

WEST MIDLANDS REGIONAL ASSEMBLY
Board of Directors – 3 December 2008

Report of the Chief Executive and Company Secretary

1. Purpose

- 1.1 To provide the Board with an update on general issues.
- 2008-09 Q2 Progress Report
 - 2009-10 Draft Business Plan & Budget
 - Members Declarations of Interest
 - Planning Appeal decisions in South Staffordshire
 - Parliamentary Regional Accountability

2. Recommendation

- 2.1 The Board is asked to **note** the 2008-09 Q2 Progress Report (Para 3)
- 2.2 The Board is asked to **approve** the 2009-10 Draft Business Plan & Budget (Para 4)
- 2.3 To **note** the current position with regards to outstanding Declaration of Interest forms and action where necessary (Para 5).
- 2.4 To **note** the Planning Appeal decision and **agree** that a full report be made to the Assembly meeting on 14 January 2009 (Para 6)
- 2.5 To **note** the report on the Parliamentary Regional Accountability (Para 7) and **agree** that a full report be made to the Assembly meeting on 14 January 2009.

3. 2008-09 Q2 Progress Report

- 3.1 The Chief Executive, in consultation with the Chairman and Vice Chairs, agreed a Q2 Progress Report for submission to GOWM on 17 October 2008. A copy of this report is available at

http://www.wmra.gov.uk/Meetings_and_Agendas/Full_Assembly/Q2.aspx

- 3.2 A review meeting was held with GOWM on 30 October and they were content with progress against the Business Plan and as the overall under-spend for the first two quarters was not significant, the claim for Q3 as per the original budget profile was approved.

- 3.3 At the meeting we advised GOWM that due to the delay in the timetable for the Examination in Public, it will be critical for us to identify an EiP Contingency Budget from 2008-09 funds that can be carried forward into 2009-10 to support EiP activity. We will be

reviewing the budget allocations in detail during Q3 to determine possible virements and the Head of Planning will be drafting an EiP budget; we will then write to CLG for approval of a contingency in these exceptional circumstances.

4. **Business Planning 2009-10**

- 4.1 The 2009-10 Business Planning Guidance calls for a final year business plan that includes details of change management and transfer arrangements; a 10% cut on budgets and clarification on how any 'reserves' will be utilised in meeting wind-up costs.

The timetable is;

Draft BP&B to GOWM	w/c 24 November
Review Draft with GOWM	9 December
Board Approval of Final BP&B	w/c 15 December
Final Draft to GOWM	w/c 22 December
Final Draft Review Meeting with GO	w/c 5 January 2009
Submission Approved Plans to CLG	January 2009
Funding Allocation Letters to Assemblies	Early Feb 2009

- 4.2 The Draft 2009-10 Business Plan and Budget (attached) has been drafted to deliver on two key priorities for the Assembly; the Examination in Public and the continued progress of the WMRSS Phase Three.
- 4.3 A copy of the Draft Business Plan will be available at the Board meeting (and will be circulated by email beforehand) and a short key issues report will accompany it.

5. **Members Declarations of Interest**

- 5.1 The following Members have still not provided a Declaration of Interest form for the year 07/08. The same Members have been re-nominated for the year 2008/09. The Board is advised that these Members are **in breach of company regulations and their membership is suspended until their forms are filed with the Secretariat.**

Local Authority Members

David Minnery, North Shropshire	Full Member	- 08/09
John Brian Gillow, Shropshire	Alternate	- 08/09

OSG

Dally Panesar	Alternate	- 08/09
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For information, all Declarations of Interest may be accessed on the website at;

http://www.wmra.gov.uk/What_We_Do/Governance_Arrangements/Assembly_Membership/Members_Declarations_of_Interest.aspx

(Members are reminded that they should periodically check their details and advise the Secretariat in writing if there are any changes.)

6. Planning Appeal decisions in South Staffordshire

The three Public Inquiries resulted from appeals made to a number of planning applications that were either refused or not determined by South Staffs District Council, these being:

- Appeal 1 – Bus and rail-based Park and Ride site to the West of Featherstone. Associated with this were one application for a residential led mixed use of some 1,000 dwellings on land adjacent to the P&R site and a second similar application of 870 dwellings. The appeals were lodged on the basis that SSDC failed to determine the applications within the prescribed timescale. The three separate appeals were heard together and it was agreed that with the Park and Ride and the mixed use developments being dependant upon on another they would stand or fall together in the decision whether to grant or refuse planning permission.
- Appeal B - two residential based schemes on the one site on land to the South of Featherstone. A larger scheme for 360 dwellings. The appeal was lodged on the basis that SSDC failed to determine the applications within the prescribed timescale.
- Appeal C – a residential based scheme for 560 dwellings to the west of Cheslyn Hay, this followed refusal of the application by SSDC.

