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Shropshire Council
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My Ref: MG/PP006450

Date: 14 September 2023

Dear Sirs,

SHROPSHIRE COUNCIL: EXAMINATION OF LOCAL PLAN CPR PART 54 AND PRE-ACTION PROTOCOL

1. Further to your Pre-Action Protocol Letter (PAPL) of 15 August and the Council's acknowledgment of receipt on 18 August, we would like to take an opportunity to express our concern over some apparent factual inaccuracies contained within your grounds of challenge.
2. To reiterate, as it stands, we consider the threat of judicial review as being an abuse of the examination process and most certainly premature. The Council acknowledges the Inspectors have subsequently written to the Council (ID35), indicating that in the light of your PAPL letter, they have some soundness concerns with some of the additional material the Council provided to the Examination in July. This serves to illustrate that the inspectors were already seized of your concerns, and that your concerns are capable of being dealt with during the examination process and an alternative remedy to the threatened judicial review.
3. We are currently awaiting more detailed comments from the Inspectors regards their soundness concerns, and we note that in the meantime they have strongly urged the Council to review the CPR Part 54 and PAPL with regard to the implications of its content for the soundness of the plan. With this in mind, and having reviewed the PAPL, we consider it



necessary to point out some apparent factual inaccuracies contained within your grounds for challenge. To be clear, this letter is not a detailed response to your grounds for challenge, and the Council reserve the right to respond further should it be necessary to do so. Please note we have copied this letter to the Local Plan Inspectors.

Distinction Between Housing and Employment Land Needs and Requirements

4. It is noted that in paragraph 11 of their Interim Findings (ID28) the Local Plan Inspectors seek to clarify the distinction between housing and employment land **needs** and housing and employment land **requirements**. The Inspectors indicate in the same paragraph that they had concerns the two had been conflated, but that they are two distinctly different things. In order to provide clarity on this point, the Inspectors in Paragraph 12 of ID28 go on to require the Council produce a Topic Paper which *"unambiguously sets out the need for housing over the plan period and the local plan's housing requirement and the same for employment land"*.
5. In July, the Council responded to the Inspectors with a range of material which included a new Topic Paper on Housing and Employment matters (HETP) (GC28). Figure 4.2 on page 26 of the HETP provides what the Council considers is an unambiguous description of the clear distinction between local housing need and the proposed housing requirement. Figure 5.2 on page 55 of the HETP provides an unambiguous description of the clear distinction between local employment land need and the proposed employment land requirement. Both Figures 4.2 and 5.2 clarify that the agreed unmet housing and employment needs from the Black Country are incorporated into the respective requirement figures. This position is further explained in the HETP within chapter 4 for housing matters and chapter 5 for employment matters.
6. For the avoidance of doubt, the local housing **need** in Shropshire between 2016-2038, as calculated using Government's standard methodology with a 2020 base date, equates to **25,894 dwellings**. The



proposed housing **requirement** for the same period is a minimum of **30,800 dwellings**. The HETP clarifies the proposed housing **requirement** of a minimum of 30,800 includes a specific contribution of 1,500 dwellings towards the unmet housing need forecast to arise in the Black Country. The proposed housing **requirement** therefore equates to a 13% uplift on the local housing need figure plus a further specific contribution of 1,500 dwellings towards the unmet housing need forecast to arise in the Black Country.

7. Also for the avoidance of doubt, employment land **need** in Shropshire equates to **250ha of employment land** over the plan period. The proposed employment land **requirement** for the same period is a minimum of **300 hectares of employment land**. The HETP clarifies that the proposed employment land **requirement** incorporates a specific contribution of 30ha towards the unmet employment land needs forecast to arise in the Black Country. The proposed employment land requirement therefore equates to a 10% uplift on the need plus a further specific contribution of 30ha dwellings towards the unmet employment land need forecast to arise in the Black Country.
8. **This position is consistent with that explained in Paragraphs 3.7 and 3.18 of the submitted Local Plan.**
9. Paragraph 6 of your PAPL states *"the Inspectors found that the Council's evidence and the basis of the Plan submitted for examination, is a need for 30,800 homes (1,400 dpa) and a requirement for around 300ha of employment land over the plan period to meet the needs of Shropshire"*. The Council are of the view, for the reasons set out above, that this is a factually inaccurate statement.
10. Put simply, based upon Government's standard methodology with a 2020 base date, the local housing need of Shropshire between 2016-2038 is 25,894 dwellings, not 30,800 dwellings. The fact that the Council has chosen a growth strategy which exceeds its local housing need, does not alter the local housing need figure. Indeed, it is this clear separation of need and requirement that the Inspectors themselves refer to as being *"two distinctly different things"* (Para 11, ID28).



