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Shropshire Council Response to Inspectors Correspondence ID47

Dear Inspectors,

- 1.1. This letter sets out Shropshire Council's response to your correspondence (ID47), which is dated 10th December 2024, but was only received by the Council on 6th January 2025.
- 1.2. ID47 details your soundness concerns with the draft Shropshire Local Plan following Stage 2 Hearings that occurred in October 2024. Needless to say, the Council is deeply disappointed with your conclusions.
- 1.3. Furthermore, having undertaken Stage 1 hearing sessions in July 2022, where issues such as Sustainability Appraisal (SA) methodology were discussed, and having sought to positively respond to the soundness concerns raised in your Interim Findings (ID28) and subsequent related correspondence, the Council is also very surprised with many of the soundness concerns and wider criticisms raised by you at this advanced stage of the Examination.
- 1.4. Nevertheless, the Council has carefully reviewed the soundness concerns you raise in ID47. On reflection, the Council considers these fall into three categories, which are:
 - a. Those the Council accepts and considers it can undertake necessary processes to address within the stipulated six month period.
 - b. Those with which the Council has significant concerns, but are prepared to accept in a pragmatic effort to move the examination forwards and considers it can undertake necessary processes to address within the stipulated six month period.
 - c. Those which the Council does not accept (for reasons we will set out), and as such are not prepared to undertake further work. On these issues, the Council requests you reconsider your conclusions, based upon the evidence set out in this letter.
- 1.5. The Council now provides detailed responses to the various soundness concerns you have identified in ID47 on a topic basis and indicates which of these three categories it considers they constitute.



2. Employment Site at Shrewsbury

- 2.1. Within paragraphs 46-50 of ID47 you agree with the Council's conclusion that site SHR166 should be removed from the draft Shropshire Local Plan, but raise concerns with the loss of this site on the strategy for Shrewsbury, given the "*considerable importance on this proposed allocation*" and as such conclude "*an alternative new strategic employment allocation in Shrewsbury would need to be found*".
- 2.2. On reflection, the Council accepts this conclusion and agrees an alternative strategic employment site (25ha+ site, consistent with the definition of a strategic sites within the Council's site assessment methodology and wider work undertaken in the region) should be identified at Shrewsbury, to compensate for this loss. The Council considers it can undertake necessary additional processes to facilitate this position in the stipulated six month period.
- 2.3. Within paragraph 49 of ID47 you query whether the Council could have sought to address this issue earlier within the examination. Whilst it is recognised the scheduled monument was designated on the site in late 2022, the Council considers it raised its updated position at the earliest opportunity available to it.
- 2.4. This is because the position needed to be informed by appropriate discussions with the site promoter. Furthermore, the Council is aware it is the Inspectors that determine examination timetables and processes and the Council considers the Stage 2 Matters, Issues and Questions represented the first opportunity presented to raise the updated position under a formal examination process, informed by the discussions that had occurred with the site promoter.

3. Housing and Employment Land Requirement

'Not Positively Prepared'

- 3.1. Within paragraph 62 of ID47, you conclude the draft Shropshire Local Plan is not positively prepared as it would "*fail to meet the housing and economic development needs of Shropshire, or to deliver on the clear commitment to addressing some of the unmet needs in the BC*". The Council struggles to see how this can be the case.
- 3.2. It is worth setting out what paragraph 35 of the National Planning Policy Framework (2021) (NPPF) says regarding 'positively prepared' in the context of soundness: "*Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development*".
- 3.3. Footnote 21 and paragraph 61 of the NPPF clarify that in defining the minimum number of homes needed, strategic policy should be informed



by a local housing need assessment, conducted using the standard method.

- 3.4. On the face of it, the proposed housing requirement (following proposed main modifications) of **31,300 dwellings** over the period 2016-2038 is more than sufficient to meet the local housing need for Shropshire of 25,894 dwellings plus the specific proposed contribution of 1,500 dwellings to the Black Country agreed within a Statement of Common Ground (totalling some **27,394 dwellings**) for the same period 2016-2038.
- 3.5. Similarly, the proposed employment land requirement (following proposed main modifications) of **320ha** over the period 2016-2038 is more than sufficient to meet local employment land need for Shropshire of 250ha plus the specific proposed contribution of 30ha to the Black Country agreed within a Statement of Common Ground (totalling some **280ha**) for the same period 2016-2038.
- 3.6. Notably, within paragraph 13 of ID28 and paragraph 2 of ID36 you concluded *"the Council's approach to identifying the housing and employment land needs derived within Shropshire itself to be sound."*
- 3.7. Also notably, within paragraph 13 of ID28 you specified that *"in principle, the Council's intention to address some of the Association of Black Country Authorities (ABCA) unmet needs (1500 homes and 30ha of employment land), aligns with the spirit of the DtC [Duty to Cooperate]."* This position was reiterated within the Stage 2 Hearings when you indicated that you accepted the Council's position regarding the extent of proposed contributions to the Black Country (Matter 1: 5 hours and 13 minutes; Matter 2: 11 minutes).
- 3.8. It is an obvious point, but one worth making in this context, there is a clear distinction between housing need and housing requirement. The Council has expressed concerns about the apparent conflation of these in previous correspondence.
- 3.9. Whilst the Council appreciates the submission version of the draft Shropshire Local Plan proposed an approach which explicitly exceeded defined needs (for local housing need, this was calculated using the standard methodology with a 2020 base date and for employment was calculated using an appropriate methodology consistent with best practice and guidance and 2020 base date), this does not alter defined needs in Shropshire. It is just that the Council has proposed a strategy which sought to exceed them as part of a 'high growth' agenda, and on this basis chosen a higher housing requirement.
- 3.10. If you feel the draft Shropshire Local Plan is unsound because, in your view, the additional material is not based on sufficient evidence (which it would appear to the Council is your view based on your wider comments) this would indicate your issue is actually with the second test of soundness, i.e. the plan is 'not justified'. Therefore, as things



stand, the Council struggles to understand your conclusion that the plan is 'not positively prepared'.

- 3.11. However, notwithstanding this, we outline below our response to your 'justified' soundness concerns regarding the housing and employment land requirement, which we consider equally addresses your 'not positively prepared' soundness concerns on this matter.

High Growth and a Contribution to the Black Country is 32,300 Dwellings / 330ha Employment Land

- 3.12. Within paragraph 8 of ID47 you conclude that if the Council is to pursue a 'high-growth' housing option then it should "*set out two separate housing requirements, 30,800 to meet Shropshire's need and an additional requirement of 1,500 to help address unmet housing need in the BC. This would give an overall total requirement of 32,300*".
- 3.13. Similarly, in paragraph 12 of ID47 you conclude that if the Council is to pursue a 'high-growth' employment land option it must equate to 330ha.
- 3.14. The Council is very surprised by these conclusions, as it originally assessed both of the options outlined (32,300 dwellings and 330ha employment land) as High-Growth variation 3 within the additional SA work undertaken in early 2023 (GC29) in response to ID28.
- 3.15. However, following a Pre-Action Protocol letter from BRE Estates to the Inspectorate and the Council, you prepared ID36 in October 2023 and then subsequently in response to the Council's request for clarification on a number of points (GC41), you prepared ID37 in January 2024.
- 3.16. Within ID36 and ID37 you concluded the Council had over-complicated the initial additional SA (GC29), and as such provided the basis by which it should be re-undertaken.
- 3.17. Paragraph 5.7 of ID37 included "*What the SA should do is test options based on the 2020 baseline with 2 extra years, but only look at the growth options tested in the original SA, so a 5, 10 and 15% uplift and look at this with the Black Country unmet needs of 1,500 homes and without it.*" (our emphasis).
- 3.18. Paragraph 5.8 included "*...However, it is noteworthy that the economic growth options tested were 'significant growth', 'high growth' and 'productivity growth', so 3 different growth options whereas the revised SA tests 5 growth options. As set out above, increasing the growth options just seems to complicate matters...*" (our emphasis).
- 3.19. The high-growth housing and employment land options the Council considered in the further SA work (GC44) responded to your guidance in full. It identified the high-growth housing option (with a contribution to the Black Country) as 31,300 dwellings, consisting of around a 15% uplift on the identified 2020 baseline local housing need, plus a further specific uplift of 1,500 dwellings as a contribution to the Black Country.



