



Department for
Communities and
Local Government

Strategic Environmental Assessment of the Revocation of the West Midlands Regional Strategy

Post Adoption Statement

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April 2013

ISBN: 978-1-4098- 3849-4

Summary of Key Facts

Name of Responsible authority:	Department for Communities and Local Government
The adopted Plan:	The revocation of the Regional Strategy for the West Midlands
Date of revocation:	20 May 2013
Address where documents can be consulted:	Eland House Bressenden Place London SW1E 5DU

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Preface

This document is the Post Adoption Statement for the revocation of the Regional Strategy for the West Midlands (“the Plan to Revoke”). The Post Adoption Statement is a requirement¹ of the Strategic Environmental Assessment process to which the Plan to Revoke the Regional Strategy has been subject. Strategic Environmental Assessment is an assessment process that supports decision making by identifying, characterising and evaluating the likely significant effects of a plan or programme on the environment and determining how any adverse effects may be mitigated or where any beneficial effects may be enhanced.

The Regional Strategy for the West Midlands comprises the regional spatial strategy for the region (published by the then Secretary of State in January 2008) and the regional economic strategy for the region (published by the Regional Development Agency for the West Midlands in December 2007).

The Post Adoption Statement is being published in parallel with the laying of The Regional Strategy for the West Midlands (Revocation) Order 2013 (S.I. 2013/933)², which will come into force on 20 May 2013.

¹ Article 9 of the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment and Part 4 the Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633).

² The Order also revokes all directions preserving policies contained in saved structure plans in the region to which the Regional Strategy relates.

Introduction

1.1 Regional Strategies

The policy to abolish regional strategies fits into the Government's overall public commitment to deliver a fundamental shift of power from Westminster. For planning, this has meant radically reforming the planning system to give local councils and the communities that they represent more control in shaping the places in which they live. The policy to revoke regional strategies is a key element of the Government's decentralisation agenda.

The Coalition Agreement makes clear the Government's priority to promote decentralisation and democratic engagement and to end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals. Regional strategies imposed development upon local communities; the Government wants to return decision-making powers on housing and planning to local councils.

Currently, the West Midlands Regional Strategy provides the statutory regional framework for development and investment across the region, including setting targets for housing delivery that apply to constituent local councils.

Since their creation by the Planning and Compulsory Purchase Act 2004, regional strategies, sitting alongside local plans prepared by local authorities, form the statutory development plan for an area. This means that the West Midlands Regional Strategy sets the framework for local plan-making and local councils in the region must ensure that their local plan is in general conformity with the Strategy at the time their local plan is submitted for examination. It also means that planning applications should be determined in accordance with the development plan (which includes the relevant regional strategy in the local planning authority's region) unless material considerations indicate otherwise.

In order to localise the planning system, section 109 of the Localism Act provides for the abolition of the regional planning tier as a two-stage process. The first stage, to remove the framework of regional planning, took effect when the Act received Royal Assent on 15 November 2011. This prevents further regional strategies from being created or revised. Section 109 also removed the responsible regional authorities. The second stage is the proposal to abolish each of the existing regional strategies outside London by secondary legislation, subject to the outcomes of the environmental assessment process.

The revocation of the West Midlands Regional Strategy would leave a more localist planning system comprising of local and where adopted neighbourhood plans and give local councils responsibility for strategic planning. It makes the local plan the keystone of the planning system,

becoming the vehicle for strategic planning and the framework for neighbourhood plans.

On revocation of the West Midlands Regional Strategy (and any saved structure plan policies), the statutory development plan would comprise any saved local plan policies and adopted development plan documents. The statutory development plan may in future include any neighbourhood plans that are made under the relevant new provisions of the Planning and Compulsory Purchase Act 2004, inserted by the Localism Act 2011.

In developing local plans, local planning authorities must have regard to national policies and advice contained in guidance issued by the Secretary of State:

- The **National Planning Policy Framework** was published in March 2012. This sets out the Government's planning policies for England and provides a framework within which local communities can produce their own distinctive local and neighbourhood plans reflective of the needs and priorities of their communities. Accordingly, local planning authorities and communities will continue to determine the quantum and location of development, albeit without the additional tier of regional direction. It includes Government's expectations for planning strategically across local boundaries and within that the role of the planning system in protecting the environment.
- The **planning policy for traveller sites** which was published in March 2012.
- The **Planning Policy Statement 10: Planning for Sustainable Waste Management** until it is replaced with the national waste planning policy, to be published as part of the National Waste Management Plan for England.

In addition, local councils will need to comply with existing national and European legislation in preparing their plans. Importantly, councils also need to comply with the duty to co-operate introduced in section 33A of the Planning and Compulsory Purchase Act 2004 (inserted by the Localism Act 2011) in order for their plan to be found sound at examination.

1.2 The Plan to Revoke the West Midlands Regional Strategy

The West Midlands Regional Strategy combines the regional spatial strategy for the region and the regional economic strategy for the region.

The **Regional Spatial Strategy for the West Midlands** (January 2008) was introduced under the Planning and Compulsory Purchase Act 2004 and, in accordance with Government policy at the time, provides a broad development strategy for the region for 15 to 20 years. In particular, it has sought to reduce the region's impact on, and exposure to, the effects of climate change and to put in place a development strategy with the potential to support continued sustainable growth up to and beyond 2021. It includes policies to address housing, urban and rural regeneration, environmental protection, transport and other infrastructure, economic development, agriculture, minerals, energy and waste. The aspiration for the Regional Spatial Strategy for the West Midlands is to develop an *“economically successful, outward looking and adaptable region, which is rich in culture and environment, where all people, working together, are able to meet their aspirations and needs without prejudicing the quality of life of future generations”* by:

- a) adopting positive measures to address the relative decline in the regional economy in both urban and rural areas;
- b) reversing the movement of people and jobs away from the Major Urban Areas and ensuring there is a greater equality of opportunity for all;
- c) tackling road and rail congestion; and
- d) achieving a more balanced and sustainable pattern of development, across the region, including rural areas.

The key challenge for the region is seen as addressing the outward movement of people and jobs from the Major Urban Areas, which if left unchecked will increase “the pressures on the environment, encouraging development of greenfield sites, increasing the need for car-based travel and creating dangers of abandonment and greater social polarisation within the region.”

The **West Midlands Regional Economic Strategy** (December 2007) was produced in compliance with the Section 7 of the Regional Development Act 1998. It sets a vision for the West Midlands economy ‘To be a global centre where people and businesses choose to connect.’ This means:

- “becoming a more prosperous region, but recognising that economic growth must support overall improvements in the quality of life and wellbeing of all the region's residents;
- becoming a more cosmopolitan and inclusive region, making full use of the skills and talents of our people and ensuring equality of opportunity, across the region, in relation to the wealth and prosperity generated through continued economic growth;
- becoming a more sustainable region, correctly valuing our natural, historic and cultural assets, seeking to minimise our use of the planet's resources and preparing for a low-carbon future.”

The Regional Economic Strategy sets a series of strategic objectives related to the themes of business, place, people and powerful voice. Delivery of the Regional Economic Strategy is through the following spatial interventions:

areas of multiple market failure; concentrations of knowledge assets; Birmingham; market towns; and locations facing economic change or responding to opportunity. It is emphasized that the Strategy can only be delivered in partnership.

Revocation of the West Midlands Regional Strategy (and the 215 saved structure plan policies) would leave the statutory development plan as comprising of any saved local plan policies and adopted development plan documents. Eleven of the 30 local planning authorities in the West Midlands have adopted development plan documents under the Planning and Compulsory Purchase Act 2004. The remaining local planning authorities in the West Midlands who were yet to adopt a development plan document under the Planning and Compulsory Purchase Act 2004 have local plans and saved structure plan policies, developed under the earlier requirements of the Town and Country Planning Act 1990. These authorities are more likely to be affected by the revocation of the Regional Strategy as some, if not all, will need to review and update their local plan to reflect National Planning Policy Framework policies and the objectively assessed needs of the local community.

Once the regional strategy is revoked, local councils should, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework, and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, approve development that accords with the local plan unless material considerations indicate otherwise. Where that plan is out of date, councils must, unless material considerations indicate otherwise, grant planning permission for development that is sustainable without delay. Out of date local plans will leave councils vulnerable to speculative development; the Government is encouraging local councils to put in place local plans as soon as possible.

In the absence of the West Midlands Regional Strategy, strategic and cross authority working will be driven by local councils who must now show the leadership required to work across boundaries to plan for strategic matters. The new duty to co-operate requires local councils and other public bodies to work together actively, constructively and on an ongoing basis when planning for strategic matters in local and marine plans. This might involve both formal arrangements, such as joint plan-making or joint working partnerships, and less formal processes of close and ongoing dialogue to work through planning for strategic matters.

In the West Midlands region, there are already good examples of joint working through a variety of legislative and non statutory means.

- **Black Country Joint Core Strategy:** The four Black Country Local Authorities (Dudley, Sandwell, Walsall and Wolverhampton) have produced a Black Country Core Strategy in partnership with the community and other key organisations such as voluntary and private sector bodies and businesses. The document sets out the vision, objectives and strategy for future development in the Black Country to

2026 and forms the basis for the Black Country Local Authorities' Local Development Frameworks.

- **West Midlands Climate Change Adaptation Partnership:** Co-ordinated by Sustainability West Midlands, the West Midlands Climate Adaptation Partnership is part of a national consortium called Climate UK and helps provide a regional service for the Environment Agency as it takes on the national climate adaptation delivery role on behalf of Defra. The West Midlands climate adaptation partnership is a network of adaptation professionals for the West Midlands who share success, knowledge and run projects across the public, private and voluntary sectors.
- **West Midlands Biodiversity Partnership:** The West Midlands Biodiversity Partnership works with reference to the UK Biodiversity Action Plan, the England Biodiversity Strategy, Local Biodiversity Action Plans and the principles of Sustainable Development. The Partnership's 50 Year vision for biodiversity in the region is: "A vibrant, diverse and natural West Midlands, where we are connected to our wildlife and landscape; healthy, sustainable communities and local livelihoods, working with nature and securing the future". The region is covered by six strategically important Local Biodiversity Action Plans partnerships which are responsible for developing their Local Biodiversity Action Plans. Local Partnerships agree targets for biodiversity within their area contributing to the regional 'share' of the England Biodiversity Strategy targets.
- **West Midlands Forestry Framework:** The West Midlands Forestry Framework identifies what is special about forestry and woodlands in the West Midlands. It charts a route to help develop a vibrant sector to maintain and enhance the tree, woodland and forestry assets that can bring social, environmental and economic benefits to the region and to all who live, work and visit there. Developing the West Midlands Forestry Framework involved extensive discussion and consultation with many regional stakeholders. The West Midlands Forestry Framework sets out aims, objectives and actions to help realise the benefits for all under eleven themes.

In addition, there are non-statutory Local Enterprise Partnerships (of which there are six in the region). This combination of measures will ensure that strategic planning operates effectively in the absence of the Regional Strategies.

1.3 Applying Strategic Environmental Assessment to the Revocation of the Regional Strategies

The Plan for the purposes of the Strategic Environmental Assessment is the Plan to Revoke the West Midlands Regional Strategy (the West Midlands Regional Spatial Strategy and Regional Economic Strategy) and to leave in place a more localist planning system, together with incentives such as the New Homes Bonus, to encourage local authorities and communities to increase their aspirations for housing and economic growth. The Plan to Revoke is set out in more detail in Chapter 2 of the updated Environmental Report published in November 2012.

As part of its stated commitment to protecting the environment, the Government initially carried out environmental assessments of the revocation of the Regional Strategies. These initial assessments were undertaken to be compliant with the procedure set out in the Strategic Environmental Assessment Directive (2001/42/EC). A 12 week consultation on the Environmental Reports of these assessments commenced on 20 October 2011 and ended on 20 January 2012.

Since the completion of the consultation, the Government has published the final version of the National Planning Policy Framework and a planning policy on Travellers sites, and has commenced the duty to co-operate provided for in the Localism Act. In addition, in a judgement by the Court of Justice of the European Union,³ the Court held that ‘...in as much as the repeal of a plan may modify the state of the environment as examined at the time of adoption, it must be taken into consideration with a view to subsequent effects that it might have on the environment’. The Government therefore decided to use the additional information gained through the public consultation process, as well as the developments in policy and recent case law, to update and build on the assessments which were described in the previous Environmental Reports.

AMEC Environment and Infrastructure Ltd were commissioned to carry out the further assessment and to prepare updated Environmental Reports. A public consultation exercise undertaken on the updated Environmental Report for the West Midlands ran from 21 November 2012 until 24 January 2013. Updating of, and consultation on, the Environmental Reports for the other seven regions has been staggered. The West Midlands Regional Strategy is the sixth of the eight to have completed consultation on the updated Environmental Report. This has enabled the Secretary of State to understand the environmental effects of revoking the regional strategy and to consider the views of the statutory bodies and the public who responded to two public consultations.

In accordance with Article 8 of the Strategic Environmental Assessment Directive, the Government has taken into account findings of the two

³ The judgment in Case C-567/10 Inter-Environnement Bruxelles ASBL v Région de Bruxelles-Capitale.

Environmental Reports (on the revocation of the Regional Strategy and the reasonable alternatives to revocation including partial revocation, assessed as part of that process) and the consultation responses to those reports from the public and statutory bodies in coming to its decision to revoke the Regional Strategy.

1.4 Purpose of the Post Adoption Statement

Article 9 of the Strategic Environmental Assessment Directive requires that when a plan or programme is adopted (in this case, the Plan to Revoke the Regional Strategy), the consultation bodies, the public and any other Member States consulted on the Environmental Report are informed and the following specific information is made available:

- the plan as adopted;
- a statement summarising:
 - **(i)** how environmental considerations have been integrated into the Plan to Revoke the West Midlands Regional Strategy;
 - **(ii)** how the Environmental Report has been taken into account;
 - **(iii)** how opinions expressed in response to the consultation on the Environmental Report have been taken into account;
 - **(iv)** the reasons for choosing the Plan to Revoke the West Midlands Regional Strategy, as adopted, in the light of the other reasonable alternatives dealt with; and
 - **(v)** the measures that are to be taken to monitor the significant environmental effects of the implementation of the Plan to Revoke the West Midlands Regional Strategy.

The purpose of this Post Adoption Statement is to provide the specific information outlined under each of the points listed (i) to (v) above and which is presented in the following Chapters of this statement.

How environmental considerations have been integrated into the plan

2.1 Environmental Considerations in the Plan to Revoke the West Midlands Regional Strategy

Environmental considerations have been integral to the Plan to Revoke the West Midlands Regional Strategy. Policy changes developed alongside the Plan to Revoke provide protections in the context of revocation. For example, within the National Planning Policy Framework, sustainable development is described as a 'golden thread' running through both plan making and decision making. The National Planning Policy Framework makes clear that the planning system should contribute to and enhance the natural environment, including by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in biodiversity where possible. The Framework underlines that pursuing sustainable development means moving from a net loss of biodiversity to achieving net gains for nature.

During its development, the National Planning Policy Framework was also subject to consultation, with many of the responses focusing on aspects of environmental protection and enhancement.

Environmental considerations are also key to other ongoing regional planning processes identified in the region. For example, water companies and their respective Water Resource Management Plans which set out how future demand for water resources will be met. Similarly, River Basin Management Plans for the region identify the pressures that the water environment faces and include action plans requiring cross boundary co-operation and input from a range of organisations. The duty to co-operate came into force on 15 November 2011. This statutory duty, inserted section 33A by the Localism Act 2011 into the Planning and Compulsory Purchase Act 2004, requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters.

The Government expects authorities to be working collaboratively whatever stage of local plan preparation they are at. The National Planning Policy Framework makes clear that the planning system should be genuinely planned, and that plans should be kept up to date and based on joint working and cooperation to address larger than local issues.

2.2 Environmental Considerations in the Strategic Environmental Assessment

To provide the context for the assessment, and in compliance with the Strategic Environmental Assessment Directive, the relevant aspects of the current state of the environment and its evolution without the Plan to Revoke were considered, along with the environmental characteristics likely to be significantly affected. Key environmental considerations identified from this process included:

- Many of region's plants and animals have suffered major declines in recent decades, particularly those outside of designated sites, with continuing pressure on biodiversity from land use change. Many habitats are fragmented and there is a need for improved connectivity across the landscape to help counter issues such as climate change.
- Issues associated with population increase and economic performance, with the West Midlands projected to be the fourth fastest growing region in England; by 2020, the population of the West Midlands is expected to grow by almost 8%, or 436,000 people, reaching a total of 5.9 million. High levels of deprivation and associated health issues exist within the largest urban centres, and economically, the West Midlands performs below the English average. Its Gross Value Added per head in 2010 was almost half of Gross Value Added of London, and the third lowest of all regions.
- Significant areas of water stress, notably to the west of the Birmingham conurbation and to the east of Stoke-on-Trent where surface and groundwater supplies are currently over-abstracted. Water quality issues exist with 29% of surface waters at good or better ecological status, while 53% were classified as moderate and 18% as poor or bad.
- The West Midlands has the highest recovery and recycling rate at 66% for municipal waste, and the lowest percentage of municipal waste going to landfill, when compared with other regions in England and Wales.
- At 4.5%, the region still has one of the highest proportions of buildings (Grade I and II*) at risk against a national average of 3.1%. Some 35% of the buildings are in the highest priority category (immediate risk of further rapid deterioration or loss of fabric) double that nationally.
- Pressures on landscapes, including a gradual erosion of local distinctiveness in some areas, through a process of standardisation and simplification of some of the components that make up landscape character; a loss of some natural and semi-natural features and habitats such as ancient woodlands and unimproved grassland; a decline in some traditional agricultural landscape features such as farm ponds and hedgerows, and a loss of

archaeological sites and traditional buildings; increased urbanisation, often accompanied by poor design standards and a decline in the variety of building materials, and the importation of urban and suburban building styles into rural areas; and a loss of remoteness and reduced tranquillity because of built development and traffic growth.

These factors were then reflected in the range of topics that were considered in detail by the Strategic Environmental Assessment, as are outlined in **Table 2.1**.

Table 2.1 Environmental topics which were considered in the Strategic Environmental Assessment

Topics included in the Strategic Environmental Assessment of the revocation of regional strategies
Biodiversity and Nature Conservation (which includes flora and fauna, and the functioning of ecosystems)
Population (including socio-economic effects and accessibility)
Human Health
Soil and Geology (including land use, important geological sites, and the contamination of soils)
Water Quality and Resources (including inland surface freshwater and groundwater resources, and inland surface freshwater, groundwater, estuarine, coastal and marine water quality)
Air Quality
Climate Change (including greenhouse gas emissions, predicted effects of climate change such as flooding and the ability to adapt)
Material Assets (including waste management and minerals)
Cultural Heritage (including architectural and archaeological heritage)
Landscape and Townscape

All the environmental topics listed in the Strategic Environmental Assessment Directive and the Environmental Assessment of Plans and Programmes Regulations 2004 were found to be relevant for the assessment of the revocation plan.

In line with the requirements of the Directive and Regulations and the guidance in the Office of the Deputy Prime Minister (now Department for Communities and Local Government) Practical Guide to the Strategic

Environmental Assessment Directive, the assessment process predicted the significant environmental effects of the Plan to Revoke the West Midlands Regional Strategy against all of the topic areas listed in **Table 2.1**. This was done by identifying the likely changes to the baseline conditions as a result of implementing the proposed plan (or reasonable alternative). These changes are described (where possible) in terms of their geographic scale, the timescale over which they could occur, whether the effects would be temporary or permanent, positive or negative, likely or unlikely, frequent or rare. Where numerical information was not available, the assessment was based on professional judgement and with reference to relevant legislation, regulations and policy.

