

Shropshire Council Local Plan Examination

Matters, Issues and Questions (MIQs)

Virtual hearing: 17th January 2023

Representor name: Bruton Knowles on behalf of Shifnal Matters Shifnal Town Council and Tong Parish Council

Reference Number A0638

Name of participant: Mrs Claire Rawlings on behalf of Bruton Knowles

1. Introduction

- 1.1** This Statement is being submitted in response to Matters, Issues and Questions related to the Stage 1 proceedings of the Shropshire Local Plan Examination and the Duty to Cooperate
- 1.2** This statement has been prepared by Bruton Knowles on behalf of Shifnal Matters, Shifnal Town Council and Tong Parish Council.
- 1.3** It is noted that Section 33A of the Planning and Compulsory Purchase Act 2004 imposes a duty on a local planning authority to co-operate with other local planning authorities, prescribed bodies or other persons prescribed or of a prescribed description by engaging constructively, actively and on an ongoing basis on any strategic matters when preparing a development plan. This is to maximise the effectiveness of plan preparation activity.
- 1.4** In addition, Government policy contained in paragraphs 24-27 of the National Planning Policy Framework (“the Framework”) sets out the importance placed on planning strategically across boundaries. Paragraph 35a) states that plans will be sound if they are, amongst other things, positively prepared, being informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with sustainable development.
- 1.5** It is noted that strategic relationships have been identified with Shropshire Council and the neighbouring council areas listed in the Council’s Duty to Co-operate Compliance Statement.
- 1.6** In addition, several other council areas, known collectively as the Association of the Black Country Authorities [Association of Black Country Authorities (ABCA): Dudley Metropolitan Borough Council , Sandwell Metropolitan Borough Council , Walsall Council and the City of Wolverhampton Council]- referred hereinafter as Dudley, Sandwell, Walsall and Wolverhampton, have also been identified by Shropshire County Council as being relevant to their plan making activity. A SoCG was agreed and signed between ABCA and Shropshire County Council in July 2021 with regards to Duty to Cooperate Matters.
- 1.7** Following the Stage 1 Hearings Shropshire County Council has now provided evidence (documents GC14 & GC15 – GC15I) of the work that they have undertaken during the preparation of the Local Plan with regards to the Duty to Cooperate.

- 1.8 A focussed hearing session is being held in January 2023 to further consider this evidence and review whether Shropshire County Council has met its Duty to Cooperate during the preparation of the Local Plan.
- 1.9 This hearing will also consider the implications of the recent collapse of ABCA on the Examination into the Shropshire Local Plan and on Duty to Cooperate matters. The demise of ABCA has resulted in work ceasing on the Joint Black Country Local Plan with the authorities of Dudley, Sandwell, Walsall and Wolverhampton announcing, instead, that they will take their own Local Plans forward to a timescale to be agreed individually.
- 1.10 A set of questions have been set by the Inspectors for the Duty to Cooperate Hearing Session in January. These questions focus on the Duty to Cooperate evidence that has been provided and the impact of the collapse of ABCA.
- 1.11 This statement provides a response to these questions as detailed below and have been prepared on behalf of Shifnal Matters, Shifnal Town Council and Tong Parish Council.

2 Response to Questions 1-6

- 2.1 **Q1. 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?**

2.1.2 Response

- 2.1.3 It is noted that the agreed SoCG which was prepared between Shropshire Council and ABCA dated July 2021 specifically states at para 2.2 that *“For the avoidance of doubt, this Duty to Cooperate is between Shropshire Council and the Association of Black Country Authorities (ABCA), and not between Shropshire Council and the individual local authorities who are members of ABCA.”*

- 2.1.4 As such ABCA, not the individual authorities of Dudley, Sandwell, Walsall and Wolverhampton agreed with Shropshire County Council through the Statement of Common Ground that:

Shropshire Council has accepted the principle of meeting a proportion of ABCA’s ‘unmet’ need forecast in a way which recognises the functional relationship between the areas, and which respects the character of the Shropshire.

the following levels of unmet need are accepted in principle by Shropshire as part of its Local Plan Review:

Housing: up to 1,500 dwellings up to 2038 towards meeting the unmet housing need forecast to arise within the Black Country;
Employment: up to 30 hectares up to 2038 towards meeting the unmet employment need forecasts to arise within the Black Country.

this contribution would not be met on a specific site allocation or within a specific settlement, but rather this unmet housing need would be simply

incorporated within the Shropshire Local Housing Need and met in accordance with the proposed strategy for the distribution of development across Shropshire.

it was also considered that there are relatively stronger links to the Black Country from the eastern and central areas of Shropshire compared to the rest of Shropshire. However, it was also apparent that the extent of the relationship between Shropshire and each of the four Black Country Authorities varies. Specifically, migration, commuting, and road/rail links were considered stronger to Dudley and Wolverhampton and relatively less so to Sandwell and Walsall.

2.1.5 Furthermore, it is noted that ABCA's response to Shropshire's Regulation 19 Local Plan Consultation (February 2021) stated amongst other matters that:

- Consider proposals for significant levels of development in Bridgnorth and Shifnal could credibly meet Black Country needs, given existing migration patterns, geographical proximity and physical links.
- Employment sites in Shifnal and Bridgnorth (given their location and functional relationship) could be assumed to be capable of meeting needs arising in the Black Country.

