

Matter 2: Development Strategy

Representor A0137 / B-A119



SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 2 Hearing Statement

Representor unique Part A Ref	A0137 / B-A119
Matter	2 – Development Strategy
Relevant questions nos	1, 2, 3 , 4

1. Q1. Do any of the policies in the Plan require updating as a result of changes in national planning policy since the previous hearings in July 2022?

- 1.1.1. The NPPF was updated on 5th September 2023 and 19th December 2023. We note the instructions within ID40 that the Inspectors are referencing the July 2021 version due to the transitional arrangements set out in the December 2023 version (which navigate via the September 2023 version to July 2021). Accordingly there is no applicable change to the NPPF since the previous hearings.
- 1.1.2. We note also the Inspectors' position set out in ID44 regarding the current consultation on draft proposed changes to the NPPF and a revised standard method for calculating housing need. The draft revised policy does not currently apply, and that if it did in the from consulted upon, then the draft transitional arrangements would mean this Plan continues to be examined in accordance with NPPF July 2021. Whilst ID44 states that the Inspectors do not intend to require any additional work linked to a change in housing numbers, we would respectfully request the Inspectors confirm that statement applies to the changes proposed by the draft revisions to the NPPF and standard method only. The April 2024 Council evidence which this stage 2 hearing is specifically considering is fundamentally about the housing requirement (including cross boundary provision). The Council is proposing a change in housing numbers with which BRE disagree, as it does not adequately plan for the agreed provision to be made for the Black Country. We do not believe that the comment in ID44 was intended to be read in the context of this issue, but we wish to ensure there is clarity that the legality, and soundness of the Councils proposed revised housing numbers are appropriately considered through the examination hearing.
- 1.1.3. ID44 refers to the WMS of the Deputy Prime Minister accompanying the consultation published 30 July 2024. Although the WMS is primarily introducing the draft NPPF changes and is probably not an immediately effective statement of Government policy in respect of those specific proposed changes, although both are evidence of an intended direction of travel. Other elements of the WMS which go beyond the specific NPPF draft changes, are statements of Government policy which should be treated as effective in the context of PCPA 2004 s19(2)(a). Of note in this respect is the commitment to the continued operation of the duty to cooperate and a clear departure from the provisions of the Levelling Up and Regeneration Act 2023 to abolish the duty.
- 1.1.4. Also relevant are the instructions for the progression of plans already at examination to which reference is made in ID44. The ministerial policy of allowing plans already at examination to continue is clear. That same statement refers to the new local housing need figure, stating that where there is a significant gap between that figure and the plan at examination, that the Government will expect authorities to begin a plan immediately in the new system. This expectation is current policy which does apply. The new local housing need figure for Shropshire is 2,059pa compared to the current Council proposal requirement of 1,423pa¹. That is a significant gap and so this current Plan must be considered with the expectation that upon adoption it is required to be immediately reviewed with a requirement to plan for 45% more housing

¹ GC45 Updated Housing and Employment Topic Paper April 2024 para 7.57

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than the Plan at examination. This has important and potentially significant implications for the Plan at examination for the definition of new green belt boundaries. NPPF 2021 §140 states that the strategic policies should establish the need for any changes to green belt boundaries having regard to their intended permanence in the long term, so they can endure beyond the plan period. The redrawing of green belt boundaries in this Plan therefore needs to have regard to the expectation of significant additional development requirement immediately the Plan is adopted.

2. Q2. Is it proposed that the overall spatial strategy and broad distribution of growth set out in Policy SP2 will remain the same following the additional work? If not, how would it change and are the changes justified, effective and consistent with national policy? Are any consequential changes to Policy SP2 or the supplementary text required?

2.1.1. The result of the additional work and related changes proposed by the Council is to rely on windfall sites to make provision for the Black Country needs. The Plan as proposed to be modified by GC4M does not make a provision for 1,500 dwellings and 30ha of employment land for the Black Country as it purports to. Instead, it makes provision for 500 dwellings and 20ha of employment. That inadequate provision which it does make is entirely reliant upon windfall sites. Those windfall sites do not accord with the requirements of the Plan as stated in SP2, and do not accord with the requirements of the NPPF. Please refer to BRE representations to GC45. As currently drafted, SP2 does not accurately reflect the spatial strategy which the proposals of the Plan would achieve.

