

**SHROPSHIRE COUNCIL SITE ALLOCATIONS AND
MANAGEMENT OF DEVELOPMENT (SAMDev) PLAN
2006-2026**

**Statement of Common Ground
between**

Shropshire Council and the Environment Agency

November 2014

Issues raised by EA at Final Plan stage and extent to which common ground established.

EA objections	Work Completed	Resulting Minor Amendment to SAMDev Plan	Issues to be reflected in other LDF documents	Extent to which common ground established
<ul style="list-style-type: none"> • Seeking <i>formally submitted</i> evidence to review • No evidence submitted as part of the statutory plan consultation to determine the risk of flooding and/or wastewater infrastructure • Evidence needed to inform the plan has been collected retrospectively 	<ul style="list-style-type: none"> • WCS completed for SAMDev. For detailed information, see below. • Flood Risk Assessment completed. For detailed information, see below • Evidence Base Documents informed by the steering group and submitted alongside SAMDev Plan on 31st July. 	<p>See below for more detailed responses to flood risk and water cycle study</p>	<p>LDF implementation plan to inform delivery of Plan.</p>	<p>Robust and up to date evidence base in place</p>

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<p><i>Flood Risk</i></p> <ul style="list-style-type: none"> • Not clear how flood risk Sequential Test has been undertaken- question whether the Plan has selected sites in accordance with the findings of the evidence base • The Plan needs to document the wider planning issues that have been considered for sites in the floodplain • No phasing of allocations and the Plan does not make clear whether some allocations cannot be delivered until 	<ul style="list-style-type: none"> • Strategic Flood Risk Assessment completed July 2014 incorporates the latest fluvial and pluvial data and provides an assessment of ordinary watercourses and climate change • The assessment of flood risk formed an integral part of the site assessment process, taking a sequential approach, thereby ensuring that the assessment of flood risk informed the SA of the SAMDev Plan. • Phasing policy in MD2 and 	<p><u>MD17</u> Supplement existing consideration in CS18 and MD17 (1v.) by adding a further sentence to the end of 4.156: “The restoration of mineral sites can make a positive contribution to the objectives of the Water Framework Directive by helping to achieve good ecological status by 2027 and supporting multi-functionality in after use schemes including environmental enhancements such as flood management and biodiversity benefits from wet washland attenuation.”</p> <p><u>Bishops Castle</u> “There is a need for a specific Flood Risk Assessment to determine whether the development can be delivered within the Flood Zone 1 area on the proposed site. This assessment should investigate the need to reposition the eastern boundary of the site to accommodate the proposed scale of development”.</p> <p>“Sites LYD007, LYD008, LYD009 lie over a culverted watercourse and</p>	<ul style="list-style-type: none"> • SHLAA • Place Plans updates to incorporate latest infrastructure needs • Actions identified in Local Flood Risk Strategy. Requirements for hydraulic modelling and sewerage network in Water Cycle Study and reflected in Place Plans. 	<ul style="list-style-type: none"> • Flood risk assessment completed July 2014; • Full site assessments have been completed. Site assessment process enables a judgement to be made of the wider sustainability benefits which outweigh flood risk, thereby demonstrating this part of the Exceptions Test has been passed. • Where flood risk has been identified, further assessments have been completed. However, this does not affect the overall deliverability of the Plan, since the

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<p>certain actions are performed.</p> <ul style="list-style-type: none"> Identified need for updated SFRA in July 2012 (Preferred Options) Major update to EA Flood Maps in November 2012 Policy text should highlight the need for detailed FRA to demonstrate developable areas, inform the final masterplan/development proposals and include flood storage betterment 	<p>settlement strategies linked to the Place Plans, which are updated annually and therefore provide flexibility to reflect current issues in relation to deliverability.</p> <ul style="list-style-type: none"> Whilst updated SFRA in place, this can only provide a snapshot in time. 	<p>potential blockages may result in the backing up of discharge upstream with particular impact on site LYD011. A specific Flood Risk Assessment will be required to determine the scale of this effect”.</p> <p><u>Bridgnorth</u> Amend Policy 3.1 Development Guidelines for site W039 Land at Old Worcester Road by inserting new text to read: “A specific Flood Risk Assessment will be required to investigate surface water flow paths within the site with the objective of implementing appropriate surface water management measures to keep the affected areas in open use”.</p> <p><u>Church Stretton</u> Amend Policy S5.1 development guideline for site CSTR018 School Playing Fields by amending the second paragraph to read: “Development must be carefully designed to take account of a site specific Flood Risk Assessment to determine the developable area of the site and the groundwater Source</p>		<p>objectively assessed need can be met. In addition, should planned growth be impaired or undeliverable on specific sites, then Policy MD3(4) already includes a mechanism to allow additional or alternative provision to come forward.</p>