It identified the high-growth employment land option (with a contribution to the Black Country) as 320ha, consisting of around a 15% uplift on the identified 2020 baseline employment land need, plus a further specific uplift of 30ha as a contribution to the Black Country.

- 3.20. Based on your guidance in ID36 and ID37 the Council concluded that it was not expected, or indeed being invited, to assess any alternative housing or employment land growth options, including any equivalent to those you now outline in ID47.
- 3.21. In reading paragraphs 9 and 10 of ID47, it would seem you consider guidance provided in ID37 was in some way mis-informed by paragraph 3.4 of the Council's document GC41 (the Council's request for clarification to ID36). The Council cannot see how this can be the case.
- 3.22. In GC41, the Council endeavoured to explain the process it had undertaken in GC29 and sought your confirmation of an agreed approach to proceed, which you subsequently outlined in ID37.
- 3.23. Paragraph 3.4 of GC41 forms part of the explanation of the housing growth options, but cannot be read in isolation, as paragraphs 3.5-3.16 of GC41 continue this explanation.
- 3.24. Notably, paragraph 3.4 is clear that it sets out how the Council originally undertook preparation of reasonable options for its housing and employment requirements in the Issues and Options paper (EV003.01). It states: "*The methodology for determining these growth options was explained within the Issues & Strategic Options Consultation Document (EV003.01)...*"
- 3.25. Paragraph 3.5 then details how these options were reflected in GC29, utilising the 2020 baseline Local Housing Need assessment.
- 3.26. Paragraph 3.6 of GC41 was equally clear that the 'baseline' for the options assessed in GC29 differed from that at the Issues and Strategic Options stage, as it utilised "*the 2020 baseline*" which "*clearly represented an updated baseline position compared to the Issues & Strategic Options document, which relied upon a Local Housing Need (defined through the Full Objectively Assessed Housing Need) at the 2016 baseline.*" (our emphasis).
- 3.27. This point was reiterated in paragraph 3.12 of GC41 which specified that "*The key distinction between the actual figures resulting from the growth options in EV003.03 and GC29 is therefore not due to a change to the growth options or reliance on the Local Housing Need assessed in 2023. The distinction arises from the fact that the growth options in EV003.03 were calculated using the 2016 Objective Assessment of Local Housing Need but in GC29 the growth options used the Local Housing Need as assessed in 2020 from the standard methodology.*" (our emphasis).



- 3.28. Furthermore, paragraph 3.8 of GC41 addressed the option you now outline within ID47, stating *"High growth variation 3 represents an option which is the housing requirement in the Submission draft Local Plan, plus an additional 1,500 dwellings representing the level of unmet housing need the Plan is seeking to accommodate from the Black Country (i.e. 30,800 + 1500), which represents around a 19% uplift on Local Housing Need (using the 2020 base date)."* (our emphasis).
- 3.29. Similar explanations were provided for employment within paragraphs 3.17-3.23 of GC41.
- 3.30. As such, the Council considers its communication to you in GC41 was clear and unambiguous.
- 3.31. Paragraph 10 of ID47 outlines your central concern regarding the housing requirement; that the application of the high growth strategy (15% above defined needs at 2020) results in a net reduction in Shropshire's housing requirement (without consideration of Black Country needs) compared to the submission version of the Plan (29,800 as opposed to 30,800). Paragraph 12 of ID47 outlines similar concerns for employment.
- 3.32. Put simply, this is the case for one reason only: the baseline local housing need reduced between 2016 and 2020. However, the Council considers given the explanation provided in GC41 (summarised above), it was apparent at the time of writing ID37 that the approach you outlined would inevitably result in this outcome.
- 3.33. Irrespective of this, the Council recognises issues evolve through an Examination process. It also notes that several objectors raised this issue at the recent hearing sessions, and it is clearly right that you take the opportunity to hear the comments and objections of others, and that these may well shape your views in an iterative manner.
- 3.34. Furthermore, the Council accepts the housing and employment land requirements contained in draft Policy SP2 (30,800 dwellings and 300ha employment land) of the submission draft Shropshire Local Plan were more than 15% above need at baseline 2020 – although at this time this was intended to include proposed contributions (1,500 dwellings and 30ha employment land) to the Black Country.
- 3.35. In finding the approach of the Council unsound, it is assumed you now consider the only appropriate strategy for the housing and employment land requirements in Shropshire are the proposed requirements at submission plus a specific separate uplift consistent with the proposed contributions to the Black Country (32,300 dwellings and 330ha employment land). On this basis the Council are prepared to accept your findings in a pragmatic effort to move the examination forward.
- 3.36. However, it is deeply disappointing that this issue is being raised now, given the Council expressly assessed the very options you seem to



require us to proceed with (32,300 dwellings and 330ha of employment land), as part of the original additional SA work (GC29) undertaken in early 2023, and having revised this SA work within GC44, directly in line with your subsequent guidance in ID37.

- 3.37. The Council considers it therefore had a reasonable expectation, based on the guidance provided, to consider you were content the additional SA work (GC44) established the reasonable housing and employment land growth options, incorporating the Black Country unmet needs.

Assessment of Black Country Contributions

- 3.38. Within paragraphs 19 and 20 of ID47 you raise concerns with Sections 6 and 7 of the additional SA (GC44) undertaken by the Council, which assess the reasonable options for contributions to unmet housing and employment land needs forecast to arise in the Black Country.
- 3.39. Specifically, you express concern these sections do not consider the sustainability implications of proposed contributions "*in addition' or 'over and above' the Shropshire needs*".
- 3.40. Whilst this is correct, it was intentional as Sections 6 and 7 of the additional SA (GC44) consider the sustainability implications of the reasonable options for contributions to the Black Country themselves.
- 3.41. Implications of the reasonable options for contributions to the Black Country 'in addition' or 'over and above' Shropshire needs are specifically considered in Sections 8 and 9 of the additional SA (GC44).
- 3.42. The Council have addressed above the methodology utilised in these sections of the additional SA (GC44). As such, the Council request you reconsider your concerns on this matter.

Housing and Employment Land Requirement Conclusion

- 3.43. The purpose of this examination is to determine whether the draft Shropshire Local Plan is legally compliant and sound. The Council considers the proposed housing and employment land requirements were:
- a. 'positively prepared' as they meet local need and provide appropriate contributions to the Black Country (as detailed in this document, you have accepted the Council's approach on both these matters).
 - b. 'justified' as through the additional SA work (GC44) it assessed all reasonable alternatives identified using the methodology provided by you in ID37. Informed by this and other relevant information identified proposed housing and employment land requirements.
 - c. 'effective' as they are deliverable over the plan period, with further detail provided later in this document.
 - d. 'consistent with National Policy', particularly the expectations of paragraphs 61 and 62 (housing) and 81-85 (employment).



- 3.44. However, ultimately you have concluded this approach was unsound and have asked the Council to modify the requirements accordingly. On this basis, the Council is prepared to consider again the option you set out in ID47 which culminates in total requirements of 32,300 dwellings and 330 hectares of employment land, in a pragmatic effort to move the examination forward.
- 3.45. The Council considers it could undertake the necessary additional processes to facilitate this position in the stipulated six month period.

