

BRIEFING NOTE

TO: Regeneration Scrutiny and Performance Panel
DATE: 6 November 2008

RE: The Regional Spatial Strategy Phase 2 Preferred Option

Purpose

The Regional Spatial Strategy (RSS) Phase 2 proposes a major change to planning policy for the Region, and has implications for Walsall. The accompanying report is a draft Cabinet Report for the 19 November 2008. It recommends approval of responses to the proposed policy revisions and to work commissioned by the Government that could affect Walsall's regeneration. The Panel is asked to consider these issues before the report goes to Cabinet.

Reponses to the RSS Phase 2 Revision

The attached report provides

- (a) the response to the RSS Phase 2 Revision Preferred Option, and;
- (b) the basis for a response to work commissioned by the Government to consider options to increase housing in the Region.

There are financial implications for the Council and these are explored in the report.

Appendix 2 to the Cabinet report containing the detailed comments on the RSS has been sent separately to Panel Members and is available to members of the public on request.

Please note that Appendix 1 to the draft Cabinet report summarises the main comments made in Appendix 2.

Recommendations

That, subject to any comments Members may wish to make, the Regional Spatial Strategy Phase 2 Preferred Option report is recommended to Cabinet for approval.

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Cabinet – 19 November 2008

The Regional Spatial Strategy Preferred Option

Portfolio: Councillor Andrew, Deputy Leader and Regeneration Portfolio

Service: Regeneration

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary of report

This report seeks approval of a proposed response to the West Midlands Regional Assembly's Draft Preferred Option, related to the Phase 2 Revision of the Regional Spatial Strategy (RSS). (A copy has been placed in each of the Members' rooms.) As Members will be aware, the RSS is now part of the Council's Development Plan, and has to be taken into account when the Council determines planning applications. However, the RSS is being reviewed in phases. Phase 1 was geographical and covered the Black Country. Policies based on it are now part of the updated RSS. Work on Phase 2 started in May 2006. Phase 2 is concerned with subject areas rather than geography; specifically housing, the economy, transport, waste management and town centres across the region. The main points of our response are attached to this report as **Annex 1**. **Annex 2** sets out the details and, where necessary, recommended changes to the policies contained in the Preferred Option. **Annex 3** responds to work commissioned by the Government that proposes higher housing totals across the Region than those put forward by the Preferred Option (though Walsall's position is unchanged). It is important for Walsall Council to continue to put its view forward about these issues, in order to ensure that, as far as possible, the new RSS policies are in tune with the Borough's needs and aspirations.

2. Recommendations

2.1 That the proposed response made by officers, summarised in this report and set out in detail in the annexes 1, 2 and 3, be approved.

2.2 That officers work with other authorities and the Regional assembly to address the specific issues raised by the RSS Phase 2 Revision and the further work commissioned by the Government.

2.3 That the Portfolio holder for Regeneration be authorised to (a) give consent for any further technical work that would incur expenditure by the Authority and (b) approve formal representations on behalf of the Council as considered necessary

3. Background information

3.1 This report is going to Cabinet because it deals with statutory consultation undertaken by the WMRA in accordance with Section 4(4) of the Planning and Compulsory Purchase Act 2004. The response will represent the public position of the Council.

4. Resource considerations

4.1 **Financial:** none at present, but it is likely that there will be a need to commission, jointly with other Met area authorities, external work to respond to work prepared for the Government that proposes extra housing across the West Midlands, over and above the agreed RSS totals. The costs of any such work have not yet been established, but will fall within the present financial year. Annex 3 paragraph 8 deals with the reason for this in more detail. The policies and priorities set by the RSS will be likely to influence the regeneration funding available for Walsall in the future. If, for example, policies to encourage development to be concentrated in the south-east of the Region are carried forward, Walsall could lose out financially in relation to infrastructure funding that would support such development.

4.2 **Legal:** The RSS is now part of the development plan for the Borough under the Planning and Compulsory Purchase Act 2004, and therefore has to be taken into account in determining planning applications where relevant.

