

**West Midlands Regional Spatial Strategy
Phase Two Revision - Examination in Public**

Panel Briefing Note No. 1

**The phased Revision of the WMRSS and the inter-relationship
between the WMRSS Phase Two Revision Draft and
WMRSS Revision Phases One and Three.**

Prepared by the West Midlands Regional Assembly

March 2009

This Briefing Note has been prepared by officers of the West Midlands Regional Assembly as a technical background report to inform the Examination in Public process.

1. Purpose of the Briefing Note

1.1 This Briefing Note has been prepared to assist the Panel - and other participants at the Examination in Public (EiP) - by providing background information on the West Midlands Regional Spatial Strategy (WMRSS), the WMRSS Phase Two Revision and its inter-relationship with WMRSS Revision Phases One and Three.

- Section 2: Explains the background of the WMRSS Revision and reaffirms the scope and key principles of the Revision;
- Section 3: Provides a brief overview of the three Phases of the WMRSS Revision and the stages these have reached;
- Section 4: Highlights the 'protocol' adopted by the West Midlands Regional Assembly (as the Regional Planning Body or RPB) to guide the inter-relationship between WMRSS Phases One, Two and Three;
- Section 5: Identifies specific issues relating to the inter-relationship between WMRSS Revision Phases One, Two and Three that may arise at the EiP and recommend how the Assembly would suggest these could be addressed by the Panel.

1.2 It is acknowledged that certain of these issues are likely to be the subject of detailed discussion at the Examination and that the stance taken in this Briefing Note on certain matters may well be challenged by other parties. This is accepted.

1.3 The note draws on a range of material previously published by the Assembly and will not repeat information contained in the Draft Revision Documents submitted to the Secretary of State in December 2007. A list of all material referred to is set out at the end of this note with copies of documents placed in the Examination Library.

2. **The WMRSS Revision – Scope and Key Principles**

- 2.1 The WMRSS was originally approved by the Secretary of State in June 2004¹. This represented the culmination of an extensive and inclusive partnership process, including an Examination in Public held before an independent Panel in mid 2002.
- 2.2 The approval of the WMRSS in 2004 marked a ‘step change’ in strategic planning policy in the West Midlands. In his covering letter², the Minister of State for Housing and Planning, Keith Hill MP, declared that the publication of the strategy represented ‘*a major step forward for the Region, confirming a significant change in direction*’. This step change includes ‘*a significant redistribution of new development, investment and action, particularly to support the development of the Region’s transport networks, to bring forward appropriate development opportunities, and to improve the quality of the environment within the MUAs [Major Urban Areas]*’ (WMRSS para 3.5).
- 2.3 The key principles and underlying strategic objectives that underpin this ‘step change’ are defined in Chapters 2 and 3 of the approved WMRSS. The Spatial Strategy aims to enable all parts of the Region to sustainably meet their own needs to achieve Urban and Rural Renaissance. A key plank of this renaissance strategy is to reverse the movement of population and jobs away from the MUAs and a focus on facilitating the restructuring of these areas. This was emphasised by the Minister who stated that ‘*The focus on urban renaissance will require all stakeholders to work effectively towards common goals*’.
- 2.4 In approving the strategy in June 2004, the Government made it clear that the key principles and underlying strategic objectives of the WMRSS were robust and needed to be maintained to guide the long term change process required in the Region. This was emphasised in the covering letter by the Minister in which he confirmed that ‘*the Spatial Strategy for the Region is now defined*’. This principle was also in line with the recommendation of the Panel

¹ Regional Planning Guidance for the West Midlands (RPG 11). June 2004. [CD18]

²² Letter from Minister of State for Housing and Planning (Rt. Hon. Keith Hill MP) to Cllr Bransby Thomas, Chair of the West Midlands Regional Assembly – 15th June 2004. Available at: <http://www.wmra.gov.uk/documents/Keith%20Hill%20RPG11%20letter.pdf>

of the 2002 EiP that the WMRSS *'is a bold strategy [which] needs a period of policy stability to allow it chance to take effect'* (EiP Panel report, October 2002, para 1.1.6). Indeed, para 3.16 of the approved WMRSS states that *'it is not anticipated that the Spatial Strategy will require a fundamental review in the short to medium term'*.

- 2.5 This important principle that the **Spatial Strategy is 'defined'** has been a key guiding principle for the WMRSS Revision. In approving the WMRSS, the Secretary of State identified a number of areas in which further work would need to be undertaken³. However, in making these proposals, it was **the Secretary of State's intention for the overall Spatial Strategy to be 'developed' through the revision process, not reviewed**. This is an important starting point for understanding the basis of the development of the WMRSS Revision, including the Phase Two Revision Draft which is now subject to examination.
- 2.6 Accordingly, the Project Plan for the WMRSS Phase Two Revision, which was agreed with Government, makes it clear that *'The Revisions to the RSS are phased and will lead to the further development of policies to support the underlying strategy – not a review of fundamental principles'* (Project Plan, March 2006, page 9). In practice, this has meant that the fundamental underlying principles and objectives of the WMRSS (Chapters 2 and 3), including the 'step change' in direction and the focus on facilitating the restructuring of the Region's Major Urban Areas, have not been subject to review but have guided the further development of those areas of work identified by the Secretary of State, including housing and employment land provision in the WMRSS Phase Two Revision.
- 2.7 In the same way, all revisions proposed to Chapters 2 and 3 as part of the WMRSS Phase Two Revision have not aimed to review fundamental principles of the strategy but to strengthen and further develop the underlying principles and objectives of the strategy set out above.

