hierarchy is to appraise, manage and reduce flood risk approach. This is normally looked at in terms of ‘assess’ – avoid, substitute (Sequential Test or Sequential Approach/Alternative uses), then control measures and mitigation (as a final option). Presumably by minimise flood risk in the first instance you mean avoid? And managing residual risk are those risks that remain after the usual appropriate design control mitigation has been fully considered/incorporated.

4.188 – SFRA also considered/ included a level of ‘climate change allowance’ – appropriate ‘at that time’ (in line with government guidance) note to new emerging update to peak river flows (fluvial).

4.193. Some suggestions - This policy sets out when a site-specific Flood Risk Assessment (FRA) is needed to inform a planning proposal. In considering the safety of the development, the FRA must demonstrate the occupants of any new dwellings will have access to an area of “**dry ground above the 1% river flood level plus climate change**” or safe refuge. Where prior evacuation is the safest option, the refuge should be an area outside of 1% annual exceedance probability **with climate change** flood event from all sources. Where prior evacuation is not preferred, internal safe refuge must be provided **at an appropriate level above the 1% with climate change, with appropriate freeboard, flood level**. The FRA should provide an evidence base for the Council to determine which option is the safest for that particular proposal. **This should include:**

FRA should demonstrate that the development has safe, pedestrian access above the 1% river flood level plus climate change. Pedestrian access should preferably remain flood free in a 1% river flood event plus climate change. However, in cases where this may not be achievable, the FRA may demonstrate that pedestrian access is acceptable based on an appropriate assessment of ‘hazard

risk' including water depth, velocity and distance to higher ground (above the 1% river flood level plus climate change). Reference should be made to DEFRA Hazard risk (FD2320) – 'Danger to People for Combinations of Depth & Velocity' (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320 at:

http://evidence.environment-agency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/FD2320_3364_TRP_pdf.sflb.ashx

DP22. Sustainable Drainage Systems

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our approach to managing and protecting groundwater: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>. In addition, they must not be constructed in ground affected by contamination.

DP22 – point 6 could say

The appropriate climate change allowances 'for peak rainfall' should...

Also SuDS attention basins should normally be located outside of the 1% annual probability fluvial, with climate change, floodplain to avoid operational issues. (e.g. from the system flooding out during a flood event).

Maybe worth a line on rural SuDS and sedimentation control here - For guidance on Water Storage Reservoirs and Rural SuDS to help meet **Water Framework Directive** objectives please see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291508/scho0612_buwh-e-e.pdf and <http://www.ukia.org/>

DP26 – Some suggestions to make it more effective:

Hydropower applications should pay attention to fish stocks, "migratory fish impact", and normally be accompanied by a Flood Risk Assessment (see also Policy DP21); "a **Water Framework Directive (WFD) Assessment and Geomorphological assessment**". Hydropower schemes typically alter flow regimes, sediment movement and can impact geomorphological processes and habitats, and thus affect fish, macrophyte and invertebrate populations.

J - maybe include:

impact on noise/vibration, air quality emissions, odour and dust/bio-aerosols...

DP31. Managing Development and Operation of Mineral Sites

Point 1 - Depending on location there are a number of potentially adverse impacts to the water environment that could arise from mineral quarrying activities (e.g. de-watering and the act of excavation potentially passively draining any perched groundwater systems). It is important that a detailed **comprehensive water features survey** is undertaken to identify any wells, springs, boreholes, watercourses, pools or other water dependent features; and, a **detailed conceptual model of the area**

(based on site specific geological and **hydrogeological monitoring information of at least 1 year in duration**) would have to be devised to inform a **comprehensive hydrogeological risk assessment**.

Whilst 1e says - Effects on surface waters or groundwater, some of the above detail (bold requirements) would be helpful to be included within the body text of the policy. It is fair to say that some mineral planning applications do not provide this information which creates issues based on uncertainty and potential risks.

Point 2 - By their nature mineral sites tend to be located in water-environment sensitive areas. Ensuring appropriate restoration measures are key in terms of protecting water resources and restoration may therefore be constrained.

Applicants and the Local Authority should understand that some restoration with materials will require an appropriate environmental permit; and, that granting of planning permission does not automatically mean that the Environment Agency would grant a permit. We encourage dual-tracking of the planning and permitting process. The Environment Agency may take the view that the proposed restoration does not meet the tests for deposit for recovery and instead constitutes a waste disposal activity, requiring a landfill permit. (See <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>). Whilst applicable to some mineral restoration schemes, this also applies to planning applications for waste deposit or landfilling of course.

We would support opportunities to identify and deliver restoration to create habitat for white-clawed crayfish (ark sites) – maybe at Gonsal. And where appropriate multi-functional flood storage, to reduce flood risk; and biodiversity net gain provision. The policy could expand on this.

DP32 – waste management

Some suggested amendments: We note that ...'Further to Policy SP17, the development of waste transfer, recycling and recovery facilities will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled' We would recommend this says can be satisfactorily avoided (e.g. through location of facilities (e.g. a relevant distance from a sensitive receptor) and then subsequently "controlled and managed" (through design, abatement, mitigation perhaps).

2a – maybe include "odour"? And say dust "and Bio-aerosols",

Explanatory text could include - Where developments are subject to an Environmental Permit from the Environment Agency, the EA would encourage pre-application discussions.

The policy could also include - "We would encourage the parallel (twin) tracking of an Environmental Permit application with the planning application to provide a greater degree of certainty (on the land use planning impacts and pollution control measures)."

"These applications should provide an appropriate level of detail to inform a reasonable degree of certainty on the planning application and to ensure the principle of the development and use of the land is acceptable with cross reference to permitting constraints".

A similar reference could be provided within SP17.....

DP33. Landfill and Landraising Sites

Point 2 The Local Authority should ensure that landfill/landraising sites are located appropriately with reference to appropriate documents/policies (<https://www.gov.uk/government/publications/groundwater-protection-position-statements> and <https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site>). Reference to DP19 should be included.

Groundwater Protection Position Statement E1 states:

The Environment Agency will normally object to any proposed landfill site in groundwater SPZ1.

For all other proposed landfill site locations, a risk assessment must be conducted based on the nature and quantity of the wastes and the natural setting and properties of the location.

Where this risk assessment demonstrates that active long-term site management is essential to prevent long-term groundwater pollution, the Environment Agency will object to sites:

- *below the water table in any strata where the groundwater provides an important contribution to river flow, or other sensitive receptors*
- *within SPZ2 or 3*
- *on or in a principal aquifer*

The policy could be improved to include for some of the above points. E.g. avoidance / not encouraging such within SPZ1 or any nominal SPZ for unregulated SPZ supplies. A detailed risk assessment to look at nature and quantity and impacts and water table monitoring/assessment.

Parallel tracking is recommended. The hydrogeological risk assessment submitted with a landfill permit application can be used to determine how position statement E1 applies to the planning application. Sites below the water table in sensitive groundwater settings as indicated above should be refused.

Policy SP1

c – could say... “addresses the effects of”, “avoids” and mitigates the impacts of climate change...

We note the references to the Big Town Plan (BTP) in SP1...and similar in Policy SP2, with lines such as “...support of the delivery of the Big Town Plan and its related masterplans”.

We did advise that some of these masterplan sites e.g. Riverside, Shrewsbury (we’re not party to full detail, but a number are within ‘functional floodplain’/flood zone 3a) could be considered as part of the ‘evidence base’ alongside of the local plan, but this was not forthcoming in the plan strategy. We have not been party to any formal Big Town Plan or associated masterplan consultation, which in our view has limited weight. We wouldn’t want to infer any sites looked at as part of a non-statutory plan have any additional weight by linking to this local plan review policy.

S16 – Shrewsbury:

It states that... *comprehensive and co-ordinated approach will be pursued to the planning and development of Shrewsbury, and to ensure that development is consistent with the objectives of the Big Town Plan and its associated masterplan documents, which are material considerations in decision making. The plan policy also refers to ‘development opportunities within the Shrewsbury development boundary, and in particular the town centre’.*

There are also a few references in the reasoned justification text to the BTP (a masterplan document and associated site masterplans) being a “*significant*” ‘material consideration’; but we would potentially challenge that – it might be reasonable to mention a ‘regard to’ a potential vision/design steer perhaps, but any inferred sites in the BTP/subsequent masterplans would have limited weight unless it is a statutory DPD, neighbourhood plan area (it isn’t a designated one presently) or allocated in the local plan itself. We appreciate the BTP and any masterplan is a guidance document adopted by the Local Authority (no examination, no statutory consultation has taken place with us, no evidence base to support it or justification to ensure it is effective, robust and the most sustainable – SA appraisal wise; to ensure objectives/potential sites are realistic, viable and deliverable).

The plan text says it (BTP) is “*prepared in consultation with the public and adopted by Shropshire Council as a significant material planning consideration*”. We did discuss this with you as part of earlier evidence base conversations and any potential sites to ensure they might be sequentially/evidence base tested. Of course care should be taken to ensure viability, not to show inaccurate details or significant elements that haven’t been decided upon.

Going forward, we would treat these development opportunity sites within the Shrewsbury development boundary, and in particular the town centre, as windfall sites and as part of any strategic/masterplan consultation (including any) we formally receive. As mentioned previously, this would be as part of any future strategic planning consultation work (Strategic Development Framework or masterplan)/appropriate pre-planning application engagement (cost recovery) with us. An appropriate evidence should inform this.

Point 7. Your plan states that... “*delivery of the North West Relief Road (NWRR) is supported in principle, and as such the proposed line of the road is identified on the Policies Map. Development opportunities between the proposed NWRR and the Development Boundary will be guided by Policy SP10. In this area it is recognised that windfall employment proposals on appropriate sites adjoining the development boundary will be supported in principle where they meet the requirements of Policies SP13 and SP14 and where suitable vehicular access can be provided.*”

As part of EIA scoping for the road, we have flagged environmental issues and concerns (primarily to avoid groundwater impact and the SPZ – public water abstraction in that area). We outlined the need to consider and be transparent on potential alternative routes/design for the road. This may also now link to your strategic climate change strategy and sustainability options. We previously flagged the need to consider alternative route design to avoid impact upon water resources and environmental issues.

We note you have the road as a ‘line’ on your plan. Whilst this is included it has not been subject to any local plan making evidence as such and we read this as an indicative possible route. The road option(s) have not been tested as part of the local plan process or as part of

evidence for this plan or otherwise. We appreciate work is ongoing in that respect to inform any detailed proposal, no planning application is submitted to date; and that the local plan does not pre-determine the outcome of this.

Linked to your policy wording, for the record we also previously raised reservations about potential allocation(s)/infill development sites, within the Shelton area specifically (between the suggested road and development boundary), being developed and would strongly object to such in line with the advice provided to you at previous plan making stages. We support the removal of that site (non-inclusion/direct reference) at this plan making stage.

10 c - our preference is for avoidance of inappropriate development within the floodplain.

12 (b) - should include 'water abstraction areas', as a key environmental consideration to avoid inappropriate development and impact upon.

Policy SP3 Climate change:

4. Mitigating and adapting to the impacts of climate change, including by: a.

Should include "by avoiding inappropriate development in fluvial flood risk areas".

Your plan appears centred around increasing growth and economic productivity...in line with our strategic climate change objectives and move towards net zero carbon, your Council's declaration and SA objective, we would encourage you to ensure all growth and related transport options are sustainable in the long term with emphasis on addressing the effects of climate change too.

Support - Integrating water efficiency measures to mitigate the impact of drought and reduce resource and associated energy consumption. Whether it needs to link to policy DP20; and/or refer to the expected higher levels of water efficiency standards here? (Noting future likely 'serious water stress' in Shropshire) – see DP20 comments.

SP8 -

States – "All necessary supporting studies in relation to site constraints, infrastructure and other development requirements specified by the policies in this Local Plan have been undertaken by a suitably qualified individual and the specified requirements can be provided and any identified adverse impacts satisfactorily mitigated through the development".

In line with comments made to the Water Cycle Study and waste water infrastructure there are capacity issues associated with some areas – a lack of mitigation options to show if and how some impacts can be overcome (deliverability). This should be informed by your evidence base to identify and ensure any infrastructure requirements are deliverable.

SP9. Managing Development in Community Clusters – the rural nature of Community Clusters means that early consideration should be given to the availability of water in new developments (particularly in areas of water stress), adjacent private water supplies and non-mains foul drainage. The issue of appropriate foul drainage provision is particularly important in such settings. Within Shropshire there are many people who rely on private water supply wells, boreholes and springs for their potable water. We wouldn't encourage the extensive proliferation of non-mains drainage. Large scale development that is not able to be serviced by mains water or mains foul drainage could

potentially have negative environmental impacts for water resource and water quality. Reference to DP19 should be included. There may be options for ‘first time’ mains sewerage systems.

SP16. Strategic Planning for Minerals - Ensuring appropriate restoration measures are key in terms of protecting water resources. Restoration with soils will require a waste exemption or may require an appropriate environmental permit. Dual-tracking of the planning and permitting process for mineral sites, with waste recovery/landfilling, is advisable (See <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>).

EVIDENCE BASE

Strategic Flood Risk Assessment (SFRA):

The Level 1 Strategic Flood Risk Assessment is a high-level strategic document, looking at all sources of flooding, and does not go into detail on an individual site-specific basis. We note the SFRA is intended to help Shropshire Council in applying the Sequential Test for their site allocations and identify where the application of the Exception Test may be required via a Level 2 Strategic Flood Risk Assessment.

We haven't reviewed all sites as part of our review of this plan or SFRA L2. We rely on sites that may come forward being sequentially tested etc by you, as the LPA and appropriately assessed to ensure sustainability, including all sources of flooding.

With regard to the evidence base process and coverage, we note that some sites were taken forward to be looked at in more detail but in the absence of any modelling the Flood Zone 2 (1000 year fluvial) layer has been used as a nominal 'indication' of the likely 1% with climate change fluvial extent. Some smaller un-modelled ordinary watercourses haven't been remodelled as part of the Level 2 SFRA process either. It appears that the surface water mapping depth and velocity data was used as an indication of flood risk for these small(er) watercourses.

