

# Matter 1: Legal / Procedural Requirements

Representor A0137 / B-A119

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## SHROPSHIRE LOCAL PLAN EXAMINATION

### Stage 2 Hearing Statement

<b>Representor unique Part A Ref</b>	<b>A0137 / B-A119</b>
<b>Matter</b>	<b>1 – Legal / Procedural Requirements</b>
<b>Relevant questions nos</b>	<b>1, 2, 3, 4, 7</b>

## 1. Q1. Are the likely environmental, social, and economic effects of the Plan adequately and accurately assessed in the updated Sustainability Appraisal (SA)?

- 1.1.1. Bradford Rural Estates Ltd (BRE) has set out in detail in its representations to the updated SA (GC44) a series of deficiencies in the assessment of environmental, social and economic effects. These include inaccurate and therefore incorrect assessment of harm to the green belt from the release of land at Shifnal (SHF018b and SHF018d) compared to land at M54 J3. There has been no new assessment of green belt contribution and harm to the green belt through the preparation of GC44. That has carried forward conclusions of the earlier green belt assessment (EV050) which considered release for Shropshire's needs only. The inaccuracy of that previous green belt assessment is carried forward in the assessment of sites in the SA. For example the assessment of SHF018b and SHF018d which the Council proposes for the Black Country employment provision, has a greater impact on the green belt (parcels P13 and P14) than the parcels including the BRE J3 site (parcels P8 and P25), yet there is no consideration of this. That lesser harm resulting from the release of the BRE J3 site instead of the SHF18 sites is more pronounced than the figures in EV050 suggest. The Council's proposals for SHF018 sites will extinguish the entirety of those green belt assessment parcels and hence the full impact of their loss will be realised. By contrast, parcels P8 and P25 would only be partially developed, so the full extent of the lesser impact of their loss would not be realised. This is set out in more detail in BRE representations to GC44. This is just one example of how the SA has not accurately assessed environmental effects. I
- 1.1.2. Another example is that the green belt assessment and as a result the SA fails to take account of the fifth purpose of green belt, the significance of which varies depending upon the purpose for which green belt release is being considered. These points are explained in BRE's representations to GC44.
- 1.1.3. There is failure to consider objectives of the Shropshire Plan, and failure to consider objectives of the Black Country and the context underpinning the need for cross boundary provision for the Black Country. Evidence documents including the M54 Growth Corridor Strategic Options Study (EV072) which and the conclusions it draws about the benefits development at J3 could deliver. Similarly the Council's earlier study of the Shrewsbury – Telford – Wolverhampton Strategic Development Corridor Vision and Strategy (September 2019) which identifies the BRE site as a strategic opportunity, is ignored. These studies expressly considered the BRE J3 site because of the opportunity it affords to deliver strategic sustainable development with significant positive environmental, social and economic effects. The opportunity to achieve those sustainability benefits is entirely ignored by the approach to assessment of effects employed by the updated SA.
- 1.1.4. In addition to the above points raised in representations, the sustainability effects of the Plan's impact on the West Midlands' ability to compete nationally and internationally for economic development and industry is entirely ignored. This is highly important as newly published evidence highlights the significant contribution which Shropshire can make to the wider regional need. That Shropshire potential to benefit the region is specific to locations at M54 J3 and J4.

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- 1.1.5. The West Midlands Strategic Employment Sites Study 2023/24 August 2024 (WMSESS 2024) was made public by Nuneaton and Bedworth Council on 10<sup>th</sup> September 2024. WMSESS 2024 is highly relevant to the SA and the cross boundary provision of employment land for the Black Country in particular. Savills understands that Shropshire Council together with all the other Councils in the WMSESS 2024 study area received the report in December 2023. It is noted that the report is titled 2023/24 and the Executive Summary refers to the output as the 2023 study published 2024. Accordingly Savills understands that Shropshire Council was in possession of the WMSESS 2024 (at least in final draft form) whilst carrying out the further evidence work on GC44, GC45 and GC46. We supply a copy of the final report and request that it be placed in the examination library.
- 1.1.6. WMSESS 2024 is the third instalment in a long running regional assessment of the need to plan for strategic employment sites across the region.
- 1.1.7. A first WMSESS was published in September 2015. It identified a need for strategic employment sites of at least 25ha and the likelihood that suitable sites will be in greenfield locations. The supply of large sites and opportunities for large industrial / distribution units was found to fall severely short in the three areas of highest demand, one of which is the Black Country.
- 1.1.8. The second WMSESS was published in May 2021. The study sought to update the 2015 study, and take forward the conclusions of the West Midlands Land Commission (2017) and the requirements of the Regional Industrial Strategy and Strategic Economic Plan. The WMSESS 2021 concluded that there is an urgent need to identify a pipeline of strategic employment sites and it identified 5 broad locations of focus for such provision to be made. Shropshire was outside the area considered by WMSESS 2021, but the study did identify the area around M6/M54 junction bordering Shropshire as one of the five key locations for strategic employment sites. The recommended next steps were to quantify the amount of strategic sites required and to distribute that requirement across the key broad locations.
- 1.1.9. WMSESS 2024 does include Shropshire within the study area. The study identifies M54 J3 / J4 as one of nine tightly defined opportunity areas for strategic employment sites to be identified and brought forward. The need for new road based (as opposed to rail based) strategic employment sites net of existing identified sites, is quantified as 848ha.
- 1.1.10. M54 J3 / J4 is identified by the study as an 'opportunity area' preferred location for 1 to 2 sites of c50ha each for B8 led mixed employment development. The M54 opportunity area is identified as a priority phase to identify sites for delivery before 2030. The study notes that there is demand in this location as overspill from the Black Country. There is no existing land or building supply in the Shropshire preferred location area due to existing planning constraints. The study states (13.8) that sites brought forward to meet the strategic need will also count as meeting a local need. I.e. the strategic need which is defined by scale and accessibility, is a particular attribute of part of the local need, but it serves a wider than local requirement and generates wider than local benefits. Reflecting the need which has been identified for the M54 J3 / J4 opportunity area is B8 storage and distribution led, it follows that access to the strategic highway network is critical. That is why these junctions have been identified. The importance of the opportunity within this short stretch of the M54 is highlighted by the study's assessment of the potential of motorway junctions to accommodate strategic employment development. Assessment is made of all the motorway junctions across the study area with potential to support development. Both J3 and J4 of the M54 are scored within the top 50% of all motorway junctions which is the limit of the assessment made by

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the study.

- 1.1.11. WMSESS 2024 is therefore important evidence which highlights the significant need for strategic employment sites across the region, and the rare suitability of M54 J3 / J4 to contribute towards that regional need, with the study identifying the M54 as a first phase opportunity area for delivery of 1 to 2 sites of 50ha each of B8 led development before 2030. This conclusion builds upon the previous support for the site through the Council's research report undertaken by Avison Young, the M54 Growth Corridor Strategic Options Study (June 2019) and Savills Market study (January 2000).

