

## REGIONAL SPATIAL STRATEGY: CONSULTATION ON PHASE THREE OPTIONS

**Report By: Head of Planning and Transportation**

### Wards Affected

County-wide

### Purpose

1. To seek the views of the Committee on the issues raised by the consultation and forward them on to Cabinet for consideration.

### Financial Implications

2. None.

### Background

3. The West Midlands Regional Assembly is undertaking a consultation upon the Phase Three revision of the Regional Spatial Strategy (RSS). The eight-week "Options" consultation, which runs from 29<sup>th</sup> June to 14<sup>th</sup> August, focuses on the issues of:
  1. Rural Services
  2. Gypsies, Travellers and Travelling Showpeople
  3. Culture Sport and Tourism
  4. Quality of the Environment
  5. Minerals
4. This is the third and final phase of the revision of the RSS which was first approved by the Secretary of State in 2004. Since then Phase 1, relating to the Black Country alone, was approved in 2007, and Phase 2, which sets out revised targets for housing, retailing and employment, has been the subject of Examination in Public in April, May and June this year. The panel report on Phase 2 is not expected until the autumn, with final approval not expected before next year. The Government intends to complete the Phase 3 revisions during 2011 so that, by then, the RSS has been completely revised. Any Development Plan Documents produced by local planning authorities in the West Midlands must be compliant with the RSS as a whole.
5. A "Stakeholders' Event" has been arranged for Tuesday 7<sup>th</sup> July at The Courtyard for a representative of the Regional Planning Body to explain the details of this consultation and invite comments direct. In view of the importance of the consultation on "Critical Rural Services" parish council representatives have been invited along with other interest groups. Members have also been advised of the event.
6. The Cabinet has the responsibility of determining the Council's response to the consultation on behalf of Herefordshire Council and a further report will be presented to the Cabinet Meeting scheduled for 30<sup>th</sup> July 2009. (The consultation closes on 14<sup>th</sup> August). It will thus be possible to report all responses received up to that time to Cabinet to help inform their response.

7. The consultation sets out a number of options for each topic area and then poses a series of questions. The report below sets out the options and questions for the three topic areas of Critical Rural Services, Gypsies and Travellers, and Renewable Energy policies. The other topics are more technical in nature and it is suggested that responses to those topics is delegated to officers.

**Summary of the Options Consultations**

**1. Critical Rural Services**

8. The Options paper sets out three potential ways of addressing Rural Renaissance, along with the consequences of each, in the following terms:

<b>TABLE A – CRITICAL RURAL SERVICES</b>	
<b>Options</b>	<b>Implications</b>
<p><b>Option 1: SUSTAINABLE – CLIMATE CHANGE DRIVEN</b></p> <p>Provide for and encourage service provision in a manner that offers the opportunity to reduce the need to travel by:</p> <ul style="list-style-type: none"> <li>a. concentrating most service provision in County and Market towns, with a particular emphasis on multi-use centres.</li> <li>b. maximising the use of ICT and mobile facilities to deliver services elsewhere in the rural areas.</li> <li>c. allowing growth of housing and employment development in the County and Market towns at a level that will help support existing, and create new, services. Placing strict limits on growth elsewhere in the rural areas.</li> <li>d. improving public transport between the rural areas and County/Market towns, including those rural areas that are regarded as accessible.</li> </ul>	<p>There would be a concentration of services, not just higher-order services, in the larger towns. Because of their wider catchments, and being the focus of new development, services in these towns would be better supported, and are more likely to be created (new services) or to survive (existing services) than if located in smaller settlements.</p> <p>Limiting new development in the rural areas beyond the towns will reduce future travel between smaller settlements and the towns. This should help to reduce CO2 emissions.</p> <p>There would be fewer services in smaller settlements, and existing services might decline further and faster than would otherwise be the case.</p> <p>People in the smaller, more remote settlements who have limited access to private transport would be disadvantaged unless an adequate public transport network can be provided alongside innovative mobile service delivery and improved ICT.</p> <p>The Option suggests a focus of development on County and Market towns to support service provision. Care would have to be taken to ensure that the growth strategy of WMRSS is not prejudiced by this approach.</p> <p>The SQW Report identified significant service deprivation issues for people in</p>

