

ID 10

SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

Environment Agency – Representor unique Part A Ref: A0347

River Clun catchment issue

We refer to the recent documents submitted relating to the River Clun SAC and matters in the Draft Shropshire Local Plan.

We have seen question 26 in document ID1 and Shropshire Council's initial response to that.

We also see that you sent the Council a letter asking them about the Written Ministerial Statement of 16th March 2022, document ID5, which the Council have responded to.

Regarding additional information, we see that the Council have commissioned a River Clun Mitigation Measures Study earlier this year. This work was finalised last month (April 2022). We have not been party to the production of this work but have been advising the Council to produce this evidence as part of our previous discussions at earlier stages of the local plan process. The outcome of this latest work is a suite of 4 documents which have been made available as part of your consultation. For the record:

- River Clun Phosphate Calculator (document GC4y), **25 April 2022**, <https://www.shropshire.gov.uk/media/22913/gc4y-river-clun-phosphate-calculator.pdf>
- River Clun Phosphate Budget (document GC4v) **4 April 2022**, <https://www.shropshire.gov.uk/media/22772/gcv-river-clun-phosphate-budget.pdf>
- River Clun SAC Phosphate Mitigation Solutions for Residential Development Final Report (document GC4u), **4 April 2022**, <https://www.shropshire.gov.uk/media/22806/gc4u-river-clun-sac-phosphate-mitigation-solutions-for-residential-development-final-report.pdf>
- River Clun SAC Nutrient Neutrality Delivery Options (document GC4w) **8 April 2022**, <https://www.shropshire.gov.uk/media/22820/gc4w-river-clun-sac-nutrient-neutrality-delivery-options.pdf>

Comments

We previously raised concerns, at issues and options stage linked to the emerging Water Cycle Study (evidence base) at that time when discussions focused on removing allocations within the Clun catchment from the local plan, unless sufficient evidence was provided to confirm sites were deliverable etc. We confirmed the need for mitigation with sufficient certainty that shows the local plan is effective and deliverable without prejudicing the restoration of the Clun SAC.

We did not express a need to attend the formal hearing (examination) session based on our position. We would make the following additional comments as written representations at this stage.

The latest evidence base reports (April 2022), outlined above, provide a list of potential mitigation measures looking at wastewater and nature-based solutions primarily, that could be employed. Where available some information has been provided on costings along with discussion on the

advantages and likely limitations of some options. We note that this work is intended to support a future Supplementary Planning Document (SPD).

Whilst the latest reports do provide a greater level of information (in the absence of any before) as part of the Council's proposals, there is still some element of doubt on what measures would be required for restoration of the river. On that basis there is some uncertainty associated with the proposed way forward.

The Phosphate mitigation solutions report discusses Bishop's Castle treatment works which currently discharges to a tributary of the River Kemp. There is the potential to alter the effluent discharge location from here to the River Onny which is located approximately 4km to the east and not within the Clun catchment. Whilst there appears to have been some recent discussion with Severn Trent Water limited (as part of a wider Clun strategic liaison group, commissioned by the Council and focused primarily on the restoration plan) the option hasn't been fully worked through. For example, this option is not without its own potential environmental challenges including the Habitat Regulations implications of such a project (which Natural England would lead on), so there is an element of uncertainty on the appropriateness, feasibility and therefore deliverability of this option.

Likewise, there is some doubt on how and when some of the other nature-based solutions, might be implemented and delivered. It is unclear perhaps what the full benefits are of the solutions for Phosphate and Nitrogen and how each development coming forward might deliver these.

Delivery mechanisms

We note the report providing some detail of delivery mechanisms which could be employed to secure the mitigation, including CIL. No final option is decided upon. The scale of development in the Clun catchment may limit the ability to fully secure some of the options. For example, how would the Council ensure the level of development will be sufficient to deliver what it needs? would there be a shortfall? (risk of sufficient funds); to ensure necessary delivery alongside or before the development is granted/implemented/occupied. We have previously discussed, with the Council, the potential use of wider contributions from Shropshire and/or a programme linked to wider Net Gain Provision for example.

Summary

As it stands, the reports provide more detail on the possible mitigation options that could be employed. But there are still some outstanding questions around the deliverability of such and the timing/implementation. Linked to the Habitat Regulations there is some uncertainty associated with what options may be necessary as part of the wider restoration plan i.e. so development doesn't undermine the ability of the River Clun SAC to reach favourable conservation status. We have previously commented on how this aligns with the proposed local plan policy – draft policy DP13. It is not clear what the final option(s) being taken forward is and what might be necessary in terms of any revised phasing policy, or revisions to progress this if development growth is to be included within the plan.

I trust that this is of assistance for your consideration.