WMSESS 2024 is vital evidence of social and economic effects which the updated SA has completely ignored and which should be a priority consideration in determining how and where the provision of 30ha of employment land for the Black Country is provided.

## 2. Q2. Does the updated SA test the Plan against the preferred options chosen and all reasonable alternatives?

- 2.1.1. The updated SA fails to consider reasonable alternatives to the Council's proposed re-purposed allocations. As set out in BRE representations, reasonable alternatives should focus on sites which are best suited to meeting the underlying needs of the Black Country first and providing benefits for both the Black Country and Shropshire second. That approach should be open to considering sites that are within the green belt, including those which may result in greater harm from release than the sites proposed by the Council. It should be common ground, that green belt release is necessary to make the housing and employment land provision for the Black Country as the Council proposes green belt release to meet Shropshire requirements before the Black Country need is taken into account.
- 2.1.2. The updated SA should weigh up the potential additional benefits that releasing sites focused on meeting the Black Country need may deliver, together with the possible negative effects of additional or more sensitive green belt release. The assessment of alternative sites should be compared in order to determine whether greater green belt release is justified by the additional benefits that it would deliver. Instead the prior decision to not release additional land from the green belt (beyond that previously identified for Shropshire needs) has dictated the approach of the updated SA.
- 2.1.3. The site specifically supported by the Black Country Authorities in their representations to the draft Plan should be foremost in the list of reasonable alternatives that the Council considers. The fact the broad location of that site has been supported by the Council's M54 Corridor Strategic Sites Study 2019, and has been consulted up in the Strategic Sites consultation 2019 further highlight the glaring omission of the updated SA not considering reasonable alternatives reflecting the J3 site as promoted by BRE. The P26, P26 Amended and P26 Amended v2 sites which have been scored in the appendices, are not representative of the site promoted by BRE and supported by the Black Country Authorities. BRE wrote to the Council on 5 April 2023 (see Appendix 1) following ID28 with a request that the Council assess the BRE site through the SA with an accurate boundary reflecting the land being promoted by BRE. The Council failed to do so in its work following ID28 and has failed to do so again in the updated SA GC44.
- 2.1.4. The publication of WMSESS 2024 serves to further highlight the priority which should be given to considering sites immediately on M54 J3 and J4 with the ability to deliver strategic scale development which the study defines as a minimum of 25ha but the opportunity identified by the study in the M54 location is for 1 – 2 sites of c50ha.

### 3. Q3. Have any concerns been raised about the updated SA methodology and what is the Council's response to these?

- 3.1.1. Yes concerns have been raised about the updated SA methodology by Bradford Rural Estates Ltd. Please refer to BRE representations to GC44, GC45 and GC46 all of which are relevant to the question of the SA approach.
- 3.1.2. Central to the methodology of the updated SA is the misconceived approach that re-assessment is able to be made of the baseline housing and employment needs for Shropshire and the growth factor for Shropshire to be applied to each. Neither housing or employment needs for Shropshire should have been re-assessed because they had not been found unsound and relevant legislation affords no opportunity for the submitted Plan to be revised in these circumstances. The only matter that should have been considered through the updated SA is the sustainability of making the agreed provision for the Black Country and the potential alternative sites from which to make that provision. The methodology employed is not legally compliant and the output is not sound.
- 3.1.3. BRE also raised concerns in its representations to GC44 regarding the way in which the updated SA has been undertaken. The Council's approach to making provision for the Black Country housing and employment needs was fixed in the Council's mind at the point it agreed to making such provision. That is recorded in the reports to the Cabinet meetings of July 2020 for housing and December 2020 for employment land. For both housing and employment the officer recommendation to Cabinet to agree to make provision for the Black Country was made on the clearly stated proviso, that in neither case would it be necessary to identify and allocate additional land. The Cabinet resolution to make provision for the Black Country was made on that basis.
- 3.1.4. The Inspectors interim conclusions as set out in ID28, and clarified through ID36 and ID37 are clear that it is not sound to subsume the Black Country provision into the need and growth calculations and site allocations that had already been made solely for the purposes of defining the requirement for Shropshire. In order to make the Plan sound the inspectors instructed the Council to add the agreed Black Country provision to the already identified requirements for Shropshire, and to test both that additional provision and potential sites where that additional provision could be made through the updated SA.
- 3.1.5. There is a tension between the Inspectors instructions of what is required to make the Plan sound and the underlying basis upon which the Cabinet agreed the Council would make provision for the Black Country, (being that no additional sites and no additional numeric requirement would be required to make the agreed provision for the Black Country). As a result, the updated SA is compromised and skewed in its approach and is unsound.

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- 3.1.6. As set out in BRE's representations to GC44 and GC45, the methodology should provide appropriate consideration of social, economic and environmental considerations specific to the needs of the Black Country, and where appropriate assess whether there are reciprocal benefits for Shropshire. The updated SA takes no account whatsoever of factors related to the Black Country and the reasons underlying the cross boundary need. Please refer to BRE representations in full to GC44, GC45 and GC46 which all relate to the flawed approach of the updated SA and how the SA does not iterate with the Topic Papers as it should.
- 3.1.7. The Council has not responded to BRE's objection that the Council's approach is unlawful. In the Council's summary response document GC52, the BRE representations are summarised under Part A reference A119. The legal compliance objection to the approach of the Council is summarised under representations part B reference: B002, B003, B004, B005, B006, B007, and B008. The Council provides no response of substance to the legal points made. The Council's only responses are to state without explanation, that they consider their approach to be lawful (B002) and to attempt to justify their approach on the basis that the Black Country need was always part of the Shropshire requirement for which the allocations were made in the Submission Plan (B003, B004, B005, and B006). That appears to carry forward the fundamental misunderstanding that the Inspectors highlighted in ID28 that the decision to make provision for the Black Country was not made until after the requirements for Shropshire were fixed.
- 3.1.8. The inability of the Council to refute the fundamental legal failure of its approach to the updated SA (and Housing and Employment Topic Paper) is significant. The Inspectors are aware that Aardvark Planning Law on behalf of BRE has issued a pre-action protocol letter to the Secretary of State in relation to Judicial Review of the Plan if it is allowed to continue through examination to adoption with the Council's approach to dealing with the Black Country provision (OD004). Subsequent correspondence ID35, GC39, GC40, ID36 and subsequent evidence GC44, GC45 and GC46 has done nothing to dissuade Aardvark Planning Law from that position. The Government Legal Department letter to Aardvark Planning Law dated 15 May 2024 which we understand the Inspectors will have received, directs that the examination should be given opportunity to resolve this legal matter. It is imperative that the examination fully considers the matters of lawfulness of the Council's approach, that BRE has raised.
- 3.1.9. If the Inspectors conclude that there is ability for the Council to change the plan post submission in respect of matters that have not been found unsound, then there are a raft of soundness failures in the approach the Council has pursued in the consideration of reasonable alternatives, the consideration of green belt matters in the SA, and the assessment factors employed to assess needs particular to the Black Country. These are set out in BRE's representations to GC44, GC45 and GC46.



