

HEARING STATEMENT ON BEHALF OF TAYLOR WIMPEY UK LTD (ID. A0598)

Shropshire Local Plan Examination Stage 2 Matter Statement 1: Legal /
Procedural requirements

794-PLN-MNP-JBB8335
September 2024

REPORT

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
draft	Matter Statement	DRO	PH	PH	30.8.24
Final	Matter Statement	DRO	PH	PH	19.9.24

Approval for issue

Paul Hill

19.9.24

The report has been prepared for the exclusive use and benefit of our client and solely for the purpose for which it is provided. Unless otherwise agreed in writing by R P S Group Limited, any of its subsidiaries, or a related entity (collectively 'RPS') no part of this report should be reproduced, distributed or communicated to any third party. RPS does not accept any liability if this report is used for an alternative purpose from which it is intended, nor to any third party in respect of this report. The report does not account for any changes relating to the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report.

The report has been prepared using the information provided to RPS by its client, or others on behalf of its client. To the fullest extent permitted by law, RPS shall not be liable for any loss or damage suffered by the client arising from fraud, misrepresentation, withholding of information material relevant to the report or required by RPS, or other default relating to such information, whether on the client's part or that of the other information sources, unless such fraud, misrepresentation, withholding or such other default is evident to RPS without further enquiry. It is expressly stated that no independent verification of any documents or information supplied by the client or others on behalf of the client has been made. The report shall be used for general information only.

Prepared by:

RPS

Prepared for:

Taylor Wimpey UK Ltd

Contents

MATTER 1: LEGAL / PROCEDURAL REQUIREMENTS.....3

MATTER 1: LEGAL / PROCEDURAL REQUIREMENTS

Issue

Whether the Council has complied with the relevant procedural and legal requirements.

Updated Sustainability Appraisal

- 1.1 This statement responds to the questions identified in respect of the pertinent matters and issues relating to the updated SA April 2024 (GC44) issued by the Council in response to the concerns expressed by the Inspectors in their interim findings letter issued in February 2023 (ID28) and subsequent correspondence.
- 1.2 The statements made here should be read alongside our submissions to the Additional consultation held earlier this year, which we cross-refer to as necessary.
- 1. Are the likely environmental, social, and economic effects of the Plan adequately and accurately assessed in the updated Sustainability Appraisal (SA)?**
- 1.3 We identified in our additional consultation submission a number of issues with the explanation, and thus the adequacy, in the assessment in respect of certain options appraised in the SA. These are set out in section 6 of the submission. We would draw the Inspectors attention to the following points.
- 1.4 Chapter 10 of the April 2024 SA considers the of three options for accommodating the uplift to the proposed housing requirement (500 dwellings). These were 'Increasing Settlement Guidelines and windfall allowances' (option 1), 'Densification of Proposed Site Allocations' (option 2), and 'Increasing Site Allocations' (option 3).
- 1.5 Following the updated assessment, the Council favours 'option 1' as the most appropriate solution to accommodating the uplifted requirement in the Local Plan. Paragraphs 10.61 of the SA provides a lengthy commentary on why this choice is justified. However, point g of 10.61 accepts that option 3 would 'achieve the proposed uplift to the proposed housing requirement'. However, despite this clear and obvious conclusion, the reasoning given then says that:
- "...on balance it is considered that the positive sustainability outcomes associated with Option 1 are more significant than Option 3 and the risks of negative sustainability outcomes associated with Option 1 are lower than Option 3 – primarily due to the increased certainty regarding the urban focus of development."*
- 1.6 The Council seems to be suggest that in terms of significant effects, greater certainty in delivery of the spatial strategy (a significant positive effect) can be more effectively achieved through reliance on windfall sites rather than through supporting development on identified allocations. This make very little sense in planning terms. We cannot see any explanation or evidence in the SA or the Local Plan to support this assertion. Furthermore, the Council has not undertake any assessment to ascertain whether any of the alternative sites exist which can accommodate the additional 500

dwellings in accordance with the wider spatial strategy. Clearly, alternative sites do exist and are found in locations consistent with the strategy, i.e. other sites located at Albrighton, notably Land at Cross Road, which is proposed as safeguarded land in the Local Plan.