³ These were set out in paragraph 1.33 of the June 2004 WMRSS.

2.8 It equally means that those approved policies not subject to revision as part of Phase Two (e.g. in the Quality of the Environment Chapter) are carried forward and continue to form a key part of the overall spatial policy framework for the Region.

2.9 Set against this background, Assembly officers would therefore suggest that:

- a) **The fundamental principles and objectives of the strategy and their underlying rationale should be considered and re-stated at the beginning of the EiP and before the discussion of any other issues, including the level of growth;**
- b) **In examining the policies in the Revision Draft, especially the level of housing and employment growth, the purpose must be to test the appropriateness of the proposed policies, including the level of growth (and any alternative levels) against the Spatial Strategy, not the other way round. Not doing so would mean challenging the Spatial Strategy which, as stated by Government, has already been 'defined'; and**
- c) **If the Panel conclude that the cumulative effect of the changes to the Phase Two Revision Draft would amount to a significant alteration in the key WMRSS principles, it is the view of Assembly officers that the Panel recommends to the Secretary of State not to proceed with such changes as part of the Phase Two Revision and, instead, to order a full and comprehensive review of the whole WMRSS, including of those key strategy principles, via its successor, the Single Integrated Regional Strategy.**

3. Overview of the three Phases of the WMRSS Revision

3.1 It was agreed with Government that the areas of further work identified by the Secretary of State would be taken forward in a staggered way. As a result, the WMRSS Revision has been carried out in three Phases. The RPB adopted an Outline Management Plan to demonstrate how the overall

Revision process would be brought forward on this multi-track basis and this fed into the Project Plans which were prepared for all Phases.

WMRSS Phase One Revision – The Black Country

- 3.2 Launched in February 2005, Phase One of the WMRSS Revision has developed a sub-regional strategy for the Black Country. The aim has been to take forward the Region's aspirations for a 'step change' in urban renaissance set out within the WMRSS. Following an Examination in Public in early 2007, the Secretary of State approved the Phase One Revision in January 2008 which now forms part of the approved WMRSS⁴.
- 3.3 The detailed inter-relationship between Phases One and Two is set out in Section 5 A below.

WMRSS Phase Two Revision

- 3.4 The Phase Two Revision was launched in November 2005 and the Assembly submitted the Draft Revision to the Secretary of State in December 2007. Phase Two covers a number of matters in relation to sustainable communities, climate change, housing provision, employment land provision, town and city centres, retail and office development, transport and waste. A detailed overview of the issues covered in the Phase Two Revision can be found in the WMRSS Phase Two Revision Overview document⁵ which was published alongside the Draft Revision document.
- 3.5 The WMRSS Phase Two Revision Draft will be subject to the Examination in Public (EiP) between April and June 2009.

WMRSS Phase Three Revision

⁴ Government Office for the West Midlands (2008) Regional Spatial Strategy for the West Midlands, Incorporating Phase 1. January 2008. Available at: [http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/Regional_Spatial_Strategy/Regional_Spatial_Strategy_\(RSS\).aspx#Jan2008](http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/Regional_Spatial_Strategy/Regional_Spatial_Strategy_(RSS).aspx#Jan2008)

⁵ Available at: http://www.wmra.gov.uk/documents/2_WMRA_Overview_Document.pdf

3.6 The WMRSS Phase Three Revision was formally launched with the publication of a draft Project Plan in November 2007. The following topics are considered as part of Phase Three:

- 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;
- Quality of the 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.

3.7 The Assembly is currently developing an Options document for Phase Three. It was agreed with Government that the Phase Three Options document will be launched for public consultation in July 2009, i.e. after the Phase Two EiP has closed, in order to avoid confusion between the two Phases and to allow regional stakeholders to get fully involved in both Phases. The inter-relationship between Phases Two and Three is set out in Section 5 B below, as far as that is possible at this early stage of the Phase Three process.

3.8 The agreed timetable for Phase Three is as follows⁶.

Stage of the Revision	Timetable
Options Stage	July 2009

⁶ The detailed topics, timetable and arrangements for the WMRSS Phase Three Revision are set out in the final Project Plan which will be formally published and posted on the Assembly website in late March 2009 at http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/RSS_Revision/RSS_Revision_Phase_3.aspx

Development of Preferred Option	August to December 2009
Submission of Phase Three Draft to Secretary of State	February 2010
Examination in Public (provisional)	Autumn 2010
Secretary of State Proposed Changes (provisional)	Spring 2011
Final RSS Phase Three Revision approved (provisional)	Autumn 2011

3.9 It should be noted that the later stages of the WMRSS Phase Three Revision will be affected by the changes in regional governance arrangements proposed by the Government. More details about these changes and how they are handled in the West Midlands are set out in a separate Briefing Note⁷.

⁷ Panel Briefing Note No. 2: Proposed Regional Governance Arrangements. March 2009.