	<p>“accessible rural” areas whose access to transport is limited. This option, in particular (d) above, would focus more attention on the needs of this group in relation to public transport provision.</p>
<p><b>Option 2: COMMUNITY BASED</b></p> <p>Adopt a “bottom-up” approach by facilitating local people, together with voluntary and community groups, to identify service needs, scale and locations.</p> <p>Locally led reviews of service levels may be a useful basis for justifying the case for the protection/enhancement of services.</p> <p>Develop this work through Parish Plans, Community Strategies, LTPs and LDFs.</p>	<p>In contrast to Option 1, Option 2 would foster service development and protection of existing services throughout the rural settlement hierarchy.</p> <p>To give this option chance of success, local authority LDFs and LTPs should consider locally identified service reviews and adopt a flexible approach to their implementation to manage needs and expectation.</p> <p>Unless it was carefully managed, this option could generate unrealistic wish-lists for services in unsustainable locations. The scope and nature of service reviews may have to be carefully prescribed at the regional or sub-regional level to try and avoid this.</p> <p>If it could be made to work, this option would bring local knowledge and understanding of service needs to the fore, and give local people ownership of decision making. In contrast, there would be little regional planning involvement, although overall programming, funding and monitoring would still rest with the regional bodies.</p> <p>There is a risk with this option that, in order to support more widespread service provision, there would be pressures for more scattered housing development. However to maintain existing services, or provide new ones, often needs significant population and therefore considerable new development. This could lead to more private travel, with adverse consequences for CO2 emissions</p>
<p><b>Option 3: STATUS QUO</b></p> <p>Accept that the existing RSS polices on Rural Renaissance and related topics are adequate in dealing with rural service provision, and reject the need for any</p>	<p>The current policy RR4 is very general about the location of services and there are major questions over its implementation. Therefore if the status quo is chosen as the option to take forward, it will need to be accompanied</p>

<p>further definition of critical rural services</p>	<p>by details on how the policy can be made to work more effectively.</p> <p>LDPs and LTPs should consider setting out clear policy guidance on service provision, reflecting the outcome of locally led reviews of services, Community Strategies and Parish Plans.</p> <p>Because it is less specific about service location the status quo does offer a measure of flexibility, particularly compared to Option 1. However flexibility can also lead to uncertainty, making the task of policy development in LDPs and LTPs more difficult.</p>
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9. In effect the three options above represent (1) concentrating service in existing service centres, or (2) distributing rural services widely where possible and practicable, or (3) leaving the issue to local planning authorities to resolve through their own Local Development Documents.
10. One of the difficulties created by the phased approach to the review of the Regional Spatial Strategy is that the policy on rural services is being consulted on in phase 3 whereas policies on housing and employment growth were consulted on in phase 2. The most obvious way to bring these two closely related issues together would be for them to be considered together in the Core Strategy, which implies a preference for option 3 above. It may transpire that once the housing figures for the rural areas are finalised then the appropriate distribution of rural services will become self evident.
11. In the light of the above options the following questions are posed:

**Question CRC1.** Studies have shown that it is very difficult to define rural services as “Important” or “Critical” and that pursuing these definitions is unlikely to be of much value. Do you agree with this view?

**Question CRC2.** The report by the consultants, SQW, identified significant service deprivation issues for people in “Accessible” rural areas whose access to transport is limited. Do you think more attention should be given to the service needs of this group?

**Question CRC3:** Arguments have been put forward (for example in the Matthew Taylor Report) that new development should be allowed in settlements lacking a service base in order to reverse a cycle of decline in such places. Do you agree with this view?

**Question CRC4.** Three policy options for rural service developments are suggested above. Please state if you have a preferred option and the reasons for your preference.

