



 Part of Shakespeare Martineau

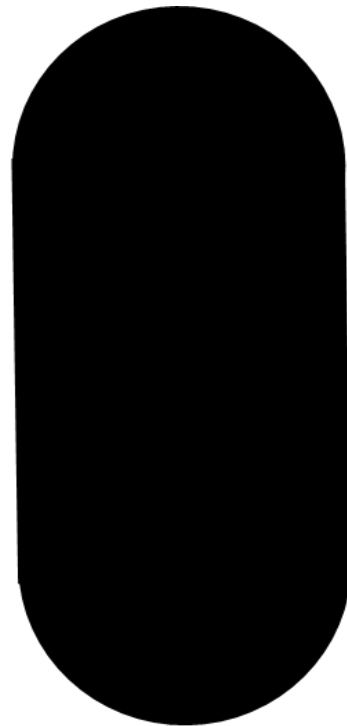
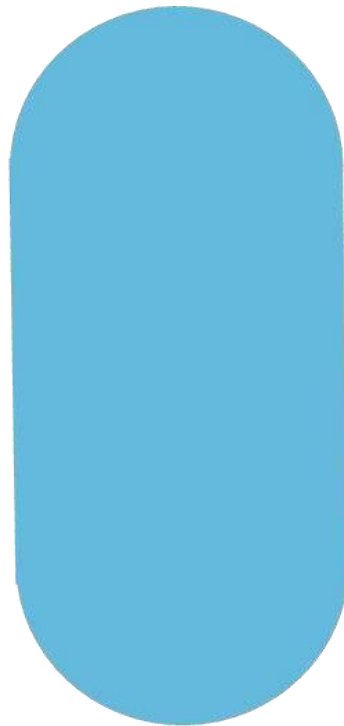
## **Shropshire Local Plan Review**

**Examination in Public**

**Matter 1 – Legal and Procedural Requirements**

**Boningale Homes Ltd**

**September 2024**



## Contents

<b>1. Introduction.....</b>	<b>3</b>
<b>2. Whether the Council has complied with the relevant procedural and legal requirements. ....</b>	<b>5</b>

<b>Document Management</b>				
<b>Matter Number</b>	<b>Author</b>		<b>Checked/Approved</b>	
Draft	MW	16-09-2024	Client	20-09-2024
Final	MW	20-09-2024	Client	20-09-2024
Revision	-	-	-	-

## 1. Introduction

- 1.1. This response to Matter 31 of the Inspectors' MIQs in respect of the Shropshire Local Plan Review (SLPR) Examination in Public has been prepared by Marrons on behalf of Boningale Homes Ltd. Marrons have been instructed to appear at the Examination on behalf of Boningale Homes Ltd.
- 1.2. This hearing statement should be read alongside previous representation to the further consultation (A155 within GC52) submitted by Marrons on behalf of Boningale Homes Ltd and should be considered in the context of support for a plan led system.
- 1.3. Acting on behalf of our clients, Marrons will attend the Matter 1 Hearing Sessions and will make further oral submission on behalf of our client. This statement outlines Boningale Homes' comments in respect of Matter 1, with responses to the Inspectors' MIQs (Matter 1) set out below.
- 1.4. Boningale Homes are a local housebuilder based in Shropshire and are currently building out a high-quality development at 'Millfields' in Albrighton. They are actively promoting land at Albrighton South (Site Ref 36a/36b) and land at Tilstock Road, Tilstock.
- 1.5. The Albrighton South site is subject to a live planning application (24/02108/OUT), which demonstrates that the site is available, achievable and deliverable in the short-term.
- 1.6. In order to assist the Inspectors', the contents of this submission and the submissions made in respect of other Matters, demonstrate that the submission version of the Plan Review is not, in our assessment, capable of being found sound, without significant additional evidence and the identification of additional sites to accommodate housing growth over the Plan period.
- 1.7. These submissions reflect the recent position outlined by Housing Minister Matthew Pennycook and the Chief Executive of the Planning Inspectorate with regard to the continued use of 'pragmatism' in the Examination of Plans and the recognition that any fundamental issues or areas of additional work that require a pause of more than six-months in the Examination process, should indicate that a Plan is not capable of being found sound. As such aligned with the above consideration, in the current context, we do not believe that the Plan is capable of being found sound, especially in light of the prolonged nature of the Examination and the associated failure of the Council to deliver the homes needed by their communities.
- 1.8. We consider that the Sustainability Appraisal process is totally flawed, to the extent that it is unlawful, as it does not meet the requirements of the Environmental

Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”).

