

Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced	Legally Compliant	Sound	Compliant with Duty to Cooperate	Summary of Main Issue(s) Raised Within the Representation
A0014	B092	Habitats Regulations Assessment	Habitats Regulations Assessment Whole Document	Not Specified	Not Specified	Not Specified	Despite passing stage 2 of the HRA, question the assessment of Hencott Pool and the decision that the increased buffer (now over 200m) between the proposed North West Relief Road and the site is sufficient to determine that there will be no significant impacts. Construction of a major road within 200m of a site of international importance surely raises some uncertainty as to the significance of impacts. Within this assessment the possibility of windfall development (the potential for this is identified in para 5.224 of the local plan consultation document) should also be considered.
A0131	B004	Habitats Regulations Assessment	Habitats Regulations Assessment Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC and Midland Meres & Mosses Phase 2 Ramsar	Not Specified	Not Specified	Not Specified	We note that the HRA includes an assessment of the effects upon the Fenns & Whixall Mosses SAC (paragraphs 3.75 – 3.79). The assessment appears to focus on recreational pressures on the site. In our Reg.18 response we highlighted that the site is highly vulnerable to nitrogen (N) deposition and is already widely in exceedance for its bryophyte-rich bog habitat and the SSSI feature waved fork-moss Dicranum bergeri. We received additional information as set out below from your authority via email dated 01/02/2021. The nearest site allocation for housing is 3.8km from the designated site and the Traffic Report (Traffic Impact on Air Quality at International Sites for the Habitat Regulations Assessment, WSP, 6 July 2020) commissioned by SCC shows that there are no busy roads within 200m of the designated site (the nearest is over 500m away). A likely significant effect (LSE) from traffic emissions was ruled out in section 2.32 of the Reg.19 HRA. As would be expected for a Local Plan, site allocations do not include intensive livestock units, agricultural renovations, anaerobic digester plants or other developments likely to generate significant amounts of atmospheric N. The nearest allocated employment sites are between 4.3 and 7.1km from the SAC. Any development proposed on land not allocated in the plan, which may generate atmospheric N, will be considered as described in the Regulation 19 HRA sections 2.15 – 2.26, and particularly 2.27 – 2.28. As the type and location of any windfall development is unknown, protection would be provided by applying policies DP12. The Natural Environment, DP18. Pollution and public amenity, DP26. Strategic, Renewable and Low Carbon Infrastructure and SP10. Managing Development in the Countryside. In view of this, SCC considers there will not be a LSE on the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC via atmospheric N as a result of the Shropshire Local Plan. We concur with this conclusion.
A0131	B005	Habitats Regulations Assessment	Habitats Regulations Assessment Berwyn SPA and Berwyn and South Clwyd Mountain SAC	Not Specified	Not Specified	Not Specified	A meeting was held between NRW and representatives from the SCC Planning Policy team on the 12th January 2021 to discuss matters previously raised in our Reg.18 response. Clarification was provided on the general approach to investigating potential impacts from traffic emissions on internationally designated wildlife sites used in the DLP HRA. We are satisfied with the conclusions for this site (a copy of the meeting notes are provided in our Appendix 1).

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A0014	B092	Re-assess impact of proposals on Hencott Pool, both those resulting from the North West Relief Road and potential Windfall development in the vicinity.	The Council is satisfied that the HRA correctly assesses the effect of the Local Plan on Hencott Pool, including any windfall development which might result should the North West Relief Road be constructed. No change proposed.	No	Habitats Regulations Assessment
A0131	B004	None specified	Support welcomed.	No	Habitats Regulations Assessment - Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC and Midland Meres & Mosses Phase 2 Ramsar
A0131	B005	None specified	Support welcomed.	No	Habitats Regulations Assessment - Berwyn SPA and Berwyn and South Clwyd Mountain SAC

