

# SHROPSHIRE LOCAL PLAN EXAMINATION

## Stage 1 Hearing Statement

<b>Representor unique Part A Ref *</b>	A0028 MWTC A0231 Howard Horsley A0088 MW Refresh Group A0469 MW Civic Society A0307 Alan Edwards A0416 Clive Morley A0499 Jim Orves A0471 Sue O'Dowd
<b>Matter</b>	2 The duty to cooperate
<b>Relevant questions nos</b>	20-25

### Water Resources/Wastewater

#### Introduction

The duty to cooperate under Section 110 of the Localism Act is an essential element in preparing the Local Plan. Ensuring that strategic matters are addressed relies upon effective and honest internal communication within all the bodies cooperating.

#### **Q 20. What are the strategic matters and particular issues relevant to the Local Plan.**

The Council's engagement on strategic issues ought to focus on –

- The security of drinking water supplies
- The avoidance of pollution to water sources
- Safe transmission and treatment of waste water

#### **Q 21. Who has the Council engaged with? When did this engagement begin? Has it been active and ongoing and what form has it taken?**

Engagement seems to have relied heavily on data in two documents produced by external bodies. The "Shropshire Council Water Cycle Study" of July 2020 was

produced by JBA Consulting. The second 'Statement of Common Ground', between Shropshire Council and Severn Trent Water Ltd, was published in June 2021. Each seems characterised by a desk-based approach rather than by investigation on the ground. Neither document provides sufficient evidence of being initially rooted in local knowledge, nor is there evidence of direct consultation on sewage pollution, for example, with the Environment Agency. There is a disturbing lack of evidence that local representations have resulted in changes to these initial assessments.

**Analysis: The engagement has not been active and ongoing in that evidence produced by objectors is not reflected in changes to claims being made.**

**Q 22. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?**

Whether the Council has engaged constructively is dependent upon clarity about its role. The lack of a reliable supply of drinking water in Much Wenlock will be dealt with in detail under Matter 8. However, such issues have been given little prominence in the documentation currently under consideration.

The Statement of Common Ground limits itself to pollution risks from sewage treatment plants, ignoring the fact that many sewers in lower lying parts of settlements in Shropshire, including Shrewsbury, regularly flood, before sewage arrives at any treatment plant, causing pollution of water courses and of the wider environment. It also fails to acknowledge the dangers inherent in the remaining combination sewers, carrying both foul and surface water.

The Statement of Common Ground accepts that flood risk within the county will increase as a result of climate change and lead to additional pollution risk. It goes on to claim that this is not likely to affect existing properties. This analysis is inadequate. It fails to flag up the risks to sewers arising from precipitation and floodwaters not originating in Shropshire but beyond the county in Wales.

Such reassuring claims also ignore evidence, for example, that according to Shropshire Council documents, sewer capacity in advance of the treatment plant is already at its limit in Barrow Street, Much Wenlock (see Appendix). This sewer is currently envisaged as taking the additional burden of sewage from the 120 new homes proposed in the Local Plan on site MUW012VAR. This site lies in a Rapid

Response Catchment, inherently liable to floods posing serious dangers to people and property. Catastrophic flooding polluting water sources may arise through ignoring such potential, well documented, dangers rather than through a lack of data.

The characteristic approach to the nature of the issues seems to reflect the imbalance implicit in the relationship between profit-making Severn Trent Water Ltd and the apparently under-resourced and under-staffed planning team of Shropshire Council. Without the capacity to fully investigate or to protect the local interests of Shropshire residents and communities the Shropshire planning team appear reliant on unduly reassuring data provided by Severn Trent. The Local Plan's failure to make reference to serious deficiencies in infrastructure will be examined later, under Matter 8.

The Statement of Common Ground in respect of pollution beyond sewage treatment plants lacks all validity in any catchment designated a 'Rapid Response Catchment'. Such catchments are not even mentioned in the analysis. This is surprising given strong representations on the issue from objectors within the Much Wenlock Rapid Response Catchment, so designated by the Environment Agency.

This is not a minor local issue. It has wider implications. In Much Wenlock there is an additional risk to an industrial/agricultural fluids storage facility immediately lower down and beside the main watercourse. This site, documented by the Environment Agency, has strategic significance. Any major flood affecting the Rapid Response Catchment could potentially have a major impact on wildlife and water extraction from the River Severn downstream, within Shropshire and well beyond the County.

**Analysis: Constructive engagement with outside bodies demands that assurances be tested and statements modified in the light of evidence coming to light through consultation. There is too little evidence of this taking place and therefore the engagement has not been sufficiently constructive.**

**Overall Summary:**

**This evidence indicates that the duty to cooperate on Water Resources/Waste Water has not been complied with in sufficient depth and local context. The proposals as set out cannot secure reliable, safe supplies of drinking water. Nor do the proposals ensure the well-being of the population or the**

**environment against pollution either within the county or beyond in the middle and lower River Severn Catchment.**

## **Flood Risk**

### **Q 23. What are the strategic matters and particular issues relevant to the Local Plan?**

Recognition and response to flooding issues in the Local Plan is required under paragraphs 159 to 162 of the National Planning Policy Framework. Shropshire Council is faced with numerous recognised flood risks including the following:

- Flooding of the River Severn arising from local pluvial events
- Flooding of the River Severn arising from pluvial events in Wales
- Flooding of the River Teme
- Flooding in the Much Wenlock Rapid Response Catchment
- Other localised flooding

The Environment Agency and the Town and Country Planning Association recently jointly noted that flooding is among the most serious impacts of climate change for families, for communities and for the economy. The Government's 'UK Climate Change Risk Assessment 2022' recognises the need to better plan and adapt to future risks from flooding. Meanwhile, footnote 7 of the NPPF notes that flood risk areas are not subject to the presumption in favour of development. There is, therefore, a need for the Shropshire Local Plan to be informed by accurate assessments of flood risk, not least to ensure that sites designated for development are subject to sequential tests to ensure their suitability.

In terms of risk to lives and properties of particular concern to the Council ought to be any designation by the Environment Agency of a Rapid Response Catchment. Such designations are rare, with only one such catchment in Shropshire.

### **Q 24. Who has the Council engaged with? When did this engagement begin? Has it been active and ongoing and what form has it taken?**

It is beyond doubt that the Council has from the initial stage engaged formally with many relevant authorities in Wales and in Shropshire concerned, in particular, with flooding originating in the River Severn and its major tributary, the Teme. What seems to have been missing has been a grasp of the need to critically assess the validity and accuracy of evidence. The process of consultation brought to light evidence from objectors that ought to have resulted in a reappraisal, for example, of the potentially strategic significance of flooding beyond the major rivers.

This lack of clarity is exemplified by inconsistencies on the potential remedies for flooding in Much Wenlock between the Local Plan and the Place Plan. The Local Plan proposes that flooding at Hunters Gate will be addressed by a developer as an adjunct to a housing development. However, the Place Plan states that solutions will be delivered through a scheme agreed in “the Environment Agency’s current 6-year programme (for delivery by 2021) for Hunters Gate to protect around 39 properties.” Neither of these bland assessments stands up to close examination. Moreover, the SLAA plan has no focus on the Rapid Response Catchment and identifies a flood alleviation scheme which has not been discussed with or agreed by the community.

No mention of the problems of risk management in the Much Wenlock Rapid Response Catchment is made in the Local Plan, despite its dangers being clearly understood. These dangers had even been explored with members of the Much Wenlock Town Council in February 2019 by Leanne Deathridge, the Emergency Planning Officer for Shropshire Council along with Jason Walker, Flood Resilience Adviser of the Environment Agency.

A serious knock-on effect downstream is one potential outcome of flooding in Rapid Response Catchments. As already noted, flood damage to the industrial/agricultural fluids storage facility alongside and lower down the main watercourse could have serious strategic consequences for wildlife and water extraction from the River Severn downstream, within Shropshire and well beyond the County. This potentially hazardous facility, in Farley, is not even identified on the SLAA Plan.

Floodwater and the debris generated from the Much Wenlock catchment could enter the River Severn upstream from the sensitive Ironbridge Gorge area within the boundaries of Telford and Wrekin Council. This Council also has a Rapid Response Catchment north of the Severn, in Coalbrookdale. The Local Plan fails to record any cooperation between the two Councils on this important shared issue.

**Analysis: The engagement has not been active and ongoing in that evidence produced by objectors is not reflected in changes to claims being made or in a reappraisal of the validity of reassurances from co-operation partners.**

**Q 25. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?**

The cooperation that has taken place has been successful in assessing the flood management issues along the course of the River Severn and the Teme. However, concentration on these main rivers has been at the expense of cooperation with relevant partners and clarity about priorities in less visible, less highly publicised locations which are still subject to very serious incidents of flooding.

The 'preferred site' in Much Wenlock is subject to the flood risks of the wider Rapid Response Catchment. It is beyond dispute that the designated preferred site, MUW012VAR, which lies beyond the current development boundary of Much Wenlock, regularly floods. That flooding also contributes to flooding downstream. \* Substantial photographic records and documents, available to Shropshire Council, confirm the regularity of flooding on this site. Despite available evidence, the Local Plan sets aside the requirement in paragraphs 161 and 162 of the NPPF that "Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

Had the sequential test been properly applied (NPPF 162) to all the local sites offered, then alternative sites, less liable to flooding than MUW012VAR, would have been 'preferred'. The failure of the Council to react appropriately to the level of risk indicates a lack of consistent cooperation with the Environment Agency over strategic flood management risks in a Rapid Response Catchment.

**Analysis: Constructive engagement with outside bodies demands that assurances be tested and statements modified in the light of matters coming to light through consultation. Evidence of strategic re-evaluation is lacking and therefore the engagement has not been sufficiently constructive.**

**Appendix:** A shorter version was forwarded to Shropshire Council in 2021 aiming to encourage discussion of the validity of evidence with local objectors and to facilitate a reappraisal of Local Plan proposals. There was no positive response. The modified appendix also offers quotations demonstrating long-term unresolved concerns about sewer capacity and flooding, for example, recorded in Hunters Gate, Much Wenlock.

This Appendix is attached separately. It is made available as it illustrates a lack of positive engagement relevant to Stage 1 but may also be relevant to Stage 2 of the Examination in Public.