**Question CRC5.** For your preferred option please state how best to deliver the option at the regional level, taking into account the relevant key issues and implications for rural services.

**2. Gypsies and Travellers**

12. The consultation sets out three options:

<b>TABLE B – GYPSIES AND TRAVELLERS</b>	
<b>Option</b>	<b>Comment</b>
<p><b>OPTION 1: Need Where it Arises:</b></p> <p>Option 1 would see additional pitch requirements being distributed largely on the basis of the findings from the sub-regional Gypsy and Traveller Accommodation Assessments (with some additions to fill information gaps). The implicit assumption in this Option is that requirements will usually be met in the District in which they arise. The geographical pattern of requirements reflects the location of current site provision, unauthorised sites and concentrations of Gypsies and Travellers living in housing. There is zero or very low requirements in several Districts. While the GTAAs suggest that many Gypsies and Travellers favour living in the areas where they were interviewed, it is not known to what extent preferences are distorted by the pattern of current provision/ lack of provision or local enforcement policies.</p>	<ul style="list-style-type: none"> <li>▪ Would meet the need for new pitches identified by the GTAAs</li> <li>▪ Would reinforce existing patterns of residential Gypsy and Traveller provision – with some authorities continuing to make very low levels of pitch provision</li> <li>▪ Will not significantly expand Gypsies and Travellers choices as to where they can legally reside in the West Midlands Region</li> </ul>
<p><b>OPTION 2: Planning Criteria:</b></p> <p>Option 2 would see additional pitch requirements being distributed on the basis of both ‘need where it arises’ and the potential land supply within each District for new sites. Three-quarters of requirements are distributed on a ‘need where it arises’ basis as in Option 1. The remaining 25% of requirements are distributed in relation to the footprint (area in hectares) of opportunities on unconstrained land within each District. Opportunities broadly reflect access to key services. Constraints include, for example, flood risk zones, Green Belt and built-up areas. The ‘need where it arises’ element in this Option takes account of Gypsy and Travellers’ wishes to retain community and support links, while the planning opportunities and constraints element takes account of development potential.</p> <p>A map of all constraints (map 14) is available from</p>	<ul style="list-style-type: none"> <li>▪ Would see additional pitch requirements being largely distributed in line with existing patterns of provision but would also deliver a limited re-distribution and thereby increase the areas where Travellers can legally reside in the West Midlands Region</li> <li>▪ Would re-distribute some pitch requirements towards those areas which have unconstrained areas of land, together with areas of opportunity, with the balance of opportunity areas being in Shropshire and Herefordshire</li> </ul>

<p>the Assembly website, together with maps of the opportunities (maps 15, 16, 17, 18, 19 and 20).</p>	
<p><b>OPTION 3: Re-distribution:</b></p> <p>Option 3 would see some additional pitch requirements being re-distributed beyond the areas where need currently arises to other parts of the Region. The underlying rationale is that there should be no District in the Region where Gypsies and Travellers cannot live on authorised sites. Option 3 allocates a minimum of 14 pitches to all Districts. Requirements to meet this minimum are 'diverted' from all other Districts so that those with the highest 'need where it arises' requirements contribute most to the diversion. The Option seeks to maximise choice for Gypsies and Travellers and, by spreading new provision, increases the areas of search for suitable locations for new sites. The minimum of 14 pitches is set to provide opportunities for a range of site provision while reducing the risk that families would be unduly isolated from other community members.</p>	<ul style="list-style-type: none"> <li>▪ Would expand the areas in which Gypsies and Travellers could legally reside in the West Midlands Region</li> <li>▪ The costs associated with making additional provision and the task of identifying suitable land would be more equitably shared between each District authority, than currently</li> <li>▪ Could potentially lead to new pitches being provided in areas where significant demand does not exist but due to the overall scale of need across the Region (identified by the GTAAs) this is considered unlikely</li> </ul>

13. The allocation of pitches is set out in the table in the Appendix to this report. It can be seen that Options 1 and 2 allocate 109 pitches to Herefordshire, whereas Option 3 allocates 100.

