

Agenda Item No. 6

WEST MIDLANDS REGIONAL ASSEMBLY Board of Directors – 9 March 2007

Regional Planning Executive Meeting: 07 February 2007 – Ratification of decisions

Report of the Director of Policy

1. **Purpose**

To seek the ratification of the decisions of the meeting of the Regional Planning Executive held on Wednesday 7 February 2007.

2. **Recommendation**

The Board is recommended to ratify the decisions of the Regional Planning Executive meeting held on Wednesday 7 February 2007.

3. **Report Detail**

3.1 The Regional Planning Executive met on Wednesday 7 February 2007. Prior to its commencement, the meeting was not quorate.

3.2 It was agreed that where reports requested decisions to be made by the RPE they would be reported to the Assembly Board Meeting on 9 March 2007 for ratification.

3.3 The Board is asked to ratify the decisions of the Planning Executive. A copy of the draft minutes are attached as an appendix to the report.

**Rose Poulter
Director of Policy**

WEST MIDLANDS REGIONAL ASSEMBLY

Regional Planning Executive

Draft Minutes of a meeting held on 7 February 2007 At the Regional Partnership Centre, Birmingham

Prior to the meeting commencing it was noted that the Executive was not quorat. Members requested that Officers make enquiries regarding Membership to the RPE and where possible resolve non attendance by absent Members.

It was agreed that where reports requested decisions to be made by the RPE they would be reported to the Assembly Board Meeting on 9 March 2007 for ratification.

Present: Councillor Rex Roberts, OBE – Chairman (Staffordshire CC)

Councillors: Bob Badham (Sandwell), Neil Roberts* (Lichfield/ BC Environs), David Caunt* (Dudley/BC Environs)

Business Member: Roger Stone

Other Stake Holder Group: Roger Evans and Peter Shirley**

Officers: Sharon Doak (WMLGA/WMRA), Paul Bayliss (WMRA), Amanda Turner (Staffordshire CC/WMRA), Craig Johnson (Lichfield DC), Tim Williams (WMRA), David Thew (WMRA), Rose Poulter (WMRA), Paul Watson (RAG/Solihull MBC), Dave Marr (GOWM), Trevor Errington (CEPOG) and Andrew Donnelly (CEPOG).

*** Ex-officio Members representing Black Country+ Group**

****Substitute for Gerald Kells**

1. Apologies

Apologies were received from Cllrs John Everall (Shropshire CC), Phil Edwards (Herefordshire) Alwyn Davies (Worcestershire) and Timothy Wright (Dudley).

Business Member: Sir William Lawrence

Other Stake Holder Group: Gerald Kells

2. Declaration of Interest

Two declarations of interest were stated relating to Any Other Business Items on Conformity Roger Stone declared an interest in Dugdale in Atherstone (Planning Application Corner of the Common and Merevale Lane, Atherstone, Warwickshire – Ref: NW57/07CM00) and Paul Watson declared an interest as an Officer from Solihull MBC (Planning Application Coleshill Heath Road & Chester Road, Bickenhill, Chelmsley Wood – Ref: 2006/2486) Paul advised that he would only comment on process matters on this item as the Vice Chair of RAG.

3. Draft Minutes of the last meeting held on 6 September 2006 and Matters Arising

The Minutes of the last meeting held on 6 September 2006 were **AGREED** as a true record.

Matters Arising

Item 8c – Local Development Framework Core Strategies Public Examinations Inspectors' Reports – Stafford BC and Lichfield DC

Members were advised that a meeting been arranged for 19 February at the GOWM with the Planning Inspectorate and that the Chair and Vice Chairs had been invited to attend.

Members were further advised by Dave Marr (GOWM) that additional resources may be made available to help the Planning Inspectorate to be more proactive in their support to planning authorities as they embed the new planning regime.

Item 12 – Birmingham, Coventry and Black Country Region

Members were advised that City Region had responded to Ruth Kelly and the letter had been circulated to Chief Executives. A copy of the response was available for Members upon request.