4. Accommodating Proposed Contributions to the Black Country

Reducing the Ability to Meet Shropshire Needs

- 4.1. Within paragraphs 23-24 of ID47 you address the sites identified to accommodate proposed contributions to the Black Country. It is clear from these paragraphs that your concerns about the Council's approach are that, in your view, it reduces the ability of the identified sites to meet Shropshire's needs.
- 4.2. Shropshire Council is somewhat surprised by this conclusion, as it had understood your concern on these proposed contributions related to lack of specific assessment as part of SA growth options and ability to monitor contributions. Indeed, paragraph 2 of ID47 you expressly state the proposed contributions were "*made clear in the submitted Local Plan*".
- 4.3. However, it is now apparent you have fundamental concerns about the approach the Council has taken which has identified existing proposed allocated sites to accommodate this unmet need. It is equally apparent you now require the Council to identify new sites for the purpose, and therefore presumably omit any existing proposed allocations from the assessment process.
- 4.4. The Council is disappointed that this view was not expressed in ID37, although it is also accepted it is your role in the examination to hear objections, and respond if needed.
- 4.5. Whilst the Council continues to have reservations on this conclusion, in order to progress positively with the examination this is an area the Council are prepared to pragmatically accept.

Location of Sites to Accommodate Black Country Contributions

- 4.6. Within paragraphs 53-60 of ID47 you address the location of sites proposed to accommodate Black Country contributions, concluding you have "*serious concerns about the geography and distribution*" of these proposed allocation. You acknowledge that sites at the Former Ironbridge Power Station, Bridgnorth and Shifnal are all well related to the Black Country, but conclude the site to the west of Shrewsbury is far less so – particularly when compared to locations on the M54



corridor. The Council notes that in drawing this conclusion, you make reference to Telford and Wolverhampton. The Council presumes the reference to Telford is an inadvertent error, as whilst Wolverhampton is in the Black Country, Telford clearly is not.

- 4.7. In paragraphs 58-60 of ID47 you conclude the "*most sustainable approach*" would be for sites intended to accommodate contributions to the Black Country to be "*close to the BC where people migrating and commuting to Shropshire are likely to still have links they would wish to maintain*" and have the "*opportunity to realise the well-recognised benefits of locating housing and employment land close together*", identifying "*sites around Shifnal and Albrighton*" as examples of where this can be achieved.
- 4.8. The Council is surprised with your reference to the **most** sustainable approach, as the justified 'tests of soundness' in paragraph 35 specifically and intentionally refers to "an appropriate strategy" rather than most sustainable or most appropriate.
- 4.9. The Council is also surprised you have "*serious concerns about the geography and distribution*". We consider the exercise undertaken to identify a reasonable assessment geography (informed by consideration of geographic proximity to the Black Country, migration and commuting patterns and travel to work areas) provided confidence that all sites subsequently assessed were capable of sustainably accommodating proposed contributions to the Black Country.
- 4.10. Furthermore, the Council would note that your conclusions in ID47 largely support this position, given you indicate three of the four sites identified for this purpose were appropriately located. The Council of course recognises this is a separate matter to whether these sites, as existing allocations, are appropriate to accommodate proposed contributions to the Black Country, which we discussed above.
- 4.11. However, with regard to the one site about which you express concern (west of Shrewsbury), the Council is prepared to accept your conclusion – in effect sites to accommodate proposed contributions to the Black Country should be located in the east of the County.
- 4.12. With regard to the benefits of co-locating housing and employment that you raise within paragraph 58 of ID47, we note this was an argument presented by omission site promoters at the hearings, and the Council generally accepts this basic principle that there can be benefits from such an approach.

Conclusion

- 4.13. The Council has reservations about the conclusions you have reached regarding the sites proposed to accommodate the contributions to the Black Country.



- 4.14. However, the Council are prepared to accept your findings in an effort to move the examination forward in a pragmatic manner.
- 4.15. In undertaking any further work, it would seem the only way to rectify this issue is for the Council to propose a new site or sites, not proposed for allocation already. This assessment of reasonable options should be restricted solely to sites in the east of the County, taking into account your conclusions on Shrewsbury.
- 4.16. You recognise many of these options will be in the Green Belt. In undertaking any fresh assessment, the Council will of course need to consider carefully the implications of national Green Belt policy and, if necessary, the exceptional circumstances for further Green Belt release.
- 4.17. In para 54 of ID47, you conclude the Council has already provided evidence to demonstrate exceptional circumstances for releasing some Green Belt for its own needs. Whilst this is true, it should be noted that at this stage of the examination the Council has only received feedback from you on this evidence with respect to the site at RAF Cosford, where you concluded exceptional circumstances had not been met.
- 4.18. The Council considers it could undertake the necessary additional work to facilitate this position within the stipulated six month period.

5. Sustainability Appraisal and Site Assessment Methodology

- 5.1. Within paragraph 26 of ID47 you address the Council's SA and site assessment methodology, concluding the Council's judgement when identifying proposed allocations in Stage 3 *"lacks transparency or a clear balancing exercise. In some cases the judgements made do not take account of earlier scoring leading to what appear as illogical conclusions."*
- 5.2. The Council is extremely disappointed by these conclusions, and firmly believes that the SA and site assessment methodology is proportionate and robust. For the reasons we outline below, we request you reconsider your position.
- 5.3. This reconsideration is crucial, as whilst the Council is prepared to set out a project plan to seek to address a range of your soundness concerns in the defined six month period, this will require further SA and site assessment work. However, we will be unable to do this if you are unable to agree our current SA and site assessment methodology is appropriate for this purpose.
- 5.4. To inform this reconsideration the Council, will address the concerns you raise.
- 5.5. The Council cannot see how there is any perception of a lack of transparency. The methodology employed by the Council within the site



assessment process (including Stage 3) is detailed within chapter 4 of the SA and Site Assessment Environmental Report (SD006.01).

- 5.6. Furthermore, within Stage 3 of the site assessment process, the Council details the range of considerations taken into account. This includes a summary of analysis undertaken by Highways, Heritage, Ecology, Tree, and Public Protection Officers; key data and conclusions from technical studies; infrastructure requirements and opportunities; and other strategic considerations, informed by professional judgement. The Council then clearly summarises the conclusion it has reached on all sites it has assessed and explains its reasoning for these conclusions.
- 5.7. Whilst the Council accepts you may disagree with the conclusions it has reached, this does not constitute a lack of transparency.
- 5.8. With regard to the concern regarding the balancing exercise, the Council considers this is inherent within the Stage 3 assessment process, which details all the considerations and then identifies conclusions reached and explains why this is the case.
- 5.9. Again, whilst the Council accepts you may disagree with the conclusions it has reached, this does not constitute a lack of a clear balancing exercise.
- 5.10. With regard to the concern that the Stage 3 conclusions do not take account of earlier scoring, the Council presumes that this is in reference to the scoring in Stage 2a of the assessment, within which the Council assessed the performance of sites against the SA objectives.
- 5.11. For the avoidance of doubt, the Council explicitly considers the results of Stage 2a of the site assessment, alongside all other relevant information, when drawing conclusions in Stage 3 of the process. This is demonstrably the case, as the scoring of each site in Stage 2a is documented within the Stage 3 assessment, alongside other relevant considerations.
- 5.12. In order to be transparent about this process, paragraphs 4.22 and 4.23 of the SA and Site Assessment Environmental Report (SD006.01), confirm that Stage 3 was informed by "...*The results of Stage 2a of the Site Assessment process (which informs the assessment of sites)*" and "*Once initial conclusions were reached within Stage 3 of the Site Assessment process, the results of Stage 2a (the Sustainability Appraisal) process were considered before proposals were finalised.*"
- 5.13. This is further evidenced in the assessment work undertaken by the Council to identify sites to accommodate proposed contributions to the Black Country. During this process, Stage 2a of the site assessment process was updated to reflect the identified reasonable assessment geography. Results were then documented and subsequently considered, alongside the other relevant information, in Stage 3 of the site assessment process.