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A0131	B006	Habitats Regulations Assessment	Habitats Regulations Assessment River Dee and Bala Lake Special Area of Conservation (SAC)	Not Specified	Not Specified	Not Specified	<p>Following our Reg.18 response, we have since, during January 2021, issued the results of phosphate monitoring for Welsh riverine SACs. This is presented in Evidence Report No. 489 Compliance Assessment of Welsh River SACs against Phosphorus Targets. In summary the evidence report found localised phosphorus failures in the River Dee.</p> <p>We note that part of the northernmost section of Shropshire falls within the catchment of the River Dee. Residential allocations at Weston Rhyn (c.126 dwellings) and part of site STM0029 at St Martins with SMH038 (140 dwellings) plus the Community Clusters at 'Rhoswiel, Wern and Chirk Bank' and 'Selattyn, Upper/Middle/Lower Hengoed and Pant Glas' fall within the Upper Dee catchment and are around 1-2 km from the river. Whitchurch falls within the Middle Dee catchment (12km away from the river itself).</p> <p>The assessment (pages 33 and 34 of the HRA) indicates that a LSE could not be ruled out on the SAC and so policies defer down to mitigate at project level. This is detailed at paragraph 3.37 onwards where it states that 'either the capacity is available for the plan period or upgrades at the appropriate time are technically possible' and it is concluded 'through the Water Development Policies and Settlement Policies wording and the statutory requirement for a project level HRA for development, there will be no adverse effects on the integrity of the River Dee and Bala Lake SAC as a result of the Draft Local Plan' [sic].</p> <p>We have taken early steps, via our Planning Position Statement and Interim Planning Advice Following River SAC Compliance Report, following the publication of Evidence Report 489 on how in our opinion it affects policy preparation and development management. These standing advice documents outline the information needs we believe a competent authority, under the Habitat Regulations, should consider in preparing the HRA for a plan or project. In light of the new evidence report we advise the information presented in these documents should be considered in the HRA for the DLP.</p>
A0131	B007	Habitats Regulations Assessment	Habitats Regulations Assessment Severn Estuary SAC, SPA, RAMSAR	Not Specified	Not Specified	Not Specified	In terms of Severn Estuary SAC, SPA, RAMSAR we note the HRA conclusion that 'application of policies DP20. to 23. in the DLP will protect water courses and water bodies, and in so doing are likely to prevent adverse effects on site integrity, alone and in combination, on international sites (paragraph 3.20). We concur with this conclusion.
A0131	B008	Habitats Regulations Assessment	Habitats Regulations Assessment Tanat & Vyrnwy Bat SAC	Not Specified	Not Specified	Not Specified	We would refer you to our previous comments to the Reg.18 consultation which identified that there is recent evidence to suggest that there is cross-border movement of protected species (lesser horseshoe bats) between Shropshire and Powys, although not specifically from the sites that make up this SAC. This may have implications where development could impact on potential commuting routes/ corridors of vegetation between the counties and should be considered at the planning application stage. We note and welcome the proposed amendments to the policy wording of Policy S14.2 which acknowledges this matter.
A0131	B009	Habitats Regulations Assessment	Habitats Regulations Assessment Montgomery Canal SAC	Not Specified	Not Specified	Not Specified	We would refer you to our previous comments to the Reg.18 consultation which advised that NRW should be formally consulted when any plans to re-open the canal to boat movements close to the Welsh border at Llanymynech come to fruition, and that a HRA will be required.
A0131	B011	Regulation 19: Pre-Submission Draft of the Shropshire Local Plan	Habitats Regulations Assessment Protected species	Not Specified	Not Specified	Not Specified	We are of the view that the submission is not likely to be detrimental to the maintenance of the Favourable Conservation Status of any the Welsh populations of protected species. We advise that our response identifies the requirement to consider mobile species included on Schedule 2 of the Habitats and Species Regulations 2017 (as amended). Considering the proposed allocations and extent and connectivity of the National Site Network, this will effectively be the otter in respect of the Dee catchment. We advise that our responses identify the requirement to ensure continued breeding, foraging and dispersal within the catchment.
A0331	B003	Habitats Regulations Assessment	Habitats Regulations Assessment (BUR004)	Not Specified	No	Not Specified	Neither BUR002 or BUR004 are referenced within the Habitats Regulations Assessment (HRA). However their development could contaminate the River Teme, which runs to the River Severn. Wildlife and fauna on BUR004 should be assessed.

