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Eddie West  
Planning Policy and Strategy Manager  
Shropshire Council

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Mr West,

**River Clun nutrient neutrality and river restoration  
Updated position statement**

This position statement sets out Natural England's current thinking on the use of nutrient neutrality in the River Clun Special Area of Conservation (SAC). It is an update to our previous position statement, dated 30/03/23. We thank you for sight of the Clun Solutions Report (Royal Haskoning, 2023), which has been reviewed as part of this updated position statement.

As you know, Natural England has advised that a site restoration plan should be further developed before allowing housing development to utilise measures for nutrient neutrality. This is so that all parties can have confidence that measures being used to mitigate the impacts of housing growth are not needed to restore the site.

Natural England's advice is based upon the requirements set out in the Habitats Directive. Article 6(3) requires 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. New plans or projects must not undermine the ability of others to achieve the restore objectives.

**Update on the Clun Nature Recovery Blueprint**

Work on the Clun Nature Recovery 'Blueprint' (formerly described as the Clun Restoration Plan) is being progressed through a Protected Sites Strategy Pilot. The Blueprint will set out potential options for the restoration of nature across the catchment and will give some indication of the scale of measures required. Currently we see the final output as being digital map layers with a supporting written document that details the evidence used and suggests restoration scenarios. Getting to this end point will take time. We do not feel we can put a deadline on the Blueprint production at the present time. However, good progress is being made.

The Environment Agency has committed to work with Natural England to produce an updated Nutrient Management Plan for the River Clun. The new Nutrient Management Plan will reduce the level of uncertainty regarding the type and scale of mitigation required to restore the River Clun SAC's water quality to favourable condition and will be a cornerstone of the Clun Nature Recovery Blueprint. As part of the Nutrient Management Plan development, the Environment Agency plans to undertake source apportionment and FARMSOPER modelling in December 2023, and modelling

of in-river nutrient concentrations in 2024. These model outputs will inform continued discussions on the Clun blueprint.

## **Suggested way forward for development**

### ***Transfer of Bishops Castle wastewater discharge***

Severn Trent Water has proposed to transfer the wastewater discharge from its Bishops Castle Wastewater Treatment Works (WwTW) to an alternative watercourse, outside the Clun catchment area. Severn Trent have put this forward in the Water Industry Natural Environment Programme (WINEP) with delivery proposed for 2028. It is important to note that further approvals and permissions will still be required, including assessment of the environmental impacts of the receiving water course.

If this scheme goes ahead, then new housing developments with a mains drainage connection to the Bishop's Castle treatment works would have no impacts on the River Clun SAC (in terms of foul drainage only). These developments would therefore not require nutrient neutrality. In NE's opinion this remains the most viable option to progress development while avoiding impacts on the River Clun SAC.

Shropshire Council's submission draft Local Plan proposes 93 houses in Bishop's Castle (Table 2-2 of the Clun solutions report). If the proposed transfer scheme comes about then Shropshire Council may want to consider allocating additional development in Bishop's Castle. This would reduce the number of homes that need to be built elsewhere in the catchment. Reducing the number of homes that need to be built elsewhere in the catchment has the effect of reducing the total quantity of nutrient neutrality needed. This then reduces the risk of nutrient neutrality undermining site restoration.

Natural England advises Shropshire Council to seek an update on progress of this proposal through WINEP. We are confident that Shropshire Council will already be in close contact with Severn Trent Water on this matter.

### ***Development outside of Bishops Castle***

Natural England has given consideration to whether with the Bishop's Castle transfer completed, development elsewhere may then be able to proceed utilising nutrient neutrality measures. There are many potential measures available for reducing nutrients. These measures have been set out in the '*Clun solutions report*', Royal Haskoning, 8 September 2023. The report provides a list of potential nutrient management measures and considers their effectiveness at removing nutrients and factors relating to their deliverability. We have provided specific comments on each measure in a table at the end of this letter.