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		<p>Protection Zone...” Amend Policy S5.1 development guideline for site ELR078 Springbank Farm by inserting next text at the end to read: “and flood risk issues to be investigated through a specific Flood Risk Assessment to determine the developable area of the site”</p> <p><u>Craven Arms</u> <i>Amend Schedule S7.1a development guidelines for sites CRAV003 and CRAV009 to read: These combined sites will require an appropriate scheme for surface water drainage to accommodate runoff from the estate lands to the west. This will necessitate the exclusive use of site CRAV009 for surface water attenuation measures as part of the masterplanning and structural landscaping to facilitate flood storage and discharge/ infiltration. This masterplanning may also facilitate pedestrian and emergency vehicular access into the adjoining Craven Arms Business Park to the north.</i></p>		

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		<p><u>Ellesmere</u> Amend Schedule S8.1c development guidelines to Site ELR075 Land off Grange Road by adding the following new text to the end: “A specific Flood Risk Assessment is required to investigate the developable area of the site.” Amend first paragraph of development guidelines to read: “Appropriate impact assessments where necessary, satisfactory access, layout and design. The design of the site will need to satisfactorily address drainage and flood risk issues (in conjunction with ELL003b), including adopting a sequential approach to ensure that more vulnerable uses occupy areas of whilst retaining and enhancing existing ecological features;</p>		<p>Add additional wording to schedule S8.1C- The design of the site will need to satisfactorily address drainage and flood risk issues (in conjunction with ELL003b), including adopting a sequential approach to ensure that more vulnerable and highly vulnerable uses occupy areas of Flood Zone 1 (lowest flood risk), whilst retaining and enhancing existing ecological features</p> <p>Add additional wording to EL003a-“a sequential approach to ensure that more vulnerable and highly</p>

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		<p><u>Market Drayton</u> Amend Schedule S11.1b development guidelines for sites ELR023/024 to read: "...highway access and drainage / flood alleviation measures requiring a specific Flood Risk Assessment to investigate flood risk across the site and the adjust the site boundary to accommodate the proposed development within the developable area of the site."</p> <p><u>Oswestry</u> Amend Schedule S14.1a for Site OSW024 after ' and drainage / flood alleviation measures requiring a specific Flood Risk Assessment to investigate flood risk across the site to accommodate the proposed development within the developable area of the site."</p> <p>Amend Schedule S14.1b for Site ELR042</p>		<p>vulnerable uses occupy areas of Flood Zone 1 (lowest flood risk)"</p> <p>Amend Schedule S11.1b for ELR023/024- to read "...highway access and drainage / flood alleviation measures requiring a specific Flood Risk Assessment to investigate flood risk across the site and the potential ('need to') adjust the site boundary to accommodate the proposed development within the developable area of the site."</p>

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		<p>to add new text to end to read: “Drainage / flood alleviation measures require a specific Flood Risk Assessment to investigate flood risk across the site to accommodate the proposed development within the developable area of the site.”</p> <p>Amend Schedule S14.1b for Site ELR072 to state: “Drainage / flood alleviation measures require a specific Flood Risk Assessment to investigate flood risk across the site to accommodate the proposed development within the developable area of the site.”</p> <p><u>Shifnal</u> Amend Schedule 15.1b for sites SHI004/a and SHI004/b by adding the following text: “Drainage / flood alleviation measures require a specific Flood Risk Assessment to investigate flood risk across the site to accommodate the proposed development within the developable area of the site.” The above text also refers to site SHI004/c.</p>		

