

ID 10

SHROPSHIRE LOCAL PLAN EXAMINATION

Representor unique Part A Ref *	A0349
Matter	Matter 1
Relevant questions nos	6,7,8,9,10

Stage 1 Hearing Statement

Natural England notes and acknowledges the following additional documents which are partially in response to our representations on your submitted draft local plan and the Statement of Common Ground (SOCG) between Natural England (NE) and Shropshire Council (SC). These documents include

- River Clun Phosphate Calculator (document GC4y)
- River Clun Phosphate Budget (document GC4v)
- River Clun SAC Phosphate Mitigation Solutions for Residential Development Final Report (document GC4u)
- River Clun SAC Nutrient Neutrality Delivery Options (document GC4w)

While Natural England does not plan to attend the hearings, we offer the following additional comments:

Natural England welcomes the additional work undertaken in relation to the River Clun Special Area of Conservation (SAC), it does not substantially alter our position as set out in our previous representations and SOCG. Our reasoning is set out below:

Absence of information on nutrient neutrality measures for nitrates

The targets for the River Clun including phosphates and nitrogen have been clearly set out in the Nutrient Management Plan for the River Clun SAC which was published in 2014. In addition, multiple representations and direct conversations between NE and SC have highlighted nitrogen exceedance. The Appropriate Assessment of the plan highlighted excessive nitrogen which we referenced and agreed with in our comments on the soundness of the plan (our ref 337976). While many of the measures to tackle phosphates may also reduce nitrogen, no detail of what reductions in nitrogen the measures will have has been provided, which means significant uncertainty remains.

Uncertainty around delivery mechanisms

There is a lack of certainty around delivery mechanisms. A range of options are presented, including a developer led scheme, a strategic scheme led by the LPA and third sector led scheme. There is no scheme at present, which brings into question the deliverability at present and is therefore an uncertainty.

The availability of measures for nutrient neutrality

It is Natural England's opinion that the mitigation measures proposed to enable the delivery of new development (in the Council's report "River Clun SAC Phosphate Mitigation Solutions for Residential Development Final Report") are highly likely to be the same or similar to those required for the restoration of the SAC. As we have previously suggested, measures necessary for the restoration of the site to favourable condition will not be available to be used to offset the impact of development.

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- conserve-and-restore-european-sites> and the HRA requirements Article 6(3) <https://www.gov.uk/guidance/habitats-regulations- assessments-protecting-a-european-site> .

Nutrient neutrality can only utilise measures that are not needed for the restoration of the SAC. This is a particular issue for the river Clun because P and N levels are so far above target. Whilst we are confident that it is possible to restore the river Clun (i.e. reduce nutrient and sediment levels to target), the scale of the task means we may need to utilise all available measures to do so. We are not confident that having used all measures for restoration that there will be any measures left available for nutrient neutrality. It is for this reason that NE has advised that a River Clun Restoration Plan needs to be agreed before developments can be allowed to proceed with nutrient neutrality.

As an example, one of the mitigation options proposed is riparian buffer strips. NE agrees that provision of these would likely reduce nutrients entering the SAC and the report identifies how much land within the catchment is available for this. However, the reports do not identify how much would be required for the site to become favourable and therefore what is additional, and available to mitigate development. Not only that but land which is easily available should be secured for site restoration before being made available to facilitate new development. The proportions, locations and mechanisms to secure the measures have not been identified and as such there remains considerable uncertainty.

Production of a site restoration plan

Natural England has been working with Shropshire Council, the Environment Agency and Severn Trent on a vision for the River Clun catchment , moving towards developing a site restoration plan. Natural England has secured the River Clun as a pilot to test out new powers under the Environment Act 2021 to develop Protected Site Strategies, which should help, in collaboration, to test and progress solutions for the challenges faced in this area. We look forward to continuing to work with Shropshire Council as well as the Environment Agency on this process, which will subsequently allow development to come forward without prejudicing the restoration of the SAC.

*Your unique reference can be found in the Schedule of Respondents (Schedule 3 of document SD014.01) at:

<https://shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-library/earlier-regulation-18-plan-making-stages-of-consultation/regulation-19-pre-submission-draft-of-the-shropshire-local-plan-consultation/>