

Part B: Your Response

Please complete a separate **Part B form** for each response that you wish to make. One **Part A form** must be enclosed with your **Part B form(s)**.

To assist in making a response, separate **Guidance** is available on the Council's website.

Responses should be returned by **5:00pm on Tuesday 11th June 2024**.

Name and Organisation:	
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Q1. To which document(s) does this response relate?

a. Draft policy on Housing Provision for Older People and those with Disabilities and Special Needs and its explanation.	
b. Updated Additional Sustainability Appraisal of the Draft Shropshire Local Plan Report.	
c. Updated Housing and Employment Topic Paper.	
d. Updated Green Belt Topic Paper.	

Q2. To which paragraph(s) of the document(s) does this response relate?

Paragraph(s):

Q3. Do you consider the document(s) are:

- | | | |
|----------------------|------|-----|
| A. Legally compliant | Yes: | No: |
| B. Sound | Yes: | No: |

Q4. Please detail your comments on the specified document(s).

Please be as precise as possible.

(Please continue on a separate sheet if necessary)

Please succinctly provide all necessary evidence and information to support your response. After this stage, further submissions may only be made if invited by the Planning Inspectors, based on the matters and issues identified for examination.

Q5. Do you consider it necessary to participate in relevant examination hearing session(s)?

Please note: This response provides an initial indication of your wish to participate in relevant hearing session(s). You may be asked to confirm your request to participate.

No, I do not wish to/consider it necessary to participate in hearing session(s)

Yes, I consider it is necessary/wish to participate in hearing session(s)

The Inspectors will determine the most appropriate procedure to consider comments made during this consultation.

Shropshire Council
Planning Services
PO Box 4826
Shrewsbury
SY1 9LJ

Date: 11 June 2024

Our ref: 62394/01/JK/SaG/32311195v1

Dear Sir/Madam

Shropshire Local Plan Examination Response to Updated Housing and Employment Topic Paper and Updated Sustainability Appraisal Report

Lichfields on behalf of our client, L&Q Estates Limited (“L&Q Estates”) have produced representations in relation to the updated Housing and Employment Topic Paper and Updated Sustainability Appraisal Report (“SA”) in response to the interim findings and subsequent correspondence from the Local Plan examination hearings. These representations follow the submission of representations to Hearing Matters 2, 3 and 4 (June 2022) as well as Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (December 2020) in respect of land north of Wolverhampton Road, Shifnal, in which L&Q Estates has land interests.

Firstly, both topic papers refer to the proposed housing requirement between 2016 and 2038. Paragraph 22 of the National Planning Policy Framework (NPPF) sets out that ‘*strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.*’ The plan period is now outdated and is less than the minimum requirement of 15 years from the date of adoption which would fail to anticipate and respond to the long-term need for new homes in Shropshire. Furthermore, it is noted the plan went to examination during September 2021 which was over two years ago. The Planning Practice Guidance states the following:

“Strategic policy-making authorities will need to calculate their local housing need figure at the start of the plan-making process. This number should be kept under review and revised where appropriate.

The housing need figure generated using the standard method may change as the inputs are variable and this should be taken into consideration by strategic policy-making authorities.

However, local housing need calculated using the standard method may be relied upon for a period of 2 years from the time that a plan is submitted to the Planning Inspectorate for examination.”

(Paragraph 008 Reference ID 2a-008-20190220)

As such, as the submitted plan exceeds the two year period since submission to the Secretary of State, has a plan period less than the required 15 years and no agreement has been made with the planning inspector for an extension, it is considered the identified housing requirement is out-of-date and a revised calculation is required to address the changing climate on the delivery of housing across the West Midlands, a matter particularly prevalent considering the changing landscape of the Black Country Authorities (BCA) following the collapse of the Black Country Core Strategy in October 2022 and the identified housing shortfall since the submission of the local plan for examination. The plan period should also be extended to at least 2041 assuming the plan is adopted in 2025 at the earliest.

Furthermore, it is noted that the updated Sustainability Appraisal Report concluded that there is to be the continuation of the 'High Growth' option to deliver the housing requirement, referred to as option 3b within the SA. The 1,500 dwelling contribution to the unmet housing need forecast to arise in the Black Country is now achieved, however, through a further specific uplift of 1,500 dwellings, rather than having these dwellings 'blended' into the housing requirement as proposed in the submission version of the Local Plan. Although the high growth option is welcomed, the Council has not assessed and tested the potential of contributing a higher quantum of dwellings to help meet the Black Country's unmet housing need.

