



<u>Committee and Date</u> Shropshire Hills AONB Partnership 11 th June 2019	<u>Item</u> 8
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CLUN JUDICIAL REVIEW

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Summary

This paper provides some background on the national Judicial Review case affecting the River Clun SAC. Paul Hayward from the Environment Agency will speak on this agenda item at the meeting.

Recommendation

The Partnership is recommended to note and comment on the information provided.

Background

In November 2015, the High Court allowed a Judicial Review case against the government brought by WWF, the Angling Trust and Fish Legal about the government's failure to deliver Habitats Directive obligations on the health of Natura 2000 freshwater sites in the UK. The 44 sites to which this relates include the River Clun SAC. The issues in the legal challenge are mainly about agricultural pollution, especially soil, nutrient and pesticide run-off into rivers and wetlands.

As part of the Judicial review process, the Environment Agency commissioned a study on the River Clun, and progress was reported to the Clun Catchment Partnership which we convene, in July 2016. It is understood that the study corroborates other evidence that there is a problem in the Clun catchment, but it is still unclear what action will result from the Judicial Review. More recent reports have been that the process has effectively stalled.

Public bodies and other funders are investing significantly in practical works on the ground in the Clun catchment to try to address water quality issues, but these are undermined by a lack of regulatory action where needed, and by consenting through the planning process of developments which will compound the problems.

List of Background Papers

WWF briefing on the Judicial Review challenge available at the bottom of this web page
<https://freshwaterhabitats.org.uk/news/uk-government-taken-to-court-over-unprotected-wetlands/>

Human Rights Act Appraisal

The information in this report is compatible with the Human Rights Act 1998.

Environmental Appraisal

The recommendation in this paper will contribute to the conservation of protected landscapes.

Risk Management Appraisal

Risk management has been appraised as part of the considerations of this report.

Community / Consultations Appraisal

The topics raised in this paper have been the subject of earlier consultations with Partnership members.

Appendices

None