

To

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The Inspectors
Shropshire Council
Examination of Local Plan
c/o Kerry Trueman
Programme Officer
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Shropshire Council FAO Eddie West, Interim Planning Policy and Strategy Manager
By email edward.west@shropshire.gov.uk

24 April 2024

Dear Sirs

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

We are instructed by Bradford Rural Estates Limited (“BRE”). We write further to our pre-action protocol letter dated 15 August 2023 (the “PAPL”) and the Council’s 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 the Council’s response dated 16 November 2023 (“GC41”), and our further comments dated 8 December 2023. We also note the Inspector’s response to GC41 dated 16 January 2024 (“ID37”).

We write specifically in the context of the meeting of the Cabinet of the Council on 17 April 2024 and its resolution to proceed as reported at the meeting with consultation upon:

1. Sustainability Appraisal Report (April 2024)
2. Housing and Employment Topic Paper (April 2024)
3. Green Belt Topic Paper (April 2024)

Drafts of these documents were appended to the cabinet papers at Appendices 2-4 respectively. We have also had regard to the report to Cabinet. We note that although no authority to do so was sought in the report to members that before the consultation is begun the report and topic papers will be submitted to the Inspectors for comment.

We note the Inspectors comments in ID37 as to what the report and topic papers are required to do in order to lead to a sound plan.

We note the Council's proposal to only increase the requirement for dwelling in the plan by 500 and the quantum of employment land by 20 hectares, whilst at the same time accepting the need, pursuant to the SOCG, to accommodate 1500 dwelling and 30 hectares of employment land, resulting in a net reduction of dwellings and employment land to meet Shropshire needs of 1,000 dwelling and 10 hectares respectively.

We also note the Council's proposal not to allocate any further sites to meet either its own need or Black Country needs and that the Council's sole measure to increase land supply both for housing and employment is to adopt a revised and greater allowance for windfall delivery. We consider this to be fundamentally flawed and that it neither meets the requirement of the Inspectors set out in ID37, the requirement to assess in sustainability terms meeting neither Black Country nor Shropshire needs, fails to practically address meeting Shropshire and Black Country needs either in a sustainable way, or at all, and fails to comply with the law and will not lead to the production of a sound plan.

Furthermore, we note (in no specific order):

No investigation has been undertaken to ascertain whether more than 1500 dwellings and 30 hectares of employment land could be brought forward, sustainable, to meet Black Country needs.

There is no evidence to suggest that circumstances have changed since the original windfall rates were assumed to justify any change to the revised windfall assumption. The changed assumption has been made solely to meet the Council's apparent objective (based in our observation of the Cabinet meeting) of purporting to meet an increased requirement without allocating any new sites. This is unlawful.

There is no evidence that windfall sites, in line with the revised windfall assumption, will actually come forward either for dwellings or employment at all, or that they will come forward in locations that will meet either Shropshire, or specifically Black Country needs, in sustainable locations or in a sustainable way. A defect in the strategy is that if windfall sites are to come forward to meet residential needs on the scale required (over and above those windfalls previously assumed), they are likely to come forward on former employment sites, leading to a reduction in available employment land, which has not been taken into account in considering employment land supply. In addition, it is a characteristic of windfall sites that

they are unplanned and usually come forward piecemeal on constrained sites that are not able to accommodate all the infrastructure needed to support the development – the relative sustainability in terms of matching development with its supporting infrastructure versus fully planned developments has not been assessed or taken into account. The proposed increase in the windfall allowance fails to have regard to the new requirement for biodiversity net gain. This is a serious challenge to deliver on constrained urban sites and reduces the likelihood that sites will come forward either at all, or at the densities previously assumed. In the light of biodiversity net gain windfall allowances should be reduced not increased.

Because the increased requirement to meet Black Country needs on top of Shropshire needs is intended to be addressed on windfall sites that have not yet been identified, the locations and sustainability characteristics cannot be properly assessed in terms of meeting Black Country needs. The sites to meet Black Country housing needs are previously allocated sites in Bridgenorth, Shrewsbury and Ironbridge, and for employment it is a previously allocated site in Shifnal. In all cases the sites have already been identified as meeting Shropshire needs. They cannot meet both.

No exercise has been undertaken by the Council to consider qualitatively whether the Shifnal employment site will meet Black Country needs either at all or in a sustainable way. No exercise has been undertaken to assess the relative merits in sustainability or other terms of the Shifnal site to meet Black Country need. We note that the Shifnal site is a green belt site and hence those relative merits should be considered against other green belt sites with potential. We support the general location of the places of Albrighton and Shifnal as being suitable locations to meet Black Country employment land needs, but no exercise has been undertaken to assess the relative merits of meeting Black Country needs either at all or in a sustainable way on other candidate sites in those places. In particular the J3 site previously consulted upon at the strategic sites stage has not been reconsidered in any meaningful way other than to be ruled out as being inferior in location terms to the proposed Shifnal, but without any evidence to support that conclusion in sustainability terms or otherwise.

Furthermore, no consideration has been given to the sustainability advantages of co-locating the housing and employment requirement to meet Black Country needs in a single location. This is a serious omission, especially as the candidate site at J3, which has previously been consulted upon, offers that potential. There is simply no evidence for ruling it out, and to rule it out without any evidence undermines the sustainability assessment, the evidence base for the plan, the soundness of the plan and is unlawful.

Yours faithfully



Sebastian Charles

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