Where it was identified that revocation of a Regional Strategy policy would have an effect on the environment and that this would have a consequence for Local Plan policies and/or local areas, the assessment examined those effects in more detail. Comparisons were made between the policies in the West Midlands Regional Spatial Strategy on housing allocations, allocations of pitches for gypsies, travellers and travelling showpeople, employment (both jobs and employment land), renewable energy, land won aggregates and rock, waste apportionment and policies on the green belt and the heritage environment with the equivalent policies in local plans and /or core strategies in the region. This analysis was set out in Appendix C of the updated Environmental Report and was reflected, where relevant in the assessment of individual plan policies in Appendix D of the updated Environmental Report.

The designated consultation bodies for strategic environmental assessment in England (the Environment Agency, English Heritage and Natural England) were consulted for a period of five weeks on the scope and level of detail to be included in the Environmental Reports in May 2011. The corresponding bodies for Scotland and Wales were also consulted on the reports for regions on their boundaries.

Both Environmental Reports (issued in October 2011 and in November 2012) documented the findings of the assessment, outlining where any likely significant effects were identified and proposing where appropriate mitigation measures. These findings have then been taken into account during the preparation of the Plan to Revoke and before the final decision was taken to adopt the Plan.

How the Environmental Reports have been taken into account

The Environmental Reports and Plan to Revoke the West Midlands Regional Strategy have developed in tandem. **Table 3.1** details key stages of the Strategic Environmental Assessment and its relationship with the development of the Plan to Revoke the Regional Strategy.

Table 3.1 Key stages in the development of the Environmental Report and its relationship with the Plan to Revoke the Regional Strategy

Strategic Environmental Assessment	Plan to Revoke	Relationship
Scoping		
The scoping stage of the Strategic Environmental Assessment identified other relevant plans, programmes and environmental protection objectives which could be affected by, or which could affect the Plan to Revoke the Regional Strategy.	The development of the National Planning Policy Framework and its adoption in March 2012 removed the need to reference the Planning Policy Statements (listed in Annex 3 of the National Planning Policy Framework, 'Documents replaced by this Framework')	The links between the other relevant plans, programmes, policies and strategies that were applicable to the Plan to Revoke were outlined. These included plans and programmes at an international, European or national level covering a variety of topics (including spatial and resource planning).
Assessment		
Initial assessment of the impact of revocation of the regional strategies undertaken before the National Planning Policy Framework was adopted resulting in assumptions over the final contents of the National Planning Policy	The Government published the National Planning Policy Framework in March 2012. The analysis presented in the Environmental Report takes account of the policies set out in the Framework.	Assumptions that underpin the National Planning Policy Framework are clarified in the updated assessment, documented in the updated Environmental Report (published in November 2012).

Strategic Environmental Assessment	Plan to Revoke	Relationship
Framework and its influence.		
Initial assessment of the impact of the duty to co-operate took place prior to the commencement of the new duty and required outline of assumptions with regard to operation.	The provisions which create a new duty to co-operate were commenced when the Localism Act received Royal Assent on the 15th November 2011. They require local planning authorities to work collaboratively to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in Local Plans.	Commencement of the duty to co-operate provided greater certainty to the assessment, reflected in updated assessment, documented in the updated Environmental Report (published in November 2012).
Assessment considered the effects of revocation on local planning authorities and provided analysis of local plans highlighting where plans were out of date or silent on key planning policy matters.	The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place'.	The Strategic Environmental Assessment provided up to date summary of current position on the adoption and status of local plans, with indication of the number of authorities who needed to take action within each region regarding the revision and update of local plan policies.
Reporting		
The key findings of the Environmental Report are presented along with the Government's responses in Table 3.2 below. The extent to which the findings have informed the final Plan to Revoke is detailed in Chapter 5 of this Post Adoption Statement.		
Consultation		
The consultation responses to the consultation on the initial and updated Environmental Reports are presented along with the Government's responses in Tables 4.1 and 4.2 in Chapter 4 . The extent to which the consultation has informed the final Plan to Revoke is detailed in Chapter 5 of this Post		

Strategic Environmental Assessment	Plan to Revoke	Relationship
Adoption Statement.		
Monitoring		
Proposals for monitoring	Section 5 'Put Communities in charge of planning' of the Department for Communities and Local Government business plan 2012 – 2015 includes specific monitoring actions for the Department regarding the local plan making progress by authorities and on compliance with the duty to co-operate.	The Department for Communities and Local Government is able to jointly meet requirements for monitoring environmental effects of the implementation of the Plan to Revoke with business plan commitments and by undertaking periodic review of data for specific monitoring information.

Key findings of the Environmental Report are summarised in **Table 3.2** together with the Government response and how these have been taken into account in the Plan to Revoke.

Table 3.2 Key findings of the Environmental Report

No	Key Environmental Report findings	Response
1.	There will be significant positive environmental effects from the revocation of the West Midlands Regional Strategy, although these will be largely similar to those if the Regional Strategy were retained.	The Government notes the findings of the updated Environmental Report and considers that the Plan to Revoke is largely positive in its effect although it is acknowledged that these effects are largely similar to those of retention.
2.	The only area where revocation of the West Midlands Regional Strategy would lead to	The Government notes this effect and that it is similar to the effect if the Strategy were retained. The Government considers that these

No	Key Environmental Report findings	Response
	<p>significant negative effects is in relation to water resources arising from development associated with policies for housing provision. However, it should be noted that a similar policy performance is recorded for the retention alternative.</p>	<p>potentially negative impacts on the environment can be positively addressed by authorities, including local planning authorities, working collaboratively through the duty to co-operate within the policy context set by the National Planning Policy Framework.</p> <p>It notes the finding in the updated Environmental Report that a locally-led approach could ensure that the adverse effects are more effectively mitigated, possibly through a more detailed understanding of local environmental capacity issues and more diverse and locally-specific spatial distributions of development.</p> <p>It agrees that the measures presented to mitigate the effects, which concern statutory actions by water companies (such as requirements under Section 37A of the Water Industry Act 1991 to prepare and maintain water resource management plans), the Environment Agency and local authorities (under the duty to co-operate) will be effective in the sustainable water resource management for the region.</p>
3.	<p>For revocation, there may be more uncertainty about the nature and scale of positive and negative impacts on the Strategic Environmental Assessment topics in the short and medium term due to the transition period for those local planning authorities that need to establish Local Plan policies that reflect the objectively assessed and up to date needs of their respective local communities.</p>	<p>The Government notes the findings of the updated Environmental Report on the progress of plan-making in the West Midlands. In noting the findings of the updated Environmental Report, the Government considers uncertainty of impacts until plans are in place are mitigated by measures outside the Plan to Revoke.</p> <p>The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place'. Where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply in respect of decision-taking. In particular, where a local authority cannot deliver a five-year supply of deliverable sites, the relevant local policies for the supply of housing should not be considered up to date. In such</p>

No	Key Environmental Report findings	Response
		<p>cases, the decision maker will apply the presumption in favour of sustainable development, taking into account all relevant planning considerations. The presumption in favour of sustainable development is clearly set out at paragraph 14 of the National Planning Policy Framework in respect of both plan-making and decision taking. In considering all decisions for planning permission, due weight will be given to relevant policies in all existing plans according to the degree of consistency with the policies in the National Planning Policy Framework. The closer policies are to policies in the National Planning Policy Framework the greater the weight that may be given.</p> <p>Delivery of local plans is increasing: 33% of local planning authorities across the West Midlands region now have a post 2004 local plan adopted and, overall, 68% of local planning authorities in England now have a published local plan.</p> <p>There is a package of advice and support being offered to all councils, from the Local Government Association, the Planning Inspectorate and the Department, to support councils to get Local Plans updated or in place. The Planning Inspectorate is working in particular with local authorities with published plans about to be examined, and the Local Government Association's Planning Advisory Service is offering support to councils working towards plan publication. The Inspectorate continues to work quickly to examine plans already submitted, and the focus now is on maintaining a strong pipeline of plans coming through for examination.</p> <p>Furthermore, the Government has already introduced, or is introducing, a range of measures to make the planning system work more effectively and efficiently. These measures are designed to create the conditions that support local economic growth, increase building and remove barriers that stop local businesses creating</p>

No	Key Environmental Report findings	Response
		<p>jobs. Specific measures build on the measures in the Localism Act and the introduction of the National Planning Policy Framework and include:</p> <ul style="list-style-type: none"> • proposals to extend permitted development rights for a trial period of 3 years; • instructing the Planning Inspectorate to respond quickly to all major economic and housing-related appeals; • proposals to speed up the process for determining planning appeals; • giving developers extra time to get their sites up and running before planning permission expires; and • through the Growth and Infrastructure Bill, giving new powers to the Planning Inspectorate to take over the role of making planning decisions in an area if the local authority has a record of consistently slow or poor quality decisions. <p>In conclusion, the Government considers that any uncertainty of impacts until local plans are in place are mitigated by measures outside the Plan to Revoke the West Midlands Regional Strategy. Implementation of the Plan to Revoke will remove any uncertainty about the regional policy framework and the status of the Regional Strategy and potential uncertainties and delays to Local Plan-making.</p>
4.	<p>The effects of revocation of policies which provide strategic direction whose requirements extend beyond the boundaries of a single authority, such as strategic employment sites, is more uncertain in the short to medium term, until all participating local authorities define and agree areas of co-operation and implement the duty to co-operate</p>	<p>The Government notes the findings of the updated Environmental Report.</p> <p>In noting the findings of the Environmental Report, the Government considers that the uncertain nature of the effects are mitigated by measures outside the Plan to Revoke.</p> <p>The statutory duty to co-operate requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters. The Government expects authorities to be working collaboratively</p>

No	Key Environmental Report findings	Response
	and then reflect them in their adopted plans.	whatever stage of local plan preparation they are at. The National Planning Policy Framework makes clear that the planning system should be genuinely plan led, and that plans should be kept up to date and based on joint working and co-operation to address larger than local issues, including those set out in paragraph 156 of the National Planning Policy Framework (homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure such as green infrastructure and for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape) and taking account of paragraph 160 which states that local planning authorities should have a clear understanding of business needs and economic markets operating in and across their local areas. Local Plans are prepared in this context – in addition to the tests of soundness the examination will determine whether the local planning authority has complied with the duty to co-operate in preparing the plan.
5.	Whilst the duty to co-operate could well address a wide range of strategic issues, such as the delivery of green infrastructure, there is uncertainty as to how this might work, particularly in the short to medium term, both by topic and geographically. Some issues such as renewable	<p>The Government notes the findings of the updated Environmental Report.</p> <p>In noting the findings of the updated Environmental Report, the Government considers that it has put in place measures to reduce the uncertainty of effects through measures outside the plan to revoke.</p> <p>The Government has put in place the duty to co-operate which came into force on 15 November 2011. This statutory duty requires local planning authorities and other public bodies to work together constructively,</p>

No	Key Environmental Report findings	Response
	<p>energy, biodiversity enhancement or landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.</p>	<p>actively and on an ongoing basis when planning for strategic cross boundary matters. The National Planning Policy Framework makes clear cross boundary co-operation should apply in particular to the strategic priorities set out in paragraph 156. These matters include climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape features. The duty to co-operate not only means that authorities are required to work collaboratively when developing their Local Plans, but also that they will be held accountable for their cross-boundary working when their plan is examined. The examination of Local Plans will determine whether the local planning authority has complied with the duty to co-operate.</p> <p>The National Planning Policy Framework sets out a set of core land use planning principles which should underpin both plan-making and decision taking, including encouraging the use of renewable resources. To be found sound, Local Plans need to reflect this principle and enable the delivery of sustainable development in accordance with the National Planning Policy Framework's policies and the statutory duty to co-operate. These include the requirements for local authorities to have a positive strategy to promote energy from renewable sources; design their policies to maximise renewable energy developments while ensuring that adverse impacts are addressed satisfactorily; approve applications for renewable energy if the impacts are (or can be made acceptable); and co-operate to deliver strategic outcomes which include mitigating climate change. The National Planning Policy Framework's proactive, plan-led approach sits within a wider set of requirements and policy initiatives to deliver renewable energy. These include the UK's legally binding target that by 2020 15% of energy should come from renewable energy. Additionally, there is</p>

No	Key Environmental Report findings	Response
		<p>a specific duty on local planning authorities to ensure their local plan includes policies designed to mitigate climate change. The National Planning Policy Framework also makes clear that, to minimise impacts on biodiversity, planning policies should plan for biodiversity at a landscape-scale across local authority boundaries.</p> <p>Existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010 – which includes a duty to co-operate - remains. Local Planning Authorities are required by the National Planning Policy Framework to undertake a Strategic Flood Risk Assessment, preferably at a catchment level through joint co-operation.</p> <p>Six Energy National Policy Statements (including one on nationally significant renewable energy infrastructure) set out the need for certain infrastructure and policies against which applications for development consent for energy projects will be considered. These documents include the requirements for applicants to address economic, social and environmental impacts of a scheme; they also enable potential mitigating measures to be considered and, in some cases, built into the project before an application is submitted.</p> <p>Existing policy arrangements are also in place on a number of issues, for example a number of waste authorities are working together to plan strategically for waste management.</p> <p>Nature Improvement Areas provide cross-boundary projects where partners work to improve biodiversity and can also be expected to contribute significantly to landscape conservation. There are two Nature Improvement Areas located in the West Midlands: Birmingham and the Black Country Living Landscape; and the Meres and Mosses of the Marches.</p>

No	Key Environmental Report findings	Response
		<p>Reforming the planning system to give local councils and the communities that they represent more control in shaping the places in which they live is part of the Government's broader approach set out in, for example, 'Enabling the transition to a green economy', and the Government's 'Biodiversity 2020' strategy. Strategic partnerships, including Local Nature Partnerships, Climate Local, and the new arrangements for Lead Local Flood Authorities, are examples of how co-operation is already a key part of the wider framework addressing the issues raised.</p>
6.	<p>In respect of setting local housing targets, over the medium and longer term, reliance on locally generated housing figures could yield an increasing difference between authority areas within regions. Tensions may arise, where the duty to co-operate and housing market assessments require an agreed strategy to accommodate growth that is not viewed as equitable by the co-operating authorities. This could create or exacerbate socio-economic disparities (reflected in the Strategic Environmental Assessment as effects on the population and health topics) which are difficult to reconcile without significant interventions.</p>	<p>The Government notes the finding of the updated Environmental Report and judgements made on the potential wider effects. The Government have introduced broader policy measures outside of the Plan to Revoke, for example, the New Homes Bonus is designed to ensure that communities which are growing can mitigate the strain of increased housing and respond to community ambitions, for example by providing local services, unlocking infrastructure and community facilities. This is in the context of broader policy on growth, including the role of Local Enterprise Partnerships whose remit is to drive growth across their area making the most of its inherent strengths.</p> <p>Regional Strategies set housing targets on the basis that these would be incorporated into plans by local authorities, and that the market would deliver them.</p> <p>The National Planning Policy Framework instead asks authorities to use their evidence base to ensure that their Local Plans meet the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with policies set out in the Framework (such as the protections on Green Belt, high grade agricultural land, Areas of Outstanding Natural Beauty etc.). They should prepare Strategic Housing Market Assessment to assess this need,</p>

No	Key Environmental Report findings	Response
		<p>working with neighbouring authorities where housing market areas cross administrative boundaries.</p> <p>They should also prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. The practice guidance on Strategic Housing Land Availability Assessment states that the study area should preferably be a sub regional housing market area, but may be a local planning authority area, where necessary.</p> <p>The National Planning Policy Framework makes clear that cross boundary co-operation should apply in particular to the strategic priorities set out in paragraph 156 which includes strategic policies to deliver the homes needed in the area. Local Plans are prepared in this context – in addition to the tests of soundness the examination will determine whether the local planning authority has complied with the statutory duty to co-operate in preparing the plan.</p> <p>The Government continues to monitor housing supply across England at local authority level. Wider policy is in place, in addition to the National Planning Policy Framework, which directs significant development towards the most sustainable locations. For example, developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.</p> <p>An evidence and local plan-led approach towards identifying and meeting the future infrastructure requirements of an area is essential. The tariff-based, and locally set, Community Infrastructure Levy provides a faster, more certain and transparent way of helping localities fund that infrastructure than the system of planning obligations where lengthy negotiations often create severe</p>

No	Key Environmental Report findings	Response
		<p>delays.</p> <p>Other statutory and policy measures are in place to address the consequential effects on biodiversity, landscape and water resources, such as:</p> <ul style="list-style-type: none"> • existing legislation concerning environmental protection (such as the European Habitats Directive (92/43/EEC), Conservation of Habitats and Species Regulations 2010) • Water Framework Directive (2000/60/EC), The Water Directive (Water Framework Directive) (England and Wales) Regulations 2003, the Flood and Water Management Act 2010); • existing planning policy (such as the National Planning Policy Framework, in this context particularly sections 10 and 11, and Planning Policy Statement 10: Waste Management); • other government policy (such as that articulated in the Natural Environment White Paper); and • actions by other organisations subject to statutory requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning.
7.	<p>Over the medium and longer term, there could be increasing differences between regions with growth concentrated in those areas of greatest demand with consequential effects for infrastructure and environmental assets, particularly water resources.</p>	<p>The Government notes the findings of the updated Environmental Report and judgements made on the potential wider effects. The Government has introduced broader policy measures outside of the Plan to Revoke, for example, the New Homes Bonus can assist communities which are growing, helping them to mitigate the strain of increased housing and respond to community ambitions, for example by providing local services, unlocking infrastructure and community facilities. The final Year 3 allocations and 2013-14 payments to English local authorities were published in February 2013. The New</p>

No	Key Environmental Report findings	Response
		<p>Homes Bonus complements broader policy on growth, including the role of Local Enterprise Partnerships whose remit is to drive growth across their area making the most of its inherent strengths.</p> <p>The National Planning Policy Framework instead asks authorities to use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with policies set out in the Framework (such as the protections on Green Belt, high grade agricultural land, Areas of Outstanding Natural Beauty etc). They should prepare Strategic Housing Market Assessment to assess this need, working with neighbouring authorities where housing market areas cross administrative boundaries.</p> <p>They should also prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. The practice guidance on Strategic Housing Land Availability Assessment states that the study area should preferably be a sub regional housing market area, but may be a local planning authority area, where necessary.</p> <p>The National Planning Policy Framework makes clear that cross boundary co-operation should apply in particular to the strategic priorities set out in paragraph 156 which include strategic policies to deliver the homes needed in the area. Local Plans are prepared in this context – in addition to the tests of soundness the examination will determine whether the local planning authority has complied with the statutory duty to co-operate in preparing the plan.</p> <p>The Government continues to monitor housing supply across England at local authority level.</p>

No	Key Environmental Report findings	Response
		<p>The National Planning Policy Framework directs significant development towards the most sustainable locations. For example, developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised</p> <p>An evidence based and local plan-led approach towards identifying and meeting the future infrastructure requirements of an area is essential. The tariff-based, and locally set, Community Infrastructure Levy provides a faster, more certain and transparent way of helping localities fund that infrastructure than the system of planning obligations where lengthy negotiations often create severe delays.</p> <p>Other statutory and policy measures are in place to address the consequential effects on biodiversity, landscape and water resources, such as:</p> <ul style="list-style-type: none"> • existing legislation concerning environmental protection (such as the Habitats Directive, Water Framework Directive, the Floods and Water Management Act 2010) • existing planning policy (such as the National Planning Policy Framework, in this context particularly sections 10 and 11, and Planning Policy Statement 10) • other government policy (such as that articulated in the Natural Environment White Paper) • actions by other organisations subject to statutory requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning.
8.	More widely, and over the longer term, undesirable inter- and intra-regional differences could be	The Government notes the findings of the updated Environmental Report. The Government considers that there are other, broader drivers of spatial change. For

No	Key Environmental Report findings	Response
	<p>exacerbated as a result of the sum of local decisions which reflect strongly varying circumstances such as housing demand. Macro-scale trends such as the decentralisation of population from urban areas are arguably more difficult to address through local initiatives, as is regeneration.</p>	<p>instance, there are six Local Enterprise Partnerships in the West Midlands whose remit is to drive growth across their area making the most of its inherent strengths. These cover: the Black Country; Coventry and Warwickshire; Greater Birmingham & Solihull; Marches; Stoke-on-Trent & Staffordshire; Worcestershire. The Local Growth White Paper 2010, "Realising Every Place's Potential" established the Government's position on regional economic circumstances and set the framework for the ongoing activity of Local Enterprise Partnerships and investments such as the Growing Places Fund and the Regional Growth Fund.</p>

How consultation on the Environmental Reports has been taken into account

4.1 Overview

As part of the environmental assessment of the revocation of the Regional Strategies, there has been consultation with the statutory consultation bodies on the scope and level of detail of the Environmental Reports, followed by a public consultation on the Environmental Reports on the effects of revoking each of the eight regional strategies.

