

## Shropshire Council Response:

### Matter 2 – The duty to co-operate

#### Issue

Whether the Council has complied with the duty to cooperate in the preparation of the Local Plan.



## Questions

### General

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

### **Shropshire Council Response:**

1.1. Section 4 of the Duty to Cooperate Statement of Compliance (**EV042**) identified what the Council considers to be the genuinely strategic matters for the Local Plan. In summary, these matters are:

#### *Housing Need and Distribution*

- a. The NPPF requires Councils to take into account any housing needs that cannot be met within neighbouring authorities, as well as provide for their own objectively assessed local housing need.
- b. Positive engagement with all neighbouring authorities has not identified any unmet cross-boundary housing need, and these conclusions are captured in each of the Statements of Common Ground with neighbouring authorities.
- c. However, emerging evidence informing the Black Country Local Plan (being prepared by the Association of Black Country Authorities) forecasts a significant unmet housing need of some 28,239 dwellings by 2039. As such, the Black Country is therefore seeking appropriate contributions from all neighbouring and closely related Local Planning Authorities through the duty to cooperate process, and for these contributions to be included in emerging Local Plan Reviews for these areas.
- d. **As such the emerging unmet housing need forecast in the Black Country to 2039 is considered to be a genuinely strategic matter for the Shropshire Local Plan.**

#### *Gypsy and Traveller Accommodation*

- a. Information on Gypsy and Traveller Needs are included in paragraphs 4.12-4.15 of the Duty to Cooperate Compliance Statement (**EV042**), and positive and ongoing discussions have been had with all neighbouring authorities.
- b. Whilst no specific cross boundary implications have been identified through this process it remains a genuinely strategic matter that has been addressed the Local Plan to consider.

*Employment Need and Distribution*

- a. Positive engagement with neighbouring authorities has not identified any unmet cross boundary employment need, and these conclusions are captured in each of the Statements of Common Ground with neighbouring authorities.
- b. However, emerging evidence informing the Black Country Local Plan (being prepared by the Association of Black Country Authorities - ABCA) forecasts a significant unmet employment need of some 210 ha to 2039. As such, the Black Country is therefore seeking appropriate contributions from all neighbouring and closely related Local Planning Authorities through the duty to cooperate process, and for these contributions to be included in emerging Local Plan Reviews for these areas.
- c. **As such the Black Country emerging unmet employment need to 2039 is considered to be a genuinely strategic matter for the Shropshire Local Plan.**

*Green Belt*

- a. Green Belt issues are covered in paragraphs 4.27-4.30 of the Duty to Cooperate Compliance Statement (**EV042**). The Council has explored the possibility of neighbouring councils accepting some of Shropshire's housing need as an alternative to releasing Green Belt in Shropshire. No authorities have accepted any of this need.
- b. **As such, the Green Belt is considered to be a genuinely strategic matter for the Shropshire Local Plan.**

*Local Plan Review Mechanisms*

- a. This issue is covered in paragraph 4.26 of the Duty to Cooperate Compliance Statement (**EV042**). In Summary, the issue of agreeing an appropriate review mechanism for the Local Plan is currently an area of disagreement between Shropshire and ABCA.
- b. **As such, the need or otherwise for an early review mechanism is considered to be a genuinely strategic matter for the Shropshire Local Plan.**

*Cross-Boundary Infrastructure*

- a. This issue is covered in paragraphs 4.31-4.34 of the Duty to Cooperate Compliance Statement (**EV042**).
- b. **Whilst there are no unresolved areas of disagreement on this matter, it is considered cross-boundary infrastructure provision is a genuinely strategic matter for the Shropshire Local Plan.**

### *Highways*

- a. This issue is covered in paragraphs 4.35-4.46 of the Duty to Cooperate Compliance Statement (**EV042**). Duty to Cooperate discussions with National Highways have focussed on the identification of potential pinch-points on the Strategic Road Network (A5) around Shrewsbury resulting from both background growth, committed schemes and additional Local Plan growth proposals.
- b. **It is considered strategic highway capacity on the Strategic Road Network, and in particular on the A5 at Shrewsbury, is a genuinely strategic matter for the Shropshire Local Plan.**

### *Minerals and Waste*

- a. Mineral issues are covered in paragraphs 4.47-4.55 of the Duty to Cooperate Compliance Statement (**EV042**), with Waste issues covered in paragraphs 4.56-4.59 of the same document.
- b. **Whilst there are no unresolved areas of disagreement on this matter, it is considered the supply of minerals and provision of sufficient waste facilities are a genuinely strategic matters for the Shropshire Local Plan.**

### *Water*

- a. Water issues are covered in paragraphs 4.60-4.67 of the Duty to Cooperate Compliance Statement (**EV042**).
- b. **Water supply and quality issues are therefore considered to be a genuinely strategic matter.**

### *The Habitat Regulation Assessment (HRA) (Cross Boundary Environmental Designations) and River Clun SAC*

- a. HRA issues are covered in paragraphs 4.68-4.73 of the Duty to Cooperate Compliance Statement (**EV042**). An overview of the matters discussed relating to the impact of development on the River Clun Special Area of Conservation (SAC) are included in paragraphs 4.74-4.76 of the Duty to Cooperate Compliance Statement.
- b. It is considered matters relating to the HRA, in particular where these relate to cross boundary environmental designations are genuinely strategic considerations. Whilst included as part of Duty to Cooperate discussions, it is generally considered matters relating to the River Clun catchment remain local in nature.

### *Heritage*

- a. Information relating to heritage issues as they relate to the duty to cooperate process are included paragraphs 4.77-4.79 of the Council's Duty to Cooperate Compliance Statement (**EV042**).
- b. Generally, issues of heritage are local in nature, and although in some circumstances there have been cross boundary discussions with neighbouring authorities raised as part of the discussion, there are no areas of disagreement relating to this.

### *Sports Facilities*

- a. Information on this issue is included in paragraphs 4.80-4.81 of the Duty to Cooperate Compliance Statement (**EV042**), in relation to discussions with Sports England.
- b. Generally, the issues identified through this process are local in nature.

## **Overall housing provision**

*Question 2. Who has the Council engaged with in terms of overall housing provision and what form has this taken?*

### **Shropshire Council Response:**

- 2.1 Section 3 of the Duty to Cooperate Compliance Statement (**EV042**) outlines who and how the Council has engaged on issues of housing provision. In summary, the Council has engaged with neighbouring and closely related authorities, including County Councils, and other key partners. **Table 1** of the Duty to Cooperate Compliance Statement sets out those authorities and organisations where a Statement of Common Ground has been prepared, including where it is considered there is a genuinely strategic matter being raised through the emerging Shropshire Local Plan.
- 2.2 Generally, these ongoing discussions have been driven by both regular consultations on the draft Local Plan during the extensive Regulation 18 stage, and through regular officer discussions between the Council and the bodies outside the consultation process. With specific regard to housing provision the focus of these discussions has been with neighbouring authorities and with the Association of Black Country Authorities (ABCA) as a closely related authority. These discussions have focussed on the scale of the proposed housing provision, whether there has been a need to consider defined or forecast unmet housing need, and whether

the scale of provision is likely to lead to any specific and evidenced cross boundary infrastructure capacity issues.

- 2.3 With regard to discussions with ABCA, officer levels discussions have also occurred through the formal Greater Birmingham and Black Country Housing Market Areas (GBBCHMA) meetings, where, whilst located outside this Housing Market Area (HMA) and in a self-contained HMA, Shropshire attend on a regular basis. The emerging issue of the Black Country unmet housing need has been discussed extensively in the GBBCHMA Officer Group, and has been supplemented with regular correspondence from ABCA to both the wider HMA and related authorities and with Shropshire Council specifically. This correspondence is included within the Council's submitted evidence base – **EV041.01-05**.

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

**Shropshire Council Response:**

- 3.1. The Shropshire Council administrative area is considered to represent a separate and self-contained Housing Market Area (HMA). This is evidenced most clearly within Paragraphs 2.1-2.81 of Part 1 of the Council's Strategic Market Assessment (SHMA) (**EV097.01**), which provides a summary of the assessment undertaken when determining the HMA(s) applicable to Shropshire.
- 3.2. When undertaking this assessment, the inter-relationships (including in terms of migration and commuting) with other Local Planning Authorities, including neighbouring authorities, was carefully considered.
- 3.3. Furthermore, as part of the proactive engagement and duty to cooperate discussions undertaken with adjoining and closely related Local Planning Authorities, the inter-relationship between Shropshire Council's administrative area and the administrative area of the relevant Local Planning Authority was carefully considered and informed the consideration and decision of whether there were any 'strategic issues' that existed between the areas, in the context of the preparation of the draft Shropshire Local Plan.
- 3.4. During the preparation of the draft Shropshire Local Plan, Shropshire Council became aware of unmet housing and employment needs forecast to arise within the Black Country Authorities administrative areas.

- 3.5. The Shropshire administrative area does not adjoin any of the Black Country Authorities administrative areas and the two areas are located within different HMA's. However, as a result of careful consideration of the inter-relationship between Shropshire and the Black Country, including with regard to migration and commuting, it was ultimately concluded that the unmet housing and employment need forecast to arise in the Black Country was a relevant strategic matter for the preparation of the draft Shropshire Local Plan.
- 3.6. The process undertaken when considering the inter-relationship between Shropshire and the Black Country is summarised within the Housing Topic Paper (**GC4i**), particularly Paragraphs 3.41-3.71.

*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?*

**Shropshire Council Response:**

- 4.1. As documented in response to Question 3 of Matter 2, the consideration of inter-relationships with other Local Planning Authorities, including neighbouring authorities, informed the identification of the Housing Market Area (HMA) containing the Shropshire Council administrative area.
- 4.2. Furthermore, as part of the proactive engagement and duty to cooperate discussions undertaken with adjoining and closely related Local Planning Authorities, the inter-relationship between Shropshire Council's administrative area and the administrative area of the relevant Local Planning Authority was carefully considered and informed the consideration and decision of whether there were any 'strategic issues' that existed between the areas, in the context of the preparation of the draft Shropshire Local Plan.
- 4.3. This proactive engagement and duty to cooperate discussions with adjoining Local Planning Authorities did not identify any unmet cross-boundary housing need within adjoining Local Planning Authorities which would be appropriately and sustainably met within Shropshire.
- 4.4. This proactive engagement and the duty to cooperate discussions that have occurred with adjoining Local Planning Authorities is summarised within the relevant Statements of Common Ground (SoCG) (documents **EVO28-EV040**, **GC4e**, **GC4f**, **GC4r** and **GC4s**) and within the Duty to Cooperate Statement of Compliance (**EV042**).