14. In the light of the above options the following questions are posed:

**Question GTQ1:** Do you agree with the total residential pitch requirements (939 pitches) as identified by the sub-regional Gypsy and Traveller Accommodation Assessments – can you provide any other evidence?

**Question GTQ2:** Do you think the 3 options in the table for the provision of residential Gypsy and Traveller pitches provide a good range of solutions – do you think there is another Option which could be explored?

**Question GTQ3:** Which is your preferred option of the three options, and why?

**Question GTQ4:** You may wish to consider need in specific parts of the West Midlands Region (for example in a particular City or sub-Region) – please state where and provide any comments on this specific area and explain your reasons.

**Question GTQ5 and GTQ6:** Do you think the numbers allocated for transit provision [in Herefordshire this equates to 10 pitches] will meet the accommodation needs of Gypsies and Travellers?

**Questions TSQ1 and 2:** Do you think the additional number of pitches allocated for Travelling Show People will meet their needs, and which option do you prefer? [in

Herefordshire this equates to a share of 9 plots allocated to Shropshire, Herefordshire and Telford/Wrekin in Option 1 and 19 plots in Option 2]

### 3. Culture, Sport and Tourism.

15. The options for Culture Sport and Tourism deal with matters of broad principle along with the question as to whether individual sites of regional, national and/or international significance should be listed in the policy. Culture, Sport and Tourism are, of course, important in their own right for the County but the particular options being considered are ones of detailed refinement which can be developed as appropriate in our Core Strategy in due course. It is recommended that the response is delegated to officers.

### 4. Quality of the Environment

16. The issues covered in this section include the very important ones of making the best use of Brownfield land (in preference to Greenfield land where there is a choice), provision of green spaces, management, protection and enhancement of the historic environment, the region's landscapes and biodiversity and natural assets, woodland management and the recognition of the importance of agricultural land. These are all issues which, to some extent, are being taken up in the background studies to, and developed further in the Core Strategy and thus, proposed revisions to the policies will support work currently being undertaken, but not significantly change the direction of the emerging Core Strategy. It is therefore recommended that technical responses to these issues be delegated to officers.
17. Principal changes worth noting are the proposed revisions of policy QE4 previously headed '*Greenery, Urban Greenspace and Public Spaces*' to '*Green Infrastructure*'; reflecting the widely adopted approach of planning and developing multifunctional green space at a range of geographic levels and scales, providing for a broad range of activities and aspirations, and changes to policy QE6 '*The Conservation, Enhancement and Restoration of the Region's Landscape*'; intended to reflect significant change in national policy and commitment to the implementation of the European Landscape Convention (ELC) (signed by the UK government in February 2006 and implemented in March 2007).
18. Green infrastructure, as with 'grey' infrastructure (roads, water and drainage provision, energy supply, etc.) should be planned in advance of development to ensure truly sustainable places and communities. A Green Infrastructure Strategy for the county is in the process of being developed as part of the Growth Point agenda and Core Strategy. Similarly, the ELC is a voluntary 'code of conduct' developed to further the understanding, protection and enhancement of landscapes through the recognition that all landscapes matter and have some importance and that importance is best identified and understood by people living in those landscapes. Again, the identification of distinct landscapes, their significance and sensitivity, value and condition is being considered in the development of the Core Strategy.
19. An alternative and simplified approach to the management of environmental assets is proposed by the revision of policy QE1, recognising the need to take an integrated and holistic approach to the management and protection of the environment at all scales.

Options extend to; protecting and enhancing key assets and poor quality environments; targeting areas affected by significant growth, protecting and enhancing key assets and poor quality environments; extending protection and enhancement of key assets and poor quality environments across the region, but with a focus on major urban areas and regeneration zones.

