

ID 24

SHROPSHIRE LOCAL PLAN EXAMINATION

Representor unique Part A Ref *	A0682
Matter	1 (Duty to Cooperate)
Relevant questions nos	1, 2, 3, 4

Stage 1 Additional Hearing Statement

Further Matter 1 Hearing Statement: The Duty to Co-operate

Miller Homes (A0682)

December 2022

- 1.1 This Hearing Statement is submitted on behalf of Miller Homes (“Miller”) to provide a response to the Inspectors’ further questions on Matter 1 (ID24) following the submission of further evidence by the Council.

Context: South West Shifnal

- 1.2 Miller’s representations are made in relation to c.65ha of land it is promoting at “South West Shifnal” as identified on the site location plan at **Appendix 1**.
- 1.3 Policy SP11 will release this land from the Green Belt and safeguard it for future development needs. Miller strongly supports the designation of South West Shifnal under SP11 as safeguarded land. South West Shifnal is safeguarded to meet the needs of Shropshire and not just the unmet needs from neighbouring authorities.
- 1.4 The Draft Local Plan acknowledges that South West Shifnal will eventually comprise a *“...strategic housing extension capable of creating a new community...”* and explicitly lists benefits and infrastructure improvements (Paragraphs 5.215 and 5.216).
- 1.5 No other safeguarded site has been similarly identified in the Draft Local Plan which properly reflects its credentials as a sustainable site which can deliver strategic benefits for Shifnal, as recognised in Paragraph 5.217 of the Draft Local Plan.
- 1.6 The whole site (SHF034) was assessed in the “Strategic Sites Assessments” of the Sustainability Appraisal (Appendix T, SD006.21), achieving an overall sustainability score of -2 and therefore rated “Good” at Stage 2a (for housing); this score was the highest for all strategic sites at Shifnal and the best of all safeguarded land adjoining the town.
- 1.7 Each of the individual parcels forming SHF034 were assessed. Appendix P (SD006.17) includes individual assessments of sub-parcels of the site (SHF019, P15b west, SHF019VAR, SHF017 and P16a) and Stage 3 recommended that all these parcels be removed from the Green Belt and safeguarded. The ‘strategic considerations’ and ‘reasoning’ sections of the Stage 3 assessments considered each of the parcel’s contribution to the wider proposed site (SHF034) and provided justification for their contribution towards the safeguarded site.
- 1.8 South West Shifnal is safeguarded to meet the needs of Shropshire and not just the unmet needs from neighbouring authorities.

1.9 Miller's responses to Matter 1 (DTC) Questions 1, 2, 3 and 4 are set out below.

General

1: It has emerged that the Association of Black Country Authorities (ABCA): Dudley, Sandwell, Walsall and Wolverhampton have decided to cease work immediately on the Joint Black Country Local Plan and instead each develop their own Local Plan to a timescale to be agreed by each authority (GC19). What implications, if any, does this have for the examination in relation to the duty to cooperate in the preparation of the Local Plan and the submitted statements of common ground (SoCG) with ABCA?

- 1.10 The decision of ABCA to progress their own Local Plans in place of a Joint Plan does not have implications for the approach the Council has taken to the duty to cooperate in its preparation of the Local Plan. The Council's submissions (specifically GC15a) confirm a process of ongoing dialogue between the Council and Officers from each of the ABCA authorities since February 2018.
- 1.11 This process served to confirm the existence of an unmet need for housing and employment land arising from the ABCA authorities. It also served to justify that providing for a component of this unmet need was an appropriate strategy for the Shropshire Local Plan to take.
- 1.12 It remains the case that the Plan acknowledges and responds to the existence of an unmet need, assessed as part of the process of preparing the ABCA Plan and which had not been subject to Examination at the time the Shropshire Plan was submitted. This unmet need was, and is still, evidenced using a bottom-up and individual authority level calculation of need and supply from each of the four authorities. This evidence remains up to date.
- 1.13 The approach taken in the Plan to provide for a component of this unmet need as a result remains an appropriate strategy, as required by the NPPF.

2: Are the SoCG with neighbouring authorities and stakeholders still relevant and up to date?

- 1.14 The submitted SoCG with ABCA (EV041) represents a point in time position, as recognised in the Council's Matter 2 Statement (paragraph 7.1) and has been signed on behalf of the four authorities. It is a matter for the Council and the ABCA authorities to determine if any element needs revisiting and updating to present a current portrayal of the changed context and the ongoing duty to cooperate process but, as we explain below, the underpinning evidence, which confirms the existence of a shortfall across ABCA, and in three out of the four authorities, remains the most up-to-date position and would therefore continue to be the basis for any updated SOCGs.

