

# **Addendum: Statement of Common Ground Between Shropshire Council and Natural England**

**Dated: October 2024**

## **1. Introduction**

- 1.1. In September 2021, following ongoing and constructive engagement, a Statement of Common Ground (SoCG) (EV025) was completed between Shropshire Council and Natural England.
- 1.2. Duty to cooperate engagement has continued between Shropshire Council and Natural England since EV025 was completed and submission of the draft Shropshire Local Plan occurred (also in September 2021).
- 1.3. One key mechanism for this engagement is the Clun Strategic Liaison Group. This group responds to the need for the key organisations (Shropshire Council, the Environment Agency, Natural England and Severn Trent Water) to cooperate and provide a multi-agency response to, and coordinated leadership in, the River Clun Catchment. The intention of this group is to inform long-term planning for the identification and prioritisation of the suite of mitigation and restoration measures in the River Clun Catchment.
- 1.4. This Addendum to the Statement of Common Ground has been prepared in order to update the matters of agreement and disagreement reached within EV025.
- 1.5. In addition to the continued engagement between the two parties, this addendum has also been informed by:
  - a. The River Clun SAC Phosphate Mitigation Solutions for Residential Development Report and associated material (GC4u-w and y).
  - b. The River Clun Nutrient Mitigation Solutions Report (GC42a-b).
  - c. Updated national guidance on nutrient neutrality and the Habitats Regulations (referenced in GC16).
  - d. The conclusions within the Examiners Report for the 'made' Bishop's Castle Neighbourhood Plan (appended to the Council's Stage 2 – Matter 1 Statement).
  - e. Progression of a Recovery Blueprint for the Clun Catchment by Natural England and a Diffuse Water Pollution Plan for the Clun by the Environment Agency (as referenced within OD007).

## **2. The Initial Statement of Common Ground (EV025)**

- 2.1. Natural England's Regulation 19 representation (A0349) on the draft Shropshire Local Plan formed the basis for EV025.

- 2.2. However, through the engagement undertaken in the context of EV025, a number of the issues raised by Natural England within their Regulation 19 representation were resolved.

*Matters of Agreement within EV025*

- 2.3. Within EV025, Natural England and Shropshire Council agreed that the following components of the draft Shropshire Local Plan were sound:
- a. Vision and strategy.
  - b. Strategic approach.
  - c. Draft Policy SP3 Climate Change.
  - d. Draft Policy DP12 The Natural Environment (DP13 within the Schedule of Proposed Main Modifications – GC4m).
  - e. The explanation of draft Policy DP13 (DP14 within the Schedule of Proposed Main Modifications – GC4m).
  - f. Draft Policy DP14 Green Infrastructure (DP15 within the Schedule of Proposed Main Modifications – GC4m).
  - g. Draft Policy DP18 Pollution and Public Amenity (DP19 within the Schedule of Proposed Main Modifications – GC4m).
  - h. Draft Policy DP24 The Shropshire Hills Area of Outstanding Natural Beauty (DP25 within the Schedule of Proposed Main Modifications – GC4m).
  - i. Proposed site allocations (with the exception of sites within the River Clun catchment) have the least environmental value.
  - j. The conclusions of the Habitats Regulations Assessment (HRA) undertaken to inform the draft Shropshire Local Plan are appropriate (with the exception of those aspects relating to the River Clun Special Area of Conservation (SAC)).

*Matters Resolved within EV025*

- 2.4. Within EV025, issues raised within the Natural England’s Regulation 19 representation (A0349) that were subsequently resolve were:
- a. Lack of certainty about the level of development proposed within the River Clun Catchment and detailed within the HRA for the draft Shropshire Local Plan – Through discussions the Council provided clarification on this matter (summarised in EV025), which satisfied Natural England.
  - b. Lack of recognition of the role of salmonoids within the life-cycle of the Freshwater Pearl Muscle (the presence of which is the exclusive reason for which the Clun SAC is designated) within the HRA for the draft Shropshire Local Plan – Shropshire Council proposed to modify the HRA to include recognition of this role, but remained explicitly of the view that this does not change the conclusions of

the HRA and specifically the Appropriate Assessment component of the HRA for the River Clun SAC. Natural England indicated they were satisfied with this approach.