4. Key Principles Guiding the Inter-relationship between WMRSS Revision Phases One, Two and Three

- 4.1 Prior to the commencement of the WMRSS Phase Two Revision in November 2005 (i.e. the publication of the draft Project Plan), consideration was given by the RPB as to how the phased approach to the Revision should be managed. This led to a Protocol with key principles being adopted by the RPB (approved by the Assembly's Regional Planning Partnership on 23rd September 2005). These key principles were subsequently incorporated in the Project Plans for WMRSS Phases Two and Three which were agreed with Government.
- 4.2 As regards the inter-relationship between the Phases of the Revision on the one hand and the existing WMRSS (approved in 2004) on the other hand, it was agreed that '*The Revision to the WMRSS will lead to the further development of policies to support the underlying strategy – not a review of fundamental principles of the existing strategy*'⁸. This was in line with the Secretary of State's intention for the overall Spatial Strategy to be 'developed' through the revision process, not reviewed (see Section 2 above). The spatial strategy principles and objectives therefore provided a common, defined strategic framework within which the three Revision Phases have been developed.
- 4.3 As regards the inter-relationship between individual Phases of the Revision, the RPB agreed that⁹:-
- a. Once a policy decision has been made in the context of an earlier Phase and agreed by the RPB, it generally becomes 'locked in' and the subsequent Phases will not be able to re-open issues that have already been resolved;
 - b. There would need to be 'exceptional circumstances' to warrant this 'locking in' principle not being adhered to; and

⁸ Cf. WMRSS Phase Two Revision Project Plan (March 2006), page 9, available at: <http://www.wmra.gov.uk/documents/Planning%20and%20Regional%20Spatial%20Strategy/RSS%20Revision/RSS%20Revision%20Phase%202/32p%20Project%20Plan%20Final2.pdf> .

⁹ Cf. WMRSS Phase Two Revision Project Plan (March 2006), page 14.

- c. The later Phases of the Revision would then generally include the policy proposals coming forward within earlier Phases as a 'fixed element' which should not be further reviewed.

4.4 As regards technical studies, it was agreed that there was a need to ensure that, wherever appropriate and possible, there should generally be a consistency of approach adopted in technical work across all Revision Phases. It was further agreed that any technical work available from whatever Phase, including any different approaches, should be taken into account when decisions are being made in any Phase of the Revision.

5. The relationship between WMRSS Revision Phases One, Two and Three

5.1 Against the overall principles highlighted in the previous section, this section sets out the specific inter-relationships between the WMRSS Phase Two Revision, on the one hand, and the approved Phase One Revision and the emerging Phase Three Revision work, on the other hand. This also includes, where appropriate, advice from Assembly officers to the Panel on how these inter-relationships should be handled at the forthcoming EiP.

A) SPECIFIC INTER-RELATIONSHIPS PHASES ONE AND TWO

5.2 WMRSS Phases One and Two have been developed within the general principles set out above. However, the Phase Two Revision Draft had to be finalised for submission to Government in December 2007 prior to the approval of the Phase One Revision by the Secretary of State in January 2008. The Phase Two Revision Draft does therefore not contain the new or amended policies and supporting text that were approved subsequently by the Secretary of State as part of Phase One.

5.3 Against this background, this sub-section sets out the view of Assembly officers on the inter-relationship between WMRSS Revision Phases One and Two. This follows in particular the request by the Phase Two EiP Panel at the First Preliminary Meeting where they indicated that it would assist the Panel if the Assembly could provide reconciliation regarding those Phase One

policies which are to be subsumed within or replaced by the WMRSS Phase Two Revision¹⁰.

5.4 The WMRSS Phase One Revision introduced new or amended policies and supporting text in relation to the following matters¹¹:

- a. New Policy CC1: Climate Change (Chapter 2)
- b. New (Spatial Strategy) Objectives for the Black Country (Chapter 3)
- c. New Policy UR1A: Black Country Regeneration Priorities (Chapter 4)
- d. New Policy UR1B: Housing and Employment Land (Chapter 4)
- e. New Policy UR1C: Strategic Office Development in the Black Country (Chapter 4)
- f. New Policy UR1D: Retail Floorspace (Chapter 4)
- g. Minor change to Policy PA10: Tourism and Culture (Chapter 7)
- h. Minor change to Policy PA11: The Network of Town and City Centres (Chapter 7)
- i. New Policy PA11A: Brierley Hill and Dudley (Chapter 7)
- j. New Policy QE10: Transforming the Environment of the Black Country (Chapter 8)
- k. Partially revised Policy T12: Priorities for Investment (Chapter 9).

5.5 Each of the matters outlined above is now dealt with in turn. In doing this, Assembly officers have set out their views on the inter-relationships between the new or amended policies and supporting text introduced through Phase One and the proposals in the Phase Two Revision Draft. This also includes,

¹⁰ Cf. para 1.18 of the Minutes of First Preliminary Meeting held on 27th January 2009, available at: http://www.planning-inspectorate.gov.uk/pins/rss/west_midlands_phase_two/documents/WMRSS_Minutes_First_Preliminary_Meeting_27_Jan.pdf

¹¹ The new/revised policies and supporting text introduced through Phase One are highlighted in the current WMRSS document, i.e. Government Office for the West Midlands (2008) Regional Spatial Strategy for the West Midlands, Incorporating Phase 1. January 2008. Available at: [http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/Regional_Spatial_Strategy/Regional_Spatial_Strategy_\(RSS\).aspx#Jan2008](http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/Regional_Spatial_Strategy/Regional_Spatial_Strategy_(RSS).aspx#Jan2008)

where appropriate, advice from Assembly officers to the Panel on how these inter-relationships should be handled at the forthcoming EiP. The remainder of this sub-section is structured around the new or amended Phase One policies and supporting text.

a. Policy CC1: Climate Change (Chapter 2)

5.6 Phase One introduced a new Policy CC1: Climate Change relating to the Black Country. However, given the growing importance of climate change issues across the Region, a new draft Policy SR1 on Climate Change and updated and expanded supporting text was included in the Phase Two Revision. Draft Policy SR1 was built on the emerging Phase One proposals and should be seen as a revision to the Phase One Policy CC1 to enable it to apply to the whole of the Region.