Natural England has not undertaken a technical review of the information provided. However, we have given considerable thought to whether any of the measures listed could be made available for nutrient neutrality in advance of the restoration blueprint. To be used for nutrient neutrality now, we would need to have high confidence that the measure is not needed for site restoration. We do not believe that this is possible. As the River Clun SAC is so far above its water quality targets, we think that all measures need to be in consideration for restoration. The restoration blueprint must be written first. We will then be able to identify measures that are not needed for restoration, and therefore available for nutrient neutrality. Therefore regrettably, our position on this remains unchanged.

## Conclusion

Progressing the Clun Nature Recovery Blueprint is a priority for Natural England's West Midlands area team. We are committed to doing that in a way which balances the pressing need for a resolution to the planning issues with the need for the co-creation of solutions that is essential for success on the ground. We will continue to work with Shropshire Council, the Environment Agency and other partners on this. As work progresses on the Clun Nature Recovery Blueprint, we will come to a point where we do have the confidence to say some measures in some locations are not needed for restoration. We will maintain our open communications with Shropshire Council on this work.

Yours sincerely

A solid black rectangular box used to redact the signature of Emma Johnson.

pp Emma Johnson  
Deputy Director – West Midlands area team

Table – Potential availability of nutrient management solution for nutrient neutrality

Type of solution	Solution	Needed for restoration	Available for nutrient neutrality now	Potentially available for nutrient neutrality when Blueprint progressed	Comments
<b>Nature based</b>	Silt traps	✓	✗	✓	Silt traps on the development site can be used to reduce the nutrient load that needs to be offset.
	Riparian buffer strips	✓	✗	✓	
	Wet woodlands	✓	✗	✓	
	Constructed wetlands	✓	✗	✓	Case specific. On existing, restoration. On new, could be used to reduce their impacts.
	Willow buffers	✓	✗	✓	
	Beetle banks	✓	✗	✓	
	Beaver reintroduction	✓	✗	?	Considered unlikely to provide enough certainty to be used as nutrient neutrality.
<b>Run-off management</b>	Taking land out of agricultural use	✓	✗	✓	It would need to be demonstrated that the specific land parcel is not needed for restoration.
	Cessation of fertiliser and manure application	✓	✗	✓	It would need to be demonstrated that the specific land parcel is not needed for restoration.
	Cover crops	✓	✗	?	This is expected practice under the Farming Rules for Water and should be enforced by the EA.
	Installation of SuDS in new developments	✗	✗	✓	SuDS on the development site could reduce the nutrient load that needs to be offset. Maintaining greenfield runoff rates is expected practice.
	Retro-installation of SuDS in existing developments	✓	✗	✓	
	Highway drainage improvements	✓	✗	✓	Measures on the development site could reduce the nutrient load that needs to be offset. Offsite,

					issues with incorrect drainage would be matters for enforcement.
<b>Wastewater management</b>	Expedite planned improvements to treatment works	✓	✗	✗	
	Improvements to Clunbury treatment works	✓	✗	✓	This is only an option if not being brought forward by Severn Trent Water.
	Moving Clunbury ST onto mains sewage	✓	✗	✓	This is only an option if not being brought forward by Severn Trent Water.
	Bishop's Castle WwTW transfer scheme	✓	✗	✗	
	Installation of cesspools and capture outputs from private sewage systems	✗	✗	✗	EA and NE would not support the use of cesspools due to the risks associated with maintenance and pollution events.
	Replacement of package treatment plants / septic tanks	✓	✗	✓	
	Installation of portable treatment works	✓	✗	✓	This is best as a temporary measure.
	Rectifying misconnections to combined systems	✓	✗	?	Issues with incorrect drainage would be matters for enforcement. Legal compliance is the baseline for NN.
	Reduce leakage from foul sewer network	✓	✗	?	Issues with incorrect drainage would be matters for enforcement. Legal compliance is the baseline for NN.
	Incentivise commercial water efficiency and treatment efficiency	✓	✗	?	Would need to be enforceable, e.g., council owned housing or possibly schools.
<b>Demand management</b>	Retrofit water saving measures in existing properties	✓	✗	✓	Would need to be enforceable, e.g., council owned housing or possibly schools.