There has been a failure to consistently and robustly consider reasonable alternatives contrary to Regulation 12 and Schedule 2, paragraph 8. As such we do not consider that the Plan is capable of being found sound. If however, the Inspectors’ are minded to find the Plan sound, as a minimum, the Council should recognise that my clients land at Albrighton should be allocated for development or identified as a reserve site or safeguarded for future development as a minimum, notwithstanding that Very Special Circumstances have been set out within the Planning Statement of the live planning application that justify release of the land from the Green Belt to accommodate much needed residential, employment and infrastructure provision, without delay,

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

### **Updated Sustainability Appraisal**

1. **Are the likely environmental, social, and economic effects of the Plan adequately and accurately assessed in the updated Sustainability Appraisal (SA)?**
- 2.1. We fundamentally consider the SA to be inadequate and legally non-compliant. We consider that the SA fails to adequately, accurately and consistently test reasonable strategic options and specific sites.
- 2.2. The updated additional SA assessment work included assessment of the three reasonable options for the housing requirement (each with and without a proposed contribution to the unmet housing need forecast to arise in the Black Country).
- 2.3. The updated additional SA assessment, aligned with previous iteration of the SA, ultimately concluded that, on balance, Option 3b: High Growth Plus a 1,500 Dwelling Contribution to the Black Country Authorities Unmet Housing Needs represented the most sustainable of the reasonable options for the level of housing growth identified.
- 2.4. Boningle Homes recognise that Growth Option 3b demonstrates that the Council are seeking to take a proactive approach to seeing economic and social growth for existing and future residents of the Plan area but note that the cumulative data from adjacent authorities indicates that the unmet housing need for GBBCHMA is now estimated to be more than 100,000 Dwellings. Through the updated Additional SA, Shropshire should have comprehensively tested and implemented a strategy to release significantly more sustainable, suitable, and deliverable sites to assist with unmet need, in areas best aligned with where such unmet need is arising.
- 2.5. The approach taken to assessing sites in line with the proposed strategy is fundamentally flawed. The SA metrics for both residential and employment locations concentrate on calculating the distance to an existing facility or service. The only other criteria against which a site is assessed are environmental considerations related to air quality, waste management, floods, and sensitivity to landscape and history. There is no opportunity to objectively assess the advantages of a different approach for places that do not currently score highly in terms of distance from facilities, including the provision of strategic infrastructure, such as the provision of a new school, or health and retail facilities.

- 2.6. Further, in assessing sites to contribute to unmet need, detailed within the updated additional SA, there is insufficient recognition of the environmental and social benefits of locating growth in areas with the greatest physical association with the BCWMCA, especially areas with strategic road and rail links. The fact remains that the most suitable sites for accommodating unmet need, such as P36a and P36b Albrighton South, have been omitted from the Plan on the basis of the environmental impact of development within the Green Belt, but the SA fails to recognise the environmental and indeed social impact of development outside of the Green Belt and thus physically more removed from the BCWMCA, including the inevitable additional private vehicular journeys, additional and more frequent journeys of residents to travel back and forth for employment, to see friends and family, many of whom will form an important part of a social bubble, providing health and childcare support for families.
- 2.7. The SA, notwithstanding the limited notion of what constitutes environmental benefit and harm, fails to sufficiently consider economic and social objectives. The Plan making process, as set out within the SA, does not give sufficient consideration to the socio-economic benefits of delivering housing and employment growth in the most appropriate locations to address unmet need.
- 2.8. Furthermore, owing to length of the ongoing Examination in Public and the number of revisions that have been required and additional work including the Updated Additional Sustainability Appraisal (GC44), it is challenging to follow the methodology and processes undertaken by the Council. This will be particularly true for local residents who have an interest in their local community.

