

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:	Peter Leaver of Nurton Developments
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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.	<input type="checkbox"/>
b. Updated Additional Sustainability Appraisal of the Draft Shropshire Local Plan Report.	<input checked="" type="checkbox"/>
c. Updated Housing and Employment Topic Paper.	<input checked="" type="checkbox"/>
d. Updated Green Belt Topic Paper.	<input checked="" type="checkbox"/>

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 see attached statement.

(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.

Nurton Developments Ltd

Shropshire Local Plan

Representations to Updated Housing and Employment Topic Paper, Updated Green Belt Topic Paper and Additional Sustainability Appraisal Report.

Introduction

1. Nurton Developments Ltd (NDL) is promoting two sites for residential development through the draft plan. These are:-
 - Upton Lane, Shifnal – 45ha capable of accommodating up to 700 houses.
 - Newport Road, Cosford – 21 ha capable of accommodating up to 426 houses.
2. NDL has made submissions promoting these two sites through the plan-making process and participated at the Stage 1 examination hearing sessions, being represented by planning consultant, SLR, and lawyers, Shoosmiths. The most recent representation was a letter from Shoosmiths to the Inspectors, dated 14th September 2023, in respect of the pre-action protocol letter by Aardvark Planning Law to the Secretary of State of 15th August 2023.
3. The letter from Shoosmiths sets out briefly the concerns of NDL about the soundness of the Council's Sustainability Appraisal, as undertaken at that stage, and other related matters. A copy of this letter is appended for ease of reference.

Outstanding questions raised by the updated evidence base

4. NDL has reviewed the two updated Topic Papers and the amended Sustainability Appraisal. These respond to the Inspectors' requests for further assessment, as set out principally by the Inspector's letter of 16 January 2023 (ID37). However, in NDL's view, some outstanding questions remain. Particularly, it is still unclear how certain elements of the further assessments fulfil the brief set out by ID37. In addition, NDL has identified some inconsistency in the Council's approach.
5. NDL would like the following questions to be raised at the next examination sessions:-
 1. Why has the opportunity not been taken to align the strategy of allocating sites to meet the needs of the Black Country for housing to the strategy of allocating a site to meet the needs of the Black Country for employment land?
 2. In particular, what is the Council's rationale for allocating housing sites in Shrewsbury, Ironbridge and Bridgnorth to meet the needs of the Black Country from a sustainability perspective?
 3. Has sufficient developable employment land been allocated to meet the Black Country's needs?
 4. Why do the options to accommodate more housing to meet Shropshire's need not include the identification of new sites?