Some sites have used available modelling such as Shrewsbury strategic sites, where our (EA) detailed 2019-2020 fluvial hydraulic model of the River Severn (initial phase 1 output) was used in the SFRA to re-model/interpret the 2080s climate change scenarios for the 100-year (+25%), 100-year (+35%) and a 100-year (+70%) events. For Ironbridge site, this model wasn't used/available and our original Flood Zone mapping and River Severn 1D hydraulic model (Buildwas to Bewdley model) has been used in this assessment. As JBA confirm, *at the time of the assessment, the River Severn was being re-modelled in a phasing of reaches, with Abermule to Shrewsbury completed first. Applicants undertaking future Flood Risk Assessments should contact us to obtain latest model results following completion of the Severn modelling study. A SFRA update, would inform any further strategic development opportunities in Shrewsbury (not subject to this current SFRA).*

We appreciate that the majority of sites within the level 2 summary table are at risk of fluvial flooding. However, the degree of flood risk varies, with some sites being only marginally affected along their boundaries, and other sites being more significantly affected within the site, such as SHR177 and IRN001. The SFRA suggests that "more detailed investigations on sequential site layouts, SuDS possibilities, safe access and egress etc, as part of a site specific Flood Risk Assessment at a later stage". For sites such as these there are additional risks to consider such as steering development and access away from highest risk areas.

The SFRA concludes that all sites in the summary table should be developable to some degree (based on Table 6.1) if the detailed advice is followed with a 'sequential approach' to developing the sites expected. As an example, Site SHR177 (Oak Farm, Gains Park, Shrewsbury) looks 'difficult' perhaps with 18% in 3b (functional floodplain) and 23% in 3a/3b/2 - but of course 77% of the site in Flood Zone 1.

In terms of 'climate change', we have commented elsewhere on this, but the SFRA concludes that fluvial extents would be larger than Flood Zone 3 (100 year), but maximum extents are likely to be similar to Flood Zone 2. At the present time (subject to upcoming changes to fluvial climate change uplifts) we generally require the 100-year plus 35% and 100-year plus 70% climate change fluvial scenarios to be considered in future housing developments (more vulnerable). These will likely be updated this year.

To cover development sites, in the absence of detailed modelling as part of the SFRA, or model availability etc, there is a caveat suggested in the SFRA that - at the planning application stage, developers may need to undertake more detailed hydrological and hydraulic assessments of the watercourses where there are no detailed hydraulic models present, to verify flood extent (including latest **climate change allowances**), inform development zoning within the site and prove, if required, whether the Exception Test can be passed.

This should be carried forward into the individual site requirements. For some sites, this will also need to include any smaller un-modelled, often 'ordinary' watercourses (with a catchment less than 1km²). The remodelling of that could impact upon site area deliverability and safe development requirements, and the need to factor potential blue infrastructure improvements.

SFRA Level 2, Section 8.2.2 regarding Source Protection Zone (SPZ)'s - should also refer to the restrictions for surface water discharges to ground within SPZ1. In terms of SPZ1 (and associated sensitive water abstraction areas), we previously raised concerns on the Shelton site (mentioned elsewhere) which has been removed. This is welcomed and we support that exclusion based on our previous concerns and recommendations on the appropriateness of that land use.

.....

Water Cycle Study (WCS):

For completeness we offered to review the WCS last summer (2020) as part of our pre-application service but this was declined.

We have not reviewed every single site against the WCS findings. However, following a review as part of this formal plan making process, we have some concerns that the evidence is not effective, justified or consistent with national policy. On this basis it makes the local plan unsound. Our comments are supported by your SA objective SO9 to conserve and enhance water quality in Shropshire and reduce the risk of water pollution.

For example, your WCS/local plan is not clear on potential options/solutions relating to wastewater infrastructure for areas where there is a capacity issue of sorts and not an identified solution perhaps. For some there may be a need for a phasing policy until such time that a particular solution is actioned – but is it a viable and identified, deliverable action? (the WCS and plan is lacking in this regard).

In the absence of further detail we are raising concerns relating to the need for an effective, robust evidence base focusing on 'deliverability', particularly as some of the growth allocation areas don't have an identified solution/have not been thought about or looked at in enough detail (e.g. the Clun as the most complex and sensitive perhaps, but some other areas of Shropshire too). For some areas, the WCS mentions the need for "pumping out of catchments" but this needs to be examined at this stage to inform likely viability and cost, deliverability etc.

As part of our previous discussions with you on the WCS, our previous advice to you has been that, where this is the case and there is an identified constraint (amber or red) you should demonstrate that there is a solution (it may be already programmed, or could be a possible future infrastructure upgrade) to help improve the capacity issue whilst preventing environmental deterioration and enable the development to go ahead. This will require consultation with the Water Company, and NE in the case of the Clun for example.

The outcome of further work/discussions may inform a 'phasing' policy within your plan where appropriate. It may also be necessary to produce an 'Infrastructure Delivery Plan' to set out any key milestones for waste water infrastructure upgrades and improvements. The evidence you produce should give a reasonable degree of certainty to all parties, helping demonstrate development is 'deliverable' and will not deteriorate the environment (e.g. via hydraulic modelling from the water company), and importantly ensure that your plan is 'sound'. It may be that some sites cannot be developed or need to be pushed back in the plan programme.

Note: Government Guidance states that sufficient detail should be provided to give clarity to all parties on if/when infrastructure upgrades will be provided, looking at the needs and costs (what and how much). The NPPG refers to "ensuring viability and deliverability – pursuing sustainable development requires careful attention to viability and costs in plan making and decision making". Plans should be "deliverable".

Some specific comments on the WCS and some key growth areas:

- Section 9.7 - Comment is made as such in numerous parts of the study to '*...further mitigation may need to be taken to accommodate growth and options include pumping wastewater to a different WwTW or changing the point of discharge to a less sensitive waterbody*'. This is not as easy as it may seem and the study does not pick up on the issue that transferring flow out of a catchment can cause more environmental harm as a result of the loss of flow from the original watercourse and then the need for assessment at any new location. We haven't listed all relevant sites here but further work is required to address this.
- Section 6.3 – Methodology - With reference to the following point '*...a red RAG score given by the water companies reflects the presence of sewer flooding, CSO spills or pollution events in the vicinity of the site, on the assumption that an increase in wastewater flows from development would make those occurrences more likely in the future...*' We consider that impacts of the growth could be seen some distance from the development site depending upon the location of the first impacted storm overflow or even a cumulative effect in the sewer network. We are a bit concerned that just the immediate vicinity has been screened.

- Section 6.6.1 - The following comment has been made with regards to the Strategic Sites 'All of the strategic sites were scored red by STW who gave the following comments for each of the sites: Consider on-site treatment system. In reality this is probably more difficult than it may seem as any new discharge from an on-site treatment system would need to be assessed in terms of strict no deterioration policy as opposed to river needs permitting.
- Table 7.2 Summary of WwTW flow assessment – could benefit from a column showing the proposed growth for easy comparison with the perceived headroom capacity.
- Section 9.1 – Phosphates – there doesn't appear to be any reference to the fact that a large percentage of phosphate in the sewer network originates from phosphate dosing into water supply to prevent lead leaching from water supply pipes.
- Figure 9.1 – Is the wording in light green outcome box correct? Shouldn't it read 'GES **can** be achieved using current technology'?
- Possible typo in section 9.4 – SIMCAT modelling approach - Run type 9 within SIMCAT was then used which assumes that **upstream flow each treatment works is at good ecological status**. The permit value required to achieve GES is then calculated by the model.

- In Table 9.2, we are surprised that there appears to be no 'WFD standards' for some of the works. This hasn't been fully checked but we suspect they may exist for the following:

Bishops Castle - Snakescroft Bk (GB109054044061)

Chirbury - Tributary - source to conf R Camlad (GB109054049290)

Ditton Priors - Rea - source to conf Farlow Bk (GB109054044281)

Dorrington - Cound Bk - conf unnamed trib to conf unnamed trib (GB109054049400)

Ellesmere Wharf Meadow - Tetchill Bk - source to conf R Perry (GB109054055000)

Prees Golfhouse Lane - Soulton Bk - source to conf R Roden (GB109054049201)

Rushbury - Byne Bk - source to conf Quinny Bk (GB109054044370)

The above should be clarified and updated in the WCS, with appropriate actions taken.

- **11.3 Point source pollution** -a summary of their potential impact following a source-pathway-receptor approach is presented in Table 11.1. It doesn't appear whether the actual relevance of the SSSI designation or whether it is in continuity with the watercourse has been considered in this table.
- **Section 11.7.1** States that '*SuDS allow the management of diffuse pollution generated by urban areas through the sequential treatment of surface water reducing the pollutants entering lakes and rivers, resulting in lower levels of water supply and wastewater treatment being required. This treatment of diffuse pollution*

at source can contribute to meeting WFD water quality targets, as well as national objectives for sustainable development’ - but it doesn’t appear to recognise the benefits they offer in terms of reduced flows in combined sewers and so the potential reduction in storm impacts via CSOs and storm storage overflows

- **Section 12.3 - Growth in the Clun catchment** - The report states that *‘the current allocated and committed growth in Shropshire has been made possible by upgrading phosphate stripping processes in the WwTW in the Clun catchment in order to reduce point-source inputs of nutrients, however any additional growth in the catchment would need further measures to ensure no deterioration to water quality in the catchment’*.

Our understanding was that ‘projected future growth’ was included in the requirements of the AMP6 schemes but this will not have accounted for any additional growth in this WSC, or local plan review, so yes, this additional growth alone would need further measures. These need to be understood and demonstrated to be deliverable.

- Table 12.2 Options – Farm management – any nutrient removal via this route must be above and beyond what we would expect the agricultural sector to achieve in any case e.g. regulatory minimum
- Additional growth as part of the preferred options and strategic sites identified in the Local Plan Review, would reduce the percentage phosphate load removed to under 75%. However, in AMP7 Bishops Castle is also due to be upgraded and its permit tightened to 0.4mg/l (from 0.43mg/l) to ensure future compliance. This is predicted to offset the proposed additional growth, and even allow some betterment in comparison to AMP6. Severn Trent Water have therefore commented that they would not need to *“undertake further work to accommodate the extra 121 houses over and above the work already scheduled at Bishops Castle. This work alone is sufficient to ensure no net detriment to the SAC.”*

This needs further clarity. Our understanding was that the initial growth projections were accounted for in the 75% load reduction but not the additional considered in this review. The AMP7 scheme at Bishops Castle is a No Deterioration scheme which assessed the possible impact if the STW discharged at the limit of its permit. Discharging at permitted load would cause a deterioration in the receiving watercourse so the P limit was tightened to ensure the load would not increase. Question is, are STWL suggesting that the current headroom at permitted volume would be sufficient to accommodate all the additional growth proposed for the Clun catchment?

We would advise you to update the WCS and seek further clarification. To assist capacity considerations, in discussion with Severn Trent Water, you could check how much additional flow would be expected and where. We can then assess what further Phosphate reduction would be required to maintain the promised load reduction and how feasible that would be etc. Any identified action or option will need to come out as likely feasible, viable, and deliverable. This would also need to consider nutrient neutrality.

Please also refer to our comments on the **HRA and DP14**.

HRA:

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

(Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<div style="border: 1px solid black; padding: 5px; width: 100px;">HRA various</div>	Policy:	<div style="border: 1px solid black; padding: 5px; width: 100px;">As detailed below, including some related to DP12 and DP14 (as referenced).</div>	Site:	<div style="border: 1px solid black; width: 100px; height: 100px;"></div>	Policies Map:	<div style="border: 1px solid black; width: 100px; height: 100px;"></div>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | |
|------------------------------------------|-------------------------------|-----------------------------------------|
| A. Legally compliant | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| B. Sound | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> |
- (Please tick as appropriate).*

Habitat Regulations Assessment (HRA)

The Severn Estuary SAC/SPA/Ramsar designations include the designation of migratory fish which use all of the main River Severn through Shropshire and the majority of the River Severn tributaries to live and breed in. It is important that potential impacts to water quality, water quantity, recreational pressures, such as from angling, boating, swimming and even walkers along riverside

footpaths and the potential for increased introduction of aquatic diseases are considered in the Habitat Regulations Assessments for the dependent tributary habitats in Shropshire.

Section 3.13 states that SSSIs, SAC and Ramsar sites within a 20km drainage range were assessed and that there were no surface water flow routes between the preferred strategic sites and any Ramsar sites. As stated above the Severn Estuary designation includes migratory fish which use the majority of river tributaries in Shropshire. The 20km cut off range is therefore not appropriate as this misses out assessing dependent habitat for the Severn Estuary SAC and Ramsar site.

Section 3.2 does not include the Severn Estuary Ramsar designation along with the Severn Estuary SAC and SPA. Section 3.5 notes impacts to the Severn Estuary designated sites features i.e fish and bird populations could arise from water quality, but it does not include potential impact arising from water quantity. Low flows from increased abstraction for development would exacerbate nutrient enrichment.

Hencott Pool Ramsar site has been screened out of the HRAS2 assessment for recreational impact. Whilst there is no formal public access to Hencott Pool there is informal access. Increased residential housing in the area is highly likely to increase the amount of public usage of the site which could lead to water management impact; vegetation disturbance and destruction and the introduction of invasive plants.

Introduction of invasives - only sites with public access have been taken to Stage 2, but informal access is available around sites and if nearby residential numbers increase there is potential for impact,. For example crayfish plague which would cause the local extinction of the white-clawed crayfish, spread of Himalayan Balsam, Japanese Knotweed or Giant Hogweed which decrease plant diversity and cause bank erosion. A mitigation measure of managing visitor numbers and access needs to be discussed in stage 2 for all of the sites.

The potential impacts of air pollution to the designated sites does not appear to have been discussed within the HRA such as from increased or closer road traffic and construction.

The conclusions of stage 2 assessment are that local plan sustainability policies DP20 to 23 will protect waterbodies from adverse effects. (3.21). However a number of settlements have been scored as 'amber' or 'red' for water supply or wastewater infrastructure in the Shropshire Water Cycle Study meaning that significant infrastructure may be required to accommodate it. These settlements should be flagged as mitigation measures not yet agreed for the HRA assessment until further discussions and agreements have taken place between the water cycle study group and Severn Trent Water. There needs to be options presented to provide certainty and ensure deliverability. Please refer to our separate comments on ensuring an effective WCS evidence base.