Detailed responses to the initial Environmental Report on the revocation of the West Midlands Regional Strategy published in October 2011 were provided by consultees and summarised in the updated Environmental Report, published in November 2012.

The consultations and how they have been taken into account is summarised below.

4.2 Scoping Consultation

The designated consultation bodies for strategic environmental assessment in England (the Environment Agency, English Heritage and Natural England) were consulted on the scope and level of detail to be included in the Environmental Reports in May 2011 for five weeks. The corresponding bodies for Scotland and Wales were also consulted on the reports for regions on their boundaries. Their comments on individual regions have been taken into account in the Environmental Reports for each region.

The Environment Agency agreed that the scope and level of detail proposed for the analysis of environmental effects of revocation of the regional strategies was appropriate. Natural England recognised that the Strategic Environmental Assessment was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of Strategic Environmental Assessment did not apply. English Heritage focussed their comments on the implications for Heritage on the proposed revocation. Scottish Natural Heritage considered that the implications for strategic planning for green infrastructure and the interface with the marine environment should be considered.

Annex A provides more detailed information on the responses to the scoping consultation and the Government response (which has been updated for inclusion in this Post Adoption Statement).

4.3 Public Consultation on the Initial Environmental Report

As part of the assessment of the revocation of the Regional Strategies, a public consultation on the initial Environmental Reports on the effects of revoking each of the eight regional strategies was undertaken. Consultation on the Environmental Reports was announced in both Houses of Parliament through a Written Ministerial Statement and copies were sent by email to the statutory consultation bodies, the equivalent organisations in the devolved administrations, all local planning authorities and organisations thought to have an interest in the process. Copies of the reports were also published on the Department for Communities and Local Government website. The consultations ran from 20 October 2011 to 20 January 2012.

A total of 103 responses were received, of which 24 contained comments that were common to all the reports. The remaining responses made specific comments on the Environmental Reports for particular regions. The Woodland Trust provided individual responses for each of the eight regions as did the Scottish Government Strategic Environmental Assessment Gateway (enclosing responses from Scottish Heritage, the Scottish Environmental Protection Agency and Scottish Natural Heritage). No responses were received from local planning authorities within the West Midlands. A further 64 dealt solely with Environmental Reports for regions other than the West Midlands. A summary of the 33 consultation responses relevant to the West Midlands Environmental Report is set out at Appendix F of the updated Environmental Report.

A high level summary of the issues raised on the initial report and the response to those is set out in **Table 4.1** below. **Annex A** presents more detailed information and the responses.

Table 4.1 Summary of consultation responses to the initial Environmental Report and the Government response

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
<p>The overall approach taken to Strategic Environmental Assessment</p>	<p>The Environment Agency agreed with the overall approach taken to assess the likely environmental impacts of revoking the Regional Strategies. Many of their scoping comments had been taken into account in the environmental reports.</p> <p>Natural England recognised</p>	<p>Section 1 of the updated Environmental Report sets out how the report address the requirements of the Strategic Environmental Assessment Directive.</p> <p>The impact of retaining,</p>

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
	<p>that the Strategic Environmental Assessment was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of Strategic Environmental Assessment did not apply. English Heritage focussed their comments on the implications for historic environment on the proposed revocation.</p>	<p>partially revoking and revoking the West Midlands Regional Strategy has been assessed in detail in the short, medium and long term against the 12 Strategic Environmental Assessment topics. This includes an assessment of Cultural Heritage – including architectural and archaeological heritage assets.</p>
<p>Assessment</p>	<p>Questions over the assessment concerned the likelihood of effects, cumulative impacts, mitigation, strategic planning, baseline data, material assets, likely evolution of the environment, Special Protection Areas/Special Areas of Conservation, method statement, non-technical summary, local plans, reasonable alternatives and monitoring.</p> <p>For example, in relation to effects, a number of respondents commented that the assessment had placed unquestioning faith in the environmental benefits of the Government's planning reforms, and seemed to be a justification for revocation rather than objective analysis. The assumptions within the environmental report that revocation of the Regional Strategies will have no</p>	<p>The Assessment addresses each of these concerns throughout the updated Environmental Report.</p> <p>In relation to the impact of retaining, partially revoking and revoking the West Midlands Regional Strategy has been assessed in detail in the short, medium and long term for the 12 Strategic Environmental Assessment topics.</p>

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
	significant adverse environmental effects were untested and unsupported by evidence.	
Reliance on the National Planning Policy Framework	A number of respondents thought that it was difficult to assess the impact of revocation of the Regional Strategies before the National Planning Policy Framework was finalised.	The Government published the National Planning Policy Framework in March 2012. The analysis presented in the updated Environmental Report took account of the policies set out in the Framework.
Policy Change	Several respondents thought that the revocation of the West Midlands Regional Spatial Strategy would leave a policy gap, particularly for the delivery of strategic policies.	The National Planning Policy Framework states that local planning authorities should set out the strategic priorities for the area in the local plan. This should include strategic policies to deliver homes and jobs and other development needed in the area, the provision of infrastructure, minerals and energy as well as the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
Reliance on the duty to co-operate	Some respondents thought that it was unlikely that the duty to co-operate would be able to provide a framework robust enough to enable strategic planning across local government boundaries	The Government has introduced a new duty to co-operate and supporting regulations are now in place. In addition the National Planning Policy Framework sets out the

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
	at a sufficiently large scale.	expectations for local planning authorities working across boundaries on strategic planning matters which forms part of the test of soundness for local plans. This includes: the preparation of joint plans under the powers set out in the Planning and Compulsory Purchase Act 2004; through the new duty to co-operate under the powers set out in section section 33A of the Planning and Compulsory Purchase Act 2004 (as inserted by section 110 of the Localism Act 2011); and through the establishment of non-legislative Local Enterprise Partnerships.
Individual Topics	Respondents raised a number of questions about individual topics. In particular, respondents thought that the impact of the revocation of the West Midlands Regional Spatial Strategy could impact on Green Belt, the provision of gypsy and traveller pitches, housing supply, heritage, waste management, biodiversity, renewable energy, transport, water, brownfield land and flooding.	Individual policies for the planning of individual topics are described in the updated Environmental Report, drawing on the policies set out in the National Planning Policy Framework.

As a result of considering the responses received, the changes made to the approach to the updated assessment were as follows:

- Providing additional contextual information for the assessment including the review of plans and programmes and updated baseline for each of the 12 Strategic Environmental Assessment Directive Annex I(f) topics and presenting this in separate topic chapters.
- Providing additional information on the details of the Plan to Revoke the regional strategies and the reasonable alternatives to them, including reasons for the selection of some alternatives and the discontinuation of others.
- Providing additional information in the assessment of revocation and retention of each regional strategy policy explicitly against all 12 of the Strategic Environmental Assessment Directive Annex I(f) topics.
- Identifying, characterising and assessing any likely significant effects of the plan and the reasonable alternatives, based on a common interpretation of what constitutes a significant effect for each topic and reflecting the possible timing of effects.
- Providing additional information on likely secondary, cumulative and synergistic, short, medium and long-term, permanent and temporary, positive and negative effects of the Plan to Revoke the regional strategies.
- Assessing the likely significant effects at a number of geographic levels (national, regional, sub-regional and local) depending on the content, intent and specificity of the individual policy.
- Providing further information that includes proposals to mitigate effects including more sub-regional information on an understanding of the duty to co-operate.
- Providing further information that includes proposals to monitor any significant effects.

The updated Strategic Environmental Assessment of the Plan to Revoke the West Midlands Regional Strategy was undertaken in 2012 by AMEC on behalf of the Department for Communities and Local Government.

4.4 The Updated Environmental Report

Public consultation on the updated Environmental Report on the revocation of the West Midlands Regional Strategy ran from 21 November 2012 to 24 January 2013.

The updated Environmental Report indicated that the Government welcomed, in particular, views on:

- whether there is any additional information that should be contained with the baseline or review of plans and programmes;
- whether the likely significant effects on the environment from revoking the regional strategy for the West Midlands have been identified, described and assessed;
- whether the likely significant effects on the environment from considering the reasonable alternatives to revoking the regional strategy for the West Midlands have been identified, described and assessed; and
- the arrangements for monitoring.

In total **15** written responses were received summarised by interest group:

- 7 Strategic Environmental Assessment consultation bodies (Environment Agency, Natural England, English Heritage, Countryside Council for Wales, Historic Scotland, Scottish Environment Protection Agency and Scottish Natural Heritage);
- 2 Local authorities (Wychavon District Council and the West Midlands Metropolitan Authorities);
- 5 NGOs and local pressure groups (Friends of the Earth, Campaign to Protect Rural England, Future Network West Midlands, National Federation of Gypsy Liaison Groups and the Town and Country Planning Association);
- 1 Industry representative body (RenewableUK).

A summary of the comments and the Government's response is presented in **Table 4.2** below. Comments are structured by the questions asked above. Details of the comments are set out in **Annex B**.

Table 4.2 Summary of consultation responses to the updated Environmental Report

Issue	Summary of consultation responses to the updated Environmental Report	Response
The overall approach taken to Strategic Environmental Assessment	English Heritage, the Environment Agency, Countryside Council for Wales, the Town and Country Planning Association and Future	The Government is pleased to note that the updated Environmental Report has been welcomed and thought robust by a wide range of

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>Network West Midlands and the West Midlands Metropolitan Authorities agreed with the overall approach taken and that it aligned with the demands of the Strategic Environmental Assessment Directive.</p> <p>Countryside Council for Wales agreed with the assumptions used in the assessment but suggest that without consideration of the detailed Habitats Regulations Assessment and Strategic Environmental Assessment process for the Phase Two revision of the West Midlands Regional Spatial Strategy the assumptions may be flawed.</p>	<p>interested parties.</p> <p>Following the publication of the Phase One Revision in respect of the Black Country sub-region by the Secretary of State a revised West Midlands Regional Spatial Strategy was issued in January 2008. Phase Two and Three Revisions were begun; however, in respect of Phase Two, the actual stage reached was that the Secretary of State's proposed changes were not published and so work did not proceed beyond the Panel Report. For Phase Three, work did not proceed beyond the development of policy statements and policy recommendations. The Phase Two work was not adopted and so was not considered part of the Regional Strategy assessed by the Strategic Environmental Assessment.</p> <p>Section 1.4 of the updated Environmental Report addresses the requirements of the Habitats Directive (92/43/EEC) and concludes that 'the Government's view is that the revocation of the</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>regional strategies will have no effects requiring assessment under the Habitats Directive’.</p> <p>A screening assessment was undertaken to assess the likelihood of the plan to revoke having significant effects on a European site requiring appropriate assessment under the Habitats Regulations. As a result of the findings of the assessment the Secretary of State is proceeding on the basis that the implementation of the plan as adopted (the Plan to Revoke the Regional Strategy for the West Midlands) will not have a significant effect on a European site. Details are set out in line 28 of Annex B1 of this Post Adoption Statement.</p>
<p>Additional information</p>	<p>Countryside Council for Wales considers that in order to provide an effective baseline against which the environmental effects or revocation can be assessed the baseline should have been extended to include relevant “source” areas for environmental goods and services provided to the West Midlands which are essential to support its development and also those areas where natural heritage interests are likely</p>	<p>The national baseline for each topic in Appendix E of the updated Environmental Report covered the existing situation in England, but also Wales and Scotland.</p> <p>The water baseline for the West Midlands (Section 5.2.3 of Appendix E) identified that the Severn River Basin District also covered parts of Wales whilst the landscape baseline (Section 10.3.2 of Appendix E) references that the West Midlands is adjacent to landscapes in</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	to be affected by development activity in the West Midlands.	Wales.
Likely significant effects	Some respondents (Friends of the Earth, Future Network West Midlands, Town and Country Planning Association) considered that there may be a difference in the short and medium term between retention and revocation, generally favouring the case for retention whilst the Campaign to Protect Rural England noted that the only area where revocation would lead to significant negative effects is in relation to water resources.	The assessment concluded that the range of effects of revocation and retention were likely to be broadly similar however, that there could be differences in scale and timing of the effects for 15 of the 65 policies assessed. Differences relate to, for example, policies for urban renaissance, housing and economic development, in both predicted effects and uncertainties in respect of the long term effects of revocation.
Reasonable alternatives	Future Network West Midlands, Friends of the Earth and Campaign to Protect Rural England state that the role of the Strategic Environmental Assessment in considering reasonable alternatives has not been fulfilled if no alternatives are put forward that mitigate the impacts identified, and that where revocation has a negative effect no alternatives are suggested to mitigate the impact.	Section 2.4 of the updated Environmental Report summarises the range of alternatives considered for revocation, partial revocation and retention of the Regional Strategy for the West Midlands. Section 4.2 outlines the effects of revoking the Regional Strategy for the West Midlands. Section 4.3 sets out the effects of retaining the West Midlands Regional Strategy and Section 4.4 sets out the effects of the partial revocation. These effects

Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>are discussed in detail in Appendix D in an assessment matrix covering the effects of retention and revocation of each Regional Strategy policy against all Strategic Environmental Assessment topics in the short, medium and long term and includes of consideration of permanent and temporary and positive and negative effects. The commentary outlines the likely significant effects, justification for the scores given, any mitigation measures for negative effects identified, assumptions and uncertainties considered.</p>
<p>Monitoring</p>	<p>A number of respondents (English Heritage, Environment Agency, Countryside Council for Wales, Town and Country Planning Association, Future Network West Midlands, RenewableUK) welcomed monitoring recommendations included in the updated Environment Report and those already in place to understand compliance under the duty to co-operate. Closer monitoring of highly complex, cumulative effects on issues such as biodiversity, climate change, water quality,</p>	<p>The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan to revoke the West Midlands Regional Strategy are contained in this Post Adoption Statement in Chapter 6 and Annex C.</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	water resources and urbanisation was recommended.	
Reliance on the duty to co-operate	Some respondents (Countryside Council for Wales, Town and Country Planning Association, West Midlands Metropolitan Authorities, Friends of the Earth, Future Network West Midlands) thought that it was unlikely that the duty to co-operate would be able to provide a framework robust enough to enable strategic planning across local government boundaries at a sufficiently large scale.	The Government has introduced a new duty to co-operate and supporting regulations are now in place. Councils who cannot demonstrate that they have complied with the duty may fail the local plan independent examination. In addition the National Planning Policy Framework sets out the strategic priorities on which the Government expects joint working to be undertaken by authorities. The National Planning Policy Framework also sets out the requirements for sound local plans, including that plans are deliverable and based on effective joint working on cross boundary strategic priorities.
Individual Topics	Respondents raised a number of questions about individual topics. In particular, respondents thought that the impact of the revocation of the West Midlands Regional Strategy could have implications for the provision of strategic sites, the delivery of an urban renaissance, regional imbalances, water resources, climate change and cultural heritage.	Appendix D of the updated Environmental Report contains the assessment of the effects of retention and revocation against all Strategic Environmental Assessment topics in the short, medium and long term and includes of consideration of permanent and temporary and positive and negative effects. Appendix E of the updated Environmental report presents information covering all assessment

Issue	Summary of consultation responses to the updated Environmental Report	Response
		topics at national, regional and sub-regional levels, consistent with the requirements of Annex I (b) to (e) of the Strategic Environmental Assessment Directive and focuses on those likely significant effects identified in Appendix D.

In light of the findings of the assessment as reported in the Environment Report, the comments received from consultees and the framework for environmental protection and planning that is in place, the Government is content that environmental considerations have been adequately incorporated into the plan to revoke the Regional Strategy. As explained in Chapter 5 below, where significant effects and/or uncertainty have been identified, a programme of monitoring has been proposed to enable future consideration of whether any further mitigation or intervention is needed.

The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with

5.1 Policy background

The Government proposed the Plan to Revoke the West Midlands Regional Strategy because it believes that planning works best when the people it affects are placed at the heart of the system – and that when they are empowered, there is a greater stimulus for growth.

Every local area has its own set of needs and priorities, its aspirations, unique features and heritage. Only local people understand this so when they have the tools to plan, development happens through consensus by recognition of the benefits of development to the community and with wider benefits for growth. Local empowerment can lead to development that is more sensitive and responsive to the character of the communities in which we live, including to habitats and the natural environment.

While the Government believes that local empowerment can support growth, it also recognises that cross-boundary development, such as housing or transport, are critical to driving economic growth. So, the revocation of the West Midlands Regional Strategy would not signal an end to strategic planning, but a shift towards a locally-led approach to planning for cross-boundary matters in local plans.

The Localism Act 2011 has complemented the powers to remove regional strategies with a new statutory duty to co-operate (inserting a new section 33A of the Planning and Compulsory Purchase Act 2004). The duty to co-operate requires local councils and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic matters in local and marine plans.

Through national planning policy, we will ensure that local plans are effective vehicles for strategic planning and growth. Local plans, produced by local people, are the keystone of the planning system. They are now the channel for strategic planning and set the framework for neighbourhood plans. In particular, the National Planning Policy Framework is clear that:

- the planning system should be genuinely plan-led and support sustainable economic growth, proactively driving the homes and jobs that we need.

- local councils should plan to meet their housing need, based upon objectively assessed evidence, and should identify a 5 year supply of deliverable sites.
- in line with the presumption in favour of sustainable development, local councils should approve development that accords with the local plan. Where that plan is out of date, councils must grant planning permission for development that is sustainable without delay.
- local councils must plan in their local plans for strategic development, reflecting the strategic priorities set out at paragraph 156 of the Framework.

The policies in the National Planning Policy Framework, and in particular the presumption in favour of sustainable development, provide certainty for local councils, developers and communities about the role of local plans in planning for growth and planning decisions.

The new Planning policy for traveller sites (March 2012) requires that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites. It asks local authorities to:

- use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.
- co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan working collaboratively with neighbouring local planning authorities.
- set pitch targets for Gypsies and Travellers which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.
- identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets, and a supply of specific, deliverable sites or broad locations for growth for years six to ten and where possible for years 11-15.

The Government's planning reforms also include a package of incentives to encourage growth. These include the New Homes Bonus which rewards communities for each new home built; the Community Infrastructure Levy which enables councils to levy money on new development; and the Business Rates Retention which allows authorities to directly profit from business rates raised in their area.

This policy background sets in context the reasons for the Government's adoption of the Plan to revoke the Regional Strategy and illustrates the structure of the planning system that will be left in place post revocation.

5.2 The Reasonable Alternatives

The initial Environmental Report on the proposed revocation of the West Midlands Regional Strategy, published for consultation in October 2011, suggested two alternatives – either to revoke the Regional Strategy entirely, or to retain it. Responses to the consultation suggested a number of other alternatives (see Appendix F to the updated Environmental Report) including partial revocation. In considering these responses and following the application of Article 5(1) of the Strategic Environmental Assessment Directive, the following alternatives to the Plan to Revoke were taken forward for the updated assessment within the updated Strategic Environmental Assessment:

- 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.

