ID48

Shropshire Council. Examination of Shropshire Local Plan 2016-2038

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Mr West
Planning Policy
Shropshire Council
PO BOX 4826
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17 February 2025

Dear Mr West

Response to GC56 – Shropshire Council's response to ID47

1. Thank you for your letter dated 12 February 2025.

2. Whilst a number of areas of disagreement remain, we note that you now accept that work is needed to identify a new strategic employment site allocation for Shrewsbury, and to identify a new allocation(s) to accommodate the proposed 1,500 dwelling and 30ha employment land contributions to the Black Country.

3. The Government's letter to The Planning Inspectorate in July 2024 explained that "pragmatism should be used only where it is likely a plan is capable of being found sound with limited additional work to address soundness issues. Any pauses to undertake additional work should usually take no more than six months overall. Pragmatism should not be used to address fundamental issues with the soundness of a plan, which would be likely to require pausing or delaying the examination process for more than six months overall" (our emphasis).

4. The modifications required to make the Plan sound in this case are significant and not 'limited'. They would require a significant amount of further supporting evidence and testing as part of the examination process. This amount of work far exceeds that envisaged by the letter.

5. Furthermore, we do not consider the timetable set out in your recent letter to be realistic based on our experience examining this Plan, or indeed others. For example, in response to our letter to the Council in February 2023 (ID28) the Council previously agreed to undertake additional work in February 2024 (GC43) which took until July 2024 to complete (five months). In contrast to the additional work now proposed, that work did not involve the allocation of additional sites, which would be likely to be much more time consuming and resource intensive.

6. The table you have provided is intended to set out the process and timescales for completing the necessary work in identifying additional housing and employment land within six months. However, as drafted it appears overly ambitious. We have serious concerns about the extent to which the full scope of the tasks has been identified, and about the timescales attached to some of them.

7. Whilst it is possible for some tasks to be undertaken in parallel, other tasks by necessity are consecutive. For example, it seems unrealistic that whilst work will still be underway in June to identify sites to accommodate the Black Country needs (and prepare the necessary main modifications), in the same month the Council's Cabinet meeting will consider this, and a new strategic employment site for Shrewsbury. Given the need to prepare and submit a report to Cabinet in advance of the meeting this does not appear to be realistic, and it is more likely to be at least July when this takes place.

8. In terms of the proposed 30 day public consultation, Regulation 17 of The Town and Country Planning (Local Planning) (England) Regulations 2012 requires consultation to be for a period not less than 6 weeks at the Regulation 19 stage of Plan preparation. Whilst the regulations do not legislate for situations like this one, they are a good barometer. Indeed, this was the consultation period used by the Council in their April 2024 consultation on new evidence. Also, a 30 day public consultation period does not accord with the Council's own Statement of Community Involvement.

9. Moreover, the consultation would need to be akin to a full Regulation 19 consultation as there may be people or organisations who did not comment on the original plan and its site allocations, but may be concerned about or support any additional site allocations.

10. The following steps would also need to be included in any work programme, and would take additional time:

    i) Assessing the impact of potential new site allocations on the Green Belt and a review of the Green Belt boundary;
    ii) Identifying the infrastructure implications of additional site allocations and engagement with statutory consultees regarding potential constraints and a potential updating of the Infrastructure Delivery Plan;
    iii) Potential further viability assessment work; and
    iv) Producing an updated housing trajectory with sufficient evidence to enable proper testing of all the different elements that are expected to make up the housing land supply.

11. As set out above, the Government makes clear in its July 2024 letter that work should 'usually take no more than six months overall'. In our view this whole process is likely to take far longer than six months given the quantum of work and resource implications.

12. In addition to the Council's work, we would also need time to consider the additional evidence (and the representations made to it), prepare our Matters, Issues and Questions, and arrange and advertise additional hearing sessions. This in our experience takes a minimum of four months, and that is if all the main parties and the programme officer are available without any delays.

13. Furthermore, the Plan has been in examination for over three years. There have already been pauses amounting to time periods in excess of six months to allow the Council to undertake the work required by ID28. Despite being identified as a persistent soundness issue, the failure to find additional sites to meet the Black Country's needs has already caused significant delays to the examination. The Council's now suggested approach would only serve to protract the examination further.

14. In conclusion, considering the fundamental nature of the additional work, the timetable provided, the omissions from the work programme, and the time taken to undertake work previously, we are not confident that the additional work now proposed could be completed within six months. The combination of these factors leaves us unable to apply our discretion in this case to allow the examination to continue.

15. Taking all of the above into account we recommend that the Plan should be withdrawn. Should the Council not wish to withdraw the Plan the next stage would be for us to write a report of the examination within which we would recommend that the Plan is unsound and that it is not adopted. That would bring the examination to a close.

16. However, having regard to matters of the best use of public money, along with our obligations under The Civil Service Code, we consider it appropriate to suggest again that the Council considers withdrawing the Plan before such a recommendation is made. This would save the expense associated with us writing and issuing a report of the examination.

17. Regarding the Council's request for our conclusions on other aspects of the examination where hearings have been held, we confirm that where necessary we have set out our soundness concerns in our previous letters.

18. We invite the Council to let us know how they wish to proceed by 17 March 2025. If a reply is not possible within this timeframe, please let us know when you will be able to respond. We are not inviting further comments from the Council or any comments from other parties to this letter.

Elaine Worthington and Louise Crosby

Examining Inspectors