Section 3.23 describes the **River Clun SAC** states the importance of low nutrient levels for the health of the Pearl Mussels, for which the site is designated. The paragraph, however fails to also consider the inter-dependency of the Pearl Mussels on Trout and Salmon to complete their lifecycle. These fish require good water quality and habitat in the River Clun, as well as the downstream River Teme and River Severn to support the Pearl Mussels. Adequate water quantity is also required by these species. Unnatural volumes and frequency of flooding and drought which could also be exacerbated by development would also impact the Pearl Mussels and fish.

DP14 related -

3.31. A specific policy **DP14. Development in the River Clun Catchment** has been put forward in the DLP to avoid impacts on the Freshwater Pearl Mussel and the SAC. The policy states:

1. To protect the integrity of the River Clun Special Area of Conservation and to comply with the Habitats Regulations and policy DP13, development within the catchment of the River Clun will only be permitted if it can demonstrate either nutrient neutrality or nutrient betterment.
2. All measures relied on to deliver either nutrient neutrality or nutrient betterment must demonstrate with sufficient certainty that they:
 - a. Meet the required nutrient reduction or improvement; and
 - b. They can be secured and funded for the lifetime of the development's effects.

The HRA assessment for the local plan has concluded that through use of Development Policy and Settlement Policy wording and the statutory requirement for a project level HRA for development, there will be no adverse effects on the integrity of the River Clun SAC as a result of the Draft Local Plan. In the absence of further information to demonstrate otherwise, we would not be in a position to concur with the above. One option to remedy this would be to recommend that local plan development is not allocated in the Clun catchment. There may be scope for individual windfall site proposals to be assessed on an individual basis but there needs some discussion on that to ensure likely mitigation has a reasonable prospect of delivery.

The nutrient benefit effects of rewilding and increasing capacity of the sewage system and individual technological innovations that could ensure that developments achieve nutrient neutrality, or nutrient betterment cannot yet be calculated. There is therefore no mitigation presented at this time that can guarantee catchment scale 'nutrient neutrality' for the scales of the local plan. Agreeing residential and business development allocation in the Clun catchment without certainty on what these mitigation measures could deliver for the nutrient status appears to present too high a risk of the Clun SAC being damaged.

Reference should be made to our comments on the Water Cycle Study and potential growth options in the Clun catchment.

3.4 River Dee SAC

Housing allocation within the River Dee catchment is relatively low and there is current or already planned upgrade capacity for wastewater and water resource infrastructure. Policy DP20-23 seems a reasonable mitigation option for HRAS2 assessment for the River Dee SAC.

3.54 Montgomery Canal SAC

There are plans to reconnect dry sections of the Montgomery Canal. We advise the Canal and Rivers Trust should be contacted to provide comment on the HRA conclusions for the local plan allocation, as mitigation areas close to the canal are required for the Floating Water Plantain and Great Crested Newts in-order to allow the restoration of the canal. Pressures from increased recreational use of the Canal should also be considered by the Canal and Rivers Trust together with the requirement for individual developments to be subject to a full HRA assessment and adherence to DP policies 13, 15, 16. Suggest the introduction of invasive plants and animal disease also needs to be added to this section.

Fenns, Whixal, Bettisfield, Wem. Cadney Mosses, Marton Pool, Morton Pool, Brown Moss, Colemere, Whitemere SAC and Ramsar sites.

HRAs at project scale that consider foul drainage, water resource and recreational pressures are sufficient mitigation for the HRA2. Provision for new green open spaces and nature networks should be planned now within the local plan to ensure that there is a co-ordinated plan for providing alternatives to these sites, particularly near Colemere where adverse recreational pressure has not been ruled out.

Blue/green corridors - New Green open spaces for recreation and nature recovery networks such as B lines (Buglife) need to be included in the local plan allocation principles to ensure that the aims of the Government's 25 Year Environment Plan to have a resilient network of land and water that is richer in plants and wildlife is achieved in Shropshire. Whilst the Sustainability Appraisal and Site Environmental Assessments have taken into account existing designated wildlife areas the local plan does not appear to plan new nature corridors or green/blue recreational space. This could be included and improved upon within the policy (**DP12** perhaps) and/or site specific locations.

DP12- The Natural Environment

The local plan provides a hook to the provision for Biodiversity net gain which is to be mandated by the forthcoming Environment Bill. Evidence is not provided that there will be sufficient space on or off site to meet the 10% biodiversity net gain obligation. If Biodiversity net gain provision is planned together with the development allocations within the local plan then more coherent nature networks could be achieved.

Settlement Policies

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

(Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="Settlement Policies"/>	Site:	<input type="text" value="Various settlements as listed below"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|------------------------------------------|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).*

Settlement Policies

We haven't reviewed all sites in relation to flood risk or waste water (as suggested in our comments elsewhere) but the following are issues of note/suggestions to inform groundwater/water quality and contaminated land considerations at some locations, including mineral sites. This is primarily linked to your SA objective SO9 to conserve and enhance water quality in Shropshire and reduce the risk of water pollution; to ensure they are justified and make them more effective and sound.

Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Bridgnorth

BRID001 and BRD0020b are the livestock market so contaminated land aspects would have to be considered. There is a licensed borehole at this site which, if no longer used would have to be appropriately decommissioned.

WO39 is directly adjacent to the historic Old Worcester Road Tip, and on Principal aquifer so contaminated land aspects and potential landfill gas risks should be considered.

STC002 and P58a are located on/adjacent to the Stanmore Industrial Estate and on Principal aquifer. P58a is located on SPZ3. Contaminated land aspects including appropriate surface water management will need consideration.

ALV009 is adjacent to groundwater springs/issues, so groundwater is likely to be shallow. Contaminated land, foundation dewatering and surface water management aspects will need consideration.

Morville Quarry Extension

The site is underlain by sands and gravels and till deposits which are in turn underlain by the Raglan Mudstone.

There are a number of potentially adverse impacts that could arise due to the proposed activities. These aspects require full consideration. A water features survey would have to be undertaken to identify any wells, springs, boreholes, watercourses, pools or other water dependent features. The removal of the superficial deposits has the potential to adversely impact upon the quality or quantity of water supplying such features. The site is in close proximity to a watercourse. It would be necessary to demonstrate this will not be adversely impacted by the proposals as it may be sensitive to any water level changes/reductions in aquifer storage.

Therefore a detailed conceptual model of the area (based on site specific geological and monitoring information of at **least 1 year** in duration to establish baseline data and characterisation of the site before work commences) would have to be devised to assist in the assessment.

Any subsequent discharge from the site would have to be controlled and of a sufficient quality not to result in adverse impacts.

Ensuring appropriate restoration measures are also key in terms of protecting water resources. Restoration will require an appropriate environmental permit. Dual-tracking of the planning and permitting process for mineral sites is advisable (See <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>).

In the event that sufficient information is provided to demonstrate that the above potential impacts are unlikely/can be mitigate; we would require a long term monitoring scheme (which shall be in full force for the duration of operations) is put in place to ensure that any potentially adverse impacts (risk of deterioration to the groundwater/water features) are identified. We would require the applicant to investigate the cause of deterioration; remediate any such risk and monitor and amend any remedial measures.

Church Stretton

ELR078 is in close proximity and potentially within the zone of uncertainty of the defined SPZ. The presence of the SPZ would have serious implications in terms of land use constraints etc. The sources are particularly sensitive as the boreholes take water from not only the underlying solid rocks but also the shallow highly permeable sands and gravels within the valley. Consequently any surface pollution could pass rapidly to the groundwater system and potentially the abstraction boreholes. This would therefore be of significant concern. This is exacerbated by the fact that the groundwater is at an extremely shallow depth. Issues of concern would be the land use, surface water drainage, foul drain runs, fuel infrastructure, foundation design and any pre-existing contaminated land issues.

CSTR019 is adjacent to groundwater springs/issues and surface watercourse, so groundwater is likely to be shallow. Contaminated land and surface water management aspects will need consideration.

Craven Arms

The preferred sites overlie highly permeable sand and gravel deposits. The groundwater levels are also shallow. These superficial deposits have previously been used for public water supply, so are relatively high yielding. They will also provide baseflow to the River Onny. Appropriate development design and location (including dewatering of foundations, surface water drainage and pollution prevention measures etc) will therefore be essential in this area.

Ellesmere

Ellesmere is underlain by complex sequence of superficial deposits comprising clays, silts, sands and gravels. This is in turn underlain by the Permo-Triassic Sandstone. The sandstone is of regional strategic importance in terms of water supply and more local scale water requirements and baseflow to watercourses can arise from the superficial deposits. The depth to groundwater across the area is highly variable with shallow groundwater systems present within the shallow drift deposits.

Therefore consideration of appropriate development design (including dewatering of foundations, surface water drainage and pollution prevention measures etc) will be required.

Cockshutt, Dudleston Heath, Tetchill, and Welsh Frankton – need to ensure adequate foul drainage and water supply. The protection of existing private supplies is also of importance as there are a number across these villages. In addition, a number of these locations groundwater levels are known to be shallow and discharge of foul effluent to ground may not be appropriate.

Ellesmere Wood Lane Quarry proposed extension

The site is underlain by a complicated sequence of superficial clays, silts, sands and gravels. It is likely that there will be multi-level groundwater systems present. The current activities require de-watering of excavations to win the sands and gravels. There are a number of potentially adverse impacts that could arise due to the proposed activities (primarily any de-watering and the act of excavation potentially passively draining any perched groundwater systems). These aspects require full consideration.

A water features survey would have to be undertaken to identify any wells, springs, boreholes, watercourses, pools or other water dependent features. Records indicate that there are a number of private supplies in the area. The removal of the superficial deposits has the potential to adversely impact upon the quality or quantity of water supplying such features.

The site is in close proximity to Colemere and a number of protected species/local wildlife sites including deciduous woodland. There is also an area of peat to the east of the proposed extension. It would be necessary to demonstrate that these features would not be adversely impacted by the proposals as they could be highly sensitive to any water level changes/ reductions in aquifer storage. A detailed conceptual model of the area (based on site specific geological and monitoring information of at **least 1 year** in duration) would have to be devised to assist in the assessment.

There is the potential for any impacted groundwater beneath landfilled areas to be mobilised by the proposals.

Any subsequent discharge from the site would have to be controlled and of a sufficient quality not to result in adverse impacts.

Ensuring appropriate restoration measures are also key in terms of protecting water resources. Restoration will require an appropriate environmental permit. Dual-tracking of the planning and permitting process for mineral sites is advisable (See <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>).

Only when such issues have been considered can the acceptability of the proposals be fully assessed. However there are clearly a significant number of potential constraints on the proposals.

In the event that sufficient information/certainty is provided to demonstrate that the above potential impacts are unlikely/can be mitigate; we would also likely require a long term monitoring scheme (which shall be in full force for the duration of operations) is put in place to ensure that any potentially adverse impacts (risk of deterioration to the groundwater/water features) are identified. We would require the applicant to investigate the cause of deterioration; remediate any such risk and monitor and amend any remedial measures.

Ludlow

Burford – BUR002, records show presence of a borehole. This will need to be appropriately decommissioned.

Onibury – ONBY003 - overlies highly permeable sand and gravel deposits. The groundwater levels are likely also shallow. Appropriate development design and location (including dewatering of foundations, surface water drainage and pollution prevention measures etc) will therefore be essential in this area.

Market Drayton

ELR023/024, MDR034 and MDR12 are on Helsby Sandstone or Chester Sandstone Formation. It is also partly located within SPZ3. There is a surface water course in the vicinity and groundwater is likely to be shallow. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures would therefore be required.

MDR039/043 – there is potentially a private water supply in the vicinity which if in use will need to be protected. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures would therefore be required.

Hinstock - HIN009 and HKW009 are located on the Permo-Triassic sandstone (principle aquifer) within SPZ3. Groundwater is shallow. Appropriate land use, dewatering of foundations, mains foul drainage, surface water drainage design and pollution prevention measures will be required.

Minsterley

Minsterley – both MIN007 and MIN018 are adjacent to spring/surface watercourses. Groundwater is potentially shallow, so foundation dewatering and surface water management aspects will need consideration.

Much Wenlock

MUW012VAR falls within SPZ2/3. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures will be required.

Oswestry

ELR043e and ELR072, are located on mixed drift overlying the Permo-Triassic sandstone within SPZ3. Given the scale of the development appropriate mains foul drainage, surface water drainage and pollution prevention measures will be required.

Kinnerley – KNY002 - depth to groundwater is likely relatively shallow so foundation dewatering and surface water management aspects will need consideration.

Knockin – KK001 and KCK009 fall within the SPZ3 of a public water supply borehole. The depth to groundwater is likely to be shallow. There are also a number of private supplies. Given the sensitive hydrogeological setting appropriate drainage solutions will be required, foundation dewatering will need to be considered and we would discourage the proliferation of non-mains foul drainage.

Maesbrook - depth to groundwater is likely to be shallow. There are also a number of private supplies. Appropriate drainage solutions will be required and foundation dewatering will need to be considered and we would discourage the proliferation of non-mains foul drainage.

Ruyton XI Towns – located within SPZ3 of a public water supply borehole. Shallow groundwater is probable. Dairy/industrial former site use, so contaminated land considerations. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures would therefore be required.

St Martins Former mining area so there may be ground contamination/stability issues that will need to be addressed. Given the proposed scale of the development mains foul drainage will be required.

West Felton - within the SPZ3 of a public water supply borehole. The depth to groundwater is likely to be relatively shallow. There are also a number of private supplies. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures would therefore be required. Foundation dewatering will need to be considered.

Weston Rhyn – WRP001VAR adjacent to springs/issues and surface water course. So groundwater is likely to be shallow. Foundation dewatering and surface water management aspects will need consideration.

Whittington - Located within SPZ3 of a public water supply borehole and shallow groundwater in places. Given the proposed scale of the development mains foul drainage will be required. Foundation dewatering and surface water management aspects will need consideration.