4. RSS Update

4a) RSS Phase One Black Country Study – Verbal Update

Members received a verbal report updating them of the discussions that had taken place at the recent Examination in Public (EiP) for the RSS Phase One Revision - Black Country held between 9th–18th January, 2007 at the Bethal Centre, West Bromwich.

The Regional Planning Body had been represented by the Head of Planning working in partnership with officers from the Black Country Consortium and the four Local Authorities. The matters covered ranged from the overall approach to the strategy (i.e. based on Centres and Corridors) through to detailed issues such as the designation of Brierley Hill/Merry Hill as a Strategic Centre.

Members were informed that, overall, those attending considered that the Examination went well and that the strategy and associated policies stood up well to scrutiny.

The next stage of the process will consist of the publication of the Panel Report (anticipated in March/April 2007) which will then form the basis for Government Office to prepare any 'Proposed Changes' on which further consultation will take place. It was anticipated that the Panel Report could also provide useful advice for both the Phase 2 Revision and the Joint Core Strategy currently being prepared by the four Black Country Local Authorities.

Following the report, Members were advised that several Members present had been invited to the current meeting in their capacity as Members of the Black Country Plus Group. That Group had now disbanded and, whilst recognising the initial significance and importance of the Group, it was suggested and agreed that these ex-officio members no longer need to be invited to attend RPE Meetings.

The Chairman thanked Councillors Peter Douglas Osborn, David Caunt Neil Roberts and James Wilson Dudley for their advice and support.

Noted: Members noted the verbal update.

4b) RSS Annual Monitoring Report

Members received a report that reminded them that under the new planning system introduced by the PCPA (2004), Regional Planning Bodies were required to monitor annually the progress and implementation of the RSS using the most recent year's data. The final report was required by DCLG by 28th February of each year. In practice, this meant that the Regional Planning Body (RPB) had to collect, collate and quality assure data in respect of the range of indicators described by the RSS Monitoring Framework through the Summer/early Autumn. It then analysed, consulted and revisited the analysis through the Winter before publishing the final document by February 28th 2007. This process presented a significant challenge to the resources available at all levels.

To increase further the challenge posed to the RPB within this timetable the DCLG required that within the AMR (Town and Country Planning (Regional Planning) (England) Regulations 2004 No 2203; paragraph 5):

- i. the RPB identify any policy which in its view is not being implemented, why it is not being implemented and whether the RPB intends to prepare a draft revision of the RSS which will amend the policy. Last

year, along with other RPBs, the West Midlands was not altogether successful in this necessitating greater cross-group working for this edition;

- ii. the RPB works with LAs and sub-regional partnerships to ensure a greater level of sub-regional analysis and (ultimately) interplay with the LDF AMRs which will be required by DCLG every December from 2006. This year, for example, the DCLG Core Output Indicators are being included at district level in the technical annex (where ever possible) and local authorities have been asked to highlight any incompatibilities of local LDF AMRs with the RSS AMR.

A summary version of the process to achieve DCLG's deadline is presented below:

Activity	When
Initial consultation of First Draft to all Local Authorities to ensure data provided by LAs is correctly represented and to start to introduce sub-regional flavour	24 th November Completed
Second Draft - incorporating RPOG Advice - consulted upon with all Local Authorities and contributing organisations	22 nd Dec. 2006 – 10 th Jan 2007 Completed
Third Draft presented to RAG in order to: <ul style="list-style-type: none"> • Seek advice in respect of analysis and, where necessary, lines to take; • Gain recommendation to Planning Executive to sign off report subject to: <ul style="list-style-type: none"> ○ RAG amendments ○ Other amendments arising from second consultation not already incorporated 	10 th January 2007 Completed
Final Draft of document taking account of all advice/ comments received to be completed	26 th January 2007 On target
Final Draft Document to printers for initial typesetting (primarily figures/ graphs etc)	26 th January 2007 On target
Final Draft ready for submission to Planning Executive	26 th January 2007 On target
Final Draft to be signed off by Planning Executive (subject to any required amendments)	7 th February 2007
Confirm final copy to printers	9 th February 2007
Submission to ODPM	28 th February 2007
Presentation of Final AMR to full Planning Partnership	15 th March 2007
Stakeholder Conference	July 2007

Members were advised that the the format of the February 2007 Report would broadly retain that of last year's document and would strengthen the policy-led approach.

The structure of the document would be similar to that of last year:

- Executive Summary - key bullet points from within the detail of the analysis;
- Introduction, including a brief pen picture of the Region, its challenges and opportunities;
- Progress towards the RSS Revision;
- Contextual Monitoring - this builds upon the work undertaken earlier in the year by WMRO to develop a Contextual Monitoring Framework and would specifically consider progress being made towards urban and rural renaissance;
- Topic chapters (as per the RSS) on:
 - Progress towards Urban and Rural Renaissance
 - Communities for the Future
 - Prosperity for All
 - Quality of the Environment
 - Transport and Accessibility

An Executive Summary was attached to the report outlining where there are outstanding issues to be dealt with and also outlining achievements made. A full copy of the draft AMR can be viewed/downloaded from the WMRA website at <http://www.wmra.gov.uk/page.asp?id=139>

Members were invited to discuss the report and the following comments were made:-

- Members noted that migration to the Shires was slow and asked how much of this is due to Migrants? They were advised at present it was unclear but that a Study in conjunction with the LSC and AWM was due to be conducted in September/October 2007.
- Regarding the Metro line Members enquired if the figures quoted in the AMR were based on the existing single line or on a future expansion of the Metro lines. They were advised that figures were based on new lines and that the Metro figures would be revisited in the revision.
- Park and Ride was still a major issue and study would be performed as part of the RSS revision. There may be a possibility that Park and Ride can be included in the Regional Funding Allocations.
- Members found the document extremely interesting and requested that the AMR be used to inform RSS revisions and development of LDF The document needed to be brought to the public's attention and engagement should be sought and encouraged. Members were advised that a glossy version of the Executive Summary would be published and circulated widely, a document would also be produced highlighting the good and bad points arising from the AMR and that several press releases would also be launched.

- It was recognised that there are still major skills issues in Urban Areas and it was felt that more work across all Partnerships was needed in this area.
- Transport issues were highlighted by Members. Bus and metro patronage had fallen but the fares had increased. More work needed to be done on this and also on transport routes, some of which had not altered in many years,
- Members requested more information regarding housing movement and they were advised that a report on migration was being developed.
- Finally the Chairman and Members congratulated Officers on an extremely impressive and informative document and thanked them for an excellent piece of work.

The report recommended that the Regional Planning Executive:

- i **note** the progress made towards the publication of the February 2007 AMR;
- ii **agree** to the policy based findings and recommendations to be included in the AMR to be submitted to DCLG by 28th February 2007;
- iii **agree and sign-off** the document prior to printing.
- iv **agree** to a recommendation that the full Planning Partnership should receive a presentation of the AMR at their meeting on 15th March 2007

Agreed: The recommendations as outlined above were agreed.

5) Conformity Update

The Chairman commenced the item by welcoming Roger Evans as the new Vice Chair to the RPE and RPP and who would also be a signatory on matters of Conformity.

5a) Regional Planning Body – Conformity Activity Report

Members received a report which sought to inform them of recent Local Development Framework (LDF) activity and recent consideration of regionally significant planning applications, especially with regard to the decisions made by the Chair and Vice Chairs.

It was recommended that the Regional Planning Executive note the report.

Noted: Members noted the report.

5b) Briefing on the establishment of a Conformity Panel of Members for future decision making and also the Revision of the existing Conformity Protocol

Members received a report which advised them that given the increasing pressures on the Chair and Vice Chairs of the RPP arising from the

conformity process, the Assembly Board (10th March 2006) had agreed that a Conformity Panel should be established to help undertake this role (i.e. providing a wider pool of Members and acting as a sub committee of the Board). The Secretariat considered that the most effective way of achieving this would be for the RPE to establish a Conformity Panel mechanism from its membership and operate it in accordance with agreed protocols. Consequential amendments to the Terms of Reference would also need to be considered.

At their meeting on the 6th October 2006 the Assembly's Board ratified the RPP as a Committee of the Board, and approved the establishment RPE as a Sub-Committee of the Board with approval of protocols for the RPE to deal with the Regional Planning Body Conformity Function.

