

## **Shropshire Local Plan Review Examination**

### **Stage 2: Matters, Issues and Questions**

#### **Matter 1: Legal Compliance**

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#### **Hearing Statement on behalf of Radnorshire Coal Co. Ltd and B & J Davies (Bucknell) Ltd**

**Tuesday 15 October 2024**

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#### **1. Introduction**

- 1.1 This Statement relates to three Matters referred to in the Inspectors Matters, Issues and Questions document (ID40). A single Statement has been prepared because the same considerations relate to each of the Matters specified. In each case the central issue concerns the manner in which potential development is held up by concern over the existence of a colony of freshwater pearl mussels in the River Clun.
- 1.2 In each case the ISSUE raised by the Inspectors is,  
  

*“Whether the development is justified, effective and consistent with national policy.”*
- 1.3 The Statement is made on behalf of the Radnorshire Coal Co. Ltd. and B & J Davies (Bucknell) Ltd. The two Companies own parcels of land in Bucknell which lie adjacent to each other. One area was formerly a railway sidings and engine shed, and the other a timber yard.
- 1.2 The land was first allocated for a mixed development of housing and employment uses in the Local Plans prepared by the former South Shropshire District Council. That Council no longer exists, its administrative area having been consumed into the present Planning Authority, Shropshire Council.
- 1.3 The applicants, jointly, first made an application to develop the land in 2006. Consent to develop the land for 30 dwellings was issued in December 2011. Since the application was first submitted two Local Plans have been prepared, consulted upon,

and formally adopted by Shropshire Council. In each of the Local Plans mentioned the joint site has been allocated for development. Soon after the 2011 consent was issued it became clear that the Planning Authority wished to increase the number of dwellings that could be accommodated on the site and include the new allocation in the Local Plan of the time.

- 1.4 An application to develop the extent of the timber yard for housing, in accordance with the Local Plan of the time was submitted in August 2013 (the former railway yard having been allocated for employment development). The application was subject to considerable change at the request of the Planning Authority, including altering the layout of the site, changing the application from a full application to an outline application and repeating certain assessments. However, throughout the life of the application the issue of the existence of a freshwater pearl mussel colony in the River Clun remained a constant concern.
- 1.5 Several meetings took place with the Planning Authority over the years, each time appearing to indicate that the application was moving in the right direction and that consent was likely to be granted, until around 2020 when the issue of the pearl mussels became increasingly difficult to deal with and communications eventually came to a standstill. Then in March 2023 the Council decided to dispose of the application and removed it from the planning register.
- 1.6 The issue of the pearl mussels, however, remains. Natural England have issued advice documents explaining their views on the possibility of development proposals showing that they can be nutrient neutral, but there is no firm commitment or time line for this advice to be fashioned into a document that a developer could work to.
- 1.7 The Representors are concerned that the effect of the provisions that Natural England wish to see embodied in the new Local Plan will be little more than a formalized means of delaying the process still further. In the meantime, the houses that have been allocated for development for a good number of years have not been provided, plans to provide them cannot be made, and people in need of accommodation in the Bucknell area cannot purchase any new housing. This situation also affects allocated sites in Bishop's Castle and Clun and the newly proposed site in Bucknell.
- 1.8 The River Clun SAC Nutrient Management Plan was published in October 2014. It results from an extensive study of the quality of the river-water and the health of the pearl mussels in the River Clun. It concluded that the water quality was in unfavourable condition for the pearl mussels and that the pearl mussels were 'functionally extinct' – though that did not mean that they were incapable of being 'rescued' if the water quality were to be improved. It said that the colony probably only had around 20 years before it died out. The survey work for the document must have been carried out some time before it was issued and so already over ten years of the life of the colony have disappeared and although the Waste Water Treatment Works in Bucknell have been improved the water quality is still in an unfavourable condition.

- 1.9 Main Modification MM46 proposed by the Council puts into effect the current wishes of the Natural England. It says that they wish to study the possibility of improving the water quality, and to do that they will produce a River Clun SAC Restoration Plan, which will then be followed up by the Council with a River Clun Catchment Supplementary Planning Document. This sounds like a recipe for more delay and in the meantime the pearl mussels are likely to deteriorate still further.
- 1.10 Simply ensuring that new residential development does not add to the problem of water quality (which it won't if it discharges to the Water Treatment Works, because that has capacity to accept the development proposed for Bucknell, but it will still only produce water to discharge into the watercourse at the quality that it currently does). In addition, the main problem with the water quality is caused by agricultural practice not residential development.
- 1.11 It appears to the Representors that there is an urgency in this matter that is not being appreciated. They fully understand the need to make attempts to safeguard and resuscitate the mussel colony, but the lack of housing in the locality must by now be causing problems for the local communities. The process outlined in the Main Modification needs to be considerably quickened and an agreed programme for completing the assessments/SPD's should be built into the policy that the MM alters.
- 1.12 As the situation stands, there is no certainty that Natural England will complete their assessment/advice in the near future and there is no guarantee that the Water Company will improve the quality of the water they discharge into the nearby river, or that action will be taken to reduce the pollution from agricultural sources. Moving the intended commencement date for the proposed development to near the end of the Plan period does nothing for the pearl mussels or the proposed development – it just removes any pressure to get the situation resolved. The Plan becomes ineffective in delivering the housing needed. These are matters which the Council should address.