5. Why has no land been safeguarded to meet future unmet needs of the Black Country?

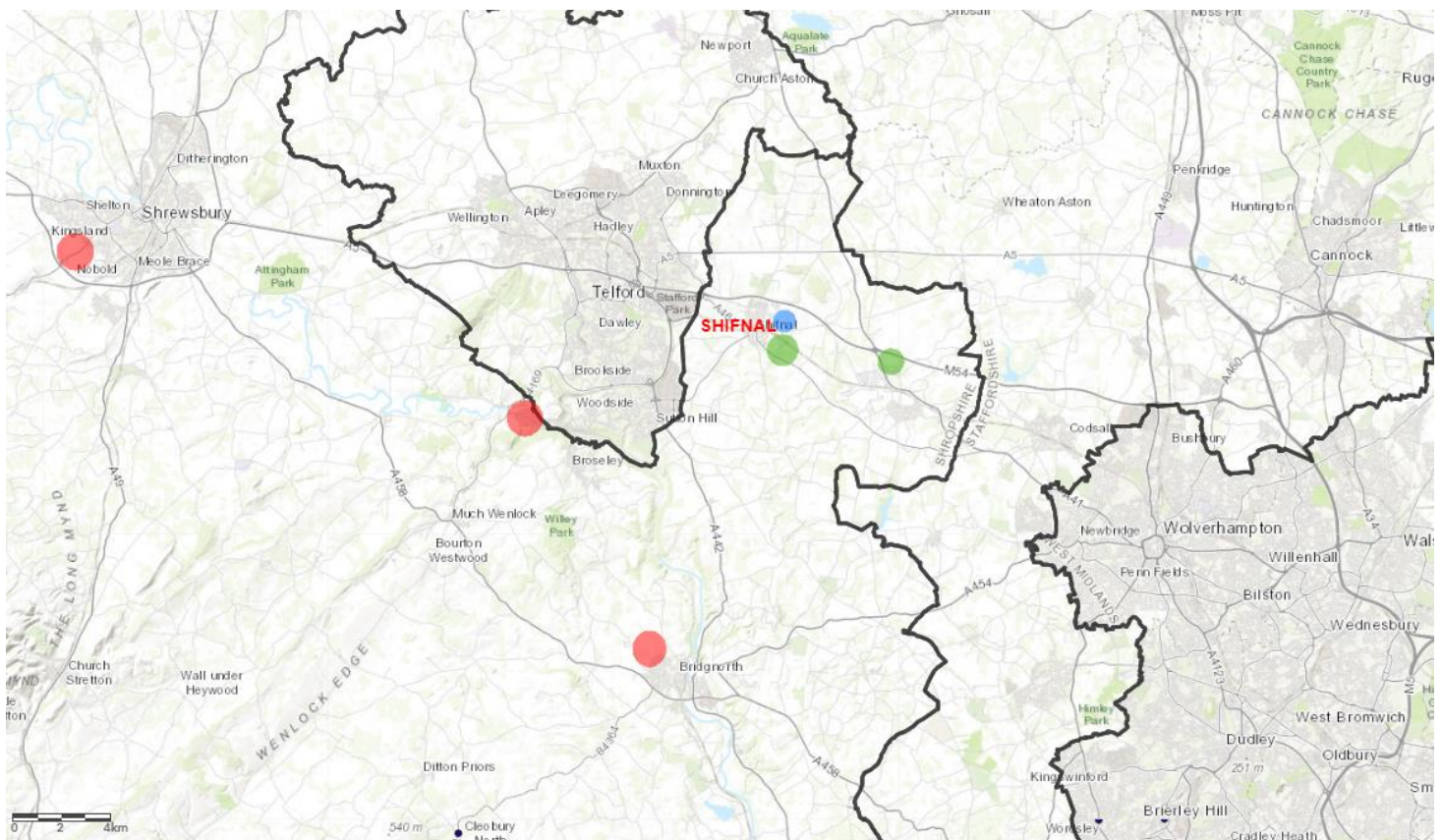
6. Has any reassessment been undertaken by the Sustainability Appraisal to consider NDL's previous concerns about the safeguarding of land to the south and west of Shifnal for future housing.

6. The context to these questions, and further explanation, is provided below.

Alignment of strategies to meet the Black Country's unmet needs for housing and employment land in the most sustainable manner

7. ID37, which sets out the scope for the further work carried out by the Council, emphasises the importance of testing separately the unmet needs of the Black Country (paragraph 5.6) and ensuring that employment growth aligns with housing growth (paragraph 5.8). It is not clear how the current plan proposals achieve these twin aims.

8. The current plan proposals for meeting the needs of the Black Country are depicted on the figure below. The red dots represent the three sites allocated to meet the housing needs of the Black Country (at Shrewsbury, Ironbridge and Bridgnorth). The blue dot is the proposed employment allocation to meet the Black Country's needs at Shifnal (SHF018b and 018d). The green dots are the two sites being promoted by NDL at Shifnal and Cosford.



9. This illustrates an inconsistency in approach between meeting housing and employment land needs for the Black Country. The proposed housing allocations (particularly at Shrewsbury and Ironbridge) are not well located to help meet the needs of the Black Country. This is primarily due to the degree of geographic separation between these locations and the Black Country.
10. Additional housing in these three locations to meet the needs of the Black Country will place undue pressure on existing local services and infrastructure in Shropshire. An obvious example is schooling in Shrewsbury, which is already over capacity.
11. In addition, there is a disconnection between these three locations, the Black Country and the proposed employment allocation at Shifnal (SHF018b and 018d). For example, Shrewsbury is over 30 miles from the nearest major centre in the Black Country, Wolverhampton. This will lead to unnecessary travel, particularly car-related journeys. This is not a sustainable approach.
12. Conversely, Shifnal and Cosford are much better placed to meet the unmet housing needs of the Black Country. Both are closely aligned with the allocation of employment land at Shifnal (SHF018b and 018d) to meet the employment land needs of the Black Country. However, the new housing allocations at these two centres are restricted to just 230 homes (all located at Shifnal). Additional housing in Shifnal would present many more opportunities for sustainable travel, such as walking and cycling to work, as well as a regular train service to Wolverhampton from the existing railway stations at Shifnal and Cosford.