The three appeals were heard by three separate Planning Inspectors but were collectively recovered by the Sec of State for her consideration.

When the applications were initially received in 2006/7, SSDC consulted the Assembly as they were all classified as regionally significant planning applications. In line with our Protocols, the Regional Conformity Advisor for Staffordshire presented [Assembly Members](#) with advice on the general conformity of the proposals with the WMRSS, which [they](#) duly accepted as the basis for the Assembly's response back to SSDC.

The response made in respect of Appeal 1 was that whilst the P&R scheme was in general conformity with the WMRSS the mixed use housing proposals were not. Likewise the other two Appeals were not considered to be in general conformity with the WMRSS. The justification for these opinions of non conformity were made on the basis that the housing proposals were inconsistent with policies RR1 (Rural Renaissance), CF2 (Housing beyond the Major Urban Areas), and CF3 Levels and distribution of housing development). Prior to the Public Inquiries the Assembly submitted written representations to supplement the initial response and to provide an update in relation to the RSS Phase 2 Revision.

In respect of Appeal 1 the Inspector concluded that despite the advantages of the Park and Ride facility and the compatibility of the employment elements with the Urban Regeneration Zone that covers this area, that because of the scale and significance of the housing element of the proposals, as a package they would, overall, result in harmful conflict with the strategy of the WMRSS. The Inspector concluded (and the Sec of State agreed) that the appeal be dismissed and planning permission refused.

With regard to Appeal 2 the Inspector did not consider that the scheme would not give rise to any harm or have any direct effect or the WMRSS objective in respect of urban regeneration. The Inspector recommended that the appeal be allowed and planning permission granted, subject to conditions. However, the Sec of State disagreed with the Inspectors views on harm and direct effect on the WMRSS objective of urban regeneration as well as citing conflict with WMRSS policies CF2 and CF3 as she considered that the proposed market housing would not generally be restricted to meeting local needs. Accordingly, the Sec of State dismissed the appeal and refused planning permission.

Following Appeal 3 the Sec of State agreed with the Inspectors reasoning that the potential for migration to the proposed development would tend to work against, rather than for, the overall regeneration aims for the Black Country MUA. The Inspector concluded (and the Sec of State agreed) that the appeal be dismissed and planning permission refused.

In all three Inquiries the Sec of State considered that there were no very special circumstances to override the inappropriateness of the development in the Green Belt. It was also accepted that South Staffordshire had at least a five year supply of available housing land for development.

In addition, the Sec of State said that the emerging WMRSS was a material consideration and that she afforded significant weight to the housing proposals in the WMRSS Phase 2 Revision Preferred Option paper.

The Secretary of State's letters and the corresponding Inspectors Reports can be accessed via the following link:

<http://www.communities.gov.uk/planningandbuilding/planning/decisionsplanning/secretarystate/recentsecretary/>

The decisions above follow an earlier Public Inquiry in respect of another housing proposal at Landywood Lane which sought permission for 899 homes on a Greenfield site between Cheslyn Hay and great Wyrley in South Staffordshire. Conflict and harm to policies of the WMRSS were also quoted by the Planning Inspector and Sec of State when the appeal was dismissed and planning permission refused in late 2006.

Collectively the Sec of State's decision to dismiss the appeals on all four sites is a firm endorsement of the policies and objectives of the WMRSS with regard to assisting the urban renaissance of the Black Country MUA insofar that they are restricting significant peripheral housing development that could attract out-migration from the Black Country.

The conformity advice provided by the Assembly will have assisted and reaffirmed the Sec of State of this fact. Everybody involved [in this](#) can be satisfied that [the position adopted by the Assembly](#) has helped in achieving this successful outcome.

7. Parliamentary Regional Accountability

- 7.1 On 12 November 2008, the House of Commons approved proposals to improve regional accountability at the Parliamentary level based on recommendations of the Modernisation Committee. Eight Regional Select and Grand Committees, one for each of the English Regions initially excluding London, will be established for a trial period from 1 January 2009 for the life of this Parliament.
- 7.2 Regional Select Committees will examine regional strategies and the work of regional bodies. Each will have nine members, reflecting the national political balance, MPs may be nominated from outside the Region where required. Meetings will be less frequent than departmental select committees with an expected 6 public hearings a year probably held within the Region. A proposal to enable the inclusion of specified elected councillors from within the region was rejected. An amendment was agreed not to pay select Committee Chairmen.
- 7.3 Regional Grand Committees will comprise of all MPs from a Region and are envisaged to meet once or twice a year within the Region. They will question the Regional Minister and hold general debates on specified matters.
- 7.4 Discussions with the relevant parties to address the implications of these decisions are on-going. A further report will be presented to the next Full Assembly meeting.

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