

Stage 1 DtC Hearing Statement

Representor unique Part A Ref *	AO633
Matter1 General (Q1 and Q2)	

1. As previously pointed out NPPF paragraph 27 requires Statements of Common Ground (SCG) to be made publicly available throughout the plan making process to provide transparency. Para 009,020 and 012 of Government Guidance on Plan Making provide similar advice. Shropshire Council failed to comply with these requirements as their SCGs only became available after the end of the Reg19 public consultation stage.

2. In any event, it is now considered that the ABCA SCG submitted is no longer relevant and cannot be taken into account as evidence supporting the Council's proposals consequent upon their Duty to Co-operate (DtC) responsibilities. ABCA has now disbanded and each Authority is now going their own way, producing their own local plans and will be producing in due course, their own evidence specific to their areas. It cannot be assumed that what was discussed and submitted on behalf of ABCA, will still apply for the individual Authorities.

3. The ABCA SCG submitted by the Council has to be now disregard as evidence: to comply with national policy, the Council needs to provide SCGs (and show it has fulfilled DtC, with each individual Black Country Authority. As the Council has failed to provide this, it has failed to meet the legal and policy requirements relating to DtC and SCGs.

4. The Council has submitted a plethora of additional information and evidence since submitting the Plan for Examination. They have stated that despite this evidence not being available during the public examination stages, it should still be taken into account as being up-to-date information. By the same reasoning, therefore, the fact that ABCA no longer exists and their SCG and previous DtC rendered null and void, is a material factor. The Plan and proposed allocations and development proposals in the Plan consequent upon ABCA discussions, now need re-consideration and re-appraisal after up-to-date discussions and SCGs have been carried out with each individual Authority.

5. It is suggested, therefore, that the Council needs to go back to the drawing board, consult afresh with each individual Authority, and then seek to justify any proposals to accommodate "unmet needs" on the basis of evidence arising from those new DtC discussions. It can no longer justify its unmet needs allocations for ABCA, as the evidence they used to try to justify such proposals must now be considered suspect.

6. The Council can no longer rely on its discussions with representatives of ABCA now that that organisation no longer exists, as the planning objectives upon which such discussions may have taken place cannot be assumed to now represent all individual authorities, especially as one authority has made planning comments that could significantly affect the evidence the Council previously used to justify its unmet needs allocations.

7. The Council's present unmet needs proposals would have a significant effect on Green Belt in the east of the County. Both ABCA (in particular) and the Council have made it clear that unmet needs would mostly be accommodated in the east of the County around Albrighton, Bridgnorth and Shifnal. Such needs could only be met through the release of significant areas of Green Belt. In view of this, it is even more important and relevant that to prove exceptional circumstances for such release to meet previously stated ABCA unmet needs, that such justification for exceptional circumstances is based on current evidence resulting from discussions with each individual authority and not on evidence and comments from an organisation that no longer exists. As said above, it cannot now be assumed that what was considered relevant and appropriate for a joint organisation, will still stand the test of soundness when each authority will now be following its own planning agenda, objectives and evidence. Evidence previously submitted by a body that is now defunct, cannot be justified or considered legally sound: it can no longer be properly tested as the Council cannot justify that what was previously stated by that body still applies to all individual authorities. Those authorities when now preparing their own and not a joint Plan, may well come up with different planning objectives and evidence from that submitted by ABCA.

8. The Council made great play of the fact that ABCA strongly supported the proposed Shropshire allocations: but this cannot be implied to apply now that ABCA no longer exists and each individual authority is reconsidering their planning positions.

9. Concern has previously been made by objectors that the then joint Black Country Plan had not been put out to public consultations nor any evidence relied upon by the Council for its housing and employment unmet needs proposals, properly tested through the local plan process. Such objections are even more relevant now, as that Plan and all supporting evidence has been cancelled and individual authorities have yet to progress their own local plans and evidence.

10. In GC14, the Council say that they have undertaken an iterative approach to the development of the Plan and lists consultation stages. However, NPPF and Government Guidance requires SCGs to also be subject to the same iterative process. This has not been done as SCGs were only made available to the public after the consultation stages were completed.

11. In GC14, the Council state that SCGs identify any relevant strategic and cross boundary matters in relation to such matters as housing and employment. However, now that ABCA has been disbanded, the ABCA SCG is in effect withdrawn with the abolition of that body. To comply with DtC and for the Council comments in GC14 to still be sustained for the Black Country, the Council need to re-engage with the individual Black Country authorities as the relevant strategic cross boundary matters cannot now be assumed to be the same when the body upon which such matters were based, no longer exists.

12. On page 3 of GC14, the Council draw specific attention to their DtC with ABCA and stress agreement with that body. As ABCA no longer exists, these 2 paragraphs relating to ABCA must now be disregarded and the conclusions can no longer be justified. Similarly the 200 pages of GC15A relating solely to ABCA can no longer be considered relevant or justifiable as meeting DtC requirements at the present time.