



**The countryside charity
Shropshire**

**Representor unique Part A Ref: A0410
CPRE Shropshire**

Examination of Shropshire Local Plan 2016-2038

Stage 1 (Duty to Cooperate) Hearing Statement

for 17 January 2023 Hearing Session

1. This hearing statement follows the structure within document ID24 issued on 1 November 2022 with the Programme Officer's covering email (document ID26):

Matter 1 – 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

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?***
2. CPRE raised concerns at previous sessions about the uncertainty in regards to the level of housing need in the Black Country Plan and the extent to which the figures given for the declared unmet need were justified. We set out our concerns in relation to that in our Matter 4 Response. Even before the Black Country Authorities abandoned the plan, there was additional evidence to support a lower level of unmet need.
3. Firstly, on the demand side the Interim CENSUS results (see Table 1 below) supported the validity of the ONS2016 figures, a difference projected forwards over the plan period of some 15,580 dwellings, as we set out in our previous evidence.

Table 1:
Comparison of CENSUS and ONS Projections for the Black Country Boroughs

Population				
2021	Census	ONS2014	ONS2016	ONS2018
Dudley	323,500	321,700	321,800	325,147
Sandwell	341,900	335,600	335,000	333,731
Walsall	284,100	285,400	287,400	289,406
Wolverhampton	263,700	263,100	265,200	267,530
Black Country	1,213,200	1,205,800	1,209,400	1,215,814
Difference to Census		7,400	3,800	-2,614
Household				
2021	Census	ONS2014	ONS2016	ONS2018
Dudley	137,100	134,789	134,682	135,821
Sandwell	130,200	134,074	128,790	128,571
Walsall	112,200	115,825	113,626	113,951
Wolverhampton	105,100	108,673	106,757	107,664
Black Country	484,600	493,361	483,855	486,007
Difference to Census		-8,761	745	-1,407
Household Size				
2021	Census	ONS2014	ONS2016	ONS2018
Dudley	2.36	2.39	2.39	2.39
Sandwell	2.63	2.50	2.60	2.60
Walsall	2.53	2.46	2.53	2.54
Wolverhampton	2.51	2.42	2.48	2.48
Black Country	2.50	2.44	2.50	2.50
Difference to Census		0.06	0.00	0.00

4. Secondly, the Chilmark Report on Brownfield capacity in the Black Country was published on ABCA's website.
5. That took samples from different sizes of centre (in Tier 1's case Sandwell, in Tier 2's case Willenhall) for Homes above Shops Wolverhampton. ABCA said that they would examine other centres' additional supply to include in material with the Regulation 19 consultation but that never happened.
6. In lieu of that (and to inform submissions to ABCA), WM CPRE tabulated the potential additional supply and submitted it as part of our Regulation 18b response to ABCA. Including

up to date windfall figures, that shows a potential additional supply of 4,340 (Chilmark actual) and 12,204 (Chilmark potential).

Table 2:
Theoretical Additional Supply from Chilmark/Windfalls

Additional potential housing supply	Chilmark	Multiplier for other locations	Theoretical total
Homes above shops in other Boroughs	812	3	2,436
Tier 1 Homes	910	4	3,640
Tier 2 Homes	230	17	3,910
Employment Land existing discount to 10%	154		154
Employment Land (additional)	1,130	15% discount	960
5-year windfall average (not advocated in Chilmark)	1,104		1,104
Potential total	4,340		12,204

7. Neither of these was tested further, since the plan was abandoned.
8. In one sense then there is no housing figure for unmet need since there is no plan.
9. However, there will be four individual plans. Walsall, Wolverhampton and Dudley have all agreed this at Cabinet. We are not aware when Sandwell will do the same. The timescale on those plans while each slightly different would suggest Issues and Options in late 2023 and the Regulation 19 Stage in 2025.
10. How they will approach housing has yet to be determined. The level of need may vary, either because of a national change of approach or simply because changes in the affordability ratio and time scale impact on need.
11. What is clear it that there is an appetite for reviewing the housing numbers, both in terms of supply and of demand, to reduce the need for Green Belt releases, whether in the Black Country or elsewhere.
12. For example, The Walsall Cabinet Paper (2 November 2022) says:

The BCP proposed to allocate specific sites for development but was not intended to allocate land in Walsall town centre or the district centres. The only site allocation document that covers the district centres is the district centre inset to the UDP which was adopted in 2005. The WLP could therefore draw on one of the recommendations of the Brownfield Land Study (the Chilmark Report) that was commissioned by the West Midlands Combined Authority. Chilmark suggested that there may be capacity for additional housing in the town and district centres. This could also draw on the work of the Willenhall Framework Study. (Para 4.9)

13. This sentiment was echoed by councillors at the Cabinet Meeting which agreed to the new local plan.
14. Since then, the Government has committed to reform the planning system and, most significantly in this regard, Michael Gove, Minister for Levelling Up, announced that the Government would be bringing forward changes to planning regulations in a Press Release dated 5 December 2022, in more detailed letters also dated 5 December 2022 both to Conservative MPs and to all MPs and in a Written Ministerial Statement dated 6 December 2022.
15. We have identified four key elements from these documents which would directly impact on how the level of housing need and supply might be calculated in future plans in the Black Country:
 - i) He makes clear that the calculation of housing numbers should no longer be considered mandatory, but that it should be an advisory starting point. Also, it will be up to local authorities, working with their communities, to determine how many homes can actually be built, taking into account what should be protected in each area. He specifically identifies Green Belt, National Parks, the Character of an Area, or Heritage Assets as constraints.
 - ii) He will instruct the Planning Inspectorate that they should no longer override sensible local decision making, which is sensitive to and reflects local constraints and concerns, rebalancing of the relationship between local councils and the Planning Inspectorate. The following will have to be taken into account: Genuine constraints such as National

Parks, heritage restrictions, and areas of high flood risk, Green Belt and the Character of an Area.