### 4. Q4. Have the requirements for Strategic Environmental Assessment (SEA) been met?

- 4.1.1. The Environmental Assessment of Plans and Programmes Regulations 2004 (The Regulations) require account to be taken of the objectives of the plan and its geographical scope. The criteria for determining the likely environmental, social and economic effects of the Plan are defined by schedule 1 of the Regulations. Those requirements include: the degree to which the plan influences other plans and programmes; and the transboundary nature of the effects.
- 4.1.2. The representations of BRE to the updated SA (GC44) highlight that the SA fails to take proper account of the objectives of the Plan which must be inferred from the strategic policy and from the statutory and national policy requirements of plan making as they are not set out in the Plan. As set out in BRE representations, GC44 §5.1-5.2 confirms that the same objectives and assessment framework have been utilised in GC44 as the earlier SA supporting the pre-Submission Plan. As the Inspectors have already highlighted, the updated SA should be focused on objectives related to making provision for the Black Country, not objectives focused solely on making provision for Shropshire. The updated SA takes no account of the circumstances of the Black Country underpinning its need for cross boundary provision of housing and employment land. For example no account has been taken of the benefits for the WMCA Economic Strategy (which the Shropshire Economic Strategy states supporting is a priority). No account has been taken of the emerging plans of the Black Country authorities and how the provision to be made in Shropshire could interact with those plans. No account has been taken of the West Midlands wide studies that have been undertaken to consider the need for and opportunities to deliver strategic employment sites. No account has been taken of the sustainability benefits that would be realised for the rest of the region by delivering the Black Country provision in such a way that it also meets the strategic sites need.
- 4.1.3. The above deficiencies in the SA contravene the requirements of schedule 1 of the Regulations. Accordingly the updated SA is legally deficient and unsound.
- 4.1.4. Regulation 12(2) requires the SA to take account of implementing the plan and reasonable alternatives taking into account the objectives and geographic scope of the plan. Regulation 12(3) states, where it may reasonably be required, account shall be taken of matters a) - d) which include: current knowledge. As highlighted in Matter 1 Q1, the Council is aware of the findings of the WMSESS 2024 but has failed to take any account of those findings or acknowledge the relevance of that study anywhere in the SA or its consideration of how to meet the needs for the Black Country. The omission of the WMSESS 2024 from consideration is a breach of The Regulations.
- 4.1.5. The failure of the Council to consider the BRE site accurately and through assessment of appropriate and relevant criteria, is a failure to take account of reasonable alternatives. In view of the fundamentally different scoring that an assessment of the BRE J3 site would show by comparison to the Councils proposals, if undertaken accurately and with regard to factors relevant to the Black Country objectives (See Q1 – Q3) then the failure to consider this reasonable alternative is critical to the Plan proposals. The failure to consider the BRE J3 site accurately is a further breach of The Regulations.



### 5. Q7. Is the Local Plan period of 2016 to 2038 consistent with national policy? If not, is there justification for this? .

- 5.1.1. Planning and Compulsory Purchase Act 2004 s19(2)(a) requires the preparation of the Plan to have regard to national policies and guidance issued by the Secretary of State. NPPF (July 2021) §22 sets a requirement for strategic policies including those for housing and employment, to look ahead over a minimum 15 year period from adoption. This requirement is reiterated by the PPG (Paragraph: 064 Reference ID: 61-064-20190315), which states that the NPPF requirement is clear that strategic policies should be prepared over a minimum 15 year period and the Plan should plan for the whole of that period. That reference to 15 year period is clearly tied to the NPPF which is clear that it is 15 years from plan adoption, not the plan period if that starts some time in the past.
- 5.1.2. It is clear, and the Inspectors have confirmed in ID39, that adoption is not expected until 2025. The plan period should therefore be until at least 2040.
- 5.1.3. It is a function of the requirement for the Council to revisit its evidence base more than once, that has lengthened this examination such that the original plan period is no longer adequate. It is not right that the public should be penalised with a short term plan as a result. It is precisely this type of elongated examination due to the inadequacies of the evidence base which the Government is seeking to prevent with its immediately effective empowerment to Inspectors to allow no more than 6 months delay in proceedings to address evidence deficiencies<sup>1</sup>. PINS has positively embraced that Ministerial direction noting that plans produced by elongated hearings have not infrequently led to communities being poorly served by the system, and that better outcomes can be expected from a tougher stance from Inspectors<sup>2</sup>.
- 5.1.4. Whilst the draft NPPF consultation and the letter from the Deputy Prime Minister to Local Authorities, provide encouragement to get plans already at examination in place, there is no suggestion that such plans should be rushed through with deficient time horizons or relaxations over any plan making requirements which currently apply.
- 5.1.5. The Council has protested against our call for a 15 year plan period at length in its summary response in GC52, the Councils defence is not accepted.
- 5.1.6. The Council places much reliance on the draft Plan being underpinned by high growth and the strategy being appropriate to the current 13 year horizon. To put that in perspective, the latest Council targets from GC45 of 31,300 homes requirement including 1,500 for the Black Country, is a net requirement for Shropshire of 29,800, which is 1,354 dwellings pa. The employment land requirement of 320ha net of the 30ha for the Black Country is 13.2Ha employment land pa. Both housing and employment provision for Shropshire are planned at lower levels than the current adopted Core Strategy (1,375 dpa and 14.5ha pa<sup>3</sup>). This draft Plan is not therefore high growth as the Council claims.

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<sup>1</sup> Letter from Minister of State to PINS Chief Executive dated 30 July 2024

<sup>2</sup> Letter from PINS Chief Executive to Minister of State dated 1 August 2024

<sup>3</sup> Shropshire Core Strategy March 2011 policy CS1.