Shifnal

The proposed development sites overlie sand and gravel deposits which in turn overlie the Permo-Triassic sandstone. These form a strategically important source of public water supply.

SHIF004a & 4b, SHIF006, SHF022&23, SHF029 and SHF015 fall within SPZ3; ELR021 falls within SPZ2. Groundwater levels are relatively shallow at 5 to 10m bgl. It is therefore essential that appropriate land uses, drainage design and pollution prevention measures are adopted. This is particularly important for the employment site where a potentially wide range of activities may be proposed. The mains foul drainage infrastructure will have to be sufficient to support the development proposals.

Employment land parcels SHF018b and 018d overly the PWS abstraction and associated SPZ1. Appropriate foul and surface water drainage design and pollution prevention measures will be required. Early consultation with the water utility provider as Key Stakeholder will be essential in order to prevent delays to development planning process. Within SPZ1 the Environment Agency will object to certain land uses

Shrewsbury

SHR177 and SHR057 are located within SPZ3. Therefore it will be necessary to ensure appropriate mains foul drainage and surface water drainage.

SHR054a is adjacent to a number of private water supplies and close to a spring/issues. Therefore drainage design and pollution prevention measures will be required.

Baschurch - A number of private water supplies are recorded in the area, consequently given the size of the proposed development appropriate mains foul drainage will be required.

Bicton – BIT022 located within SPZ3 and is adjacent to a well. Therefore it will be necessary to ensure appropriate mains foul drainage and surface water drainage.

Ford - FRD011 falls within SPZ2/3 of a public water supply source. Consequently the hydrogeological setting is highly sensitive. It is therefore essential that appropriate land uses, drainage design and pollution prevention measures are adopted.

Nescliffe - NESS004 located in SPZ3 of a public water supply source and groundwater is relatively shallow. It will therefore be necessary to ensure appropriate foul (mains) and surface water drainage are provided.

Gonsal Quarry Extension

The site is underlain by sands and gravels which are in turn underlain by the Carboniferous Salop Formation.

There are a number of potentially adverse impacts that could arise due to the proposed activities. These aspects require full consideration.

A water features survey would have to be undertaken to identify any wells, springs, boreholes, watercourses, pools or other water dependent features. Records indicate that there are a number of private supplies in the area. The removal of the superficial deposits has the potential to adversely impact upon the quality or quantity of water supplying such features.

The site is in close proximity to a number of local wildlife sites/protected species such as deciduous woodlands. It would be necessary to demonstrate that these features would not be adversely impacted by the proposals as they could be highly sensitive to any water level changes/reductions in aquifer storage. A detailed conceptual model of the area (based on site specific geological and monitoring information of at least 1 year in duration) would have to be devised to assist in the assessment.

Any subsequent discharge from the site would have to be controlled and of a sufficient quality not to result in adverse impacts.

Ensuring appropriate restoration measures are also key in terms of protecting water resources. Restoration will require an appropriate environmental permit. Dual-tracking of the planning and permitting process for mineral sites is advisable (See <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>).

Only when such issues have been considered can the acceptability of the proposals be fully assessed. However there are clearly a significant number of potential constraints on the proposals.

In the event that sufficient information is provided to demonstrate that the above potential impacts are unlikely/can be mitigate; we would require a long term monitoring scheme (which shall be in full force for the duration of operations) is put in place to ensure that any potentially adverse impacts (risk of deterioration to the groundwater/water features) are identified. We would require the applicant to investigate the cause of deterioration; remediate any such risk and monitor and amend any remedial measures.

Wem

Shawbury - SHAW004 and SHA019 groundwater is relatively shallow within the superficial deposits and there are a number of ponds/spreads, springs and watercourses in the vicinity. There is the potential for contamination issues associated with adjacent land uses which should be considered prior to development. Mains foul drainage should be adopted and the surface water drainage should also be carefully designed as there are a number of private water supplies in the immediate vicinity.

Whitchurch

Ash Magna – ASHP002 Mains foul drainage should be adopted and the surface water drainage should also be carefully designed as there are a number of private water supplies in the immediate vicinity.

Clive Barracks

Given its history contaminated land aspects will need consideration. Appropriate land uses, drainage design and pollution prevention measures will be required.

Former Ironbridge Power Station

Given its history contaminated land aspects will need consideration. Appropriate land uses, drainage design and pollution prevention measures will be required. We are currently reviewing information to inform a number of planning applications at this location.

RAF Cosford

The site lies within the SPZ2/3 of the Cosford, Hellbank and Neachley public water supply boreholes. Appropriate land uses, drainage design and pollution prevention measures will be required.

Being an active MOD site/airfield there is a strong likelihood of land contamination issues across parts of the site. The effects of groundworks/development in liberating and mobilising contaminants should be of particular consideration with regard to risk to the public water supply boreholes. We advise the inclusion of land contamination risk assessments and remediation plans as a pre-requisite to drainage design such that early resolution of related issues informs the site layout and drainage planning process. It will also give developers the certainty for any remediation costs and timescales.

Given the site history, consideration should be given to detection and assessment of potential (chlorinated) solvent dnapl plumes (e.g. aircraft maintenance activities) and also per- and polyfluoroalky substances (e.g. firefighting activities).

.....

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

- No, I do not wish to participate in hearing session(s)
- Yes, I wish to participate in hearing session(s)
(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We would look to submit written representations but may wish to attend a particular hearing session.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature:	<table border="1"><tr><td>M. Davies</td></tr></table>	M. Davies	Date:	<table border="1"><tr><td>22/02/2021</td></tr></table>	22/02/2021
M. Davies					
22/02/2021					

Office Use Only	Part A Reference:
	Part B Reference:

Appendix B: Summary of issues raised by EA where SC proposes no change.

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
A0347	B001	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	DP8	No	No	Not Specified	1.The Local Authority should ensure that it has fully taken into account the availability of water in new developments, particularly in areas of water stress (Shropshire is moving towards serious water stress). 2. There is the need for appropriate foul drainage arrangement, to avoid extensive proliferation of non-mains drainage. Suggest reference to DP19 should be included to make it more effective.	DP8 Gypsy and Traveller Sites	1.The Shropshire Water Cycle Study shows that there is sufficient water to accommodate the growth in the Local Plan and Policy DP20 sets out water efficiency standards for new housing and major development. No change proposed. 2. The Plan should be read as a whole. SC do not consider that a cross reference is necessary here.	Yes EA further comments Yes – WCS covers water availability and demonstrates need for higher water efficiency, further supported by the recent publication of serious water stress’ within Shropshire. https://www.gov.uk/government/publications/water-stressed-areas-2021-classification
A0347	B003	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	DP20	No	No	Not Specified	1. Support. 2. Update: we published our consultation on the updated method and initial outcomes for determining areas of ‘water stress’ in England on 11 February 2021. The final assessment will provide the Environment Agency’s advice to the Secretary of State on the water company areas that should be determined to be in areas of serious water stress. 3. Note: Shropshire is showing as an area of water stress.	DP20 Water Efficiency	1. Support welcomed. 2. Noted. No change proposed. 3. Noted. No change proposed.	Yes EA further comments Yes – Shropshire is now categorised as a serious water stressed area https://www.gov.uk/government/publications/water-stressed-areas-2021-classification
A0347	B008	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	DP31	No	No	Not Specified	1. Paragraph 1 point e. Mineral quarrying can cause adverse impacts to the water environment. A detailed and comprehensive water features survey should be undertaken for all sites. Additionally, detailed conceptual modelling of site specific geological and hydrogeological information over the course of a least one year will be needed to inform a comprehensive hydrogeological risk assessment. These requirements should be included in this part of the policy. 2. Paragraph 2. Restoration of sites may be constrained by the need to protect water resources. 3. General. Restoration with some	DP31. Managing Development and Operation of Mineral Sites	The detailed changes requested to para 1e of draft Policy DP31 are already addressed in para 4.272 of the proposed explanation to this draft Policy. Para 4.274 of the proposed explanation to draft Policy DP31 recognises the need for environmentally sensitive design and site restoration proposals. It is considered that site-specific proposals/opportunities would be more appropriately addressed as part of the Planning Application process	Yes EA further comments Yes – Noted no further comment. We have had issues with some of these aspects being ‘missed’ at the planning stage or mineral sites being approved without such being undertaken sufficiently. Agree, regards restoration, permitting and opportunities.

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
							materials may require an environmental permit. The permitting regime is independent of the planning system and we encourage applicants to dual-track the planning consent and permitting processes. 4. General. We would support opportunities for habitat creation to benefit white-clawed crayfish at Gonsal. Also, where appropriate, multi-functional flood storage. The policy could expand on this latter point.		for these sites. As such, no changes are proposed.	
A0347	B010	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	SP17	No	No	Not Specified	Explanatory text. Could include; Where developments are subject to an Environmental Permit from the Environment Agency, the EA would encourage pre-application discussions. These applications should provide an appropriate level of detail to inform a reasonable degree of certainty on the planning application and to ensure the principle of the development and use of the land is acceptable with cross reference to permitting constraints".	SP17. Waste Management Infrastructure	Noted. It is considered that this issue is more appropriately addressed within the explanation to draft Policy DP32, to which a minor modification is proposed.	Yes
A0347	B012	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	SP1	No	No	Not Specified	1. Paragraph 1c. Could say "addresses the effects of", "avoids" and mitigates the impacts of climate change... 2. We note the references to the Big Town Plan (BTP) in SP1...and similar in Policy SP2, with lines such as "...support of the delivery of the Big Town Plan and its related masterplans". Some sites in the BTP are in the functional flood plain and we do not want the inclusion of the BTP as an evidence base document to infer that such sites have any statutory status.	SP1 The Shropshire Test	Noted. Shropshire Council considers the proposed wording of draft Policy SP1 is appropriate. The draft Shropshire Local Plan should be read as a whole. Whilst it presents an opportunity to ensure a comprehensive and co-ordinated approach is pursued to the planning and development of Shrewsbury and to ensure development is consistent with the objectives of the Shrewsbury Big Town Plan and associated masterplan documents which are material considerations in decision making, other proposed policies, such as DP21 which relates to flood	No EA further comments Recommend that 1. Paragraph 1c. Could say "addresses the effects of", "avoids" and mitigates the impacts of climate change. You are implying other policies such as DP21 flood risk would override any BTP related masterplan and be looked at on its merits. The BTP masterplan would have limited inferred weight for sites.

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
									risk, remain relevant to all development proposals across Shropshire.	
A0347	B013	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	SP2	No	No	Not Specified	We note the references to the Big Town Plan (BTP) in SP1...and similar in Policy SP2, with lines such as "...support of the delivery of the Big Town Plan and its related masterplans". Some sites in the BTP are in the functional flood plain and we do not want the inclusion of the BTP as an evidence base document to infer that such sites have any statutory status.	SP2 Strategic Approach	Noted. Shropshire Council considers the proposed wording of draft Policy SP1 is appropriate. The draft Shropshire Local Plan should be read as a whole. Whilst it presents an opportunity to ensure a comprehensive and co-ordinated approach is pursued to the planning and development of Shrewsbury and to ensure development is consistent with the objectives of the Shrewsbury Big Town Plan and associated masterplan documents which are material considerations in decision making, other proposed policies, such as DP21 which relates to flood risk, remain relevant to all development proposals across Shropshire.	No EA further comments SP1 and SP2 - We understand your strategic 'vision' for Shrewsbury and wider objectives. But, we didn't view those documents as having a 'significant' material consideration weight and raised a risk in terms of that reference and any inference of sites within those documents particularly existing/draft or emerging masterplans (not yet undertaken/finalised?). Where those sites are not specifically assessed or allocated within this plan.
A0347	B014	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	S16.1 Shrewsbury	No	No	Not Specified	1. Explanatory text; The Shrewsbury Big Town Plan (BTP) is referenced as a significant material consideration. We would not want the LPR to infer that any sites identified in the BTP have the same weight as those allocated in the documents such as an SPD, Neighbourhood Plan etc which have been through a statutory consultation process. We did discuss this issue with you as part of earlier evidence base conversations. It might be reasonable for the policy to have regard to a potential design steer from the BTP instead. Care should be taken to ensure viability and not to show inaccurate details or significant	S16.1 Shrewsbury	1. The Shrewsbury Big Town Plan is a visionary urban design document which has established a compelling and challenging shared vision and development framework for the town. It is considered appropriate to identify the objectives of the Big Town Plan and its associated masterplan documents as material considerations in decision making as they underpin the proposed strategy for Shrewsbury. It should be noted the starting point for decision making is	No (1) Yes for (2) and (3) EA further comments (1) No - As above, we understand the vision you have set. However, we were highlighting that we wouldn't want to infer that those documents which have not had a statutory consultation process, or any formal engagement with us, etc; have 'significant' weight or inference of suitability as a result of a cross reference in the local plan. We understand that they would be assessed against other plan policies or NPPG in relation to flood risk. Some of those sites may not be appropriate in the absence of evidence base or options to suggest otherwise. 2) Noted (support).