- 1.7 The matter here goes to the heart of the Local Plan because if the Council's decision to rely on currently unidentified land is accepted as being soundly-based, then there is no need for any more land allocations. In our view, the Council's approach to accommodating the increased requirement based on the assessment in the updated SA is illogical, given the availability of sites at sustainable locations, and also runs counter to the soundness objective of positively prepared plans and the need to provide sufficient land for housing in accordance with national policy¹. The preference for reliance on windfall sites (under preferred Option 1) is not soundly-based.
- 1.8 Furthermore, we set out major concerns with the adequacy of the updated SA in respect of the evidential basis underpinning the Council's preference for Ironbridge Power Station site, and specifically the 600 dwellings assigned to accommodating unmet need from the Black Country. This is a matter we have addressed in our additional consultation submission (including paragraphs 6.13 to 6.24 and 6.30 in our response on the updated SA and the Ironbridge Power Station site).
- 1.9 To reiterate the position in our submissions, Tables 12.1 and 12.2 of the updated SA score Ironbridge Power Station sites as having 'poor' sustainability and contribution to the Black Country. This we agree with. However, the summary in Table 12.3 contradicts the earlier assessment by saying the site has a 'functional relationship to the Black Country'. The Council in Table 12.3 then asserts that the site '*can accommodate a sizeable contribution towards the unmet housing needs forecast to arise in the Black Country*', but does not explain how this will be achieved. As we explain in our additional consultation submission, the reasoning and preference for the Ironbridge site as a contributor towards the Black Country's unmet needs as set out in the updated SA is both unsubstantiated and unjustified. It is not soundly-based.

2. Does the updated SA test the Plan against the preferred options chosen and all reasonable alternatives?

- 1.10 No.
- 1.11 In line with our response to question 7 below, the updated SA has not tested any options consistent with the necessity for plans to look ahead a minimum of 15 years from adoption in accordance with national policy. This is a clear deficiency in the Local Plan and the SA process.
- 1.12 It follows here that a deficiency in the plan period underpinning the Local Plan means that the overall scale of growth over the appropriate plan period that should be planned for has not been tested. Consequently, the updated SA has not appraised any growth options that properly cater for the total need over the full 15 post-adoption period. We argue in our additional consultation

¹ NPPF 2021 para 8 and 20

submission that the updated SA should appraise an alternative growth which we describe as 'High Growth Plus 2024' which is based on extending the plan period forward by two additional years. We do not consider this is to be a significant change in the plan timeframe, which argue can be suitably addressed through a main modification to the Local Plan following additional appraisal and consultation.

- 1.13 Similarly, the inadequacies we have drawn the Inspector's attention to in our response to question 1 regarding the Council's preference for accommodating the 500 dwelling uplift on windfall sites, leads us to conclude that the updated SA has not adequately appraised options for accommodating the uplift on additional (identified) allocations.

3. Have any concerns been raised about the updated SA methodology and what is the Council's response to these?

- 1.14 This is a question most appropriately answered by the Council.

4. Have the requirements for Strategic Environmental Assessment (SEA) been met?

- 1.15 The updated SA provides no commentary on how the appraisal at this stage has met the legal requirement in accordance with SEA regulations². It is presently not possible to determine whether the Council has met the legal requirements. This omission is a clear error in the procedures the Council should follow as part of the plan-making process.
- 1.16 The usual practice is for Councils to demonstrate compliance using the Strategic Environmental Assessment Regulations requirements checklist in the PPG³.
- 1.17 The Council should provide all parties and the Inspectors with an explanation in writing prior to commencement of the relevant hearing session in October.

Plan Period

7. Is the Local Plan period of 2016 to 2038 consistent with national policy? If not, is there justification for this?

- 1.18 We recommended in our additional consultation submission (and in our Regulation 19 submissions) that the Local Plan should look ahead at least a minimum of 15 years from adoption. This would roll the plan period forward another two years, to 2040 (assuming adoption in 2025). The plan period should be planned on this basis to cover the period 2016-2040.
- 1.19 At paragraph 6.5 of our additional consultation submission we identified concerns with the plan period covered by the Local Plan. Shropshire is able to accommodate a significant level of growth (over and above the minimum housing need under the current standard method). We would add there are no fundamental policy or environmental constraints that preclude planning for higher

² The Environmental Assessment of Plans and Programmes Regulations 2004, UK Statutory Instruments No. 1633

³ Paragraph: 004 Reference ID: 11-004-20150209 Revision date: 09 02 2015

growth strategies in the area. Furthermore, there is nothing the Council's evidence or SA which suggests the plan period should look ahead less than 15 years from adoption. Consequently, we see no reason to restrict the timeframe of the Local Plan to less than the minimum period in accordance with national policy⁴.

1.20 Consequently, in the context of the SA the Council's decision to keep the plan period unchanged means there has been no testing of the effects of extending the Plan period (as a reasonable alternative) by these additional two years. As we say in our additional consultation submission, the Council provides no reasons to demonstrate why it would be inappropriate to do so. We see no reason not to include this assessment in the updated SA.

1.21 On this basis, we do not consider the plan is soundly-based with regards to the proposed plan period. The modification outlined in this response would ensure the Local Plan is in accordance with national policy.

⁴ NPPF 2021, para 22