The pressures on the Chair and Vice Chairs would be eased by each of them having an alternate from the RPE Membership to assist them when they are unable to deliberate as a result of other commitments or because they have a prejudicial interest. In order to retain balance the alternates for the Chair and Vice Chairs would have to come from their respective Sectors.

The number of signatures required for a decision to be made would be raised from 2 to 3 and this should be achievable given that the Chair and Vice Chairs would have alternates.

Whilst work is ongoing in respect of a Revision to the Conformity Protocol, the process continues to operate under the latest version approved by the RPP in September 2005.

It was recommended:-

- a) That the RPE note the report presented to them and with regard to the Conformity Panel select alternates for the Chair and Vice Chairs from their respective Sectors. The RPE was asked to confirm that the Conformity Panel will operate when the nominated alternates have received adequate briefing/training.
- b) In respect of the Revision of the Conformity Protocol that the report presented was noted.

Agreed: The recommendations were agreed and the report was noted.

5c) Update on Planning Applications subject to non conformity with the RSS

Members received a report which reminded them that since the Regional Assembly began commenting on individual planning applications of

regional significance the decisions made had been reported to the RPE and RPP at various meetings. In respect of such consultations, the responses of most interest were where the Regional Assembly had given an opinion of non conformity. This was because they had the potential to prejudice the implementation of the RSS. There was the possibility that they could, if refused and an appeal lodged by the applicant, resulted in Public Inquiries where the Regional Assembly's views would be considered in detail by a Planning Inspector.

The updated Table appended to the report showed those planning applications where the Regional Assembly had issued an opinion that they were not in conformity with the RSS and gave the decision of the Local Planning Authority (LPA) and status of any subsequent appeal.

The status of the applications as shown in the Table provided comfort that the Regional Assembly's advice was influencing the decision of LPA's.

It was proposed that updates to the table were included as part of the conformity update Agenda Item in future RPE and RPP meetings.

It was recommended that the RPE note the report presented to them.

Agreed: Members agreed to the proposal of updated tables to future meetings.

Noted: Members noted the report.

Two supplementary reports on conformity were added to the agenda. Both related to consultations in respect of regionally significant planning applications:-

- a. Extension to the Birmingham Business Park - Solihull
- b. Resource Recovery Park – near Atherstone, Warwickshire;

The report reminded Members that background material relating to both applications had already been forwarded to Members prior to the meeting. In both cases, the material had included the Regional Conformity Advisors advice and also specific objections by CPRE.

Given the difference of view with of one of the Assembly Other Stakeholders Group (i.e. CPRE are constituent member of the West Midlands Sustainability Forum) and in the absence of a Vice chair for the OSG, then, under the agreed protocol, these matters were referred to the RPE for decision.

Once the new arrangements for the Conformity Panel were put in place and the Conformity Protocol revised, the necessity for this procedure would be for that Panel to consider.

As both Conformity Assessments were the subject of an objection by the CPRE (as they felt that they did not conform with RSS) the Regional Planning Executive were requested to consider both Applications and offer their advice as to whether they were applications of conformity or non conformity.

a) *Extension to the Birmingham Business Park - Solihull*

Paul Watson reiterated that he could not comment on this item as an Officer from Solihull. Trevor Errington confirmed that no Officers from Solihull had been involved in the Conformity Assessment prepared by CEPOG.

Trevor Errington advised that the Planning Inspectorate presiding over the Solihull UDP Inquiry had stated that a sub regional study of this RIS site would need to be done and therefore the application is finely balanced. CEPOG could not give a definitive answer on conformity until a sub regional study had been completed. It was felt that the conclusion would be that it would be best left to the local authority to decide once a report had been received and whatever decision was made it would not impact on the RSS.

Members were further advised by Paul Watson that if the Local Authority refused the application there would be right for an appeal and if finally approved it might be “called in” by GOWM.