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
							<p>elements that haven't been decided upon. We will treat development opportunities within Shrewsbury as windfall development and as part of any future strategic planning consultation we formally receive. Such documents should be supported by appropriate evidence.</p> <p>2. Paragraph 7. The line of the NWRR is included in the Plan and we read this as an indicative route only. We have flagged environmental issues and concerns as part of EIA scoping and have outlined the need to consider and be transparent on potential alternative routes/design for the road to avoid impacts on water resources and environmental issues. We have also previously expressed reservations about potential allocations/infill sites in the Shelton area, between the line of the road and the development boundary and we now strongly object to any such development sites, in line with our previous comments. We support the removal of that potential allocation.</p> <p>3. Paragraph 10 c. Our preference is for avoidance of inappropriate development within the floodplain.</p> <p>4. Paragraph 12 b. This should include water abstraction areas', as a key environmental consideration to avoid inappropriate development and impact upon.</p>		<p>the adopted Local Plan and where potential development sites conflict with this Plan, they should be refused unless material considerations indicate otherwise. No change proposed.</p> <p>2. Support for the removal of site SHR216 is noted.</p> <p>3. The Plan should be read as a whole. Policy DP21 follows national policy and guidance on minimising flood risk. No change proposed.</p> <p>4. The Plan should be read as a whole. Policy DP19 safeguards groundwater Source Protection Zones. No change proposed.</p>	3) Mentioned elsewhere, Our preference is for avoidance of inappropriate development within the floodplain
A0347	B016	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	SP8	No	No	Not Specified	Paragraph 1 h. In line with our comments made to the Water Cycle Study and waste water infrastructure there are capacity issues associated with some areas – a lack of mitigation options to show if and how some impacts can be overcome (deliverability). This should be informed by your evidence base to identify and ensure any infrastructure requirements are deliverable.	SP8 Managing Development in Community Hubs	Noted. No change proposed. The Statements of Common Ground with Severn Trent Water and Welsh Water show how the capacity issues identified in the Water Cycle Study can be overcome.	<p>No</p> <p>EA further comments No - We have raised some questions on this in response to the Water Cycle Study (WCS), noting the updates – including your JBA erratum/addendum to WCS document dated March 2021 which we only received on 22 June 2021; along with your draft SOCG with utility companies. We are aware that Severn Trent Water (STW) and Welsh Water (DCWW) have a detailed knowledge of their assets, and the range of</p>

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										<p>options and constraints at each/possible opportunities. However, some areas are not clear.</p> <p>For example, there are 5 areas identified WWTW where deterioration may be a problem – We can't see any options for these ones in the WCS study or addendum (which has a recommendation to "Identify options to accommodate Growth" aligned with the plan) but see in the STW Ltd SoCG statement you have – extract below (<i>action 19 of STW/SC SoCG not included here</i>). The suggestion there are solutions? What are these solutions (options to show if and how these impacts can be overcome) and are these technically feasible?</p> <p>Your draft SOCG with the utility Companies, suggests that they will respond to growth through their WINEP schemes or upgrade process. Some of which is unclear at this time. It also suggests Implementation through STW early engagement with the Development Management process and working together to ensure delivery of improvements in treatment technology are aligned with delivery of development sites during the plan period. This is maybe reactive (deferring to the planning application stage) and there is a potential risk despite the 'right to connect' process.</p> <p>Your Implementation plan/place plan, related to any phasing delay, should include detail particularly where you detail of AMP/7 improvements.</p>
A0347	B017	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	SP9	No	No	Not Specified	<p>1.The rural nature of Community Clusters means that early consideration should be given to the availability of water in new developments (particularly in areas of water stress), adjacent private water supplies and non-mains foul drainage.</p> <p>2. The issue of appropriate foul drainage provision is particularly important in such settings. Within Shropshire there are many people who rely on private water supply wells, boreholes and springs for their potable water. We wouldn't encourage the extensive proliferation of non-mains drainage. Large scale</p>	SP9 Managing Development in Community Clusters	<p>1. The Shropshire Water Cycle Study shows that there is sufficient water to accommodate the growth in the Local Plan, including in the rural areas. No change proposed.</p> <p>2. Proposed modifications to Policy DP19 address the issue of private water supplies and non-mains drainage. No change proposed.</p> <p>3. The draft Shropshire Local Plan should be read as a whole. Furthermore, draft Policy SP9 includes "There is sufficient infrastructure</p>	Yes

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
							development that is not able to be serviced by mains water or mains foul drainage could potentially have negative environmental impacts for water resource and water quality. 3. Reference to DP19 should be included. 4. There may be options for 'first time' mains sewerage systems.		capacity to support the development, or any infrastructure capacity constraints can be addressed through the development, consistent with relevant policies of this Local Plan." Given the number of relevant policies, it is not considered that specific cross-referencing is necessary in this instance. 4. Options for first time mains sewerage systems are noted. No change proposed.	
A0347	B018	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	SP16	No	No	Not Specified	Ensuring appropriate restoration measures are key in terms of protecting water resources. Restoration with soils will require a waste exemption or may require an appropriate environmental permit. Dual-tracking of the planning and permitting process for mineral sites, with waste recovery/landfilling, is advisable (See https://www.gov.uk/guidance/waste-recovery-plans-and-permits).	SP16 Strategic Planning for Minerals	Noted. The draft Shropshire Local Plan should be read as a whole. Para 4.274 of the explanation to draft Policy DP31 already recognises the need for environmentally sensitive design and site restoration proposals. It is also considered that the minor modification proposed to para 4.280 of the explanation to draft Policy DP32 addresses opportunities for twin-tracking with waste permitting.	Yes

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A0347	B019	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Strategic Flood Risk Assessments (SFRA) Levels 1 and 2	No	No	Not Specified	<p>1. We note the SFRA is intended to help Shropshire Council in applying the Sequential Test for their site allocations and identify where the application of the Exception Test may be required via a Level 2 Strategic Flood Risk Assessment.</p> <p>2. We haven't reviewed all sites as part of our review of this plan or SFRA L2. We rely on sites that may come forward being sequentially tested etc by you, as the LPA and appropriately assessed to ensure sustainability, including all sources of flooding.</p> <p>3. Rep summarises the modelling used in the SFRA to assess flood risk.</p> <p>4. The SFRA-2 table shows that the degree of flood risk varies between sites with some sites being more affected than others but the SFRA concludes that all sites in the summary table (6.1) should be developable to some degree if the detailed advice in the SFRA is followed.</p> <p>5. The SFRA assumes the maximum extent of fluvial flooding with climate change is likely to be similar to Flood Zone 2. EA normally require the 100-year plus 35% and 100-year plus 70% climate change fluvial scenarios to be considered in future housing developments (more vulnerable). These will likely be updated this year.</p> <p>6. The SFRA suggests that developers may need to undertake more detailed hydrological and hydraulic assessments of watercourses where there are currently no detailed hydraulic models, to verify flood extent (including latest climate change allowances), inform development zoning within the site and prove, if required, whether the Exception Test can be passed. This should be carried forward into the</p>	Evidence base: SFRA-1 and SFRA-2	<p>1. Noted. No change proposed.</p> <p>2. Noted. No change proposed</p> <p>3. Noted. No change proposed</p> <p>4. Noted. No change proposed</p> <p>5. Noted. No change proposed</p> <p>6. The SFRA-2 evaluated 98 proposed allocations/promoted sites for fluvial flood risk, including flood risk from unmodelled water course. Out of the 98 sites, 19 were carried forward to a Level 2 assessment. Two of these sites, CST021 and WEM033, were taken forward on the basis that they contained unmodelled water courses. The Council thus considers that the flood risk from unmodelled watercourse has been adequately considered for all allocated sites and there is no need to add a requirement for more detailed hydrological and hydraulic assessments of the watercourses to any site guidelines. No change proposed.</p> <p>7. The SFRA is an evidence base document and as such has informed the preparation of the Local Plan. The amendment suggested would not affect the content of the Local Plan so no change is proposed</p>	<p>Yes</p> <p>EA further comments Update and clarification noted – no further comments. We have commented on peak river flow 'climate change' updates (20th July 2021) elsewhere.</p> <p>6) Should inform site development requirements.</p>

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							relevant site guidelines and for some sites, it will also need to include smaller un-modelled 'ordinary' watercourses (with a catchment less than 1km2. The outcome of such modelling may affect the amount of developable area and safe development requirements as well as the need for blue infrastructure. 7. SFRA-2 section 8.2.2. This should also refer to the restrictions for surface water discharges to ground within SPZ1.			
A0347	B020	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Infrastructure The WCS/Local Plan is not clear on solutions for wastewater infrastructure in areas with a capacity issue. For instance, the WCS mentions that 'pumping out of catchment' may be needed, but this needs to be examined to inform likely viability, cost, delivery etc. We have indicated in previous discussions with you that you need to demonstrate there is a solution to amber or red constraints identified in the WCS. You may need to produce an Infrastructure Delivery Plan to give a reasonable degree of certainty and demonstrate that development is deliverable and will not cause environmental degradation. Government guidance states that sufficient detail should be provided to give clarity to all parties on if/when infrastructure upgrades will be provided, looking at the needs and costs (what and how much). There may be a need for a phasing policy to	Evidence base: Water Cycle Study	The Statements of Common Ground between SC and Severn Trent Water and SC and Welsh Water demonstrate that the red and amber constraints for wastewater infrastructure shown in the WCS can be overcome. Additionally, Policy DP19 provides for phasing to allow the relevant water company sufficient time to undertake any necessary capacity improvement works to the waste-water treatment works prior to construction and occupation of the development. No change proposed.	No EA further comments No - As above, we have raised some questions on this in response to the Water Cycle Study, noting the updates and draft SOCG with utility companies.

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							allow time for the solution to be actioned.			
A0347	B021	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: WCS	No	No	Not Specified	Evidence base WCS: Section 9.7: Comment is made in numerous parts of the study to '...further mitigation may need to be taken to accommodate growth and options include pumping wastewater to a different WwTW or changing the point of discharge to a less sensitive waterbody'. This is not as easy as it may seem and the study does not pick up on the issue that transferring flow out of a catchment can cause more environmental harm as a result of the loss of flow from the original watercourse and then the need for assessment at any new location. We haven't listed all relevant sites here, but further work is required to address this.	Evidence base: Water Cycle Study	Solutions for those WwTW which are at their Technically Achievable Limit (TAL) will be determined by the relevant water company at the development management stage rather than the plan making stage and will be subject to the environmental permitting regime at this point. No change proposed.	No EA further comments As above – but noting that for some areas (shown in the addendum WCS) some settlement growth areas have a confirmed AMP upgrades or something is identified/programmed.
A0347	B022	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Section 6.3 Methodology With reference to the following point '...a red RAG score given by the water companies reflects the presence of sewer flooding, CSO spills or pollution events in the vicinity of the site, on the assumption that an increase in wastewater flows from development would make those occurrences more likely in the future...' We consider that impacts of the growth could be seen some distance from the development site depending upon the location of the first impacted storm overflow or even a cumulative effect in the sewer network. We are a bit concerned that just the	Evidence base: Water Cycle Study	Noted. No change proposed	Yes EA further comments Yes, Noted – We appreciate the need for an holistic, 'whole catchment' appraisal of growth and impact on CSOs etc. but note some areas are flagged 'as red' by the Utility company for this risk. With regard to CSO matters - The WSPIC have already started making strides forward with regards to the Urban Area Drainage plans and one would hope that these would flag up sensitive location in the sewer catchment that could be addressed as/when development occurs. These plans are still under development though so difficult to tell how effective they will be.

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							immediate vicinity has been screened.			
A0347	B023	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Section 6.6.1 The following comment has been made with regards to the Strategic Sites 'All of the strategic sites were scored red by STW who gave the following comments for each of the sites: Consider on-site treatment system. In reality this is probably more difficult than it may seem as any new discharge from an on-site treatment system would need to be assessed in terms of strict no deterioration policy as opposed to river needs permitting.	Evidence base: Water Cycle Study	Noted. No change proposed	Yes
A0347	B024	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Table 7.2 Summary of WwTW flow assessment - could benefit from a column showing the proposed growth for easy comparison with the perceived headroom capacity.	Evidence base: Water Cycle Study	Noted. No change proposed	Yes
A0347	B025	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Section 9.1 Phosphates – there doesn't appear to be any reference to the fact that a large percentage of phosphate in the sewer network originates from phosphate dosing into water supply to prevent leaching from water supply pipes.	Evidence base: Water Cycle Study	Noted. No change proposed	Yes EA further comments No further comment – appreciate P dosing in drinking water is a WSPIC practice.
A0347	B026	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Figure 9.1 Is the wording in light green outcome box correct? Shouldn't it read 'GES can be achieved using current technology?'	Evidence base: Water Cycle Study	The 2021 Erratum to the WCS corrects this table. No change proposed.	Yes
A0347	B027	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Section 9.4 Possible typo: SIMCAT modelling approach – Run type 9 within SIMCAT was then used which assumes that upstream flow each treatment works is at good ecological status. The	Evidence base: Water Cycle Study	The WCS is an evidence base document and as such has informed the preparation of the Local Plan. The amendment suggested would not affect the content of the	Yes

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							permit value required to achieve GES is then calculated by the model.		Local Plan so no change is proposed.	
A0347	B028	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Table 9.2 We suspect that WFD Standards do exist for the following: Bishop's Castle – Snakescroft Brook (GB 109054044061): Chirbury Tributary – source to confluence with River Camlad (GB 109054049290): Ditton Priors – Rea -source to confluence with Farlow Brook (GB109054044281): Dorrington-Cound Brook – confluence unnamed tributary to conf unnamed tributary (GB 109054049400): Ellesmere Wharf Meadon – Tetchill Brook – source to confluence with River Perry (GB 109054055000): Prees Golfhouse Lane-Soulton Brook- source to confluence with River Roden (GB 109054049201): Rushbury -Byne Brook – source to confluence with Quinny Brook (GB 109054044370). The WCS should be updated and appropriate actions taken.	Evidence base: Water Cycle Study	Table 9.2 is updated in the 2021 WCS Erratum as Table 9.1. Although some WwTW which previously did not have WFD standards do now have them in the updated version, there are some that still don't. However, the WCS states that the latter have still been assessed using a 10% deterioration test and based on this, no change to the WCS is proposed.	Yes EA further comments We consider this approach is acceptable. Based on WCS addendum/erratum. In most cases a 10% deterioration is more onerous than achieving reported class.
A0347	B029	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Section 11.3 Point source pollution. It doesn't appear that the relevance of the SSSI designation or whether it is in continuity with the watercourse has been considered.	Evidence base: Water Cycle Study	The 2021 Addendum to the WCS presents a fuller assessment of the impact on designated wildlife sites which addresses this point. No change proposed.	Yes
A0347	B030	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Section 11.7.1 This section doesn't appear to recognise the benefits SUDS offer in terms of reduced flows in combined sewers and so the potential reduction in storm impacts via CSOs and storm storage overflows	Evidence base: Water Cycle Study	Noted. No change proposed	Yes
A0347	B031	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Section 12.3 The WCS states that 'the current allocated and committed growth in Shropshire has been made possible by upgrading phosphate stripping processes in the WwTW in the Clun catchment in order to reduce point-	Evidence base: Water Cycle Study	Severn Trent Water have confirmed to SC that the additional proposed growth can be accommodated by the AMP7 (2020-2025) upgrades to Wastewater Treatment Works and that they therefore	No EA further comments Our understanding is that the initial 75% P load removal accounted for all growth shown at that time. This additional growth was not included in the initial assessment.