5.3 The Reasons for Choosing the Plan to Revoke the West Midlands Regional Strategy in light of the other Reasonable Alternatives dealt with

The Government has carefully considered each of the reasonable alternatives and the environmental effects assessed in relation to those reasonable alternatives, set out in the updated Environmental Report. In doing this the Government has taken account of the consultation responses to both the initial and the updated Environmental Reports. The Government welcomes the comments on both of those reports and notes that the opportunity to use

the additional information gained through the public consultation process, as well as the developments in policy and Court of Justice of the European Union jurisprudence to update and build on the earlier assessments, have been an important contribution to making the final decision on the Plan to Revoke the West Midlands Regional Strategy. The summary of consultation responses set out in Annex B in this Post Adoption Statement show that a range of consultees welcomed the rigorous approach to assessment of environmental effects.

In spite of the more rigorous approach, some respondents expressed some concern with some aspects of how the Strategic Environmental Assessment process was carried out. These are summarised below with responses, with more detail set out in Annex B of this post adoption statement.

One respondent (Countryside Council for Wales see Annex B, Table B1, Line 5) considered that the updated Environmental Report should have included an assessment of Phase 2 of the partial revision to the Regional Spatial Strategy for the West Midlands. The Government disagrees with this view. As detailed in Annex B and the updated Environmental Report, following completion of Phase 1 of the partial revision, in respect of the Black Country sub-region, a revised West Midlands Regional Spatial Strategy was issued in January 2008. Work on Phases 2 and 3 was begun; however, in respect of Phase 2, the Secretary of State's proposed changes were not published and work did not proceed beyond the Panel Report. For Phase 3, work did not proceed beyond the development of policy statements and policy recommendations. The Phase 2 and 3 work was therefore not completed and never led to changes to the Regional Strategy for the West Midlands. It was therefore not considered as part of the strategic environmental assessment of the Plan to Revoke the Regional Strategy for the West Midlands.

One respondent (Countryside Council for Wales) thought that the Secretary of State's view that there is no likely significant effect on Habitat sites should be supported by a Habitats Regulations Assessment of the Plan to Revoke the Regional Strategy for the West Midlands. They also considered that the potential for any adverse effects on certain European habitat sites including those partially within Wales, could not be addressed by individual competent authorities. As detailed in Annex B to this Post Adoption Statement, the Government reached its conclusion in light of a screening exercise to assess the likelihood of the plan to revoke having significant effects on a European site requiring appropriate assessment under the Habitats Regulations. Additionally, the assessment contained in the updated Environmental Report was informed by baseline information that included consideration of designated European Sites within Wales such as the River Wye and River Dee and Bala Lake Special Protection Areas. It considered the effects of revoking the West Midlands Regional Strategy on biodiversity which included the potential for adverse impacts on European designated sites and found that there would be no significant effects as a result of revocation. The Government considers that there are legislative and policy protections for European designated sites in the absence of the Regional Strategy.

Some respondents thought it unlikely that the duty to co-operate would be able to provide a framework robust enough to enable strategic planning across local government boundaries. One respondent (Countryside Council for Wales) raised particular concern about the management of strategic planning between Wales and England, especially when dealing with sites of shared responsibility. As detailed in Annex B to this Post Adoption Statement, the Government disagrees with this view. The Government also notes that key environmental protections remain in place (which are set out in more detail in Table 3.2 and Annex B of this Post Adoption Statement). The Government therefore considers that all these issues have been dealt with rigorously in the updated Environmental Report. In contrast, a number of respondents considered that the revocation of the Regional Strategy for the West Midlands would lead to a strengthening of joint local authority working and cited examples of such joint working.

Five respondents suggested specific additional monitoring measures. The proposals for monitoring, which take account of these responses, are set out in Chapter 6 and Annex C of this Post Adoption Statement. The Government will continue its ongoing dialogue with the Welsh Government to assess and monitor any potential impacts of the revocation of the Regional Strategy upon Wales.

One respondent asked for the policies relating to climate change, sustainable communities, conserving and enhancing the environment and energy generation to be retained to deliver Regional Strategy outcomes on renewable energy deployment and climate change mitigation. The Government does not believe that retaining these policies is necessary because it will be for local authorities to determine local responses to the issue of renewable energy generation consistent with the National Planning Policy Framework.

Finally, there were also questions from some respondents on individual topics such as gypsies and travellers, biodiversity, the planning of strategic sites, urban renaissance, the potential for regional imbalance, the management of flood risk, the requirements of the water framework directive, water resources (including the supply of water from Wales to the West Midlands), climate change and renewable energy. The Government considers that these issues have all been adequately addressed in the updated Environmental Report, mainly in Appendix D and Appendix E. Responses to the individual points raised are set out in Annex B and Table 3.2 of this Post Adoption Statement.

In conclusion, none of the responses to the consultation on the updated Environmental Report has led the Government to reconsider the adequacy of the assessment of the environmental effects of the Plan to Revoke the West Midlands Regional Strategy, and the reasonable alternatives to the Plan, set out in the updated Environmental Report.

In light of this conclusion the Government considered each of the reasonable alternatives, and the environmental effects assessed in relation to those reasonable alternatives, as follows:

(i) On the retention of the West Midlands Regional Strategy but not updating it in the future it was noted in the updated Environmental Report that there will be significant positive environmental effects, although these will be largely similar to those if the Regional Strategy were revoked. The only area where retention 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 (Policy CF3). However the assessment shows a similar significant negative effect in relation to water resources if the regional strategy were revoked. 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 National Planning Policy Framework and elsewhere which are designed to secure efficient water usage.

The updated Environmental Report found that there would be no substantive differences between the effects of retention and revocation although it notes the points made on timing of effects and any attendant uncertainties. The Government considers that the retention of the Regional Strategy would lead to a strategy that was a part of the development plan and a consideration in plan-making and decision taking but with policies based on a Strategy that has been superseded by national policy content including the National Planning Policy Framework and/or subsumed into more up to date local plans (for instance the Black Country joint core strategy and Breiley Hill Area Action Plan). Consequently it will fail to promote a locally-led approach to planning. The Government does not therefore consider that it should pursue this alternative.

(ii) On partial revocation, the updated Environmental Report noted that there was only one policy (Policy CF3) where potential significant negative environmental effects were identified in relation to water resources for the revocation of the quantified and spatially specific policies. However, this effect was also identified for retention of the Regional Strategy. The Government does not therefore consider that it should pursue this alternative.

(ii) On retention for a transitional period of policies which set the quantum for development or which are spatially specific the updated Environmental report identified only one significant negative environmental effect on water resources arising from development associated with policies for housing provision (Policy CF3). The updated Environmental Report also noted that retention of this policy would result in a similar significant negative effect and that the retention of the Regional Strategy for a transitional period may result in some confusion with the intent of the National Planning Policy Framework and how they are to be applied. The Government does not therefore consider that it should pursue this alternative, in particular given that those policies retained would be based on increasingly out of date evidence or run contrary to the National Planning Policy Framework and fail to promote a locally-led approach to planning.

(iv) Regarding retention of policies, the revocation of which may lead to likely significant negative environmental effects the updated Environmental Report found that there are no policies in the Regional Strategy where the act of revocation will cause a significant negative effect whilst retaining the same policy will maintain a significant environmental benefit. Where there is a potential significant negative effect, this is the same issue for retention and revocation and will require a similar concerted effort by all interested parties to resolve, irrespective of the presence of the Regional Strategy. The Government does not therefore consider that it should pursue this alternative. The updated Environmental Report also notes that the effects on water 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 National Planning Policy Framework and elsewhere which are designed to secure efficient water usage.

Therefore in light of the policy background and reasons for the Plan to Revoke the West Midlands Regional Strategy, consideration of the environmental effects of the Plan to Revoke and the reasonable alternatives, and consideration of responses to the Environmental Reports, the Government has decided to proceed with its preferred option to revoke the West Midlands Regional Strategy.

Under the Planning and Compulsory Purchase Act 2004 policies in county level structure plans ceased to form part of the development plan for the relevant area at the end of a transitional period. But the Secretary of State had power under the Act to issue directions preserving policies beyond this transitional period so that they continued to form part of the development plan. The West Midlands Regional Strategy took a three phased approach to its revision, by May 2010, only Phase One had been completed. At the request of local authorities in the region, the Secretary of State made directions preserving a significant number (215) of structure plan policies in the West Midlands. These policies can now only be revoked by the making of an Order under powers in section 109 of the Localism Act 2011.

The updated Environmental Report set out that the Government was proposing to revoke all 215 saved structure plan policies in the West Midlands. Both the initial and updated Environmental Reports set out for the West Midlands the 'saved' structure plan policies that were proposed for revocation at the same time as the regional strategy. An analysis of the continuing relevance of the 215 saved structure plans in the West Midlands was set out at Appendix B of the updated Environmental Report. The analysis found that each of the policies had either been implemented or expired or had been superseded by the local plan or applicable national policy, or that the policy was generic (in the sense of being exhorting/aspirational statements). There were no responses to either the initial or the updated Environmental reports concerning the proposed revocation of these saved structure plan policies. The Government will therefore proceed to revoke the directions preserving these 215 structure plan policies.

The measures decided concerning monitoring

Monitoring of the effects of the Plan to Revoke the West Midlands Regional Strategy will focus on:

- The significant effects identified in the assessment that may give rise to irreversible damage, where appropriate, relevant mitigating measures can be taken; and
- Uncertain effects where monitoring would enable preventative or mitigating measures to be undertaken.

Consistent with the proposals of the updated Environmental Report, potential effects against all the environmental topics have been included in the monitoring framework. Specific additional monitoring suggestions were made by consultees and are outlined in the summary of consultation in **Annex B**. The final measures are presented in **Annex C**.

The monitoring programme will use existing regulatory regimes and data collection processes to provide information for these potential environmental impacts. For example, the Environment Agency's requirements under the Water Framework Directive, the Department for Environment, Food and Rural Affairs' requirements with regard to Air Quality Management Areas and the Department for Communities and Local Government's commitments regarding the local plan making progress by authorities and on compliance with the duty to co-operate. The metrics are proposed in part to minimise any additional burdens associated with collection and analysis of monitoring data.

The Government will continue ongoing dialogue with the Welsh Government to assess and monitor any potential impacts of the revocation of the Regional Strategy upon Wales, including the effect on habitats. This will include working through the Five Administrations Forum and directly with the Welsh Government to keep under review any potential impacts and to implement appropriate mitigation as necessary.

The Department for Communities and Local Government will make periodic reference to the metrics and sources of information contained in **Annex C** to review the effects of revocation.

ANNEX A

Consultation and Partner Engagement – Initial Environmental Report

Responses to scoping stage of the preparation of the Initial Environmental Report

The designated consultation bodies for strategic environmental assessment in England (the Environment Agency, English Heritage and Natural England) were consulted on the scope and level of detail to be included in the Environmental Reports in May 2011 for five weeks. The corresponding bodies for Scotland and Wales were also consulted on the reports for regions on their boundaries. The statutory bodies agreed that the scope and level of detail proposed for the analysis of environmental effects of revocation of the regional strategies was appropriate.

Table A1 Summary of statutory body's responses at the Strategic Environmental Assessment scoping stage

No	General	Detailed comments	Raised by	Response
1.	Scope and Detail	The Environment Agency agreed that the scope and level of detail proposed for the analysis of environmental effects of revocation of the regional strategies was appropriate. Natural England recognised that the Strategic Environmental Assessment was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of Strategic Environmental Assessment did not apply. English Heritage focussed their comments on the implications for Heritage on the proposed revocation.	Environment Agency, Natural England, English Heritage	The updated Environmental Report has been produced consistent with the requirements of the Strategic Environmental Assessment Directive. Responses to the detailed points raised at scoping stage are set out in the rest of the Table.
2.	Reliance on the duty to co-operate and the National Planning Policy Framework	The Environment Agency, Natural England and English Heritage questioned whether the reliance on the draft duty to co-operate was sufficient to capture and address cross-boundary issues or cumulative effects of multiple	Environment Agency, Natural England, English Heritage, Scottish Natural Heritage	Since the scoping report was prepared the Government has published the National Planning Policy Framework in March 2012 and commenced provisions in the Localism Act 2011 implementing the duty to co-operate.

No	General	Detailed comments	Raised by	Response
		<p>local authorities' local plans. Scottish Natural Heritage thought there should be consideration of the impacts on the protection and enhancement of networks to allow species dispersal throughout Britain.</p> <p>They also commented that references to planning policy assumed existing policies would be carried forward to the new National Planning Policy Framework. Since the National Planning Policy Framework was still in its draft form, this needs to be more fully considered. It is also difficult to predict what local authorities will do post revocation of regional strategies so that the environmental effects of their revocation is more likely to be "uncertain" rather than positive.</p>		
3.	Topics to be considered	The Environment Agency considered that the impacts on climate change, water quality and water resources should be fully assessed. The Water Framework Directive should be considered as well as strategic planning	Environment Agency	Appendix D of the updated Environmental Report published for consultation in November 2012 contains an assessment of the effects of retention and revocation of individual policies on climate change, water quality and water

No	General	Detailed comments	Raised by	Response
		of water resources.		resources. Appendix E reviews the baseline condition for each of the Strategic Environmental Assessment topics (including climatic factors and water) and assesses the likely effects on the baseline of retaining and revoking individual policies, the Regional Strategy as a whole and reasonable alternatives.
4.	Water Quality	<p>There are currently issues around accommodating growth within existing Waste Water Treatment Works consent limits, and without compromising Water Framework Directive requirements. This issue should be acknowledged in the assessment. The assessment could usefully inform the allocation of growth across catchments, which are likely to be wider than an individual local authority boundary. The assessment should also consider how strategic cross-boundary water quality issues will be dealt with following the revocation of the Regional Strategy.</p>	Environment Agency	<p>In accordance with Annex 1(f) of the Strategic Environmental Assessment Directive water quality issues have been assessed. This assessment includes the consideration of the topics in Appendix E of the updated Environmental Report, as part of the assessment of the retention and revocation of individual policies, the overall assessment of the revocation of the West Midlands Regional Strategy and reasonable alternatives.</p> <p>This analysis also takes account of how the duty to co-operate will underpin strategic cross-boundary planning by local planning authorities on issues such as water management.</p>

No	General	Detailed comments	Raised by	Response
5	Water resources	<p>The Environment Agency considered that the demand for water is dependent on the number of households, number of occupants and the per capita consumption of occupants. If the post Regional Strategy forecast housing numbers increase, even with the same population and thus lower occupancy, then per capita consumption of water is likely to be higher, resulting in a higher demand for water. Similarly, if the number of houses forecast remained the same and the per capita consumption of water increased, or occupancy increased, then this would also increase the demand for water.</p> <p>Change in water use will be influenced by the post Regional Strategy policies of individual local authorities. These effects may not be uniform for all local authorities. Therefore, the net effects on water resources of having a regional strategy or not could be zero, more or less. Increases in housing numbers could be considered against the</p>	Environment Agency	<p>Water resources have been assessed under the Strategic Environmental Assessment topic water and the findings summarised in Chapter 4 of the updated Environmental Report. This includes the consideration of the topics in Appendix E of the report, as part of the assessment of the retention and revocation of individual policies and the overall assessment of the revocation of the West Midlands Regional Strategy and reasonable alternatives. This also takes account of the strategic planning cross-boundary issues which the water companies' Water Resources Management Plans address. Further statutory requirements on water companies under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning are designed to ensure a sustainable supply of water over the next 25 years.</p>

No	General	Detailed comments	Raised by	Response
		<p>relevant water companies Water Resources Management Plan to ensure that the company is able to supply the additional households. The same applies to any redistribution of households within the existing overall housing numbers. Moving planned builds to another local authority area or within a local authority area may shift the demand into a different water company water resource zone. The effects of this on the company's ability to supply the 'additional' houses should be considered.</p>		
6.	Waste	<p>Waste plans, required to meet the requirements of the Waste Framework Directive, will need a strong evidence base to support them. The West Midlands study on commercial and industrial waste arisings was carried out within the Regional Strategy framework. The resulting data and Regional Strategy policies on construction and industrial waste were used by Waste Planning Authorities to determine the</p>	Environment Agency	<p>Paragraph 153 of the National Planning Policy Framework makes clear the expectation that local planning authorities should produce a local plan for the area, whilst the Planning and Compulsory Purchase Act 2004 provides for two or more local planning authorities to prepare joint local plans either through joint working under Section 28 or through the establishment of a joint committee under Section 29. This allows unitary authorities</p>

No	General	Detailed comments	Raised by	Response
		<p>future need and location for waste facilities. Upgraded and agreed evidence could be shared between local authorities at a strategic level, to ensure that facilities are built in the right location and potentially at the right scale.</p> <p>The Environment Agency noted that the local authorities in the West Midlands are continuing to meet to discuss waste planning.</p> <p>The agreed apportionment figures and related policy allowed waste planning authorities to plan and monitor consistently for the management of imported waste. Ways could be found to maintain this evidence base which local authorities rely on to address and monitor strategic waste issues. The assessment should consider the impact of the loss of regional waste data on waste planning authorities.</p>		<p>and county councils to work together if they wish. However such plans must still meet the legal and procedural requirements, including the test of soundness required under section 20 of the 2004 Act and Paragraph 182 of the National Planning Policy Framework including for the planning of waste infrastructure.</p> <p>The National Planning Policy Framework also makes it clear that local planning authorities may continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence. The National Planning Policy Framework (paragraphs 158-177) also sets out in detail the evidence base that is required to underpin the development of local plans and planning decisions. The National Planning Policy Framework (paragraph 156) states that local planning authorities should work with other authorities and providers to assess the quality and capacity of infrastructure for</p>

No	General	Detailed comments	Raised by	Response
				waste and its ability to meet forecast demands. Further Planning Policy Statement 10 The Waste Planning Policy Statement will remain in place until the National Waste Management Plan is published. Appendix C of the updated Environmental Report illustrates the progress that local authorities have made in the West Midlands to prepare Waste Management Plans.
7.	Climate Change	<p>Climate risk and associated adaptation actions should be assessed to help ensure resilience to future climate change. Local authorities could put monitoring mechanisms in place, as action or inaction by one local authority could impact on neighbouring authorities. We suggest that possible mechanisms for monitoring resilience to climate change are considered within the assessment.</p> <p>The initial Environmental Report stated that local authorities may find it useful to draw on regional data including assessments of the potential for</p>	Environment Agency, Scottish Natural Heritage	<p>Climate change issues are assessed as part of the climatic factors Strategic Environmental Assessment topic, summarised in Chapter 4 of the updated Environmental Report and also set out in Appendix E. We have considered mechanisms for monitoring resilience to climate change and the proposals for monitoring, including for climatic factors, and were also considered in Chapter 5 of the updated Environmental Report and Annex C of this Post Adoption Statement.</p> <p>Data prepared at a regional level to inform the preparation of regional strategies is still available for local</p>

No	General	Detailed comments	Raised by	Response
		renewable and low carbon energy. This should be considered in greater detail at the next stage of the environmental assessment. Strategic issues need to be addressed		planning authorities to use, individually or collectively were they have decided to prepare joint local plans or development plan documents on strategic planning issues such as waste management, transport infrastructure or large scale housing development. Local planning authorities will also commission additional research when necessary on a variety of key planning issues including assessment of the potential for renewable and low carbon energy.
8.	Growth	Assumptions on future growth, including for housing allocations, are important when making assessments of the potential impacts of revocation of the regional strategies. An assumption that lower levels of growth (than that proposed by the Regional Strategy) may be pursued by local authorities may lessen pressures on negative regional trends. However the majority of local authorities in the West Midlands are planning to retain the Regional Strategy figures and some authorities	Environment Agency and English Heritage	<p>In order to better understand the content of local plans, the updated Environmental Report has taken into account local plan policies as illustrated in Appendix C on housing, pitches for gypsies and traveller sites, renewable energy, employment, minerals and waste.</p> <p>Baseline data has been expanded and updated in the updated Environmental Report, including for heritage assets and river basin management plans and presented in Appendix E.</p> <p>In the absence of the West Midlands</p>