- 5.14. Ultimately, we clearly agree with your conclusion that Stage 2a of the site assessment process should be integral to the allocation process. However, the Council maintains this is the case within our assessment process. But equally the Council maintains there remains scope for professional judgement taking into account wider considerations, as detailed within Stage 3 of the site assessment process.
- 5.15. The SA process provides an indication of potential positive/negative impacts on the identified SA objectives. However, it is insufficient to determine if these positives/negatives will arise.
- 5.16. For instance, proximity to heritage and ecological assets means there is a potential for impact on these assets and therefore associated SA objectives. However, without further assessment (undertaken in Stage 3 of the assessment by relevant professional officers) the Council would not conclude whether the impact is likely to arise and/or whether it could be mitigated.
- 5.17. Furthermore, Stage 2a of the site assessment process does not determine if there are absolute constraints present, which mean a site is unsuitable for development.
- 5.18. It is for these and related reasons, that within Stage 3 of the site assessment process the Council gives consideration to the results of Stage 2a of the site assessment process alongside other relevant information (assessment by Highway, Heritage, Ecology officers; data from technical studies; consideration of infrastructure requirements and opportunities; etc...) and applies professional judgement to overall conclusions.
- 5.19. Ultimately, the Council notes that discussion about the Sustainability Appraisal methodology first took place as early as Stage 1: Matter 1, with hearing sessions held in July 2022. The Council's SA methodology has not changed in this time. Given your conclusions of the Matter 1 sessions required further SA work to be undertaken, it is therefore surprising to the Council these current concerns about the SA process were not raised at an earlier stage.
- 5.20. The Council therefore asks you to reconsider your conclusions on this matter.
- 5.21. For the avoidance of doubt, the project plan which the Council have prepared assumes the use of the same SA methodology that has been used throughout the Local Plan Review process.

6. Green Belt Assessment & Review

- 6.1. In Paragraph 27 of ID47 you address the Council's Green Belt evidence base, concluding that as the Council is proposing Green Belt release to meet Shropshire needs it seems illogical that the Green Belt evidence base has not been reviewed "*with a view to meeting the BC needs.*"



- 6.2. The Council's Green Belt Assessment and Review are factual assessments of the performance of Green Belt parcels against the Green Belt purposes in the NPPF and the harm that would result from the release of Green Belt parcels for housing or employment development on the wider Green Belt.
- 6.3. Neither of these assessments are therefore predicated on meeting a particular need, whether that be Shropshire's or the Black Country's. For the avoidance of doubt, the performance of a Green Belt parcel and the harm to the Green Belt resulting from the release of a parcel are the same, irrespective of the source of the 'needs' the development accommodates.
- 6.4. As such, the Council does not see any need, for the purposes of this Local Plan Review, to update these assessments to inform the assessment of the suitability of sites to accommodate contributions to the Black Country.
- 6.5. Within the additional SA and site assessment process undertaken by the Council (GC44), to identify appropriate sites to accommodate proposed contributions to the Black Country, explicit consideration is given to the conclusions of the Green Belt Assessment and Review – specifically within Stage 3 of the site assessment process. However, crucially all the sites within the appropriate assessment geography, including those in the Green Belt, were re-assessed specifically for this purpose.
- 6.6. The Stage 3 site assessment therefore considered the merits of sites in the Green Belt, informed by the conclusions of the Green Belt Assessment and Review; but equally informed by wider considerations such as the process detailed in paragraphs 140 and 141 of the NPPF.
- 6.7. The Council therefore strongly feels there is no need to revisit the Green Belt evidence.
- 6.8. For the avoidance of doubt, the project plan which the Council have prepared assumes the use of the Green Belt Assessment and Review when assessing sites to accommodate proposed contributions to the Black Country.

7. Plan Period

- 7.1. Within Paragraphs 28 and 29 of ID47 you conclude that as the draft Shropshire Local Plan would have a maximum of 12 years left at adoption "*at least three additional years would need to be added to the housing and employment requirements, and the Council would need to find at least an additional three years' worth of supply.*"
- 7.2. The Council is extremely disappointed by this conclusion. At no stage within previous correspondence did you raise this as a matter of concern. This includes within ID37, which was issued in January 2024 when less than 15 years remained in the proposed plan period and



within which you advised on additional work to be undertaken by the Council. Despite this, ID37 makes no reference to extending the plan period, indeed the guidance provided regarding assessing housing and employment land requirements is all predicated on the proposed plan period from 2016 to 2038.

- 7.3. The Council considers it therefore had a reasonable expectation, based on the guidance you had provided, to consider you were content with the remaining plan period.
- 7.4. The Council would again make the case that we feel there is justification for continuation of the proposed plan period, relevant exceptional circumstances, and examples of similar circumstances; all of which is set out in our Stage 2: Matter 1 Hearing Statement.
- 7.5. To summarise, justification for continuation of the proposed plan period includes it:
 - a. Aligns with that consulted upon within the latter Regulation 18 and Regulation 19 consultation; and within the submission version of the draft Shropshire Local Plan.
 - b. Informed and aligns with timescales for the proposed vision, policy framework and settlement strategies in the submission version of the draft Shropshire Local Plan.
 - c. Supports continuation of the spatial strategy proposed in the submission version of the draft Shropshire Local Plan - consistent with the proposed retention of the 1,500 dwelling and 30ha employment land contributions to the Black Country and continuation of the 'high-growth' principle that underpins the spatial strategy.
- 7.6. Exceptional circumstances that have had implications for timescales and meant adoption of the draft Shropshire Local Plan has not occurred when envisaged by the Council (allowing for more than 15 years remaining) and support the conclusion retention of the proposed plan period is logical include:
 - a. The Covid 19 pandemic, which led to direct delays at key stages of the plan making process and had significant implications on Council resources.
 - b. Lengthy and complex objections (including a Pre-Action Protocol letter) which have had specific implications for plan-making and examination timescales.
- 7.7. Examples of Local Plan examinations where it has been established that shorter timescales upon adoption are legally compliant and sound include:
 - a. The Hart Local Plan, where the Inspector makes specific reference to Plan period in paragraph 32 of their report (published 10th February 2020), stating: *"There has been some suggestion that the Plan*



period should be extended. The Plan looks forward 13 years after anticipated adoption, which is below the preferred 15 year time period set out in Paragraph 157 of the NPPF. However, the NPPF's preference is not a set requirement and I consider 13 years to be an appropriate time scale in this instance, particularly as there is now a requirement to review plans every five years."

- b. The Worthing Local Plan, where the Inspector references Plan period in paragraphs 74-76 of their report (published 14th October 2022), including *"Paragraph 22 of the NPPF states that strategic policies should look ahead over a minimum 15-year period from adoption. As submitted, the Plan period runs from 2020 to 2036. It was anticipated that the Plan would be adopted in 2021 and thus would have met this requirement. The Plan has been prepared during the COVID-19 pandemic, which has had understandable consequences in terms of the preparation and submission of the Plan. This means that the Plan will now be adopted in 2022 and will thus have a lifespan of around 14 years. Although the period will now fall marginally short of the 15 years recommended by the NPPF, I conclude that this does not render it unsound..."*
- c. The Calderdale Local Plan, where the Inspector references Plan period in paragraphs 56 and 57 of their report (published 26th January 2023) stating *"paragraph 157 in NPPF 2012 states that Plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon. The Calderdale Plan covers the period 2018/19 to 2032/33 and therefore encompasses a 15-year period. However, the Plan is likely to be adopted in early 2023 and as such will cover a 10-year period from adoption. The current UPD dates from 2006. As such there is an urgent need for a new Plan to identify further housing sites and meet identified needs. The examination of the submitted Local Plan has been protracted and it is considered that the benefits associated with getting a new Plan in place as soon as possible would outweigh those associated with planning for a longer timescale..."*
- d. The Barking & Dagenham Local Plan, where the Inspector references Plan period in paragraph 43 of their report (published 15th August 2024 – after the Pennycook letter), stating: *"The strategic policies of the Plan would not look ahead a minimum of 15 years from adoption as required by paragraph 21 of the NPPF. However, it would look ahead 13 years. To extend the Plan period would delay the adoption of the Plan which would not assist the delivery of the development within it..."*

7.8. A further and crucial consideration that has arisen since you prepared ID47 on the 10th December 2024 is the transitional arrangements (particularly paragraph 236) of the updated NPPF published on the 12th December 2024.