- 4.5. During the preparation of the draft Shropshire Local Plan, Shropshire Council became aware of unmet housing and employment needs forecast to arise within the Black Country Authorities administrative areas.
- 4.6. The Shropshire administrative area does not adjoin any of the Black Country Authorities administrative areas and the two areas are located within different HMA's. However, as a result of careful consideration of the inter-relationship between Shropshire and the Black Country, including with regard to migration and commuting, it was ultimately concluded that the unmet housing and employment need forecast to arise in the Black Country was a relevant strategic matter for the preparation of the draft Shropshire Local Plan.
- 4.7. The process undertaken when considering the inter-relationship between Shropshire and the Black Country is summarised within the Housing Topic Paper (**GC4i**), particularly Paragraphs 3.41-3.71.
- 4.8. Shropshire Council determined, informed by duty to co-operate discussions with the Black Country Authorities, that part of their unmet housing need could be appropriately and sustainably met within Shropshire. Specifically, after consideration of the inter-relationship evidence base (see response to Question 5 of Matter 2), a contribution of around 1,500 dwellings and 30ha of employment land is proposed towards the unmet housing need and employment needs forecast to arise within the Black Country. This proposed contribution is captured within the proposed housing requirement.

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

**Shropshire Council Response:**

- 5.1. The justification for the contributions of 1,500 dwelling is contained within the Housing Topic Paper (**GC4i**), submitted to the Examination in February 2022 following a specific request to do so as part of the Inspector's Initial Questions to the Council in November 2021. Specifically, Chapter 3 'Association of Black County Authorities: Unmet Housing Need' provides the evidence based justification for the 1,500 dwelling contribution towards the Black Country's unmet needs.
- 5.2. The Housing Topic Paper confirms that the Council's proposed contribution of 1,500 dwellings is based upon an assessment of trend based migration movements from the Black Country Authorities into Shropshire, as well as the consideration of wider



qualitative considerations. The proposal for Shropshire to accept 1,500 dwellings from the Black Country has been agreed through a Statement of Common Ground, signed by the leaders of Shropshire Council and all four leaders of the Black Country Authorities (Dudley, Sandwell, Walsall and Wolverhampton) in June 2021. It was also agreed specifically by Shropshire Council's Cabinet in July 2020 and by Shropshire Council's Full Council in July 2021 through their agreement to submit the Local Plan for Examination.

- 5.3. It is recognised there is no defined, or 'correct', method of assessing the level of contribution, and it is therefore the role of the Local Planning Authority to define an appropriate methodology to determine what constitutes an appropriate contribution. It is also acknowledged that there are potentially a number of quantitative methodologies which could be used to determine the starting point for this consideration, which the Council's Housing Topic Paper outlines.
- 5.4. Paragraphs 3.72 – 3.147 of the Housing Topic Paper (**GC4i**) sets out the justification for the Council's approach to accepting 1,500 dwellings from the Black Country's forecast unmet housing need. This explains that whilst Shropshire is in a separate Housing Market Area (HMA), given the close functional relationships between the areas and given the emerging position on housing need evidenced in the Black Country's evidence base, it was appropriate to enter into a duty to cooperate with ABCA.
- 5.5. In broad summary, the Housing Topic Paper (**GC4i**) concludes that the most appropriate starting position is the percentage of migration flows from the Black Country into Shropshire as a proportion of total migration out of the Black Country, using trend data from 2016-2020. Figure 12 of the Housing Topic Paper (**GC4i**) shows that an average of 3.34% of migration out of the Black Country was to Shropshire over this time, which would equate to 943 dwellings.
- 5.6. This quantitative assessment is then supplemented by wider, qualitative considerations, and these are set out in paragraph 3.113 of the Council's Housing Topic Paper (**GC4i**). These considerations include a clear acknowledgment that whilst there are clear constraints in the eastern part of the County, most notably the presence of Green Belt, there are also opportunities. It is also considered this qualitative data provides for a degree of headroom to account for any change to the Black Country unmet need position as they continue to progress the joint Black Country Plan.

*Question 6. Are there any other issues of unmet housing needs within the Housing Market Area (HMA) or relating to other authorities? If so, how are these being addressed?*

**Shropshire Council Response:**

- 6.1. Shropshire is considered to be a self-contained Housing Market Area (HMA). This is evidenced in the Council's Strategic Housing Market Assessment (**EV097**) which concludes *"having reviewed key indicators utilised to identify HMAs, as advocated within the NPPG and available best practice guidance, the evidence would support the conclusion that Shropshire represents a self-contained HMA"*. Shropshire Council, through the Local Plan Review, is intending to meet the entirety of its identified housing need within Shropshire.
- 6.2. It is however acknowledged the Duty to Cooperate is not restricted to authorities within a defined HMA, and as such through the Duty to Cooperate process, Shropshire Council have explored with neighbouring authorities and authorities considered to have a close functional relationship with Shropshire, whether there is any strategic cross boundary requirement for Shropshire to consider any other unmet housing need from other Housing Market Areas. Through the Duty to Cooperate discussions no such requirement has been identified (aside from that of the Black Country Authorities). This position has been agreed with all authorities where a Duty to Cooperate conversation took place, and are evidenced in the submitted Statements of Common Ground (**EV028-EV041, GC4e & GC4f**) with these authorities.
- 6.3. In addition, Shropshire Council attends the regular Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Officer Group meetings, which include representatives from each authority within the GBBCHMA and a range of other authorities considered to have close functional links to parts of the HMA. Shropshire attends these meetings because of the close functional relationship between Shropshire and the Black Country. The GBBCHMA meetings discuss issues relating to the emerging strategic cross boundary issues of Local Plan preparation

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

**Shropshire Council Response:**

- 7.1 The Statements of Common Ground with all neighbouring and closely related authorities, and with stakeholders are considered relevant and up-to-date for the purposes of identifying genuinely strategic matters as of May 2022.
- 7.2 However, it should be acknowledged that there are a limited number of issues which will require further discussions through the ongoing duty to cooperate process, and which may have an impact on the areas of disagreement with some partners.
- 7.3 With regards to the Association of Black Country Authorities (ABCA), it is useful to bring to the attention of the Examination the most recent Duty to Cooperate letter from ABCA to all HMA and closely related authorities, including Shropshire Council dated 26th April 2022. This is attached to this Statement as Appendix 2.1.
- 7.4 This letter provides an update on the progress of the Black Country Plan (BCP) and follows two previous Duty to Cooperate letters in July 2018 and August 2020, specifically seeking assistance in accommodating identified housing and/or employment land need arising in the Black Country to 2039. It is noted that this letter specifically states that ABCA have received a number of positive responses to this request and note that a number of authorities have since progressed their Local Plan reviews in a consistently positive manner.
- 7.5 Whilst the April 2022 letter from ABCA reasserts the scale of the forecast unmet need as previously set out in the Statement of Common Ground between Shropshire Council and ABCA from July 2021, it usefully sets out what additional evidence ABCA are undertaking to inform their Regulation 19 Stage Plan scheduled for later in 2022; namely an update to the Urban capacity Study, which may 'free up' some limited space in town and city centres, but not predicted to any significant scale. It also confirms that through the Duty to Cooperate discussions thus far, they specifically identify the positive response from a number of Authorities, and set these out in Table 1. This confirms the scale of the proposed Shropshire contribution to the housing need at 1,500 dwellings. This letter also provides a summary breakdown of the likely contributions towards different areas in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), where clearly the physical proximity and functional relationships of areas is considered in arriving at the likely scale of overall contributions towards ABCA's forecast level of unmet need at between 3,500-10,000 dwellings. It should be noted

that the entirety of the 1,500 dwellings proposed in the Shropshire Local Plan review is to meet the identified unmet needs of the Black Country rather than across the wider HMA given the proximity and functional relationship of the two plan making areas.

- 7.6 With regards to employment contributions, paragraph 16 of the letter reaffirms the contribution proposed in the Regulation 19 draft of the Shropshire Local Plan of 30ha towards the Black Country needs. This reduces the scale of the overall shortfall to 108ha, and ABCA confirm they are continuing to engage with other emerging Local Plans through the Duty to Cooperate process to further reduce this need. To inform this process, it is proposed that additional evidence now be commissioned to support the conclusions of the existing West Midlands Strategic Employment Sites Study (2021) in order to inform the strategy for delivering a sufficient supply of strategic employment land. It should be noted that Shropshire Council is part of the HMA Officer Group referred to in paragraph 20 of the letter, and has been involved in the preparation of the draft brief. This is clearly an evolution of the position regarding employment land covered in the Statement of Common Ground was signed by all leaders in July 2021, although it is considered this does not alter any of the strategic matters identified, nor does it alter the proposed scale of unmet employment needs proposed to be met in Shropshire as part of this Local Plan review cycle. It should be noted that in response to 'Request 5' of the April letter, Shropshire will continue to be part of the ongoing work as part of the Duty to Cooperate discussions.
- 7.7 The April letter at 'Request 6' also reaffirms the aspiration from ABCA to seek agreement on an early review 'trigger' through the Local Plan process should there be a need to do so to address the ongoing level of unmet need in the Black Country. Whilst Shropshire Council's position regarding the early review trigger is unchanged as to that set out in July 2021 Statement of Common Ground, and does not impact of the two plan making areas to discharge the legal Duty to Cooperate, it is recognised this is an area of 'soundness' which remains an area of disagreement.
- 7.8 With regard to Statements of Common Ground between Shropshire Council and the Environment Agency (EA) and Natural England (NE) (**EV022** and **EV025** respectively), both contained a Joint Position Statement from the two organisations dated 22 July 2021 (**Appendix C to EV025**). This set out the concerns of the two organisations regarding the proposed allocation of sites within the River Clun Catchment, and that in their view these allocations should be removed until there is greater certainty around nutrient neutrality options.