4.3 **Staffing:** staff time in compiling the response and contributing to the process

5. Citizen impact

5.1 The RSS changes will influence planning decisions about where to locate housing, industry, offices, shopping facilities, waste management facilities and the amount of parking available in the town centre. The RSS strategy, and its proposed revisions, are essentially concerned with pursuing an urban renaissance. The planning decisions based on this should generally affect the Borough's citizens for the better, as long as Walsall's interests can be protected under the changes. If not, investment will continue to be channelled elsewhere, to the detriment of the Borough and its citizens. It will be particularly important to ensure that housing is balanced by sufficient job opportunities, and to provide the kind of housing that Walsall's citizens want; otherwise they will continue to move away from the Borough to fulfil their aspirations.

6. Community safety

6.1 There are no direct implications for community safety.

7. Environmental impact

7.1 The RSS has sustainable development at its heart. The Environment as an issue is scheduled for Phase 3 revisions to the RSS, though it could be argued that many of the phase 2 topics – notably climate change and transport – have an impact on the environment and sustainable development

8. Performance and risk management issues

8.1 **Risk:** There is a risk that the RSS Revision will include policies that may not be in the long term interests of Walsall. It is important therefore that the Council continues to take a full role in the formulation of the RSS revision in order to minimise this risk as far as possible

8.2 **Performance management:** none at this stage. But when the RSS is approved, performance against the requirements of RSS policies will be monitored through the Annual Monitoring Report.

9. Equality implications

9.1 There are no direct implications for equality.

10. Consultation

10.1 The RSS Phase 2 Revision Project Plan includes a Statement of Public Participation, setting out how the WMRA will involve partners and the local community, how it will distribute information and how comments will be dealt with. As stated above, Walsall Council provided initial advice to the WMRA about the topics covered in the RSS Phase 2 Review. This report is concerned with helping them pick the Preferred Options about development to submit to the Government.

Background papers

The West Midlands Regional Spatial Strategy Draft Preferred Option, by WMRA

Development of Options for the West Midlands RSS in response to the NHPAU Report, by Nathaniel Lichfield and Partners

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Tim Johnson
Executive Director

19th November 2008

Councillor Adrian Andrew
Portfolio holder

19th November 2008

Annex 1

West Midlands RSS Draft Phase 2 Revision Preferred Option - Main Issues

Walsall Council generally supports the RSS Preferred Option. In Annex 2 we propose some detailed changes and make some comments in track-change mode with the aim of further improving the document, as well as suggesting typographical, stylistic and grammatical improvements. This Annex focuses on over-arching issues, and is intended to put our detailed comments in context.

General Observations

1. Changes published in the RSS Phase 2 Revision will need to be considered in relation to the whole of the RSS, including the Phase 1 Revision changes that were made after the Phase 2 Draft preferred option was published. This is a particular issue in relation to the Black Country. There is a need for further clarification in relation to, for example, policies on climate change and urban renaissance (see further below).
2. We think the document is too long and in many places duplicates existing policies. Some policies do not appear to involve any specific regional issue that would result in the RSS adding value. Therefore there is ample scope for making it more user-friendly by either deleting these policies or rewording them in such a way as to make them relevant to development control in the West Midlands Region. We would point in particular to policies SR1(c), SR2, SR3, SR4, CF6, CF7A&C, CF8, W5, W7, W8, PA4, T1, T2, T3 and T4. The reasoned justification paragraphs need also to be slimmed down.
3. Many policies seem to be more exhortatory or descriptive rather than consisting of actual requirements, merely concerned with encouraging various interests within the planning system to do something; particularly those encouraging stakeholders to work together to achieve some desired object. It is not made clear how these policies could actually be implemented, and there are no means of monitoring compliance or enforcement discussed. If the policy is capable of being implemented and enforced, and its terms are reasonable, then it needs to include specific duties with the wording 'require'. Otherwise it should either be deleted or form part of the Reasoned Justification. We draw attention specifically to SR1, SR3, CF1A, PA1A, PA5 and PA11A. The Reasoned Justification, too, contains a lot of purely descriptive material – for example much of the transport chapter's introduction would be better represented on a map or plan.
4. As to remaining policies, we would point out that, given that the RSS is now part of the development plan, there is a need for concise policies that can be easily operated at the development control level. However in many cases the policies do not make a clear distinction between what local authorities are being asked to do in their production of LDFs and what development control planners are being required to do when determining a planning application. We would draw your attention to the specific examples of SR1(c), CF2(b), and CF4, but there are likely to be more.
5. Where a policy is referring to the MUAs or non MUAs, it should be clear which authorities are affected by the policy. For example, in relation to housing, the ratios appear

to be based on authority-wide data. But some authorities such as Birmingham, Solihull and Walsall fall partly within the MUAs and have significant areas of Green Belt or open land outside the MUAs. Policy W6 refers to “all Waste Planning Authorities outside the MUAs” and Policy W12 refers to “Waste Development Frameworks for the non MUAs.” It is not clear whether policies such as W6 and W12 apply to the whole of these authority areas or only to the parts within/ outside the MUAs. There needs to be a clear statement about where individual policies apply, so that districts which fall partly within and partly outside the MUAs will know whether or not to apply the policy district-wide.