No	General	Detailed comments	Raised by	Response
		<p>have already adopted Core Strategies that are in line with the Regional Strategy figures. It is possible that some local authorities may decide to increase their housing figures above Regional Strategy targets which could potentially result in significant environmental effects.</p> <p>It may become more challenging to accommodate growth in certain river catchments - all available, up-to-date information should be utilised when carrying out the next stage of the assessment.</p>		<p>Regional Strategy, this does not mean the end of a strategic approach to planning and development plan preparation. Strategic planning will be taken forward by local planning authorities, this represents a shift towards a locally-led approach to planning for cross-boundary matters in local plans. This approach to development will be more sensitive and responsive to the character of communities, including the habitats and the natural environment of localities.</p>
9.	Marine Planning	<p>The West Midlands Regional Strategy was adopted before the marine planning process started. It therefore did not account for the role that marine planning can play, not just within the marine environment, but also on land. Many of the Sustainability Appraisal objectives could be compared to the aims of the marine planning process. It was suggested that the Marine Management Organisation be</p>	Environment Agency	<p>The consultation on the Environmental Report is a public one and comments from all parties with an interest are welcome. The Environmental Report published in October 2011 and the updated Environmental Report published in November 2012 were sent to the Marine Management Organisation for comment.</p>

No	General	Detailed comments	Raised by	Response
		consulted at all stages of the assessment, given that their plans could potentially apply to the areas covered by this environmental assessment.		
10.	Cumulative Effects	The Environmental Report should effectively assess cumulative impacts and mitigation measures of many small adverse impacts on the environment for instance on climate change including greenhouse gas emissions.	Environment Agency	Cumulative impacts are taken into account in the assessment presented in the Environmental Reports. The approach to the analysis is set out in the methodology in Chapter 3, and a discussion of the impacts is included in Chapter 4. Mitigation measures are considered throughout the updated Environmental Report including for individual Strategic Environmental Assessment topics, and the retention and revocation of individual regional policies.
11.	Regional Heritage Policies	English Heritage noted that some policies are only in regional strategies, not in local plans hence the risk of “policy gaps” if these regional policies are not saved. They questioned the assumption that local authorities will carry forward regional policies to secure	Environment Agency	The National Planning Policy Framework, published in March 2012, continues to provide protection for heritage assets and designated heritage assets throughout the country. By definition, heritage assets include areas and landscapes, as well as individual buildings and monuments,

No	General	Detailed comments	Raised by	Response
		<p>the boundaries of Green Belts around historic settlements, and whether existing national heritage policies will be carried forward to the National Planning Policy Framework. They thought that regional heritage policies do not just repeat national policy, but include regionally specific detail. They asked for more material to be included in the historic environment baseline data.</p> <p>They considered that the revocation of the regional strategies will result in significant adverse effects which should be mitigated, in particular:</p> <p>The national/regional overview of the significance of historic assets (summarised in the Historic Environment policy) will be lost, although the National Planning Policy Framework could underline English Heritage's role in identifying historic character of more than local significance; and</p> <p>The uncertainty in relation to housing</p>		<p>which have a degree of significance meriting consideration in planning decisions, because of their heritage interest. The significance of a heritage asset is stated to derive not only from its physical presence, but also from its setting.</p> <p>The Government attaches great importance to Green Belts and has maintained strong protection for them in the National Planning Policy Framework. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.</p> <p>The National Planning Policy Framework makes clear, as with previous Green Belt policy, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any</p>

No	General	Detailed comments	Raised by	Response
		<p>numbers could result in planning by appeal, which is more likely to be harmful to historic environment interests. Transitional arrangements should be considered.</p> <p>Many of the sub-regional policies identify sensitive the historic environments of settlements and their regeneration needs. The loss of such references will affect the extent to which these issues are clearly flagged for local plan preparation work. It is vital that the Planning Policy Statement 5 advice on understanding place and the positive contribution of heritage to regeneration is retained in the National Planning Policy Framework.</p>		<p>harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>The National Planning Policy Framework also states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Limited exceptions to this are set out in the National Planning Policy Framework, together with other forms of development that are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.</p> <p>The National Planning Policy Framework is also clear that once established, Green Belt boundaries should only be altered in exceptional circumstances. A change to a Green Belt boundary would need to take place through the local plan process, which would involve public consultation</p>

No	General	Detailed comments	Raised by	Response
				<p>and an independent examination. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.</p> <p>When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Additional policies are set out to be applied when defining boundaries. Policies for the development of a village in a Green Belt are also included.</p> <p>The National Planning Policy Framework states that once Green Belts have been defined, local planning authorities should</p>

No	General	Detailed comments	Raised by	Response
				plan positively to enhance the beneficial use of the Green Belt.

Representations received in response to the initial public consultation on the proposed revocation of the West Midlands Regional Strategy

The consultation on the initial Environmental Report ran from 20 October 2011 to 20 January 2012.

The representations received on the proposed revocation of the West Midlands Regional Strategy have been summarised below. The responses are grouped under the following themes:

- The Overall Approach to Strategic Environmental Assessment;
- Assessment;
- Reliance on the National Planning Policy Framework;
- Policy Change;
- Reliance on the duty to co-operate;
- Individual Topics (covering greenbelt, gypsies and travellers, housing supply and growth, heritage, waste, biodiversity, renewable energy, transport, water, Brownfield land, the coast, flooding and woodland).

Since the responses received to the consultation of this initial report, a significant amount of policy and legislation has been developed (for instance the publication of National Planning Policy Framework and the introduction of the duty to co-operate) and so some of these comments have inevitably been overtaken by events. The comments relevant to the initial Environmental report for the West Midlands (i.e. responses specifically to the West Midlands report and comments that applied to all regions including the West Midlands) are presented below, together with how they have been addressed in the updated Environmental Report.

Table A2 Responses to the consultation on the initial Environmental Report (published in October 2011) (this table has been revised following the close of consultation on the updated Environmental Report)

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
1	The Overall Approach to Strategic Environmental Assessment	<p>The Environment Agency supported the broad approach to the analysis presented in the Environmental Reports published in October 2011. Natural England recognised that the Strategic Environmental Assessment was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of Strategic Environmental Assessment did not apply. English Heritage did not comment on the overall approach taken to the assessment, but had concerns about the potential impacts of the revocation of the West Midlands Regional Strategy on heritage assets. Other respondents thought the analysis was undertaken too late in the plan making process and was not consistent with the requirements of the Directive.</p>	Environment Agency, Natural England, English Heritage, Countryside Council for Wales.	The impact of retaining, partially revoking and fully revoking the West Midlands Regional Strategy has been assessed in detail in the short, medium and long term against the 12 Strategic Environmental Assessment topics. This includes an assessment of cultural heritage – including architectural and archaeological heritage.
2	The Overall Approach to Strategic Environmental	The consultation on the assessment of the revocation of regional strategies which ran from October 2011 was contrary to the requirements of Article 6(5) of the Directive.	Clyde and Co LLP and Icen Projects.	The Government disagrees that the consultation process undertaken in October 2011 was contrary to the

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	Assessment			<p>requirements of Article 6(5) of the Directive which states that the “detailed arrangements for the information and consultation of the authorities and the public shall be determined by Member States”. This requirement is transposed into English law by regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004.</p> <p>The Environmental Report which was published for public consultation in October 2011, and this updated Environmental Report, which takes account of consultation responses, demonstrates the Government’s desire to consult fully on the assessment of the impacts of revocation of the Regional Strategy.</p> <p>Chapter 1 of this updated Environmental Report sets out the purpose of the consultation</p>

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				and sets out a number of questions on which the Government would particularly welcome responses.
3	The Overall Approach to Strategic Environmental Assessment	A number of respondents disagreed with the Government's view that Strategic Environmental Assessment was not necessary and therefore considered that the Government was not at liberty to undertake the assessment voluntarily. The Environmental Report should have considered the need for strategic planning for the environment at a spatial tier above the individual local authority.	Council for the Protection of Rural England, Futures Network West Midlands.	<p>On 22 March 2012 in the case of Bruxelles the Court of Justice of the European Union (CJEU) considered whether the Strategic Environmental Assessment Directive applied to a procedure for the total or partial revocation of a land use plan. The Court concluded that where revocation of a plan may modify the state of the environment as examined at the time of adoption of the plan, a Strategic Environmental Assessment will be required to aid consideration of such effects.</p> <p>The updated Environmental Report assesses the retention, partial revocation and revocation of the West Midlands Regional Strategy</p>

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				<p>which includes a consideration of the impact of removing regional scale environmental strategic policies.</p> <p>This updated Environmental Report is prepared in accordance with the Strategic Environmental Assessment Directive.</p>
4	<p>The Overall Approach to Strategic Environmental Assessment</p>	<p>The environmental assessment had been carried out too late in the process, and should have been conducted prior to the initial decisions to revoke the regional strategies. Strategic Environmental Assessment carried out at an early stage and with an open mind helps to identify the environmental consequences of revocation and steps which could be taken to mitigate any adverse impacts (such as saving significant environmental policies).</p>	<p>RenewableUK, Royal Society for the Protection of Birds, Wildlife and Countryside Link.</p>	<p>The Government signalled its proposed intention to remove the regional tier of Government and return decision making on housing and planning to local authorities in the coalition agreement. Parliament subsequently agreed to the removal of the legal framework for Regional Strategies through the repeal of Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (through section 109 of the Localism Act 2011) and gave the Secretary of State</p>

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				<p>powers to revoke the whole or any part of a Regional Strategy by order.</p> <p>Any decision to revoke the regional strategies has always been dependent on and subject to the outcome of the environmental assessments.</p> <p>The Environmental Report which was published for public consultation in October 2011, and this updated Environmental Report, which takes account of responses, demonstrates this and is in accordance with the requirements of the Strategic Environmental Assessment Directive and its objectives.</p> <p>The outcome of the consultations on the Environmental Reports will form part of the matters that will be taken into account in deciding whether or not to revoke the regional strategies.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
5	The Overall Approach to Strategic Environmental Assessment	The Town and Country Planning Association, Royal Town Planning Institute West Midlands, Futures Network West Midlands were concerned that the Environmental Reports did not represent an analytically robust and rigorous assessment of the likely impacts or how they may be mitigated of the revocation of regional strategies. They considered that not all of the Directive's provisions had been addressed with sufficient robustness to provide an appropriate means of assessment, with – e.g. reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken. The Environmental Reports did not explore the potential short-term impacts that could arise in the interim period while the Regional Strategy is revoked, but before adopted local plans are in place. The reports do not project what the future might be like under local plans prepared with a minimum of national guidelines. The reports should contain more analysis of minerals and waste, infrastructure, town centre development, new settlements and major urban expansions.	Town and Country Planning Association, Royal Town Planning Institute West Midlands Branch, Futures Network West Midlands.	The October 2011 Environmental Report was structured around the individual requirements of the Strategic Environmental Assessment Directive. Chapter 1 of this Environmental Report sets out which parts of the report address the requirements of the Directive.
6	Assessment – likelihood of	The assessment had placed unquestioning faith in the environmental benefits of the Government's	Levett-Therivel, Treweek	The short, medium and long term impacts of retaining,

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	effects	planning reforms, and seemed to be a justification for revocation rather than objective analysis. The assumptions within the Environmental Report that revocation of the Regional Strategy will have no significant adverse environmental effects were untested and unsupported by evidence.	Environmental Consultants, Collingwood Environmental Planning, Royal Town Planning Institute West Midlands, Futures Network West Midlands	partially revoking and revoking the West Midlands Regional Strategy have been assessed in detail in this Environmental Report for each of the 12 Strategic Environmental Assessment topics.
7	Assessment – cumulative impacts	The Environmental Report should assess the cumulative effects of revocation, in particular the consequent capacity for ‘linked or cumulative, synergistic or secondary effects’ coupled with the need for environmental assessment to adapt to the scale and nature of the plan in question. The assessment should include a consideration of the impact of the revocation of all the Regional Strategies.	Clyde and Co LLP; Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning.	Chapter 3 of the updated Environmental Report sets out the assessment methodology for cumulative, synergistic or secondary effects. Chapter 4 contains a consideration of these effects.
8	Assessment – mitigation	No mitigation measures are presented in the Environmental Reports because no impacts have been identified. Explanation and evidence should be presented to support statements in the report that ‘These policies could be delivered by other means than through a Regional Strategy.’	Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning.	Appropriate mitigation measures are proposed in Chapter 4 of updated Environmental Report, as well as in Appendix D.

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9	Assessment – strategic planning	<p>The Regional Strategies provided strategic policies to ensure that development can be planned in a way that is compatible with biodiversity targets. There are similar issues with water supply/demand, for example, under the Water Framework Directive, to ensure that housing development will be compatible with the requirements for favourable status and there are knock on implications for European protected sites.</p> <p>The Town and Country Planning Association considered that the Environmental Reports understated the benefits of regional policy which all the original Strategic Environmental Assessments had identified. They also considered that there was insufficient detail to show how the new planning reform measures would deal effectively with strategic spatial issues.</p> <p>Futures Network West Midlands noted that the core concern of the Regional Strategy was to address the continuing decentralisation of population and investment away from the Major Urban Areas within the region. Without effective management to reverse that trend then it is likely that there will be serious long-term environmental</p>	<p>Levett-Therivel; Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning, Town and Country Planning Association, Newport and District Civic Society; Marches Local Enterprise Partnership.</p>	<p>The National Planning Policy Framework, published in March 2012, states that local planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p>

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		<p>consequences including dereliction and under-use of infrastructure within the Major Urban Areas; a greater need for travel as new development becomes dispersed; and greater need to use greenfield as opposed to brownfield sites.</p> <p>Stating that the key purpose of the report should have been to demonstrate how the challenges of regeneration of the Major Urban Areas in the West Midlands and decentralisation to the local level could be met in the absence of an overarching strategy for the region.</p> <p>Campaign to Protect Rural England suggested that the most important achievement of the West Midlands Regional Strategy was to underline a balance between urban regeneration and rural renaissance with the emphasis on development being directed to the most run down areas, particularly Stoke-on-Trent and the Black Country. In the case of the Black Country that special attention led to the Phase 1 review, the Black Country Study and subsequently the Joint Core Strategy. This holistic approach had laid the bedrock for work being taken forward by the Black Country Consortium and the Local Economic</p>		<p>The impact of retaining, partially revoking and revoking the East of England Regional Strategy has been assessed in detail in the short, medium and long term for each of the 12 Strategic Environmental Assessment topics.</p>

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		<p>Partnership.</p> <p>The levels of out migration to the shires from the major urban areas has been running at 10,000 – 12,000 net per annum and the impact of this is exacerbated because of the changes in social mix that resulted increasing deprivation in the cities and reducing higher earners as well as putting pressure on the countryside. Evidence from the Regional Strategy monitoring showed this was an effective approach which was mitigating those trends, albeit they were long term and entrenched. The impact of the recession had made concerns about unemployment and economic deprivation in urban areas even more important, especially as previous recessions suggested they take longer to recover and have more long term impacts. As the Strategic Environmental Assessment says: ‘Disparities within the West Midlands were also increasing, with areas outside the larger industrial centres and rural parts falling behind. The West Midlands had the highest unemployment rate of any English region.’</p> <p>They considered that the policies pursued by local authorities adjacent to the Major Urban Areas often determine the success or otherwise</p>		

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		<p>of regeneration within those areas. But without any strategic framework urban local authorities have limited influence over the policies pursued around them and the authorities pursuing those policies often do not consider regeneration elsewhere to be a priority.</p> <p>The Newport and District Civic Society commented on effects on the market town of Newport in Shropshire. The Society considered that the Regional Strategy policies on rural renaissance were not being implemented and the overall planning focus in the West Midlands was on urban areas. The Marches Local Enterprise Partnership also reflected this approach. They hoped that the National Planning Policy Framework would take the opportunity to focus on the rural parts of the West Midlands which could contribute significant income and trade through exports etc and not simply concentrate resources on urban need and industrial/ manufacturing demands.</p>		
10	Assessment - baseline data	Statutory Agencies identified more recent environmental data than that used in the Environmental Reports - such as data used to inform the preparation of the River Basin	Natural England, Environment Agency, Levett-	The baseline data has been updated and expanded in the Environmental Report, and described for the 12 Strategic

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		<p>Management Plans, and on climate change and Strategic Environmental Assessment level rise. Other respondents asked for other baseline data to be updated, for data on human health to be included and for data to better reflect the economic climate. Some respondents asked for maps to be included to better illustrate spatial impacts.</p> <p>The Countryside Council for Wales stated that it was unclear whether the potential impacts of the revocation on neighbouring Welsh environment had been assessed, for example effects on the rivers flowing from Wales to England. They considered that a more robust assessment of the implications for Wales could help improve the future working arrangements across these borders.</p>	<p>Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning, Clyde and Co LLP, Town and Country Planning Association, Futures Network West Midlands, Campaign for the Protection of Rural England, Countryside Council for Wales.</p>	<p>Environmental Assessment topics in Annex E. Maps have been included. This data has been used to inform the assessment the strategic environmental impacts of the revocation of the West Midlands Regional Strategy and a number of alternatives.</p>
11	Assessment – material assets	<p>The analysis of material assets could include the full range of infrastructure, employment sites, waste, energy and water use etc.</p>	<p>Levett-Therivel, Treweek Environmental Consultants, Collingwood</p>	<p>The updated Environmental Report includes an assessment of all 12 Strategic Environmental Assessment topics. This incorporates</p>

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			Environmental Planning.	assessment of waste and minerals, energy, water use, and employment land.
12	Assessment – likely evolution of the environment	The likely evolution of the environment in the absence of the plan should be set out.	Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning, Countryside Council for Wales.	In compliance with Annex 1(b) of the Strategic Environmental Assessment Directive, this Environmental Report presents for each of the 12 Strategic Environmental Assessment topics, an assessment of the likely evolution of the baseline without implementation of the plan or programme. Uniquely (to date) in this case, “without implementation of the proposed plan or programme” actually refers to the plan to revoke the Regional Strategy. So the evolution of the environmental baseline without the plan will mean in this instance, the evolution of the baseline with the retention of the existing Regional Strategy on place. Therefore, and where appropriate in addition to using projections, this assessment

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				has used the findings of the relevant sustainability appraisal and appropriate assessment to help provide an informed understanding of the likely future evolution of the baseline. This information is contained in Appendix E and presented within each topic chapter.
13	Assessment – Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)	Information on the existing impacts on Special Protection Areas and Special Areas of Conservation should be provided.	Levett-Therivel, Trewick Environmental Consultants, Collingwood Environmental Planning.	The updated Environmental Report contains an Appendix G listing all Special Protection Areas and Special Areas of Conservation and the vulnerability of sites has been drawn out where relevant.
14	Assessment – method statement	Information should be provided on who has carried out the assessments, details of the consultation with statutory agencies, responses to scoping responses and what problems were faced.	Levett-Therivel, Trewick Environmental Consultants, Collingwood Environmental Planning, Royal Town Planning Institute West Midlands, Futures	Detail of the preparation of the report, consultation with the statutory agencies, responses to scoping comments, and difficulties faced with the analysis are set out in Chapters 1 and 3 and Appendix F of this Environmental Report.

