

### WEST MIDLANDS REGIONAL ASSEMBLY

#### Assembly Board of Directors

25<sup>th</sup> March 2009

#### RSS Phase 3 Revision – Draft Options Consultation Document

#### 1. Purpose

- 1.1 To provide Members with a draft of the RSS Phase 3 Options consultation document for consideration and approval.

#### 2. Recommendations

- 2.1 That the Board:

- (a) Approves the draft RSS Phase 3 Options document for publication at the start of the consultation period on 29<sup>th</sup> June 2009.
- (b) Agree that, subject to any amendments agreed by the Assembly Board, responsibility for approving any minor changes prior to printing of the document be delegated to the WMRA Director of Policy.
- (c) Note the position so far as future governance arrangements are concerned.

#### 3. Background

- 3.2 The topics being addressed by the RSS Phase Three Revision are:

- **Rural Services:** To identify and prioritise the services that are critical to the sustainability of rural communities, and to identify mechanisms for promoting their provision;
- **Communities for the Future:** To identify the number of pitches required for Gypsies, Travellers and Travelling Showpeople;
- **Culture, Sport and Tourism:** To improve the provision of, and access to, quality cultural and sports assets and provide opportunities to increase the rate of participation / attendance in cultural activities;

- **Environment:** To further develop environmental policies in the RSS, including flood risk, air quality, renewable energy and Green Belt;
  - **Minerals:** To develop policies on safeguarding mineral resources and the future supplies of construction aggregates and brick clay.
- 3.3 To provide further background information on the Options and act as an audit trail, the Options consultation document will be accompanied by Background Technical Reports for each of the Phase 3 topics. The Background Technical Reports will be made available online or by request when the Options consultation is launched.
- 3.4 The draft Options document was considered by the Regional Assembly's Strategic Advisory Panel (SAP) on 4<sup>th</sup> March and then endorsed by the Regional Planning and Environment Executive (RPEE) at its meeting, also on 4<sup>th</sup> March. Technically, the document was signed-off by the RSS Coordination Group at its 16<sup>th</sup> March meeting. At the time of writing, some outstanding issues from these meetings are still being incorporated into the final draft and any substantive changes will be reported verbally at the Assembly Board meeting.
- 4. Preliminary Findings of an Initial Sustainability Appraisal, Habitats Regulation Assessment and Rural Proofing**
- In undertaking the Phase 3 Revisions, the Regional Assembly will take into account a series of appraisals, including a Sustainability Appraisal (SA), a Habitats Regulation Assessment (HRA) and a Rural Proofing. The SA, HRA and Rural Proofing challenge and test the RSS Revision at each stage of development, including the Options.
- 4.2 The Sustainability Appraisal process (incorporating Strategic Environmental Assessment) was carried out on the draft Options using a Sustainability Appraisal Framework that sets out a list of questions which make it possible to consider the economic, social and environmental implications of policy proposals.
- 4.3 Rural Proofing appraised the Options against a Defra checklist which is designed as a screening tool to help policy makers consider whether their policy is likely to have a different impact in rural areas.

- 4.5 Largely due to how the Options are drafted, which in many cases are not defined in precise terms or not described in terms of expected outcomes, the assessments were not able to draw detailed conclusions on impacts, but insofar as analysis was possible the SA/SEA and Rural Proofing did not identify any major negative impacts arising from the draft Options.
- 4.6 A Habitat Regulation Assessment (HRA) screens potential impacts against the conservation objectives of European habitat sites within the region and beyond to ascertain whether the integrity of any of these sites would be adversely affected. From an initial review of the Options, Treweek Environmental Consultants have not identified any showstoppers where any of the suggested Options would not leave room for manoeuvre to avoid or mitigate against possible adverse effects.
- 4.7 Although it was not always possible to identify impacts or draw clear conclusions on the draft Options, the assessments did make recommendations on how some of the draft Options might be improved or strengthened so that economic, social, environmental, and rural issues could be addressed more effectively. These recommendations were issued to those Policy Leads responsible for options development and informed their work.
- 4.8 Further SA/SEA and Rural Proofing assessments will be carried out on the final Options in advance of Options consultation. A formal HRA screening process will also be undertaken on the final Options to identify those sites where there may be 'likely significant effects' and where a Stage 2 Appropriate Assessment would be needed.
- 4.9 The findings of the SA/SEA and Rural Proofing assessments, together with the HRA screening report will be made publicly available on the WMRA website or on request during the Phase Three Revision Options consultation.

## **5. Next Steps**

- 5.1 The launch of the Options consultation will commence on Monday 29<sup>th</sup> June 2009 following the RSS Phase 2 Examination in Public, but before the start of the school summer holiday period. A launch event is planned for Thursday 2<sup>nd</sup> July at the Burlington Hotel in Birmingham. It is intended that the consultation will last 7 weeks, closing on Friday 14<sup>th</sup> August 2009.
- 5.2 It is anticipated that it will take around a month to analyse and assess all the consultation responses, leaving officers around 6 weeks (from mid September until late October) to develop a Preferred Option which could then be circulated and considered by all the appropriate officer and Member groupings prior to submission to the Secretary of State in February 2010.

5.3 Members of the SAP and RPEE at their 4<sup>th</sup> March meetings expressed concern at the short period for consultation, particularly during the summer holiday period, but recognised and accepted that there was no alternative to the proposed timetable if the Regional Assembly was to submit the Preferred Option in February 2010. Members did recognise, however, that if the draft document is approved by the Assembly in March then this did provide additional time for organisations and individuals to consider the Options and prepare responses.

## **6. Impact of the Proposed Regional Governance Changes**

6.1 The Local Democracy, Economic Development and Construction Bill currently before Parliament, proposes the introduction of a Single Integrated Regional Strategy to replace the existing RSS and RES. The Government's timetable is for Royal Assent in July with an operational date of April 2010. On this timetable, it will not be possible to complete the statutory stages of the Phase 3 RSS Revision before this date, when indeed, the Regional Assembly, as regional planning body, is abolished.

6.2 With the submission of the Preferred Option to the Minister in February 2010, the remaining stages of the Phase 3 Revision, under the existing arrangements, would be led by Government Office on behalf of the Secretary of State. It remains to be seen whether the Regulations under the new Act will allow this to happen under Transitional Arrangements, or whether provision will be made for such partially completed RSS work to be incorporated into the new Regional Strategy.

6.3 In either event, it is important to make as much progress as possible with Phase 3, to prevent a policy vacuum developing, which could be exploited by speculative development pressures as the economy recovers. Regardless of planning procedures, the policy content of the Phase 3 Revision will remain relevant to regional interests and necessary to fill the policy gap until replacement with the new Regional Strategy.

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