No explicit evidence has been provided which robustly demonstrates whether this quantum of uplift is sufficient in addressing said recognised needs. Moreover, the Council has failed to demonstrate how a contribution of 1,500 dwellings to meet the Black Country shortfall is appropriate or justified, particularly in the absence of any detailed analysis into the functional economic relationship between Shropshire and the Black Country.

NPPF paragraph 11b is clear that strategic policies should, as a minimum, provide for housing needs and other uses *'as well as any needs that cannot be met within neighbouring areas.'* It is also clear that Local Plans should be *'based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground'* (paragraph 35c).

Principally, L&Q Estates welcomes the Council's recognition of its functional relationship with the Black Country and commends the positive dialogue undertaken between the relevant bodies through preparation of the draft local Plan. However, there is significant concern regarding the quantum of the proposed contribution at 1,500 dwellings.

As previously stated within L&Q Estates' representations to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan consultation (AO148), Wolverhampton Council (on behalf of the Black Country Authorities) welcomes the opportunity to provide additional evidence to enable Shropshire Council *'to make a positive recommendation to members to allocate land at M54 junction 3 for employment-led mixed use development'*.

Crucially, the Black Country Authorities not only indicate a broad location considered appropriate in meeting their employment and housing shortfall, but suggest that a quantum of 3,000 dwellings would be an appropriate contribution:

'With the exception of Shropshire, and those areas summarised above, other local authorities are either not currently progressing Local Plan reviews, have very limited physical capacity

themselves or consider themselves to be too remote from the Black Country to be able to reasonably meet our needs.

In this context, the strategic opportunity at M54 J3 of some 50ha of employment land, supported by provision of 3,000 homes to contribute towards meeting both the employment and housing needs of the Black Country would therefore make significant quantitative headway in addressing unmet needs for both employment land and housing in the Black Country.’ [Emphasis added]

Association of Black Country Authorities (ABCA) later submitted further communications on 30th September 2019 strongly supporting the potential for land at M54 Junction 3 to be allocated in the draft Local Plan, as well providing further justification relating to the strong functional economic relationship between Shropshire and The Black Country. Resultingly, L&Q Estates strongly objects to the Council’s proposed contribution of 1,500 dwellings to the Black Country unmet housing need, as opposed to a significantly larger contribution of 3,000 dwellings as suggested by ABCA.

In addition, following consultation on ‘Changes to the current planning system’ in August 2020, the Government published its response in December 2020 confirming that the 20 most populated cities will see an uplift 35% to their local housing need figure.

Wolverhampton is included within the urban centres uplift and therefore its local housing need will increase from 750 dwellings per annum to 1,013 dwellings per annum.

The Black Country Urban Capacity Review (December 2019) confirmed an identified shortfall of around 26,920 dwellings up to 2038. It is therefore clear that the urban centres uplift will exacerbate this shortfall and consequently it is critical that those neighbouring authorities with physical and functional links, such as Shropshire, accommodate the unmet need.

In accommodating increased need from the urban centres uplift, the PPG advises:

“Where should the cities and urban centres uplift be met? This increase in the number of homes to be delivered in urban areas is expected to be met by the cities and urban centres themselves, rather than the surrounding areas, unless it would conflict with national policy and legal obligations. In considering how need is met in the first instance, brownfield and other under-utilised urban sites should be prioritised and, on these sites, density should be optimised to promote the most efficient use of land. This is to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live nearby the service they rely on, making travel patterns more sustainable.” [Emphasis added]

Whilst there is an expectation for Wolverhampton and thus the Black Country to meet the uplift themselves, the PPG confirms this is only expected “*unless it would conflict with national policy.*” In this instance, the Black Country has declared a housing shortfall of 26,920 dwellings up to 2038 and has concluded that that exceptional circumstances exist to trigger a Green Belt review, under NPPF paragraph 138, in order to meet these needs.

Given the under-bounded and constrained nature of Wolverhampton and Sandwell, it is inevitable that the Black Country will be unable to provide for its own housing needs, as required by NPPF paragraph 11(b). L&Q Estates therefore considers it entirely appropriate for the draft Local Plan to incorporate an increased contribution within the housing requirement.

In the absence of a statement of common ground confirming any of the BCA's agreement to this quantum of contribution, the Council risks its plan being considered unsound by failing to satisfy NPPF paragraph 35c requiring *'joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.'*

Consequently, L&Q Estates considers it entirely appropriate for the existing safeguarded land at 'Land between Revells Rough, Lamledge Lane and the eastern rail line' in Shifnal as referred within Schedule S15.1(iii) of the draft Local Plan to be allocated for housing in order to further contribute to the Black Country's unmet housing need.