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15	Assessment – non technical summary	The non- technical summaries are not consistent with the Strategic Environmental Assessment Directive requirements. They are generic and make assertions that are not based on evidence.	Network West Midlands Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning.	A non-technical summary which is based on the findings of the assessment and consistent with the requirements of the Strategic Environmental Assessment Directive is included in this Environmental Report.
16	Assessment – local plans	<p>The Woodland Trust thought that the baseline information in the original Strategic Environmental Assessment of the Regional Strategy identified increasing environmental pressures arising from development. It felt these still needed to be addressed in the absence of the strategy. As a result of this, they believed there should be much more emphasis on the Strategic Environmental Assessment process for Development Plan Documents, with particular emphasis on the effect of cumulative impacts.</p> <p>Campaign for the Protection of Rural England stated that the reports should have considered appropriate evidence that currently exist, such as changes to Core Strategies made subsequent to the announcement that regional plans would be</p>	The Woodland Trust, Friends of the Earth, Campaign to Protect Rural England, Futures Network West Midlands, Royal Town Planning Institute West Midlands, Professor Alan Townsend.	<p>The Government agrees that Local Plans are subject, and will continue to be subject, to Strategic Environmental Assessment consistent with the requirements of the Strategic Environmental Assessment Directive.</p> <p>Local authorities' planning policies and decisions must reflect, and where appropriate promote, relevant European Union obligations and statutory requirements including on the environment.</p>

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		<p>abolished. They suggested that no such assessment had been made. As a result there were no recommendations about how the plan making process might be improved to address environmental issues, for example, by strengthening the Sustainability Appraisal process at local authority level.</p> <p>Friends Of the Earth were concerned that the statement in the Environmental Reports that local authorities would deal with environmental issues was not based on a full analysis of whether local plans do have strong local environmental policies in place similar to those in the Regional Strategies in a situation where they were specifically not supposed to duplicate regional policy; or in areas where there are no local plans. In addition, the assumption that there are ‘strong protections’ for the environment in national planning policy had been disputed by several Non-Government Organisations.</p> <p>Professor Alan Townsend considered the reference in the reports that the removal of the Regional Strategies would create ‘opportunities for securing environmental benefits’ to be unfounded. Referring to the North East, as an example, he commented that the experience of</p>		<p>The updated Environmental Report includes an analysis of the content of local plans at Appendix C, focussing on housing allocation, gypsies and traveller pitches, renewable energy, employment land, minerals and waste.</p>

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		<p>Campaign for the Protection of Rural England was that economic and commercial pressures would act as a serious threat to a balanced approach to the environment and to development. He also referred to paragraph 1.25 in the Environmental Report where it is stated that environmental effects cannot be predicted for certain because they depend on local decisions, but disagreed with the view that decisions taken locally will look to maximise positive environmental outcomes for the local area.</p>		
17	Assessment – reasonable alternatives	<p>The environmental assessment had considered too narrow a range of alternatives. The only alternative considered was no revocation. This in turn means that there are no clear recommendations to address the practical question of whether the proposed planning system, centred on the National Planning Policy Framework and local plans, should be modified to address environmental issues that arise from the abolition of regional planning.</p> <p>Other alternatives suggested were:</p> <ul style="list-style-type: none"> • reviewing the Regional Strategies; • revoking the Regional Strategies but saving key policies; • the retention of the Regional Strategy 	<p>Royal Society for the Protection of Birds, Wildlife and Countryside Link, Campaign for the Protection of Rural England, RenewableUK, Clyde and Co LLP, Irish Travellers Movement in Britain, Levett-</p>	<p>The updated Environmental Report draws on the consultation responses and the findings of the assessment to develop a number of alternatives and identifies three reasonable alternatives to complete revocation for assessment.</p>

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		<p>system with regional groupings of local authorities responsible for drafting them and adoption by the Secretary of State;</p> <ul style="list-style-type: none"> maintaining the plans and revising certain policies in order to make the plans more acceptable, as well as the possibility of local authorities producing joint development plans to cover specific issues; revoking certain chapters or parts of the strategies and introducing transitional arrangements. 	<p>Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning, Countryside Council for Wales, Futures Network West Midlands, Royal Town Planning Institute West Midlands.</p>	
18	<p>Assessment - monitoring</p>	<p>Natural England, Campaign for the Protection of Rural England, Futures Network West Midlands, Royal Town Planning Institute West Midlands and Town and Country Planning Association considered that it was not clear whether the local authorities, Government or any other body would collate the authorities' monitoring information and assess it to determine where more than local gaps in policy or problem areas were arising.</p> <p>The Town and Country Planning Association</p>	<p>Natural England , Campaign for the Protection of Rural England, Royal Town Planning Institute West Midlands, Town and Country Planning Association,</p>	<p>Proposals for monitoring are set out in Chapter 5 of the updated Environmental Report.</p>

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		<p>suggested that there was a need to monitor the general impact of the Government's planning changes. Consistent and effective monitoring on the effects of the 'duty to co-operate' over the next 2-3 years was particularly important, for example, by tracking local plan progress on local authority websites in a systematic but simple way.</p> <p>Levett- Therivel, Treweek Environmental Consultants, and Collingwood Environmental Planning suggested that the effects of revocation should be monitored, for example, to track housing completions and development on Greenbelt.</p> <p>Clyde and Co LLP considered that not clearly identifying additional, specific methods of monitoring undermined the consultation process.</p>	<p>Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning, Clyde and Co LLP, Futures Network West Midlands.</p>	
19	<p>Reliance on the draft National Planning Policy Framework</p>	<p>Natural England, the Environment Agency, the Town and Country Planning Association, Countryside Council for Wales, Futures Network West Midlands and Campaign for the Protection of Rural England noted that it was difficult to come to a view on the significance of the environmental effects of revocation, prior to the publication of the final National Planning</p>	<p>Natural England, Environment Agency, Town and Country Planning Association Campaign for</p>	<p>The National Planning Policy Framework was published in March 2012. The National Planning Policy Framework is consistent with the Government's Natural Environment White paper, and makes it clear that the planning</p>

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		<p>Policy Framework and the implementation of the new “duty to co-operate”. Campaign for the Protection of Rural England for example, commented that as a result of the wider changes in planning it was inherently difficult to assess the likely impact of the revocation of Regional Strategies. In particular, the content of the final National Planning Policy Framework and future local plans were uncertain and neither of these statements could currently be fully tested. They expressed concern that the Environmental Reports did not give a comprehensive overview of the potential environmental impact of the Government’s intentions.</p> <p>Levett- Therivel, Treweek Environmental Consultants and Collingwood Environmental Planning questioned the evidence that the National Planning Policy Framework will be so favourable to the environment or sustainable development, as the National Planning Policy Framework has not been subject to Strategic Environmental Assessment.</p> <p>Natural England agreed with the assessment that there was an inherent difficulty in providing an assessment of the National Planning Policy Framework as an alternative, as it was not known</p>	<p>the Protection of Rural England, Futures Network West Midlands, Royal Town Planning Institute West Midlands, Levett-Therivel, Treweek Environmental Consultants, Collingwood Environmental Planning, Countryside Council for Wales.</p>	<p>system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and sets out as a core planning principle that planning should recognise the intrinsic character and beauty of the countryside. The Framework also maintains protection for designated areas such as the Green Belt, Areas of Outstanding Natural Beauty, National Parks, and Sites of Special Scientific Interest. It sets out policy for the support of delivery of renewable energy development as well as leisure facilities for the community including theatres.</p> <p>The National Planning Policy Framework is not subject to Strategic Environmental Assessment as it is high level policy and does not fall within the scope of the Strategic Environmental Assessment Directive.</p>

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		<p>how the final version would differ from the consultation draft.</p> <p>Scottish Power Renewables were of the view that the regional strategies have a key role in ensuring that national policy objectives are met and encourage the wider deployment of renewable energy, making an important contribution to the UK's legally binding renewable energy targets. In particular, the Regional Strategies do and could continue to play a key role in the strategic planning of onshore wind infrastructure. They were therefore concerned that the process for the revocation of regional strategies pre-empted the final National Planning Policy Framework and requested that the Government require local authorities to put in place policies to ensure a contribution to the national renewable energy targets, in line with the National Policy Statement.</p> <p>RenewableUK shared the concern about the reliance on the draft National Planning Policy Framework and were concerned that the draft National Planning Policy Framework did not contain a sufficient level of detail to support renewable energy planning.</p>		

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		<p>The Royal Society for the Protection of Birds and Wildlife and Countryside Link considered it misleading for the Environmental Reports to imply that the planning reform would usher in new policies that, on balance, would make up for the loss of regional strategies. They considered, for example, that even though 'top-down' housing targets were being removed, the stated purpose of planning reform was to create more growth and to deliver more housing. There was no criticism of Regional Strategy housing figures being too high, only that they were 'top-down'. It therefore followed that local authorities would use similar methodologies and arrive at similar figures when 'objectively assessing' housing need.</p> <p>Friends of the Earth stated that local authorities will have to be guided by the policies in the National Planning Policy Framework. Based on the draft National Planning Policy Framework text, in many cases, local authorities will struggle to take decisions on a 'local' basis to protect the environment. They stated that legal advice obtained by them showed that the concept of local decision-making was outweighed by the wording used in the draft National Planning Policy Framework which is directive on the need to approve development. They also pointed to</p>		

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		<p>shortcomings in the National Planning Policy Framework on sustainable development, countryside and biodiversity, transport, water, and climate change mitigation and adaptation. The Wildlife and Countryside Link were concerned that the Environmental Reports relied so heavily on the National Planning Policy Framework, which had not been finalised and was therefore subject to change.</p> <p>The Theatres Trust suggested that suitable policy within the National Planning Policy Framework and other measures needed to be in place to ensure the pooling of knowledge on physical and social cultural infrastructure, particularly theatres, if the plans are revoked.</p> <p>The Woodland Trust in their response to the revocation of the West Midlands Regional Strategy, thought it impossible to assess the impact of the loss of the Regional Strategy without being able to assess it against the National Planning Policy Framework. They also commented that the Strategic Environmental Assessment implies that the National Planning Policy Framework and planning reform in general will lead to less development, particularly in the absence ‘top down targets’, but felt this is</p>		

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		<p>contradictory to every other message emanating from the Government, as the stated purpose of the current planning reforms is to encourage economic growth. Paragraph 1.6 of the Strategic Environmental Assessment document states that the National Planning Policy Framework sits within the broader context of national policy and legislation such as the Natural Environment White Paper. The draft National Planning Policy Framework did not however reflect the Natural Environment White Paper.</p>		
20	<p>Assessment - policy change</p>	<p>Natural England noted that the revocation of the Regional Strategies would require local planning authorities to incorporate relevant environmental policies, previously included in the Regional Strategy, into their local plans or to rely on National Planning Policy Framework policies. The full effect of revoking individual Regional Strategy policies was therefore likely to depend greatly on where individual local authorities were in their local plan-making process. Where local authorities had not yet adopted core strategies, in the absence of regional strategies, they considered that it may be much more difficult for them to develop locally tailored evidence-based policies.</p>	<p>Natural England, The Environment Agency, Royal Society for the Protection of Birds, Wildlife and Countryside Link, Theatres Trust, RenewableUK, Friends of the Earth, Countryside Council for</p>	<p>The National Planning Policy Framework, published in March 2012, sets out the Government's planning policies for England.</p> <p>The National Planning Policy Framework emphasises the need for local planning authorities to plan strategically. The National Planning Policy Framework states that local planning authorities should set out their strategic priorities for their area in their Local Plan. This should include strategic</p>

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		<p>The Environment Agency welcomed the Environmental Report highlighting which parts of current national policy and guidance were important to help avoid significant adverse environmental impacts. Where local authorities had adopted Core Strategies that were developed with a backdrop of the Regional Strategy, a robust National Planning Policy Framework would need to ensure that any potential policy gaps were filled.</p> <p>The Royal Society for the Protection of Birds proposed that the Government should not revoke the Regional Strategies in full. They suggested that saving key environmental policies until they were replaced by equivalent local plan policies would significantly mitigate the risk of environmental harm. Saved policies should be kept in place during a transitional period while local plans were updated, which could easily coincide with the transitional period in which the National Planning Policy Framework was translated into local plans.</p> <p>The Wildlife and Countryside Link suggested that Government and its agencies should work together with local authorities and their partners in each region to identify which Regional Strategy</p>	<p>Wales, Royal Town Planning Institute West Midlands, Future Network West Midlands, Campaign for the Protection of Rural England.</p>	<p>policies to deliver the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p> <p>The National Planning Policy Framework also makes clear that, where it would be appropriate and assist the process of preparing or amending Local Plans,</p>

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		<p>policies should be saved, while local plans were updated to incorporate those policies.</p> <p>The Royal Society for the Protection of Birds and the Wildlife and Countryside Link considered that revocation would remove a raft of policies on issues, such as those on the natural environment and renewable energy, that were largely not contentious, and the product of close cooperation between local authorities and other interested parties.</p> <p>The Theatres Trust stated that the proposed revocation of the Regional Strategies could have adverse social effects. The Regional Strategies included measures for local authorities to work collaboratively 'to increase investment in physical and social infrastructure'. This may not take place on such a scale, even with the duty to co-operate, if Regional Strategies are revoked. The Theatres Trust believes that this would have ensured that cultural facilities were in place for communities to share and that places exchange knowledge when creating new buildings or networks, so that resources were not squandered by the repetition of mistakes. Thus, it was suggested that measures needed to be in place to ensure the pooling of knowledge on physical and cultural</p>		<p>Regional Strategy policies can be reflected in Local Plans by undertaking a partial review focusing on the specific issues involved. Local planning authorities may also continue to draw on evidence that informed the preparation of Regional Strategies to support their Local Plan policies, supplemented as needed by up-to-date, robust local evidence.</p> <p>Climate change is one of the core land use planning principles which the National Planning Policy Framework expects should underpin both plan-making and decision-taking. Local planning authorities are expected to adopt proactive strategies to mitigate climate change and co-operate to deliver strategic outcomes which include climate change. They should plan for new development in locations and ways which reduce</p>

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		<p>infrastructure, which also affect theatres, if the Regional Strategy is revoked.</p> <p>RenewableUK were of the view that the revocation of the Regional Strategies would create a policy gap which would affect the ability of local authorities to make informed decisions. They did not believe that a reliance on national policy and the duty to co-operate was sufficient to ensure that the UK met its renewable energy generation and carbon emissions reduction targets.</p> <p>Friends of the Earth were concerned that the Strategic Environmental Assessment of the revocation of the Regional Strategies do not fully assess the environmental impacts of the incoherent policy context that would arise. They recommended that to fill the gap left by the Regional Strategies, local plans should absorb the regional evidence bases for renewable energy resources, and 'save' renewable energy target and adaptation policies where this would otherwise leave a gap in local frameworks. They added that the loss of the Regional Strategy left a gap in the consideration of the global impacts of a local authority's areas consumption/ indirect impacts. They were of the view that the footprint</p>		<p>greenhouse gas emissions (including through transport solutions which support reductions in greenhouse gas emissions); actively support energy efficiency improvements to existing buildings; and promote energy from renewable and low carbon sources. These strategies are expected (paragraph 94 of the National Planning Policy Framework) to be in line with the objectives and provisions of the Climate Change Act 2008. There is a legal requirement on local planning authorities to ensure their Local Plan (taken as a whole) includes policies designed to tackle climate change and its impact. This complements the sustainable development duty on plan-makers and the expectation that neighbourhood plans will contribute to the achievement of sustainable development. The National Planning Policy</p>

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		<p>approach at a regional level specifically aimed to counter a strictly localist approach of local authorities. They were concerned that local authority plans would only consider local resource management and the whole footprint approach would be lost. They considered it essential that the evidence base section of the draft National Planning Policy Framework was revised to include the concept of foot printing to acknowledge the burden of resource use within a local authority on other areas. They therefore recommended that local authorities ‘save’ relevant policies where this would plug a gap in their existing local planning framework until the next appropriate review date; and DCLG should maintain the regional evidence bases for local authorities to draw upon for local plans and cross boundary co-operation.</p>		<p>Framework has underlined (paragraph 93) that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.</p>
21	<p>Reliance on the duty to co-operate</p>	<p>Natural England and the Environment Agency welcomed the emphasis given to cross boundary working which could potentially promote partnership working and offer a more strategic approach to spatial planning. However, both organisations commented that the Environmental Reports did not identify how the duty to co-operate would work in practice or replace the co-ordination provided by the regional strategies and</p>	<p>Natural England, Environment Agency, English Heritage , Royal Society for the Protection</p>	<p>The Government recognises the importance of strategic planning. The National Planning Policy Framework, published in March 2012, makes clear that strategic priorities across local boundaries are properly co-ordinated and clearly reflected</p>

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		<p>the various working groups that existed within this structure. Natural England also considered that there was too much reliance on the assumption that local planning authorities would continue to work together on strategic issues under the duty to co-operate. It was noted that the duty would not apply to private sector companies who provide public services such as water and sewerage, energy and telecommunications, many of which would have a key role to play in infrastructure planning. The Environment Agency stated that common intelligence and joint working arrangements were needed between partner local authorities and other key organisations to develop an integrated approach to planning.</p> <p>The Environment Agency referring to the duty to co-operate accepted that local authorities would work with adjacent councils, but not at a range of scales including a catchment scale. They considered that this was important as building development at the top of a catchment could increase run-off and cause flooding many miles downstream. They suggested that this is recognised so that the duty to co-operate could fully support strategic planning at a local level.</p>	<p>Birds, RenewableUK, Town and Country Planning Association, Friends of the Earth, Clyde and Co LLP, Futures Network West Midlands, Campaign for the Protection of Rural England, Professor Alan Townsend.</p>	<p>in individual local plans.</p> <p>Strategic matters such as housing, infrastructure and transport connections are vital to attract investment into an area and generate economic growth. However, for strategic planning to work on the ground, councils need to work together and with a range of bodies. In some cases, such as planning for waste facilities or flood prevention, cooperation will be necessary with authorities well beyond an authority's own border.</p> <p>Many local authorities are already working collaboratively to produce sound plans. The duty to co-operate formalises those arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and deliverable on cross-boundary matters. The duty requires</p>

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		<p>Natural England accepted that it was possible that cross-boundary impacts may be assessed between adjoining authorities, but were unclear how the cumulative impacts of multiple authorities' plans would be assessed to take into account issues occurring within broader environmental boundaries, such as water catchments. Both the Environment Agency and Natural England sought further clarification on mechanisms which could be employed to ensure that likely cumulative, in-combination and cross-boundary environmental impacts, are identified, assessed and monitored as part of the Local Plan process and duty to co-operate.</p> <p>English Heritage noted how critical it was that the duty to co-operate was taken forward by local authorities and public bodies to ensure that the strategic planning issues are successfully addressed, based on a shared understanding of local needs and the wider context. However, they saw a danger that the wider perspective gained through strategic planning would be lost. They suggested that the National Planning Policy Framework and any guidance issued to support it; may assist with this by encouraging strategic analysis through sub-national partnerships in appropriate circumstances.</p>		<p>authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is</p>

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		<p>Futures Network West Midlands commented that there can be no serious challenge to the view that there are many issues which need to be addressed across wider areas than those within individual local planning authority boundaries. This gap might partly be addressed if strategic local authorities (unitary and county councils) were given new powers to complement their existing role in minerals and waste planning but the government does not appear to be considering such an option. Alternatively, Local Economic Partnerships may in due course help fill the gap, but their effectiveness was yet to be proven, exposing the West Midlands to unnecessary environmental, economic and social risks. In any event, co-operative and collective action between authorities would continue to be required.</p> <p>They commented that the West Midlands had a long and largely successful history of mutual co-operation. However, they identified the need to acknowledge the role played by both formal and informal structures at regional level in achieving this. Whilst they noted inclusion in the new Act of a 'duty to co-operate', this duty is untested and "there will inevitably be tensions between the</p>		<p>presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local authorities may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such they may be found unsound.</p> <p>As a further check, the Localism Act and local plan regulations require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local</p>

