

WEST MIDLANDS REGIONAL ASSEMBLY

**Assembly Board of Directors
10 June 2009**

Regional Spatial Strategy Phase Two – Examination in Public

1. Purpose

- 1.1. To update the Board on the current Examination in Public in to the RSS Phase Two Revision, and to highlight issues that have arisen to date.

2. Recommendation

- 2.1 That the Board notes the progress to date in presenting and defending the Assembly's policy stance and agrees to receive a further report following the closure of the Examination and on the Panel's subsequent report to the Minister.

3. Background

- 3.1 The 25 March 2009 meeting of the Board received an information report on the RSS Phase 2 Revision and the preparations for the Examination in Public (EiP) into it. That report noted that over 700 authorities, organisations and individuals submitted representations to the EiP Panel by the December deadline. In the light of these, the Panel in March published a programme of sessions, matters to be debated and persons/organisations to be invited to each session. A second preliminary meeting was held by the Panel on 18 March to confirm their approach to the Examination. This was followed by a technical seminar on water, focussing on issues of water supply, treatment capacity and the impact of the RSS strategy on river habitats of European importance for nature conservation.
- 3.2 The EiP opened at the Molineux Stadium in Wolverhampton on Tuesday 28 April. Cllr David Smith made an opening address to the first session which received coverage in the press and on regional BBC television news. The EiP is now proceeding through a structured programme of 28 sessions spread over seven sitting weeks and programmed to close by Friday 26 June. The EiP will move from debates on strategy,

through topic-based sessions (housing, employment land etc) and to a series of 15 detailed debates at sub-regional level. The EiP will then conclude with a final session on implementation and monitoring.

4. Overview

- 4.1 The Panel is chaired by a highly experienced planning inspector, Alan Richardson, who conducted the RSS Phase 1 Revision in respect of the Black Country. He is assisted by an equally experienced inspector, Peter Rowbottom and highly effective Panel Secretary, Pam Perceval-Maxwell. As a result, the Examination is being conducted efficiently and professionally and at the time of writing this report, has stuck closely to timetable. The structure of sessions adopted for the Examination has taken account of the recommendations made by the Assembly in response to consultations on the draft programme. In particular, that structure has enabled the debate to proceed from an examination of the over-arching strategy approach first to more detailed topic debates within that overall strategy context.
- 4.2 The experience of the Panel has put the Assembly's case under detailed scrutiny. Events since December 2007 (when the revision was submitted to the Minister) have necessitated a high volume of additional research, supplementary reports and explanatory notes to demonstrate the Strategies' continuing relevance. In presenting its case, the Assembly has continued to rely heavily on the network of regional policy advisors in the region's local authorities and a small number of specialist consultants of national reputation.
- 4.3 The Assembly has come under attack from other participants who are advocating different development patterns and either higher or lower levels of growth, but has nonetheless been able to successfully defend the submitted strategy to date. It has not been necessary to make any policy concessions that would have necessitated the Board's approval nor consultation with the Chairman under the terms of the delegation arrangements agreed at the 25 March meeting. Minor concessions and clarifications requested by the Panel have been endorsed by the Assembly's Chief Executive and management team. The major issues of the first three weeks' series of Matters are set out below for the Board's information.

5. Sustainability and Habitat Protection

- 5.1 In advance of the EiP opening and in response to concerns raised about the adequacy of The Assembly's Habitats Regulations Assessment (HRA), the Assembly entered into negotiations with the Countryside Council for Wales and the statutory environmental bodies. These negotiations were aimed at resolving objections regarding the

adequacy of Policy SR 4 (“Improving Air Quality for Sensitive Ecosystems”) to protect sites of European importance for nature conservation. These sites include Cannock Chase, the Severn Estuary and the Welsh rivers that flow into our region.

5.2 As a result of these negotiations the Assembly submitted to the Panel an expansion of Policy SR4 cover water supply, water quality and visitor impact, as well as air quality, in respect of their impact on site of European importance. This wording was agreed by all parties to the negotiations. This policy expansion, if accepted by the Panel, would expand the overarching sustainability policy base but would not change the overall strategy of urban and rural renaissance.