- iii) He will get cities to build more new houses, and stop them, as he says: *“offloading their responsibilities to provide new housing onto neighbouring green fields by ending the so-called ‘duty to co-operate’ which has made it easier for urban authorities to impose their housing on suburban and rural communities”*.
- iv) He will consult on a new approach to accelerating the speed at which permissions are built out, specifically on a new financial penalty.

- 16. As yet the mechanisms are not laid out for these changes but they are likely to be in place before the four Black Country Plans are submitted and, given the evidence on realistic need and supply set out above, it would seem likely that the Authorities, particularly given the impact on the Green Belt both in the Black Country and adjoining authorities, such as Shropshire, will want to pay particular heed to the constraints identified.
- 17. In regards to employment land it is also unclear how the Black Country Authorities will take the issue forwards. As we have already set out in our previous Matter 2 Statement, there is significant additional supply in South Staffordshire including at the West Midlands Rail Freight Interchange (WMRFI) where only 30-35% of the proposed 270-hectare West Midlands Interchange Site (80-100 hectares) is considered to be meeting Black Country need, even though the rest is not included in either South Staffordshire or Shropshire’s need, suggesting it would, in reality, meet Black Country need. Moreover, the role of any land in Shropshire in meeting need would now need to be more fine-grained and take account of need in the individual Black Country authorities.
- 18. In our view then, the existing SoCG with ABCA should not now be given significant weight. Until such time as there is a clear analysis for each authority, Shropshire does not need to identify land to meet a now outdated theoretical unmet need, especially given that the Black Country Plans will almost certainly be advanced under a different planning regime and the Duty-to-Co-operate be revoked.

Questions:

General

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

19. See comments above regarding the Black Country. In terms of other authorities, Birmingham has recently completed its Issues and Options and those include a substantial shortfall.
20. It should however be noted that that is only an Issues and Options consultation and the position is likely to change. West Midlands CPRE has submitted detailed comments on that consultation including challenging the level of unmet need.
21. It is particularly worth noting that:
 - i) the current calculation of need of 7,136 dpa is approximately three times the latest (ONS2018) demographic need of 2,388 dpa;
 - ii) the figure being given is (as was the case with the Black Country) inconsistent with the CENSUS data; and
 - iii) the overall SM figure has risen dramatically in one year from 6,750 dpa (the affordability addition being multiplied by the 35% addition), meaning the SM calculation could reduce by 7,720 for the plan period simply if house prices fall next year and the affordability index changes.
 - iv) the council has simply added the 35% cities uplift to its overall figure with no regard as to whether that can be met in its own boundaries as normally required by NPPG.
22. Moreover, Birmingham is relying on a windfall provision of 584 dpa, when its average windfall completions since 2001-2021 has been 1,562 dpa (including the recession) and its average from 2017-2021, 1,922 dpa, suggesting over the plan period an under calculation of nearly 30,000 windfall homes.
23. In other words, CPRE considers that, not only is the addition of 1,500 houses by Shropshire for the Black Country housing shortfall unjustified, but the case for any wider shortfall across the Greater Birmingham Housing Market Area (GBHMA) is also currently unjustified and could

anyway also be subject to change in the light of the Government planning reforms (as set out above).

Questions:

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?*

24. We are content with the general approach the council has taken to consulting with its neighbours and in progressing the plan.
25. In particular we consider it was entirely appropriate that the Council reviewed the responses to the Regulation 18 consultation (as set out in the 7 December 2020 Cabinet report Para 5.27, GC15a Page 178)) and concluded as a planning judgement that there were insufficient exceptional circumstances in order to release this land [the Jn 3 site] from the Green Belt.
26. Having come to that conclusion, it was appropriate to review the amount of housing / employment land to be included in the plan to meet Black Country need. However, at this current stage the need to include any land for the Black Country is doubtful (even if the duty-to-co-operate remains in force into the future) and the overall housing need in Shropshire should be reduced to reflect that.

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

27. While we do not believe the process is flawed, we disagree with the Council that after that decision there still remained a compelling case to provide 1,500 homes for the Black Country when Shropshire was already providing more homes than either its demographic need or the Government's SM figure. Therefore, the Council should have reduced its overall housing need total.

Questions:

Jobs growth and employment land provision

5. ***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 employment related matters during the preparation of the Local Plan?***
28. Similarly, we are content with the approach the council has taken to consulting with its neighbours on employment land.
6. ***What has been the outcome of co-operation and how has this addressed the issue of jobs growth and employment land provision?***
29. As set out in our previous evidence we do not consider the provision of 30 Ha of employment land for the Black Country is justified and this should be reviewed as the individual local plans are progressed.

Minerals and waste

Questions 7-9.

30. No comments.

Other strategic matters

10. ***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 all other strategic matters during the preparation of the Local Plan?***
31. We are content with the approach the council has taken to consulting with prescribed bodies and its neighbours.