5.7 Set against this background, Assembly officers would advise as follows:

- Draft Policy SR1 in Phase Two should be treated as a revision to, and therefore replace, Phase One Policy CC1; and
- The draft supporting text on Climate Change in Phase Two should replace the text in paragraph 2.16A in the approved WMRSS introduced by Phase One.

b. (Spatial Strategy) Objectives for the Black Country (Chapter 3)

5.8 Within the context of the Spatial Strategy Objectives in Chapter 3, the Phase One Revision introduced a set of objectives for the Black Country in paragraph 3.14A. It is considered that the Phase Two proposals are generally consistent with these objectives.

5.9 Set against this background, Assembly officers would advise that the objectives for the Black Country are retained and should be included as a re-numbered paragraph 3.10A in the Phase Two Revision document.

c. Policy UR1A: Black Country Regeneration Priorities (Chapter 4)

- 5.10 In Chapter 4 (Urban Renaissance), the Phase One Revision introduced new policies and supporting text in respect of the implementation of Urban Renaissance in the Black Country. As part of this, a new Policy UR1A: Black Country Regeneration Priorities was introduced. The Urban Renaissance chapter has not been revised in Phase Two but additional text relating to the Black Country has been added as part of the section on 'The Sub-regional Implications of the Strategy' (paragraphs 3.34-3.37).
- 5.11 Assembly officers would advise that the proposed paragraphs 3.34-3.37 are consistent with, and complementary to, Policy UR1A and that both should be retained.

d. Policy UR1B: Housing and Employment Land (Chapter 4)

- 5.12 Phase One introduced a new Policy UR1B: Housing and Employment Land in Chapter 4 (Urban Renaissance). It is considered that the Phase Two proposals are generally consistent with, and complementary to, this Policy. In particular, UR1B requires the provision of a portfolio of employment land, including sub-regional employment sites. This is consistent with the approach in Phase Two draft Policy PA6: Portfolio of Employment Land and Premises.
- 5.13 Phase Two draft Policy PA6A also sets out targets for employment land provision within the Black Country and requires a minimum reservoir of 185 hectares to be maintained. An indicative longer term requirement of 390 hectares is also identified. This reservoir is considered sufficient to ensure the adequate provision of high quality employment land within the Black Country. It is important to recognise that the minimum reservoir figure for the Black Country is a minimum requirement and if the demand for employment land was higher than expected there is no policy impediment to providing additional land.
- 5.14 Phase Two draft Policy PA6B provides support for the protection of employment land and premises and recognises that, where an employment site makes a contribution to the portfolio within a Local Authority area, it should be protected from competing uses. This policy seeks to ensure a

balance between housing and employment land provision. This approach is again consistent with UR1B which seeks to protect sites most suitable for employment uses. Phase Two draft Policy PA6B also provides guidance on the transfer of employment land to housing which will be import to achieve the housing targets for the Black Country identified in Policy CF3.

5.15 Set against this background, Assembly officers would advise that UR1B and the Phase Two proposals are generally consistent and complementary.

e. Policy UR1C: Strategic Office Development in the Black Country (Chapter 4)

5.16 The Phase One Revision introduced a new Policy UR1C to set out floorspace requirements for office development for the four Black Country centres of Brierley Hill, Walsall, West Bromwich and Wolverhampton. These policies related to the period 2004 – 2021. The Phase Two Revision includes a new draft Policy PA13A: Office Development Requirements which sets out floorspace requirements for office development for all strategic centres, including those in the Black Country, for the period 2006 – 2026. The Phase Two proposals supersede those in Policy UR1C.

5.17 Set against this background, Assembly officers would advise that:

- Policy UR1C should be deleted as this policy is superseded by draft Policy PA13A of the Phase Two Revision, which includes updated floorspace requirements for all the strategic centres, including those in the Black Country;
- Paragraph 4.6G introduced in Phase One explains the role of the Black Country centres in achieving Urban Renaissance in the Black Country and should be retained in the following revised form (deletions in strikethrough, revisions in italics):

‘4.6G The four strategic centres will be the main locations for major office (B1(a)) development, particularly for schemes exceeding 5,000 sq m. Overall it is expected that 88% of new office development in the Black Country will be located in these centres in the period to 2026. All four

centres have both potential and capacity to absorb an equal proportion of proposed growth. In LDDs sites will be identified in each of the four strategic centres to accommodate up to ~~186,000~~*220,000* sq m of office development to ~~2021~~*2026* (see Policy PA13A). This figure should be regarded as indicative and will be subject to review in the light of monitoring of the actual level of development and progress in implementing the Joint Core Strategy (see also para 7.86).'

- The first bullet point in para 7.83 of the WMRSS Phase Two Revision Draft should be amended accordingly to read as follows (deletions in strikethrough, revisions in italics):

'the policy objective of substantially increasing the proportion of in-centre development. *Within the Black Country, it is planned that 88% of new office development will be in the four strategic centres. In the rest of the Region,* it is assumed that 65% of uncommitted office developments ~~outside the Black Country~~ will be in-centre. ~~This~~ *These* figures allows for some continued office development in other locations, including centres outside the strategic network. ~~This is an~~ *These are* 'aspirational' targets but ~~one which is~~ *these are* capable of being achieved;'

- There also needs to be appropriate cross-referencing between Chapters 4 and 7 on this matter.

f. Policy UR1D: Retail Floorspace (Chapter 4)

5.18 The Phase One Revision introduced a new Policy UR1D to set out floorspace requirements for comparison retail development for the four Black Country centres of Brierley Hill, Walsall, West Bromwich and Wolverhampton. These policies related to the period 2004 – 2021. The Phase Two Revision includes a new draft Policy PA12A which sets out floorspace requirements for comparison retail for all strategic centres, including those in the Black Country, for the period 2006 – 2026. These proposals are also based on a review of the assumptions used in calculating the comparison retail

floorspace requirements which has resulted in an increase in these figures. The Phase Two proposals therefore supersede those in Policy UR1C.