- 7.9. The result of these transitional arrangements would require Shropshire Council to *"...begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025)..."*. Practically, this will mean the Council commencing work on a further Local Plan Review, taking account of recent changes to local housing need, as early as this autumn; a position reflected in the Council's updated Local Development Scheme.
- 7.10. The Council is seeking to respond positively on a number of matters, but ultimately the imposition of three additional years on the plan period, alongside the additional evidence base and site selection work required, is simply **not going to be possible** within your defined six month period.
- 7.11. Ultimately, whilst the Council struggles to see how you have only arrived at this conclusion in December 2024 given it has been clear for some time the draft Shropshire Local Plan would not have 15 years upon adoption, we now consider the NPPF's transitional arrangements are an additional significant consideration to take into account on this issue, and we would urge you to reconsider your position, and maintain the plan period 2016-2038.

8. Housing and Employment Land Supply

'Not Effective'

- 8.1. In paragraph 63 of ID47 you conclude the draft Shropshire Local Plan is *"not effective as it would not be deliverable over the plan period"*. The Council understands this conclusion relates to concerns identified regarding specific components of the land supply, namely windfall development (paragraphs 30-42 of ID47) and proposed 'saved' site allocations (paragraphs 43-45 of ID47).
- 8.2. Before we go through your specific points on this issue, we note your conclusions at paragraphs 41 and 42 of ID47, where you state there is *"no evidence to demonstrate that this approach is likely to ensure that the plan's housing and employment requirements will be delivered."* On this point the Council feel that a more appropriate way to express your concern is there is disagreement on the conclusions of available evidence. This is particularly important as we feel there has actually been some misunderstanding regarding the reliance on windfall as part of this housing supply, and, on the face of it, it would seem this has led to factually incorrect conclusions.
- 8.3. Whilst we recognise this is not the time to cover old ground and you have not invited such feedback, on this specific issue we do feel it is important to clarify the Council's reliance on windfall given we are asking you to reconsider your comments.



- 8.4. Ultimately, the Council accepts that as a result of its proposal to accommodate the proposed 500 dwelling uplift to the housing requirement through settlement guidelines and windfall allowances, the total amount of windfall that would be relied on as arising over the period from 2016 to 2038 would increase. However, it is factually not the case that this has resulted in **increases** to the small site windfall allowance or Strategic Land Availability Assessment (SLAA) site capacity within the housing land supply since submission of the draft Shropshire Local Plan, as you appear to conclude in paragraph 31 of ID47. Put simply, this is because the rate of completions and commitments on windfall sites within the plan period from 2016 has arisen at a greater volume than the plan originally envisaged.
- 8.5. Notwithstanding this, as part of its response set out in this letter, the Council has also indicated it is willing to undertake the required work to accommodate the full 1,500 dwelling and 30ha contributions to the Black Country on a new site or sites in the east of the County. In doing so, this in effect renders the Council's previous position on accommodating the proposed housing uplift redundant. As you acknowledge, many of the issues you raise are interlinked. We would suggest that the manner in which proposed uplifts to the housing and employment land requirement are accommodated have, in effect, been superseded by your conclusions regarding the expectation that a new site allocation(s) be identified to accommodate contributions to the Black Country.
- 8.6. The Council recognises the importance of a robust land supply to provide confidence that a plan is effective and deliverable. As such, it has carefully considered your concerns on this matter. However, we are concerned your conclusions do not reflect available evidence.
- 8.7. As such, the Council would ask you to reconsider this conclusion, informed by the following summary of available information.

Residential Windfall Development

- 8.8. In paragraphs 30-42 of ID47 you raise a number of concerns with the Council's approach to windfall development, which are addressed in turn.

Level of Reliance on Windfall in the Housing Land Supply

- 8.9. Within paragraphs 30 and 31 of ID47 you express concern about increasing reliance on windfall development in the housing land supply, which you specify was "*potentially challenging, but the increased requirement has raised this further.*"
- 8.10. This concern is underpinned by the calculation you outline in paragraph 30 of ID47 that "*around 10% of the total housing land supply*" rising to "*around 12%*" when SLAA sites are factored in, constitute windfall development. You also explain in paragraph 30 of ID47 that this equates to "*around 13.5% of the total requirement.*"



- 8.11. Available evidence (much of which was available at the hearing sessions in October) demonstrates clearly the reliance on the small site windfall allowance and SLAA sites in the housing land supply has reduced since submission of the draft Shropshire Local Plan, even allowing for the proposed increase to the housing requirement.
- 8.12. This is apparent when comparing the Council's Housing Land Supply document at submission (EV048.03) with the more recent Topic Paper (GC45).
- 8.13. This comparison demonstrates that the specific small site windfall allowance / SLAA site capacity within the housing land supply have both reduced; the proportion that the small site windfall and SLAA sites constitute of the total identified housing land supply has reduced; and the proportion that small sites windfall allowance and SLAA sites constitute of the total proposed housing requirement (even allowing for the proposed main modification to increase the housing requirement) has reduced. Specifically:
- At submission (data to 31st March 2020), the small sites windfall allowance (Appendix I of EV048.03) was some 4,485 dwellings and the capacity of SLAA sites (Appendix G of EV048.03) was some 751 dwellings. This totalled some **5,231 dwellings** and represented around **15.0%** of total identified housing land supply. It also equated to around **17.0%** of the total proposed housing requirement (at that time).
 - Within Table 10.1 of the Topic Paper (GC45) (data to 31st March 2023), the small sites windfall allowance was some 3,588 dwellings (a reduction of 897 dwellings) and the capacity of SLAA sites was some 622 dwellings (a reduction of 128 dwellings). This totals some **4,210 dwellings**, which as you have correctly stated in paragraph 30 of ID47, represents around **12.1%** of total identified supply and equates to around **13.5%** of the total proposed housing requirement (following the proposed main modification to increase the housing requirement).
- 8.14. Similarly, the total outstanding windfall allowance identified to achieve proposed settlement guidelines and the proportion of the proposed housing requirement that this constitutes (even allowing for the proposed main modification to increase the housing requirement) has reduced since submission.
- 8.15. This is apparent when comparing Appendix 5 of the submission draft Shropshire Local Plan and Tables 10.2-10.4 of the Topic Paper (GC45). Specifically:
- At submission (data to 31st March 2019), the total outstanding windfall allowance to achieve proposed settlement guidelines was some **2,652 dwellings**. This equated to **8.6%** of the proposed housing requirement.