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		<p>Coalition’s localism agenda and the embodiment of local discretion in statute with the duty to co-operate. There was little or no guidance on what the duty meant in practice nor was it clear what effective sanctions could be applied if local authorities and the myriad of other organisations and businesses involved in the planning process failed in this duty.”</p> <p>While the Royal Society for the Protection of Birds welcomed the strengthening of the duty to co-operate during its Parliamentary passage, they remained sceptical that the duty would deliver contentious forms of development where it is needed or effective strategic planning for the natural environment. They were concerned by the unsubstantiated assumption that the duty to co-operate would overcome the strategic vacuum left by the revocation of the Regional Strategies. They stated, as an example, that there was no recognition of the shortcomings caused by having multiple plans being developed over multiple time and spatial scales, and the difficulties this would cause in terms of assessing the cumulative impacts of development.</p> <p>RenewableUK also expressed the view that the duty to co-operate provisions in the Localism Act</p>		<p>communities about their performance under the duty to co-operate.</p> <p>In recognition of the breath of bodies involved in effective strategic planning, the duty’s requirements extend beyond local planning authorities and county councils to include a wide range of bodies that are critical to local plan making. The bodies, which are listed in local plan regulations, are:</p> <ul style="list-style-type: none"> • the Environment Agency; • the Historic Buildings and Monuments Commission for England; • Natural England; • the Mayor of London; • the Civil Aviation Authority; • the Homes and Communities Agency; • Primary Care Trusts; • Marine Management Organisation

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		<p>appear weak, with no clear means of ensuring that local authorities would co-operate productively. They considered that a lack of strategic action on mitigation and adaptation to climate change was likely to result in significant and unpredictable effects on biodiversity, flora and fauna. Other elements, such as population, human health etc. would also be adversely affected.</p> <p>The Town and Country Planning Association indicated that it had made clear that the duty to co-operate had a range of significant limitations - having a narrow remit, a retrospective sanction and no defined or specific outcomes. They considered that even where joint cooperation was enthusiastically entered into by local authorities the nature of cooperation would be on a smaller spatial scale and with a tighter remit and much less resource than the statutory Regional Strategy process. They considered that this may lead to increased environmental impacts and may limit effective responses on renewable energy and catchment scale or coastal flood risk.</p> <p>Friends of the Earth considered that revocation would leave a gap in both planning policy on environmental issues and in a regional</p>		<ul style="list-style-type: none"> • Office for Rail Regulation • the Highways Agency; • Transport for London; • Integrated Transport Authorities; and • Highway authorities <p>The National Planning Policy Framework makes clear that local planning authorities should work collaboratively with private sector bodies, utility and infrastructure providers.</p> <p>As indicated above, the National Planning Policy Framework states that local planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport,</p>

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		<p>understanding of them. They considered that the duty to co-operate was unlikely to provide an effective response to the wider pattern of unsustainable pressures and growing regional inequalities in England. They suggested that the duty does not require co-operation on any specific issues. Issues which are by their nature spatial and cross-boundary, for example, river basin management, flood risk, green infrastructure, and transport, would suffer from the removal of the Regional Strategy. While, for example, river basin management plans are developed by the Environment Agency, local authorities and others, the context for local decision-making on planning applications will still lack regional spatial awareness of the larger than local and cumulative impacts of decisions. This will lead in many cases to poor planning, and increased negative environmental impacts. They were concerned that there are no sanctions for local authorities who fail to co-operate, while local authorities who have failed to persuade neighbouring authorities to co-operate would suffer if the Inspector judged their plan to be unsound as a result.</p> <p>Clyde and Co LLP considered that it was not adequate to base the environmental assessment</p>		<p>telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p>

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		<p>on the expectation that authorities would co-operate. It was therefore inappropriate for the assessment of likely effects, as encapsulated within the Environmental Reports, to be predicated on that basis.</p> <p>Another consultee (Professor Alan Townsend) suggested that a number of policy areas would be under threat from relying on the duty to co-operate, such as, climate change, river flooding, Areas of Outstanding Natural Beauty, reducing unnecessary travel, congestion and emissions, reducing deprivation and retailing.</p> <p>Campaign for the Protection of Rural England were concerned that the assessment for the West Midlands Regional Strategy did not address the question of how the effective removal of strategic planning will impact upon the environment. The assessment admitted that the goal of cross boundary cooperation is merely 'an expectation'. While there is indeed a 'duty to co-operate' included within the Localism Act it remains to be seen the extent to which this duty will, in practice, encourage or oblige local authorities to work together; particularly on environmental issues. Campaign for the Protection of Rural England specifically highlighted that in the West Midlands</p>		

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		<p>there are a range of issues where cross boundary working is needed to deliver the optimum environmental outputs. For example, in areas such as transport, water and wildlife fragmentation it is self-evident that such cooperation is often essential. We have serious reservations as to whether this cooperation will properly take place given the removal of the primary mechanism to achieve it.</p> <p>Futures Network West Midlands noted that the report leant heavily on the alleged protection offered by national policy contained in the draft National Planning Policy Framework. They commented that at many points in the Environmental Report the assertion was made that the environmental protections provided in the Regional Strategy would not disappear with its revocation, as policy at national level would provide sufficient coverage.</p>		
22	Individual Topics - Access to Data	Referring to the comment in the Environmental Reports that local authorities can continue to draw on available information, including data from partners, to address cross-boundary issues, it was not clear whether data previously collated as part of the Regional Strategy preparation process would remain up-to-date, or whether coordinated	Town and Country Planning Association, Royal Town Planning Institute West	The National Planning Policy Framework, published in March 2012 makes it clear that local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support

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		monitoring mechanisms would continue to exist in the future	Midlands, Futures Network West Midlands, Campaign for the Protection of Rural England.	Local Plan policies, supplemented as needed by up-to-date, robust local evidence. The National Planning Policy Framework (paragraphs 158-177) also sets out in detail the evidence base that is required to underpin the development of local plans and planning decisions.
23	Individual Topics -Green Belt	<p>JC Consultants considered that the Environmental Report misrepresented the intended effect of revoking Regional Strategies by saying that it “will provide opportunities for securing environmental benefits because their revocation would remove threats to local environments” and that (through Green Belt policy) revocation “brings many environmental benefits including safeguarding the countryside and preventing urban sprawl.”</p> <p>Campaign for the Protection of Rural England felt that given the difficulties many local authorities in the region had in identifying sufficient land for existing housing requirements it was hard to see how the threats to Green Belt and greenfield land could be anything other than</p>	JC Consultants, Campaign for the Protection of Rural England, Campaign for the Protection of Rural England	The National Planning Policy Framework, published in March 2012, makes it clear that the Government attaches great importance to Green Belts, and overall that the planning system should recognise the intrinsic character and beauty of the countryside. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Green Belt serves five purposes:

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		<p>increased.</p> <p>Campaign for the Protection of Rural England commented that references in the Environmental Report to greater protection of the Green Belt, following the revocation of regional strategies belied the fact that Green Belt policy remained virtually unchanged within the draft National Planning Policy Framework. Green Belt boundaries were therefore still expected to be drawn to allow for the longer term needs of development, meaning that any change in attitude towards Green Belt protection adopted by local authorities could only emerge as a result of political influence and hence must have environmental implications elsewhere.</p>		<ul style="list-style-type: none"> (i) to check the unrestricted sprawl of large built-up areas; (ii) to prevent neighbouring towns merging into one another; (iii) to assist in safeguarding the countryside from encroachment; (iv) to preserve the setting and special character of historic towns; and (v) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. <p>The National Planning Policy Framework states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities</p>

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				<p>for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions.</p> <p>If proposing a new Green Belt, local planning authorities should: demonstrate why normal planning and development management policies would not be adequate; set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary; show what the consequences of the proposal</p>

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				<p>would be for sustainable development; demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and show how the Green Belt would meet the other objectives of the National Planning Policy Framework.</p> <p>Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. The National Planning Policy Framework also states that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term,</p>

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				<p>so that they should be capable of enduring beyond the plan period.</p> <p>When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.</p> <p>Additional policies are set out to be applied when defining boundaries. Policies for the development of a village in a Green belt are also included.</p> <p>The National Planning Policy Framework makes clear, as</p>

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				<p>with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>The National Planning Policy Framework also states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Limited exceptions to this are set out in the National Planning Policy Framework, together with other</p>

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				<p>forms of development that are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.</p> <p>The National Planning Policy Framework also includes specific policy on renewable energy projects and Community Forests in the Green Belt.</p> <p>The housing policies in the National Planning Policy Framework clearly state that when local planning authorities are ensuring their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, this is consistent with the policies set out in the National Planning Policy Framework, including policies on the protection of Green Belts.</p>

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				<p>In addition, the presumption in favour of sustainable development makes a clear reference to Green Belts when it lists policies in the National Planning Policy Framework that indicate that development should be restricted.</p> <p>The policies set out on the Cambridge Green Belt are repeated in the Local Plan for Cambridge and as such revocation of the Regional Strategy would not change the status of the Green Belt around Cambridge.</p>
24	Individual Topics -Gypsies and Travellers	The Garden Court Chambers Gypsy & Traveller Team considered that the revocation of Regional Strategies would have a detrimental effect upon the provision of sites for Gypsies and Travellers. They considered that the view in the Environmental Reports that sufficient sites would	The Garden Court Chambers Gypsy & Traveller Team, Community	It is the Government's view that Local authorities are best placed to understand the needs of their communities. The Government has produced new planning policy for traveller

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		<p>be delivered by local authorities without regional or national supervision was misconceived. They were therefore disappointed that consideration had not been given to the alternative option of retaining those regional policies relating to the provision of sites for Gypsies and Travellers. Community Law Partnership supported these comments and added that revocation would lead to a decrease in the provision of new sites which would have an inevitable result in the numbers of Gypsies and Travellers on unauthorised encampments and unauthorised developments increasing. Friends, Families and Travellers also supported these comments and stated that they objected most strongly to the proposals to abolish Regional Strategies and, at the very least, considered that an option which retains a regional perspective should be retained for the provision of Gypsy and Traveller sites.</p> <p>The National Federation of Gypsy Liaison Groups also disagreed with the conclusions in the Environmental Reports that revocation was unlikely to have any significant environmental effect on human health, population, cultural heritage or the historic environment. The</p>	<p>Law Partnership, Friends, Families and Travellers, National Federation of Gypsy Liaison Groups.</p>	<p>sites that reflects this. The policy published in March 2012⁴ makes it clear that its overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.</p> <p>Local planning authorities when preparing their Local Plans should set pitch targets for gypsies and travellers and plot targets for travelling show people which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. The policy makes it clear that local authorities should set their targets based on robust evidence of need that</p>

⁴ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2113371.pdf>

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		<p>revocation of policies relating to the provision for Gypsies, Travellers and Travelling Showpeople, would have a significant impact as a direct result of the fact that without a regional framework, local authorities were likely to, and already were, including reduced pitch numbers in their Development Plan Documents. The resulting lack of suitable accommodation was directly related to poor health and lower life expectancy, difficulty in accessing education opportunities, which contributed to poor living conditions, for example, on unauthorised sites. Unauthorised sites also impacted on the environment, for example if they were not suitably located there could be local impacts on the landscape.</p>		<p>will be tested at the Local Plan examination.</p> <p>This includes:</p> <p>(i) identifying and updating annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;</p> <p>(ii) identifying a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15;</p> <p>(iii) considering the production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area.</p> <p>The duty to co-operate will</p>

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				<p>ensure that local authorities work together constructively, actively and on an ongoing basis in relation to these cross boundary matters in local plans.</p> <p>The proposal to abolish Regional Strategies is part of a wider package of measures that will work alongside the reformed and decentralised planning system and are aimed at securing fair and effective provision of authorised sites for travellers. This includes the new traveller policy, Traveller Pitch Funding, the New Homes Bonus, reforms to enforcement measures to tackle unauthorised sites (via the Localism Act); improved protection from eviction for local authority traveller sites (via application of the Mobile Homes Act) and training for local authority councillors on their leadership role in site provision.</p>

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25	Individual Topics –Housing Supply	<p>Campaign for the Protection of Rural England commented that housing density remained a critical issue in achieving the best use of land. The Environmental Report, however, did not examine whether the impact of the lack of strategic density targets would be likely to exacerbate that problem and whether that would lead to increased land take, particularly on green field sites. The reliance on local plans was likely to lead to a patchy and inconsistent approach.</p> <p>Royal Town Planning Institute West Midlands commented that the West Midlands Regional Strategy was based on a culture of stemming out-migration from the conurbations to the shire districts in an attempt to bolster urban regeneration and house building in the Major Urban Areas. Whether or not this was (or would have been) effective, the Strategic Environmental Assessment needed to judge the impact of removing the Regional Strategy and the implications of adopting a locally-based approach in terms of differing migration patterns and the implications of this in terms of the solution of recognised social and economic problems such as housing delivery and environmental impact.</p> <p>Futures Network West Midlands noted that the report stated that "It is clear that the revocation of</p>	<p>Town and Country Planning Association, Campaign for the Protection of Rural England, Royal Town Planning Institute West Midlands, Futures Network West Midlands.</p>	<p>The National Planning Policy Framework, published in March 2012, and the duty to co-operate address this issue. The National Planning Policy Framework makes clear that local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. These strategic priorities include the need to develop strategic policies to deliver the homes and jobs needed in the area.</p> <p>The National Planning Policy Framework states that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or</p>

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		<p>regional strategies and their top-down targets will provide opportunities for securing environmental benefits because their revocation would remove certain current policies which present a threat to local environments". This statement appears principally to be a reference to regional housing targets which in their view had, in the West Midlands, provided over many years an effective mechanism for balancing the level and distribution of new housing with other considerations, including support for urban renaissance and protection of, and amendments to, the Green Belt. Abandonment of an existing mechanism for managing potential conflicts would not remove the underlying pressures for new housing.</p>		<p>because to do so would cause significant harm to the principles and policies of the National Planning Policy Framework. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.</p> <p>Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements, and whether it is sound.</p>

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				<p>The National Planning Policy Framework states that Local planning authorities may make an allowance for windfall sites in their five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens. This policy, together with the approach to the use of brownfield land and other policies aimed at the protection and enhancement of the environment, aims to ensure that housing development is located in a way that is consistent with the principles of sustainable development.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
26	Individual Topics - Heritage	English Heritage was concerned about the loss of the strategic analysis of the distinctive characteristics of the historic environment in each region, which it considered could often only be identified at a greater than local level. It was also concerned about gaps left by the abolition of regional level historic environment policies, and suggested that this should be considered urgently within Local Plan reviews.	English Heritage.	<p>The National Planning Policy Framework continues to provide protection for heritage assets throughout the country. By definition, heritage assets include areas and landscapes, as well as individual buildings and monuments that have a degree of significance meriting consideration in planning decisions, because of their heritage interest. The significance of a heritage asset is stated to derive not only from its physical presence, but also from its setting.</p> <p>The National Planning Policy Framework includes as one of its core planning principles that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Local planning authorities should set out in</p>

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				<p>their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.</p> <p>In developing their strategy, local planning authorities should take into account: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and</p>

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				<p>opportunities to draw on the contribution made by the historic environment to the character of a place.</p> <p>The strategy in a Local Plan can identify heritage assets of local and more than local importance, including those of national and international importance.</p>
27	Individual Topics - Waste	<p>The Environment Agency commented that the assessment of waste policies was quite comprehensive, but they were concerned with the second sentence in the last paragraph on page 61 of the Environmental Report which stated that, “local waste authorities already work together, and with other bodies, on strategic issues that cross local authority boundaries and may work together to produce joint waste plans if they wish”. As waste plans are currently produced at county and unitary level, they questioned whether the Government was suggesting wider than county waste plans. If that was the case, they recommended that further details are provided on how this will be applied.</p>	Environment Agency, Woodland Trust.	<p>The National Planning Policy Framework was published in March 2012. Paragraph 153 of the framework makes clear the expectation that local planning authorities should produce a local plan for the area, whilst Section 17 of the Planning and Compulsory Purchase Act 2004 makes it clear that two or more local planning authorities may agree to prepare one or more local development documents. This allows unitary authorities and county councils to work together if they wish. However</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>The Woodland Trust commented that the draft National Planning Policy Framework had stated that waste would be considered in a National Waste Management Plan. No date has yet to be given for the publication of this plan. Therefore there will be a lack of environmental protection in the interim which has not been accounted for.</p>		<p>such plans must still meet the legal and procedural requirements, including the test of soundness required under section 20 of the 2004 Act and Paragraph 182 of the National Planning Policy Framework.</p>
28	<p>Individual Topics - Biodiversity</p>	<p>On the basis of the content of the consultation draft of the National Planning Policy Framework, Natural England disagreed with the statement in Section 1.2 of the Environmental Reports that the National Planning Policy Framework “maintains protection of the Green Belt, Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest and other environmental designations which protect landscape character, stop unsustainable urban sprawl and preserve wildlife”.</p> <p>The Woodland Trust highlighted how in ‘Making Space for Nature’ Lawton set out that planning at different geographical scales was vital to inform conservation decisions. It also sets out that planning is pivotal in maximising the contributions of the existing network and ensuring that new components are sited in effective locations. The</p>	<p>Natural England, Woodland Trust, Scottish Natural Heritage.</p>	<p>The National Planning Policy Framework was published in March 2012. The finalised version makes it clear that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity, provide net gains in biodiversity where possible, and contribute to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are resilient to current and future pressures.</p> <p>The National Planning Policy Framework also states that</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>Trust believed that 'Nature Improvement Areas' recommended by Lawton would be very difficult to implement without the Regional Strategy in place.</p> <p>Scottish Natural Heritage suggested that the Environmental Reports should address the protection and enhancement of networks to allow species dispersal throughout Britain. They considered that value could be added to the Environmental Reports if they identified a framework for establishing networks of green infrastructure across all the regions of England, with the potential to link with Wales and Scotland, rather than just to propose partnerships across local authority boundaries.</p>		<p>local plans contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.</p> <p>The National Planning Policy Framework also asks that, in order to minimise impacts on biodiversity and geodiversity, planning policies should: plan for biodiversity at a landscape-scale across local authority boundaries; identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				The National Planning Policy Framework also states that local planning authorities should work with Local Nature Partnerships to assess existing and potential components of ecological networks.
29	Individual Topics - Renewable Energy	RenewableUK were concerned that the Strategic Environmental Assessment process failed to fully account for the impact that the removal of the Regional Strategies would have on the ability of local authorities to plan for renewable energy infrastructure, and the corresponding ability of the UK to meet its target of generating 15% of all energy from renewables by 2020. Overall, they suggested that there will be significant environmental effects of revoking the regional plans, if guidance and support for renewable energy development was not strengthened. Under existing proposals, the key mechanisms for strategic planning and renewable energy would be lost.	RenewableUK.	The National Planning Policy Framework, published in March 2012, includes as one of the core land-use planning principles that planning should support the transition to a low carbon future in a changing climate, including to "...encourage the use of renewable resources (for example, by the development of renewable energy)". The National Planning Policy Framework makes clear that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.</p> <p>The National Planning Policy Framework contains a number of policies aimed at encouraging the development of renewable energy development including that local planning authorities should : have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>such sources; support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and in line with the objectives and provisions of the Climate Change Act 2008.</p> <p>In addition, National Planning Policy Framework policies on strategic planning for infrastructure include the need to plan for energy infrastructure including heat.</p>
30	Individual Topics - Transport	<p>Friends of the Earth considered that the removal of the Regional Strategies would in some cases have a negative environmental effect as their transport policies were stronger than those presented in the draft National Planning Policy Framework.</p> <p>Campaign for the Protection of Rural England considered that transport remains a major</p>	Friends of the Earth, Campaign for the Protection of Rural England.	The National Planning Policy Framework, published in March 2012, includes a number of core planning principles. These include the need to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>concern across the region. A key issue for the West Midlands was to ensure that accessibility is improved while potential environmental impacts are reduced.' They accepted that some schemes could be delivered by local authorities or jointly by local authorities but the report failed to address whether the overall co-ordination of transport policy would suffer as a result of the abolition of Regional Strategy.</p>		<p>are or can be made sustainable. The National Planning Policy Framework makes it clear that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. The NPPF also states that local authorities should work with neighbouring authorities and transport</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas.</p> <p>The National Planning Policy Framework is clear that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It also says that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				employment, shopping, leisure, education and other activities.
31	Individual Topics - Water	<p>The Environment Agency welcomed the reference to the Water Framework Directive and drew attention to the fact that the Water Framework Directive is one of their top priorities and it gives them an opportunity to plan and provide a better water environment. They therefore would like the importance of the Water Framework Directive to be recognised in the final National Planning Policy Framework.</p> <p>The Woodland Trust commented that the Environmental Report failed to recognise that environmental issues are not static. For example, water quality and demand on water required strategic policies that the Regional Strategy set out. They considered that issues such as Strategic Environmental Assessment level rise and flooding could only be approached strategically; incremental approaches by different local planning authorities could never be truly effective in tackling such a threat.</p> <p>The Countryside Council for Wales noted that whilst reference is made to Water Company</p>	Environment Agency, Woodland Trust, Countryside Council for Wales.	<p>The National Planning Policy Framework, which was published in March 2012, is clear that local planning authorities should work with other bodies to assess the capacity of water supply infrastructure, and should set out in the Local Plan their strategic priorities and policies for the provision of such infrastructure.</p> <p>More generally the National Planning Policy Framework tells local planning authorities to adopt strategies to mitigate and adapt to climate change and take full account of water supply and demand considerations. New development should be planned to avoid increased vulnerability to the range of impacts arising</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>Water Resource Plans there is no reference to which of the water companies plans (either approved or in development) were considered. No reference has been made to the fact that a large proportion of water resources used in the West Midlands (Severn Trent) are derived from Wales and that some of these sources are subject to strict protection under European legislation. They may also be subject to the planning policies of a devolved administration.</p>		<p>from climate change, which could include more frequent droughts. Where appropriate, risks should be managed through suitable adaptation measures, including through the planning of green infrastructure.</p> <p>The National Planning Policy Framework also clearly states that planning policy decisions must reflect and where appropriate promote relevant European Union obligations – which include, for example, obligations under the Water Framework Directive.</p>
32	<p>Individual Topics - Brownfield land</p>	<p>Respondents noted that the Environmental Report set out a number of environmental issues of strategic significance affecting the West Midlands, which were linked by the common thread of population growth. Campaign for the Protection of Rural England pointed out that the West Midlands is experiencing rapid levels of population growth; a trend that shows no sign of abating and which is frequently exacerbating</p>	<p>Campaign for the Protection of Rural England, Futures Network West Midlands, Royal Town Planning Institute West</p>	<p>The National Planning Policy Framework was published in March 2012. One of the 12 planning principles set out in the National Planning Policy Framework is that planning should encourage the effective use of land by reusing land that has been previously developed</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>environmental problems from habitat fragmentation to climate change.</p> <p>Revocation, combined with the Government's wider reforms to the planning system, had seen the abandonment of policies aimed at making re-use of previously developed land a priority. They submitted that this was likely to lead to increased urban sprawl and environmental degradation. It was felt that the goal of urban regeneration would suffer significantly through the abandonment of this 'brownfield first' policy - with negative consequences for the environment.</p> <p>Futures Network West Midlands considered that it was likely that the abolition of the national priority for 'brownfield first' would make it much harder to achieve the regeneration and renaissance of major urban areas.</p>	Midlands.	(brownfield land), provided that it is not of high environmental value. The National Planning Policy Framework makes it clear that local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land (paragraph 111).
33	Individual Topics - Flooding	The Environment Agency welcomed the recognition that local authorities should continue to work together on issues that cross local authority boundaries, alongside the Lead Local Flood Authorities' duties on flood risk management and the complementary duty in the Floods and Water Management Act on bodies to	Environment Agency.	In March 2012 the Government published the National Planning Policy Framework which contains policies to manage the risk of flooding through the planning system, together with technical guidance on flooding.