2.1.6 Following the collapse of ABCA in October 2022, the four local authorities which covered the Association of Black Country Authorities (ABCA): Dudley, Sandwell, Walsall and Wolverhampton, have stopped work on the Joint Black Country Local Plan with each Council now developing their own Local Plan to a timescale yet to be agreed individually by each authority.

2.1.7 As a result, and given the SoCG was specific in stating that the Duty to Cooperate was between Shropshire Council and ABCA, who no longer exist, then it follows that the SoCG outcomes stated above cannot be relied upon, cannot be scrutinised or verified given the united voice of ABCA is no more and they cannot be taken forward with any confidence within the Draft Shropshire Local Plan.

2.1.8 Moreover, given the individual Black Country authorities do not yet have their own Local Plans in place which have been advanced to any meaningful stage and have been subject to any level of scrutiny then weight cannot be attached to their representations at this time either.

2.1.9 Given the uncertainty that this change has created and the fact that no confidence can now be attributed to the outcomes of the ABCA SoCG, then Shifnal Matters, Shifnal Town Council and Tong Parish Council request that the contributions stated above of 1500 homes and 30 hectares of employment, which were included within the Shropshire Local Plan to help meet the unmet needs of the ABCA authorities, be removed from the Local Plan with immediate effect.

2.1.10 This would then allow the Shropshire Local Plan, which is at an advance stage in its production, to continue to proceed with a greater level of certainty through the examination process with regards to meeting its residual housing and employment requirements.

2.1.11 This would also enable the authorities of Dudley, Sandwell, Walsall and Wolverhampton to progress their individual Local Plan's informed by their own evidence bases without any implications in terms of what had been agreed previously with Shropshire

- 2.1.12 Shropshire County Council will also need to cooperate with each of the Black Country authorities, as their individual plans advance, and agree, where appropriate, individual SoCG's.
- 2.1.13 Preparing these individual Local Plans and SoCG's will take time to achieve with a future review of the Shropshire Local Plan providing an opportunity to re assess any agreed position reached in terms of meeting future unmet needs in Shropshire.
- 2.1.14 As such and following on from the requested removal of the housing and employment requirements which emerged from the work undertaken with ABCA, Shifnal Matters, Shifnal Town Council and Tong Parish Council also seek the deletion of the associated residential and employment allocations at Shifnal from the draft Shropshire Local Plan. These allocations have been recognised as helping to meet the housing and employment needs established with ABCA who no longer exist and who can no longer verify the requirements sought.
- 2.1.15 Instead, as detailed above it is recommended that any future decisions on meeting unmet needs in Shropshire be deferred to the next Local Plan review period. This will allow time for the individual authorities to establish their housing and employment requirements in their own Local Plans and for the preparation of SoCGs, as required, which will inform a Plan review process.
- 2.2 **2. Are the SoCG with neighbouring authorities and stakeholders still relevant and up to date?**
 - 2.2.1 Response
 - 2.2.2 Given the collapse of ABCA they cannot be. These will need to be revisited to ensure that there are no implications arising as a result of the collapse of ABCA.
- 2.3 **Overall housing provision**
 - 2.3.1 **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?**
 - 2.3.2 Following the collapse of ABCA, Shropshire County Council has not consulted individually with the ex ABCA authorities of Dudley, Sandwell, Walsall and Wolverhampton which have been recognised as relevant to the plan making process. As such the Council has not 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.
- 2.4 **4. What has been the outcome of co-operation and how has this addressed the issue of overall housing provision?**
 - 2.4.1 Response
 - 2.4.2 The overall provision was increased to meet the stated need of ABCA. As each Local Authority is independently dealing with their own Local Plan, which is yet to be finalised and will be subject to independent scrutiny by Inspectors there are no reliable figures that Shropshire County can rely on.

Given the collapse of ABCA Shifnal Matters, Shifnal Town Council and Tong Parish Council seek the deletion of the requirement of 1500 dwellings from the Shropshire Local Plan as detailed in the response to Question 1 along with the associated residential allocations at Shifnal.

2.5 Jobs growth and employment land provision

2.5.1 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?

2.5.2 Following the collapse of ABCA, Shropshire County Council has not consulted individually with the ex ABCA authorities of Dudley, Sandwell, Walsall and Wolverhampton which have been recognised as relevant to the plan making process. As such the Council has not 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.

2.6 6. What has been the outcome of co-operation and how has this addressed the issue of jobs growth and employment land provision?

2.6.1 Response

2.6.2 The overall provision was increased to meet the stated need of ABCA. As each Local Authority is independently dealing with their own Local Plan, which is yet to be finalised and will be subject to independent scrutiny by Inspectors there are no reliable figures that Shropshire County can rely on. Given the collapse of ABCA Shifnal Matters, Shifnal Town Council and Tong Parish Council seek the deletion of the 30 hectares of employment land from the Shropshire Local Plan as detailed in the response to Question 1 along with the associated employment allocation at Shifnal

3 Addendum

3.1 The recent announcements by M Gove MP in respect of the Levelling Up Regeneration Bill and the progress of that Bill through the legislative process needs to be addressed as part of this Examination as the housing and employment need and the Duty to Co-operate may be varied

The End