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Shropshire Council. Examination of Shropshire Local Plan 2016-2038

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Dear Mr West

Stage 1 Examination of Shropshire Local Plan

During the recent Stage 1 hearing sessions for the examination of the Shropshire Local Plan (the Plan) the following issue became evident. Before the examination goes any further, we would be grateful for your response on this matter.

Duty to Co-operate

Section 33A of the Planning and Compulsory Purchase Act 2004 (“the Act”) imposes a duty on a local planning authority to co-operate (“the DtC”) 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.

In this regard, section 20(5)(c) of that Act also requires that, as the examining Inspectors, we must determine whether or not this Council has complied with its DtC when preparing the Plan. Crucially, account can only be taken of the engagement undertaken by the Council up to the point of submission of this Plan, as the assessment of compliance with the DtC only relates to the plan preparation stages. The question of whether the Council has fulfilled its DtC is a matter of judgement for us following consideration of all of the evidence presented by the Council and representors.

The Act makes clear that sustainable development or use of land that would have a significant impact on at least 2 planning areas is a strategic matter for the purposes of fulfilling the DtC. 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.

In this case strategic relationships have been identified with the numerous neighbouring council areas listed in the Council's Duty to Co-operate Compliance Statement. Several other council areas, known collectively as the Association of the Black Country Authorities ("ABCA"), have also been identified by the Council as being relevant to their plan making activity. All of the identified strategic cross-boundary matters and how the Council considers its Duty was addressed with the relevant bodies are summarised in its compliance statement (EV042). During the hearing sessions the Council explained that meetings were held with the prescribed bodies from the Plan's inception and that they had co-operated with the relevant prescribed bodies.

At the Matter 2 hearing session the Council said that they were able to provide further detail on the meetings that took place, to demonstrate that they had engaged constructively, actively and on an ongoing basis with other local planning authorities, prescribed bodies or other persons prescribed or of a prescribed description in relation to the strategic matters of housing and employment land when preparing the Plan, but that this would take some time to do.

Therefore, as discussed during the Stage 1 hearing sessions we would like to give the Council the opportunity to provide additional evidence to demonstrate that the Council has complied with the legal duty to cooperate. As that evidence should already exist it is not for us to prescribe its breadth or format. What is vital is that it helps demonstrate constructive, active and ongoing engagement on strategic matters relating to housing and employment and how this engagement maximised the effectiveness of plan preparation.

NEXT STEPS

We would be obliged if the above matter could be attended to as soon as possible and we invite the Council to provide an anticipated date for the submission of the requested information by the close of play on **5 August 2022**.

Upon receipt of the requested information, we shall be in a position to advise on how the examination will proceed. We are not inviting responses from anyone else, other than the Council, to this letter. However, a copy of this letter should be placed on the examination website.

L Crosby and C Dillon

Examining Inspectors