- 7.9 Following NE and EA's advice in the Joint Position Statement (see also the Council's response to paragraph 25 of ID1 given in **GC4**) Shropshire Council subsequently commissioned and completed additional evidence in the form of the River Clun SAC Phosphate Mitigation Solutions for Residential Development Report (**GC4u**), the River Clun Phosphate Budget (**GC4v**), the River Clun Phosphate Calculator (**GC4y**) and the River Clun Nutrient Neutrality Delivery Options Report (**GC4w**). There has also been a range of newly published advice to local authorities from Natural England on nutrient neutrality which is captured in documents **OD002-OD002g**.
- 7.10 Discussions between Shropshire Council and both the Environment Agency and Natural England regarding measures to mitigate and restore the Special Area of Conservation (SAC), have been ongoing through the Strategic Clun Liaison Group (see the Council's response to Matter 1: Question 10). Indeed, the brief for the recently published evidence was circulated to the Clun Liaison Group for discussion. However, as of the writing of this report, there has been no formal communication from either EA or NE as to whether their position has changed as a result of this new evidence from that set out in their objection to the Regulation 19 consultation or from that subsequently stated in their joint position statement.
- 7.11 With regard to the Statement of Common Ground between Shropshire Council and Historic England (HE) (**EV024**), in February 2022 Historic England provided an update to their position regarding the proposed allocation of SHR166 in Shrewsbury. This is included in the Examination Library as document **OD001**. OD001 sets out HE's consideration of the additional evidence prepared following the agreed SoCG – the Archaeological field evaluation - alongside the existing Geophysical survey and Aerial investigation and mapping report. Further to this HE's Development Advice Team (Midlands) has asked HE's separate Listing Team to assess the monument for designation as a scheduled monument under S1 of the 1979 Ancient Monuments and Archaeological Areas Act. This process is ongoing at the time of this statement's preparation. Shropshire Council's Historic Environment Team has responded to the consultation from HE's Listing Team in March 2022 indicating they did not consider there to be sufficient evidence to warrant the scheduling of this site. Appendix 2.2 to this statement provides Shropshire Council response to this consultation.
- 7.12 It is considered that to the best of knowledge all other Statements of Common Ground with neighbouring authorities and stakeholders remain 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?*

**Shropshire Council Response:**

- 8.1 Shropshire is a self-contained Housing Market Area (HMA), as evidenced in the Strategic Housing Market Assessment (**EV097**). With regards to the position of other authorities to the proposed level of housing in Shropshire identified through the Regulation 19 representations, it is recognised that Walsall Borough Council have offered an objection (**A0673**) to the proposal for Shropshire to accept 1,500 dwellings and 30hectares of employment land from the Black Country. Walsall Borough Council also offer an objection to the policies DP29 to DP33 concerning Minerals and Waste. Their representation argues that Shropshire should accept a higher proportion of the forecast Black Country unmet housing and employment needs, and in both cases point to land north of Junction 3, M54 to be delivered as a new strategic settlement as a means of accommodating this increase. It is indicated the overall quantum of unmet need that should be accommodated in the Shropshire Local Plan would be 4,500 dwellings and 75 ha of employment land.
- 8.2 The Walsall Borough Council objection relates to the Local Plan not being positively prepared or effective in responding to cross-boundary strategic matters. It is not considered the objection relates to the matters of legal compliance, and it is not suggested in their representation that Shropshire has failed to meet the legal Duty to Cooperate.
- 8.3 Shropshire Council's response to Walsall Borough Council's representation is included in the Core submitted document 'Regulation 19 Consultation Response Summary' (**SD014.01**), specifically Schedule 2 pages 1196 and 1198. In summary, Shropshire Council considers both the proposed employment and housing contributions towards the Black Country unmet need are appropriate, as is the manner in which these are to be delivered. This position has been further supported by the Council's response to the Inspectors Initial Questions from November 2021, which requested further information on the justification for the proposed level of contribution to Black Country's forecast unmet housing and employment needs. These issues are covered in the Council's responses to Matter 2, Q5 and 13.
- 8.4 It is felt important to recognise that Walsall Borough Council's representation notes that through ABCA (the Association of Black Country Authorities) Walsall has engaged actively and positively in the various stages of the Shropshire Local Plan. Given that following the Walsall Borough Council representation

to Regulation 19, Walsall Borough Council formally agreed the Statement of Common Ground (SoCG) between Shropshire Council and ABCA (July 2021), it is unclear if the issue remains unresolved. Further correspondence from Walsall Borough Council through the response to the Matters may be able to confirm this. Notwithstanding, it is considered the Walsall Borough Council objection at Regulation 19 relates to the point of soundness, rather than to the legal Duty to Cooperate.

*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?*

**Shropshire Council Response:**

- 9.1 It is strongly considered the Council has engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan. The Councils submitted Duty to Cooperate Compliance Statement (**EV042**) outlines the outcomes of the co-operation and how these issues have addressed the issue of housing provision within the Local Plan. The Compliance Statement paragraphs 4.2-4.11 cover this issue and specifically the background and proposal for Shropshire to meet a proportion of the forecast unmet housing need from the Black Country.
- 9.2 The Statements of Common Ground between all of Shropshire's neighbouring authorities, and with ABCA, been submitted to the Examination (**EV028-EV041, GC4e and GC4f**) show that, with the exception of ABCA, no other strategic cross-boundary housing issues have been identified through the Duty to Cooperate discussions.
- 9.3 These Statements of Common Ground also show how Shropshire Council has actively engaged with neighbouring authorities regarding Green Belt matters. Specifically, following the Council's correspondence with all neighbouring authorities in February 2020, it has been confirmed there was no appropriate opportunity for other adjoining authority to accept any of this housing need, with specific reference to proposals in Bridgnorth, Albrighton, Shifnal, Alveley and RAF Cosford.

### **Jobs growth and employment land provision**

*Question 10. Who has the Council engaged with in terms of jobs growth and employment land provision and what form has this taken?*

#### **Shropshire Council Response:**

- 10.1. Shropshire Council has proactively engaged and undertaken the 'duty to cooperate' with neighbouring and closely related Local Planning Authorities, County Councils and other key partners. The specific means utilised for engagement varies between these different partners, but generally involved:
- a. Positive 'duty to cooperate' discussions have occurred at appropriate times during the Local Plan Review process.
  - b. Formal and informal correspondence (where required).
  - c. Consultation during the various 'Regulation 18' (Plan-making) consultations undertaken to inform the Shropshire Local Plan Review.
  - d. Consultation as part of the 'Regulation 19' (Pre-Submission) consultation undertaken to inform the Shropshire Local Plan Review. This consultation ran from the 18th December 2020 to 26th February 2021.
  - e. Duty to Cooperate discussions will also continue at appropriate times as the Local Plan Review progresses.
- 10.2. With respect to jobs growth and employment land provision, the Council has engaged with neighbouring authorities and partners through a discussion around the proposed strategic approach to development within Shropshire. The conclusions of these discussions are evidenced in the submitted Statements of Common Ground (**EV028-EV041, GC4e and GC4f**).
- 10.3. The Council has engaged widely and positively with many local employers, land owners and land agents, through the preparation of the Local Plan. These responses through the Regulation 18 stage of plan preparation have helped to inform the spatial strategy. Information on these consultations and the key issues raised at each stage are provided in the Council's Consultation Statement (**SD004**).
- 10.4. In addition, the Council's overall approach to supporting sustainable economic growth has been informed by wider Council strategies and evidence during the Regulation 18 stage of plan preparation, including but not limited to: the M54 Strategic Study in 2019 (**EV072**), where stakeholder engagement happened with neighbouring authorities, the West Midlands Combined Authority (WMCA), the Marches LEP amongst others partners, as well as with relevant agent and investors; and the Shropshire Business Survey in 2019



(**EV018**), which undertook a representative sample of 601 businesses in Shropshire, with responses informing the Council's Economic Growth Strategy, and subsequently the emerging spatial strategy in the draft Local Plan.

*Question 11. What are the relevant inter-relationships with other authorities in terms of economic activity, travel to work and the market for employment land and premises?*

**Shropshire Council Response:**

- 11.1. The Shropshire Council administrative area is considered to represent a separate and self-contained Functional Economic Market Area (FEMA). This is evidenced most clearly within Paragraphs 4.7-4.56 of the Economic Development Needs Assessment (EDNA) (**EV043**), which provides a summary of the assessment undertaken when determining the FEMA(s) applicable to Shropshire.
- 11.2. When undertaking this assessment, the inter-relationships (including in terms of economic activity, travel to work and commuting) with other Local Planning Authorities, including neighbouring authorities, was carefully considered.
- 11.3. Furthermore, as part of the proactive engagement and duty to cooperate discussions undertaken with adjoining and closely related Local Planning Authorities, the inter-relationship between Shropshire Council's administrative area and the administrative area of the relevant Local Planning Authority was carefully considered. This informed the consideration and decision as to whether there were any 'strategic issues' that existed between the areas, relevant to the preparation of the draft Shropshire Local Plan.
- 11.4. During the preparation of the draft Shropshire Local Plan, Shropshire Council became aware of unmet housing and employment needs forecast to arise within the Black Country Authorities administrative areas.
- 11.5. The Shropshire administrative area does not adjoin any of the Black Country Authorities administrative areas and the two areas are located within different FEMA's. However, as a result of careful consideration of the inter-relationship between Shropshire and the Black Country, including with regard to economic activity, travel to work and commuting, it was ultimately concluded that the unmet housing and employment need forecast to arise in the Black Country was a relevant strategic matter for the preparation of the draft Shropshire Local Plan.

- 11.6. The process undertaken when considering the inter-relationship between Shropshire and the Black Country is summarised within the Employment Topic Paper (**GC4n**), particularly Paragraphs 6.12-6.38.

*Question 12. How have these inter-relationships been considered in preparing the Local Plan in terms of jobs growth and employment land provision?*

**Shropshire Council Response:**

- 12.1. As documented in response to Question 11 of Matter 2, the consideration of inter-relationships with other Local Planning Authorities, including neighbouring authorities, informed the identification of the Functional Economic Market Area (FEMA) containing the Shropshire Council administrative area.
- 12.2. Furthermore, as part of the proactive engagement and duty to cooperate discussions undertaken with adjoining and closely related Local Planning Authorities, the inter-relationship between Shropshire Council's administrative area and the administrative area of the relevant Local Planning Authority was carefully considered and informed the consideration and decision of whether there were any 'strategic issues' that existed between the areas, in the context of the preparation of the draft Shropshire Local Plan.
- 12.3. This proactive engagement and duty to cooperate discussions with adjoining Local Planning Authorities did not identify any unmet cross-boundary employment need within adjoining Local Planning Authorities which would be appropriately and sustainably met within Shropshire.
- 12.4. This proactive engagement and the duty to cooperate discussions that have occurred with adjoining Local Planning Authorities is summarised within the relevant Statements of Common Ground (SoCG) (documents **EV028-EV040, GC4e, GC4f, GC4r and GC4s**) and within the Duty to Cooperate Statement of Compliance (**EV042**).
- 12.5. During the preparation of the draft Shropshire Local Plan, Shropshire Council became aware of unmet housing and employment needs forecast to arise within the Black Country Authorities administrative areas.
- 12.6. The Shropshire administrative area does not adjoin any of the Black Country Authorities administrative areas and the two areas are located within different FEMA's. However, as a result of careful consideration of the inter-relationship between

Shropshire and the Black Country, including with regard to economic activity, travel to work and commuting, it was ultimately concluded that the unmet housing and employment need forecast to arise in the Black Country was a relevant strategic matter for the preparation of the draft Shropshire Local Plan.