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- 5.1.7. There has been strong delivery of housing in Shropshire over the latest three year period measured by the Housing Delivery Test of 2019 – 2022 which for each year has exceeded current Core Strategy and this draft Plan planned annual housing provision. This indicates that market demand for housing currently exceeds the planned levels of provision for the new Plan. It is important that the Plan plans for a full 15 year period, as the evidence indicates that the current identified supply will not last 13 years. To add 2 years to the plan period would not require any change to the spatial strategy for Shropshire. The spatial strategy for provision for the Black Country has not currently been found sound. There is opportunity to make specific provision for the Black Country which also supports the Plan in delivering the additional two years of housing and employment land required.
- 5.1.8. The written Ministerial Statement: Building the homes we need, letter from Deputy Prime Minister to LPA Chief Executives, Ministerial letter to PINS on plan examination, consultation on draft changes to the NPPF and consultation on a revised standard method of calculating housing need, all dated 30 July 2024, evidence clear intent from the Government to change the planning system with the objective of increasing the supply of housing and economic development. Through ID44 the Inspectors have noted that the draft NPPF changes and proposed revised standard method are drafts and that even if the NPPF changes were in place now as drafted, that transitional provisions would mean continuing with the current plan.
- 5.1.9. Whilst we expect that by the time this plan is adopted there will be revised NPPF and revised standard method in place, together requiring review of the newly adopted Plan at the earliest opportunity due to very significantly increased housing need in Shropshire, there is no guarantee that will be the outcome. Even if it were, on the strength of the current consultation, there is no mechanism to enforce an earliest possible review. We note the Council's representations to the Government NPPF consultation object strongly to such a proposition. Accordingly it is imperative that the current Plan, is brought forward and adopted with the foresight and development capacity of a minimum 15 year horizon from adoption which Government policy requires it to have.



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Dear Mr West

## Shropshire Local Plan Examination

### ID28 Inspectors' Interim Findings

I write on behalf of Bradford Estates in response to the Inspectors' Interim Findings dated 15<sup>th</sup> February (ID28), the Council's initial response of 9<sup>th</sup> March (G20) and the Inspectors response to G20 dated 31<sup>st</sup> March (ID33).

Whilst we do not agree with the Inspectors' conclusions regarding legal compliance with the duty to cooperate, we note from the general content of ID28 and ID33, that the Inspectors are doing what they can to keep the plan making process running. We note the shared goal of the Inspectors and Council to progress the stage 2 hearing as soon as possible, in order to enable the Council to reach its goal of an adopted local plan as quickly as possible. We agree with the Inspectors' interim conclusions that there are significant shortcomings in soundness which need to be addressed, however, the Inspectors have provided clear guidance as to what needs to be done to enable the plan to be found sound. We urge the Council to follow the Inspectors' guidance carefully.

### ID28

Our observations arising from ID28 include:

#### *Specific provision for Black Country Needs*

The Statement of Common Ground with the Black Country Authorities including Shropshire's acceptance of need is taken at face value and does not change as result of the cessation of the Joint Black Country Plan.

The evidence of Black Country needs is unchanged despite the change from a Joint Black Country Plan to individual plans.

The Shropshire Plan must make provision for the full housing and employment land requirements including 1,500 homes and 30ha of employment for Black Country needs in addition to the assessed needs for Shropshire. The agreed provision for the Black Country cannot be deferred.

Specific allocation must be made to provide for 1,500 homes and 30ha of employment in a location which meets Black Country needs quantitatively and qualitatively, and for which delivery can be measured. Reliance upon windfall, or amalgamation with provision for Shropshire's needs will not afford sufficient transparency of delivery meeting Black Country needs.

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The Inspectors note the Council's agreement as stated at EIP, that the 1,500 homes and 30ha is a starting point. There is expected to be significant further unmet need requiring accommodation in part by Shropshire (subject to agreement) as the individual Black Country Plans are adopted. The Inspectors conclude that the Shropshire Plan must respond to that further cross boundary need beyond the 1,500 and 30ha.

## *Sustainability Appraisal Requirements*

The SA is flawed as it does not take any account of the provision of the agreed 1,500 homes and 30ha to be provided towards the needs of the Black Country. Adherence to the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, and in particular regulation 12, requires the SA to take into account the objectives and geographical scope of the plan. The Inspectors note that the geographical scope with consideration of Black Country needs included, is different to that without. The geographical scope of the SA must therefore be revised to consider factors for the Black Country in assessing the merits of the provision intended for the Black Country.

In applying the requirements of regulation 12, we note that the objectives of the plan are set out in the strategic policies, supporting text and evidence base. Those objectives including particularly the Economic Growth Strategy for Shropshire (EGSS) are not currently reflected in the SA. It is a requirement of the legislation and guidance, that the SA considers the Plan's economic and social effects in addition to environmental effects. The revised SA must therefore take account of the Black Country as the location for which a defined level of housing and employment provision is being made. In making that appraisal, economic and social effects must be considered, and that should be done with reference to the economic and social objectives of the EGSS. We have referenced the key EGSS objectives in our Matter Statements.

In our opinion, a strategy to be assessed by the revised SA must include making the provision of 1,500 homes and 30ha at Weston (M54 J3), as the evidence points to this being an eminently suitable location, able to meet the need for housing and employment together. Weston (M54 J3) is the preferred location for the 1,500 homes and 30ha to be provided as set out by the Black Country Authorities in their formal representations to the Plan. The Black Country needs which the strategy must consider, are not just quantitative provision, but qualitative and locational too. The SA must utilise appropriate assessment criteria to assess the quantitative, qualitative and locational attributes against social and economic factors.

The revised SA may consider alternative growth strategies, but one it must consider, is the currently proposed high growth strategy plus the 1,500 homes and 30ha for the Black Country, but taking account of the different geographical requirements of that assessment.

The housing and employment land requirements of the Plan must distinguish between provision for Shropshire's needs and provision for Black Country needs. The sites proposed specifically to meet the Black Country needs and any alternatives, must be considered in the SA specifically for their ability to meet Black Country needs. Their contribution to other objectives for Shropshire may also be a relevant consideration but should not be the primary determinant.

## *Additional Allocations*

**It is clear that the Inspectors expect it to be necessary to identify additional land for allocation in order to make appropriate provision for the Black Country.** The Inspectors go further to state that it is unlikely the needs of the Black Country can be met without additional green belt release. As it has already been established that the sites to meet Black Country needs must be specific to that purpose, it follows that green belt release specific for that purpose is expected to be required.

The Main Modifications and revision of the Sustainability Appraisal necessary to address the Inspectors' findings may not necessarily require a further round of consultation. It may be possible for the solution to not raise substantive new issues beyond those which have already been considered through consultation already. If speed of process is important to the Council, then it should consider whether the consultation already carried out in respect of the potential strategic site at M54 J3 is helpful in this regard.



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In responding to ID28, we suggest that the Council should also consider the following:

## Appraising J3 Accurately

We note that the SA to date has not assessed the Weston site (M54 J3) as proposed by Bradford Estates. Significantly, different boundaries of parcels of land have been considered which introduce significant factors not representative of the Bradford Estates proposals, and which therefore skew the current SA and give misleading results. Notwithstanding those inaccuracies, the previous conclusions now clearly warrant reconsideration as they are rendered null and void by the Inspectors' interim conclusions.

