

To

Shropshire Council FAO Miranda Garrard, Head of Legal and Democratic Services &
Eddie West, Interim Planning Policy and Strategy Manager
By email miranda.garrard@shropshire.gov.uk & edward.west@shropshire.gov.uk

Copy

Treasury Solicitor on behalf of The Secretary of State for Levelling Up, Housing and
Communities
102 Petty France
Westminster
London
SW1H 9GL
United Kingdom

By email thetreasurysolicitor@governmentlegal.gov.uk

Copy

The Inspectors
Shropshire Council
Examination of Local Plan
c/o Kerry Trueman
Programme Officer
By email: programme.officer@shropshire.gov.uk / kerry.trueman@shropshire.gov.uk

8 December 2023

Dear Sirs

Shropshire Council: Examination of Local Plan
CPR PART 54 AND PRE-ACTION PROTOCOL

We write further to our pre-action protocol letter dated 15 August 2023 (the "PAPL") and your purported response dated 14 September 2023 (the "PAPL Response"), document ID36 being the Inspector's views on the PAPL dated 4 October 2023 ("ID36") and your response dated 16 November 2023 ("GC41").

In short, your response does not address the substance of our client's concerns, nor do we consider it addresses the matters raised in ID36.

Our view is that the direction you have been given by the Inspectors is both clear and correct at law: Having appropriately assessed Shropshire's own needs for both housing and employment, and provided for those, the Council then agreed to assist with meeting Black Country needs. Having agreed to do so, what Shropshire Council should have done was identify additional sites to meet that need, in addition to meeting its own needs.

What our analysis suggests is that what the Council has done in fact is reallocated land already earmarked for Shropshire needs to meet Black Country needs, but without replacing the allocations lost to meet Black Country needs with new additional allocations to meet Shropshire needs; and that is the effect of promoting the housing and employment requirements it now does. This view appears to be shared by the Inspectors. In effect, what the Council has done is to reduce provision to meet Shropshire needs, changing the basis of the plan from the "high growth" approach it had taken to something less than high growth through the current proposed main modifications. The order of magnitude of the reduction is the land lost to Shropshire needs by being reallocated to meet Black Country needs.

It is this changing of the basis of the plan from "high growth" to "less than high growth" that is the change that it is not open to, or lawful for, the Council to make at this stage post plan submission. Having selected the basis of the plan, the Council must now plan for that level of need, meeting its own needs and the portion of Black Country needs it has agreed.

Paragraph 9 of ID36 is clear as to the task required: We say that it requires Shropshire Council to identify additional land to meet Black Country needs (1500 homes and 30ha of employment) and assess the suitability and sustainability of the sites to meet those needs.

Our submission is that our client's land at J3 (aka Weston) is head and shoulders the most suitable and sustainable way of doing so; amongst other desirable features for this specific purpose, it is:

- A large site able to attract inward investment at scale to meet the entirety of the need both employment and residential and achieve strategic impact, critical mass and synergistic benefits;
- Deliverable, being in a single ownership with a willing owner, with a full suite of advisers in place and much of the preparatory work for a planning application already undertaken and with strong occupier interest;
- Physically proximate to the Black Country;
- Served by excellent transport links, comprising direct access to the M54 motorway, and the train station at RAF Cosford;
- Maximises the unique synergistic potential with RAF Cosford's employment, training and R&D potential;
- Is proposed as an exemplar of low carbon development;

Furthermore, the site has no major constraints on development (such as flood risk, ecology or archaeology), and its development would have limited impacts both on its neighbours and the wider green belt.

Extensive and on going local community engagement has been undertaken: <https://weston-shropshire.co.uk/wp-content/uploads/2023/11/Weston-J3-Vision-Presentation.pdf> . See also attached summary of recent findings.

These are all factors that would be weighed up in an SA to consider the options for meeting Black Country needs.

J3 Weston has already been formally consulted upon at the options and issues stage alongside other strategic sites, and the only reason it was not carried forward at earlier stages of the plan was because, prior to establishing the level of Black Country needs Shropshire was to meet, it was not considered there was sufficient need for it to come forward at the time. Things have moved on: That level of Black Country need now having been established, and being determined as being additional need over and above the level of provision already made for Shropshire, that limitation has now been overcome. The site's allocation is supported by all the Black Country Authorities.

It is, of course, open to the Council to consider alternatives such as other large strategic sites, or a different approach of a collection of new smaller dispersed sites, or indeed the current range of dispersed sites currently proposed to be reallocated to Black Country needs together with additional new sites (or a single large site) to meet the displaced Shropshire needs. Our client has no objection to this exercise being undertaken and indeed the Council is encouraged to do so. However our client is certain based on the work it has undertaken to date, together with the results of the Strategic Sites Consultation, the consultation at Reg 18 and 19 and the DTC process with BCA, that properly undertaken, applying the criteria above or any other appropriate criteria, the sustainability and suitability characteristics of J3 Weston outweigh all other options and will result in the conclusion that the exceptional circumstance test is fully met for J3 Weston to be allocated to meet Black Country needs as a main modification in this plan.

Additional consultation may be appropriate to update the previous consultation to reflect the current J3 Weston proposal and further work that has been carried out since it was previously consulted upon, but the fundamentals remain that J3 Weston was considered suitable for a strategic allocation, except for an absence of need determined at that time. It is also uniquely supported by Black Country Authorities as a sustainable option for meeting their needs. That additional need now having been determined and matching the potential of J3 Weston almost exactly, the path to a sound plan should now be completely clear to the Council: Allocation of J3 Weston.

We are unclear why any other action (or no action at all) is proposed. But suffice to say we remain of the view that inaction, or a flawed SA, would be unlawful in addition to being unsound.

Yours faithfully



Sebastian Charles

For and on behalf of Aardvark Planning Law

sebastian.charles@aardvarkplanninglaw.co.uk

D: 01604 43 90 92

T: 01604 43 90 90

M: 07710 783 154

Enc Summary of consultation outcomes