

Futures Network West Midlands – FNWM

Looking to the future in an uncertain world

THE FUTURES NETWORK WEST MIDLANDS RESPONSE TO THE CONSULTATION ON THE STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE REVOCATION OF THE REGIONAL STRATEGY FOR THE WEST MIDLANDS

1. Futures Network West Midlands

1.1 This response is from the Futures Network West Midlands (FNWM) which comprises individuals from planning, academic and other professional backgrounds, who have experience and commitment to strategic and spatial planning with a particular interest in the West Midlands. This part of England has a long history of effective co-operation and collaboration on strategic and ‘wider than local’ issues.

1.2 FNWM’s focus is in developing a deeper understanding of the economic, social and environmental challenges facing the West Midlands, the interactions between them and the potential implications for alternative futures for people, communities and businesses in the area.

1.3 Nothing in our response is confidential and FNWM is happy for it to be reproduced in whole or part provided it is attributed.

1.4 FNWM considered the 2011 Consultation Document to be wholly inadequate in terms of process, content, and conclusions. The present document shows some improvement, which is welcome. In particular, the methodology in this Report is much more closely aligned to the requirements of Directive 2001/42/EC as transposed through the UK Regulations.

2. Strategy

2.1 The core concern of the West Midlands Regional Spatial Strategy (RSS)¹ was to address the continuing decentralisation of population and investment away from the Major Urban Areas (MUAs) within the region (see Chapter 3 of

¹ We are aware that the current consultation concerns the Regional Strategy, including both the RES and RSS although the RES is not part of the statutory development plan. In our view, the key areas of interest for an SEA are to be found in the RSS, although since the two documents are intended to be compatible some of the policy issues will recur in the RES as well. We therefore refer to the RSS throughout this response.

the RSS). This was set in the context of an acknowledged need for new development – housing, employment sites, supporting infrastructure, etc and an over-riding requirement to ensure that the scale and distribution of such development occurred in a sustainable way. Without effective management to reverse the trend then we consider that it is likely there will be serious negative long-term environmental consequences including dereliction and under-use of infrastructure within the MUAs; a greater need for travel as new development becomes dispersed; a reduced supply of housing and greater need to use greenfield, as opposed to brownfield, sites. The RSS provided a robust framework to address these matters, leading for example to the Phase 1 Review to address the particularly serious regeneration needs of the Black Country.

3. Strategic Environmental Assessment - Overview

3.1 The West Midlands history of successful co-operation on spatial and economic planning issues not only predates the current arrangements, but also those introduced by the previous Government. For example, the local authorities had by the early 1990s well-established voluntary procedures which led to agreement on Regional Planning Guidance and a Regional Transport Strategy, long before the creation of Regional Assemblies and Regional Development Agencies. However, those successes were predicated on a shared acceptance, backed up by central government, that local interests at times needed to be moderated in the interests of the region as a whole. The current legislation, as well as scrapping the statutory RSS processes, has also had the effect of removing incentives to effective voluntary co-operation over a wide area.

3.2. For example, the West Midlands Metropolitan Spatial Policy Statement (WMSPS) agreed by the Metropolitan Authorities in June 2012 seeks to maintain the direction of travel set out in the key RSS policies for prioritizing the redevelopment of previously developed land within the MUAs. However, it has not proved possible to quantify targets for this in the WMSPS in the absence of the framework provided by the former RSS and its processes. Interestingly, the SEA Report acknowledges that the removal of the target for reuse of land contained in the RSS could lead to less development in the MUAs and in less development of brownfield land.

3.3 Thus the key purpose of the SEA Report should have been to demonstrate how the acknowledged regional challenges could be met in the absence of an

over-arching strategy for the region. It fails to do this; instead, it asserts that the changes proposed, or already introduced, by the Government will do so.