- 12.7. The process undertaken when considering the inter-relationship between Shropshire and the Black Country is summarised within the Employment Topic Paper (**GC4n**), particularly Paragraphs 6.12-6.38.
- 12.8. Shropshire Council determined, informed by duty to co-operate discussions with the Black Country Authorities, that part of their unmet housing and employment needs could be appropriately and sustainably met within Shropshire. Specifically, after consideration of the inter-relationship evidence base (see response to Question 13 of Matter 2), a contribution of around 1,500 dwellings and 30ha of employment land is proposed towards the unmet housing need and employment needs forecast to arise within the Black Country. This proposed contribution is captured within the proposed housing and employment requirements and discussed further in response to Question 2 of Matter 4.

*Question 13. What is the justification for the allocation of 30ha of employment land to meet some of the unmet need from the Black Country?*

**Shropshire Council Response:**

- 13.1. The justification for the provision of 30ha within the Shropshire Local Plan is provided within the Council's Employment Strategy Topic Paper (**GC4N**) submitted to the Examination in January 2021 following a specific request to do so from the Inspector's initial questions. Specifically, Section 6 of this Topic Paper provides the details of the considerations supporting the proposed 30ha contribution.
- 13.2. Whilst Shropshire is considered to be a self-contained Functional Economic Market Area (FEMA), it is recognised the duty to cooperate can extend into wider geographic areas where there is a physical relationship. In the case of Shropshire and the Black Country it is recognised that there are strong links via the strategic corridors, particularly between Shrewsbury and Wolverhampton, via Albrighton, Bridgnorth and Shifnal. These links, combined with a forecast unmet need relating to the delivery of their employment land provision to 2039, led the

Black Country (through the Association of Black Country Authorities – ABCA) to seek support from Shropshire as part of the Local Plan process through the duty to cooperate.

- 13.3. It should of course be recognised that ABCA have and continue to seek additional support for this employment need from other neighbouring authorities. This is evidenced within ABCA's most recent duty to cooperate letter dated 26th April (included as Appendix 2.1 to this statement), specifically paragraphs 13-20.
- 13.4. The April 2022 letter from ABCA supplements earlier duty to cooperate letters from 2018 and 2020, and there has also been a number of correspondence between the Council and ABCA (**EVO41.02-EVO41.5**) demonstrating the evolution of the cross boundary discussions on this matter. The principle of accepting 30ha of employment land was established ahead of Shropshire's Regulation 19 consultation in December 2020, following the earlier 'in principle' decision to accept 1,500 dwellings from ABCA in July 2020. This decision received specific Shropshire Council Cabinet support in December 2020.
- 13.5. The justification for the provision of 30 ha as a contribution towards the emerging ABCA unmet employment need is specifically covered in paragraphs 6.63-6.95 of the Employment Strategy Topic paper (**gc4n**).
- 13.6. In summary, the approach has sought to utilise quantitative information on commuting patterns between Shropshire and the four Black Country Authorities (Wolverhampton, Walsall, Dudley and Sandwell), to anticipate realistic scenarios regarding the change to commuting patterns, and to then translate these into an employment land requirement.
- 13.7. Paragraph 6.71 of the Employment Strategy Topic paper explains that according to the 2011 Census there were 2,207 people commuting from the Black Country Authorities into Shropshire and 4,615 people commuting the other way. Therefore as an evidential basis for accepting unmet need, it is realistic to look at proposed changes to these commuting patterns resulting from a positive approach to supporting Shropshire's economic growth. Paragraph 6.74 of the Employment Topic Paper explains these scenarios, and in summary they relate to:
  - a. Scenario 1 – encouraging a doubling of the rate of out-commuting from the Black Country to Shropshire, which would increase jobs growth in Shropshire by 2,200;
  - b. Scenario 2 – encouraging an equilibrium between the rates of commuting between the areas, thus increasing out-commuting from the Black Country to Shropshire, which would increase jobs growth in Shropshire by 2,400.

- 13.8 Translating these realistic scenarios into an employment land requirement means making appropriate forecasts as to the land take needed to deliver this uplift in jobs growth. This forecast has taken account of likely use class demands, using evidence from Shropshire's EDNA. The Employment Strategy Topic Paper provides information on this in paragraph 6.82-6.95. Tables 37 and 38 of the Topic Paper provide the outcomes of this process based on the two scenarios.
- 13.9 In summary, using the trend based data to inform the future employment densities, this translates into an employment land requirement of between 28 and 31ha depending on which scenario is used. These two scenarios therefore provide for the provision of between 2,200 and 2,400 additional jobs from the Black Country as a result of a change in commuting patterns. The provision of 30ha as Shropshire Council's contribution to the Black Country unmet need is therefore justified and proportionate based upon this evidence.
- 13.10 The Employment Strategy Topic Paper, at paragraph 6.79 explains how this unmet need will be accommodated in accordance with the proposed spatial strategy for the distribution of development in Shropshire. This position reflects that set out in both the Regulation 19 Pre-Submission Local Plan (**SD002**) at paragraph 3.18 and that as agreed between Shropshire Council and ABCA in the Statement of Common Ground (**EVO41**) at paragraph 8.9-8.10.

*Question 14. 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 jobs growth and employment land provision?*

**Shropshire Council Response:**

- 14.1 It is considered that Shropshire has engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan. This has involved early and continuous involvement with all neighbouring and closely related authorities, which has, amongst other things, enabled the Council to understand the position of these authorities in relation to employment needs, emerging requirements and, importantly, whether there was any defined or emerging unmet need and any potential cross-boundary support.
- 14.2 The outcome of these discussions is captured in the Duty to Cooperate Compliance Statement (**EVO42**) and within the

Statements of Common Ground signed with each of the neighbouring authorities and with ABCA as a closely related authority (**EVO28 – EVO41, GC4e-f and GC4r-s**)

- 14.3 As set out in response to Question 13, the single cross boundary request for assistance regarding employment land provision has come from the Association of Black Country Authorities (ABCA), and this has been responded to in a positive and constructive manner as set out in the Council response to Question 13.

### **Transport infrastructure**

*Question 15. What are the strategic matters and particular issues relevant to the Local Plan?*

#### **Shropshire Council Response:**

- 15.1. The Duty to Cooperate Compliance Statement (**EVO42**) specifically identifies highways, and in particular the implications of new planned growth on the A5 SRN around Shrewsbury, as being a genuinely strategic matter with particular relevance to the Local Plan. This has been informed by both consultation responses to the Plan from organisations, in particular National Highways, as well as discussions with the Council's Highways Department.

*Question 16. Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?*

#### **Shropshire Council Response:**

- 16.1 Shropshire Council has engaged principally with National Highways, the Council's Highways Department, Network Rail and neighbouring authorities on this matter. This engagement began in 2017 with the consultation on the Strategic Issues and Options Paper, and occurred throughout the Regulation 18 stage of Plan preparation, through the various consultation stages. Discussions with the Council's Highways Department occurred before and informed the publication of the Council's Preferred Sites consultation document in November 2018, and discussions between the departments has been ongoing throughout the Plan's preparation, although mostly restricted to non-strategic matters of individual site access and general local network capacity.

- 16.2 These consultations were supplemented by other forms of engagement, most notably through the Council's Strategic Infrastructure Forum between 2018 and 2020, with National Highways and Network Rail being invited to participate. This forum has been used by the Council to inform ongoing work on the Strategic Infrastructure Implementation Plan (**EV067**) (Updated in 2022 and submitted to the Examination as **GC4t**).
- 16.3 Specific meetings between officers of these organisations has also been helpful in identifying genuinely strategic matters for the Local Plan, as well as the need for additional evidence, most notably between Shropshire Council and National Highways with the preparation of the Shrewsbury Highway Modelling Study (**EV100**). In the case of National Highways, given the identification of this genuinely strategic matter it has been considered appropriate for the organisations to enter into a Statement of Common Ground (**GC4x**).
- 16.4 Discussions with neighbouring authorities have also identified a number of locations where there is potential for cross-boundary highway implications. These include Telford and Wrekin Borough Council (**EV036**) in relation to the M54/A5 Strategic Corridor, and with Wyre Forest District Council (**EV040**), where, for the sake of clarity, a modification to the Plan has been proposed to specifically identify the need for any future planning application on site HNN016 in Highley to require a transport assessment. (**MaMO34 in GC4m – Schedule of Proposed Main Modifications**).

*Question 19. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?*

**Shropshire Council Response:**

- 19.1 It is considered the Council has engaged constructively on transport infrastructure matters.
- 19.2 These discussions have led to the identification of the impact of development on the Strategic Highway Network (SRN) as a genuinely strategic matter for the Local Plan to address. In addressing the issue, the Council has prepared additional highway evidence (**EV100**) and entered into a specific Statement of Common Ground with National Highways which has been submitted to the Examination as **GC4x** in April 2022. In summary, the SoCG provides an overview of the conclusions of the Shrewsbury Transport Modelling report, including those specific junctions on the A5 where there are existing capacity

issues, and which are forecast to be further impacted, in a limited capacity, by the growth proposed in the Local Plan. The scope of further junction specific assessment and potential funding sources for mitigation, including through developer contributions and the National Highways Road Investment Strategy (RIS) 3 are included in the SoCG. The SoCG also outlines the proposed main modifications to the Plan (MaM022) submitted to the Examination as **GC4m**.

### **Water resources/wastewater**

*Question 20. What are the strategic matters and particular issues relevant to the Local Plan?*

#### **Shropshire Council Response:**

20.1. National Planning Practice Guidance (NPPG) (Water supply, wastewater and water quality section, Paragraph: 008 Reference ID: 34-008-20140306) states:

*The duty to cooperate across boundaries applies to water supply and quality issues, and should be evidenced through a Statement of Common Ground.*

20.2. With respect to water supply, section 4.7 of the Shropshire Water Cycle Study (WCS) (**EV117.01-EV117.03**) identifies that there will be a supply-demand deficit from 2021-22 and 2025-26 for the Strategic Grid and North Staffordshire Water Resource Zones respectively if no action is taken.