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		<p><u>Shrewsbury</u> The following addition applies to sites SHREW210/09, 030/r, 094. 019, 198 and 212/09, ELR006 and ELR007. Inclusion of the words 'A site specific flood risk assessment is required for this site.' in the Development Guidelines for the site in Schedule S16.1a.</p> <p><u>Shrewsbury South SUE</u> Some land off Clayton Way is within groundwater Source Protection Zones (SPZ) 1 and 2 so development there must be carefully designed to take account of this, in consultation with the Environment Agency. A site specific flood risk assessment is required for this site.'</p>		<p>Amend sites SHREW210/09, 030/r, 094. 019, 198 and 212/09, ELR006 and ELR007. Inclusion of the words 'A site specific flood risk assessment is required for this site.' to determine the developable area of the site in the Development Guidelines for the site in Schedule S16.1a.</p> <p>Amend Shrewsbury South SUE to read Some land off Clayton Way is within groundwater Source Protection Zones (SPZ) 1 and 2 so development there must be carefully designed to take account of this, in</p>

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				<p>consultation with the Environment Agency. A site specific flood risk assessment is required for this site.'</p> <p>to determine the developable area of the site</p>
<p>Water Cycle Study</p> <ul style="list-style-type: none"> • Outstanding work on the Water Cycle Study and the issues/recommendations have not been fully translated into the SAMDev • Water Cycle Study should include a review of consents to achieve 'good status' with the Water Framework Directive • Clun catchment should be 	<p>Water Cycle Study completed April 2014. Additional work to take account of EA concerns completed July 2014.</p> <p>The Water Cycle Study includes an assessment of the impact of the proposed level and location of development on waste water infrastructure. An assessment has been undertaken in line</p>	<p>Insert text into Policy S2.1, S2.2 and S2.3 Bishops Castle, S7.2 and S7.3 Craven Arms: Mitigation measures will be required to remove the adverse effects of development in Bishop's Castle on the integrity of the River Clun SAC in accordance with Policy MD12. These include phasing development appropriately to take account of infrastructure improvements as set out within the Place Plans, particularly waste water infrastructure, and applying the highest standards of design, in accordance with Policies CS6 and CS18.'</p> <p>Amend Policy S18.1, Whitchurch, to read: Development proposals will be expected to take account of infrastructure</p>	<p>Place Plans form part of the LDF Implementation Plan, with specific infrastructure and deliverability requirements set out and cross referred to in policies MD2 and MD8. This enables flexibility for ongoing work with water companies and allows for a continually up to date evidence</p>	<ul style="list-style-type: none"> • SC has worked closely with EA throughout the preparation of an updated WCS and the final study reflects a range of comments from EA. Whilst the final Water Cycle Study doesn't anticipate future permit requirements in the way requested, EA accept that the WCS conclusions are valid (email 26th August 2014) and there are no

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<p>addressed in the Water Cycle Study with cross reference to the HRA</p> <ul style="list-style-type: none"> • Expect the WCS to provide reasonable certainty to ensure viability and deliverability • The WCS should assess whether water infrastructure can be funded and built at the pace needed to support development. It could be questioned how the deliverability of infrastructure will be met if the costings are not part of this process • Should consider developer 	<p>with the NPPF requirements for an up to date evidence base which is an addendum to the detailed study undertaken for the Core Strategy.</p>	<p>constraints and requirements, as identified within the LDF Implementation Plan and Place Plans, particularly in relation to the need for upgrades to the wastewater treatment works in 2020-2025 and positively contribute towards local infrastructure improvements, including the provision of community benefits in accordance with Policies CS8 and CS9.</p>	<p>base. The following areas have specific infrastructure and deliverability requirements set out within the Place Plans.</p> <ul style="list-style-type: none"> • Bishops Castle (including Clun) • Bridgnorth • Church Stretton • Cleobury Mortimer • Craven Arms • Ellesmere • Ludlow • Market Drayton • Woore • Minsterley and Pontesbury • Much Wenlock - not fully assessed in WCS update 	<p>showstoppers which would undermine the delivery of the plan. The Plan therefore complies with NPPF requirements;</p> <p>Much Wenlock - There are possible water quality (environmental infrastructure) capacity problems in Much Wenlock. There is no information regarding Much Wenlock in the WCS update as it was deferred to the Much Wenlock Neighbourhood Plan (NP) to consider this, as part of its evidence base. The NP did not include evidence base on wastewater</p>