Matters of Principle

6. We strongly endorse the continued emphasis in continuing to promote an urban renaissance, especially in a situation where there is pressure to depart from it in relation to a number of forms of development, notably but not only in relation to the location of new housing, which, as paragraph 3.2, maintains, is pivotal to this over-arching objective. Our suggested changes and recommendations are nevertheless important in order to ensure that, in the detail of the proposed policies, progress is maintained towards this objective in what could be very adverse circumstances ahead.

7. In this context, and assuming provision in the Major Urban Areas (MUAs) is 100, the existing RSS table 1 projects an annual average rate of housing provision at 160 for the rest of the region to 2007, falling to 111 between 2007 and 2011 and 70 between 2011-21. The new RSS, in its table 1 and paragraph 6.23, changes the rate for the rest of the region to 120 from 2006-2026. (Indeed, the RSS Preferred Option is much closer to the NLP options in relation to the development ratios between the MUA and the rest of the region than it is to the existing RSS). Whilst we are disappointed that the pace of change is slowed down significantly compared with existing policy, we can give qualified support (see next paragraph) to the Preferred Option numbers and ratios, given that there is also a need, particularly in the MUAs, to maintain a good supply of industrial land in order to balance housing development with job opportunities.

8. However, the proposed housing policies, whilst they contain minimum numbers for the MUAs, do not make clear that the numbers need to apply in the rest of the Region are maximum ones. This also appears to be the case in relation to office developments (table in PA13A), which are important to the economic diversification of the MUAs in particular. There is no provision requiring authorities to refuse developments that would which take the District over the total figures set out in the relevant tables. This could mean that unlimited housing and office development could happen outside the MUAs in practice, with no actual control in relation to the RSS, particularly in view of a new paragraph inserted into PA1A that would locate economic development close to significant new housing in order to reduce commuting. Indeed, these policies together could create a decentralist dynamic of uncontrolled new housing and economic development from the MUAs. If development is to be channelled into the MUAs in order to achieve the policy objective of an urban renaissance, the housing and office figures numbers will have to be seen as maximum ones. We suggest ways to address these issues below. In doing this, we also propose amendments to help ensure that strategic centres, especially in the MUAs, achieve their intended share of investment and control out-of-centre development.

9. A related issue of concern is with the new policies SR1, SR2, SR3 and SR4. We point out above that much of this seems either to duplicate national regulations or has no

specific regional focus. But we are also concerned about the effects of these policies, were they to be carried forward. Paragraph 2.20 points to the scale of change, with increased rates of development in the MUAs being necessary to meet the need for overall carbon dioxide reductions. But the policies implicitly seem to take the narrow view that carbon neutrality of individual buildings and developments trumps the sustainable development pattern as whole. There is no guidance to assess the competing claims of a development that is ostensibly carbon neutral but located so as to promote car use and single purpose trips, as compared with an ordinary development located accessibly in a centre. In particular this could provide justification for more out-of-centre development and housing on greenfield land, contrary to the thrust of other policies. It should be obvious, and needs to be set out explicitly, that the maintenance of a sustainable settlement pattern is more important than any particular development or premises, however low carbon these are intended to be.

10. Moreover, the higher standards expected of buildings themselves – notably in the CABI ‘Buildings for Life’ standards – could militate against brownfield land development in view of the abnormal costs associated with developments, which are a particular feature of the MUAs. Again, this could justify housing and other developments on greenfield land where it is easier and quicker to build from scratch, to reach these standards. And again, this could act to the detriment of the MUAs and an urban renaissance, and contrary to the aspirations set out in paragraph 2.20. Moreover it is not evident, from our review of the relevant CABI material, that adherence to the CABI standards would actually produce any reduction of carbon dioxide emissions. There needs to be a review of policy associated with these standards in order to ensure that they contribute to a sustainable development pattern on the ground, not just in theory.