5.19 Set against this background, Assembly officers would advise that:

- Policy UR1D should be deleted as this policy is superseded by draft Policy PA12A of the Phase Two Revision, which includes updated floorspace requirements for all the strategic centres, including those in the Black Country;
- Paragraph 4.6H introduced in Phase One explains the role of the Black Country centres in achieving Urban Renaissance in the Black Country and should be retained in the following revised form (deletions in strikethrough, revisions in italics):

'4.6H The Spatial Strategy seeks to focus the majority of further comparison retail investment within the four strategic centres as catalysts for regeneration. The strategy however also seeks to maintain the vitality and viability of other non-strategic centres in the sub-region. The apportionment of the additional comparison retail floorspace in the four strategic centres ~~and the non-strategic centres~~ over the period ~~2004 to 2021-2006 to 2026~~ is indicated in policy ~~UR1D-PA12A~~. ~~These figures should be reviewed in the Phase 2 revision of this RSS to ensure that they are consistent with those for other centres across the region.'~~

- There also needs to be appropriate cross-referencing between Chapters 4 and 7 on this matter.

g. Policy PA10: Tourism and Culture (Chapter 7)

5.20 Phase One introduced a minor amendment to the list of key regional tourism and cultural assets in Policy PA10 by adding 'Black Country Heritage Attractions *in particular Dudley Town Centre and its surroundings*' (Phase One additions in italics). While Policy PA10 itself is not subject to revision as part of Phase Two, the Phase Two proposals are considered to be consistent with the amended Policy PA10.

h. Policy PA11: The Network of Town and City Centres (Chapter 7)

- 5.21 As part of the Phase One Revision, Policy PA11 was modified to include Brierley Hill as a strategic centre in place of Dudley. Phase Two has proposed a revision of PA11 which includes Brierley Hill within the network of strategic centres but also proposes other changes which supersede the policy as amended in Phase One.
- 5.22 Set against this background, Assembly officers would advise that Phase One Policy PA11 is replaced by the revised Phase Two draft Policy PA11.

i. Policy PA11A: Brierley Hill and Dudley (Chapter 7)

- 5.23 As part of Phase One, a new policy PA11A was added to set out a more detailed framework for the delivery of new retail development at Brierley Hill and to clarify the future role of Dudley. The Phase Two proposals are broadly consistent with this but an amendment to the first sentence of section C of Phase One Policy PA11A is required to better align it with Phase Two draft Policy PA12A (see above).
- 5.24 Set against this background, Assembly officers would advise that:
- Policy PA11A is retained but that the first sentence of section C of the policy is amended as follows (deletions in strikethrough, revisions in italics):

‘Retail development at the new Brierley Hill within the allocation of ~~51,000 sq m~~*65,000 sq m* gross in the period ~~2004 to 2021~~*2006 to 2021* will be carefully controlled so that no new comparison retail floorspace is brought into operation until all the following conditions are met:’.

j. Policy QE10: Transforming the Environment of the Black Country (Chapter 8)

- 5.25 The Phase One Revision introduced a new Policy QE10: Transforming the Environment of the Black Country. While the Phase Two Revision does not

propose any revision of the Quality of the Environment policies, the Phase Two proposals are considered to be consistent with Policy QE10. It should be noted that the Quality of the Environment policies are being looked at as part of the Phase Three Revision (see Section 5 B below).

k. Policy T12: Priorities for Investment (Chapter 9)

5.26 The Phase One Revision Draft included a proposed new Policy T12A relating to Priorities for Investment for the Black Country. The final Phase One Revision document issued by the Secretary of State in January 2008 made a number of amendments to Policy T12 (i.e. it did not include a new Policy T12A but made amendments/additions to Policy T12 in the original, June 2004 WMRSS). These amendments introduced through the final Phase One document of January 2008 included:

- i) Active Traffic Management for M5/M6/M42 Motorway Box: 'key policy links' amended, and 'implementation period' amended to 2011 onwards;
- ii) Metro extension Wednesbury to Brierley Hill: 'key policy links' amended, 'status' changed to under investigation, 'delivery mechanisms' amended to TIF/LTP, 'implementation period' amended to 2011-2015;
- iii) Further Metro extensions in the Black Country and Birmingham: 'key policy links' amended, 'delivery mechanisms' amended to TIF/LTP, 'status' changed to under investigation;
- iv) M5 Junc 1-2 improvements: new scheme included;
- v) M6 Junc 9-10 improvements: new scheme included;
- vi) Improved transport networks to facilitate improved access to centres of Walsall, West Bromwich, Wolverhampton, and Brierley Hill: new scheme included; and
- vii) Improved transport networks to facilitate improved access to the four Employment Land Investment Corridors; Black Country North, Central, East and West: new scheme included.

