

SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

Representor unique Part A Ref *	A0148
Matter	2
Relevant questions nos	3, 4, 5, 7, 8, 9

*Your unique reference can be found in the Schedule of Respondents (Schedule 3 of document SD014.01) at:

<https://shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-library/earlier-regulation-18-plan-making-stages-of-consultation/regulation-19-pre-submission-draft-of-the-shropshire-local-plan-consultation/>

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**Shropshire Local Plan
Examination
Response to Matter 2: The
Duty to Co-operate**

Land at Wolverhampton Road, Shifnal

L&Q Estates Limited

June 2022

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1.0 Introduction

- 1.1 This Statement to Matter 2 (The Duty to Co-operate) of the examination of the Draft Shropshire Local Plan (‘DSLPL’) is submitted by Lichfields on behalf of L&Q Estates Limited (“L&Q Estates”).
- 1.2 It follows the submission of representations to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (December 2020) in respect of land north of Wolverhampton Road, Shifnal, in which L&Q Estates has land interests. For reference, the representations comprising these proposed changes were identified under Representation Reference **A0148**.
- 1.3 The National Planning Policy Framework (‘NPPF’) outlines that during the examination process a Local Plan must demonstrate that it has been positively prepared, is justified, is effective and is consistent with national policy. Outlined below are responses to a select number of the Inspectors’ questions which set out why we consider changes to DSLPL are necessary to ensure the soundness of the Plan.
- 1.4 This Statement has been prepared in line with the Guidance Note (Ref: ID6) for the Examination.

2.0 Overall Housing Provision

Question 3: What are the relevant inter-relationships with other neighbouring authorities in terms of migration, commuting and housing markets?

- 2.1 L&Q Estates considers that the Shropshire area holds a strong inter-relationship with the Black Country Authorities in terms of migration, commuting and housing markets.
- 2.2 In this regard, L&Q Estates wishes to draw the Inspectors’ attention to Lichfields’ Insight “*The Black Country’s next top model: Distributing the unmet housing needs of the Black Country*” (January 2022), enclosed within L&Q’s submission, which identifies how the unmet needs of the Black Country could be distributed based upon the functional relationships between the Greater Birmingham and Black Country Housing Market Area authorities.
- 2.3 In terms of migration patterns, the Insight identifies that “*the housing preferences for households leaving the Black Country tend to gravitate towards Birmingham in the first instance, followed by South Staffordshire, Shropshire, Cannock Chase, Wyre Forrest, Telford and Wrekin, and Lichfield*” (page 7).
- 2.4 In particular, the percentage of gross out-migration from the Black Country to Shropshire is 6.4% whilst the percentage of gross in-commuting from Shropshire to the Black Country is 5.7% (page 19).
- 2.5 Consequently, it is suggested that Shropshire has the fourth largest functional link (6.1%) with the Black Country, after Birmingham (38.9%), South Staffordshire (20.9%) and Cannock Chase (6.6%).

Question 4: How have these inter-relationships been considered in preparing the Local Plan in terms of identifying the Local Housing Need (LHN) and setting the Local Plan’s Housing Requirement?

- 2.6 The Council’s consideration of the functional link between Shropshire and the Black Country is set out in the following evidence base documents:

Table 2.1 Evidence base documents considering functional link between Shropshire and Black Country

Document	Reference
Duty to Cooperate Black Country Authorities Statement of Common Ground	EV041
Duty to Cooperate Correspondence 1 - Association of Black Country Authorities with Shropshire Council	EV041.01
Duty to Cooperate Correspondence 2 - Association of Black Country Authorities with Shropshire Council	EV041.02
Duty to Cooperate Correspondence 3 - Shropshire Council with Association of Black Country Authorities	EV041.03
Duty to Cooperate Correspondence 4 - Association of Black Country Authorities with Shropshire Council	EV041.04
Duty to Cooperate Correspondence 5 - Association of Black Country Authorities with Shropshire Council	EV041.05