Allocation of Employment Land at Shifnal

13. Paragraph 2.30 of the Updated Housing and Employment Topic Paper refers to the allocation of SHF018b and 018d- Land east of Shifnal Industrial Estate, Upton Lane, Shifnal. It refers to an area of “39 ha to achieve 16 ha of floorspace”. Table 12.3 of the amended Sustainability Appraisal refers to “39 ha (15.6 ha net development).”
14. It is unclear to NDL what the net development area of 15.6 ha refers and how it equates to the proportion of the unmet needs of the Black Country that Shropshire has agreed to accommodate (i.e. 30 ha). The need for employment land for the Black Country is projected by the Black Country EDNA 2023. The principal methodology for projecting need is a GVA based model. This translates GVA growth in relevant sectors to a floorspace requirement and then assumes a 40% site cover to derive a developable area.
15. The developable area of a site covers the main built areas – e.g. buildings, parking, yard space and circulation. It will not include areas required for site access, SuDS, on-site BNG mitigation, strategic landscaping, including tree planting, and recreation areas for staff. It will also exclude those parts of the site which are not developable because they act as a constraint. These could include irregular shaped parts of a site, watercourses, trees and hedgerows, easements, or safety zones (e.g. for gas mains or overhead HV electricity lines). For these reasons, the developable area of a site will only be a proportion of the gross area. In NDL’s experience, the developable area will not be greater than 75% of the gross site area, and can be as low as 50%, particularly on constrained sites.

16. NDL understands that 39 ha is a gross site area. However, it is unclear what the developable area is. This needs to be established as a comparator against derived need – i.e. 30 ha of developable area.
17. If the developable area is less than 30 ha, as intimated by the reference to 15.6 ha net development, then consideration needs to be given to the allocation of additional land to ensure the needs of the Black Country are fully met. This could require an extension of the allocation at Shifnal (SHF018b and 018d) or the identification of another site(s).

Options to accommodate additional housing land to meet Shropshire's needs

18. Paragraph 2.10 of the Housing and Employment Topic Paper sets out the options to accommodate the proposed uplift of 500 homes to meet Shropshire's housing requirement. None of these options include the allocation of additional sites. This is inconsistent with the approach taken with the options to accommodate the uplift of 20 ha to meet Shropshire's employment land requirement. With employment land, Option 3 includes the allocation of additional sites along with the extension of current proposed allocations (paragraph 2.26 of the Housing and Employment Topic Paper).
19. This inconsistency aside, it is difficult to understand why the allocation of new housing sites is not an option for consideration given the circumstances. This seems to be in error of process as well as judgment.
20. Instead, reliance is made on:
 - increased windfall projections;
 - densification of proposed allocations;
 - extension of existing site allocations; or
 - a combination of two or more of these options.

21. NDL considers the 2nd option to be undeliverable. Since the Regulation 19 consultation, and the start of the examination, BNG has become a statutory requirement. This requires, in the first instance, for provision to be made on-site. In NDL's experience, this has resulted in lower, rather than higher, site densities. This requires more land to yield the same scale of development.

Safeguarding of land to meet future housing needs.

22. Again, there seems to be an inconsistency in approach. Land around Shifnal is released from the Green Belt and safeguarded to meet the future housing needs of Shropshire (paragraphs 5.23 – 5.27 of the Updated Green Belt Topic Paper). However, no such provision is made to meet the future needs of the Black Country.
23. Why not? There is as much certainty that there will be future overspill needs from the Black Country as there will be future needs from Shropshire. As such, it makes best sense to plan for both.

Reassessment of opportunity promoted by NDL

24. In previous representations, NDL has questioned the rationale for the proposed safeguarding of land to the south and west of Shifnal (referred to as P14, SHF019 and part of P15b, part of SHF017 and P16 and another part of SHF017 in paragraph 9.10 of the Green Belt Topic Paper). This is for two principal reasons:-
- The deliverability of the land is highly questionable.
 - The Sustainability Appraisal was underpinned by an outdated Strategic Flood Risk Assessment (SFRA).
25. With regards to the former, the safeguarded land was chosen on the basis of a new strategic highway providing a bypass to the south-west of Shifnal (paragraph 5.215 of the Regulation 19 draft plan). However, NDL understands that this bypass is no longer proposed and that not all of the necessary land required for the bypass is safeguarded.
26. With regards to the latter, the Sustainability Appraisal needs to be informed by a new SFRA based on the latest hydraulic modelling and flood risk data (covering flooding from all sources) and taking into account the impact of climate change. This is particularly important as the safeguarded land to the south-west of Shifnal is constrained by Wesley Brook (paragraph 5.207 of the Regulation 19 plan).
27. It appears that no such reassessment has been carried out by the Additional Sustainability Appraisal. Nor has there been a reassessment of the alternative sites being promoted by NDL. This is an unsound approach and failure of process, particularly given the opportunity both sites present in meeting the needs of either the Black Country or Shropshire as referred to above.
28. For these reasons, NDL contends that there are even more pressing grounds to modify the draft plan to identify the land at Upton Lane, Shifnal and Newport Road, Cosford as housing allocations or, at the very least, release them from the Green Belt and safeguard them for future development.
29. Whilst writing, we can confirm that we would like to participate at the relevant hearing sessions once the examination is reconvened.

