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BY EMAIL ONLY

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Dear Mr West

Update to NE's position on the Local Plan allocations in the River Clun catchment

This statement updates Natural England's position on the use of nutrient neutrality in the River Clun Special Area of Conservation (SAC) and in relation to the local plan. It is an update to our previous position statements, dated 04/12/23 and 30/03/23.

The River Clun SAC is designated for its populations of freshwater pearl mussel, which require clean water to survive and breed. The Environment Agency's 3-year mean reported in 2022 showed that nutrients in the Clun are about three times over limit. Significant change is required to restore the River Clun to Favourable Condition.

Natural England has advised that there needs to be confidence that the Clun can be restored to Favourable Condition, before new development is allowed in the catchment; including housing that is nutrient neutral. This 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.

There are a finite number of things that can be done to restore a river. They include improvements to wastewater treatment, changing agricultural land practices, and restoring natural hydrological function. Some of these measures may be further limited to specific locations. If a measure is utilised to make development nutrient neutral, then it is no longer available to restore the SAC to favourable condition. In this scenario, new development would have compromised our ability to restore the site.

Progress towards a restoration plan

Despite the work to restore the River Clun through voluntary schemes, individual project works and with substantial investment, there has not yet been adequate improvement to water quality and physical habitat and the freshwater pearl mussel remains in serious decline. Business as usual is not working, and further restoration measures are required.

To this end, the River Clun was accepted as one of five Protected Sites Strategy pilot projects under the Environment Act 2021. A *Clun nature recovery blueprint* is currently being commissioned. The Blueprint will examine what is needed to achieve site restoration to favourable condition and identify a range of options and scenarios relating to restoration. This Blueprint will give us confidence that the catchment can be restored and inform discussion on what measures are needed for

restoration. We are currently writing the project specification and a tender brief and will shortly be starting the procurement process.

In parallel to this, the Environment Agency is producing a Diffuse Water Pollution Plan for the River Clun. This will complement the Blueprint and provide a review of available monitoring data and evidence; refreshed water quality modelling; an evaluation of the effectiveness of existing diffuse water pollution mitigation measures; and an appraisal of other planned or proposed measures and mechanisms.

These two pieces of work will form the basis for a decision on whether we are confident in our collective ability to restore the River Clun SAC to favourable condition. We will then be able to have informed discussions around what measures/locations are not needed for river restoration and could potentially be available for nutrient neutrality.

Natural England maintains that this is the ideal way forward and gives strong compliance with the Habitats Regulations. However, we acknowledge that there are other factors to take into consideration. Natural England's views on these are set out below.

Local Plan position

Shropshire Council has written policy DP14 (previously DP13) to ensure that development in the Clun catchment is nutrient neutral and does not compromise the ability to restore the site. Natural England supports the inclusion of this strong policy, in principle, to safeguard the catchment, should the plan be adopted.

The Local Plan runs until 2038. Shropshire Council advise that their current position, captured in the housing delivery trajectory, is that proposed site allocations in the Clun catchment will be delivered towards the end of this plan period, after 2035. Considering the timeframes, we have high confidence in having a restoration plan in place prior to the delivery of the allocated sites. This means we should know whether the site can be restored and what measures and locations are required for restoration, before planning applications come in. Should planning applications be received in advance, ahead of the completion of the restoration plan, then we agree that policy DP14 will enable permission to be refused based upon the outstanding risk of compromising the restoration plan.

As an unlikely worst-case scenario, should the allocations in the Local Plan prove to be undeliverable, then we acknowledge that the Local Plan would be reviewed.

Bishops Castle Neighbourhood Plan Examination

In January 2024, the Bishops Castle Neighbourhood Plan went to Examination. The neighbourhood plan includes an allocation for 40 houses in the Clun catchment, . This is an extension to an older allocation for 40 houses that is currently stalled due to the situation regarding development in the catchment. We acknowledge that the neighbourhood plan examination considered the situation in relation to the River Clun SAC and that the Inspector concluded that it was suitable to include this allocation.

Bishops Castle Wastewater Treatment Works discharge transfer proposal

Currently, wastewater from Bishop's Castle Wastewater Treatment Works (WwTW) goes into the River Clun SAC and therefore contributes to the water quality issues in the SAC. There is a proposal from Severn Trent Water to divert the Wastewater Treatment Works (WwTW) discharge away from the Clun SAC. This proposal has been put forward for funding through the WINEP (*Water In the Natural Environment Plan*) process.

If this scheme passes all the checks needed and goes ahead then housing proposals that would connect to this WwTW would not discharge to the River Clun SAC and so would not need to be nutrient neutral. Natural England is supportive of this proposal in principle, although as yet needs to be formally consulted on the impacts on the scheme on the rivers affected by the diversion of the discharge, namely the River Onny and River Teme.

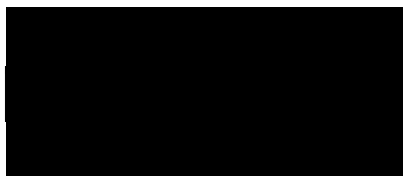
Next steps

Natural England advises that there needs to be confidence that the River Clun SAC can be restored before development is allowed in the catchment, even if that development is nutrient neutral. However, we acknowledge that on review of Shropshire Council's current position, including the current proposed Main Modifications, to Policy DP14, the Inspectors may decide the Local Plan can be adopted with the inclusion of the proposed site allocations in the Catchment. If this is the case, then Natural England is satisfied that the Local Plan policies ensure development will only be permitted if it is nutrient neutral and can demonstrate that the ability to restore the catchment is not compromised. If the Inspector determines that the plan can be adopted on this basis, then NE would have no objection to this.

The Council should confirm that if the Clun Nature Recovery Blueprint, the Diffuse Water Pollution Plan or any subsequent restoration plans indicate that we need a different approach to development (such as quantity or location), this will trigger a review of the Local Plan. We also recommend that the council considers reviews its Habitats Regulations Assessment to ensure it is confident that it is in full compliance with the Habitats Regulations.

We look forward to working with you to ensure our respective positions are set out clearly as we move forwards through the local plan process, in the necessary supporting documentation. Please send further correspondence, marked for our Senior Sustainable Development Officer, Hayley Fleming's attention, to consultations@naturalengland.org.uk and copy both Hayley and myself in directly.

Yours sincerely



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