- 5.27 The WMRSS Phase Revision Draft was published before the final outcome of Phase One was known. However, draft Policy T12 in the Phase Two Revision Draft includes a general reference to the Phase One proposals in the form of the 'improved transport networks in the Black Country' (see page 193 of the Phase Two Revision Draft document). The 'key policy links' in the Phase Two document refer to this as T12A which referred to the new Policy T12A originally proposed as part of Phase One (see above).
- 5.28 The WMRSS Phase Two Revision Draft proposes a number of amendments to T12 which update its content, including the deletion of schemes where they have been constructed, where they have been developed further or where their status has changed. In the view of Assembly officers, the amendments to Policy T12 proposed as part of Phase Two are generally compatible with the approved Phase One Revision. However, as set out in para 5.26 above, Phase One Policy T12 includes four new schemes which can be regarded as additions to those in Phase Two draft Policy T12. There are three schemes (see para 5.26 above) which are included in Policy T12 in both Phase One and Phase Two, but where the description of the schemes varies in respect of 'key policy links', 'status', 'delivery mechanisms' and/or 'implementation period'.
- 5.29 In addition to this, it should be noted that there have been a number of contextual changes since the submission of the Phase Two Draft which will also have a consequential impact on some of the schemes in Policy T12, especially in respect of 'key policy links', 'status', 'delivery mechanisms' and/or 'implementation period'. For instance, the Government has announced a more detailed programme for the roll out of Active Traffic Management, and the second round of Regional Funding Advice has now also been submitted to the Government.
- 5.30 Set against this background, Assembly officers would advise that:
- Policy T12 in Phases One and Two are considered to be generally compatible but, due to timing of their publication and passage of time since submission, further clarification and updating of Policy T12 is required to address the variations set out above; and

- It is suggested that the Assembly prepares an updated version of Policy T12 which addresses the issues explained above, including any variation between Phases One and Two and consideration of any contextual changes that have occurred since submission of the Phase Two Draft.

I. Other matters

- 5.31 A draft Implementation Plan and Monitoring Framework was submitted as part of the Phase One Revision documents in May 2006. This dealt with the principal mechanisms by which the WMRSS Phase One Revision would be implemented, highlighting in particular Local Development Documents which will be produced by the Black Country Local Authorities. This was supplemented with a more detailed Delivery Prospectus which was submitted to the Phase One EiP.
- 5.32 The Phase One Implementation Plan and the Delivery Prospectus, together with subsequent work undertaken as part of the Joint Core Strategy for the Black Country, have fed into the development of the Phase Two draft Implementation Plan and the Supplement which is currently being prepared in time for the Phase Two EiP.
- 5.33 The Phase One draft Monitoring Framework was discussed at the Phase One EiP in 2007 but the Secretary of State did not include the framework in the WMRSS published in January 2008. However, the Assembly has implemented the monitoring framework proposed as part of Phase One with the consequence being that the monitoring of the Phase One Policies is handled *pro tem* as a series of panels within the WMRSS Annual Monitoring Report published by WMRA in February 2009¹². It is intended that this approach will be evaluated in due course. To support this additional monitoring requirement, the Assembly's annual data surveys have been modified so that the required local authority derived data is obtained at sufficient levels of detail (e.g. to cover the monitoring requirements surrounding Brierley Hill).

¹² The Annual Monitoring Report is available on the Assembly website at:
http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/Monitoring_/Monitoring.aspx

5.34 As part of the WMRSS Phase Two process, the Assembly has undertaken a revision of the Monitoring Framework (see WMRSS Phase Two Revision Draft, Chapter 10). However, in view of the delay between the publication of the Draft Revision and the EiP, coupled with a new series of Government Core Output Indicators, along with the publication of the WMRSS Phase One in January 2008, the Assembly are in the process of updating the Monitoring Framework which will re-format the Framework showing the justification for any required changes and additional indicators or geographical detail of existing indicators. The indicators proposed in Phase One have been integrated into this approach. It is anticipated that the updated Monitoring Framework will be available in March 2009.

B) SPECIFIC INTER-RELATIONSHIPS PHASES TWO AND THREE

5.35 As set out above, the WMRSS Phase Three Revision is currently being developed and the overarching principles governing the inter-relationship with the other two Phases, including Phase Two, apply. The Assembly is currently preparing an Options document which will be formally published and launched for public consultation in July 2009, i.e. after the Phase Two EiP has closed. This timing, which was agreed with Government, is deliberate to avoid confusion between the two Phases and to allow regional stakeholders to get fully involved in both Phases. Due to the timing of Member meetings, the 'sign-off' of the Options document is scheduled for late March 2009 which means the document will be in the public domain at that stage. Individual participants may therefore refer to the Options document in their written submissions or at the EiP itself.

5.36 Set against this background, Assembly officers would advise that, as the Phase Three Options document will not be formally published and launched for consultation until after the Phase Two EiP, the Panel and other participants may find it helpful to be mindful of the timing of Phase Three and of the emerging Phase Three work. However, it would not seem appropriate for the Phase Two EiP to discuss the Phase Three work and participants should be advised that the purpose of this EiP is to consider the Phase Two

proposals, while the Phase Three Options will be subject to public consultation in July 2009.

- 5.37 The remainder of this sub-section provides a short overview of the emerging Phase Three work (cf. para 3.6 above) and highlights key inter-relationships with the Phase Two Revision Draft where these seem particularly relevant at this point in time.

a. Rural Services

- 5.38 The WMRSS Phase Three Revision aims to identify and prioritise the critical services that need to be protected, enhanced or secured in different parts of the Region, and establish mechanisms for dealing with them (cf. para 5.24 in the approved WMRSS). Clearly, there are many links between rural service provision and the policy areas covered in the Phase Two Revision, including transport, housing, employment and environment. As part of this, attention will have to be paid to the outcome of the Phase Two Revision on the provision of housing and employment development in rural areas, since this may directly impact on the need for and provision of services in rural areas. Many of these links were examined as part of the rural proofing process that accompanied the development of the Phase Two Revision Draft¹³. However, the Phase Three Revision will not re-examine the scale or distribution of development and Assembly officers would therefore advise that these particular links need to be examined in the context of the Phase Two Revision.