11. This conclusion would appear to be in direct conflict with your statements set out in the PAPL in paragraphs 6 and 15, where the figure of 30,800 dwellings is referenced as the housing need figure for Shropshire over the plan period.

Additional Sustainability Appraisal Material

12. Paragraph 21 of your PAPL states *"the Council should, it is respectfully requested, be required to undertake an assessment, including an appropriate sustainability appraisal, which reflects the expectations set out in ID28, namely, to undertake an assessment which appropriately accommodates the Black Country authorities' employment and housing in addition to Shropshire's (sound) needs"*. As part of your comments on the Sustainability Appraisal, paragraph 24 of the PAPL states *"the SA fails to undertake any assessment of the effect of adding the identified Black Country employment and housing need to the original Shropshire requirement"*.
13. As set out in this letter, the Council believes there are some factual inaccuracies in how the PAPL presents information regarding housing and employment land needs (as opposed to housing and employment land requirements). Notwithstanding this, we are assuming the reference made to the additional SA work in paragraphs 21 and 24 of the PAPL (outlined above) is a request for the Council undertake additional Sustainability Appraisal work which provides an assessment of housing and employment land options which accommodate the agreed 1,500 dwellings and 30ha contribution to the unmet needs forecast to arise in the Black Country **in addition** to the proposed housing requirement of 30,800 dwellings and proposed employment land requirement of 300ha. Indeed, the Council consider this request would align with the Inspector's comments in paragraph 20 of ID28, where they suggest *"testing a scenario which includes the originally envisaged 'high growth scenario' and a contribution towards unmet housing needs"*.
14. In the assumption this is what is meant in paragraphs 21 and 24 of the PAPL, the Council can confirm that this work has already been



undertaken and submitted to the Examination in July 2023 as part of GC29 'Additional Sustainability Appraisal Report'.

15. With respect to housing, the option is referred to as '*Option 5 High Growth (Variation 3)*' and specifically assesses a housing requirement of 32,300 dwellings over the plan period (30,800 + 1,500). Paragraph 6.10(e) of GC29 specifically recognises that this option "*results in a housing requirement that equates to the housing requirement proposed within the draft Shropshire Local Plan plus an additional 1,500 dwellings, which is comparable to the proposed contribution to the unmet housing need forecast to arise within the Black Country*".
16. With respect to employment land, the option is also referred to as '*Option 5 High Growth (Variation 3)*' and specifically assesses an employment land requirement of 330ha over the plan period (300 + 30).
17. For the avoidance of doubt, a comparison of the various reasonable options considered for both the housing and employment land **requirements**, including 'Option 5 High Growth Variation 3' is included within the additional SA material.
18. Subsequent consideration of appropriate housing and employment land requirements, also specifically involved consideration of 'Option 5 High Growth Variation 3', informed by the conclusions of the additional SA material and other relevant information. This is clearly and concisely documented within the HETP.
19. As such, any suggestion that the Council has failed to assess housing and employment land requirement options that equates to the housing and employment land requirement as at the point of submission **plus** the agreed respective contributions to the unmet housing and employment land needs forecast to arise within the Black Country, is factually inaccurate.

Wider Concerns



20. It is noted that the PAPL includes a range of other concerns with the additional work undertaken by Shropshire Council in response to ID28, particularly the additional SA work (GC29). As things stand the Council disagrees with these concerns, but strongly considers that the appropriate forum for the discussion of these matters, and their resolution by the inspectors in a binding report, is the ongoing Local Plan examination.

Yours faithfully

MG Garrard

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