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

- 2.9. We fundamentally consider the SA to be inadequate and legally non-compliant. As detailed in our previous submissions, listed above, we consider that the SA fails to adequately test reasonable strategic options and specific sites.
- 2.10. The exercise required of the Council that would necessitate consideration, at the same level of depth, for all reasonable alternatives as the preferred option, the Plan review must evaluate the entire spectrum of reasonable alternatives, including additional Green Belt release in the areas closest to the Black Country. The settlement hierarchy's detailed site allocation alternatives must be thoroughly evaluated, and this has simply not happened, with sites located within the Green Belt having been disproportionately disregarded, and scored incorrectly in the SA testing.

- 2.11. As such it appears that the Council's chosen strategy has been pre-determined with further testing of reasonable alternatives seemingly dismissed, including the allocation of land at Albrighton, which is demonstrably closer to the black country than the sites proposed to meet the Black Country's unmet need and is more than capable of accommodating meaningful growth.
- 2.12. The scoring of the SA should take into account the advantages of early site delivery and the delivery of community benefits, and it should be acknowledged that the delivery of community infrastructure is essential for attaining the SA's goals. As drafted the SA fails in this regard.
- 2.13. On the basis of the conclusion drawn by the Council with regard to planning to meet the requirements set out within Option 3b and aligned with the above references set out within the Inspectors Interim Findings (ID28) the updated additional SA considers option for accommodating the uplift comprising;
- Option 1: Increasing Settlement Guidelines and Windfall Allowances.
  - Option 2: Densification of Proposed Site Allocations.
  - Option 3: Increasing Site Allocations.
  - Option 4: A Combination of Two or More of the Other Options.
- 2.14. The updated additional SA advocates Option 1 for identifying the additional land required to meet the previously agreed level of unmet housing need.
- 2.15. Windfall allowances, which include "saved" SAMDev allocations and proposed allocations, are essentially the difference between the housing guidelines for settlements and the capacity of completions already achieved in the proposed plan period / identified commitments. This allowance may be attained by the emergence of more homes on "windfall sites," which are unplanned locations made possible by the draft Shropshire Local Plan, or by the emergence of more homes in a community from other sources.
- 2.16. We have significant concerns with regard to the Council's stated reliance on windfall development, not least because with specific regard to meeting unmet housing needs, it is essential to ensure that growth is met as close to the area from which the need is arising and a reliance on windfall development does not allow for this to be controlled.
- 2.17. Unmet needs, in the case of assisting the Black Country, should be met as close to the Black Country as possible and should be located within an area that has strong structural, infrastructure and social connections. We return to suitable options for addressing unmet needs below.

- 2.18. Further, Boningle Homes have significant concerns about this approach and in particular the manner in which evidence published by the Council since Plan preparation commenced is inconsistent in regard to windfall development in particular.
- 2.19. For example, the Councils Strategic Land availability assessment 2018 recommended a robust approach to windfall and stated that *“only a very modest small-scale windfall allowance of 299 dwellings per annum has been applied, significantly less than the average and any individual years rate of delivery during the current Local Plan period. To add further robustness, this has also not been included for the first three years of the trajectory (2017/18 to 2019/2020)”*.
- 2.20. However, Shropshire’s latest 5-year housing land supply statement (31<sup>st</sup> March 2023) appears to take a rather different position and states that *“windfall development does and will continue to represent an important part of the housing land supply”*.
- 2.21. The simple fact is that the Council are relying on 3,522 dwellings of windfall development to contribute to the 31,300 dwellings supply. This amounts to 11.3% of supply being made up of windfall development and as such, the Plan, notwithstanding considerable concerns relating to the delivery or suitability of a number of the sites identified to meet the identified needs, has failed to identify sufficient development to meet needs over the plan period.
- 2.22. Given the length of the time over which the Shropshire Local Plan has been prepared, national planning policy has been subject to significant changes that specifically relate to windfall development. Flexibility within Plan making is very much advocated by national policies, specifically policies pertaining to change of use, the reuse of redundant buildings and most specifically changes in Permitted Development Rights. Significant changes to permitted development rights in 2021, which facilitate Class E units being converted into dwellings with prior approval has disproportionately inflated windfall completions on which the Council evidence their approach. However, as with any new policy swings, the impact of the July 2021 changes is very much inflationary, with there being a finite number of sites that can continue to contribute to windfall allowances and the fundamental point on smaller windfall sites, is that capacity will be far more constrained than the Council are anticipating, with recent past trends simply being unsustainable.
- 2.23. The updated additional SA (and the Housing and Employment Topic Paper (GCXX)) fails to consider the cause for the uptick in windfall completions and fails to justify that windfall rates will continue at the current rate. The robust and restrained approach taken by the Council back in 2018 should be the default position.