This land has already been removed from the Green Belt and safeguarded through the Shropshire Adopted Core Strategy to meet future housing needs. It is therefore already recognised as being suitable for development and is available now in order to come forward through the early years of the new plan period.

Furthermore, the latest consultation on the Wolverhampton Local Plan was the Issues and Preferred Options Consultation (Regulation 18) in February 2024 which identified a housing supply of 9,722 homes which would be carried forward via *"existing housing allocations and make new allocations which focus housing growth in urban area, with increased density in accessible locations and structural change in Centres, and export remaining housing need to neighbouring authorities"* (Para 5.17 – Option H3). This would mean that there is a significant unmet need for 11,998 homes over the Plan period for Wolverhampton, L&Q Estates consider it reasonable that Shropshire should be expected to help deliver through the Duty to Cooperate. This exceeds the previous understanding from the Examination Hearings which anticipated a housing requirement from Wolverhampton as 11,086 dwellings as referred to within Black Country Authorities housing need and supply position 2020-39. This demonstrates the changing landscape of housing need across the West Midlands and requires authorities such as Shropshire to deliver a larger proportion of housing than that previously enlisted within the hearing statements in order to deliver the unmet needs of surrounding authorities.

As previously indicated, L&Q Estates welcomes the Council's commitment to addressing part of the Black Country's unmet needs through the Local Plan Review. Despite the changes set out within the revised NPPF, it remains entirely appropriate and in accordance with the NPPF (Paras 11b and 35c) that the Council makes provision for these strategic and cross-boundary needs to be addressed within the Local Plan Review.

As the Council will be aware, despite the BCAs Black Country Plan Review [BCPR] no longer proceeding, the acute unmet housing needs still need to be addressed and each of the BCA authorities still requires assistance separately. Indeed, following the Stage 1 Hearings of the Examination in Public of the Shropshire Local Plan, the Inspector issued Interim Findings which (inter alia) reflected on Shropshire's proposed approach to addressing the BCAs unmet housing needs (i.e. c.1,500 dwellings). In particular, and in reflection on the breakdown of the BCPR, the Inspectors stated that despite *"this new plan making context, there is no reason before us to find that the identified unmet needs in the Black Country area will disappear"* (Para 14) and that *"it remains an important strategic cross boundary matter that should not be deferred"* (Para 15).

In this context, a review of the BCA's separate emerging LPRs suggests that the authorities' supplies have reduced, which suggests that the stated supply and unmet housing need conclusions out in the

BCPR (i.e. c.28,000) has markedly increased to c.37,000 dwellings. Whilst the needs of the BCAs are already quite acute in and of themselves, Birmingham City Council's latest Issues and Options consultation also identified an emerging c.78,000 dwelling unmet need between 2022 and 2042 (Para 5.13). Neither of the updated topic papers make reference to addressing Birmingham's needs at all, further emphasising the requirement to review the housing requirement to consider all of the surrounding authorities unmet needs.

Even if the BCAs and Birmingham are able to make provision for further land within their Green Belt, the extent of the unmet housing needs arising up to 2042 is likely to remain acute and severe. Whilst it is accepted that the NPPF requires LPAs who are subject to the 35% urban centres uplift to accommodate their needs within their own area where possible (Para 62) (i.e. Birmingham and Wolverhampton's share of the unmet housing needs), it is critical that the Council makes an appropriate contribution towards assisting in addressing this unmet housing need now, as these needs are acute and unlikely to be met in full by the surrounding authorities without conflicting with the wider policies in the NPPF (Para 62).

As such, and as was indicated in L&Q Estates previous representations, the Council's proposed approach to its housing requirement and unmet housing need is therefore unsound and further growth is required within the District to meet these needs. The distribution of the unmet housing needs of the surrounding authorities should be addressed now and Shropshire Council should look to deliver and maximise on the level of housing growth within the authority by densifying a wide range of proposed site allocations and allocating safeguarded land for residential development including the L&Q Estates' site at land north of Wolverhampton Road, Shifnal to address the increasing requirement of delivering the unmet housing need of surrounding authorities within the draft local plan.

In conclusion, the reference to the plan period is not considered to be relevant considering the period operates to 2038 which does not meet the minimum requirement of 15 years as required by paragraph 22 of the NPPF. In addition, the level of delivery for the Black Country's unmet needs is not considered to be sufficiently tested as such, Shropshire Council is encouraged to provide a significantly higher delivery towards the Black Country's unmet housing needs.

Yours faithful v

Jon Kirby
Senior Director
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