5.3 These negotiations take on additional significance in light of the recent successful Judicial Review challenge to the East of England Regional Spatial Strategy. In this case, the Judge quashed the RSS in two districts where the Secretary of State had raised the housing targets above the figures recommended by the Panel. The Judge found that the Secretary of State had not undertaken a full and proper Strategic Environmental Assessment (a parallel procedure to HRA) and had not assessed alternative locations for the proposed growth.

6. Level and Distribution of Housing

6.1 The Assembly and its partners have made a cogent case in defence of a level and distribution of housing that will implement urban and rural renaissance, be sustainable and be deliverable. The expected pressure has come from the house building industry to raise targets and release more green field land. These interests have endorsed the argument in the Government Office’s housing study from Nathaniel Lichfield and Partners that “there is no evidence that higher development levels on green field sites will undermine urban renaissance”. The Assembly has been able to present a fully evidenced case of a long term trend of migration from the major urban areas in response to policies that encouraged such decentralisation and allocated much green field housing land in the shires. This is why a refocusing on urban renaissance is so badly needed.

6.2 The EiP has focussed on the recent publication of the Government’s 2006-based household projections for the English regions in mid March 2009. These suggest an additional growth of 61,000 households in the region (2006-2026) giving a total of 431,000. The EiP Panel also took advantage of the presence of the Head of the Cambridge Centre for Housing and Planning Research to open a discussion on the unit’s updating work for the Assembly in light of the 2006-based figures. This suggests a total number of additional households (taking account

of previous growth estimates and changing housing market circumstances) of between 390,000 and 411,000 households.

6.3 The Assembly strongly suggested that the deliverability of housing in current economic circumstances must be the key consideration and that the Phase 2 Revision (with its detailed implementation plan) was the most thoroughly researched strategy before the Panel. Another key argument presented was that simply raising the regional housing target would do little or nothing to improve affordability. Neither would it give easier access to decent housing to those who could not afford to purchase on the open market. It was made very clear to the Panel that the Assembly's officers had no remit to express an opinion on the suitability of the higher numbers suggested. Such higher targets should, indeed be tested through a full RSS Review (not the current partial Revision) or as part of the proposed Single Regional Strategy.

6.4 The Panel has given notice that it will return to the question of higher housing numbers in the 15 sub-regional sessions that are now underway. However, the Judicial review decision on the East of England RSS (referred to above in paragraph 5.3) will no doubt be the subject of those sessional debates and a matter that will weigh heavily in the Panel's mind.

7. Employment Land and Commercial Development

7.1 The challenges to the policies in the Phase Two Revision in these areas has been limited. The approach adopted for employment land (a readily available five year "reservoir" and a long term supply) commanded widespread support. In the current economic circumstances, the pressure to raise office and retail floor space targets has been more muted than it might otherwise have been. There was however some uncertainty about the effectiveness or need for linking housing growth targets with employment land allocations

7.2 The debates instead focussed on the range of policies promoting regionally significant sites – Major and Regional Investment Sites and Regional Logistics sites. Individual sites were promoted – particularly the Regional Logistics Sites at Hams Hall and Birch Coppice – and greater flexibility was sought, particularly in respect of Major Investment Sites that are to be reserved for single occupiers. There was also some debate concerning the appropriate balance between in centre and out of centre office development. The Assembly was happy to agree with the Panel that the text supporting policy PA13B should refer to the aspiration for **a minimum** of 65% of uncommitted office floor space being located in or on the edge of strategic centres.

7.3 A brief oral update will be given to the Board of the progress made in weeks 4 and 5 of the EiP, which will have occurred since this report was prepared.

8 Conclusions

8.1 The Examination in Public is the main commitment for the Assembly's officer team in the current financial year. The achievement of the Assembly's Head of Planning, John Pattinson, and his team in pulling together and sustaining such a consistently professional case has been an outstanding piece of work. The outcome of the debates will ultimately be determined by the Secretary of State. The Board can however be assured that the Assembly has mounted the best possible defence of the agreed strategy for the region's next 20 years.

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