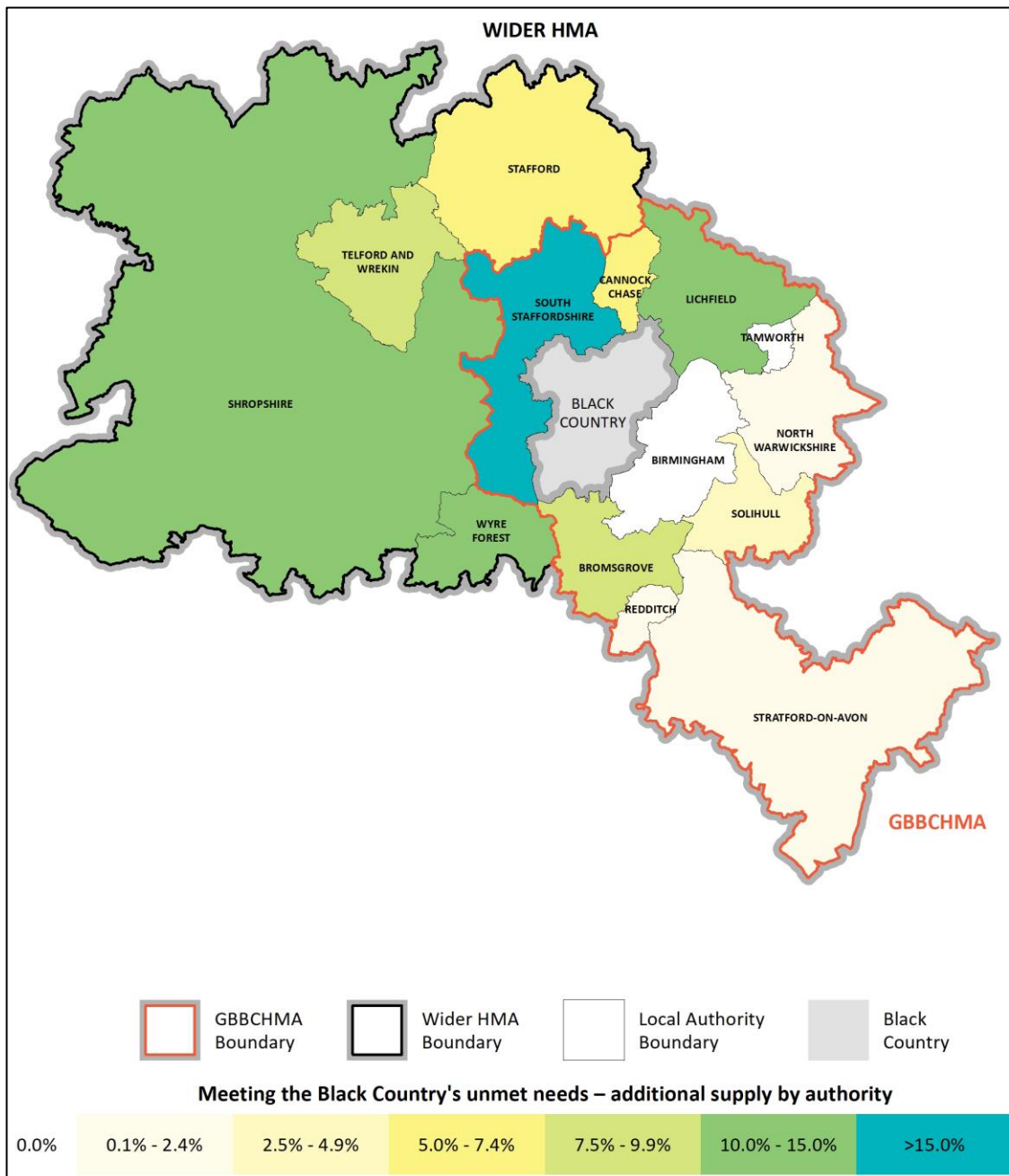
Source: Shropshire Local Plan Examination: Schedule of Evidence Base Documents