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							source inputs of nutrients, however any additional growth in the catchment would need further measures to ensure no deterioration to water quality in the catchment'. Our understanding was that 'projected future growth' was included in the requirements of the AMP6 schemes but this will not have accounted for any additional growth in this WSC, or local plan review, so yes, this additional growth alone would need further measures. These need to be understood and demonstrated to be deliverable.		wouldn't undertake any further work over and above the work already scheduled at Bishops Castle. See also the Statement of Common Ground with Severn Trent Water.	However, on initial assessment, we consider the WCS is correct. The AMP7 scheme at Bishops Castle STW will maintain that 75% removal commitment made by STWL.
A0347	B032	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS: Table 12.2 Options – Farm management – any nutrient removal via this route must be above and beyond what we would expect the agricultural sector to achieve in any case e.g. regulatory minimum.	Evidence base: Water Cycle Study	Noted. No change proposed.	Yes EA further comments Noted - our point is actually 'any nutrient removal by the WSPIC or LA achieved through farm management' must go above the regulatory minimum required of the landowners. We believe you are aware of this.
A0347	B033	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Evidence base: Water Cycle Study	No	No	Not Specified	Evidence base WCS Section 12.4.1 The WCS states that 'Additional growth as part of the preferred options and strategic sites identified in the Local Plan Review, would reduce the percentage phosphate load removed to under 75%. However, in AMP7 Bishops Castle is also due to be upgraded and its permit tightened to 0.4mg/l (from 0.43mg/l) to ensure future compliance. This is predicted to offset the proposed additional growth, and even allow some betterment in comparison to AMP6. Severn Trent Water have therefore commented that they would not need to "undertake further work to accommodate the extra 121 houses over and above the work already scheduled at Bishops Castle. This work alone is sufficient to ensure no net detriment to the SAC."	Evidence base: Water Cycle Study	Severn Trent Water have confirmed to SC that the current permit has sufficient headroom to accommodate all the additional growth proposed in the river Clun catchment.	Yes EA further comments Agree - We can confirm that our records suggest that Bishops Castle STW permit has sufficient headroom (environmental water quality capacity) to accommodate 121 additional houses. However - That doesn't enable growth/overcome or remove the need for Nutrient Neutrality. See comments elsewhere on Nutrient Neutrality and the need for evidence to show that this growth is deliverable linked to feasible measures. See Joint EA/NE position statement (July 2021). SC Note: The NE-EA Joint Advisory Position on the Clun catchment 23.07.21 forms Appendix C to this SoCG.

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							<p>This needs further clarity. Our understanding was that the initial growth projections were accounted for in the 75% load reduction but not the additional considered in this review. The AMP7 scheme at Bishops Castle is a No Deterioration scheme which assessed the possible impact if the STW discharged at the limit of its permit. Discharging at permitted load would cause a deterioration in the receiving watercourse so the P limit was tightened to ensure the load would not increase. Question is, are STWL suggesting that the current headroom at permitted volume would be sufficient to accommodate all the additional growth proposed for the Clun catchment?</p> <p>We would advise you to update the WCS and seek further clarification. To assist capacity considerations, in discussion with Severn Trent Water, you could check how much additional flow would be expected and where. We can then assess what further Phosphate reduction would be required to maintain the promised load reduction and how feasible that would be etc. Any identified action or option will need to come out as likely feasible, viable, and deliverable. This would also need to consider nutrient neutrality.</p>			

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A0347	B034	Habitats Regulations Assessment	Severn Estuary SAC/SPA/Ramsar	No	No	Not Specified	<p>HRA: Severn Estuary SAC/SPA/Ramsar</p> <p>1. The estuary is designated for migratory fish and the HRA should consider impacts on water quality and water quantity for tributaries in Shropshire from increased recreational pressure and the potential for the introduction of aquatic diseases.</p> <p>2. Section 3.13 uses a 20km drainage range. The use of the river by migratory fish means that this is not appropriate – it does not assess dependant habitat for the Severn Estuary SAC and Ramsar.</p> <p>3. Section 3.2 does not include the Ramsar designation.</p> <p>4. Section 3.5 does not include impacts from water quantity. Low flows from increased abstraction for development would exacerbate nutrient enrichment.</p>	HRA	<p>1. Table 2 of the HRA (Hydrological potential effect pathways) identifies that the River Severn SAC/SPA/Ramsar is vulnerable to changes in water quality and quantity and this is discussed in more detail, and mitigation proposed in sections 3.2-3.22 of the HRA. This is considered to address issues pertaining to migratory fish. A minor modification is proposed to section 3.5 of the HRA to explicitly include reference to watercourses in the Plan area supporting migratory fish, which are features of the Severn Estuary SAC and Ramsar.</p> <p>2. The 2021 Addendum to the WCS presents a fuller assessment of the impact on designated wildlife sites and the application of policies DP19: Water Resources and Water Quality, DP20: Water Efficiency, DP21: Flood Risk and DP22: Sustainable Drainage will protect all watercourse (including those used by migratory fish) and in so doing are likely to prevent adverse effects on site integrity, alone and in combination, on the Severn Estuary SAC/SPA and Ramsar.</p> <p>3. Minor modification to HRA proposed to add in an overview of the Ramsar designation after section 3.4.</p> <p>4. Minor modification to HRA proposed to add in reference to water quantity being a key issue with potential to affect the Severn Estuary SAC/SPA/Ramsar.</p>	<p>Yes</p> <p>EA further comments Noted, in terms of migratory fish etc.</p>

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A0347	B035	Habitats Regulations Assessment	Hencott Pool Ramsar	No	No	Not Specified	HRA: Hencott Pool Ramsar Recreational impact has been screened out for Hencott Pool. Whilst there is no formal public access to Hencott Pool there is informal access. Increased residential housing in the area is highly likely to increase the amount of public usage of the site which could lead to water management impact; vegetation disturbance and destruction and the introduction of invasive plants.	HRA	There needs to be credible evidence of an impact pathway to a European site for it to be subject to screening for likely significant effects. Informal access is hypothetically possible to every European site and therefore criteria presented in section 2.55 are considered sufficiently robust to identify sites where there is real risk of recreational impact pathways being present. No change proposed.	Yes
A0347	B036	Habitats Regulations Assessment	Stage 2 Appropriate Assessment	No	No	Not Specified	HRA: Stage 2 Appropriate Assessment - invasive species Only sites with public access have been taken to Stage 2, but informal access is available around sites and if nearby residential numbers increase there is potential for impact, A mitigation measure of managing visitor numbers and access needs to be discussed in stage 2 for all of the sites	HRA	There needs to be credible evidence of an impact pathway to a European site for it to be subject to screening for likely significant effects. Informal access is hypothetically possible to every European site and therefore criteria presented in section 2.55 are considered sufficiently robust to identify sites where there is real risk of recreational impact pathways being present. No change proposed.	Yes
A0347	B037	Habitats Regulations Assessment	Air pollution	No	No	Not Specified	HRA: Air pollution The potential impacts of air pollution to the designated sites does not appear to have been discussed within the HRA such as from increased or closer road traffic and construction	HRA	Consideration of impacts from air pollution upon European sites is considered in the HRA in sections 2.12 - 2.41, Table 1, table 2 and Appendix 3 as well as for individual sites - Hencott Pool Ramsar (sections 3.96-3.104). No change proposed.	Yes
A0347	B038	Habitats Regulations Assessment	Para 3.21	No	No	Not Specified	HRA: Paragraph 3.21 The conclusions of stage 2 assessment are that local plan sustainability policies DP20 to 23 will protect waterbodies from adverse effects. However a number of settlements have been scored as 'amber' or 'red' for water supply or	HRA	The Statements of Common Ground between SC and Severn Trent Water and SC and Welsh Water demonstrate that the red and amber constraints for wastewater infrastructure shown in the	No EA further comments See comments elsewhere related to WCS wastewater 'capacity' (outstanding clarification queries for some constraint areas) and Clun Catchment HRA related growth.

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							wastewater infrastructure in the Shropshire Water Cycle Study meaning that significant infrastructure may be required to accommodate it. These settlements should be flagged as mitigation measures not yet agreed for the HRA assessment until further discussions and agreements have taken place between the water cycle study group and Severn Trent Water. There needs to be options presented to provide certainty and ensure deliverability.		WCS can be overcome. No change proposed.	
A0347	B039	Habitats Regulations Assessment	Section 3.23	No	No	Not Specified	HRA: Section 3.23 The paragraph fails to also consider the inter-dependency of the Pearl Mussels on Trout and Salmon to complete their lifecycle. These fish require good water quality and adequate water quantity. Unnatural volumes and frequency of flooding and drought which could also be exacerbated by development would also impact the Pearl Mussels and fish.	HRA	A minor modification to the HRA is proposed to include reference to the importance of salmonids in the life-cycle of the Freshwater Pearl Mussel, however, the conclusion of the Appropriate Assessment for the River Clun SAC is not considered to alter.	No EA further comments Welcome alteration of wording – However, we do not agree with the conclusion of the HRA for the River Clun
A0347	B041	Habitats Regulations Assessment	River Dee SAC	No	No	Not Specified	HRA: River Dee SAC Housing allocation within the River Dee catchment is relatively low and there is current or already planned upgrade capacity for wastewater and water resource infrastructure. Policy DP20-23 seems a reasonable mitigation option for HRAS2 assessment for the River Dee SAC.	HRA	Noted. No change proposed.	Yes
A0347	B042	Habitats Regulations Assessment	Para 3.54	No	No	Not Specified	HRA Paragraph 3.54 - Montgomery Canal SAC 1. There are plans to restore and reconnect dry sections of the Montgomery Canal which require mitigation areas close to the canal for plants and animals from the canal. The Canal & River Trust should be consulted on; the HRA for the local plan allocations; pressure from increased recreational use of the canal; the requirement for individual developments to be subject to a full	HRA	1. The Canal & River Trust submitted comments to both the Regulation 18 and this consultation (Rep numbers 1844 and A402 respectively). The Council therefore considers that they have been adequately consulted on both the Local Plan and the HRA. No change proposed 2. As shown in the heading preceding section 3.51, 'introduction of invasive	Yes

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							HRA; and adherence to DP13, 15, and 16. 2. Suggest the introduction of invasive plants and animal disease also needs to be added to this section.		species or disease' is considered in sections 3.51 - 3.59. No change proposed.	
A0347	B043	Habitats Regulations Assessment	Fenns, Whixal, Bettisfield, Wem. Cadney Mosses, Marton Pool, Morton Pool, Brown Moss, Colemere, Whitemere SAC and Ramsar sites.	No	No	Not Specified	HRA: Fenns, Whixal, Bettisfield, Wem. Cadney Mosses, Marton Pool, Morton Pool, Brown Moss, Colemere, Whitemere SAC and Ramsar sites. 1. HRAs at project scale that consider foul drainage, water resource and recreational pressures are sufficient mitigation for the HRA2. 2. Provision for new green open spaces and nature networks should be planned now within the local plan to ensure that there is a co-ordinated plan for providing alternatives to these sites, particularly near Colemere where adverse recreational pressure has not been ruled out.	HRA	1. Noted. No change proposed. 2. Policy DP15 provides for more than 30m2 per person per bedroom space of open space where an adverse effect on the integrity of an internationally designated site has been identified. Policy DP14 ensures that all new development enhances existing green infrastructure assets and extends the green infrastructure network in accordance with the Shropshire Green Infrastructure Strategy. The Council thus considers that adequate provision is made for new open space and green networks in the Plan. No change proposed.	Yes
A0347	B044	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	DP12	No	No	Not Specified	The local plan provides a hook to the provision for Biodiversity net gain which is to be mandated by the forthcoming Environment Bill. Evidence is not provided that there will be sufficient space on or off site to meet the 10% biodiversity net gain obligation. If Biodiversity net gain provision is planned together with the development allocations within the local plan, then more coherent nature networks could be achieved.	DP12 The Natural Environment	Noted. No change proposed	Yes
A0347	B045	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	BRID001 and BRD0020b	No	No	Not Specified	These sites are the livestock market so contaminated land aspects would have to be considered. There is a licensed borehole at this site which, if no longer used would have to be appropriately decommissioned	Schedule A2 Status of SAMDev Plan Site Allocations	These two sites are saved allocations from the SAMDev Plan. No change proposed.	Yes EA further comments Noted – in terms of your comments on the saved allocation and/or appropriate policy wording elsewhere to control this. Comments were to flag

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										those key matters as part of the individual site allocations for your/other parties' consideration/awareness, potential inclusion of that 'detail' in any site guidance/place plan requirements, and for future reference. We have NO FURTHER COMMENT (BO45 to BO94) unless stated.
A0347	B046	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	W039	No	No	Not Specified	This site is directly adjacent to the historic Old Worcester Road Tip, and on Principal aquifer so contaminated land aspects and potential landfill gas risks should be considered.	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed.	Yes
A0347	B047	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	STC002 and P58a	No	No	Not Specified	These site are located on/adjacent to the Stanmore Industrial Estate and on Principal aquifer. P58a is located on SPZ3. Contaminated land aspects including appropriate surface water management will need consideration	Schedule S3.1(ii) Bridgnorth	Noted. The draft Shropshire Local Plan should be read as a whole. Draft Policy DP19 comprehensively addresses the issue of water infrastructure and water quality.	Yes
A0347	B048	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	ALV009	No	No	Not Specified	ALV009 is adjacent to groundwater springs/issues, so groundwater is likely to be shallow. Contaminated land, foundation dewatering and surface water management aspects will need consideration.	Schedule S3.2(i) Community Hubs in Bridgnorth Place Plan Area	Noted. The draft Shropshire Local Plan should be read as a whole. Draft Policy DP19 comprehensively addresses the issue of water infrastructure and water quality.	Yes
A0347	B049	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Morville Quarry Extension	No	No	Not Specified	A water features survey will be needed to identify wells, springs, boreholes etc and demonstrate the nearby watercourse will not be adversely affected. A detailed conceptual model based on monitoring over a least one year is needed. Subsequent discharge should not result in adverse impacts. Restoration should protect water resources and will require an appropriate environmental permit. Dual-tracking of the planning and permitting process for mineral sites is advisable. If all potential adverse impacts are either unlikely or can be mitigated we would require a long term monitoring scheme and expect the applicants to remediate any	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed.	Yes