- b. Within Table 10.1 of the Topic Paper (GC45) (data to 31st March 2023), the total outstanding windfall allowance to achieve proposed settlement guidelines was some **1,486** dwellings. This equated to **4.8%** of the proposed housing requirement (following the proposed main modification to increase the housing requirement).
- 8.16. Furthermore, the Council now has data to 31st March 2024, which was not available at the hearing sessions in October, but further demonstrates these trends have continued. Specifically:
- a. The small sites windfall allowance is some 3,289 dwellings (a reduction of 299 dwellings) and the capacity of SLAA sites is some 567 dwellings (a reduction of 55 dwellings). This totals some **3,856 dwellings** and represents around **10.9%** of the total identified supply. It also equates to around **12.3%** of the total proposed housing requirement (following the proposed main modification to increase the housing requirement).
- b. The total outstanding windfall allowance to achieve proposed settlement guidelines is some **931 dwellings**. This equates to **3.0%** of the proposed housing requirement (following the proposed main modification to increase the housing requirement).
- 8.17. The Council considers this data clearly demonstrates that factually there is no increased reliance on the small site windfall allowance and SLAA sites within the housing land supply, even when taking into account the proposed increase to the housing requirement; and that factually the outstanding windfall allowance required to achieve proposed settlement guidelines and thereby the housing requirement has reduced, despite the proposed main modification to increase the housing requirement.
- 8.18. Your conclusion in paragraph 30 of ID47 that the combined small site windfall allowance and SLAA sites allowance equates to 13.5% of the total requirement is correct. However, we assume from paragraph 30 of ID47, your concern relates to an assumption that these allowances in the housing land supply have increased when seeking to specifically address the Black Country need element of the requirement, which led to a proposed increase to the housing requirement. This is factually not the case as we have set out above.
- 8.19. Notwithstanding, and in any event, the Council has set out that it will seek to respond positively to your concerns relating to both the housing requirement and the need to identify new specific site allocations in the east of the County to accommodate the proposed contributions to the Black Country. On this basis we suspect your broader concerns about the apparent uplift in reliance on windfall as a result of the increase in housing requirement are largely superseded.

Negative Trends in Windfall Completions

- 8.20. In paragraph 32 of ID47 you raise concerns with the decreasing trend in windfall development (since 2018/19) illustrated in Figure 8.1 of the



Topic Paper (GC45), which you conclude is "*concerning given the Council's reliance on this as an important component of its supply.*"

- 8.21. The Council fully acknowledges it is important to ensure the housing land supply is robust in order to ensure delivery. However, we would emphasise the importance of considering the data in Figure 8.1 of the Topic Paper (GC45) in the context of the proposed windfall allowances in the housing land supply.
- 8.22. Specifically, the total small site windfall allowance and capacity of SLAA sites within the identified housing land supply (Table 10.1 of the Topic Paper (GC45)) equate to 281 dwellings per annum for the remainder of the plan period to 2038. This is less than half the lowest windfall completion rate experienced in any of the last 5 years (766 dwellings), as detailed in Figure 8.1 of the Topic Paper (GC45). So, whilst we accept the total windfall delivery does show a downward trend in the last five years, the Council maintains this trend does not imply a likely fall to levels anywhere close to 281 dwellings per year.
- 8.23. Furthermore, whilst the Council acknowledges Figure 8.1 of the Topic Paper (GC45) illustrates a downward trend for total windfall and medium/large windfall site completions, this is not the case for small windfall site completions; a point which you do recognise in paragraph 34 of ID47.
- 8.24. Crucially, the only general windfall allowance the Council includes in its housing land supply is for smaller windfall sites, which again as you recognised in paragraph 34 of ID47, has not been subject to the trend which you consider concerning.
- 8.25. The small site windfall allowance the Council includes within its housing land supply equate to 299 dwellings per annum (from years 4 onwards) (see Table 10.1 of the Topic Paper (GC45)). This allowance is well within the range experienced over the last 5 years (269-392 dwellings) and is also less than the average (334 dwellings) for this period, as identified within Figure 8.1 of the Topic Paper (GC45).
- 8.26. Crucially, with regard to medium and large scale windfall sites, there is no general windfall allowance proposed by the Council within the housing land supply, only specific identified windfall sites.
- 8.27. The Council fully acknowledges SLAA sites are a form of medium/large scale windfall site, however they are specific sites considered suitable, available, achievable and viable for development; rather than a general allowance. Their deliverability/developability is also re-considered on an annual basis.
- 8.28. Furthermore, as detailed in Table 10.1 of the Topic Paper (GC45), the SLAA sites have a total capacity for 622 dwellings (across 15 years of the plan period remaining at that time). For perspective this equates to 42 dwellings per annum, considerably lower than the lowest completion



rate achieved on medium/large windfall sites (374 dwellings) in any of the last 5 years and the average completion rate achieved on these sites over the same period (603 dwellings).

- 8.29. The Council strongly considers this data represents compelling evidence that its approach to windfall development within the housing land supply is appropriate and robust.

Settlements with Increased Development Guidelines

- 8.30. Within paragraph 35 of ID47 you raise soundness concerns with proposals to increase development guidelines for specific settlements to accommodate additional windfall development, as this is “*no substitute for allocating sites in sustainable locations*” and there is no “*guarantee that sites will come forward in line with the Council’s spatial strategy.*”
- 8.31. The Council notes this concern seems to be superseded by wider conclusions regarding the expectation that a new site allocation(s) be identified to accommodate contributions to the Black Country, which would mean these proposed uplifts to settlement guidelines and windfall allowances are no longer relevant.
- 8.32. However, for context at 31st March 2024: the entirety of the proposed 75 dwelling uplift to the settlement guideline at the Former Ironbridge Power Station is committed; much of the proposed 75 dwelling uplift to the settlement guideline at Whitchurch is committed, with the outstanding windfall allowance being some 6 dwellings; and much of the 350 dwelling uplift to the proposed settlement guideline at Shrewsbury is committed, with the outstanding windfall allowance being some 53 dwellings. Furthermore, the Council is progressing proposals for redevelopment of the Riverside Shopping Centre in the town centre, with an Outline Planning Application (24/04476/EIA) now live. Whilst this scheme does not yet have a ‘fixed’ capacity, it would be sufficient to achieve the entirety of the outstanding windfall allowance for the settlement.

Delivery of Affordable Housing and Infrastructure

- 8.33. Within paragraphs 34-37 of ID47 you raise the concern that “*smaller windfall sites are unlikely to deliver affordable housing*” and “*other community benefits and infrastructure*” and therefore “*greater reliance on windfalls to meet Shropshire’s housing need runs counter to the Council’s strategic approach to development.*” The Council is concerned with this conclusion.
- 8.34. Firstly, as detailed above, the only general windfall allowance in the housing land supply is on small sites of less than 5 dwellings. However, the windfall allowances for settlements (including those settlements where allowances were proposed to increase), can be met through any form of windfall development. The afore-referenced redevelopment of



the Riverside Shopping Centre in Shrewsbury town centre is a good example of this.

- 8.35. Secondly, with regard to achieving affordable housing, whilst the Council accepts small scale market housing windfall sites may not deliver affordable housing, this is not the case for small scale affordable housing windfall sites (such as exception sites) which exclusively deliver affordable housing. Such schemes constitute a significant component of small scale windfall sites that arise in Shropshire.
- 8.36. Indeed, the Council has consistently enabled exception sites (including small-sites of less than 5 dwellings) to come forward over the years, with great success. Indeed, in 2022/23 the Council was the second highest performing Local Authority in the Country with regard to housing completions on 100% affordable exception sites (behind Cornwall).
- 8.37. With regard to infrastructure, the Council operates a Community Infrastructure Levy (CIL), which is intended to ensure that development provides proportionate support to the delivery of necessary supporting infrastructure. The CIL in Shropshire applies to **all** market residential development that delivers one or more dwellings (subject to national exemptions) and ensures windfall development contributes to delivering necessary infrastructure.
- 8.38. The Council considers this explanation should alleviate any concerns you have on this matter.

Allocating Known Windfall Opportunities

- 8.39. In paragraph 38 of ID47 you query whether the Council could allocate known significant potential windfall development opportunities' set out in Table 8.5 of the Topic Paper (GC45).
- 8.40. The Council has given consideration to this proposal. We maintain the basic principle that this would be unnecessary, as we continue to be of the view the policies of the draft Shropshire Local Plan, would allow these to come forward to delivery without the need for allocation.
- 8.41. Indeed, of the sites detailed within Table 8.5 of the Topic Paper (GC45), 12 now benefit from planning permission or prior approval for residential development and a further 4 are currently the subject of a 'live' planning application for residential development. This equates to more than 25% of the sites identified.
- 8.42. However, despite our reservations, if you consider it is absolutely necessary, the Council are willing to agree to the specific allocation of appropriate SLAA sites identified within Table 8.5 of the Topic Paper (GC45), where they are associated with urban settlements (reflective of our proposed spatial strategy) and have capacity for 10 or more dwellings.