PJL

7th June 2024

Appendix 1- Letter of Shoosmiths to the Inspectors, dated 14th September 2023.

Inspectors:

Louise Crosby MA MRTPI
Carole Dillon BA (Hons) MRTPI
Nick Palmer BA (Hons) BPI MRTPI

Programme Officer:

Kerry Trueman

Delivered: By email to Programme.Officer@Shropshire.gov.uk

Our ref: M-00966459

Date: 14 September 2023

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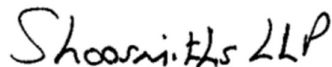
Dear Inspectors

Shropshire Council: Examination of Draft Local Plan 2016-2038 (“Draft Plan”)**Document OD004- Pre-Action Protocol Letter dated 15 August 2023**

1. We are instructed by Nurton Developments Limited (“Nurton”) and have previously participated in the Stage 1 Examination Hearing Sessions into the Draft Plan (with SLR Planning Consultants), on behalf of our client.
2. For reference purposes, Nurton has been promoting two sites for residential development through the draft Shropshire Local Plan 2016-2038. Those sites are located off Upton Lane in Shifnal (“Shifnal Land”) and Newport Road, Cosford (“Cosford Land”).
3. We have now had an opportunity to review the pre-action protocol letter dated 15 August (“PAPL”), sent to the Secretary of State and the Council by Aardvark Planning Law. We understand and appreciate, of course, that the Inspectors and the Council are still to fully respond to that letter and that no formal representations or comments on that document have been requested at this stage.
4. Notwithstanding the above, we feel it is important at this stage to echo the concerns set out in the PAPL, especially those regarding the deficiency of the Sustainability Appraisal (“SA”) upon which the Council rely and the Council’s failure to undertake an assessment which appropriately accommodates the Black Country Authorities (BCA)’s employment and housing needs; as well as Shropshire’s accepted needs.
5. In this regard, Statements submitted on behalf of Nurton to the Stage 1 Hearings raised a number of issues on the soundness of documents submitted by the Council to the Local Plan Examination (“LPE”). This included concerns about the soundness of both the Council’s SA, and the separate Strategic Flood Risk Assessment documents (“SFRA”), which is of course required to inform the detailed assessments undertaken in the SA. The SFRA is critical to the conclusions reached on site suitability in the SA document and ultimately site selection.
6. It follows that in the absence of a new, comprehensive and legally robust SFRA, based on the latest hydraulic modelling and flood risk data which takes into account the impact of climate change, any revised SA required to be carried out would continue to be tainted by the current out of date and defective SFRA.

7. In addition, the PAPL argues that the Council's response to various identified issues with the Draft Plan was wholly inadequate and that a resumption of the LPE based on the current Draft Plan and associated evidence base would be unlawful. Again, we echo and agree with those concerns as set out in the PAPL and would respectfully request and urge the Inspectors to ensure that the steps required by the PAPL, and identified in this letter, are taken by the Council.
8. We do of course welcome the Inspectors' letter of 23 August 2023 (LP ref ID35) which states that the Inspectors intend to set out in detail their concerns so far as they relate to these matters of soundness and the next steps to remedy these.
9. As part of those next steps, we respectfully request that the Council is invited to undertake a SA compliant with the approach identified by the Inspectors in terms of addressing both Shropshire's and the Black Country's needs. As stated above, that SA needs to be informed by a new SFRA based on the latest hydraulic modelling and flood risk data which considers the impact of climate change.
10. The preferred allocations and safeguarded land should then be reviewed against the updated SA/SFRA and more suitable sites considered where current preferred land falls within Flood Zones 2 and 3. That review and re-assessment of preferred and additional sites should of course include those previous sites omitted from the Draft Plan including the Shifnal Land and Cosford Land. This will ensure that a legally robust process is followed, and the most appropriate sites are identified to address Shropshire and the Black Country's needs over the plan period.
11. We apologise for making these points prior to any formal request from the Inspectors to do so and no disrespect to the Inspectors is intended in doing so. To the contrary, we are anxious to make these points now to assist the Inspectors and to ensure that the Inspectors and the Council do not fall into or compound those legal errors already identified in the PAPL and this letter.

Yours sincerely

A handwritten signature in black ink that reads "Shoosmiths LLP". The signature is written in a cursive, slightly slanted style.

Shoosmiths LLP

Cc – Shropshire Council