3. Q3. Are the areas identified to meet the Black Country unmet housing needs justified and appropriate?

- 3.1.1. The area of search which the Council has employed is too wide and insufficiently responsive to the specific needs of the Black Country. The Black Country need which the Council has agreed to provide for is strategic both in terms of its scale being more than 25ha, and strategic in terms of it being within the NPPF definition of a strategic policy matter. It is relevant in both respects to have regard to the available evidence of where and how strategic provision should be made. That includes the West Midlands Strategic Employment Sites Study 2024 (WMSESS 2024) as referenced and explained briefly in BRE Matter 1 statement Q1. Taking account of that highly relevant and up to date evidence, directs that the area of search for the employment provision for the Black Country should be confined to locations immediately around M54 J3 and J4 with the ability to provide the agreed 30ha of Black Country provision, and ideally additional capacity to provide for sites to meet the regional need which seeks sites able to provide circa 50ha. A site which has the ability to provide for Black Country needs and in the future provide for wider regional needs has particular benefits in this regard.
- 3.1.2. The Plan seeks to balance housing provision with employment provision, and that is reflected in the agreement to provide both housing and employment provision towards Black Country needs. There are sustainability benefits to be realised from co-locating the Black Country housing with the Black Country employment. The area of search for both should therefore be focused on the locations which the evidence identifies as the preferred location for delivery of strategic employment land to meet wider than local needs.
- 3.1.3. The Councils notional identification of housing sites to meet the Black Country need at Bridgnorth BRD030 (600 dwellings), Shrewsbury SHR158 & SHR161 (300 dwellings), Ironbridge Power Station (600 dwellings) and Shifnal SHF018b & SHF018d (30ha employment) are not justified as none is an appropriate strategy taking into account the reasonable alternatives.
- 3.1.4. BRE maintains its objection to the substitution of a reduced housing requirement figure for Shropshire (OAN + Shropshire Growth) as proposed through GC45 (and flowing to GC44 and GC4M) for which there is no legal basis. As set out in BRE's representations to GC45, the net outcome of the Council's additional work is to reduce the housing requirement for Shropshire which has not been found unsound by 1,000 dwellings and to reduce the employment requirement for Shropshire which has not been found unsound by 10ha. As those changes are not legally compliant, the net effect is that provision for the Black Country is 500 dwellings and 20ha only.
- 3.1.5. The only additional source of land supply which has been identified in the modified plan, is 100% reliance upon additional windfall sites. As set out in BRE's representations to GC45, there is no sound basis upon which to conclude that additional windfall sites will become available. There is not compelling evidence that windfall sites will provide a reliable source of supply for that net additional 500 dwellings and 20ha of employment. Accordingly the proposals conflict with NPPF §72 and are unsound as a result.

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- 3.1.6. The previously proposed site allocations for Shropshire's requirement (OAN + Shropshire growth) for housing and employment have not been found unsound, and neither has the windfall allowance for meeting Shropshire's requirements. For the same legal reasons that it is not possible to revise the housing and employment requirements for Shropshire, it is not possible to revise the windfall allowance without it first being found unsound.
- 3.1.7. The Inspectors did not ask the Council to reduce the provision for the Black Country and to make no site specific provision for that Black Country need. The Inspectors asked the Council to do the opposite. The Council was asked to add the full amount of the agreed provision towards Black Country needs to its proposed provision for Shropshire's requirement, and to allocate sites specifically for that Black Country provision in locations which serve the Black Country needs.
- 3.1.8. The Council's response is to propose windfall capacity for 500 dwellings in Shrewsbury (350), Whitchurch (75) and at Ironbridge Power Station (75). The employment windfall is left entirely without idea of the location of its supply. BRE's representations explain the unsoundness of the expectation of increased windfall allowance and the unsuitability those locations in terms of travel distance and time to make any meaningful contribution to meeting the needs of the Black Country.
- 3.1.9. The site specific provision the Council purports to make for the Black Country is to re-purpose sites allocated in the submitted plan to meet Shropshire's needs. As set out in BRE's representations, there is no legal basis for allocations to be changed in this way unless they have been found unsound, which they have not been.
- 3.1.10. The failure to consider reasonable alternatives, includes failing to consider sites and use assessment criteria to assess whether alternatives can: deliver housing and employment for the Black Country together with associated sustainability benefits, provide benefits through enhanced infrastructure provision, provide benefits through enhanced accessibility to the countryside; provide enhanced biodiversity net gain; better meet the underlying needs of the Black Country; better support the economic, social and environmental objectives of the Black Country, better support the economic, social and environmental objectives of Shropshire; support the wider West Midlands and its economic development needs. The Council's failure to take these matters into consideration has resulted in failure to consider reasonable alternative sites, including the BRE site at M54 J3. Some of the benefits which can be delivered by the BRE site which highlight why it should be considered as a reasonable alternative are set out in Savills letter to the Council dated 5 April 2023, which is appended.

4. Q4. Has meeting some of the housing and employment needs of the Black Country led to the need to release or safeguard more land from the Green Belt? If so, what are the exceptional circumstances for doing this?

- 4.1.1. For the reasons set out in response to Q2 and Q3 above, the proposed approach of the Council to meet the Black Country need, has not resulted in any additional land being released from the green belt.
- 4.1.2. The only change the Council has made to land proposed for allocation and removal from the green belt is to change the purported justification for that release, which in the case of SHF018b and SHF018d is no longer just for Shropshire's needs but now also for Black Country needs.
- 4.1.3. BRE consider that there are exceptional circumstances to justify the release of green belt land to meet the Black Country need, due to the sustainability benefits for the Black Country, Shropshire and the West Midlands that can be achieved from release of land at J3, and the lack of sites outside the green belt which are able to adequately meet the Black Country need.

Paul Rouse
Director