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
							deterioration to the water environment that this might detect.			
A0347	B050	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	ELR078	No	No	Not Specified	This site has serious implications for the SPZ and is likely to impose constraints on land use. The sources are particularly sensitive, and any surface pollution could rapidly pass to groundwater and potentially the abstraction boreholes.	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed.	Yes
A0347	B051	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	CSTR019	No	No	Not Specified	This site is adjacent to groundwater springs/issues and surface watercourse, so groundwater is likely to be shallow. Contaminated land and surface water management aspects will need consideration	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed.	Yes
A0347	B052	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	All allocations	No	No	Not Specified	The preferred sites overlie highly permeable sand and gravel deposits. The groundwater levels are also shallow. These superficial deposits have previously been used for public water supply, so are relatively high yielding. They will also provide baseflow to the River Onny. Appropriate development design and location (including dewatering of foundations, surface water drainage and pollution prevention measures etc) will therefore be essential in this area.	Schedule A2 Status of SAMDev Plan Site Allocations	These sites are saved allocations from the SAMDev Plan. No change proposed.	Yes
A0347	B053	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Ellesmere	No	No	Not Specified	Ellesmere is underlain by complex sequence of superficial deposits comprising clays, silts, sands and gravels. This is in turn underlain by the Permo-Triassic Sandstone. The sandstone is of regional strategic importance in terms of water supply and more local scale water requirements and baseflow to watercourses can arise from the superficial deposits. The depth to groundwater across the area is highly variable with shallow groundwater	S8.1 Ellesmere	Noted. The draft Shropshire Local Plan should be read as a whole. Draft Policy DP19 comprehensively addresses the issue of water infrastructure and water quality.	Yes

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
							systems present within the shallow drift deposits. Therefore consideration of appropriate development design (including dewatering of foundations, surface water drainage and pollution prevention measures etc) will be required			
A0347	B054	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Cockshutt	No	No	Not Specified	For Cockshutt, Tetchill, and Welsh Frankton there is a need to ensure adequate foul drainage and water supply. The protection of existing private supplies is also of importance as there are a number across these villages. In addition, a number of these locations, groundwater levels are known to be shallow and discharge of foul effluent to ground may not be appropriate.	S8.3 Cockshutt	Noted. The draft Shropshire Local Plan should be read as a whole. Draft Policy DP19 comprehensively addresses the issue of water infrastructure and water quality.	Yes
A0347	B055	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Dudleston Heath	No	No	Not Specified	For Dudleston Heath to ensure adequate foul drainage and water supply. The protection of existing private supplies is also of importance as there are a number across these villages. In addition, a number of these locations, groundwater levels are known to be shallow and discharge of foul effluent to ground may not be appropriate.	S8.2 Dudleston Heath	Noted. The draft Shropshire Local Plan should be read as a whole. Draft Policy DP19 comprehensively addresses the issue of water infrastructure and water quality.	Yes
A0347	B056	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Tetchill	No	No	Not Specified	Need to ensure adequate foul drainage and water supply. The protection of existing private supplies is also of importance as there are a number across these villages. In addition, a number of these locations, groundwater levels are known to be shallow and discharge of foul effluent to ground may not be appropriate.	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed.	Yes
A0347	B057	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Welsh Frankton	No	No	Not Specified	Need to ensure adequate foul drainage and water supply. The protection of existing private supplies is also of importance as there are a number across these villages. In addition, a number of these locations, groundwater levels are known to be shallow and discharge of	S8.3 Welsh Frankton	Noted. The draft Shropshire Local Plan should be read as a whole. Draft Policy DP19 comprehensively addresses the issue of water infrastructure and water quality.	Yes

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
							foul effluent to ground may not be appropriate.			
A0347	B058	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Ellesmere Wood Lane Quarry	No	No	Not Specified	<p>1. There are a number of potentially adverse impacts that could arise due to the proposed activities (primarily any de-watering and the act of excavation potentially passively draining any perched groundwater systems). A water features survey will be needed to identify wells, springs, boreholes etc and private water supplies. A detailed conceptual model based on monitoring over a least one year is needed. Subsequent discharge should not result in adverse impacts. Restoration should protect water resources and will require an appropriate environmental permit. Dual-tracking of the planning and permitting process for mineral sites is advisable. If all potential adverse impacts are either unlikely or can be mitigated we would require a long term monitoring scheme and expect the applicants to remediate any deterioration to the `water environment that this might detect.</p> <p>2. It is necessary to demonstrate no adverse impact on Colemere and other protected wildlife sites/species.</p>	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed.	Yes
A0347	B059	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Burford BUR002	No	No	Not Specified	Records show presence of a borehole on this site. This will need to be appropriately decommissioned	S10.2(i) BUR002 Burford	Noted. No change proposed.	Yes
A0347	B060	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Onibury ONBY003	No	No	Not Specified	The site overlies highly permeable sand and gravel deposits. The groundwater levels are likely also shallow. Appropriate development design and location (including dewatering of foundations, surface water drainage and pollution	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed	Yes

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
							prevention measures etc) will therefore be essential in this area			
A0347	B061	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Market Drayton ELR023/024, MDR034	No	No	Not Specified	These sites are on Helsby Sandstone or Chester Sandstone Formation. They are also partly located within SPZ3. There is a surface water course in the vicinity and groundwater is likely to be shallow. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures would therefore be required	Schedule A2 Status of SAMDev Plan Site Allocations	These sites are saved allocations from the SAMDev Plan. No change proposed.	Yes
A0347	B062	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Market Drayton MDR012	No	No	Not Specified	This site is on Helsby Sandstone or Chester Sandstone Formation. They are also partly located within SPZ3. There is a surface water course in the vicinity and groundwater is likely to be shallow. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures would therefore be required.	S11.1(i) Market Drayton MDR012	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B063	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Market Drayton MDR039/043	No	No	Not Specified	There is potentially a private water supply in the vicinity which if in use will need to be protected. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures would therefore be required.	S11.1(i) Market Drayton MDR013	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B064	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Market Drayton HIN009	No	No	Not Specified	This site is located on the Permo-Triassic sandstone (principle aquifer) within SPZ3. Groundwater is shallow. Appropriate land use, dewatering of foundations, mains foul drainage, surface water drainage design and pollution prevention measures will be required.	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed	Yes
A0347	B065	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Market Drayton HKW009	No	No	Not Specified	This site is located on the Permo-Triassic sandstone (principle aquifer) within SPZ3. Groundwater is shallow. Appropriate land use, dewatering of foundations, mains foul drainage, surface water drainage design and	S11.2(i) Market Drayton MDR013	Local Plan policies cover the issues raised. No change proposed.	Yes

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							pollution prevention measures will be required.			
A0347	B066	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Minsterley MIN007 and MIN018	No	No	Not Specified	This site is adjacent to spring/surface watercourses. Groundwater is potentially shallow, so foundation dewatering and surface water management aspects will need consideration.	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed	Yes
A0347	B067	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Minsterley MIN018	No	No	Not Specified	This site is adjacent to spring/surface watercourses. Groundwater is potentially shallow, so foundation dewatering and surface water management aspects will need consideration.	S12.1 Minsterley MIN018	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B068	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Much Wenlock MUW012VAR	No	No	Not Specified	The site falls within SPZ2/3. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures will be required.	S13.1(i) Much Wenlock MUW012VAR	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B069	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Oswestry ELR043 and ELR072	No	No	Not Specified	These sites are located on mixed drift overlying the Permo-Triassic sandstone within SPZ3. Given the scale of the development appropriate mains foul drainage, surface water drainage and pollution prevention measures will be required.	Schedule A2 Status of SAMDev Plan Site Allocations	These sites are saved allocations from the SAMDev Plan. No change proposed.	Yes
A0347	B070	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Kinnerley – KNY002	No	No	Not Specified	The depth to groundwater is likely relatively shallow so foundation dewatering and surface water management aspects will need consideration	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed	Yes
A0347	B071	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Knockin KK001	No	No	Not Specified	The site falls within the SPZ3 of a public water supply borehole. The depth to groundwater is likely to be shallow. There are also a number of private supplies. Given the sensitive hydrogeological setting appropriate drainage solutions will be required, foundation dewatering will need to be considered and we would discourage the proliferation of non-mains foul drainage	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed	Yes

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A0347	B072	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Knockin KCK009	No	No	Not Specified	The site falls within the SPZ3 of a public water supply borehole. The depth to groundwater is likely to be shallow. There are also a number of private supplies. Given the sensitive hydrogeological setting appropriate drainage solutions will be required, foundation dewatering will need to be considered and we would discourage the proliferation of non-mains foul drainage	S14.29i) Knockin KCK009	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B073	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Maesbrook	No	No	Not Specified	The depth to groundwater is likely to be shallow. There are also a number of private supplies. Appropriate drainage solutions will be required and foundation dewatering will need to be considered and we would discourage the proliferation of non-mains foul drainage.	Schedule A2 Status of SAMDev Plan Site Allocations	These sites are saved allocations from the SAMDev Plan. No change proposed.	Yes
A0347	B074	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Ruyton XI Towns	No	No	Not Specified	The site is located within SPZ3 of a public water supply borehole. Shallow groundwater is probable. Dairy/industrial former site use, so contaminated land considerations. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures would therefore be required.	S14.2(i) Ruyton XI Towns RUY019	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B075	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	St Martins	No	No	Not Specified	This is a former mining area so there may be ground contamination/stability issues that will need to be addressed. Given the proposed scale of the development mains foul drainage will be required.	S14.2(i) St Martins SMH031 and SMH038	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B076	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	West Felton	No	No	Not Specified	The site is within the SPZ3 of a public water supply borehole. The depth to groundwater is likely to be relatively shallow. There are also a number of private supplies. Appropriate land use, mains foul drainage, surface water drainage design and pollution prevention measures would therefore be required. Foundation dewatering will need to be considered.	S14.2(i) West Felton WEF025	Local Plan policies cover the issues raised. No change proposed.	Yes

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A0347	B077	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Weston Rhyn	No	No	Not Specified	The site is adjacent to springs/issues and surface water course. So groundwater is likely to be shallow. Foundation dewatering and surface water management aspects will need consideration.	S14.2(i) Weston Rhyn WRP001VAR and WRP017	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B078	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Whittington	No	No	Not Specified	The site is located within SPZ3 of a public water supply borehole and shallow groundwater in places. Given the proposed scale of the development mains foul drainage will be required. Foundation dewatering and surface water management aspects will need consideration	S14.2(i) Whittington WHN024	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B079	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Shifnal	No	No	Not Specified	The proposed development sites overlie sand and gravel deposits which in turn overlie the Permo-Triassic sandstone. These form a strategically important source of public water supply. They fall within SPZ2. Groundwater levels are relatively shallow at 5 to10mbgl. It is therefore essential that appropriate land uses, drainage design and pollution prevention measures are adopted. This is particularly important for the employment site where a potentially wide range of activities may be proposed. The mains foul drainage infrastructure will have to be sufficient to support the development proposals.	Schedule A2 Status of SAMDev Plan Site Allocations	These sites are saved allocations from the SAMDev Plan. No change proposed.	Yes
A0347	B080	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Shifnal	No	No	Not Specified	The proposed development sites overlie sand and gravel deposits which in turn overlie the Permo-Triassic sandstone. These form a strategically important source of public water supply. They fall within SPZ2. Groundwater levels are relatively shallow at 5 to10mbgl. It is therefore essential that appropriate land uses, drainage design and pollution prevention measures are adopted. This is particularly important for the employment site where a potentially wide range of activities may be proposed. The	S15.19i) Shifnal SHF018b and 018d	Local Plan policies cover the issues raised. No change proposed.	Yes

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
							mains foul drainage infrastructure will have to be sufficient to support the development proposals.			
A0347	B081	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Shifnal	No	No	Not Specified	These sites overly the PWS abstraction and associated SPZ1. Appropriate foul and surface water drainage design and pollution prevention measures will be required. Early consultation with the water utility provider as Key Stakeholder will be essential in order to prevent delays to development planning process. Within SPZ1 the Environment Agency will object to certain land uses	S15.19i) Shifnal SHF022&23, SHF029 and SHF016	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B082	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Shrewsbury	No	No	Not Specified	These sites are located within SPZ3. Therefore it will be necessary to ensure appropriate mains foul drainage and surface water drainage.	S16.1(i) Shrewsbury SHR057 & SHR177	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B083	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Shrewsbury	No	No	Not Specified	This site is adjacent to a number of private water supplies and close to a spring/issues. Therefore drainage design and pollution prevention measures will be required.	S16.1(i) Shrewsbury SHR054a	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B084	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Shrewsbury	No	No	Not Specified	A number of private water supplies are recorded in the area, consequently given the size of the proposed developments appropriate mains foul drainage will be required.	S16.2(i) Baschurch BNPO24 and BNPO35	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B085	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Shrewsbury	No	No	Not Specified	This site is located within SPZ3 and is adjacent to a well. Therefore it will be necessary to ensure appropriate mains foul drainage and surface water drainage.	S16.2(i) Bicton BIT002	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B086	Regulation 19: Pre-Submission Draft of the	Shrewsbury	No	No	Not Specified	This site falls within SPZ2/3 of a public water supply source. Consequently the hydrogeological setting is highly sensitive. It is therefore essential that appropriate	S16.2(i) Ford FRD011	Local Plan policies cover the issues raised. No change proposed.	Yes