3.4 In the earlier consultation the underpinning assumptions were that:-

- the effects of the regional policies either already are, or easily could be, brought about through current or future policy at national or local level, and that there is therefore no value in the RSS policies;
- there are obligations on local authorities to undertake their own assessments, so that environmental impacts of future policies should be assessed 'further down the line';
- Statutory provisions and overarching national policies provide a sufficient framework to ensure environmental protection.

3.5 There was no supporting justification or evidence for these assertions and that continues to be the case. In the current consultation, in the absence of the RSS, strategic and cross authority working are presumed to be delivered in the West Midlands region through a variety of legislative and non-legislative means. In particular, the report leans heavily on the alleged protection offered by the National Planning Policy Framework (NPPF), published since the last Consultation; the new Duty to Co-operate and the power to prepare joint local plans (a power which already existed under the RSS); and through the establishment of non-legislative Local Enterprise Partnerships.²

3.6 The obvious point to make about that presumption is that, whilst the complex set of loosely linked plans, procedures and organisations which would all be required to point in the same direction may eventually offer an effective alternative to the RSS, there is a high and unnecessary risk that this will not happen. They are on different timescales, with overlapping geographies and uncoordinated evidence bases. Prior to widespread experience being gained of the new planning paradigm, implementation of the key strategies for the West Midlands will certainly be delayed and weakened, and may be abandoned in their entirety. That would have very significant implications for the region, including significant environmental impacts, which are not addressed in the current SEA consultation. The RSS was a recognition that sub-national planning

² The potential role for LEPS in spatial planning at a level above that of individual local planning authority is as yet unclear. Although welcome initiatives are in hand in the Greater Birmingham and Solihull LEP area, there will be challenges arising from the different processes, geography, databases and timescale associated with the statutory plans being prepared by the individual participating planning authorities.

at a larger scale than the individual local authority level offers a more efficient and effective means of strategy delivery.

3.7 Overall, as the SEA Report points out, only 10 Core Strategies have been adopted in the West Midlands. Thus two thirds of the local planning authorities are yet to adopt a Core Strategy and, for the purposes of this assessment, can therefore be considered to be relying on out of date policies. Bearing in mind that the legislation which introduced Core Strategies was passed over eight years ago, in 2004, and that there is continuing pressure on local authorities' resources, we doubt that local authorities have the capacity to ensure that statutory local plans could help fill the policy gap in the foreseeable future.

4. Early Signs of Failure?

4.1 Although it is early days, the evidence available indicates that some aspects of the new approach to strategic planning are already failing. For example, recently published figures prepared by Tetlow King³ show that the impending revocation of the RSS has already led to a reduction of over 8% in housing targets identified by Local Planning Authorities within the West Midlands region, which will result in a significant impact on housing availability in due course. Similar trends are visible in other parts of the country, although the reduction in this region is one of the largest.

4.2 The reduction in targets is being reinforced by some local authorities' resistance to new development now that the controlling factor of the RSS is seen to have disappeared. For example, Stratford-on-Avon District Council has recently lost a high profile planning appeal for a development of 800 homes because its assessment of current housing need was deemed to be too low, resulting in a shortfall in its 5 year land supply figures. Whilst this might be seen as encouraging evidence that the Government is committed to the delivery of its new approach, the District Council is now considering a judicial review of the decision. Although that may not proceed, and even if it does proceed it may fail, it provides clear evidence of one planning authority's commitment to reduce the volume of new housing being built in its area.

4.3 Conversely, the recent consultation document on the Birmingham Development Plan proposes an increase in its total housing numbers up to 2026

³ Updated Impact of the Impending revocation of regional strategies on proposed and Adopted Local Housing Targets Across England, for Policy Exchange. Tetlow King Planning

from 50,600 dwellings in the submitted RSS to 80,000, asking neighbouring authorities through the Duty to Cooperate to provide for around 25,000 of these. The draft includes options for up to 10,000 homes and a 50 ha industrial site in the Green Belt. There will be debate about the desirability and sustainability impact of these proposals and, without any overarching strategy, it is unclear how that debate can rationally be resolved. What it does show is that the claim in the SEA Report that there may be less reliance on urban extensions following revocation, is unfounded.