b. Provision for Gypsies, Travellers and Travelling Showpeople

- 5.39 Policy CF5 sub-section F. in the approved WMRSS deals with provision of suitable sites to accommodate gypsies and other travellers. As part of the revision of the Communities for the Future chapter in Phase Two, this sub-section of Policy CF5 has been extracted and converted into a separate Policy CF9. However, as explained in para 6.60 of the Phase Two Revision

¹³ Rural Proofing of the Phase Two Revision Preferred Option, October 2009. Available at: www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/Technical_Work.aspx [CD10]

Draft document, the text of the existing policy on provision for gypsies and other travellers has remained unchanged and has been reproduced for completeness. The provision of sites for gypsies, travellers and travelling showpeople is being looked at as part of the WMRSS Phase Three Revision.

c. Culture, Sport and Tourism

- 5.40 The Phase Three Revision aims to strengthen WMRSS policy to improve the provision of, and access to, quality cultural and sports assets and to provide opportunities to increase the rate of participation/attendance in cultural activities. The focus of policy development in Phase Three is on strategic cultural, sport and tourism assets in the West Midlands and how any gaps in the provision of strategic assets could be addressed. There are links in particular to Phase Two draft Policy SR2: Creating Sustainable Communities which deals with the provision for the full range of spatial requirements needed to create sustainable communities, including necessary services and social infrastructure such as sport and recreation and cultural facilities. Assembly officers would advise that the emerging Phase Three work is generally consistent with, and complementary to, the Phase Two proposals.

d. Quality of the Environment

- 5.41 The Phase Three Revision is looking at a number of issues that will lead to revisions to the Quality of the Environment policies in the WMRSS. There are a number of topics and workstreams as part of this process which are summarised below. In revising the Quality of the Environment policies, close links to the Phase Two draft Policies SR1-4 will be made. In particular, due to their overarching, cross-cutting nature, the SR policies will form a context for the revision of Quality of the Environment policies as part of Phase Three.
- 5.42 Update of Quality of the Environment Policies: The updating is likely to affect Policies QE2 and QE4 to QE9, and will develop key principles from the Sustainable Region Policies (SR1-4) proposed in Phase Two, such as adaptation to climate change (e.g. flood risk management, biodiversity, urban cooling), water resources and quality, conservation and enhancement of

natural and built heritage assets, local distinctiveness and green infrastructure. It is intended that the Phase Two Sustainable Region Policies SR2 and SR3 will replace Policy QE3 which would then be deleted as part of Phase Three.

- 5.43 Integrated Approach to the Management of Environmental Resources: This workstream is proposing a revision to Policy QE1: Conserving and Enhancing the Environment, and will set the context for the more detailed Quality of the Environment policies, in the wider context of the Sustainable Region Policies proposed in Phase Two. Phase Three will develop key principles from the Sustainable Region Policies, such as addressing areas of poor environmental quality, provision for green infrastructure and adaptation to climate change.
- 5.44 Flood Risk: This workstream is likely to propose a new policy on flood risk within the Quality of the Environment chapter, providing more detailed guidance in respect of issues highlighted in the Sustainable Region Policies (especially Phase Two draft Policies SR1 sub-section C iii, SR2 sub-section G, SR3 sub-sections H and I). The new policy will also have close links with other Phase Two policies, including those relating to housing and employment development, and will address any flood risk management issues which are not covered in Phase Two.
- 5.45 Energy: This workstream is likely to propose revisions to Policy EN1 of the WMRSS and additional policies providing more detailed guidance on energy issues highlighted in the Sustainable Region Policies (especially Policies SR1 sub-sections A i and C i, SR2 sub-section G, SR3 sub-sections C, D and E). Again, there will be close links to the policies relating to development in Phase Two. It is intended that Phase Two draft Policy SR3 will replace Policy EN2 which would then be deleted as part of Phase Three.
- 5.46 Green Belt: Within the framework of national Green Belt policy in PPG2, this workstream will consider the need for additional regional policy guidance relating to the positive use and enhancement of Green Belts in the West Midlands. PPG2 includes a presumption against inappropriate development in the Green Belt. It also makes the case that the Green Belt has a much broader positive purpose and that is a potent policy instrument against the

potential urban sprawl of major urban areas into the surrounding hinterland. However, the national policy does not cover the positive use or enhancement of the Green Belt. Phase Three therefore aims to develop a stronger strategic approach to the whole of the area which could help to deliver more positive social, economic and environmental benefits, such as access, amenity value, recreation, health and protection for sensitive sites.

5.47 The Panel should be advised that the Phase Three Project Plan, which has been agreed with Government, makes clear that the Phase Three Revision will not involve a review of Green Belt boundaries. The adjustment of Green Belt boundaries is covered in the approved WMRSS (especially para 3.14), with amendments being proposed as part of the Phase Two Revision (see especially Phase Two para 3.9 d, in conjunction with the specific proposals in paras 3.23 to 3.74).

5.48 Set against this background, Assembly officers would advise that:

- Participants should be reminded that the Phase Three Revision will consider the need for additional policy guidance in the WMRSS relating to the positive use and enhancement of Green Belts but that it will not involve a review of Green Belt boundaries; and
- Any adjustment to Green Belt boundaries should be considered as part of the Phase Two Revision.

e. Minerals

5.49 As regards minerals policy, the Phase Three Revision will address the safeguarding of important minerals in the Region, the revised sub-regional apportionment of construction aggregates and the future supply of brick clays (including fireclays) in the Region. This is likely to lead to amendments to Policies M1, M2, M3 and M4 and potentially the inclusion of additional minerals policies to deal with safeguarding and brick clays.