- 20 The proposed options also propose revisions to the policies on floodplain management including implementation of the Water Framework Directive. This work is also being undertaken anyway as part of the evidence base for the Core Strategy and thus the proposed revisions to the Regional Planning policies merely reinforce the work which is being undertaken anyway.
- 21 The section on Renewable Energy Generation proposes a significantly enhanced review of the policies. The main policy choices are:

<b>TABLE C – RENEWABLE ENERGY POLICIES</b>	
<b>Options</b>	<b>Implications</b>
<p><b>Option 1: Retain existing RSS Policy EN1 with the aspiration that the region meet the national target for generating electricity from renewable sources</b> – this means setting targets to generate 10% of electricity from renewable sources by 2010, with a further target of 15.5% by 2015 and 20% by 2020.</p>	<p>Would reduce the demand on fossil fuels, make a positive contribution to tackling climate change and would be consistent with national targets.</p> <p>Would encourage the development of a “green economy” based on renewable energy and low carbon technologies and provide employment benefits.</p> <p>Locational requirements of renewables (particularly in high wind speed areas) could create significant landscape impacts and lead to negative effects in regard to biodiversity.</p> <p>This Option does not include a target for renewable energy to contribute to heat consumption or transport.</p>
<p><b>Option 2: Adopt Regional Energy Strategy targets for renewable energy</b> which requires 5% of electricity consumption by 2010 rising to 10% by 2020; 0.3% of heat consumption by 2010 rising to 1% by 2020; and for at least 460 GWh of liquid biofuels to be produced for transport use in the region – this means targets for 2010 which would be equivalent to up to 75 MW of landfill gas fuelled generators, 100 1.5 MW wind turbines (in rural and urban areas) and 27 1MW biomass/biogas powered generators. The regional target for biofuels by 2010</p>	<p>Increased level of renewable energy in the region compared with the present</p> <p>Fails to meet Government targets for renewable energy</p> <p>Would fail to meet Government climate change (CO2) targets</p>



<p>equates to approximately 44 million litres.</p> <p>[Please note that the exact mix of renewables to achieve the above targets would depend on a wide range of factors. The mix of renewable energy technologies to meet the Regional Energy Strategy target was for presentation purposes only and are not specific targets]</p>	
<p><b>Option 3: Sub-Regional targets for renewable energy</b> – this means the RSS including targets for the sub-regions in the West Midlands which reflect renewable energy opportunities and constraints in those areas. This would involve assessing the potential renewable energy and low carbon technology resources (for example wood and wind) and planning constraints in each sub-region and apportioning a target for that area.</p>	<p>Sub-regional targets which reflect renewable energy opportunities and constraints</p> <p>Technical assessment of renewable energy opportunities and constraints in sub-regions required</p> <p>Different targets in different parts of the region</p> <p>Realistic sub-regional targets might help better contribute to the achievement of regional targets.</p>

22. This choice of options is complicated by the fact that, at the Examination in Public (EIP) into Phase 2 of the RSS (which finished on 24<sup>th</sup> June) the question of “Merton Rule” type policies was challenged. The report on the EIP is not expected until later this year and thus the basis for having a policy which goes beyond national policy guidelines is not yet certain. If, as a result of the Phase 2 policies, the Secretary of State is prepared to accept the Region having its own, more demanding renewable energy policies then the choice of the three options above becomes a realistic choice.
23. A further set of policy options is put forward on the issue of the location of renewable energy developments (such as wind farms). The options are set out in the following terms:

<p><b>TABLE D – LOCATION OF RENEWABLE ENERGY DEVELOPMENT</b></p>	
<p><b>Location of Renewable Energy and Low Carbon Technologies</b></p>	<p><b>Implications</b></p>
<p><b>Option 1: Retain existing policy EN1 in RSS</b> which states that local authorities in their Local Development Documents should identify the environmental and other criteria which will be applied to determine the acceptability of renewable energy proposals – this means that there are no clear or consistent criteria for the Regional</p>	<p>No clear criteria for assessing appropriate locations for renewable energy and low carbon technology development.</p>

<p>Planning Body or local authorities to assess whether planning applications for renewable and low carbon technologies are in appropriate locations.</p>	<p>Inconsistent approach to assessing applications in the region.</p>
<p><b>Option 2: Criteria based policies for renewable energy and low carbon technology</b> - this means that the RSS would set out consistent criteria against which planning applications for renewable energy and low carbon technologies would be assessed. For example this could include setting out minimum acceptable distances from residential properties, maximum noise levels and guidelines for considering the visual impact of developments on the landscape.</p>	<p>Clear and consistent approach to assess whether applications for renewable energy sand low carbon technologies are appropriately located.</p>

24. In the light of the above options the following questions are posed:

**Question ENV18:** Do you think policy EN2 should be revised to encourage improvements to the energy efficiency of exiting buildings as opportunities arise?

**Question ENV19:** Which of the three Regional Energy Target Options do you think should be used in the RSS to promote the development of renewable energy and low carbon technologies in the West Midlands?

**Question ENV20:** Do you think that the RSS should set regional targets for specific renewable energy and low carbon technologies such as biomass, combined heat and power, ground source heat, landfill gas, solar, wind etc.?

**Question ENV21:** Do you think the RSS should retain the existing policy EN1 or should set out clear regional criteria to assess whether applications for renewable energy and low carbon technologies are appropriately located?

**Question ENV22:** If you think the RSS should include clear criteria for assessing applications for renewable energy and low carbon technologies (Option 2 in table D above) please tell us which are the most important factors in assessing where renewable energy and low carbon technologies would be most appropriately located. Please rate each factor on a scale of 1 to 5 (where 1 is the least important and 5 is the most important).

	Score (from 1 to 5)
Contribution to the global environment	
Contribution to the local economy	
Impact on flora and fauna	
Noise	
Odour	
Traffic implications	
Visual impact	
Other factor(s)	

**5. Minerals Policies**

25. In common with the Quality of Environment Policies (other than renewable energy policies) above, the issues raised by this part of the consultation are being covered anyway in the work on the evidence base for the Core Strategy. That evidence suggests that there is no need to seek regionally significant new sites for minerals extraction in Herefordshire during the anticipated plan period. There is, therefore, no need to comment in detail.

**RECOMMENDATION**

**THAT: the views of the Committee on the consultation questions are reported to Cabinet on 30<sup>th</sup> July 2009 to be taken into account in the Council's response to the consultation.**

APPENDIX – Proposed District Allocation of Pitches

Table 1: District Allocation of Pitch Requirements under Options 1, 2 and 3

Local authority	Additional Residential Pitch Requirements		
	Option 1	Option 2	Option 3
<b>Staffordshire</b>			
Cannock Chase	35	28	32
East Staffordshire	15	23	14
Lichfield	11	12	14
Newcastle-under-Lyme	20	20	19
South Staffordshire	50	44	46
Stafford	37	42	34
Staffordshire Moorlands	2	7	14
Tamworth	7	6	14
<b>Warwickshire</b>			
North Warwickshire	18	16	17
Nuneaton & Bedworth	29	27	27
Rugby	66	55	61
Stratford-on-Avon	45	43	41
Warwick	13	15	14
<b>Worcestershire</b>			
Bromsgrove	3	4	14
Malvern Hills	33	34	30
Redditch	0	4	14
Worcester	22	19	20
Wychavon	66	70	61
Wyre Forest	44	35	41
<b>Metropolitan districts</b>			
Birmingham	19	16	18
Coventry	3	5	14
Dudley	21	17	19
Sandwell	3	3	14
Solihull	26	23	24
Walsall	39	31	36
Wolverhampton	36	27	33
<b>Unitary authorities</b>			
Herefordshire	109	109	100
Shropshire	93	122	86
Stoke-on-Trent	40	36	37
Telford & Wrekin	34	46	31
<b>West Midlands Region</b>	<b>939</b>	<b>939</b>	<b>939</b>

Figure 1 shows in graphical terms the pattern of requirements resulting from each Option at county level. Staffordshire includes Stoke-on-Trent; Herefordshire, Shropshire and Telford & Wrekin are considered together.