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<p>contributions towards accelerating waste water infrastructure improvement schemes</p> <ul style="list-style-type: none"> • Specific phasing and timing considerations for the allocations have not been identified-informed by information from the Water Companies to ensure appropriate infrastructure is in place • Infrastructure policy is reactive rather than setting out findings of WCS which relate to specific deliverability issues. 			<p>due to Neighbourhood Plan</p> <ul style="list-style-type: none"> • Oswestry • St Martins • Shrewsbury – Baschurch • Shrewsbury – Hanwood and Montford Bridge • Wem • Whitchurch 	<p>infrastructure so the requirements for improvements are not fully known.</p>

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<p><i>SA/SEA legal compliance objection</i></p> <ul style="list-style-type: none"> outstanding evidence base could have an impact on HRA, SA/SEA 	<ul style="list-style-type: none"> HRA/SA/SEA were based on available evidence base They have been continually updated to reflect updates to any evidence. 			<p>Updated work on Water Cycle Study fed into HRA/SA process. Conclusions in the SA remain valid and as such no changes are proposed.</p> <p>See comments on HRA, below</p>
<p><i>HRA</i></p> <ul style="list-style-type: none"> No HRA was provided on the consultation website 	<ul style="list-style-type: none"> EA informed preparation and were consulted on draft HRA alongside Natural England HRA report was updated and completed July 2014 	<p><i>New text into Policy MD2</i></p> <p>Whilst national policy protects internationally designated wildlife sites from development which would damage their special interests, planning proposals may still lead to indirect effects on such sites. The HRA for the Plan identifies those internationally protected sites which could be affected by development and Policy MD12 provides for mitigation measures to remove the impact.</p>		<p>It is AGREED that the EA were only involved in the provision of data to assist the production of a draft HRA in April 2014). However, the EA have raised concerns about not being formally consulted and the HRA not being made publically available during the Final Plan consultation. However, the EA note that Natural</p>

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				England has agreed a statement of common ground with Shropshire Council and is satisfied as the appropriate authority on HRA.
<p><i>Clun Catchment</i></p> <ul style="list-style-type: none"> • Nutrient Management Plan should inform your policies • Information on options and measures which need to be undertaken are not mentioned in the settlement strategies • Expect Nutrient Management Plan measures to be translated 	<ul style="list-style-type: none"> • Nutrient Management Plan is still in draft form and once finalised requires the development of an Action Plan to support its implementation • Policy requirements included within the Bishops Castle and Craven Arms settlement strategies to 	<p>Change to explanatory text off Policy MD12: Mitigation measures to remove the adverse effects of development on the integrity of the River Clun SAC will be identified once the Nutrient Management Plan has been completed by Natural England and the Environment Agency (due 2014). The subsequent Action Plan will set out those measures for which developer contributions may be required and these will be reflected in the relevant Place Plans.</p>	<p>The Action Plan will identify the measures which need to be put in place. These will be reflected in the Place Plans to influence the implementation of the SAMDev Plan and to inform use of developer contributions</p>	<p>WCS update uses information from the NMP and confirms that for the Clun there are no showstoppers with regard to the provisions of waste water infrastructure subject to the measures put forward by STW, to address Phosphate point sources.</p> <p>STW has committed to upgrading its treatment works in the Clun catchment within</p>

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<p>into policy</p> <ul style="list-style-type: none"> • Other catchment management measures, funded by developer contributions, could be considered 	<p>cover this issue, requiring development to incorporate measures to protect the SAC. These includes phasing development appropriately to take account of infrastructure improvements, particularly waste water infrastructure and applying the highest standards of design, in accordance with Policies CS6 and CS18 and the guidance in the Sustainable Design SPD and the Water</p>			<p>the next investment planning cycle (2015-2020) as shown in the LDF Implementation Plan (CD5)</p>

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	Management SPD. <ul style="list-style-type: none"> The Place Plan has been updated to include reference to the required upgrades at the wastewater treatment works which STW have planned 			