4.4 The Birmingham 50 acre industrial site option, and the proposed Coventry Gateway proposal, highlight the impact of the loss of strategic policies related to Major Investment Sites, Regional Investment Sites, and Regional Logistics Sites, which were contained in the RSS. In our view, the RSS policies provided some safeguards to ensure that there was an adequate number of such sites without an oversupply, which could lead to part vacant sites not necessarily in the best locations, as well as the loss of prioritisation to brownfield sites, especially in the MUAs. We therefore question the sustainability of reliance on the market as an alternative, and note that the consultants appear to share some at least of this concern by identifying in their tables the negative environmental impacts arising from abandonment of RLS policy.

4.5 We wish particularly to highlight our concern about the current experience of the Duty to Cooperate⁴. For example, Coventry City Council is currently progressing its Core Strategy DPD through to EIP. Following correspondence and preliminary meetings, the Inspector has put on record his concern that the Council may not have discharged its statutory Duty to Cooperate.

4.6 The neighbouring Solihull Council is also in the throes of the public examination stage of its draft Local Plan. In arguing that it has met its obligations under the Duty to Cooperate, the Council identifies its involvement with preparation of the Regional Spatial Strategy to support its case. We acknowledge the strength of that argument, but clearly it will not be available to other councils which are not as advanced in the preparation of their plans, unless of course the RSS were to be retained.

⁴ The recently published External Review of Government Planning Guidance by Lord Taylor and others recommends that as a priority, further guidance is produced on the Duty to Cooperate. We endorse that recommendation.

4.7 In our view it would therefore not be unreasonable in the light of these examples to conclude that development in the West Midlands is starting to show the lack of coherence which the RSS sought to address.

5. The Consultants' Analysis

5.1 Although we believe that the current approach to strategic planning lacks coherence and is highly undesirable, we acknowledge that it represents a major element of the government's current approach to planning and so should be assessed as an alternative to retention of the Regional Strategy in the SEA. We also consider that a revision to update the RSS, however unpalatable to the government, is a sensible comparison which should have been addressed. The "reasonable alternatives" (sic) to revocation⁵ quoted in the SEA are merely 'Aunt Sallies', and are therefore not considered any further in this response.

5.2 The tables identify in red a number of areas where there are environmental impacts but they do not suggest any mitigation for them. In our view the role of the SEA in considering reasonable alternatives is not fulfilled if no alternatives are put forward which mitigate the impacts identified.

5.3 Moreover, the detailed assessment tables are generally misleading as a result of the underlying assumptions made and discussed above. Because it is assumed that revocation will succeed, no risk assessment appears to have been undertaken across the range of the assessment tables in the Report, and on the whole we therefore consider that they should be discounted.

5.4 However, the commentary provided by the consultants acknowledges the defects of their analysis. Even allowing for the boldy optimistic set of

⁵ identified as:

- Retention of the West Midlands Regional Strategy but not updating it in the future.
- Partial revocation of the West Midlands Regional Strategy either by revoking all the quantified and spatially specific policies (for instance where a quantum of development, land for development or amounts of minerals to be extracted or waste disposal is allocated to a particular location in the region) and retaining for a transitional period the non-spatial policies, ambitions and priorities; or retaining for a transitional period all the spatially specific policies (for instance where a quantum of development, land for development or amounts of minerals to be extracted or waste disposal is allocated to a particular location in the region) and revoking the non-spatial policies, ambitions and priorities; or retaining for a transitional period policies, ambitions and/or priorities, the revocation of which may lead to likely significant negative environmental effects.

underlying assumptions they concede that the significant positive environmental effects of revocation of the RSS will largely be similar to those arising from retention of RSS and that it is difficult to identify clear differences between the two.