Members were asked to consider whether they felt the application was in general conformity or non conformity. The following comments were made:-

- The Chairman and Vice Chairs (not including Roger Evans) advised that they had discussed the application in depth and were of the opinion that it was in general conformity. They questioned that as it was one field only what function would it serve. They were advised by Trevor Errington that as the Policy Lead for Environment was a Solihull Officer no information regarding environmental issues had been sought and Officers felt that more information was needed before a recommendation could be made.
- Concern was raised that there was no final recommendation from CEPOG on this application.
- Members strongly supported the greenbelt but there felt there was a need to look at boundaries and a duty of the Members to take into account the observations of the CPRE.

- A Member queried how much employment would actually be created or would existing firms relocate there? Members were again advised that further work is needed before formal conformity advice could be given.
- Cllr Neil Roberts and Peter Shirley both felt that the proposals were not in conformity and felt that it was up to the local authority to make the decision whilst being mindful that it would be difficult not to prove that it was a necessity. The site acts as a wildlife barrier between housing on the North West Side and the Business Park on the other.

The Chairman asked that voting members cast a vote with the following outcome:-

For: Rex Roberts, Bob Badham and Roger Stone
Against: Peter Shirley and Roger Evans

Members **agreed** that their views be taken to the Regional Assembly Board Meeting on 9 March 2007 for their ratification.

b) Resource Recovery Park – near Atherstone, Warwickshire;

Officers presented the Conformity Assessment to Members and highlighted the representation made by the CPRE.

The advice from the Minerals and Waste Conformity Panel was that the Application was in general conformity despite the concerns raised by CPRE. The matters raised by the CPRE were valid points and should be looked at by the local planning authority in the determination of the application.

The Chairman requested that voting Members cast a vote with the following outcome:-

For: Rex Roberts, Bob Badham, Roger Evans and Peter Shirley
Against: None
Abstained: Roger Stone (declared a prejudicial interest)

Members **agreed** that their views be taken to the Regional Assembly Board Meeting on 9 March 2007 for their ratification.

6) Milton Keynes South Midlands Working Group

Members received an update report on the revised terms of reference for the Milton Keynes South Midlands (MKSM) Working Group.

The Regional Planning Partnership had decided that the West Midlands Business Council should lead, on behalf of the Planning Partnership, on consideration of the implications of the Milton Keynes South Midlands (MKSM) growth area upon the West Midlands region.

The following MKSM related bodies have or intend to participate in the work of the MKSM Working Group:

- South East England Regional Development Agency (SEEDA)
- South East Regional Assembly
- South East Chambers of Commerce
- Milton Keynes Chamber of Commerce
- Northampton Chamber of Commerce
- MK (Milton Keynes) Business Leaders
- Milton Keynes Economy and Learning Partnership

In July 2006 the MKSM Working Group Chairman and senior Institute of Directors figure, Richard Ward, presented the Group's initial findings to the Regional Planning Partnership. The Regional Planning Partnership had expressed appreciation of the findings and decided that for the group to continue it would need to refine its terms of reference to enable a greater focus to its work and provide greater added value to the work of the Regional Planning Partnership.

The report outlined revised terms of reference for the Regional Planning Executives consideration and approval.

The report further advised that subsequent to discussions with the Regional Planning Partnership Secretariat the MKSM Working Group would be submitting a report to the Regional Transport Partnership for its consideration regarding the transport implications upon the West Midlands region of the MKSM growth area.

It was recommended that the Regional Planning Executive approve the revised terms of reference for the MKSM Working Group and to further refer the revised terms of reference to the Regional Planning Partnership.

Agreed: The recommendation was agreed.

7) RES Review and RSS Revision

Members received a report that reminded them that both the West Midlands Regional Spatial Strategy and the West Midlands Economic Strategy were currently under revision and review respectively. The WMRSS was undergoing a partial revision in three phases whilst the WMES was undergoing its three year review to ensure it remained fit for purpose.

The report outlined the key issues which were being addressed, identified how the processes for the review and the revision were aligned, gave consideration to the current consultation documents for both strategies and identified areas of consideration for both the strategies.

The WMES policy choices consultation was launched on the 10th November at AWM's annual conference and will run until the 28th February 2007. The RSS options consultation was launched on the 8th January 2007 and will finish on the 5th March 2007.