Additional EA comments on proposed modifications (CD29A)		
Page/Policy/Para	Proposed Change	EA comment
Schedule MD5a	Amend Schedule MD5a to insert reference to hydrogeology as suggested in bold in the development guidelines for Wood Lane	AGREED
MD14 Paragraph 4.146	Amend last sentence of paragraph 4.146 to read: “Where development is also subject to approval under pollution control regimes, Shropshire Council will continue to work closely with the Environment Agency to manage potential odour and noise impacts where detailed assessment may be required.” Add after first sentence of 4.146 to read: “Any waste	AGREED- improves clarity regarding environmental impacts which may also be subject to regulation under environmental permitting or pollution control regimes etc.

	<p>or digestate storage tanks shall be above ground, or where this is not feasible or practicable, proposals should demonstrate that tank bases are an appropriate distance above the seasonal water table. Further guidance is available in the Environment Agency policy ‘Groundwater protection: Principles and practice’ (commonly referred to as GP3).”</p>	
MD15 paragraph 4.148	Update weblink in 4.14 to national guidance from the Environment Agency	AGREED
MD17 Paragraph 4.155	<p>Supplement existing consideration in CS18 and MD17(1v.) by adding to the end of existing paragraph 4.155: “Mineral working has the potential to impact on both groundwater and surface water as a result of removal of materials, de-watering activities and restoration activities. It is important that these aspects are fully considered at an early stage and applications should be accompanied by a hydro-geological risk assessment to assess the potential impacts of the proposal on environmental features supported by groundwater, for example, wetlands, watercourses, ponds or existing water supplies. A programme of groundwater level monitoring should commence well in advance of the submission of a planning application in order to inform the risk assessment. The assessment must consider whether potential impacts are deemed acceptable and/or can be appropriately managed through avoidance or mitigation measures. A Scheme of Working based upon the HRA and</p>	AGREED (noting EA recommendations from MD05 have been suitably incorporated here).

	groundwater level monitoring results should be submitted with any planning application. A ‘water features survey’ will also be required to identify environmental features and may require the installation of monitoring infrastructure and implementation of a long term monitoring programme for the water environment’	
MD17 Paragraph 4.156	Supplement existing consideration in CS18 and MD17 (1v.) by adding a further sentence to the end of 4.156: “The restoration of mineral sites can make a positive contribution to the objectives of the Water Framework Directive by helping to achieve good ecological status by 2027 and supporting multi-functionality in after use schemes including environmental enhancements such as flood management and biodiversity benefits from wet washland attenuation.”	AGREED (WFD reference).
Policy MD8(4iii)	Amend MD8(4iii) to read: “In the case of hydro-electric energy schemes, particular attention will also be paid to impacts on flood risk, ecology , water quality and fish stocks;”	<p>NOT FULLY AGREED</p> <p>Whilst this statement now refers to ecology, it should also include impacts on ‘water resources’. We note that CD27 (summary of key issues document) states that <i>“No changes are proposed in respect of water resources since it is unclear how this differs from flood risk and water quality which are already referred to. As a development management policy MD8 references relevant tests or issues which will help inform planning decisions. Water related evidence changes frequently but the Plan needs to be flexible and resilient over an extended period”</i>.</p> <p>The statement seems to be misinformed on what information may be necessary for hydropower in relation to water</p>

		<p>resource impacts. It is necessary for a hydropower application to confirm whether it will likely impact upon water resources in the context of the flow regime of a river and surrounding abstractions including the implications of the amount of water the hydropower scheme would propose to abstract, for example on river base flow river characteristics and stored sources in the catchment. This is separate from flood risk impacts.</p>
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Conclusion

- 5.1 All AGREED proposed modifications to the SAMDev DPD are shown in the table, above.
- 5.2 The Environment Agency and Shropshire Council consider the SAMDev DPD to be SOUND providing the agreed actions, above, are implemented.

Signed on behalf of Shropshire Council:

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Andy Mortimer, Policy Manager

Date: 07/11/2014

Signed on behalf of the Environment Agency

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Mark Bowers, Environment Planning and Engagement Manager

Date: 7 November 2014