Overall Housing Provision

3: Having regard to the additional evidence that has been submitted by the Council (GC15 – GC15I), has the Council maximised the effectiveness of the Local Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on housing matters during the preparation of the Local Plan?

- 1.15 Yes. In reviewing the submissions made by the Council (GC15 – GC15I) we consider, as expressed in our Matter 2 statement, that the Council has pursued an ongoing process

of engagement to justify its positive approach of providing for a component of what has consistently been identified as a significant unmet housing need arising in the ABCA authorities.

- 1.16 As expressed in our preceding Matter statements, we support the position taken by the Council to plan positively by including a contribution towards addressing this unmet housing need.
- 1.17 Such an approach is critical if currently evidenced unmet needs are to be accommodated in this generation of Local Plans.
- 1.18 As we note in our answer to Question 1, it is the case that the evidence upon which the confirmed and acknowledged unmet need exists remains up to date. The four ABCA Council's Urban Capacity Study Update (December 2019) and the subsequent Urban Capacity Review Update (May 2021) stated that, based on their own assumptions, the Black Country authorities have an unmet need of **36,819 homes up to 2039**.
- 1.19 The Draft Black Country Plan (July 2021) proposed additional allocations on Green Belt sites to reduce the shortfall to **28,239 homes up to 2039** – an approach which was tested through the subsequent and independent WMCA Brownfield Land Study (March 2022). This evidence concludes the unmet need of circa 28,000 homes up to 2039 and recognises the outcome of the standard method and a consideration of the available land supply of each of the authorities. Indeed, this calculated shortfall is based on brownfield delivery and proposed Green Belt release. The omission of the Green Belt release proposed would increase the unmet need to circa 39,000 homes.
- 1.20 The level of shortfall continues to be referenced by the ABCA authorities, having been confirmed though the City of Wolverhampton Council report to Cabinet¹ and Walsall Council report to Cabinet² which sets out their responses to the Birmingham City Council, Stafford Borough Council and South Staffordshire District Council Local Plan Consultations.
- 1.21 Paragraph 1.3, Appendix 1, of Walsall's report further serves to confirm that they are reliant on neighbouring authorities in Staffordshire and Shropshire to help meet their unmet needs. Separately, Paragraph 6, Appendix C of the same report confirms an expectation that the Black Country Authorities will continue to agree between themselves an approach to apportioning unmet need allowances made by other plans within the Black Country Plans. This confirms that, whilst each authority is preparing individual Plans, they are continuing to work on the basis previously advanced with regards to the assistance sought to address the identified shortfall.
- 1.22 Table 1.1, below, considers each authorities' own surplus / shortfall based on their own housing need and proposed supply (based on the Housing Needs Assessment). It is this evidence from which each of the respective Local Plans will develop.

¹ City of Wolverhampton Council report to Cabinet on 14 December 2022 – see paragraph 2.2 for confirmation of shortfall

² Walsall Council report to Cabinet on 14 December 2022 – see paragraphs

Table 1.1: Black Country Authorities housing need and supply

Authority	Standard method housing need (2020-39)	Proposed supply	Surplus / shortfall
Dudley	11,989 (631 dpa)	13,235	+1,246
Sandwell	27,873 (1,467dpa)	9,158	-18,715
Walsall	16,568 (872dpa)	13,344	-3,224
Wolverhampton	19,646 (1,034dpa)	12,100	-7,546
Totals	76,076 (4,004 dpa)	47,837	-28,239

- 1.23 The table confirms the existence of a shortfall in all but Dudley, where the evidence suggested a small surplus. It is important to note, however, that any reduction in allocations for development within the Green Belt in relevant authorities will only serve to increase the scale of the unmet need on an individual and therefore collective basis. Appendix 1 to the Council's Letter to the Inspectors (GC19) - the press release from Dudley MBC (6 October 2022) - acknowledges that the rationale behind an approach to prepare a Local Plan independently was to re-assess the need for and scale of release of Green Belt land.
- 1.24 Alongside potentially resulting in a more significant unmet need, the decision of ABCA to proceed based on individual Plans will delay the progression of a plan-led approach to addressing the confirmed unmet need. This is confirmed in the latest published Local Development Schemes of the individual authorities, which are summarised in the following table, and confirm that comprehensive plans across the area will not be in place until March 2026 at the earliest.

Table 1.2: Local Development Scheme submission milestones of the Black Country authorities

Authority	Quoted target date for submission
Wolverhampton	End 2023
Walsall	March 2026
Sandwell	November 2024
Dudley	<i>Not currently published</i>

Source: Published LALDS' as of 5 December 2022

- 1.25 Delays in the progression of Local Plans to address unmet housing needs are not unique to the Black Country authorities. It is noted that, set against the context of Birmingham's identified shortfall in the 2017 Birmingham Development Plan (BDP), only one authority has adopted a Plan identifying any housing to meet Birmingham's

unmet needs – North Warwickshire in September 2021. The result is a claimed shortfall of circa 6,000 homes³, remains unaccounted for.