Members were requested to note the contents of the report.

Noted: Members noted the report.

8) Climate Change

Members received a report which sought to inform them of the steps being taken by the Regional Assembly in response to the climate change challenge following its Annual Conference and the last Assembly meeting in October 2006.

The report also advised Members of the Supplement to Planning Policy Statement 1 (PPS1): Planning and Climate Change for the Regional Spatial Strategy which was issued for consultation in December 2006.

The Regional Assembly in October received a report on the outcomes of the Annual Conference. The paper provided an update on the next steps following the Assembly's commitment to address climate change with the following 10 actions:

1. Establishment of a Regional Climate Change Task Group.
2. Production of a Regional Climate Change Action Plan.
3. Climate Change to be adopted as a Regional priority across all sectors and act as fundamental driver into all regional decision making.
4. Climate Change to be integrated in forward planning, business planning and strategy development work of all key regional bodies (Advantage West Midlands, Government Office West Midlands, the Assembly and all the Concordat Partners) and backed up with targets and accountability to the Region.

5. Leaders of business organisations and politicians to be encouraged to integrate climate change as a risk-based activity in their business plans and strategies.
6. The Regional Assembly to sign up to the Nottingham Declaration.
7. Encourage all local authorities in the West Midlands to work to sign up to the Nottingham Declaration on Climate Change and follow it up through a published Action Plan.
8. Sustainability checklist to be launched and endorsed to push for a step-change in the rate for green design and sustainable construction.
9. All Assembly-led Partnerships to consider key issues and projects that have significant impacts on climate change and develop appropriate climate change mitigation and adaptation projects with partners.
10. The Regional Assembly to be accountable for driving forward priority action across the Region.

West Midlands Business Council stated that they would like to be involved on the Climate Change Task Group and it was also requested that Sustainability West Midlands be included if they are not already.

The report recommended that the RPE:

- (a) Note the steps being taken by the Regional Assembly following the Annual Conference on Climate Change, and
- (b) Note the contents and issues raised in the Draft PPS1 for the revision of the Regional Spatial Strategy as outlined in the report.

Agreed: The recommendations were agreed.

For consideration

9) Regional Housing Update

Members received a report which provided them with details of the housing work programme being undertaken by the newly established Regional Housing Advisory Forum (RHAF).

The report also provided details of the housing policy developments at both the National and Regional levels with direct and associated relevance to planning.

It was requested that this item be brought to a future meeting and Members were asked to note the report.

Agreed: Members agreed that the item be brought to a future meeting

Noted: Members noted the report

9a) Housing Allocations

Members received an update report on the progress of the process for producing the Regional Housing Allocations Strategy 2008-2011 and to outline the timetable for its completion.

Following the merger of the Regional Housing Boards (RHBs) with the Regional Planning Bodies (RPBs) under Regional Assemblies earlier in 2006, the West Midlands' Regional Housing Executive (RHE) was now tasked with developing the next Regional Allocations Strategy for 2008 – 2011.

The report outlined that the next Regional Allocations Strategy (RAS) would closely follow the directions set out in the Regional Housing Strategy and the current Regional Allocations Strategy 2006 – 2008. It was important that consideration would be given to major issues that have arisen since Regional Allocations Strategy 2006 – 2008 was formulated during 2005 and which need to be recognised for investment within the new Regional Allocations Strategy 2008 – 2011.

Members were asked to note the report and to note the opportunities for consultation on the draft Regional Housing Allocations Strategy following its launch at beginning of March 2007.

It was requested that this item be brought back to a future meeting of RPE.

Agreed: Members agreed that the item be brought to a future meeting

Noted: Members noted the report

10. Any Other Business

Members were advised that the Chair of RAG, James Russell (Coventry) had now stepped down and that Ron Hilton (Staffordshire) had taken his place. Paul Watson (Solihull) is now the Vice Chair.

Members were advised that due to key milestones that would be arising regarding Phase Two and Three there would be a need for extra meetings to be planned into Members diaries. Officers would contact Members with revised dates at their earliest convenience.

11. Date of Next Meeting
9 May 2007