5.5 They also concede the argument we make above by admitting that:

- The effects of revocation will be more uncertain until authorities define, agree and implement the duty to co-operate
- There also may be a difference in the short and medium-term between retention and revocation, generally favouring the case for retention.

5.6 They make an extraordinary claim that the differences between retention and revocation are most clear in relation to housing and employment development, favouring revocation on the basis that “a locally led approach could ensure that the adverse effects are more effectively mitigated. This could be through a more detailed understanding of local environmental capacity issues and possibly more diverse and locally specific spatial distribution of development”. We consider that this curious claim fails to recognise the inter-relationship between strategic and local planning under the system which the Government is in the process of dismantling. In particular, the West Midlands local authorities were all involved in the RSS preparation process, lobbying for their own interests when necessary, including over the impacts of proposed development on their local environment. The RSS offered an inclusive and transparent approach for addressing and resolving different interests whilst maintaining a coherent overall sense of direction.

5.7 Even so, this rather weak claim is undermined by the consultants’ concession that “there is some uncertainty about whether the benefits will be realised for the short to medium-term for those local authorities that need to establish Local Plan policies for housing and economic development that reflect the objectively assessed and up to date needs of their respective local communities. This issue may be relevant for up to 20 of the 30 West Midlands local planning authorities.” In the circumstances, we consider that the consultants’ conjecture on housing and employment development should be disregarded.

5.8 Moreover, the consultants’ report appears to lose sight entirely of the significance of housing and employment for human health. The link between housing and health was one of the key drivers for town planning legislation over

100 years ago and the effects of overcrowding, homelessness and unemployment on mental and physical health are well documented. It should therefore have been a key issue for the SEA.

5.9 The Consultants advise that the only area where revocation of the Regional Strategy would lead to significant negative effects is in relation to water resources arising from development associated with policies for housing provision. However, they state that a similar policy performance is recorded for the retention alternative. They consider that the effects are likely to be minimised as far as possible through water resource management planning, the Environment Agency's river basin management and the application of policies in the NPPF and elsewhere which are designed to secure efficient water usage.

5.10 We share the consultants' concerns about this issue, but we do not consider that their proposed remedy is sufficient. In our response to the previous consultation we observed that the need for co-operation across the boundary with Wales was of specific significance in the West Midlands. At the EiP into the Phase 2 Revision of the RSS there was serious debate about an objection raised by the Welsh Assembly Government concerning the impact of the level and distribution of development on the head waters of rivers such as the Wye, rising in Wales, particularly given their SINC status. We do not think that this issue has been resolved, and so recommend that it be given further consideration by the government.

6. Wider impacts

6.1 A key conclusion of the assessment is that there could be increased disparity between regions, accentuating issues such as the north-south divide with wider socio-economic consequences and reliance on other policy instruments for their resolution. It therefore states that national transport policies such as HS2 and other measures to improve the effectiveness of national transport networks and the ease of accessibility between regions will become increasingly important to counter such potential effects. However, we doubt that transport projects on their own can successfully redress regional or intra-regional imbalances without wider policy, planning and funding support for urban regeneration as is suggested in the text. The view that they can is often propounded but does not appear to be well founded. There is probably a greater risk that increasing connectivity on its own will actually concentrate more development in the south of the country.

6.2 FNWM holds this view and is concerned that increasing development pressure in regions already under strain, i.e. particularly London and the Greater South East of England, will increase environmental and landscape challenges in those areas while undermining regeneration in urban areas in other parts of the country. This is especially the case given other related Government policies such as the withdrawal of funding for Pathfinder Housing projects, changes in affordable housing rules and reduced brownfield development support, partly related to the demise of RDAs. In the West Midlands where development pressures are sub-regional (e.g. disparities between the south and north of the region) this needs to be addressed intra-regionally as well.