- 2.24. It is further surprising and concerning to note that sites in excess of 10 dwellings are considered to constitute windfall development. Sites of such a scale that they would require the provision of affordable housing and in some instances infrastructure, should, as a basic planning principle, be allocated within a Plan and should not be contained within windfall calculations. In so doing, the Council are failing to strictly control the location and delivery of development, we further consider that the Council simply have not justified or provided sufficient evidence to suggest that sufficient windfall development will come forward in sustainable locations within the Plan period to account for the level of windfall development that is required within Option 1 to support the growth scenario set out in option 3b for wider development.
- 2.25. It is not positively prepared or justified to rely on existing commitments and windfall development to meet the indicative level of housing required.
- 2.26. Whilst we do support the allocation of additional sites within the updated additional SA, we have identified a concerning number of inconsistencies in the assessment of sites within GC44. Through the updated SA, a series of sites have been identified to accommodate the proposed 1,500 dwelling contribution to the Black Country. These are:
- BRD030 – Taskey Garden Village, Bridgenorth: 600 dwellings;
  - SHR060, SHR158 and SHR161 – Land between Mytton Oak Road and Hanwood Road, Shrewsbury: 300 dwellings.
  - IRN001 – Former Ironbridge Power Station: 600 dwellings.
- 2.27. Turning first to assessment of each of these sites, and my clients land at Albrighton South (P36a and P36b), the Council’s own assessment of the contribution that each site can make to addressing the Black Country’s unmet need demonstrates significant inconsistencies.

**Table 1: Assessment of contribution to meeting Black Country’s Need (Table 12.1 of update additional SA).**

Criteria	BRD030	SHR060	IRN001	P36a/P36b
Settlement Contribution	Fair	Fair	Poor	Fair/Good
Black Country Conclusion	Fair	Good	Poor	Fair/Good

- 2.28. Notwithstanding the position that we fundamentally do not support the conclusion in respect of P36a and P36b that the Black Country contribution is fair/good, on the basis, that there is no single, sustainable location physically closer, or with better road (and available rail) connections to the Black Country, and the score for such

contribution should be high, it is clear that BRD030 and IRN001 perform worse against the assessment of contribution to the Black Country’s need.

- 2.29. Turning specifically to the development potential of the three sites listed above, we are concerned that there has been insufficient consideration given to the viability and ability for the sites to deliver a policy compliant level of affordable housing and the wider infrastructure required to make the development otherwise suitable and sustainable for development.
- 2.30. With specific reference to BRD030, land assembly has been identified as a significant constraint to development, as has the available road frontage that would allow for principal access points to support multiple developers to commence development on the site simultaneously, as is assumed by the Council within their trajectory.
- 2.31. We further consider that the allocation of these sites does not make the best use of the strategic connections with the Black Country and that the Council should consider allocating sites, which are supported by technical evidence in terms of the proposed quantum of development, and the infrastructure proposed being deliverable within the Plan period.

**Table 2: Council’s SA Scoring**

Criteria	Criteria Description	BRD030	SHR060	IRN001	P36a	P36b
1	Special Area of Conservation	0	0	0	0	0
	Ramsar	0	0	0	0	0
	National Nature Reserve	0	0	0	0	0
	Site of Specific Scientia Interest	0	0	--	0	0
	Ancient Woodland	0	0	0	0	0
	Wildlife Site	0	0	--	0	0
	Local Nature Reserve	0	0	0	0	0
2	1km of Special Area of Conservation	0	0	0	0	0
	1km of Ramsar Site	0	0	0	0	0
	500m of National Nature Reserve	0	0	0	0	0
	500m of Site of Scientific Interest	0	0	-	0	0
	500m of Ancient Woodland	0	0	-	0	0
	100m of Local Nature Reserve	0	0	-	0	0
3	Tree Preservation Order	-	0	0	-	0
4	Children’s Playground	0	0	-	0	0
	Outdoor Sports Facility	0	0	0	0	0
	Amenity Green Space	0	0	-	0	0
	Accessible natural Green Space	0	0	0	0	0
5	Primary School	+	-	-	+	+
	GP Surgery	-	-	-	-	-
	Library	-	-	-	-	-
	Leisure Centre	-	-	-	-	+
	Children’s playground	-	+	-	+	+
	Outdoor Sports facility	-	+	+	+	+
	Amenity Green Space	+	+	-	+	+
	Accessible natural green space	-	+	+	-	-
6	Within 480m of public transport node	+	-	+	-	+
7	Wholly on grade 1 or 2 agricultural land	-	-	-	-	-

8	Source Protection Zone	0	0	0	-	-
9	All are part within Flood Zone 2 and 3	-	0	-	0	-
10	Air Quality Management Area	0	0	0	0	0
11	Brownfield/PDL	+	0	+	0	0
12	Existing waste management option	0	0	0	0	0
13	World Heritage Site or Buffer Zone	0	0	0	0	0
	A scheduled Monument	0	0	0	0	0
	A Registered Battlefield	0	0	0	0	0
	A Registered Park or Garden	0	0	0	0	0
	A Conservation Area	0	0	--	0	0
	A Listed Building	--	0	0	0	0
14	300 m of World Heritage Site or Buffer Zone	0	0	-	0	0
	300m of Scheduled Ancient Monument	0	0	-	0	0
	300m of Registered Battlefield	0	0	0	0	0
	300m of Park and Garden	0	0	0	0	0
	300m of Conservation Area	0	0	-	-	-
	300m of Listed Building	-	0	-	-	-
15	High landscape sensitivity area					
	Low, medium of high landscape sensitivity	0	0	0	0	0
	Low landscape sensitivity					
<b>Overall Score</b>		<b>-8</b>	<b>-7</b>	<b>-17</b>	<b>-6</b>	<b>-2</b>

2.32. As is clearly demonstrated above, P36a and P36b score considerably better against the Council's own identified criteria than any of the sites proposed within the Plan to accommodate unmet need. And in the case of the Ironbridge allocation, P36a/b not only performs significantly better, but the degree of harm from developing out IRN001 is evident within the SA with particular concerns relating to heritage and ecological sites.

2.33. Additionally, we question the Council's assessment and consideration of P36a and P36b against the flood risk and conservation criteria. Indeed, within the SA, the Council conclude that the site is not subject to any areas of flood risk concern and the heritage statement prepared by Pegasus in respect of the live planning application, confirms that the site is not within close proximity of a Conservation Area.

**Table 3: Amended SA Scoring for P36a / P36b**

Criteria	Criteria Description	P36a	P36b
1	Special Area of Conservation	0	0
	Ramsar	0	0
	National Nature Reserve	0	0
	Site of Specific Scientific Interest	0	0
	Ancient Woodland	0	0
	Wildlife Site	0	0
	Local Nature Reserve	0	0
2	1km of Special Area of Conservation	0	0
	1km of Ramsar Site	0	0
	500m of National Nature Reserve	0	0
	500m of Site of Scientific Interest	0	0
	500m of Ancient Woodland	0	0
	100m of Local Nature Reserve	0	0

3	Tree Preservation Order	-	0
4	Children's Playground	0	0
	Outdoor Sports Facility	0	0
	Amenity Green Space	0	0
	Accessible natural Green Space	0	0
5	Primary School	+	+
	GP Surgery	-	-
	Library	-	-
	Leisure Centre	-	+
	Children's playground	+	+
	Outdoor Sports facility	+	+
	Amenity Green Space	+	+
	Accessible natural green space	-	-
6	Within 480m of public transport node	-	+
7	Wholly on grade 1 or 2 agricultural land	0	0
8	Source Protection Zone	-	-
9	All are part within Flood Zone 2 and 3	0	0
10	Air Quality Management Area	0	0
11	Brownfield/PDL	0	0
12	Existing waste management option	0	0
13	World Heritage Site or Buffer Zone	0	0
	A scheduled Monument	0	0
	A Registered Battlefield	0	0
	A Registered Park or Garden	0	0
	A Conservation Area	0	0
	A Listed Building	0	0
14	300 m of World Heritage Site or Buffer Zone	0	0
	300m of Scheduled Ancient Monument	0	0
	300m of Registered Battlefield	0	0
	300m of Park and Garden	0	0
	300m of Conservation Area	0	0
	300m of Listed Building	-	-
15	High landscape sensitivity area		
	Low, medium of high landscape sensitivity	0	0
	Low landscape sensitivity		
<b>Overall Score</b>		<b>-3</b>	<b>1</b>

- 2.34. The above updates the scoring in this regard.
- 2.35. So, the simple fact is that P36a and P36b score significantly more favourably against the Council's assessment of settlement sustainability, contribution to the Black Country and indeed against all of the criteria tested within the SA.
- 2.36. As such, in the context of an authority that have accepted that Exceptional Circumstances exist to release land from the Green Belt, it is remarkable that the Council have failed to have regard to their own evidence and reflect through the SA, the importance of accommodating growth, including the environmental benefits, of accommodating unmet need in the areas with the closest physical relationship with the Black Country.
- 2.37. The land at Albrighton South (P36a and P36b) is subject to a live planning application, with the proposed development comprising 800no. residential dwellings,

a new Secondary School, a Supermarket, a GP Surgery and Pharmacy, a Care Home and flexible workspace. The proposal will provide a policy compliant level of affordable homes and will create a new spine road and gateway into Albrighton.

2.38. The SA proposes to retain the land as Green Belt and concludes the following;

*“Safeguarded land available to meet settlement development requirements along with infill and exception site opportunities. The sites availability is currently unknown. The site is considered to be located within a sensitive Green Belt parcel, the release of which would have high harm. The site is poorly related to the built form of the settlement. Whilst the site's size and location (proximity and connectivity to the Black Country) could mean that it is an appropriate location to meet cross boundary needs arising in the Black Country, it is considered that there are other more appropriate sites upon which to accommodate these proposed contributions. Development of the alternative sites identified to accommodate the proposed contributions to the unmet needs forecast to arise within the Black Country is considered to constitute sustainable development and accommodating parts of these proposed contributions on them would contribute to the achievement of the wider spatial strategy for Shropshire. The site is therefore not proposed for inclusion within the draft Shropshire Local Plan”.*

2.39. However, this is very evidently not what the Council's own evidence and assessment of the site is showing.

2.40. Aligned with our above comments with regard to the proposed approach being taken to meeting the agreed unmet housing needs, it is incredibly pertinent to note the strategic considerations set out within the additional updated SA;

*“There is safeguarded land to the east of Albrighton intended to make provision for settlement development needs. This site is in Green Belt to the south of the settlement. As the sites availability is currently unknown, the site is not considered suitable for allocation. However it may have potential for future safeguarding. The Green Belt Assessment undertaken for Shropshire indicates that this site is located within a Green Belt parcel which performs weakly against purpose 2; moderately against purpose 3; and strongly against purpose 4.*

*The Green Belt Review undertaken for Shropshire indicates that the release of the parcel containing this site would have a high level of harm on the Green Belt.*

*5% of the site is located within the 30 year surface flood zone, 7% within the 100 year surface flood risk zones and 15% within the 1,000 year*

*surface flood zone.*

*Whilst the sites northern point is adjacent to the built form of the settlement, the site generally has a poor relationship to the built form of Albrighton and projects into the countryside.*

*The site may have archaeological potential. The site is located within a source protection zone, Environment Agency Guidance will need to be considered.*

*The site contains grades 1/2/3 agricultural land.*

*Applying the precautionary principle this is considered best and most versatile agricultural land.*

*The site is situated in Albrighton, which benefits from proximity to the Black Country and strong transport links via the M54/A5 corridor, A41 corridor and a railway station on the Shrewsbury to Wolverhampton line.*

*The site is also of a sufficient scale to accommodate a meaningful proportion of the proposed contribution to the unmet need of the Black Country, should it be identified as a proposed allocation”.*

- 2.41. With regard to the conclusions of the Green Belt Assessment, the application that has been submitted to the Council includes a detailed Green Belt Assessment, which demonstrates that development of the site, with regard to Green Belt Harm will be low-moderate and indeed, that with the mitigation proposed through the retention and enhancement of existing boundary features, the use of strategic buffers and a significant overprovision of green infrastructure, release of land from the Green Belt in this location, along with development of the site, would have materially lower Green Belt impacts than the sites identified by the Council for allocation and those listed above within this report.
- 2.42. In addition to the Green Belt Assessment, the application is supported by a detailed suite of technical reports, including a Heritage and Archaeological Statement, a Flood Risk Assessment and Drainage Strategy and Ecological Assessment. These reports demonstrate that the concerns raised by the Council within the SA relating to archaeology, flooding (noting the scoring only reflected concerns, and not the wider consideration of the site), BMV and ecology are unsubstantiated and that there is indeed, no technical impediment to development coming forward in this location.
- 2.43. The SA significantly notes that the sites is strategically located adjacent to the Black Country from where the unmet housing needs are arising and has excellent transport links, including sustainable transport connections whereby residents could freely move to and from the Black Country without giving rise to unsustainable transport/commuting movements.

- 2.44. The SA further indicates that the site is suitable for safeguarding. Boningale Homes do not consider it appropriate to safeguard the site when realistically the site should be allocated as part of this Plan, and indeed even beyond that Very Special Circumstances exist for releasing the land outside of the Plan, but note that in stating that the site is suitable for safeguarding, the Council clearly consider that the site is suitable for Green Belt release and allocation for development at some point. As a minimum the site should be allocated, or identified as a reserve site or in the worst case scenario, safeguarded for future development.
- 2.45. Whilst it is noted that the SA fails to note that the site is owned and is actively being promoted for residential-led development, and states that it is unclear if the site is available, the site is controlled by a well-respected and known housebuilder developer, who is actively in the process of building out a site within Albrighton at present. Boningale Homes are committed to seeing the site come forward for residential development and are further committed to delivering the wider infrastructure and improvements needed, not just to support development of the site in question, but to support the continued growth and long-term vitality and vibrancy of Albrighton for current and future residents.

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

- 2.46. It is clear from the Regulation 19 consultation responses received, and the responses to the additional consultation on the Updated Addendum Sustainability Appraisal that there have been a range of concerns raised about the SA. Indeed, as confirmed in the 'Response to Regulation 19 Consultation' Report and the 'Response to the Additional Consultation' Report it is apparent that a number of respondents have raised concerns relating to the SA.

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

- 2.47. No. We do not consider that the Sustainability Appraisal has been prepared in accordance with the SEA regulations. In particular reasonable alternatives, which include additional Green Belt sites within close proximity of the Black Country from where unmet needs are arising, capable of early delivery to meet housing need as it occurs and existing unmet need, have not been appropriately assessed.
- 2.48. We consider that the Sustainability Appraisal process is totally flawed, to the extent that it is unlawful, as it does not meet the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the SEA Regulations").

There has been a failure to consistently and robustly consider reasonable alternatives contrary to Regulation 12 and Schedule 2, paragraph 8.

### **Habitat Regulations Assessment**

- 5. What is the latest position in relation to nutrient neutrality and are there any outstanding objections from Natural England or the Environment Agency to the Plan proposals? If so, what are these and how is the Council working to overcome them?**

2.49. No response.

- 6. Is the Local Plan's approach to nutrient neutrality justified, effective and consistent with the National Planning Policy Framework (the Framework) and the requirements of HRA?**

2.50. No response.

### **Plan Period**

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

- 2.51. In line with paragraph 22 of the Framework, strategic policies should anticipate and address longer-term needs and opportunities over a minimum of 15 years after adoption.
- 2.52. Since the proposed Local Plan only extends until 2038, the Plan duration needs to be extended by at least two more years in order to meet the minimum 15-year requirement. This is presuming that the Plan is capable of being found sound and adopted in 2025.
- 2.53. This would require the identification of an additional two years-worth of housing land.
- 2.54. The need to extend the plan period is not something that the Council should seek to avoid on the basis of the likely need for an 'immediate review' in light of the forthcoming national planning policy changes.





 **Marrons**

Certified



Corporation



Think before you print