5.50 The WMRSS Phase Two Revision Draft proposes new housing development across the Region (covering the period up to 2026), additional employment sites and the development of the transport system. This growth will require

additional mineral resources to be released through a revised sub-regional apportionment of construction aggregates. This will be considered as part of the revision of the sub-regional apportionment in Policy M2 through the WMRSS Phase Three Revision, in conjunction with the revised regional provision for the West Midlands (covering the period 2005-2020) which is expected to be published by the Government in Spring 2009.

- 5.51 Policy M3 will be affected to some degree by the proposed new Policy W9: Construction and Demolition Waste which has come forward through the Phase Two Revision. However, until the waste policies have been finalised it is not clear whether Policy M3 could be deleted or amended to reflect future policy on secondary and recycled materials (alternate materials). Any implications will therefore be considered as part of the revision of Policy M3 through the WMRSS Phase Three Revision.

f. Other matters

- 5.52 As with Phases One and Two, the Assembly will also consider implementation and monitoring issues relating to the proposals coming forward as part of the WMRSS Phase Three Revision. This work will build on the implementation and monitoring work undertaken as part of the previous Phases and the Assembly will seek to ensure consistency and compatibility.

6. Conclusions

- 6.1 This Briefing Note has been prepared to assist the Panel - and other participants at the Public Examination - by providing background information on the WMRSS, the Phase Two Revision and its inter-relationship with Revision Phases One and Three.
- 6.2 The note has highlighted key principles and issues of the WMRSS Revision and related advice from Assembly officers, in particular:-
- a. The need to consider the Phase Two Revision within the context of the approved WMRSS and, in particular, to recognise that the key principles

and underlying strategic objectives are 'defined' in the approved WMRSS and are not subject to review;

- b. That the fundamental principles and objectives of the strategy and their underlying rationale should be re-considered and re-stated at the beginning of the EiP and before the discussion of any other issues, including the level of growth;
- c. That, in examining the policies in the Phase Two Revision Draft, especially the level of housing and employment growth, the purpose must be to test the appropriateness of the proposed policies (and any alternatives) against the defined Spatial Strategy, and not the other way round; and
- d. The Panel and other participants are advised to consider the inter-relationships between the three Phases of the WMRSS Revision and related Assembly officer advice as set out in Sections 4 and 5 of this Briefing Note.

6.3 The Assembly trusts that this Briefing Note will prove helpful to the Panel and all other participants, and that it will assist the EiP process.

Appendix 1 – Documents referred to in this Briefing Note submitted to the Examination in Public Library

[Where applicable, reference to the relevant EiP Library Number is included]

1. Regional Planning Guidance for the West Midlands – RPG 11, June 2004. [CD18]

2. Letter from Minister of State for Housing and Planning (Rt. Hon. Keith Hill MP) to Cllr Bransby Thomas, Chair of the West Midlands Regional Assembly – 15th June 2004. [CD 221]

Also available at:

<http://www.wmra.gov.uk/documents/Keith%20Hill%20RPG11%20letter.pdf>

3. Regional Spatial Strategy for the West Midlands. Incorporating Phase 1. January 2008. [CD16]

Also available at:

<http://www.wmra.gov.uk/documents/RSS%20Full%20Doc%20Jan%2008.pdf>

4. West Midlands Regional Spatial Strategy Phase Two Revision Draft - Preferred Option. December 2007. [CD1]

Also available at:

http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/RSS_Revision/RSS_Revision_Phase_2/RSS_Revision_Phase_2.aspx

5. Regional Planning Guidance for the West Midlands – Public Examination Panel Report, October 2002. [CD55]

6. West Midlands Regional Spatial Strategy Phase Two Revision - Project Plan. March 2006. [CD34]

Also available at:

<http://www.wmra.gov.uk/documents/Planning%20and%20Regional%20Spatial%20Strategy/RSS%20Revision/RSS%20Revision%20Phase%202/32p%20Project%20Plan%20Final2.pdf>

7. West Midlands Regional Spatial Strategy Phase Two Revision – Overview. December 2007. [CD2]

Also available at:

http://www.wmra.gov.uk/documents/2_WMRA_Overview_Document.pdf

8. West Midlands Regional Spatial Strategy Phase Three Revision – Project Plan. [to be submitted to the EiP Library in mid/late March]

[The document will also be available on the Assembly website in mid/late March 2009 at:

http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/RSS_Revision/RSS_Revision_Phase_3.aspx]

9. Minutes of the First Preliminary Meeting held on 27 January 2009. [EXAM3]

Also available at: http://www.planning-inspectorate.gov.uk/pins/rss/west_midlands_phase_two/documents/WMRSS_Minutes_First_Prelim_Meeting_27_Jan.pdf

10. West Midlands Regional Spatial Strategy Phase Two Revision – Updated Monitoring Framework and Supporting Background Information. [to be submitted to the EiP Library in mid March]

[The document will also be available on the Assembly website at:
http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/RSS_Revision/RSS_Revision_Phase_2/RSS_Revision_Phase_2.aspx]

11. Rural Proofing of the Phase Two Revision Preferred Option, October 2007. [CD10]

Available at:
www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/Technical_Work.aspx

12. Panel Briefing Note No. 2: Proposed Regional Governance Arrangements. March 2009. [CD 223]

Available at:
http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/RSS_Revision/RSS_Revision_Phase_2/RSS_Revision_Phase_2.aspx

Additional information

All technical reports relating to the WMRSS Phase Two Revision process are available on the WMRA website at:
http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/Technical_Work.aspx