Bradford Estates representations at the Regulation 19 stage were set out in a comprehensive document, which included at Figure 2.2 a boundary of land proposed for release from the green belt. That boundary excludes areas of land assessed to make a more beneficial contribution to the green belt, which the Council included within the site(s) assessed through the SA and Green Belt Study.

Attached at the end of this letter are extracts from the SA map showing the Council assessed sites P26, P26 Amended and P26 Amended v2. P26 includes vast areas of Weston Park and land to the south which are not within Bradford Estates proposal at all. P26 Amended more closely reflects the boundary of Bradford Estates vision for Weston, but it assesses land that the vision retains as green space. Even the truncated P26 Amended v2 includes a significant area of land which Bradford Estates proposes to retain as green space. Bradford Estates Regulation 19 Representations included a green belt assessment, and within the overarching Bidwells document, Figure 2.2 was reproduced from that green belt assessment. That Figure 2.2 is reproduced at the end of this letter. It provides a plan of the land that Bradford Estates propose to be removed from the green belt, and the land within the Weston proposal which would be upgraded for biodiversity and / or public access, but is proposed to remain within the green belt. Also included below, is a masterplan from Bradford Estates Weston Vision Document. This illustrates how the development vision for Weston retains the most important green infrastructure, and how the development area links to Cosford Station through an existing route owned and controlled by Bradford Estates. The SA to date has incorrectly assessed the J3 opportunity and not reflected the Weston proposals. It is important that the revised SA accurately assesses what is proposed.

Potential strategic sites were first assessed by the SA in the Preferred Strategic Sites SA report of July 2019. Two variations of land at M54 J3 were considered, P26 and P26 Amended. At this stage the P26 variations were being considered for housing or employment. P26 Amended was scored marginally better than P26, but overall scoring 'poor'. The same scoring summary as awarded to Ironbridge Power Station.

The Regulation 18 Draft Plan SA and Site Assessment Environmental Report of July 2020 considered P26 and P26 Amended again, and each for housing or employment. Only P26 Amended was taken forward to the stage 3 assessment. It was rejected at that stage due to there being insufficient justification for exceptional circumstances to release the land from the green belt. A conclusion recorded in the SA and in the Cabinet report of 20<sup>th</sup> July 2020.

The Regulation 19 Pre-Submission SA Report of December 2020 considered P26, P26 Amended and an additional variation P26 Amended v2. At this stage the variations were again considered for housing or employment. P26 Amended and P26 Amended v2 were taken forward to the stage 3 assessment, but both rejected at that stage due to insufficient justification to progress an exceptional circumstances case to release the land from the green belt. The Cabinet report of 7<sup>th</sup> December 2020 confirms that the sites were rejected for employment only for that same reason.

The key points arising from the SA assessment of the M54 J3 opportunity to date are: that a broad site has been considered for both housing and employment which has not been rejected due to unsuitability for either housing or employment. The only reason P26 Amended and P26 Amended v2 have been rejected thus far is because the Council considered that there was not an exceptional circumstances case to justify the release of land from the green belt. Whilst Bradford Estates has always disputed the Council's reason for rejecting

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Weston, it is clear that the Inspectors share our view, because in ID28 the Inspectors state in view of the need to release green belt to accommodate Shropshire's needs it seems unlikely that the 1,500 homes and 30ha can be accommodated in addition without additional green belt release. That conclusion, coupled with the other requirements for the provision to meet Black Country needs set out by the Inspectors, means that that green belt release will need to be in a location and of a size and configuration able to meet the Black Country needs when assessed with regard to social and economic factors. This indicates that conclusions of the SA in relation to P26 Amended and P26 Amended v2 are incorrect and unjustified in rejecting the sites.

We also note that Preferred Strategic Sites SA Report of July 2019 identified appropriate mitigation measures to overcome the relatively low scoring of the P26 Amended (and P26) site. Ironbridge Power Station was scored poor for housing and poor for employment similarly to P26 Amended, but was carried forward as a proposed allocation on the strength of the appropriate mitigation identified for that site. It follows therefore that mitigation can be factored in to the SA assessment of the Weston site.

The SA scored P26 Amended down because the assessed site included: ancient woodland, trees subject to TPO, a scheduled monument, listed buildings and areas of land alongside the river in flood zones 2 and 3. These features do not need to be detrimentally affected by development proposals, and can be retained and enhanced as the Vision shows. By assessing the Weston opportunity accurately, it will perform very substantially differently in the SA.

## The Weston Opportunity

The most recent Vision document for Weston is enclosed. Please do review it, as it illustrates the key public transport infrastructure links, the connectivity of the site, the relationship with the Black Country and Shropshire, and the opportunity for delivery of an integrated business and residential community with huge amounts of green infrastructure with recreation and biodiversity benefits. The Vision shows that the more sensitive areas of green belt are not proposed to be developed. Rather than relying upon mitigation, the Vision exemplifies the principles of sustainable design, by retaining the high value areas of countryside and makes them accessible features. Vast areas of land are proposed to be retained as natural landscape and upgraded ecologically for the provision of biodiversity net gain on-site. Provision on site is the Government's preferred approach for meeting BNG requirements. The Vision incorporates more than 200ha of woodland, grassland and wetland creation and enhancement. This biodiversity offering is an intrinsic part of the proposals, rather than some bolt on mitigation. The Council has failed to understand the limited impact and significant benefits of Weston in its ability to meet the strategic Black Country needs, and this has skewed the assessment of the opportunity in the SA to date.

The Vision shows approximately 3,000 homes and approximately 80ha of employment land. The Vision is therefore more than twice the capacity required to accommodate the agreed provision for Black Country needs of 1,500 homes and 30ha. Bradford Estates is committed to delivering successful and sustainable development with a lasting legacy for local people, local business and the Estate. Bradford Estates is committed to working with the Council to configure development at Weston in the most appropriate manner to meet agreed strategic needs.

Weston also has capacity to support future Black Country needs as may be agreed in the future, which can be expected to result in additional sustainability benefits through co-location at an optimal location for growth, once those additional needs are confirmed. The ability to accommodate future development needs will reduce or potentially remove the need for additional land to be found in a different location at the required plan review.





## Revised Sustainability Appraisal Methodology

The Inspectors' acknowledgement of the Council's agreement to revisit the unmet Black Country need with a view to providing further assistance once the various Black Country plans have been examined, underlines the need for the SA to include assessment of the ability of sites to accommodate additional development beyond the current 1,500 homes and 30ha levels.

In assessing the ability of alternatives to meet the Black Country needs, the SA should take account of a range of relevant factors which were not considered in the SA to date. These include:

- the physical location of sites;
- distance and ease of access/ connectivity to and from the Black Country by road and rail – please refer to the Vision document;
- the existence (or otherwise) of existing road and rail infrastructure suited to the economic and social objectives of the employment and housing provision being made. For example an existing motorway junction, existing A roads with appropriate routing and capacity to the trunk road network, and an existing railway station. These are features of Weston which underline that Weston is an appropriate and sustainable location;
- the ability to link homes and employment to that existing infrastructure.