- 2.5. Given the above resolutions do not affect the conclusions of the HRA and specifically the Appropriate Assessment component of the HRA for the River Clun SAC, the Council is intending to undertake the 'targeted update' to the HRA for the draft Shropshire Local Plan to recognise the role of salmonoids within the life-cycle of the Freshwater Pearl Muscle as part of the main modification process for the draft Shropshire Local Plan (which will involve a further stage of public consultation).

*Matters of Disagreement within EV025*

- 2.6. Within EV025, the areas of disagreement between Natural England and Shropshire Council related exclusively to the River Clun SAC. Specifically, the areas of disagreement related to the soundness of:
- a. Draft Policy DP13 Development in the River Clun Catchment (DP14 within the Schedule of Proposed Main Modifications – GC4m).
  - b. Proposed allocations at Bucknell and Clun – BKL008a and CLU004.

**3. Updated Matters of Agreement and Disagreement**

- 3.1. This Addendum to the Statement of Common Ground has been prepared in order to update the matters of agreement and disagreement reached within EV025.
- 3.2. Shropshire Council and Natural England continue to endorse the areas of agreement reached within EV025.
- 3.3. Through the proactive engagement between the parties and the additional information available, the following areas of agreement have now been reached between Shropshire Council and Natural England:
- a. Draft Policy DP13 Development in the River Clun Catchment (DP14 within the Schedule of Proposed Main Modifications – GC4m), alongside other draft Policies in the draft Shropshire Local Plan, will ensure major development in the Clun Catchment will only be permitted if it is nutrient neutral and can demonstrate that the ability to restore the River Clun SAC is not compromised. As such, this draft Policy is sound and legally compliant.
  - b. Development of proposed allocations at Bucknell and Clun (BKL008a and CLU004) would constitute major development and as such cannot occur without identifying appropriate mitigation that achieves nutrient neutrality in a way that can be secured and funded for the lifetime of the development's effects and will

demonstrably not undermine the achievement of restoration of the River Clun SAC. However, given the draft Shropshire Local Plan extends to 2038, it is reasonable and helpful for the draft Shropshire Local Plan to allocate sites in advance of defining mitigation and restoration measures, while making it clear that development cannot proceed without appropriate mitigation measures that will demonstrably not undermine the achievement of restoration. As such, these proposed allocations are sound and legally compliant.

- c. The Council has reviewed the process undertaken and conclusions reached with its HRA for the draft Shropshire Local Plan. In conclusion, the Council considers that this remains fully compliant with the requirements of the Habitats Regulations and other legal requirements. Natural England is satisfied with this conclusion, subject to a 'targeted update' to recognise the role of salmonoids within the life-cycle of the Freshwater Pearl Muscle, which is a factual matter and does not affect the conclusions reached. As such, the HRA of the draft Shropshire Local Plan is sound and legally compliant.

3.4. Through the proactive engagement between Shropshire Council and Natural England it is agreed that subject to the 'targeted update' to the HRA for the draft Shropshire Local Plan to recognise the role of salmonoids within the life-cycle of the Freshwater Pearl Muscle as part of the main modification process for the draft Shropshire Local Plan (which will involve a further stage of public consultation), there are no outstanding areas of disagreement regarding the soundness or legal compliance of the draft Shropshire Local Plan.

#### **4. Signatories**

4.1. This SoCG has been agreed and signed by the following:

<b>Shropshire Council</b>	
Name: Edward West	
Position: Planned Policy & Strategy Manager	
Date: 02 10 24	
Signature:	
<b>Natural England</b>	
Name: Emma Johnson	
Position: Deputy Director Midlands, West Midlands team	
Organisation: Natural England	
Date: 01 10 24	

Signature:

