

## **REGENERATION SCRUTINY AND PERFORMANCE PANEL**

Thursday 23 April 2009 at 6.00 p.m.

**Panel Members present**            Councillor D. Pitt (Chair)  
                                         Councillor S. Coughlan (Vice-Chair)  
                                         Councillor D. Anson  
                                         Councillor B. Douglas-Maul  
                                         Councillor B. Tweddle  
                                         Councillor K. Sears  
                                         Councillor I. Shires

**Portfolio holders present**        Councillor A. Andrew

**Officers present**                    Tim Johnson – Executive Director – Regeneration  
                                         Alison Butcher – Project Director,  
                                         Building Schools for the Future  
                                         Karen Adderley – Project Manager, Building Schools for  
                                         the Future  
                                         David Elsworthy - Head of Planning and Building Control  
                                         Marie Newton – Principal Regeneration Officer (Transport  
                                         Strategy)  
                                         Richard Chadwick – Team Leader, Walsall Regeneration  
                                         Company  
                                         Craig Goodall – Acting Principal Scrutiny Officer  
                                         Matthew Underhill – Scrutiny Officer

### **87/08 APOLOGIES**

Apologies were received from Councillor A. Underhill.

### **88/08 SUBSTITUTIONS**

There were no substitutions for the duration of the meeting.

### **89/08 DECLARATIONS OF INTEREST AND PARTY WHIP**

No declarations of interest or party whip were identified at the meeting.

### **90/08 MINUTES OF PREVIOUS MEETING**

#### **Resolved:**

**That the minutes of the meetings held on 12 March 2009 and 1 April 2009, copies having previously been circulated, be approved as a true and accurate record.**

(annexed)

## 91/08 FORWARD PLAN

The Panel considered the Forward Plan published on 8 April 2009.

*38/08 Police Station.* Tim Johnson informed the Panel that the West Midlands Police Authority had identified the Challenge Building as its preferred location for its new Walsall headquarters. The project was still at an exploratory stage, and at this point no firm proposals have been put forward.

*15/09 (b) Highways maintenance strategy.* The Panel was advised that the item was within the remit of the Neighbourhoods Scrutiny and Performance Panel. It was agreed that information on the implications of the strategy on local regeneration would be provided to Members.

*72/08 Links to Work.* The Panel was advised that the item was within the remit of the Health Social Care and Inclusion Panel. However it was agreed that a briefing note would be provided on issues around the worklessness agenda, including funding for disabled and other marginalised groups.

### **Resolved:**

#### **That**

**1. a briefing note be provided to Members on decision on *15/09 (b) Highways maintenance strategy* including an assessment of the Strategy's implications on local regeneration;**

**and;**

**2. a briefing note be provided to Members on decision *72/08 Links to Work* providing further background on the issue and how it supports the Council's worklessness agenda for disabled people and other marginalised groups.**

## 92/08 BUILDING SCHOOLS FOR THE FUTURE

Members were informed of the purpose and context of the Building Schools for the Future (BSF) programme and examined the regeneration aspects of the scheme including opportunities for collaboration.

Alison Butcher gave a presentation (annexed), providing an overview to date of the BSF programme and she explained that she wished to engage the Panel regarding the related regeneration issues. She further explained that BSF was a process that had witnessed the engagement of pupils, staff, parents and governors in identifying how schools and sites can be delivered which maximise all opportunities. She acknowledged that while learning outcomes and the need to improve results were inevitably the key objectives, meeting these targets would contribute to achieving a more sustainable local economy. In this respect it was important that schools operate at the heart of their local communities and BSF was attempting to create a sea change in how local learning is delivered.

The main points of the presentation were as follows:

- In setting a strategy for change the Council has to demonstrate that improved outcomes are as a result of the BSF programme which meant that it was much more than simply a building project.
- A final decision was still awaited on whether or not funding has been awarded for schools identified in Wave 6a.
- The Council had now made an expression of interest for a number of projects at Wave 7 which has involved ongoing discussions with colleagues at Partnership for Schools (PfS), the non-departmental public body set up to deliver BSF. The Council is now waiting to hear if funding is available which will support efforts to create a sustained investment approach in schools in the Borough.
- Wave 6a projects have been subject to consideration by the Children and Young People Scrutiny and Performance Panel. She also explained that National Challenge Schools were given priority in the selection process. Other key criteria were suitability, deprivation, and ensuring financial prudence so as to avoid future funding problems.
- In terms of regeneration a pot of linked-funding is available to assist in placing secondary schools at the heart of communities. This might include the potential for adult learning opportunities and the use of facilities for the delivery of other partner agency services. These types of arrangements have the potential to deliver economies of scale through joined up funding. Tim Johnson commented that consideration of these types of issues form part of an ongoing process of seeking to understand what we aspire to achieve within our schools and maximising the opportunities for local communities. He added there will be up to £30m building development funding available and delivering sustainability will be a key objective.

A Member expressed the view that it was pleasing to note the significant investment received in the borough's schools of up to £100m in Wave 6a. Councillor Andrew noted that the Council was still in the final stages of negotiation for Wave 6a funding. He also pointed out that given the current position of public finances at this stage Wave 7 funding was not guaranteed.

Following a query the Panel were informed that Cabinet had resolved to include Frank F Harrison in Wave 6a, rather than Wave 7. Alison Butcher informed the Panel that the inclusion of Sneyd Community School in the Wave 7 funding application was a consequence of the Expression of Interest having been produced before the recent Cabinet decision in relation to reconsidering the future of the school.

A Member expressed the view that it was not possible to consider regeneration of physical school sites in isolation to the issue of standards of attainment. He also observed that it was important that local opportunities were available to young people once they had completed their school education. The Member also highlighted the importance of ensuring that local transport infrastructure was sufficient to enable people to access the opportunities that were made available at BSF project schools. The Member noted with surprise that The Streetly School had met the criteria to appear in Wave 6a, and given that a growing East/ West borough divide existed in terms of key indicators including deprivation, greater assistance should be provided to

the West side of Walsall. The Member also noted the importance of the use of sustainable building materials in school construction and refurbishment projects. A Member also observed that it was important that the process of engaging with communities was underway and that this should include consultation with Local Neighbourhood Partnerships (LNPs) and pupils. He also expressed the view that local employment opportunities would need to be created for young people once they had completed their school education, as well as concerns regarding an unwillingness from some schools to properly engage with the Council.

In responding to these comments Councillor Andrew explained that to ensure the overall affordability of the scheme the process for compiling the Wave 6a funding bid required that a set of criteria were met which can only be achieved through including schools from across the borough with differing levels of need. He also expressed the view that The Streetly School had experienced educational difficulties in its recent past. Tim Johnson further explained that the requirements to meet the overall criteria meant that it was not possible simply to include the poorest performing schools in the funding bid. He gave the example of Blue Coat as a school with high attainment but whose site posed problems that would need to be addressed at some stage. He also explained that the borough was attempting to differentiate itself from other local authorities BSF projects. For example, the proposed use of sustainable materials in refurbishment and building projects. The Council was currently establishing the cost per metre of using sustainable materials and working on the assumption that it will need to fund its use outside of PfS funding. This would also be the case for any additional features that might be included. The Chair noted that the Mary Elliot School had recently received a design award and Tim Johnson expressed the view that this demonstrated the level of design quality being undertaken by the Council.

Tim Johnson also explained that the Council was determined to meet the aspirations of local communities, this process included continuing consultation and engagement with local residents. In response to Member queries he confirmed that LNPs would be consulted as part of this process. It was intended to make BSF project schools the hub of their communities, which beyond core educational provision also offered a range of other learning opportunities, this might include training for young parents. In responding to the issues surrounding local transport, he explained that it was being considered in the context of all other activity in the borough. For example, house building and the consequential demand for primary school provision. He explained the importance of ensuring that attention is given as to how the physical school building programme is delivered to ensure it is effectively joined-up with other local infrastructure development so as to maximise opportunities for added value.

A Member expressed the view that it would be important for sprinkler systems to be included in BSF project schools. Tim Johnson explained that sprinkler systems were not funded by the PfS. However the inclusion of sprinkler systems was part of Council policy and therefore it would be necessary for alternative funding to be identified. Councillor Andrew further clarified that in respect of the receipt of BSF funding each element of a school's design had to be proven to be essential, sprinkler systems did not currently meet this criteria. He explained that inquiries would be made to understand how schools in other boroughs have incorporated sprinkler systems into their BSF schemes. A number of Members expressed the strong view that sprinkler systems should be viewed as vital, particularly given their importance in safeguarding schools and the low proportion of overall construction costs, arguing that they should be included in all new schools. A Member added that difficulties that might exist in

installing sprinkler systems in existing schools should also be overcome. There was agreement that this would minimise the risk of fire damaging or destroying schools and would probably also have the benefit of reducing insurance premiums. The Chair noted that West Midlands Fire Service would be carrying out a number of sprinkler system demonstrations in May and encouraged those interested to attend.

*Councillors B. Tweddle and D. Anson left the meeting.*

The Chair sought guidance on what use was being made of the BSF project's opportunity to stimulate the local economy. Tim Johnson explained that in conjunction with development partners and within the confines of procurement rules, work was underway to determine how to imbed within the procurement process a way of maximising opportunities for local businesses. This included consideration of how local training as well as employment could be delivered. In response to a Member query regarding pupil safety Alison Butcher explained that, zoning schemes had begun to be introduced, meaning that pupils and other members of the community used the school building at different times.

#### **Resolved:**

**That all schools within the Borough have sprinkler systems.**

#### **93/08 DEALING WITH SECTION 106 AGREEMENTS AND SUPPLEMENTARY PLANNING DOCUMENTS AS A RESULT OF THE ECONOMIC DOWNTURN**

The Panel considered a referral from the Development Control Committee which asked the Panel to consider the implications of deferring Section 106 (S106) planning gain payments and to review the Council's Supplementary Planning Documents. The Panel also considered what could be done to encourage development in the current economic downturn.

In introducing the presentation on S106 Agreements and SPDs (annexed) David Elsworthy explained that significant action in respect of S106, including its suspension to stimulate development was not viable as planning policy cannot be switched on and off. He explained that instead he wanted to present the Panel with a number of options, which included deferring or not requiring S106 contributions on a case by case basis to encourage future developments in Walsall. He provided an explanation of how the S106 planning process operates as a contractual arrangement between the Council and a developer. The Council operated a standard approval process in which the Development Control Committee is presented with the heads of terms for a proposed agreement and is then required to interpret Council policy and relevant Supplementary Planning Documents (SPDs), the Council's own guidance which elaborates on regional and national provisions via a development plan policy, as well as consider issues such as financial viability, before making a decision. He also outlined to the Panel that there had been a fall of thirty-two percent from 2007 to 2008 in planning applications and S106 agreements as a result of the economic downturn. There has also been a significant fall in income received from S106 agreements and the number of affordable homes being built. He concluded his guidance on S106 by highlighting the potential positive and negative outcomes of its deferral. He pointed out that it was possible that continued deferral based on independently accredited

viability assessments could encourage future development and applications, although this was not certain as other factors play a significant part in the decision to undertake development activity.

He outlined that SPDs currently exist to support decision making in a range of areas, including affordable housing, education, open space and health care. The benefit of an SPD was that it provided greater clarity and consistency of approach on the Council's development priorities which developers could factor in to their development applications. SPD's also assisted in the prevention of challenge to planning applications as the Council's development policies were clearly defined. He emphasised that introducing a general approach or moratorium would cause problems in delivering required infrastructure as there was currently no other realistic income stream to deliver this in support of new developments in areas. A more realistic method of introducing flexibility would be to take into account individual circumstances consistent with best practice which is the Walsall Way. This includes financial viability assessments and realistic triggers for payments that could be activated at a later stage in a development to improve cash flow. Other action that might be considered includes discounting up front costs, waiving interest on late payments, and increasing the life of approvals from three to five years, together with action to reduce legal and planning costs.

Set out below is a summary of the discussion that followed the presentation:

- The Development and Control Team presented information to LNPs on how S106 income was spent.
- Members agreed that the Council's SPDs were an important part of the development control process and should not be switched "on and off".
- Members supported the waive interest on late S106 payments fro twelve months so long as payments were rigorously pursued upon completion of the twelve month period.
- A number of Members also suggested that the Panel request that the Chair and Vice Chair of the Development and Control Committee be invited to the next Panel meeting to discuss their views on the Council's Section 106 and SPDs policies.

**Resolved:**

**That:**

- 1. the Council continue to deliver Section 106 agreements based on the individual financial viability of cases as evidenced by independent viability assessments as considered by the Development Control Committee;**
- 2. the Council continues to renegotiate supplementary variations where evidenced that the development is no longer viable on a case by case basis;**
- 3. all planning decisions involving Section 106 agreements are granted for five years prior to the commencement of construction instead of three years;**
- 4. the Council undertakes to waive interest on late payments for up to twelve months. However, at the expiry of this period interest payments for subsequent late payments should be rigorously enforced;**

5. **the eight percent part payment requirement on completion of the Section 106 agreement for public art contributions in The Designing Walsall Supplementary Planning Documents is collected at the development phase agreed by the respective S106 agreement;**
6. **the Council continues to reduce its up front staff charges (legal and planning) for single heads of terms agreements where justified;**  
  
**and;**
7. **the Chair and Vice Chair of the Development Control Committee be invited to the next Panel meeting to discuss their views on the Council's Section 106 and Supplementary Planning Documents.**

#### **94/08 WALSALL RAIL SERVICE AND FACILITIES IMPROVEMENT PLAN**

The Panel were updated on progress with dealing with issues and achieving the priorities set out in Walsall Rail Service and Facilities Improvement Plan. Marie Newton explained to the Panel that the Plan was approved by full Council in November 2007 and had significantly informed both Network Rail and Centro's development plans and that it had received strong support from key partners.

The main points of the report were as follows:

- To create the opportunity to attract longer-distance services to call at Walsall Station and use other local routes a range of activity is being undertaken by Centro and Network Rail. This includes utilising planned resignalling of routes around Walsall in 2012/13 to make changes to track layouts which would otherwise be prohibitively expensive. It is also proposed to increase electrification and create a new Platform 4 at the station to enable it to handle future traffic growth. The Council are working with both Walsall Regeneration Company (WRC) and Centro to identify options for increasing access and visibility of the station from the town centre.
- In respect of Walsall participation in intercity services, a frequent service was introduced from Wrexham to Marylebone in 2008 which calls at Tamebridge Parkway (Sandwell) with a bus link provided from the town. A bid from Virgin to provide a rail link to London from Shrewsbury, which would call at Walsall station has recently been withdrawn with concerns expressed by the company regarding anti-competiveness with the Wrexham to Marylebone operator. However, the Council is proposing an alternative which would see the Virgin service begin at Wolverhampton, this is supported by colleagues in Warwickshire.
- Marie Newton explained that track and signalling improvements planned for the Birmingham – Walsall- Rugeley Trent Valley line will form part of the other resignalling activity. There is a strong possibility that the level crossing gate at Bloxwich station will be closed for forty-five minutes per hour as passenger and freight traffic increases and as a consequence the Department for Transport is likely to permanently close the gate. These developments will create the opportunity to relocate and improve Bloxwich station.
- Guidance was provided to the Panel regarding the Walsall to Wolverhampton line which while supported by Centro closed in December 2008 due to rolling stock not being available. A joint funding bid for Community Infrastructure Funding (CIF) by

the Council and Centro to support the reinstatement of Willenhall station as part of the wider Willenhall Action Plan was unsuccessful. However Centro have asked for the Government to reconsider the bid, and the company has now identified the funding and rolling stock necessary to operate the service if the CIF award is made.

- Other issues that were highlighted included a study to evaluate the value of reinstating services along the Sutton Park line. This included the potential for a Walsall to Aldridge service, although challenges exist including identifying a suitable site for a station in Streetly. Other activity includes a Network Rail and Centro joint business case for re-instating the Walsall to Stourbridge route as a mixed use freight and tram corridor. The Panel heard that Walsall lends itself to the use of tram-trains as part of a rail and rapid transport network. For example, tram-trains would be able to link into the new development at Wolverhampton Interchange. A related study is likely to be progressed in 2009/10.

The following is a summary of the discussion that followed the report:

- A Member expressed the view that it was important that Walsall became a regional hub for the railway network as part of a co-ordinated transport system.
- Members commented on the importance of establishing a station at Walsall along the Wolverhampton to Walsall rail line. The Panel noted that Centro had previously purchased land for a Willenhall train station in 1996.
- A Member emphasised the importance of pursuing a train service from Wolverhampton to London via Walsall station. The Panel proposed that a letter should be sent to the three local MPs by Walsall's three political group leaders setting out the requirement for the introduction of this service.

**Resolved:**

**That the leaders of the Conservative, Labour and Liberal Democrat Groups jointly write to the three local Members of Parliament requesting the introduction of a Walsall to Wolverhampton via Willenhall rail service.**

**95/08 EXECUTIVE DIRECTOR FOR REGENERATION – REPORT ON USE OF DELEGATIONS**

The report was noted.

**96/08 DATE OF NEXT MEETING**

The date of the next meeting will be agreed by Annual Council at its meeting on 20 May 2009.

The meeting terminated at 8.41 p.m.

Chair:

Date: