

HEARING STATEMENT ON BEHALF OF TAYLOR WIMPEY UK LTD (ID. A0598)

Shropshire Local Plan Examination Matter Statement 2:
The Duty to co-operate

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draft
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MATTER STATEMENT 2: DUTY TO COOPERATE

This statement has been prepared on behalf of Taylor Wimpey UK Ltd ('TW') in respect of their interests in Land at Cross Road, Albrighton.

General

1. What are the genuinely strategic matters for the Local Plan as defined by S33A (4) of the Planning and Compulsory Purchase Act?

- 1.1 S33A (4) of the Planning and Compulsory Purchase Act 2004 provides a definition of a "strategic matter" for the purposes of subsection 3 of subsection 33A in the following terms:
- "(a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas..."*
- 1.2 Consistent with the relevant legislation, national policy set out in the NPPF¹ makes clear that local planning authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that '*cross administrative boundaries*'. It goes on to state that plans should make explicit which policies are strategic policies, and that these should be limited to those necessary to address the strategic priorities of the area, including *any relevant cross-boundary issues*².
- 1.3 In this context, neither the legislation nor planning policy at national level specifies that the two planning areas where cross-boundary strategic matters have been identified must lie directly adjacent to one another. This is a sensible approach as it allows authorities who may not be contiguous with each other to nonetheless take positive actions to address issues of a strategic nature, where this is practical to do so and is consistent with achieving sustainable development³. This includes, for example, where one authority (or group of authorities) is unable to accommodate their development needs within their own boundaries.
- 1.4 The Council considers the forecast unmet housing need in the Black Country to be a relevant 'strategic matter' for the preparation of the Shropshire Local Plan, and that part of their unmet housing need could be appropriately and sustainably met within Shropshire [EV042, para 3.24]. It takes this view given the wider relationship of Shropshire and the Black Country, including road and rail links and the pattern of movements between these two areas, particularly between the

¹ NPPF 2021, paragraph 24

² NPPF 2021, paragraph 21

³ NPPF 20121, paragraph 35

central and eastern areas of Shropshire and with the areas of Wolverhampton and Dudley [EV042, para 3.23].

- 1.5 TW UK Ltd agrees that the housing shortfall emanating from the West Midlands conurbation, including the Black Country, a genuinely strategic matter for consideration in the Shropshire Local Plan and this examination. However, as discussed in response to question 5, TW questions the proposed allocation of only 1,500 dwellings to meet some of the unmet housing need from the Black Country.

Overall housing provision

5. What is the justification for the allocation of 1500 homes to meet some of the unmet housing need from the Black Country?

General comment

- 1.6 TW acknowledges the Council's in-principal decision to accommodate a proportion of the unmet housing need emanating from the Black Country Authorities (BCA). This is in line with national policy⁴ which makes clear that in order to be soundly-based (effective), strategic cross-boundary matters should be '*dealt with rather than deferred.*'
- 1.7 Nevertheless, TW would like to remind the Inspectors that the evidence base underpinning this figure has only now been made public, set out in a Housing Topic Paper submitted to this examination [GC4i].

The evidence underpinning the 1,500 contribution

- 1.8 The specific evidence underpinning the 1,500 dwelling figure is set out in section 3 of the Housing Topic Paper. This, TW understands, constitutes the methodology applied by the Council to determining the level contribution proposed.
- 1.9 Essentially, the method used by the Council has been broken down into two parts; the first part was to determine whether or not the functional relationship that exists between Shropshire and the Black Country was sufficient to justify a specific contribution towards BCA's housing shortfall. This was based on analysis of relevant factors, including past migration flows, commuting patterns and travel to work areas (TTWAs). This is provided at paragraphs 3.35 to 3.71 of the paper.
- 1.10 Based on the analysis of these variables, the Council concluded that there was a '*clear relationship between Shropshire and the BCAs*' (see paragraph 3.66) and that the relationship was '*sufficiently strong*' for the Council to determine that the Plan '*offered the potential to accommodate a proportion of the forecast unmet housing need from the Black Country*' (see paragraph 3.71). On this point, TW is in broad agreement. TW considers that the eastern part of

⁴ NPPF 221, para 35c

the Plan area is located in relatively close proximity to the Black Country and should be a focus for accommodating the unmet need at suitable settlements, notably Albrighton.

Commentary on the justification provided by the Council

- 1.11 The key variable that has been used by the Council to underpin the 1,500 contribution is *Migration Patterns*. As part of its methodology (see paragraphs 3.44-3.51) the Council has analysed internal migration flows from the BCAs to Shropshire, and migration flows from Shropshire to the BCAs over the five year period (2015/16-2019/20). The results are shown against each constituent BCA in Figures 7 and 8 of the paper, with total flows summarised in Figures 12 and 13 of the paper, respectively.
- 1.12 In terms of migration flows into Shropshire from the BCAs, the Council finds this to be 3.34% of the total internal migration flows out of the Black Country Authorities (excluding flows between the Black Country Authorities) over the five year period (see paragraph 3.48). For migration flows out of Shropshire into the BCAs, this is claimed to be 1.26% (see paragraph 3.51). This represents the scale of the functional relationship between the two areas in terms of migration, which then forms a key input into determining the level of contribution being proposed.
- 1.13 Evidence submitted on behalf of TW at the Regulation 19 Pre-submission stage indicates the proportion of migration flows into Shropshire from the Black Country (as a proportion of total moves to Shropshire) is in the region of 10% since 2016 (see Table 3.5). This is broadly consistent with the Council's evidence in the topic paper (see Figure 7).
- 1.14 Similarly, the topic paper (see Figures 7 and 10) also shows that of the Black Country Authorities, the strongest links (both in terms of migration and commuting) between Shropshire are with Wolverhampton. Of the settlements in Shropshire, Albrighton is arguably the closest settlement to Wolverhampton. The effect of this is that flows between Albrighton and the Black Country are relatively strong compared to other settlements in Shropshire (see Figure 9 of the topic paper).
- 1.15 On this basis, TW contend that Albrighton provides an obvious location to accommodate some of the unmet needs from the Black Country. Consequently, the Plan should make more provision to meet these unmet needs by allocating more land at Albrighton.

9. In overall terms, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of cooperation and how has this addressed the issue of housing provision?

- 1.16 Whilst TW acknowledges the Council's intention to assist the BCAs by way of the 1,500 dwelling contribution, the evidence base for this figure (set out in document GC4i) has only recently been published as part of the material submitted to this examination, despite repeated requests during the Reg18/19 stages for this methodology to be set out. TW contends that, based on migration flows between Shropshire and the Black Country as evidenced in their submissions at the Pre-submission consultation stage, the Plan should seek to maximise the potential to address wider

development needs where opportunities exist. This includes identifying more land to meet those needs in sustainable locations that are relatively well connected to the Black Country, notably at Albrighton.

- 1.17 In light of this, the Council could go further in maximising the effectiveness of the Plan in addressing the cross-boundary strategic matter relating to the unmet needs emanating from the Black Country.