- 1.26 It is the nature of plan-making that the progress of individual Plans can be subject to uncertainties and variations to timetables. This affirms the importance of a process of ongoing discussion through the duty to co-operate.
- 1.27 It is of note that during the Examination process for this Plan, Birmingham has now progressed a review of its Local Plan, with a consultation on “Issues and Options” recently closing. This consultation claims that over a new Local Plan period which looks to 2042, the scale of the City’s shortfall has risen to 78,415 homes.
- 1.28 As we evidenced in our Matter 2 Statement, whilst the functional relationship is less pronounced between Birmingham and Shropshire than the Black Country and Shropshire, it is still of sufficient significance⁴ that the consequences of a failure to plan for meeting needs in full will exert further pressure on the housing market in Shropshire as well as other parts of the Greater Birmingham and Black Country Housing Market Area (HMA). Indeed, it is of note that one of the actions requested by the ABCA authorities in their letter of 26 April 2022 to the GBBCHMA authorities, including Shropshire Council, in the context of *‘of the forthcoming Birmingham Local Plan review and the potential for this to further increase the shortfall arising from the West Midlands conurbation’*,⁵ was a review of the HMA. It is understood that this reflected a recognition of the importance of accounting for planned provision towards addressing unmet housing needs arising in the HMA in authorities such as Shropshire, where they currently fall out with its definition.
- 1.29 The current and up-to-date identified significant shortfalls referenced above and the ongoing process of parallel plan-making in authorities with functional housing market links with Shropshire affirms the importance of the approach taken to an ongoing process of engagement and it is anticipated that this process will itself continue in parallel to the progression of the Shropshire Plan. This includes following its potential adoption in order to ensure that the strategy for delivering much needed homes continues to be effective.

4: What has been the outcome of co-operation and how has this addressed the issue of overall housing provision?

- 1.30 In our Matter 2 Statement (M2.50 A0682), we drew attention to the matter of disagreement set out within the Statement of Common Ground with ABCA (EV041), with ABCA requesting for the Draft Local Plan to include an early review mechanism, to be triggered by evidence of an ongoing unmet need in the Black Country.
- 1.31 This request is the result of an acknowledgement that whilst the Draft Local Plan includes for a level of provision to address a proportion of unmet need arising in the

³ Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Position Statement Addendum (“4PS”) published on 17 December 2021

⁴ We cited Census 2011 evidence as to the strength of migratory and commuting flows between Birmingham and Shropshire at paragraph 11.1 of our Matter 2 statement.

⁵ GM15a (last document entry) Paragraph 23 and included at Appendix 2.1 of the Shropshire Council Matter 2 Statement

Black Country, the scale of the unmet need is far more significant. The result is that there is and will continue to be a significant amount of housing need not being planned for.

- 1.32 In the context of the scale of the unmet need not improving and indeed arguably increasing, our stated request in our Matter 2 Statement (M2.50 A0682, paragraphs 1.32 and 1.35) that the Council re-considers the level of unmet need allowed for and increases this to make a more meaningful contribution remains pertinent. We continue to consider that this would represent a more positive planning strategy.
- 1.33 However, we maintain that regardless of whether or not the Plan includes for an increased contribution towards the unmet needs of the Black Country, as we set out in both our Matter 2 (M2.50 A0682) and Matter 8 statements (M8.20 A0682), the addition of an early review mechanism is required at the very least.
- 1.34 Where, as set out in our answer to Q3, and on the basis of information currently available, it is reasonable to anticipate a situation where one or more than one of the Black Country authorities confirms an unmet need in the process of evidencing and submitting their respective Local Plans the case for the inclusion of an early review mechanism remains clear and indeed is strengthened.
- 1.35 **A policy should therefore be included which includes specific “triggers” to engage an early review of the Local Plan.** In the context of the evolving Local Plan situation and the existing evidence of unmet needs, this trigger, in our view, should be instigated where there remains within three years of the adoption of the Plan an evidenced unmet need in the GBBCHMA. Examples of sound monitoring, and review policies are S8 and DS19 from the Aylesbury Vale (2021) and Warwick District (2017) Local Plans (respectively) which were attached as Appendix 2 to our Matter 8 Hearing Statement (M8.20 A0682).
- 1.36 It is critical that Shropshire housing delivery and supply is kept under regular review to ensure that the scale of the contributions delivered in Shropshire to accommodate needs arising outside of Shropshire (namely for the Black Country authorities) are delivered during the respective Plan periods.