## Green Belt Exceptional Circumstances

As noted above the Inspectors provide clear indication of their expectation that it will be necessary to remove additional land from the green belt to provide land to meet the agreed 1,500 homes and 30ha. The Council is required to produce a Green Belt Topic Paper setting out the exceptional circumstances for releasing land for Shropshire's needs and for Black Country needs.

If the need for green belt release has been established, that conclusion should be properly reflected in the revised SA. If green belt release is required to meet Black Country needs then the assessment of options for meeting Black Country needs should reflect that the need for green belt release is already established and sites should not be scored down for that reason.

If there is more than one green belt option for meeting Black Country needs, the merits of each site in meeting the economic growth objectives of the plan and its evidence base, should be considered alongside the relative assessment of green belt value. In carrying out that assessment it will be important for the assessment of green belt value to accurately reflect the site being considered rather than some substantially larger or significantly different boundary of land.

The NPPF and PPG state that green belt boundary reviews should endure for more than the plan period. It is necessary therefore, for the green belt boundary review being undertaken through this plan, to take account of future development needs that can reasonably be foreseen which can be expected to require additional land allocation. The Inspectors note the Council's agreement to provide further assistance to meeting future Black Country needs which on current evidence can be expected to be significant. Even if precise quantum of future development need are not known at this stage, the SA should consider the relative ability of suitable locations for meeting BC needs now, to also contribute to meeting additional BC needs in the future. That should include consideration of the economic benefits of agglomeration of economic activity in a particular location, and the benefits of co-location of economic and housing delivery in a particular location. The revision of green belt boundaries for the agreed needs, should reflect that future expectation.

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## The Advantages of Weston

Our observations on the ability of Bradford Estates' proposals at Weston M54 J3 to meet these requirements include:

Weston affords critical mass in a single proposal to meet both the housing and employment need comprehensively in a sustainable and planned way.

Weston is ideally placed on the critical M54 corridor with access to the railway at Cosford, with ability to deliver pedestrian, cycle and other sustainable transport connections to the station on land within Bradford Estates' single ownership and control.

The whole of the Weston site including the land for retention in green belt, is within the sole ownership and control of Bradford Estates and is a uniquely deliverable opportunity of the required scale, meaning it will deliver within the plan period.

M54 J3 has capacity to accommodate additional development. Weston will not require major new motorway or highway infrastructure.

Weston is the solution specifically supported by ABCA, Dudley and Walsall in their Regulation 19 representations. Allocation of Weston to meet current accepted needs together with the ability for future agreed strategic needs to be accommodated would remove all points of disagreement in the Statement of Common Ground.

As a single site with defined objectives Weston will demonstrably deliver the Council's commitment to accommodate Black Country needs and enables the Plan to be effective in this regard.

Weston has no negative impact on the remainder of the Plan strategy, indeed it is entirely aligned with the evidence base objectives.

Acknowledgement of the benefits of a higher growth scenario will point to greater interconnection with the Black Country and the WMCA in accordance with the objectives of the Shropshire Economic Growth Strategy. Allocation of J3 is the most beneficial response to those objectives and would be sound.

Noting that green belt release is required for Shropshire's needs, and taking account of Government policy for green belt review to look beyond the immediate plan period (NPPF 140 & 143), land will need to be released from the green belt now which has the ability to meet the current and future Black Country needs (as may be agreed). The J3 opportunity precisely fits the circumstances where green belt review is justified as identified by NPPF 139-142.

Weston has the capacity and ability to deliver phased development. Sufficient land can be released from the green belt in a single location to meet current agreed needs with further land safeguarded to meet future Black Country needs if and when agreed. Thereby J3 provides the Council with an assured solution and no need to revisit the problem when individual Black Country plans are adopted.

The quality of the land proposed to be removed from the green belt at Weston is equal in the Council's assessment to land proposed for release elsewhere. If assessed at a more refined level in accordance with the Vision, then the Weston site would score better.

The allocation of land at Weston for development will enable significant benefits for land which can be retained in the green belt in accordance with NPPF 145.

In accordance with the transitional arrangements of NPPF 221 there will be no requirement for a 30 year plan vision as a result of a new settlement proposal at Weston, so no impact on the remainder of the Plan.

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Weston has been promoted through all stages of the Plan and fundamentally has been specifically consulted upon by the Council as a location for strategic growth. Weston is the solution most likely to enable the Plan to proceed without significant further consultation.

The technical evidence which the Council requested in correspondence with ABCA through duty to cooperate dialogue has been provided by Bradford Estates and the Black Country Authorities. There is therefore no requirement to prepare a new evidence base to propose allocation of Weston.

Regulation 19 representations have promoted Weston as a site for allocation, not simply as an omission site, but precisely because it fulfils the evidence base objectives, accords with the spatial strategy, and is the logical conclusion from the consultation on strategic sites. There is no change of stance on the principal Plan matters for J3 to be proposed for allocation.

There is a draft policy S22 Strategic Sites policy within Bradford Estates' Regulation 19 representations which can be readily adapted to provide a robust policy basis. Allocation of J3 can therefore be made as a considered response by the Council to consultation in accordance with appropriate process.

Weston is wholly within single ownership and single control. Bradford Estates has a long term commitment beyond commercial interests, which will deliver development responsibly and with ongoing stewardship of homes, jobs and community, bio-diversity off-set and countryside access.

Weston will also: assist confirmation of Shropshire's five-year Housing Land Supply; allow greater detail to be added to Policy SP12 on the Shropshire Economic Growth Strategy; accommodate specialist housing and older persons housing as part of the range of housing; allow commitments to be made as part of Policy SP5 on High-Quality Design given Bradford Estates' longstanding commitment to implement the recommendations of the Building Better Building Beautiful Commission; and deliver social infrastructure and sustainability benefits.

In the draft Plan the Council described Weston as a "once in a generation opportunity to meet cross boundary needs, through delivery of nationally significant employment opportunities, high quality housing and a local centre to provide services, facilities and infrastructure as part of a planned settlement within an important strategic corridor". The Council was correct in that assessment.

## Further Work

Given the significance of the issue raised by ID28 and the importance of these to the future of Shropshire and the Black Country, we urge the Council to carefully consider the Inspectors' requested actions in order that the examination process can be concluded successfully.

In our opinion, the further work which the Council has undertaken to complete by 30 June, must start from the Green Belt topic paper which can be expected to conclude that additional green belt release is required to meet the agreed Black Country needs of 1,500 and 30ha.