6.3 Thus, whilst the Report acknowledges greater potential regional imbalances caused by revocation of the Regional Strategies, which is contrary to the thrust of Government policy, we do not see any clear recommendations in the report on how the Government should address these and that remains a major flaw.

7. Climate Change

7.1 The Report states that “Revocation will not affect the direction of movement towards a low carbon economy as it will be delivered by other climate change policy and legislation. However, there could be an increase in the magnitude of secondary environmental impacts on the climate by increasing the amount of traffic generated (under both retention and revocation) associated with economic and housing development. Notwithstanding such uncertainties, the overall cumulative effect of revocation on climate change is considered to be positive reflecting the broad direction of policy and practice in this area.”

7.2 We find this statement quite extraordinary. By the consultants’ own admission, their conclusion that the cumulative effect is considered to be positive is based on what they see as “the broad direction of policy and practice in this area”, not the assessment of the impact of the RSS revocation. It does therefore not allow a judgement on the impact of the revocation which, if taken together with “the broad direction of policy and practice in this area” may well lead to a significantly different cumulative effect. However, the report does not provide such an analysis, so the consultants are wrong to provide a conclusion on this matter. In addition, it effectively denies the added value of sub-national strategic planning in climate change mitigation and adaptation. Climate change does not respect administrative boundaries and therefore the statutory ability to

act at a sub-national strategic level should in our view be a key component of delivery.

7.3 The claim is even more surprising since the consultants elsewhere query whether regional strategies specifically relating to biodiversity and landscape resources, for example, can adequately realise their potential in the absence of a unifying policy framework.

8. Monitoring

8.1 FNWM welcomes the identification of proposed monitoring indicators. It is however unclear how the monitoring process will be undertaken except for a statement that DCLG will make periodic reference to such metrics using certain data sources identified in Table NTS4. Given the Government's decision to discontinue publication of regional statistics (see SofS for CLG Parliamentary Statement, 18 September 2012), it is unclear at what spatial scale monitoring will take place. FNWM considers that a clearer statement is needed as to how this information will be brought together, where it will be published and what the mechanism will be for reviewing whether any actions are required in response to any adverse impacts. In the case of the West Midlands, this relates to the scale and location of development, and in particular to the core concerns of decentralisation of population and investment away from the Major Urban Areas given the negative long-term environmental impacts associated with such trends.

9. Conclusions

9.1 It is not the purpose of this consultation response to argue a case for the retention of the West Midlands RSS; the decision to abolish RSSs has been made in Parliament, and we accept that. However, we do consider that a Strategic Environmental Assessment of the proposal needs to address the environmental implications of the revocation, however unpalatable they might be to the government of the day.

9.2 The current consultation fails to do this. It is simply not good enough for the consultants to put their faith in largely untried and untested mechanisms to fill the vacuum created by revocation of the RSS, and thereby assert that its revocation will have positive environmental effects, albeit ones that on the whole they do not consider to show clear differences between retention and revocation. We consider this to be a reckless approach, at a time when the

admittedly limited evidence suggests that revocation will lead at best to delay and weakening of the key priorities for the West Midlands, and at worst to their abandonment in their entirety.

9.3 The underlying issue is our concern that revocation will have significant negative impacts on the environment, economy and communities of the West Midlands, unless appropriate mechanisms are put in place to prevent that. Some of those impacts fall outside the scope of an SEA, but without effective resolution of the RSS core concerns, to address the scale of development needed and the continuing decentralisation of population and investment away from the Major Urban Areas, it is likely that there will be serious long-term environmental consequences. These include dereliction and under-use of infrastructure within the MUAs; a greater need for travel as new development becomes dispersed; and greater need to use greenfield, as opposed to brownfield, sites.

9.4 The report needs to be revised to draw out, at the very least, the risks caused by failure to replace RSS with much more effective mechanisms for co-operation across local authority and other boundaries than are currently in place or planned.

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