20.3. With respect to water supply infrastructure, section 5.3 of the WCS identifies the potential for an issue for proposed site allocations in Albrighton, Shifnal and the Strategic Site of RAF Cosford as they are located in areas where there are Water Industry National Environment Programme (WINEP) actions to reduce abstractions.

20.4. For water quality, section 9.7 of the WCS Erratum (**EV117.03**) identifies a risk that planned growth could cause a deterioration in water quality, and that it may not be possible to mitigate this with treatment at the technically achievable limit for 5 wastewater treatment works (WwTW). At Bishop's Castle WwTW, there is a risk that growth may prevent good ecological status being achieved in the future.

20.5. The impact on protected nature conservation sites (SSSIs, SACs, SPAs and Ramsar sites) through a deterioration in water quality from the increased discharge of treated wastewater was assessed in the WCS Addendum (**EV117.02**). Appendix A to the Addendum shows which designated sites, either in Shropshire or



downstream of the county, and adjacent to a watercourse, could potentially be affected.

*Question 21. Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?*

*Question 22. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?*

### **Shropshire Council Response to Questions 21 and 22:**

21.1. The Council has engaged with the following organisations with respect to water resources and wastewater.

- a. The Environment Agency (EA)
- b. Natural England (NE)
- c. Severn Trent Water (STW)
- d. Dwr Cymru Welsh Water (DCWW)
- e. United Utilities (UU)
- f. Adjoining Local Planning Authorities and County Councils.

#### The Environment Agency

21.2. Engagement with EA with respect to strategic water resources and wastewater issues began in October 2016 when the Council consulted them on the Draft Sustainability Appraisal Scoping Report (**EV001.01**). A summary of EA's comments and how they were considered by the Council is given in **EV001.02**.

21.3. EA prepared an initial Water Cycle Study (WCS) for the Council in 2017. Following, this the Council commissioned a comprehensive Water Cycle Study from JBA Consulting in 2019 (**EV117.01-EV117.03**). EA sat on the Steering Group for this work. They provided data and comments to both JBA and the Council on the WCS as it progressed.

21.4. The agency was consulted on the Local Plan document, the HRA and the SA at every stage in the Local Plan preparation process (2017-2021). A summary of EA's representations to all Local Plan consultation documents is given in the Council's response to ID1 Question 25 (**GC4**).

21.5. The Council also engaged with EA on the River Clun SAC water quality issue in the Local Plan. EA objected to the Council's approach to safeguarding the River Clun SAC at the Regulation 19 stage of the Local Plan. Following this, the Council held a duty to co-operate meeting with EA on 24<sup>th</sup> June 2021. EA then

provided the Council with their Joint Advisory Position on the Clun catchment (**Appendix C to EV022**) on 22<sup>nd</sup> July 2021.

- 21.6. The Council signed a Statement of Common Ground with EA on 26<sup>th</sup> August 2021 (**EV022**). Section 4 and appendix B of this show that although agreement was reached for many of the non-strategic issues, the matter of the River Clun SAC has not been resolved. This issue is covered in more detail in the Council's responses to Question 25 in ID1 (**GC4**), ID5 (**GC5**) and Matter 1: Questions 7, 8, 9 and 10.
- 21.7. Supporting information is provided in the Council's further evidence base documents: River Clun SAC Phosphate Mitigation Solutions for Residential Development Final Report (**GC4u**), River Clun Phosphate Budget (**GC4v**), River Clun SAC Nutrient Neutrality Delivery Options (**GC4w**) and River Clun Phosphate Calculator (**GC4y**)
- 21.8. Shropshire Council considers that co-operation with EA on water resources and wastewater has been active, constructive, and ongoing. EA have been consulted on all strategic issues (as set out in the Council's response to Matter 2: Question 20) and their representations considered. There are no points of disagreement on strategic on water resources and wastewater matters and issues except for the Council's approach to safeguarding the River Clun SAC.

#### Natural England

- 21.9. Engagement with NE with respect to strategic water resources and wastewater issues began in began in October 2016 when the Council consulted them on the Draft Sustainability Appraisal Scoping Report (**EV001.01**). A summary of NE's comments and how they were considered by the Council is given in **EV001.02**.
- 21.10. NE was consulted on the Local Plan, the HRA and the SA at every stage in the Local Plan preparation process (2017-2021). A summary of NE's representations to all Local Plan consultation documents is given in the Council's response to Question 25 in ID1 (**GC4**).
- 21.11. The Council also engaged with NE on the River Clun SAC water quality issue in the Local Plan. NE objected to the Council's approach to safeguarding the River Clun SAC at the Regulation 19 stage of the Local Plan. Following this, the Council held two duty to co-operate meetings with them on 5<sup>th</sup> May 2021 and 14<sup>th</sup> June 2021 respectively. NE then provided the Council with their Joint Advisory Position on the Clun catchment (**Appendix C to EV025**) on 22<sup>nd</sup> July 2021.
- 21.12. The Council signed a Statement of Common Ground with NE (**EV025**) on 24<sup>th</sup> August 2021. Section 6 of this document shows

that agreement has been reached for all matters except the impact of development on the River Clun SAC. The latter is covered in more detail in the Council's responses to Question 25 in ID1 (**GC4**), ID5 (**GC5**), Matter 1, Questions 7, 8, 9 and 10.

- 21.13. Supporting information provided in the Council's further evidence base documents: River Clun SAC Phosphate Mitigation Solutions for Residential Development Final Report (**GC4u**), River Clun Phosphate Budget (**GC4v**), River Clun SAC Nutrient Neutrality Delivery Options (**GC4w**), River Clun Phosphate Calculator (**GC4y**).
- 21.14. Shropshire Council considers that co-operation with NE on strategic water resources and wastewater issues has been active, constructive, and ongoing. NE has been consulted on the strategic issues (as set out in the Council's response to Matter 2: Question 20) and their representations considered. There are no points of disagreement on strategic on water resources and wastewater matters and issues except for the Council's approach to safeguarding the River Clun SAC.

#### Severn Trent Water

- 21.15. Engagement with STW on strategic water resource and wastewater issues began in July 2019 when they worked closely with the Council's consultants (JBA Consulting) in the preparation of the WCS (**EV117.01-EV117.03**).
- 21.16. STW were also consulted on all Local Plan documents, the HRA and the SA during the Plan preparation process (2017-2021).
- 21.17. The WCS identified several water supply and water quality issues. These form the basis of the Statement of Common Ground between the Council and STW (**EV026**) which was signed on 16<sup>th</sup> June 2021. Table 4.1 in this document shows that all the actions recommended in the WCS as necessary to overcome these issues (see the Council's response to Matter 2: Question 20) have either already been implemented by STW and/or the Council or are capable of being implemented during the Plan period.
- 21.18. Shropshire Council therefore considers that co-operation with STW has been active, constructive, and ongoing. The Statement of Common Ground between the Council and STW (**EV026**) demonstrates that all strategic matters and issues identified in the Council's response to Matter 1 Question 20 can be satisfactorily addressed. Thus, the Council considers no further action is necessary.

### Dwr Cymru Welsh Water

- 21.19. Engagement with DCWW on strategic water resources and wastewater issues began in July 2019 when they worked closely with the Council's consultants (JBA Consulting) in the preparation of the WCS (**EV117.01-EV117.03**).
- 21.20. DCWW were also consulted on all Local Plan documents, the HRA and the SA during the Plan preparation process (2017-2021).
- 21.21. The WCS identified several water supply and water quality issues. These form the basis of the Statement of Common Ground between the Council and DCWW (**EV021**) which was signed on 18<sup>th</sup> June 2021. Table 4.1 in this shows that all the actions recommended in the WCS as necessary to overcome these issues (see the Council's response to Matter 2: Question 20) have either already been implemented by DCWW and/or the Council or are capable of being implemented during the Plan period.
- 21.22. Shropshire Council therefore considers that co-operation with DCWW has been active, constructive, and ongoing. The Statement of Common Ground between the Council and DCWW (**EV021**) demonstrates that all strategic matters and issues identified in the Council's response to Matter 1 Question 20 can be satisfactorily addressed. Thus, the Council considers no further action is necessary.

### United Utilities

- 21.23. Engagement with UU on strategic water resources and wastewater issues began in July 2019 when they worked closely with the Council's consultants (JBA Consulting) in the preparation of the WCS (**EV117.01-EV117.03**).
- 21.24. UU were also consulted on all Local Plan documents, the HRA and the SA during the Plan preparation process (2017-2021).
- 21.25. The WCS did not identify any actions for UU with respect to strategic water resources and wastewater issues so no further engagement was considered necessary.
- 21.26. Shropshire Council considers that co-operation with UU has been active, constructive, and ongoing. Furthermore, there are no unresolved strategic matters or issues, and the Council consider no other action is necessary.

### Adjoining Local Planning Authorities and County Councils

- 21.27. Paragraphs 2.5 and 26 in the Duty to Co-operate Statement of Compliance (**EV0042**) set out the adjoining and closely related Local Planning Authorities and County Councils for Shropshire.

- 21.28. Engagement on strategic water resources and wastewater issues began with neighbouring local authorities in October 2016 with consultation on the Draft Sustainability Appraisal Scoping Report (**EVO01.01**). A summary of respondent's comments and how they were considered by the Council is given in **EVO01.02**.
- 21.29. Adjoining and closely related Local Planning Authorities and County Councils were consulted on Local Plan documents, the HRA and the SA at every stage in the Local Plan preparation process (2017-2021).
- 21.30. Joint working and duty to co-operate discussions were also held with adjoining and closely related Local Planning Authorities and County Councils as preparation of the Local Plan progressed. More detail on this is set out in section 3 of the Duty to Co-operate Statement of Compliance (**EVO042**).
- 21.31. With respect to strategic water resources and wastewater issues, only one local authority, Telford and Wrekin Council, raised any concerns. These focussed on water supply and were raised at the Regulation 19 stage. Paragraphs 7.5 to 7.9 of the Statement of Common Ground between Shropshire Council and Telford and Wrekin Council (**EVO36**), signed in August 2021, show that STW's agreement with Shropshire Council in their Statement of Common Ground (**EVO26**) ensures that adequate provision of water supply is feasible. It was agreed that this resolves this issue, and no further action is necessary.
- 21.32. Shropshire Council is also a member of the River Severn Partnership (RSP), along with the following local authorities whose area the Rivers Severn, Wye, Warwickshire Avon and Teme flow through: Telford and Wrekin Council, Herefordshire Council, Worcestershire County Council, Wychavon District Council, Wyre Forest District Council, Malvern Hills District Council, Worcester City Council, Gloucestershire County Council, Tewkesbury Borough Council and Powys County Council.
- 21.33. Part of the RSPs remit includes improving water quality and developing an integrated approach to water resource storage and management. Co-operation with respect to strategic water resources and wastewater issues is thus ongoing with these authorities.
- 21.34. Shropshire Council therefore considers that co-operation with adjoining and closely related Local Planning Authorities and County Councils with respect to strategic water resources and wastewater issues has been active, constructive, and ongoing. Furthermore, there are no unresolved issues and co-operation is continuing.

## **Flood risk**

*Question 23. What are the strategic matters and particular issues relevant to the Local Plan?*

### **Shropshire Council Response:**

23.1. The Council considers that the strategic matters and issues with respect to flood risk are set out paragraphs 159 – 164 of the National Planning Policy Framework.

23.2. The key elements of these are:

*Paragraph 159: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*

*Paragraph 160: Strategic policies should be informed by a strategic flood risk assessment and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency....*

*Paragraph 161: All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.*

*Paragraph 162: If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.*

*Paragraph 164: The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage.*

23.3. In line with paragraph 60, the Council has prepared a Level 1 Strategic Flood Risk Assessment (SFRA) (**EV095.01-EV95.066**). This shows (Executive Summary, Sources of flood risk) that the most significant sources of flood risk in Shropshire are fluvial and surface water. The primary fluvial risk is along the River Severn and its tributaries. The risk of surface water flooding is linked to topography, with flow paths along existing water courses or dry valleys, and isolated ponding in low lying areas. There is a notable risk of surface water flooding at the bottom of hills in south Shropshire.

- 23.4. However, as a Level-1 SFRA is a high-level strategic document, it does not go into detail on specific site allocations. A Level-2 SFRA (**EV096.01- EV096.39**) was therefore prepared. This provides detailed assessments of all sources of flooding and the potential increase in flood risk from climate change for 19 proposed site allocations. These 19 sites were identified using flood risk datasets from a list of 98 sites flagged as at risk of flooding through the Council's site assessment process.
- 23.5. The majority of sites in the Level 2 SFRA are at risk of both fluvial and surface water flooding. The Level 2 SFRA provides a summary table for each site (**EV096.02-EV096.39**) and concludes that all sites should be able to pass the Exception Test if the advice in these tables is followed.

*Question 24. Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?*

*Question 25. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?*

**Shropshire Council Response to Questions 24 and 25:**

- 24.1. The Council has engaged with the Environment Agency (EA) on the duty to co-operate with respect to flood risk.
- 24.2. Council engagement with EA began in November 2017 with a duty to co-operate meeting. The need for a Strategic Flood Risk Assessment (SFRA) was discussed. EA subsequently provided data and supported the Council in scoping this.
- 24.3. The Council then engaged with the Environment Agency (EA) in the preparation of the Level-1 SFRA (**EV095.01-EV095.66**). EA were part of the steering group for this. Work commenced in June 2018 with the commission of JBA Consulting. The steering group met regularly after this during 2018 with EA providing advice and data to support the process throughout. The Level-1 SFRA was completed in October 2018.
- 24.4. EA were also involved in the preparation of the Level-2 SFRA (**EV096.01-EV096.39**). They supported the Council and JBA Consulting in scoping this work during December 2019 and were part of the steering group for the contract. They provided advice and data to support the process throughout. The Level-2 SFRA was completed in July 2020.

- 24.5. EA were also consulted on all Local Plan documents, the Habitats Regulation Assessment, and the Sustainability Appraisal (SA) at all stages of the Local Plan preparation process. In particular, the SA process evaluated all sites in the Strategic Land Availability Assessment for proximity/presence of Flood Zones 2 or 3. The wider site assessment screened sites out at Stage 2b based on presence of Flood Zones 2 and 3 and in Stage 3, evaluated fluvial and surface water flood risk. The Council also carried out a Flood Risk Sequential and Exception Test (**EV09.01**). These evidence base documents support the Council's strategic assessment of flood risk and have been available to EA during the Plan preparation process.
- 24.6. The Council considers it has engaged with the appropriate body on strategic flood risk issues and that co-operation on this matter has been active, ongoing, and constructive. The Council also considers that there are no unresolved strategic flood risk matters.

#### Minerals and waste

*Question 26. What are the strategic matters and particular issues relevant to the Local Plan?*

#### **Shropshire Council Response:**

- 26.1 The Council's Duty to Cooperate Compliance Statement (**EV042**) paragraphs 4.47-4.59 outlines what the Council considers to be strategic matters related to minerals and waste relevant to the Local Plan.
- 26.2 With regards to minerals, in summary the main strategic issue is ensuring the sufficient supply of crushed rock and sand and gravel reserves, and ensuring the sufficient movement of these materials in order to support housing and employment development in the region. More specifically the extent of Shropshire's current permitted mineral reserves, and the evidence used to support this have been discussed as part of the Duty to Cooperate conversations.
- 26.3 With regard to waste, the key strategic issue relates to the potential need for the cross-boundary transfer of waste for treatment.



*Question 27. Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?*

**Shropshire Council Response:**

- 27.1 With regards to minerals, the principal avenue for constructive and ongoing engagement has been through the West Midlands Aggregates party (AWP) between July 2018 and April 2021, of which Shropshire Council is a member along with all neighbouring County and Unitary authorities within the West Midlands region. In addition, separate discussions between authorities has taken place at appropriate times with all neighbouring county and unitary authorities, including with Powys County Council, and these have led to specific Statements of Common Ground or Duty to Cooperate letters with each authority with responsibility for minerals.
- 27.2 With regards to waste, the principal avenue for constructive and ongoing engagement has been through the West Midlands Technical Advisory Board (RTAB) between July 2018 and April 2021, of which Shropshire Council is a member along with all neighbouring County and Unitary authorities within the West Midlands region. In addition, separate discussions between authorities has taken place at appropriate times with all neighbouring county and unitary authorities, including with Powys County Council, and these have led to specific Statements of Common Ground or Duty to Cooperate letters with each authority with responsibility for waste.

*Question 28. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?*

**Shropshire Council Response:**

- 28.1 It is considered the Council has engaged constructively with respect to minerals and waste issues throughout the preparation of the Local Plan with all relevant authorities. Whilst this process has not led to any concern about the discharge of the legal duty to cooperate, these discussions have allowed for a constructive discussion about some soundness elements of the Council's approach to the supply of minerals, in particular with Staffordshire and Worcestershire County Councils. These are captured within the Duty to Cooperate Compliance Statement (**EV042**) and within the Statement of Common Ground with Worcestershire County Council (**GC4r**) and the Duty to Cooperate correspondence with Staffordshire County Council

**(GC4s)**. Both of these documents indicate there are no longer any areas of disagreement between the authorities.

### **Site allocations**

*Question 29. Are there any cross-boundary issues such as transport, education, health or other infrastructure requirements that arise from the proposed housing and employment site allocations? If so, how have they been addressed through co-operation.*

#### **Shropshire Council Response:**

- 29.1 Through the Duty to Cooperate conversations with neighbouring authorities it is recognised that there is a potential need for cross-boundary health provision in some limited circumstances, subject to further evidence of need being presented. This is most apparent in discussions with Telford & Wrekin Borough Council, where the agreed Statement of Common Ground (**EV036**) raises a concern that growth to the east of Telford along the M54 corridor may have an impact on hospital services in particular the need for A&E provision at Princess Royal Hospital. However, this is not expressed as an area of disagreement between the authorities. The South Worcestershire Authorities (**EV037**) also highlight the potential cross-boundary health provision at the Tenbury Wells doctors, linked to the additional proposed provision of 190 dwellings in Burford. Whilst neither of these concerns are evidenced, Shropshire Council has nevertheless sought to respond positively by proposing the use of draft Policy 25 of the Local Plan, specifically relating to the use of collected CIL funds, as an appropriate mechanism to support any future evidenced cross-boundary health needs. To support this further a specific main modification has been proposed (MaM097) set out in **gc4m- Schedule of Proposed Main Modifications**, providing clarification that CIL funds may be passed to bodies outside the area to deliver infrastructure that will benefit the development of the area.
- 29.2 Discussions with Shropshire's Clinical Commissioning Group (CCG) have been on-going and proactive throughout the preparation of the Local Plan. Whilst no genuine strategic matters have been identified, either within Shropshire or cross-boundary, it is nevertheless recognised that further conversations with both the CCG and the wider NHS 'family' will be required in order to continue to monitor the impact of development on health services, and potentially to consider appropriate levels of developer contributions to support additional provision, where evidenced. It is considered the proposed Strategic Infrastructure Network (terms of reference

Shropshire Council Response to Matter 2 of the Stage 1: Matters, Issues and Questions on the draft Shropshire Local Plan

included as appendix 1 to the **Strategic Infrastructure and Investment Plan 2022 – GC4t**) will provide an appropriate framework for appropriate organisations, including from the NHS, to discuss and agree funding priorities.

### **Other strategic matters**

*Question 30. Are there any other strategic matters and particular issues relevant to the Local Plan?*

#### **Shropshire Council Response:**

30.1 It is considered the Council's Duty to Cooperate Duty to Cooperate Compliance Statement (**EVO42**), along with the various Statements of Common Ground between neighbouring authorities and key partners, capture all of the genuinely strategic matters relevant to the Local Plan.

*Question 31. Who has the Council engaged with on any other strategic matters? When did this engagement begin, has it been active and ongoing and what form has it taken?*

#### **Shropshire Council Response:**

N/A

*Question 32. In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?*

#### **Shropshire Council Response:**

N/A

## Appendices



## APPENDIX 2.1

Our Ref: HP/CW  
Date: 26 April 2022

Dear Colleagues,

**Black Country Plan Review**  
**Duty to Cooperate: Strategic Housing and Employment land issues**

The Black Country Authorities (BCAs) are progressing the Black Country Plan (BCP) which will replace the Black Country Core Strategy as the overarching strategic planning and regeneration strategy for the area.

You may recall that we contacted neighbouring authorities including yours, in July 2018 and again in August 2020, to request assistance in accommodating identified housing and / or employment land needs arising from the Black Country. We received a number of positive responses to this request and note that a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. We have also held Duty to Cooperate meetings in January 2020, June 2021 and August 2021 – the latter alongside the commencement of the BCP Regulation 18 consultation.

We were also fully supportive of South Staffordshire Council's convening of a meeting of all local authorities in the Greater Birmingham, Solihull and Black Country Housing Market Area (the HMA) and other neighbouring authorities with a functional relationship with the HMA in December 2021. The BCA suggested a series of actions in advance of that meeting, building on our Duty to Cooperate engagement to date, and which are directly relevant to our strategy of working with you to ensure that the Black Country evidenced growth needs can be met in full.

The purpose of this letter is to update you on progress with the BCP and to outline next steps. We also set out our strategy for ongoing engagement through the Duty to Cooperate with a focus on strategic housing and employment land issues. This includes a set of proposals which we are seeking your response to by way of a series of specific requests.

## Recent progress

1. The Regulation 18 BCP consultation took place between August and October 2021. We received around 20,800 responses and all of the representations can be viewed online via the link - <https://blackcountryplan.dudley.gov.uk/bcp/> . The bulk of feedback centred around the potential use of green belt land for development and we are currently reviewing all of the responses to inform the preparation of the Regulation 19 BCP programmed for consultation in the Autumn of this year.
2. We received responses from a number of neighbouring authorities – Bromsgrove, Cannock Chase, Lichfield, Redditch, Solihull, South Staffordshire, Stafford, Staffordshire and Worcestershire. These representations raised a variety of issues at a strategic level, recognising the broad scale of the shortfall and the need for ongoing and better aligned engagement going forward, in order to ensure a consistent and fair approach be taken to address longer term needs once the final shortfalls are confirmed.
3. The next sections of this letter summarise the current scale of the housing and employment land shortfalls and how we intend to address them.

## Strategic Housing Issues

4. The Regulation 18 BCP identifies a housing shortfall of 28,234 homes over the period 2020-39 (16,346 by 2031 and 11,888 2031-39). This shortfall is based on the most up to date local housing need (including the 35% uplift for Wolverhampton), the most recent housing monitoring information and land supply on sites allocated in the draft BCP including land currently designated as green belt. The Regulation 18 BCP proposes that this shortfall is addressed via the Duty to Cooperate through 'exporting' to sustainable locations in neighbouring areas.
5. As part of the preparation of the Regulation 19 BCP, we are undertaking further evidence gathering in relation to urban land supply. This will involve an update of the existing Urban Capacity Study including a detailed assessment of the implications of the ongoing restructuring of some retail and commercial sectors which may 'free up' space in town and city centres. However, the scale of any additional capacity is likely to be limited and is not anticipated to make significant headway into the shortfall outlined above.
6. As set out above, through the Duty to Cooperate, we are pleased that some Local Plans have responded positively to our request initially raised in 2018 for assistance in addressing our future growth needs. Potential contributions through our Duty to Cooperate engagement to date are outlined in the table below.

**Table 1 – Duty to Cooperate contributions (in order of Local Plan progress)**

<b>Local Plan</b>	<b>Status</b>	<b>Potential contribution to meeting Black Country housing needs</b>	<b>Comments</b>
Solihull	Submission (May 2021)  Examination underway	2,000 (minority)	Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country, 2,000 HMA contribution noted by Local Plan Inspector February 2022. However, Solihull has a stronger functional relationship with Birmingham than with the Black Country.
Shropshire	Submission (September 2021)  Examination underway	1,500 (all)	Contribution towards the Black Country only, confirmed in Statement of Common Ground (August 2021)
Lichfield	Publication (July 2021)  Submission due April 2022	2,000 (all)	Contribution forms majority of 2,665 contribution to meet the needs of the HMA as a whole.
Cannock Chase	Preferred Options (March 2021)	Up to 500 (majority)	Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country. However, Cannock Chase has a stronger functional relationship with the Black Country than with Birmingham.
South Staffordshire	Preferred Options (November 2021)	Up to 4,000 (majority)	Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country. However, South Staffordshire has a stronger functional relationship with the Black Country than with Birmingham.
<b>Total</b>		<b>3,500-10,000</b>	



7. These Plans are providing for a minimum of 3,500 homes to specifically meet Black Country needs and up to some 10,000 homes to meet the needs of the HMA as a whole, a proportion of which will be available to the Black Country.
8. Of these HMA contributions, given the physical proximity and functional relationship between the Black Country and South Staffordshire, it is anticipated that the majority of the 4,000 contribution being tested through the South Staffordshire Local Plan could be available to meet Black Country needs. Conversely, given its relationship to Birmingham, we anticipate that the majority of the 2,000 home contribution from Solihull is unlikely to be available to meet needs arising in the Black Country. Under these scenarios, the contributions from the authorities listed in Table 1 could realistically provide up to some 8,000 homes towards meeting needs arising in the Black Country.
9. In addition, the highest growth scenarios set out in the earlier iterations of the Lichfield and Cannock Local Plans could also provide some 5,550 homes in excess of local needs (in comparison with the 3,165 currently offered). This additional capacity (3,000 homes in total over and above current contributions to the Black Country) has been highlighted by the BCAs and will be tested through the forthcoming Local Plan examinations.
10. Further contributions are being sought from Stafford (of up to 2,000 homes) and as yet undetermined contributions from Bromsgrove and Telford & Wrekin, both at the early stages of their Local Plan reviews. In the case of Telford and Wrekin, the higher growth option set out in the Issues and Options Report could provide some 3,700 homes over and above local needs, and the Black Country is well placed to provide a source of 'need' for this housing. The BCAs see this as being a minimum level of contribution given the historic role of Telford as a New Town to help address issues of overcrowding and living conditions in the West Midlands conurbation, and very high rates of housing completions over and above local needs in recent years. In total, this additional capacity from Stafford and Telford & Wrekin could provide some 5,700 homes towards meeting needs arising in the Black Country.
11. Taking into account this potential extra capacity of up to some 8,700 homes from Stafford, Telford & Wrekin, Lichfield and Cannock, added to current potential contributions (around 8,000 homes), could provide up to some 16,700 homes to meet needs arising in the Black Country.

12. Going forward, it is critical that those contributions currently expressed as meeting needs arising across the HMA as a whole are apportioned to individual Local Plans areas through Statements of Common Ground to provide the BCAs with certainty over the scale of contributions that is available to meet our shortfall. **However, even in the event of a contribution being secured at the higher end of the range of scenarios outlined above, a significant ‘gap’ of some 11,500 homes would remain for the Black Country up to 2039 (with a proportion of this gap arising before 2031). It is therefore critical that additional sources of land must be identified through the Duty to Cooperate if the Black Country is able to show how its identified growth needs can be accommodated.**

Request 1 - We request that any contributions that your authority is making to meet the needs of the HMA as a whole includes an apportionment to solely address needs arising in the Black Country.

Request 2 – We request that you provide confirmation that you have either explored all opportunities to accommodate unmet housing needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward.

### **Strategic Employment Land Issues**

13. As is the case with housing needs, the Black Country is unable to meet its identified employment land requirements in full. The Black Country Plan employment land shortfall to 2039 is 210ha as set out in the Regulation 18 Black Country Plan – this figure the difference between the need of 565ha and an anticipated supply of 355ha. This is consistent with the employment land requirement set out in Policy EMP1 of the draft Black Country Plan and section 4 of the 2021 Black Country EDNA. Para 2.22 of the 2021 EDNA recommends that the split of employment land provided for by the Plan comprise around 30% of B8 activity and 70% for E(g)(ii)(iii)/B2 use class. This means that the total B8 requirement is 170-176ha and for E(g)(ii)(iii)/B2 a requirement of 396-410ha. We are reviewing these requirements in the light of updated economic projections which include a more up to date understanding of the CV-19 recession recovery trajectory. This work may result in a refinement of the requirements but it is highly likely that our shortfall will remain.
14. In accommodating this shortfall, in the first instance we will look to those authorities within the areas of strong economic transactions with the Black Country (South Staffordshire and Birmingham) and areas of moderate economic transactions with the Black Country as identified in the 2017 EDNA (Cannock Chase, Lichfield, Tamworth, Solihull, Bromsgrove and Wyre Forest). In addition, the Shropshire Economic Development Needs Assessment (December 2020) highlights strong labour market linkages between Shropshire and the Black Country.

15. At this stage, we would not identify a specific functional geography for addressing the E(g)(ii)(iii)/B2 shortfall as distinct from the B8 element of the shortfall, but recognise the consented West Midlands Interchange site is reserved exclusively for B8 activity. With this in mind, we refer you to the West Midlands Interchange Apportionment Study produced by Stantec to support the Black Country Plan and published earlier this year (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/>). This suggests that a minimum of some 67ha of land at West Midlands Interchange could be apportioned to meet needs arising in the Black Country, with the potential for a larger contribution if other areas within the market area are able to meet their B8 needs in full. This would suggest that the quantitative B8 shortfall could be largely satisfied by this site should the programmed South Staffordshire EDNA update confirm a surplus of employment land against local needs. **This could reduce the Black Country employment land shortfall to 138ha. Any additional surplus of employment land arising from the South Staffordshire EDNA update would reduce the shortfall further.**
16. In terms of other potential contributions, the Shropshire Regulation 19 Local Plan is making a contribution of 30ha of employment land towards needs arising in the Black Country, **reducing the shortfall to some 108ha**. We are engaging with other emerging Local Plans through the Duty to Cooperate including Bromsgrove, Lichfield, Cannock, Telford & Wrekin, Solihull and Stafford, but no contributions have been put forward by those authorities and the BCAs will continue to press this matter through Local Plan examinations, particularly those authorities within the areas of strong economic transactions with the Black Country as listed above. We will also be seeking the participation of authorities listed in paragraph 14, and any others able to contribute to BCA employment shortfalls, in a Statement of Common Ground (SoCG) addressing this issue to inform the Black Country's Regulation 19 plan and will use the responses to this letter to inform the draft SoCG. **As is the case with housing, additional sources of land supply must be identified if the Black Country is able to meet its growth needs in full.**

Request 3 - We request that you provide confirmation that you have either explored all opportunities to accommodate unmet employment land needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward, and that you will be willing to enter into a Statement of Common Ground with the Black Country under the scope set out in paragraph 16 of this letter.

17. We draw your attention to the West Midlands Strategic Employment Sites Study (WMSESS) (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/>) published in 2021. The Report was produced by Avison Young and Arcadis consultants and commissioned by three of the West Midlands Local Enterprise Partnerships (the Black Country, Greater Birmingham and Solihull and Coventry Warwickshire) and Staffordshire County Council. The Study updates the 2015 West Midlands Strategic Employment Sites Study which identified a demand for strategic employment sites in the West Midlands, but a lack of suitable sites.

18. The Study advises that based on evidence of past trends in relation to take-up, and assuming that no additional strategic employment sites are brought forward to replace those that remain, the supply of allocated and committed employment land would appear to represent a maximum of 7.41 years supply. As it was in 2015, this represents a limited supply of available, allocated and/or committed sites across the Study Area that meet the definition of 'strategic employment sites', and there is an urgent market demand for additional sites to be brought forward to provide a deliverable pipeline, noting the very substantial lead-in times for promoting and bringing forward such sites. The Study identifies five areas where strategic employment sites should be identified and this includes the Black Country and southern Staffordshire.
19. The Study makes a number of recommendations for further work. This is because the shortfall in the availability and future supply of strategic employment sites cannot be robustly quantified without an assessment of market dynamics and projected sector growth patterns through an econometric demand forecast, which would add materially to the findings of this Study and would inform the strategy for delivering a sufficient supply of strategic employment land. The Study has already been given weight in the Local Plan process – most recently through the examination of the North Warwickshire Local Plan and the resulting Policy LP6 – Additional Employment Land.
20. There is clearly a potential relationship between the need to address the Black Country employment land shortfall and the need to bring forward additional strategic employment sites as set out in the WMSESS. Through the HMA Group and liaison with those bodies who were party to the 2021 Study, a draft brief has been prepared to address the recommendations for the 2021 Study and strongly recommend that this work is progressed in partnership with the local planning authorities across the 2021 Study geography, and other areas which share a functional relationship with the Black Country, for example Shropshire.

Request 4 - We request that you indicate whether your authority is willing to participate in the further work to address the recommendations of the WMSESS.

### **Next steps**

21. As set out above, there is a significant level of unmet need for housing and employment land to address evidenced Black Country growth requirements which cannot be met within the Black Country administrative area. There are three elements to our strategy to address the shortfall through the Duty to Cooperate and these are summarised below.

22. In the short term we will be continuing to engage with individual Local Plans to ensure 2018 Growth Study recommendations are maximised and to confirm current contributions to help address the Black Country shortfall, particularly in relation to those housing contributions which have been expressed at HMA level and not yet distinguishing a specific Black Country apportionment. For those Local Plans which are less progressed, we will engage in a positive and robust manner to ensure that the unmet needs of the Black Country are fully recognised and all opportunities to assist in meeting our needs are comprehensively explored. This will include opportunities identified in the 2018 Growth Study.
23. **But these current workstreams may not address our needs in full, and we strongly recommend to you that there is a compelling need to address this matter in a comprehensive and inclusive manner across a wide but functional geography.** We are also mindful of the forthcoming Birmingham Local Plan review and the potential for this to further increase the shortfall arising from the West Midlands conurbation. We outlined our suggestions on a potential programme of work as part of the 15<sup>th</sup> December South Staffordshire Duty to Cooperate meeting. This was shared with you in advance and we attach it to this letter. The key elements of this work programme are:
- To review the extent of the HMA in order to understand if this is the most appropriate geography by which housing needs and mechanisms to accommodate any shortfalls can be considered;
  - To confirm the scale of the housing shortfall across the whole of the HMA over a period of at least 15 years to inform the approach taken by current and emerging Local Plan reviews.
  - A review of whether the growth locations identified in the 2018 Growth Study work remain appropriate and whether new growth areas should be identified for testing through Local Plan preparation. This work may well result in the need for a new Growth Study but we would not want to pre-judge the work before confirming that is the case.
24. This work programme is currently subject to ongoing discussions largely through the HMA officer group, and we recognise that the existing governance arrangements are in need of review to ensure that we have in place mechanisms to manage and oversee the implementation of this work. The nature of these governance arrangements and the parties involved should be informed by the evidence but at this stage, a Statement of Common Ground across the HMA geography and including other authorities which have a functional relationship with it which sets out the nature of how we work together going forward is essential. We strongly encourage your authority to fully engage in this work.

Request 5 - We request that you indicate whether your authority is willing to participate in the further work outlined in the bullet points above, and that your authority would be willing to confirm this commitment through a Statement of Common Ground and review of governance arrangements to deliver these actions.

25. Turning to employment land, as with housing we will pursue a Statement of Common Ground with functionally related authorities to both secure current contributions and engage with less progressed Local Plans through the Duty to Cooperate to establish potential for further contributions. We have set out the compelling need for a follow-up study to address the recommendations of the 2021 West Midlands Strategic Employment Sites Study and have asked if your authority would be willing to participate in this work and assist with its resourcing.
26. Common to both the housing and employment land shortfalls is the final element of our strategy – for Local Plans to include an early review mechanism. This is important given the potential for there could continue to be a shortfall following the current round of Local Plan preparation. This shortfall should trigger the detailed evaluation of opportunities identified from the recommendations of the proposed work outlined above in relation to both housing and employment land through updated Local Plans. This approach has been used in a number of West Midlands Local Plans - most recently Wyre Forest, Stratford on Avon and North Warwickshire. We consider that a failure to include an early review mechanism is a serious omission and must be addressed in order for the Plan to be sound.

Request 6 - We request that you indicate whether your authority is willing to consider the inclusion of a commitment to an early review mechanism in your emerging Local Plan to enable the consideration of additional growth opportunities outlined in the work listed above in a timely manner should this be necessary.

### **Timetable for responses**

27. Moving forward, the BCAs are progressing the preparation of the Regulation 19 Plan having regard to the issues raised in the Regulation 18 consultation responses and evidence currently under preparation. This includes the Transport Study, updated urban capacity study and employment land update. The Transport Study in particular will provide us with a better understanding of the constraints and opportunities associated with the levels of and location of growth set out in the Regulation 18 Plan with potential implications for the development capacity of some sites.

28. To enable us to meet this timetable, and clear understanding of opportunities through the Duty to Cooperate is critical. **We therefore ask that you consider the requests set out in this letter and respond in writing to: [blackcountryplan@dudley.gov.uk](mailto:blackcountryplan@dudley.gov.uk) within six weeks of the date of this letter.** If you wish to discuss the contents of this letter before responding, please get in touch. We appreciate that this letter may raise difficult issues that need thorough consideration from both officers and Councillors. However, given the time that has already passed since the Black Country initially identified a shortfall in 2018 and the wider work already being undertaken across the HMA, we would be grateful if you could adhere to these timescales. If you anticipate a delay is being able to provide a response, it would be helpful if you could let us know as soon as possible.

Yours sincerely

Councillor Patrick Harley  
Leader  
Dudley Metropolitan Borough Council

Councillor Mike Bird  
Leader  
Walsall Metropolitan Borough Council

Councillor Kerrie Carmichael  
Leader  
Sandwell Metropolitan Borough Council

Councillor Ian Brookfield  
Leader  
City of Wolverhampton Council

## APPENDIX 2.2



Mr Hugh Shannon  
Listing Adviser – Midlands  
Historic England  
82 Granville Street  
Birmingham  
B1 2LH

Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
Shropshire SY2 6ND

Date: 11 March 2022

My Ref:

Your Ref 1480383

Dear Mr Shannon,

**Response to proposal for scheduling of Uffington Roman Marching Camp, Shrewsbury.**

This site is currently proposed for 45ha of employment use in the Draft Shropshire Local Plan. The reference number of the proposed employment site is SHR166. Its allocation is considered necessary to meet the needs of Shrewsbury as the Strategic Centre in the Draft Shropshire Local Plan. The Draft Shropshire Local Plan is currently at the Examination stage, having been submitted to the Planning Inspectorate in September 2021. The public and statutory agencies have been consulted on the allocation of site on three separate occasions between 2018 and 2020.

The Council undertook a comprehensive site assessment and Sustainability Appraisal process to inform the choice of sites for allocation in the Draft Shropshire Local Plan. The assessment of site SHR166 showed that it contained a non-designated archaeological heritage asset in the form of a Roman marching camp.

Whilst the development of site SHR166 would have a direct effect on the archaeological remains, it was considered that the current and previous intensive arable use of the site (including potato cropping) over a long period was likely to have degraded the buried features. At the same time, the A49 bypass, which was constructed between 1988- 1990 and cuts across the camp's northern and southern perimeters (dividing the camp into a smaller eastern portion and more substantial western section), compromises the site's integrity. Similarly, both the high voltage overhead power line that crosses the site and the A49, also negatively impact on the ability to appreciate the site's strategic setting. Consequently, it was considered that allocation for a strategic employment use was acceptable provided that mitigation in the form of excavation and recording of the site's historic interest took place prior to development.

Having come to this conclusion, and whilst acknowledging that the Historic England's Designations Team will need to assess all the information in the round, the Council are surprised to learn that the site is now being considered for scheduling. Shropshire Council considers the aerial investigation and mapping report corroborates the use of the site for cereal and potato cropping since at least 1948 (cereal) and 1988 (potato). In particular, it was anticipated that the latter cultivation regime, with likely cultivation depths in excess of 500mm, will have been particularly destructive to underlying archaeological deposits, such that only the deepest negative features will survive in a truncated form. The December 2021 Nigel Baker report of the archaeological investigation appears to confirm the conclusions of the Council's site assessment process, which itself was informed by the results of the archaeological investigations undertaken during the construction of the A49 bypass, on the degree of survival of archaeological features as a result of this land use.

This is not to dispute the sites historic interest, as the aerial photography shows the clear outline of a classic early Roman temporary camp. However, until now the Council has been of the view that the site's significance is appropriately reflected by its non-designated status, and at this stage the Council do not see anything in the conclusions to the recently compiled evidence to warrant a divergence from this position.

In terms of the draft Consultation Report, we also propose the following amendments: -

- Page3, 1<sup>st</sup> paragraph, 1<sup>st</sup> sentence – the locational reference should be amended to read "...Uffington is around 6km to the north-west of Wroxeter..."
- Page3, 3<sup>rd</sup> paragraph, 3<sup>rd</sup> sentence – this should be amended to read "...just south of the village of Uffington and east of Shrewsbury."

Yours sincerely,

Dr Andy Wigley  
Interim Policy & Environment Manager  
Planning Services – Historic Environment Team