Loss of Employment

- 8.43. Within paragraph 39 of ID47 you raise the concern that windfall sites could be on *"existing employment sites and result in a reduction in employment land."*
- 8.44. This Council considers this concern is unnecessary. The starting point when determining any application for windfall development would be the policies in the draft Shropshire Local Plan. These policies provide appropriate 'protection' to employment sites – similar to policies in the currently adopted Development Plan.
- 8.45. Furthermore and crucially, the employment land need identified for Shropshire includes a specific allowance for 'loss' of existing employment provision to other forms of development (primarily housing). As such, the wider strategy is responsive to this matter.
- 8.46. The Council considers this explanation should alleviate any concerns you have on this matter.

SLAA Out of Date

- 8.47. In paragraph 39 of ID47 you also express concern with the age of the SLAA, which means it is *"likely to now be out of date in respect of some sites."*
- 8.48. As detailed in the Council's housing land supply (GC47) *"to ensure further robustness, a full site by site review has been undertaken of SLAA sites as part of this assessment of housing land supply and only those where the information available gives confidence that the sites are deliverable, have they been included within the five year housing land supply. Similarly only those sites considered to be developable within the proposed plan period are included within the wider housing land supply."*
- 8.49. This process should provide you with confidence that SLAA sites included within the housing land supply are deliverable or developable within the proposed plan period.

Not Tested through the Plan Process

- 8.50. A further concern you raise in paragraph 39 of ID47 is that windfall development is *"not tested through the Plan process in the same way as allocated sites"*.
- 8.51. The Council accepts this is true, but crucially the policies utilised to determine whether sites are suitable for windfall development are tested through the plan process. Furthermore, levels of any windfall allowances in a housing land supply are equally tested through the plan process. As such, the approach to windfall in a Local Plan is examined.



8.52. The Council considers this explanation, alongside the earlier evidence of the deliverability of its proposed approach to windfall should alleviate the concerns you have on this matter.

Not Plan Led

8.53. Within paragraphs 36 and 42 of ID47 you raise concerns regarding the level of reliance on windfall contradicting paragraphs 15 and 23 of the NPPF.

8.54. Specifically:

a. In paragraph 36 you state "*Paragraph 23 of the Framework advocates allocating sufficient sites to deliver the strategic priorities of the area.*"

b. In paragraph 42 you conclude that "*Relying so heavily on windfall delivery is contrary to paragraph 15 of the Framework, which says that the planning system should be genuinely plan-led.*"

8.55. The Council fully supports the principle of a plan-led system and recognises the role site allocations play. Indeed, it is important to note the draft Shropshire Local Plan proposes sufficient allocations for around 9,200 dwellings and also proposes to 'save' existing site allocations with capacity for around 7,900 dwellings.

8.56. However, the Council also considers that appropriate windfall development forms part of the plan-led system, where it is facilitated by policies in a Local Plan. This position is considered entirely consistent with the NPPF.

8.57. For instance, paragraph 69 of the NPPF states small and medium sized sites "*can make an important contribution to meeting the housing requirement of an area*" and specifies that to facilitate them, Local Authorities should "*support the development of windfall sites through their policies and decisions*".

8.58. Furthermore, paragraph 71 of the NPPF specifies the circumstances where a windfall allowance as part of a housing land supply is appropriate.

8.59. Whilst regard to paragraph 23 of the NPPF, it stipulates sufficient sites should be planned for and allocated to meet strategic priorities, but also specifically recognises that this is except in circumstances where "*...needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies.*" As such mechanisms facilitate appropriate windfall development, it is apparent that windfall development is not contrary to paragraph 23 of the NPPF.

8.60. With specific regard to paragraph 15 of the NPPF, it requires "*a framework for addressing housing needs and other economic, social and environmental priorities*". However, in no way does it specify what this 'framework' should entail.



- 8.61. The Council considers this 'framework' should be responsive to local characteristics, the wider strategy and achieve sustainable development. These intentions can be achieved through site allocations and/or policies which facilitate appropriate windfall development - which is in this way plan-led.
- 8.62. The Council considers this explanation, alongside the earlier evidence of the deliverability of its proposed approach to windfall should alleviate any concerns you have on this matter.

Employment Windfall Development

- 8.63. Within paragraph 40 of ID47 you raise soundness concerns with proposals to accommodate the proposed uplift to the employment land requirement through settlement guidelines and windfall allowances.
- 8.64. The Council would note this concern has been superseded by wider conclusions regarding the expectation that new a site allocation(s) be identified to accommodate contributions to the Black Country.

Proposed 'Saved' Allocations

- 8.65. In paragraphs 43-45 of ID47 you address the proposed 'saved' site allocations, expressing concern as to whether they will deliver during the proposed plan period, given so many have yet to gain planning permission. In drawing this conclusion you refer to Tables 10.1 and 17.1 of the Topic Paper (GC45) which indicate 3,262 dwellings and 128ha of employment land on these sites have yet to gain planning permission.
- 8.66. Whilst the data you reference in drawing your conclusion was correct, the Council is disappointed that you have not referred to document (GC51) which was published in July 2024 and provided updated information on the status of all proposed 'saved' allocations.
- 8.67. Specifically, paragraph 3 of GC51 explained that of the 7,896 dwellings on proposed 'saved' site allocations, 1,967 were completed at 31st March 2023; 2,730 benefited from planning permission at 31st March 2023; and a further 1,498 dwellings achieved planning permission after 31st March 2023. The same paragraph then explained this meant only 1,701 dwellings remained without planning permission on proposed 'saved' site allocations. Of these, 250 dwellings were currently the subject of a live planning application and 689 dwellings were on latter phases of multi-phase development.
- 8.68. Similarly, paragraph 9 of GC51 explains that of the 169.97ha of employment land on proposed 'saved' site allocations, 21.28ha was completed at 31st March 2023 and 67.95ha benefited from planning permission at 31st March 2023. As such, only 80.74ha of employment land remained without planning permission across the proposed 'saved' site allocations.



- 8.69. Importantly, as the Council details in its housing land supply (GC47), only those dwellings on proposed 'saved' allocations considered deliverable/developable over the proposed plan period are included in the housing land supply. Furthermore, assumptions on delivery timescales are directly informed by consideration of latest information.
- 8.70. The Council considers the information in GC51 demonstrates that significant progress has occurred on proposed 'saved' site allocations during the time the plan has been under examination, to an extent that the Council believes should provide sufficient confidence in their deliverability / developability over the proposed plan period.

The Tipping Point

- 8.71. Within paragraphs 51 and 52 of ID47 you suggest the balance between requirements and supply has reached a tipping point, and that this has resulted in *"undue reliance on the windfall and SAMDev sites as key components of supply."*
- 8.72. The Council understands the principle of this concern and fully supports the basic premise of ensuring a plan that provides a supply of sites which is truly deliverable. However, again the Council has concerns your conclusions appear inconsistent with evidence available at the hearing sessions.
- 8.73. We have already set out the factually accurate position regarding reliance upon the small site windfall allowance and SLAA sites as components of the overall supply; specifically that since the submission of the draft Shropshire Local Plan this reliance has reduced. A similar exercise can be undertaken for proposed 'saved' allocations without planning permission by comparing the latest information on the status of proposed saved allocations within (GC51) (published in July 2024) with the information available at submission (data to 31st March 2020) within Appendix E of EV048.03.
- 8.74. This demonstrates that the capacity of 'saved' SAMDev site allocations currently not benefitting from planning permission has reduced from 3,196 (equating to around **10.4%** of the total proposed housing requirement at that time), to 1,701 dwellings (equating to around **5.4%** of the total proposed housing requirement).
- 8.75. To the Council this would appear to suggest a 'tipping point' has not been reached.
- 8.76. Notwithstanding, as set out in this letter the Council are willing to undertake additional work in the six month period to assess options and, if appropriate, identify a site or sites, to accommodate the proposed contributions to the Black Country in the east of the County. We have also agreed to allocate appropriate SLAA sites identified in Table 8.5 of the Topic Paper (GC45) if, having considered this letter, you feel it necessary to do so. We suggest this would reduce any



perceived over-reliance on windfall and proposed 'saved' SAMDev site allocations in the land supply.