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
		Shropshire Local Plan					land uses, drainage design and pollution prevention measures are adopted.			
A0347	B087	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Shrewsbury	No	No	Not Specified	This site is located in SPZ3 of a public water supply source and groundwater is relatively shallow. It will therefore be necessary to ensure appropriate foul (mains) and surface water drainage are provided.	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed	Yes
A0347	B088	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Shrewsbury	No	No	Not Specified	The site is underlain by sands and gravels which are in turn underlain by the Carboniferous Salop Formation. A water features survey will be needed to identify wells, springs, boreholes etc and private water supplies (records indicate the latter in the area). It will be necessary to show that those local wildlife sites in close proximity would not be adversely affected and a detailed conceptual model based on monitoring over a least one year is needed for this. Subsequent discharge should not result in adverse impacts. Restoration should protect water resources and will require an appropriate environmental permit. Dual-tracking of the planning and permitting process for mineral sites is advisable. If all potential adverse impacts are either unlikely or can be mitigated, we would require a long term monitoring scheme and expect the applicants to remediate any deterioration to the `water environment that this might detect	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed	Yes
A0347	B089	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Wem	No	No	Not Specified	The groundwater is relatively shallow within the superficial deposits and there are a number of ponds/spreads, springs and watercourses in the vicinity. There is the potential for contamination issues associated with adjacent land uses which should be considered prior to development. Mains foul drainage should be adopted and the surface water drainage should also be	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed	Yes

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
							carefully designed as there are a number of private water supplies in the immediate vicinity.			
A0347	B090	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Wem	No	No	Not Specified	The groundwater is relatively shallow within the superficial deposits and there are a number of ponds/spreads, springs and watercourses in the vicinity. There is the potential for contamination issues associated with adjacent land uses which should be considered prior to development. Mains foul drainage should be adopted and the surface water drainage should also be carefully designed as there are a number of private water supplies in the immediate vicinity.	S17.299(i) Shawbury	Local Plan policies cover the issues raised. No change proposed.	Yes
A0347	B091	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Whitchurch	No	No	Not Specified	Mains foul drainage should be adopted and the surface water drainage should also be carefully designed as there are a number of private water supplies in the immediate vicinity.	Schedule A2 Status of SAMDev Plan Site Allocations	This site is a saved allocation from the SAMDev Plan. No change proposed	Yes
A0347	B092	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Clive Barracks	No	No	Not Specified	Given its history contaminated land aspects will need consideration. Appropriate land uses, drainage design and pollution prevention measures will be required.	S19. Strategic Settlement Clive Barracks	Local Plan policies cover the issues raised. No change proposed	Yes
A0347	B093	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Former Ironbridge Power Station	No	No	Not Specified	Given its history contaminated land aspects will need consideration. Appropriate land uses, drainage design and pollution prevention measures will be required. We are currently reviewing information to inform a number of planning applications at this location.	S20. Strategic Settlement: Former Ironbridge Power Station	Local Plan policies cover the issues raised. No change proposed	Yes

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced by EA	Legally Compliant	Sound	Compliant with the Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation	Shropshire Council Relevant Local Plan Policy	Shropshire Council Proposed Action(s) / Response(s)	Agreed
A0347	B094	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	RAF Cosford	No	No	Not Specified	The site lies within the SPZ2/3 of the Cosford, Hellbank and Neachley public water supply boreholes. Appropriate land uses, drainage design and pollution prevention measures will be required. Being an active MOD site/airfield there is a strong likelihood of land contamination issues across parts of the site. The effects of groundworks/development in liberating and mobilising contaminants should be of particular consideration with regard to risk to the public water supply boreholes. We advise the inclusion of land contamination risk assessments and remediation plans as a pre-requisite to drainage design such that early resolution of related issues informs the site layout and drainage planning process. It will also give developers the certainty for any remediation costs and timescales. Given the site history, consideration should be given to detection and assessment of potential (chlorinated) solvent dnapl plumes (e.g. aircraft maintenance activities) and also per- and polyfluoroalky substances (e.g. firefighting activities).	S21. Strategic Site RAF Cosford	Noted. Draft Policy S21 includes a proposed guideline that "Noise, odour and any contaminated land will be appropriately considered and if necessary mitigated." Furthermore, the draft Shropshire Local Plan should be read as a whole. Draft Policy DP19 comprehensively addresses the issue of water infrastructure and water quality.	Yes

Appendix C: NE-EA Joint Advisory Position on the Clun catchment 23.07.21

Date: 22 July 2021
Our ref: -
Your ref: -

Eddie West, Planning Policy and Strategy Manager, Shropshire Council
By email only

Dear Eddie,

Joint Advisory Position on the issue of the Clun Catchment

Natural England (NE) and the Environment Agency (EA) have significant concerns regarding the sites proposed in the Shropshire Local Plan for the Clun catchment and deliverability of policy DP13 Development in the river Clun catchment. We advise that Shropshire Council removes the housing allocations located in the catchment of the River Clun SAC until there is greater certainty around available nutrient neutrality options. This is because in our view there is not currently the required degree of certainty that nutrient neutrality could progress without undermining the ability of the River Clun SAC to reach favourable conservation status

Background

Previous discussions, at issues and options stage linked to your emerging Water Cycle Study (evidence base), were around potentially removing allocations from the plan unless sufficient evidence was provided by you to confirm they were deliverable etc. More recently we have reiterated the need for you to confirm mitigation with sufficient certainty that shows your plan is effective and deliverable without prejudicing the restoration of the Clun SAC. However, your current position is to maintain sites within the Clun catchment in your plan for the reasons you have explained (including affordable housing need) and you have included a draft policy to try to safeguard/deliver them.

Planning applications are currently being held in abeyance and not determined within the Clun catchment. Elsewhere in the country planning applications have recently been refused/dismissed at appeal on the grounds of nutrient load impacts to similar sensitive Special Area of Conservation (SAC) catchments, in the absence of mitigation and certainty on such options¹.

The River Clun is a tributary of the River Teme in southern Shropshire. The lower 4.7 km of the River Clun is a Special Area of Conservation (SAC) designated for freshwater pearl mussel population (*Margaretifera margaretifera*). Analysis of water quality data for the River Clun SAC has identified that there are significant compliance gaps between the limits for freshwater pearl mussel and measured concentrations of phosphate, nitrogen and sediment in the River Clun SAC. We

¹ Examples include:

Wookey Hole road, Somerset – APP/Q3305/W/20/3257000

Canterbury Student Manor, Canterbury – Canterbury [APP/J2210/W/20/3251948](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98444/APP/J2210/W/20/3251948)

therefore consider the interest features of the River Clun SAC to be unfavourable. The phosphate target for the site is 0.01mg/l Soluble Reactive Phosphorus (SRP) For Suspended Solids it is <10 mg/l and for Total Oxidised Nitrogen (TON) of <1.5 mg/l. These targets are stated in the Nutrient Management Plan for the River Clun which can be found [here](#).

Improvements to some sewage treatment works (such as Bucknell) have been completed and the water company considers that they have met their “fair share” of required reductions. However, these reductions along with Catchment Sensitive Farming advice to voluntarily reduce agricultural pollution will not reduce nutrient levels sufficiently to restore the condition of the SAC features. Further reductions of 70% phosphate and 90% of nitrogen are needed, along with reductions in suspended solids.

Further information relating to the unfavourable condition of the SAC and the underpinning SSSI designated under the Wildlife and Countryside Act 1981 (as amended) is available on <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>

The Site Improvement Plan for the River Clun SAC can be found here:

<http://publications.naturalengland.org.uk/publication/6216527934128128>

Restoring the Clun

Extensive monitoring and modelling have been carried out (including work in the list below) in relation to the Clun catchment and we have clear and compelling evidence that significant change is required in order to restore the Clun to Favourable Condition. This evidence shows that restoring the Clun requires a reduction in sediment and nutrient loading and the restoration of natural hydrological functioning. Possible options to deliver this could include for example land use change such as reverting large areas to semi-natural habitat, changing to less intensive forms of agriculture, and requiring Severn Trent Water to reduce nutrient discharges to beyond their ‘fair share’. At this stage it is unclear if such options would be technically feasible.

The scale of change needed is large, and we feel it will be challenging to restore the Clun and meet the desired outcome. Further work is necessary. Ultimately, a river restoration plan needs to be written. The responsibility for producing a river restoration plan sits with Natural England in partnership with the Environment Agency, however input from other parties such as Severn Trent Water and Shropshire Council is essential both for plan writing and delivery.

Work carried out to date

Nutrient Management Plan (NMP), October 2014: Working with other partners, EA and NE developed a NMP. This identifies sources of nutrients that are entering the river and steps that can be taken to manage them. The aim of the plan is to manage nutrients in the River Clun SAC to protect the endangered freshwater pearl mussel population.

Protected Sites Options Appraisal, River Clun, November 2017. Mott MacDonald.

Draft Catchment Appraisal Options, NE/EA, December 2017.

River Clun catchment monitoring report, March 2019 update, EA/NE.

Grants Allocated to the River Clun Catchment (overview)

Environment Agency (Total £904k)

2011/2014 – The Freshwater Pearl Mussel Rescue project. £410k

2012/2013 - MURCI Waters project. £20k.

2013/2014 - *Slowing the Flow*. £39k
2015/21 – *Unmuddying the Waters Project*. £435k.

Shropshire Hills AONB (Total £3,020k)

2003 – 2007 *Blue Remembered Hills Project* £1.4 million

2007-2008 *River Habitat Project NE/EA funded c.£30k*

2008-2011 *AONB Freshwater Pearl Mussel Project c.£90k*

2011 -2014 *Sita and NE Pearl Mussel Project supported by Defra £45k, Sita £119k, NE £220k*

The Dutch Nitrogen cases

On 7 November 2018, the CJEU handed down its judgment on the joined [Coöperatie Mobilisation for the Environment cases](#) (often referred to as the Dutch Nitrogen cases) which related to nitrogen deposition from air pollution. In England, this affects how the assessment of plans and projects under the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') should be interpreted and applied by competent authorities.

The judgment covered various matters but two aspects have particular relevance to water quality casework:

1. The court concluded that where the conservation status of a natural habitat is unfavourable, the possibility of authorising activities which may subsequently affect the ecological situation of the site seems “necessarily limited”.
2. The CJEU concluded that an Appropriate Assessment (AA) may not take into account the benefits of conservation, preventative or other measures if the expected benefits of those measures are not “certain” at the time of the assessment.

Consequently and in accordance with the clarification given by the Dutch Nitrogen Judgement, the scope for permitting further development that would add additional phosphate, nitrates or suspended solids either directly or indirectly to the site is necessarily limited, unless proven and detailed mitigation measures designed to avoid an adverse impact form part of the development proposal.

Following the Dutch Nitrogen Case, Natural England advises your Council that the [Nutrient Management Plan](#) written in 2014 cannot be relied upon as a strategic mitigation plan as it does not have enough certainty or detail. The plan contains a number of actions and recommendations required to restore the river, some of which have been undertaken, (such as the upgrades to numerous waste water treatment plants) while others have not. The significant majority of the nutrient and sediment contributions are from the agricultural sector which relies on implementation of voluntary rather than regulatory measures within the plan. There is not sufficient certainty to satisfy the requirements of the Habitats Regulations, in the delivery mechanism, funding streams or long-term security of those measures. It is likely that these measures would need to be secured long term in order to allow them to be considered as certain enough to potentially allow for proposed growth.

It has been established that a ‘nutrient neutrality’ approach to development is likely to be a lawfully robust solution to enable the grant of permissions that give rise to an appreciable effect. Examples of local authority catchment solutions include the [nutrient neutrality](#) methodology in the Solent, the River Avon Local Authorities phosphorus [interim development plan](#) to deliver phosphate neutrality, [Nitrogen Reduction](#) in Poole Harbour Supplementary Planning Document and the [River Wye interim development plan](#). The nutrient neutrality approach has been recently tested through the Fareham Judicial Review: <http://www.landmarkchambers.co.uk/wp-content/uploads/2021/06/Wyatt-v->

We advise that further work is required before a nutrient neutrality approach can be utilised. For such an approach to be lawful, the measures used to offset such impacts should not compromise the ability to restore the designated site to favourable condition and achieve the conservation objectives. In the absence of any detail currently, we do not have options or know which measures will need to be utilised to restore the site.

There is a risk that using a measure to offset development (i.e. making it nutrient neutral) could compromise the ability to achieve site restoration. However, we have been advising you to produce something as part of your local plan preparation to show whether this additional growth would compromise the ability to restore the site. In the absence of this (no relevant evidence provided as part of the local plan at this time) there is uncertainty and a potential risk.

For information, Article 6(2) of the Habitats Directive requires the restoration of Habitats Sites, Article 6(3) of the Habitats Directive suggests that sites must not be allowed to deteriorate as a result of new authorisations except in specific circumstances such as a lack of alternatives or overriding public interest. For further information now that the UK has left the European Union, Defra has recently published guidance covering the Article 6(2) obligations <https://www.gov.uk/guidance/duty-to-protect-protect-restore-european-sites> and the HRA requirements Article 6(3) <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>.

Restoration Plan

We are looking to carry out work to establish a restoration plan. Timescales and likelihood of delivery are currently unknown. Additional work is required in order to fully understand what interventions are necessary to restore the river, and which interventions are over and above this and therefore may be available to make development nutrient neutral.

Will it address plan development growth?

Shropshire Council seems to be relying on a restoration plan being implemented during the plan period to enable development sites to come forward. It is a separate local plan matter to look at development impacts.

The restoration plan will aim to identify measures to resolve the existing problem and would not include for additional growth. Even if we had a plan that could be implemented, growth will increase the demand/risk and it is considered an additional pressure if allocations are included. That is why we have been advising you to produce, as part of your local plan and growth aspirations, an evidence base of possible mitigation measures, in sufficient detail including feasibility/likely cost, etc. This work might contribute to the restoration plan.

Current likelihood of deliverability with restoration plan

In the absence of a restoration plan and detail of evidence-based mitigation measures, the degree of certainty on achieving the proposed allocations in the Clun catchment with sufficient confidence that there would be feasible measures in place in the plan period is considered to be low. On that basis, we consider that the allocations should be removed. Additionally, in the absence of any certainty of such measures, it is also considered problematic to include mechanisms to secure developer contributions or similar due to a lack of certainty as to what that the contributions would be for. Contributions without a plan for the implementation of measures is not considered to be mitigation.

Yours sincerely,

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