A revised SA must include as a minimum a new high growth scenario with the Black Country needs in addition to Shropshire's needs. The SA must consider a wider geographic area reflecting the Black Country for which specific land allocations must be made. The revised SA must include social and economic factors relevant to the objectives underlying the Plan. The EGSS sets out economic and social objectives which should be included within the objectives to be assessed by the SA. The SA must utilise appropriate assessment criteria to assess the quantitative, qualitative and locational attributes of alternatives to meet the social, economic and environmental objectives.

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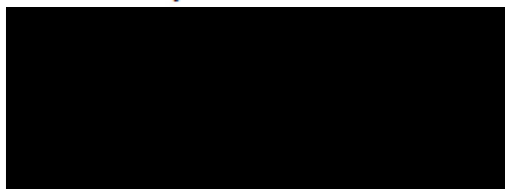
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The SA should assess the Weston opportunity accurately and not score it down for inclusion of land which is not within the Weston boundary, or assumed development of land within the Weston boundary which the Vision and Regulation 19 representations show is not proposed to be developed.

If further information is required to enable accurate assessment of Weston in this further work please let us know.

Yours sincerely



Paul Rouse  
Director

cc. Tracy Darke, Assistant Director Shropshire Council by email: [tracy.darke@shropshire.gov.uk](mailto:tracy.darke@shropshire.gov.uk)

Encs: Weston J3 M54 Vision Document  
Plans – P26, P26 Amended, P26 Amended v2, Weston Regulation 19 Reps Fig2.2, Weston Vision Document  
Masterplan