9. Accommodating Proposed Uplifts to Requirements

Pre-Determination and the Most Sustainable Option – Accommodating Uplifts to Housing and Employment Land Requirements

- 9.1. In paragraphs 13 of ID47 you raise concerns about pre-determination, which the Council understands relates to its proposals to accommodate proposed uplifts to the housing and employment land requirements. Subsequently in paragraphs 14-18 and 40 of ID47 you conclude the options proposed by the Council to accommodate these uplifts (through windfall development) are not the most sustainable.
- 9.2. The Council can firmly advise you that it did not pre-determine the outcome of the assessment of options to accommodate proposed uplifts to the housing and employment land requirements. The SA (GC44) and Topic Paper (GC45) explain the reasoning applied by the Council, in reaching its conclusions.
- 9.3. Ultimately, the Council recognises there is a component of subjectivity in any assessment and also accepts you disagree with the conclusions it reached on this matter. However, there is an important distinction between disagreeing with a conclusion reached and determining this results from pre-determination.
- 9.4. The Council would also note that whilst you conclude our approach is not, in your view, the **most** sustainable (paragraph 60 of ID47), this is not a requirement of the 'justified' test of soundness, which requires the Council to present **an** appropriate strategy.
- 9.5. Irrespective of this, the Council considers these concerns are superseded by wider conclusions you have reached regarding the expectation that a new site allocation(s) be identified to accommodate contributions to the Black Country. As set out, this is an issue upon which the Council is willing to accept your conclusions and undertake work in the next six months to remedy, in an effort to move the examination forward in a pragmatic manner.

10. Conclusion

- 10.1. The Council has carefully reviewed the soundness concerns you raise in ID47.
- 10.2. To summarise, there are some areas where we accept your conclusions and have set out how we will undertake work in a six month period. Whilst we have raised some concerns about some of these conclusions you have reached, the Council are prepared to accept them in a pragmatic effort to move the examination forward.



- 10.3. However, unfortunately there are a number of conclusions you reach which the Council does not accept, for the reasons set out within this letter.
- 10.4. On the basis of our concerns and having regard to the practical restrictions of undertaking the required work within a six month period, we cannot provide a project plan which deals with all of your soundness concerns.
- 10.5. We do, however, present a project plan which seeks to tackle the overarching issues you have regarding the apparent reduction in Shropshire's housing and employment land needs as a result of accommodating the Black Country needs; the manner in which we accommodate the Black Country needs; and the identification of a replacement strategic employment site in Shrewsbury.
- 10.6. We also feel in doing this we address the wider and cross cutting concerns regarding the level of reliance upon windfall and proposed 'saved' SAMDev site allocations within the housing and employment land supply. Despite our reservations, we have also confirmed the Council are also willing to consider the specific allocation of appropriate SLAA sites, within a defined criteria, in order to further boost certainty of supply.
- 10.7. We feel this project plan provides a positive way forward and one which, importantly, the Council considers is achievable in the six month timeframe.
- 10.8. However, the Council has very significant concerns about your conclusions on plan period, and your requirement to extend the period by 3 years. The Council are greatly surprised that such a significant and consequential issue is being raised at this stage of the examination, especially since it has been apparent for some time the Council would not be able to demonstrate 15 years on adoption. The work consequent upon such a plan period extension could not be undertaken within six months.
- 10.9. Importantly, we feel the transitional arrangements set out in the NPPF (12th December 2024) should now be considered. These arrangements will require Shropshire Council to begin a new Local Plan Review as early as this Autumn, in order to take account of the new local housing need figures. On this important issue we therefore ask you to reconsider your position and formally accept the current plan period of 2016-2038.
- 10.10. In summary therefore the Council accept the following and is prepared to undertake work over the next six months to seek to rectify the issues:
 - a. Identify a new strategic employment site allocation for Shrewsbury;



- b. Increase the housing requirement by 1,000 dwellings to a total of 32,300 dwellings – consisting of two components, 30,800 dwellings for Shropshire and 1,500 dwellings as a contribution to unmet housing need forecast to arise in the Black Country.
- c. Increase the employment land requirement by 10ha to 330ha – consisting of two components, 300ha for Shropshire and 30ha as a contribution to unmet employment land need forecast to arise in the Black Country.
- d. Identify a new allocation(s) specifically to accommodate proposed 1,500 dwelling and 30ha employment land contributions to the Black Country. Reflecting ID47, the site assessment process undertaken to inform identification of this new allocation(s) will give explicit consideration to the benefits of co-location and proximity to the Black Country.

10.11. In addition to the extension of the plan period, there are a number of other soundness concerns you raise which the Council does not accept, for the reasons set out in this letter.

10.12. These are:

- a. The suitability of Stage 3 of the SA and site assessment methodology.
- b. The suitability of the Green Belt evidence base.
- c. The overall balance of housing and employment requirements and land supply, although we offer to consider the allocation of appropriate SLAA sites to further support confidence of delivery.

10.13. The Council invites you to reconsider each of these soundness concerns, informed by the information we have provided in this letter.

10.14. The Council has set out a positive project plan below. However, we recognise we require your approval to proceed given we are not proposing to meet all of your soundness concerns. We would request your urgent consideration of this letter and the project plan and to inform the Council of your views by **Friday 28th February**. Any delay beyond this will inevitably result in the need to extend the project plan period by a commensurate amount.

10.15. As such, on this basis, the Council’s proposed project plan is as follows:

Timescale	Process	Outputs
13 th February	Submission of Project Plan.	This document.
February-March	Sustainability Appraisal.	Updated assessment of housing & employment land growth options.
March	Consideration of growth options – summarised in Topic Paper.	Updated conclusions on housing and employment land requirements.
February-March	Sustainability Appraisal and site assessment.	Assessment and identification of new strategic employment provision (25ha+ site) in Shrewsbury.



Timescale	Process	Outputs
April-June	Sustainability Appraisal and site assessment.	Assessment and identification of a site(s) to accommodate Black Country contributions (1,500 dwellings and 30ha employment land).
June	Associated review of proposed Main Modifications.	Update draft schedule of proposed Main Modifications.
June	Seek Cabinet endorsement of conclusions and approval for consultation.	Cabinet decision.
June-July	30 day public consultation.	Public engagement.
July-August	Review consultation responses.	Summary of consultation responses.
12 th August	Compile new evidence, schedule of main modifications, consultation responses (and associated summary). Submission of additional material.	Council's response to Inspectors soundness concerns.

10.16. Once you have considered this evidence, if you are in agreement with the Council's position, we will undertake the necessary additional work in accordance with the above Project Plan.

10.17. Conversely, if you are minded not to reconsider the issues we have requested, we see no alternative than for you to formally find the draft Shropshire Local Plan unsound and write to us on this basis requiring the withdrawal of the Plan and, as the law requires, your full and final reasons for the conclusions you have reached taking into account our response contained in this letter. Under this scenario, we would request you also provide the Council with your conclusions on other aspects of the Examination where hearings have been held, but as yet the Council have received no feedback, for instance on minerals and waste matters.

Yours sincerely

Edward West
 Planning Policy & Strategy Manager
 Shropshire Council