- 2.7 Whilst it is welcomed that Shropshire Council recognises the need to accommodate a portion of the Black Country's unmet need "*having considered migration patterns, geographic proximity and physical links*" (Ref: EVO41, paragraph 8.10), L&Q Estates considers the lack of investigation and analysis into the functional link between the two areas is a shortcoming of the DSLP.
- 2.8 In this regard, the only reference to a functional relationship is contained within the "*Duty to Cooperate Correspondence 5 - Association of Black Country Authorities with Shropshire Council*" (Ref: EVO41.05) where the Black Country Authorities make brief reference to commuting patterns and migration data (page 6).
- 2.9 However, L&Q Estates considers that this commentary insufficiently addresses with the issue as it provides limited comparative analysis or depth in robustly quantifying the functional link. Additionally, the Council itself appears to have contributed little to the dialogue with the Black Country Authorities and therefore it is unclear as to how it considers that a contribution of 1,500 dwellings is proportionate – see response to Question 5 below.

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

- 2.10 As set out above, the Council has provided very little justification for the contribution of 1,500 dwellings towards accommodating the Black Country's unmet housing needs.
- 2.11 Within the "*Duty to Cooperate Correspondence 4 - Association of Black Country Authorities with Shropshire Council*" (Ref: EVO41.04), the Black Country Authorities suggested in May 2019 that a contribution of **3,000 dwellings** from Shropshire towards the unmet needs would be considered reasonable:
- "...the strategic opportunity at M54 J3 of some 50ha of employment land, supported by provision of 3,000 homes to contribute towards meeting both the employment and housing needs of the Black Country would therefore make significant quantitative headway in addressing unmet needs for both employment land and housing in the Black Country."* (page 3)
- 2.12 Whilst L&Q Estates supports the broad scale of contribution mooted by the Black Country Authorities, it should be noted that this figure is unsubstantiated and unsupported by any meaningful quantitative or qualitative analysis.
- 2.13 In this instance, L&Q Estates again refers the Inspectors to Lichfields' Insight "*The Black Country's next top model*" (January 2022) which identifies how the Black Country's unmet housing needs could be distributed and where these needs should be sustainably distributed.
- 2.14 Lichfields' functional relationship and gravity model sets out the level of unmet need for which each constituent authority could justifiably seek to make provision, as shown overleaf.

Figure 2.1 Meeting the Black Country's unmet needs – additional supply by authority



Source: Lichfields (January 2022) *The Black Country's next top model*, Figure 12

- 2.15 Figure 13 of the Insight compares the levels of distribution against the adopted and emerging commitments made by constituent authorities and proposes that, based upon the Lichfields Functional Relationship Model, a proportionate contribution for Shropshire equates to around 13% of the 28,239 dwelling shortfall up to 2039, or **3,672 dwellings**.
- 2.16 In this regard, L&Q Estates considers that a functional relationship approach, such as that set out in the aforementioned analysis, provides a reasonable starting point in addressing how and where unmet needs should be distributed. Notwithstanding this, it is recognised that Shropshire Council and the Black Country Authorities have worked positively together on strategic cross-boundary issues, in accordance with NPPF paragraphs 24 and 26.

- 2.17 To that extent, L&Q Estates considers that the Duty to Cooperate between Shropshire and the Black Country **has been fulfilled** (see response to Question 9 below), but that there remains a need to address the ongoing level of housing shortfall in the Black Country having regard to the quantum of development proposed in the Black Country Plan and contributions from other neighbouring Local Plans (see response to Question 8 below).
- 2.18 Conclusively, L&Q Estates considers that the Council should introduce a mechanism into the DSLP to trigger its early review such that ongoing unmet need can be addressed.

Question 7: Are the Statements of Common Ground (SoCG) with neighbouring authorities and stakeholders still relevant and up to date?

- 2.19 The SoCG with the Black Country (“Duty to Cooperate Black Country Authorities Statement of Common Ground”, Ref: EVO41) is considered relevant and, despite being dated July 2021, is considered up to date.

Question 8: What is the position of other authorities in the HMA and elsewhere in terms of the planned level of housing in Shropshire? Have specific concerns been raised through duty to co-operate discussions or representations which still are unresolved?

- 2.20 Within its SoCG, the Black Country confirms that whilst “*Shropshire Council has fulfilled its Duty to Cooperate with the Association of Black Country Authorities*” (paragraph 10.1), it considers there remains a matter of disagreement:
- “ABCA consider that Shropshire should introduce a mechanism into the Local Plan Review to trigger an early review of the Local Plan should there be a need to do so to address the ongoing level of unmet need in the Black Country having regard to the quantum of development proposed in the Black Country Plan and contributions from other neighbouring Local Plans. This review could include the early release of safeguarded land and / or the identification of new sites that would provide an additional supply of housing and employment land in the eastern part of Shropshire where it would be best located to contribute to meeting this need.”* (paragraph 9.1)
- 2.21 Principally, L&Q Estates wholly **supports** ABCA’s view on the matter and considers that such an early review mechanism should be included within the DSLP and should certainly prioritise the early release of safeguarded land.
- 2.22 It is, however, made clear that L&Q Estates still considers the Duty to Cooperate to have been fulfilled and therefore maintains that DSLP is **legally compliant**. L&Q Estates’ concern centres upon the need to address the ongoing level of unmet need in the Black Country which relates the soundness of the DSLP in respect of NPPF paragraph 35(c). This states that:
- “Plans are ‘sound’ if they are... Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground”*

- 2.23 L&Q Estates therefore contends that the introduction of an early review mechanism is necessary in order to ensure soundness of the DSLP. Shropshire Council’s rebuttal against the Black Country Authorities’ request for such a mechanism is acknowledged:
- “Shropshire Council consider there is no specific requirement for such a mechanism to be introduced, as it is considered the natural five-year review cycle of Plan preparation will be sufficient to further consider any potential future accommodation of Black Country unmet need within the Shropshire plan making area. This position takes into account the updated timeframe for the preparation of the Black Country Plan, which was published in July 2021, indicating an adoption date for the Black Country Plan of April 2024.”*
- 2.24 L&Q Estates disagrees with this approach on two grounds.
- 2.25 Firstly, NPPF paragraph 33 indeed confirms that reviews at least every five years are a legal requirement for all local plans as per Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. However, there are limited grounds preventing an authority from undertaking an internal review and subsequently concluding that its plan is not in need of reviewing, otherwise referred to as “marking its own homework”. In practice, this is becoming an increasingly common approach as taken by the following councils:
- East Staffordshire (October 2021)
 - Newcastle/Gateshead (March 2020)
 - Reigate and Banstead (June 2019)
 - Woking (October 2018)
- 2.26 Given the scale of the Black Country’s housing shortfall to 2038, it is critical that neighbouring authorities take a proactive and positive approach in addressing such needs rather than defer the issue and rely on the requirements of NPPF paragraph 33 which, ultimately, is a self-governed process and one devoid of public consultation or scrutiny.
- 2.27 Secondly, the scale of the Black Country’s housing shortfall to 2038 is so great that the need for neighbouring authorities to accommodate the unmet need will not disappear upon adoption of their respective Local Plans, contrary to the suggestion of Shropshire Council that such need is only “*potential*”.
- 2.28 As established, the housing shortfall declared by the Black Country Authorities up to 2038 is 28,239 dwellings. In terms of the current position in respect of contributions from neighbouring authorities, the BCA has published a “*Duty to Cooperate Statement*” (July 2021) which sets out the direct and indirect ‘offers’ from each authority and considers that potential contributions could total up to 14,750 dwellings.
- 2.29 However, L&Q Estates considers this assumption wholly flawed and misleading on several grounds. Following a review of the direct and indirect contributions within emerging plans throughout the HMA, it is likely that a potential contribution will total between 3,500–10,770 dwellings:

Table 2.2 Direct and Indirect Contributions to Black Country's housing shortfall

HMA Authority	Emerging Plan Status	Date	Potential Contribution	Attributed to Black Country
South Staffordshire	Preferred Options	September 2021	4,000 ¹	Unspecified
Cannock Chase	Preferred Options	March 2021	500 ²	Unspecified
Lichfield	Pre-submission	July 2021	2,665	2,000 ³
Shropshire	Examination	September 2021	1,500	1,500 ⁴
Stafford	Issues and Options	February 2020	Under review ⁵	N/A
Solihull	Examination	October 2021	2,105 ⁶	Unspecified
Telford and Wrekin	Issues and Options	September 2020	Under review ⁷	N/A
Bromsgrove	Issues and Options	November 2019	Under review ⁸	N/A
Redditch	N/A	N/A	N/A	N/A
North Warwickshire	N/A	N/A	N/A	N/A
Tamworth	Review	March 2020	Unlikely ⁹	N/A
Wyre Forest	Main Modifications	June 2021	None ¹⁰	N/A
Stratford-on-Avon	Scoping	May 2021	Under review ¹¹	N/A
Total			10,770	3,500

- 2.30 In either scenario, it is evidently the case that little over half of the 28,239-dwelling shortfall is able to be accommodated by neighbouring authorities, leaving the remaining unmet need unaddressed. It is therefore unreasonable for Shropshire Council to conclude there will be only a “*potential*” need to accommodate further unmet housing need from the Black Country post-adoption.
- 2.31 In this instance, L&Q Estates draws the Inspectors’ attention to the ongoing case of the Leicester and Leicestershire HMA, where the City of Leicester has declared a housing shortfall but has yet to fully quantify the extend of the unmet need. Consequently, both the Charnwood Local Plan (submitted for Examination in December 2021) and the Hinckley & Bosworth Local Plan (Regulation 19 consultation in February 2022) contain early review mechanisms.
- 2.32 L&Q Estates considers that the DSLP should contain a similar early review mechanism in order to ensure soundness of the plan as per NPPF paragraph 35(c).

¹ Draft Policy DS3 of the South Staffordshire Local Plan Review Preferred Options (September 2021)

² Draft Policy SO3.1 of the Cannock Chase District Local Plan Preferred Options (February 2021)

³ Paragraph 4.22 of the Lichfield District Local Plan 2040 Pre-Submission Publication (July 2021)

⁴ Paragraph 3.7 of the Regulation 19: Pre-Submission Draft Shropshire Local Plan (December 2020)

⁵ Paragraph 5.7 of the New Stafford Borough Local Plan 2020-2040 Issues and Options consultation (February 2020)

⁶ Paragraph 228 of the Solihull Local Plan Draft Submission Plan (October 2020)

⁷ Paragraph 9.4.3 of the Review of Telford and Wrekin Local Plan Issues and Options Paper (September 2020)

⁸ Paragraph 4.2 of the Bromsgrove District Plan Review Update and Further Consultation (November 2019)

⁹ Page 7 of the Review of the Tamworth Borough Council Local Plan 2006-2031

¹⁰ Draft Policy 6A of the Wyre Forest Local Plan Review Submission Document (January 2020) contains an early review mechanism to consider the need for contributions towards the HMA where clearly established

¹¹ Page 13 of the South Warwickshire Local Plan Scoping and Call for Sites consultation (May 2021)

Question 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 co-operation and how has this addressed the issue of housing provision?

2.33

Overall, L&Q Estates considers that the Duty to Cooperate between Shropshire Council and the Black Country Authorities has been fulfilled. However, it considers that the Council should introduce a mechanism into the DSLP to trigger an early review of the Local Plan in order to address the ongoing unmet needs.

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