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A0131	B006	None specified	Support welcomed.	No	Habitats Regulations Assessment - River Dee and Bala Lake Special Area of Conservation (SAC)
A0131	B007	None specified	Support welcomed.	No	Habitats Regulations Assessment - Severn Estuary SAC, SPA, RAMSAR
A0131	B008	None specified	Support welcomed.	No	Habitats Regulations Assessment - Tanat & Vyrnwy Bat SAC
A0131	B009	None specified	Noted. No change proposed.	No	Habitats Regulations Assessment - Montgomery Canal SAC
A0131	B011	None specified	Noted.	No	Habitats Regulations Assessment - Protected species
A0331	B003	Remove site BUR004 from the draft Shropshire Local Plan.	The HRA covers the River Severn, thus the impacts from development on site BUR004 has been assessed. No change proposed.	No	Habitats Regulations Assessment

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A0347	B034	Habitats Regulations Assessment	Habitats Regulations Assessment Severn Estuary SAC/SPA/Ramsar	No	No	Not Specified	HRA: Severn Estuary SAC/SPA/Ramsar 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. 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. 3. Section 3.2 does not include the Ramsar designation. 4. Section 3.5 does not include impacts from water quantity. Low flows from increased abstraction for development would exacerbate nutrient enrichment.
A0347	B035	Habitats Regulations Assessment	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.
A0347	B036	Habitats Regulations Assessment	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
A0347	B037	Habitats Regulations Assessment	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
A0347	B038	Habitats Regulations Assessment	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 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.
A0347	B039	Habitats Regulations Assessment	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.
A0347	B041	Habitats Regulations Assessment	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.

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A0347	B034	n/a	<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>	No	Habitats Regulations Assessment
A0347	B035	n/a	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.	No	Habitats Regulations Assessment
A0347	B036	n/a	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.	No	Habitats Regulations Assessment
A0347	B037	n/a	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.	No	Habitats Regulations Assessment
A0347	B038	n/a	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. No change proposed.	No	Habitats Regulations Assessment
A0347	B039	n/a	The proposed reference to the importance of salmonids in the life-cycle of the Freshwater Pearl Mussel would have not have a material effect on the Appropriate Assessment so is not considered necessary.	No	Habitats Regulations Assessment
A0347	B041	n/a	Noted. No change proposed.	No	Habitats Regulations Assessment

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A0347	B042	Habitats Regulations Assessment	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; 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.
A0347	B043	Habitats Regulations Assessment	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.
A0349	B002	Habitats Regulations Assessment	Habitats Regulations Assessment Appropriate Assessment: River Clun SAC	Not Specified	Not Specified	Not Specified	1. Table 3 on page 33 shows that 232 dwellings are proposed within the Clun catchment, however in para 3.27 319 are proposed. 2. Paragraph 3.23 does not acknowledge that salmon and trout are essential to the life cycle of the pearl mussel as juvenile mussels are encysted within the gills of these fish. 3.Paragraphs 3.27 and 3.39: we agree that the allocation of 319 houses and an employment site will have an adverse effect on the integrity of the SAC without mitigation and that there are particular difficulties in applying nutrient neutrality principles in the river Clun catchment.
A0444	B002	Habitats Regulations Assessment	Habitats Regulations Assessment Table 1	Not Specified	No	Not Specified	Table 1 pages 10-11 of the HRA Assessment omits significant impact pathways for air pollution and hydrological impacts. Nitrogen oxide, sulphur oxide and particulate matter are mentioned as being caused by residential and industrial combustion processes. This omits the fact that many intensive livestock units are significant sources of nitrogen oxides and particulate matter. There does not need to be a combustion process involved for there to be pollution from such chemicals and matter. The following point in the table does mention ILUs in connection with ammonia and thus gives the impression that this is the only source of air pollution of concern from such units. Under hydrological impacts there is no reference to agricultural pollution and no reference to surface water pollution from agriculture. The latest apportionment of phosphate sources could I am sure be checked (in the river wye catchment EA estimates it is 66% from agriculture) which should justify being more specific about the risks from inappropriate and excess manure spreading and disposal of manure from the increasing numbers of intensive livestock units being given planning permission. There are currently over 16 million chickens in Shropshire at any one time, plus 6 million collectively in the Severn and Teme catchments in Powys, and 600,000 in the Herefordshire Teme catchment, plus other types of livestock. Inadequate oversight of how the additional volumes of manure is being used creates a huge risk for eutrophication of the county's waterways and loss of biodiversity. This is a planning issue as there are more applications ongoing and manure impacts have been found to be planning matters in a recent legal case about the Tasley application. The omissions are particularly surprising when seen alongside the long list of recreational and disturbance risks which I would have thought would largely be much less extensive and serious.

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A0347	B042	n/a	<p>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</p> <p>2. As shown in the heading preceding section 3.51, 'introduction of invasive species or disease' is considered in sections 3.51 - 3.59. No change proposed.</p>	No	Habitats Regulations Assessment
A0347	B043	n/a	<p>1. Noted. No change proposed.</p> <p>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.</p>	No	Habitats Regulations Assessment
A0349	B002	none specified.	The Council's response to this representation is set out in the Statement of Common Ground with Natural England.	No	Habitats Regulations Assessment - AA River Clun
A0444	B002	Additional analysis and wording about air pollution and hydrological impacts from agricultural sources to clarify the pathways missing from the table and then in further detail in the text below.	The HRA evaluates the likely impacts from the development proposed by the Plan on internationally protected sites. Whilst the pathways described in the response are accurate, they mainly relate to agricultural activities which the Plan does not regulate. Policy DP12 provides for a project level HRA where agricultural activities require planning permission. No change proposed.	No	Habitats Regulations Assessment

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A0634	B004	Habitats Regulations Assessment	Habitats Regulations Assessment 3.23-3.36	Yes	No	Not Specified	<p>The analysis recognises the significance of agricultural activity in affecting the nutrient status of the river, but then goes on to focus almost exclusively on housing, with brief mentions of employment land. The existence within the catchment of intensive poultry units and anaerobic digesters with cumulative impacts including through changed land use, and the fact that these developments fall within planning control is not addressed at all. This would also include the impacts within Shropshire of such units which lie in Powys and Herefordshire. Incomplete assessment under HRA may make the Plan not sound.</p> <p>There are impacts which do not seem to be considered in adequate detail in Table 1 page 10-11 'Potential impact pathways..'. This table has a great deal of detail on fairly minor recreational impacts and very scant treatment of potentially significant indirect impacts such as manure from the millions of poultry raised in Shropshire. The full range of potential impacts associated with intensive poultry units should be addressed more explicitly within this section. The Appendix 2 tables SACs within the AONB (Table 14 River Clun and Table 20 Stiperstones & the Hollies) contain information which is out of date and incomplete. For example the River Clun SAC 'Site Vulnerability' section references fertiliser runoff due to poor practice but does not make a link with intensive poultry units. Both the tables mention Environmentally Sensitive Areas as a mitigation option, but this scheme closed to new applicants in 2005 and all agreements under the scheme terminated some years ago.</p>

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A0634	B004	Additional analysis of the impact of agricultural developments, and updating of references to current agri-environment schemes. This supports our contention (submitted on a separate form b) that the Local Plan has not adequately developed policy in relation to intensive livestock units and large scale agricultural developments.	The Local Plan does not allocate land for intensive poultry units or anaerobic digesters. These are dealt with through the Development Management process and as such Policy DP12 provides for a project level HRA. No change proposed.	No	Habitats Regulations Assessment - 3.23-3.36