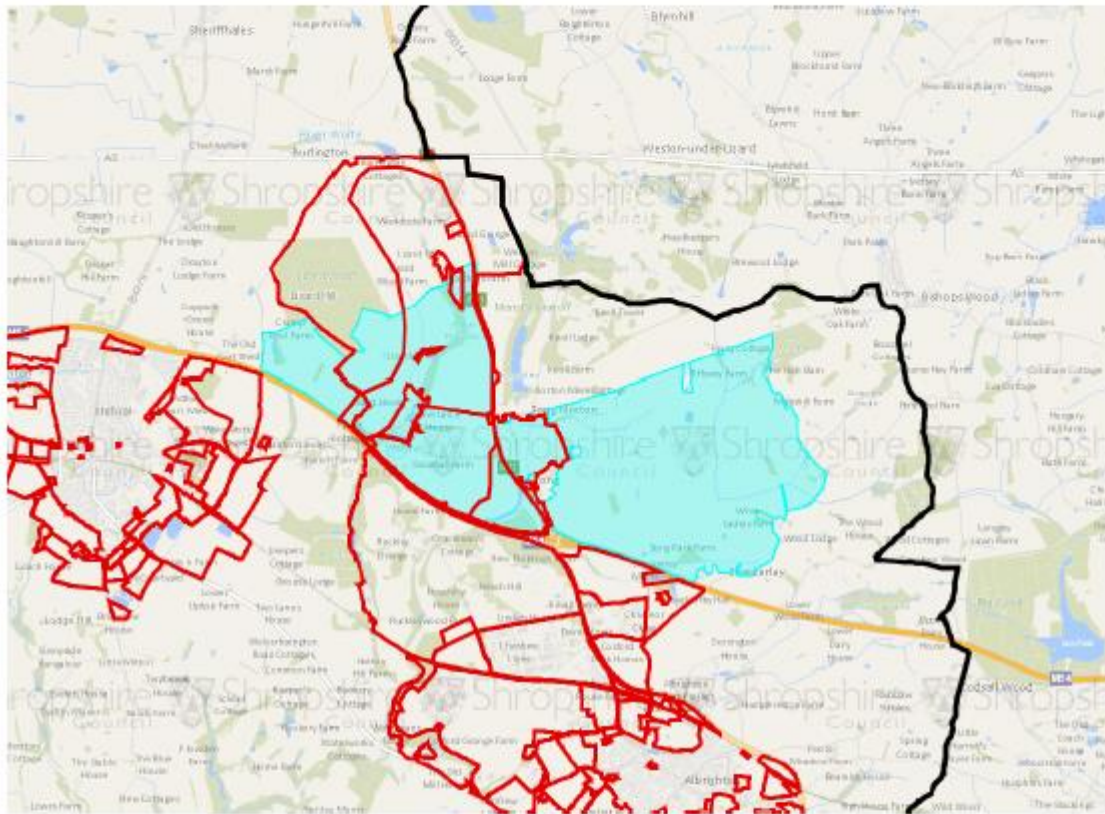


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P26

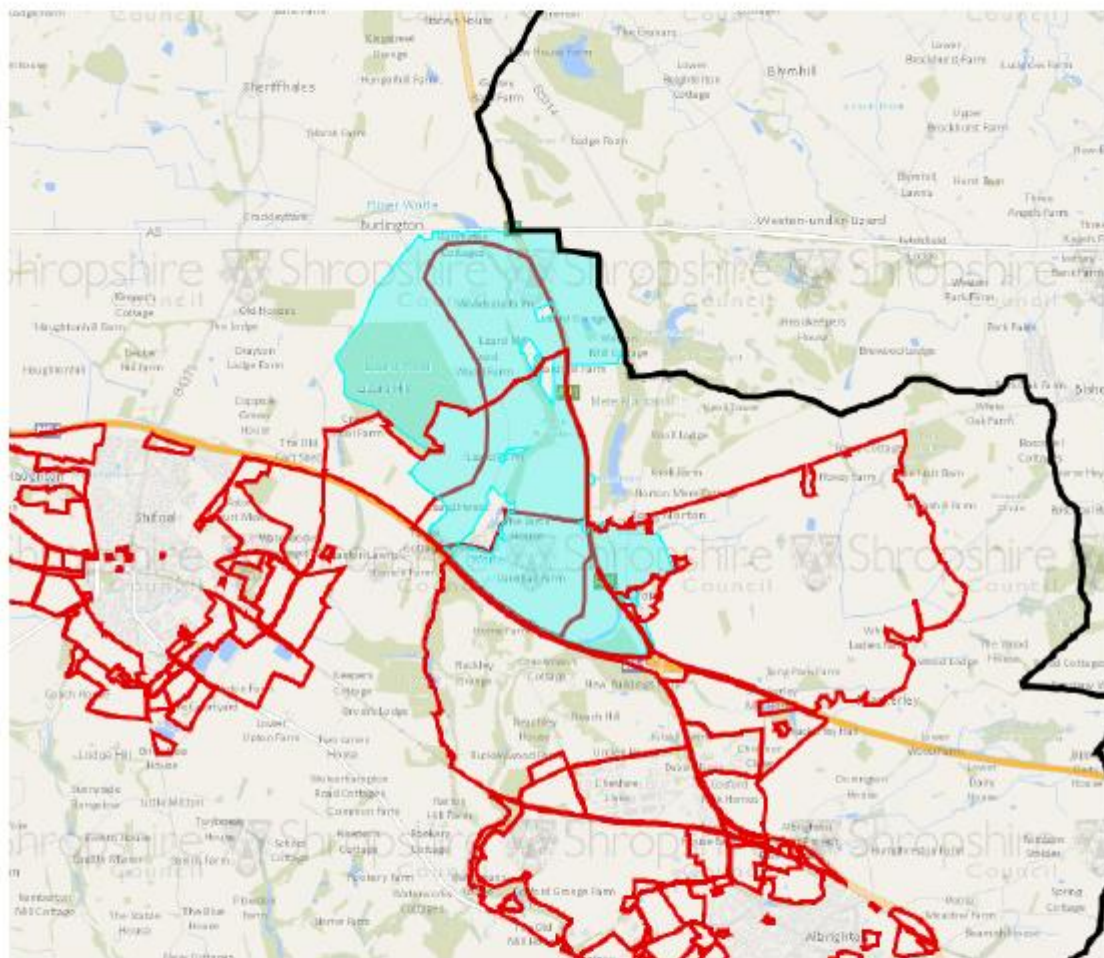


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P26 (Amended)

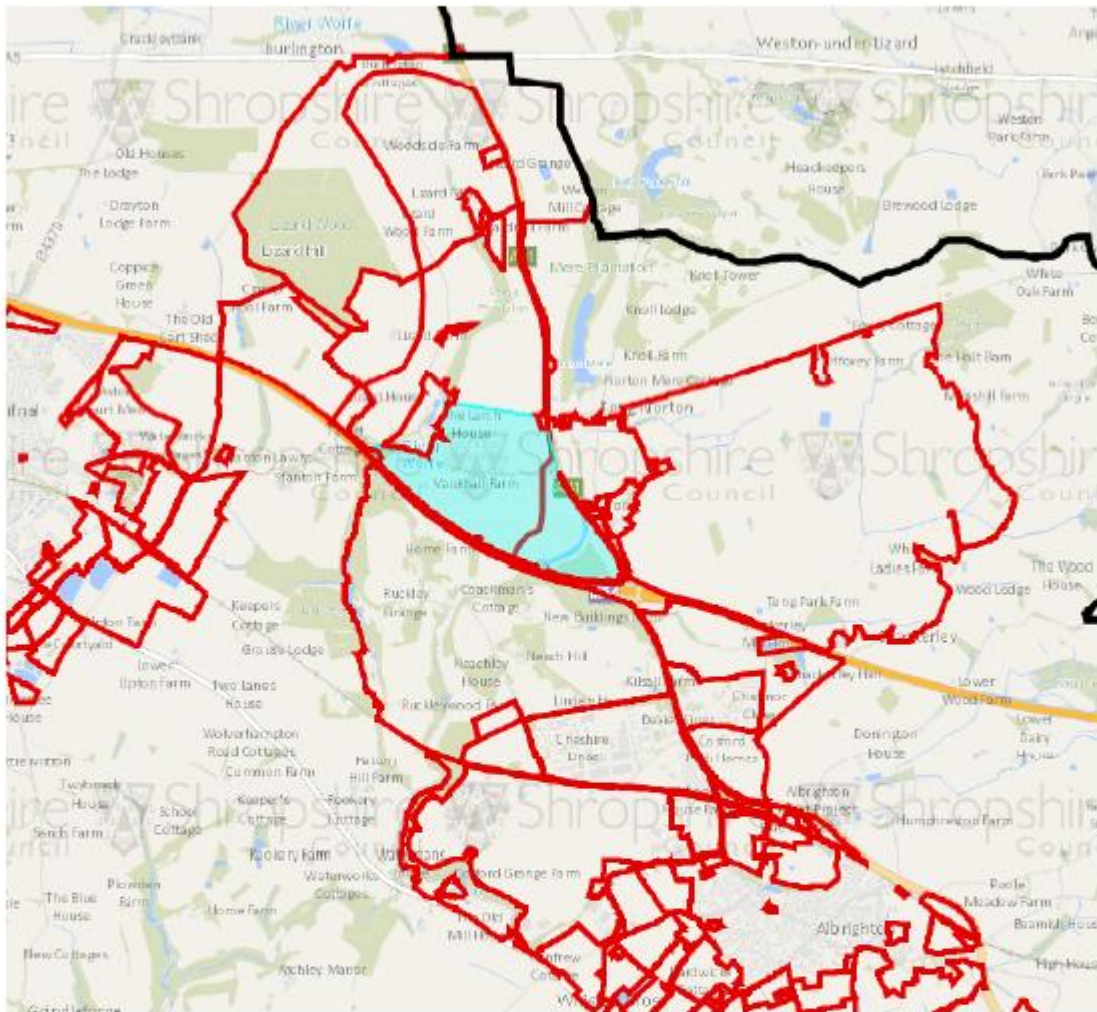


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P26 (Amended) V2





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## Bradford Estates Regulation 19 Representations – Extract from Bidwells document

Figure 2.2: Recommended Retained and Removed Green Belt Land



Source : Site-Specific Green Belt Review, September 2019 (Plan 6)

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## Weston Vision Document Extract

**THE MASTERPLAN**

- Lionel Wood Park**  
Location of a highly accessible and active woodland park for visitors and residents to enjoy.
- Roman Country Park**  
Major historic country park at the site of a Roman Roman Camp, with interpretation and public art to create a dramatic and beautiful landscape for all.
- Weston North**  
A new community of up to 1,000 homes centred around the Weston North Centre, Park Park and a new community centre.
- Weyle Park**  
An accessible new park offering the heart of Weston, offering a range of activities and sports for use throughout the day and week.
- Weston Village Centre**  
Mixed use centre offering a farm shop, medical centre, school, co-working space, local convenience shops, cafe, community and other uses at Weston's heart.
- The Midlands Tech Park**  
Storage, industrial employment area set within an active and inspiring landscape, hosting advanced manufacturing, renewable technologies and other business.
- Weston South**  
A new community of up to 1,000 homes, forming Weston Village with Weston North, with direct green links to the Midlands Tech Park and the village centre.
- Long Castle Park**  
A restored 18th-century parkland, supporting capability plans, providing a dedicated park for Weston and the surrounding area.
- Science and Innovation Campus**  
Research and training campus directly linked to the occupiers on Midlands Tech Park, set alongside the new Long Castle Park.
- Solar Farm**  
A 2.8MW solar farm providing a dedicated renewable energy source for Weston.
- Weston Green Link**  
A walking and cycle route and rapid public transport link between Cooswold Station and Weston.
- Cooswold Station**  
Enhanced services from Cooswold Station, connecting Weston throughout the region and beyond.

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**Paul Rouse**  
**Director**