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>cooperate. The provision of technical guidance, including on flood and coastal erosion risk, to complement the National Planning Policy Framework would support Lead Local Flood Authorities' and help achieve the duty to co-operate.</p>		<p>The National Planning Policy Framework also states that local planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver: the provision of infrastructure for flood risk and coastal change management.</p>

ANNEX B

Consultation and Partner Engagement – Updated Environmental Report

Public consultation on the updated Environmental Report on the revocation of the West Midlands Regional Strategy ran from 21 November 2012 to 24 January 2013.

The updated Environmental Report indicated that the Government welcomed, in particular, views on:

- whether there is any additional information that should be contained with the baseline or review of plans and programmes;
- whether the likely significant effects on the environment from revoking the Regional Strategy for the West Midlands have been identified, described and assessed;
- whether the likely significant effects on the environment from considering the reasonable alternatives to revoking the Regional Strategy for the West Midlands have been identified, described and assessed; and,
- the arrangements for monitoring.

In total **15** written responses were received summarised by interest group:

- 7 Strategic Environmental Assessment consultation bodies (Environment Agency, Natural England, English Heritage, Countryside Council for Wales, Historic Scotland, Scottish Environment Protection Agency and Scottish Natural Heritage);
- 2 Local authorities (Wychavon District Council and the West Midlands Metropolitan Authorities);
- 5 NGOs and local pressure groups (Friends of the Earth, Campaign to Protect Rural England, Future Network West Midlands, National Federation of Gypsy Liaison Groups and the Town and Country Planning Association);
- 1 Industry representative body (RenewableUK).

The following table summarises the points made and the Government's response.

Table B1 Responses to the consultation on the updated Environmental Report (published in November 2012)

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
1.	The overall approach taken to Strategic Environmental Assessment, general	<p>English Heritage considers the assessment is much more rigorous with respect to the potential implications on the historic environment.</p> <p>The Environment Agency agreed with the overall approach that has been taken. The assessment provides an opportunity to identify the significant environmental impacts of revocation and options for mitigation. Information and recommendations will be useful for local authorities to help them understand the issues to consider following revocation. They were pleased to note that the Environmental Report addressed most of their comments.</p>	<p>Comments noted.</p> <p>The Government welcomes the fact that English Heritage and the Environment Agency consider the updated Environmental Report on the proposed revocation of the Regional Strategy for the West Midlands provides a rigorous approach to the preparation of the Strategic Environmental Assessment and is an improvement on the initial Environmental Report.</p>
2.	The overall approach taken to Strategic Environmental Assessment, general	<p>Historic Scotland, Scottish Environmental Protection Agency and Scottish Natural Heritage do not anticipate any significant environmental effects from revocation on the Scottish environment and had no further comment.</p>	<p>Comments noted.</p> <p>The Government welcomes the comments from the three Scottish Strategic Environmental Assessment consultation bodies, Scottish Natural Heritage, the Scottish Environmental Protection Agency and Historic Scotland who do not anticipate any significant environmental effects from the revocation</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			of the West Midlands Regional Strategy on the Scottish environment.
3.	The overall approach taken to Strategic Environmental Assessment, general	Wychavon District Council support revocation of the West Midlands regional Strategy in order to allow local authorities to set a housing target based on a more up to date evidence base.	The Government notes the statement made by Wychavon District Council that they support the revocation of the West Midlands Regional Strategy. The Government believes that local planning authorities working collaboratively together with the bodies prescribed in regulations under the duty to co-operate are able to deliver a strategic approach to planning which is cross boundary in approach.
4.	The overall approach taken to Strategic Environmental Assessment, methodology	The Town and Countryside Planning Association and Future Network West Midlands considered the assessment had been repeated using a methodology more closely aligned to the Strategic Environmental Assessment Directive as transposed through the UK Regulations. The Town and Country Planning Association considered the Environmental Report was more thorough, particularly in describing the environmental characteristics of the West Midlands, in its inclusion of alternatives, in acknowledging the interrelationship with the Regional Economic	Comments noted. The Government is pleased to note that the updated Environmental Report has been welcomed and thought robust by a wide range of interested parties, including the Town and Country Planning Association which is a nationally recognised Non Government Organisation.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Strategy, which was particularly strong in the region, and its attempt to take account of the local plan status in each local authority area.</p> <p>West Midlands Metropolitan Authorities considered the updated Environmental Report follows the statutory procedures for Strategic Environmental Assessment.</p>	
5.	<p>The overall approach taken to Strategic Environmental Assessment, – assumptions and scope</p>	<p>The Countryside Council for Wales asked why Phase 2 of the revisions to the regional spatial strategy had not been included in the assessment, and whether policies contained within Phase 2 form a part of the statutory development plan under the Planning and Compulsory Purchase Act 2004.</p> <p>The Countryside Council for Wales notes the assumptions used in the assessment but suggest that the assessment material collected through Phase 2 of the revisions to the West Midlands regional spatial strategy process Habitats Regulations Assessment and the related Strategic Environmental Assessment should be considered. They also note that consideration of Phase 2 which included policies specifically designed to mitigate/avoid</p>	<p>Comment noted.</p> <p>Section 2.3.2 of the updated Environmental Report describes the development of the West Midlands Regional Strategy covering the proposed phased revisions to the 2004 Regional Spatial Strategy:</p> <ul style="list-style-type: none"> • Phase One - Black Country Study. • Phase Two - covering housing figures, centres, employment land, centres, transport and waste (began in 2005). • Phase Three – covering critical rural services, culture/recreational provision, various regionally significant environmental issues and the provision of a framework for Gypsy and Traveller sites. <p>Following the publication of the Phase One Revision in respect of the Black Country sub-region</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		adverse effects on European Sites in the context of water resources exploitation may have led to a different result.	<p>by the Department of Communities and Local Government, a revised West Midlands Regional Spatial Strategy was issued in January 2008. Phase Two and Three Revisions were begun; however, in respect of Phase Two, the actual stage reached was that the Secretary of State's proposed changes were not published and so work did not proceed beyond the Panel Report. For Phase Three, work did not proceed beyond the development of policy statements and policy recommendations.</p> <p>The Phase Two work was not completed and does not form part of the statutory development plan. It was therefore not considered as part of the Regional Strategy assessed by the Strategic Environmental Assessment for the purposes of revocation.</p>
6.	The overall approach taken to Strategic Environmental Assessment, reasonable alternatives	Future Network West Midland agrees with the selection of alternatives to (i) revoke the regional strategy and (ii) maintain the regional strategy. They would also like the alternative of keeping the regional strategy up-to date to be considered.	<p>Noted. The Government disagrees with the proposed additional alternative.</p> <p>Section 2.4 of the updated Environmental Report summarises the range of alternatives considered for revocation, partial revocation and retention of the Regional Strategy for the West Midlands. A summary is provided for each alternative</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>The Town and Country Planning Association disagrees with the dismissal of benefits relating to retention on the grounds of potential confusion within the planning system. They considered other alternatives, such as the retention of policies on renewable energy for a transitional period should be considered to provide a context for local plan preparation.</p>	<p>considered along with the conclusion of whether the alternative is reasonable and the justification for the conclusion.</p> <p>In section 2.4.1 of the updated Environmental Report, retention, maintenance and updating of the Regional Strategy for the West Midlands is one of the alternatives considered. This section notes: ‘...the Localism Act has removed the regional planning tier and revoked the power to update the existing Regional Strategies. This means that the Secretary of State does not have the statutory powers to maintain or update the West Midlands Regional Strategy. The 2004 Planning and Compulsory Purchase Act does provide for joint working by local authorities and county councils. ... This means that groups of local authorities can work together and formally adopt a statutory local plan covering their joint areas and could choose to work together to adopt and maintain a plan over the region. Whilst there is substantial evidence of local authorities working already at the regional scale on specific issues of responsibility and mutual benefit (such as waste management), it seems highly unlikely that all local authorities within the region, irrespective of background, circumstance and</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>political composition would work in unison to update the West Midlands Regional Strategy, particularly where such a position would place them in conflict with national government policy. In consequence, this is not considered to be a reasonable alternative.'</p> <p>Section 2.4.2 sets out partial revocation alternatives including revocation of different policies (whether regional, sub-regional or quantitative) which would then necessitate retention of some policies. This was considered to be a reasonable alternative and was taken forward for assessment (summarised in Section 4 of the updated Environmental Report).</p>
7.	<p>The overall approach taken to Strategic Environmental Assessment, reasonable alternatives</p>	<p>Campaign to Protect Rural England is concerned that in considering alternatives the assessment does not appear to consider modifications to the new planning regime or institutions to ensure account is taken of strategic planning in the round. The assessment relies on the duty to co-operate but there is no clear guidance on its operation, or the impact of Local Development Orders or the influence of Local Economic Partnerships who are likely to have an understandable economic bias. Without stronger, more</p>	<p>Disagree.</p> <p>The Government has provided a response to the findings of the Strategic Environmental Assessment (Table 3.2) which included the finding concerning issues such as renewable energy, biodiversity enhancement or landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.</p> <p>However, Nature Improvement Areas and Local Nature Partnerships already provide opportunities</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>rounded institutions and mechanisms they do not believe they will achieve the engagement and robustness in strategic planning that is needed.</p>	<p>for cross-boundary working with partners working together to improve biodiversity through projects which can be expected also to contribute significantly to landscape conservation.</p> <p>Revocation of the West Midlands Regional Strategy does not signal an end to strategic planning, but a shift towards a locally-led approach to planning for cross-boundary matters in local plans. The duty to co-operate requires local authorities and other prescribed public bodies (such as the Environment Agency and Natural England) to work together constructively, actively and on an on-going basis in relation to planning for strategic, cross-boundary matters in local plans.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local plans may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such the local plan may be found unsound.</p> <p>As a further check, the Localism Act and local plan regulations require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty to co-operate and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about their performance under the duty to co-operate.</p> <p>The National Planning Policy Framework makes it clear that local planning authorities should work collaboratively with private sector bodies, which would include Local Enterprise Partnerships which have a contribution to make to the strategic</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>planning function along with bodies like utility and infrastructure providers.</p> <p>A report submitted by Lord Matthew Taylor of Goss Moor to the Government in December 2012 (the External Review of Government Planning Practice Guidance) includes a recommendation that the duty to co-operate should be one of the priority areas on which the Government should consider providing guidance. The conclusions of the Review Group have been generally welcomed by Government and were published on for an 8 week consultation which closed on 15 February 2013. The Government is currently considering the approximately 400 responses received, and will be responding shortly to both the Review and the consultation.</p>
8.	<p>The overall approach taken to Strategic Environmental Assessment, reasonable alternatives</p>	<p>Future Network West Midlands state that the role of the Strategic Environmental Assessment in considering reasonable alternatives has not been fulfilled if no alternatives are put forward that mitigate the impacts identified. Similarly Friends of the Earth state that where revocation has a negative effect no alternatives are suggested to mitigate the impact.</p>	<p>Disagree.</p> <p>Chapter 4 of the updated Environmental Report contains a summary of the assessment. Section 4.2 outlines the effects of revoking the Regional Strategy for the West Midlands. Section 4.3 sets out the effects of retaining the West Midlands Regional Strategy and Section 4.4 sets out the effects of the partial revocation alternatives considered. These effects are discussed in detail in Appendix D of the</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Campaign to Protect Rural England notes that all the tables identify environmental issues related to housing development, Regional Logistics Sites and airports. In relation to these it is unclear what is suggested as a reasonable alternative to mitigate effects.</p>	<p>updated Environmental report in an assessment matrix covering the effects of retention and revocation of each Regional Strategy policy against all Strategic Environmental Assessment topics in the short, medium and long term and includes consideration of permanent and temporary and positive and negative effects. The commentary outlines the likely significant effects, justification for the scores given, any mitigation measures for negative effects identified, assumptions and uncertainties considered. It will be through the National Planning Policy Framework that local planning authorities will determine policies to meet the objectively assessed needs (including housing and jobs) of their local communities reflecting the strategic priorities set out at paragraph 156 of the National Planning Policy Framework.</p>
9.	<p>The overall approach taken to Strategic Environmental Assessment, predetermination</p>	<p>Friends of the Earth noted that a Strategic Environmental Assessment should ensure that impacts are understood and that issues raised are taken into account in the outcome. It is unclear how this will be addressed when the outcome seems to have already been set and the direction of travel is already agreed. Only time will tell how the implementation is</p>	<p>Disagree</p> <p>The Government considers that although it has presented its preferred option (as is standard in a Strategic Environmental Assessment) it has not been inflexible in its approach and has maintained an open mind. The Government has also demonstrated that it is open to considering changes</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>enforced and monitored.</p> <p>Friends of the Earth suggests the Government reconsider its approach to revocation, particularly given the lack of local plans, and the failure for local plans to get past inquiries due to the vague nature of the National Planning Policy Framework. There should be full consideration of how to effectively deal with the regional issues raised by the assessment.</p>	<p>to the plan to revoke, for instance, in the consideration of the revocation of regional strategies in other parts of the country, through the retention of policies where the assessment concludes that revocation could lead to significant environmental effects.</p> <p>Disagree</p> <p>The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place'. Where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply in respect of decision-taking. In particular, where a local authority cannot deliver a five-year supply of deliverable sites, the relevant local policies for the supply of housing should not be considered up to date. In such cases, the decision maker will apply the presumption in favour of sustainable development, taking into account all relevant planning considerations. The presumption in favour of sustainable development is clearly set out at paragraph 14 of the National Planning Policy</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>Framework in respect of both plan-making and decision taking. From the end of March 2013 transitional arrangements on the implementation of the National Planning Policy Framework will cease to apply. From that point, in considering all decisions for planning permission, due weight will be given to relevant policies in all existing plans according to the degree of consistency with the policies in the National Planning Policy Framework. The closer policies are to policies in the National Planning Policy Framework the greater the weight that may be given.</p> <p>Delivery of local plans is increasing: 33% of local planning authorities across the West Midlands region now have a post 2004 local plan adopted, and overall 68% of local planning authorities in England now have a published or beyond local plan.</p> <p>There is a package of advice and support being offered to all councils, from the Local Government Association, the Planning Inspectorate and the Department, to support councils to get Local Plans updated or in place. The Planning Inspectorate is working in particular with local authorities with published plans about to be examined, and the</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Future Network West Midlands note detailed assessment tables are generally misleading as a result of the underlying assumptions as it has been assumed revocation will succeed.</p>	<p>Local Government Association's Planning Advisory Service is offering support to councils working towards plan publication. The Inspectorate continues to work quickly to examine plans already submitted, and the focus now is on maintaining a strong pipeline of plans coming through for examination.</p> <p>Disagree.</p> <p>Section 3.4.3 of the updated Environmental Report sets out the specific Issues considered when assessing the effects of the plan to revoke the Regional Strategies. This including considering:</p> <ul style="list-style-type: none"> • Whether the purpose, intent or specific target could be delivered by other existing legislation or government policy? • If the purpose, intent or specific target of the Regional Strategy policy is not likely to be sustained beyond revocation, the effects have been identified, described and assessed. <p>The section notes 'Revocation of the Regional Strategy and the reliance on the National Planning Policy Framework creates a situation where there</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>will be a delay, as some authorities will need to review and update their local plan to reflect National Planning Policy Framework policies and the needs of their local communities. In these instances where there is a lack of an up to date local plan, it is the opinion of AMEC that the uncertainty over policy, including the quantum and preferred location of development, is likely to affect whether developers submit planning applications for new development. As a result, it is expected that there will be a lessening in the short and medium term on development activity and the resulting effects occurring.'</p> <p>The effects of uncertainty of impact arising from the removal of a strategic tier of decision-making and implementation of the National Planning Policy Framework are outlined in the updated Environmental Report.</p> <p>For example, Section 4.6 states that "additional uncertainty is introduced, particularly over the long term delivery of aspirations relating to biodiversity and landscape enhancement, for example which arguably benefit from regional and sub-regional co-ordination".</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
10.	Additional information that should be contained with the baseline or review of plans and programmes	The Countryside Council for Wales considers that in order to provide an effective baseline against which the environmental effects of revocation can be assessed the baseline should have been extended to include relevant “source” areas for environmental goods and services provided to the West Midlands which are essential to support its development and also those areas where natural heritage interests are likely to be affected by development activity in the West Midlands. The West Midlands is supported by and dependent on goods, ecosystem services and natural resources derived from spatially remote sources, many of which are subject to protection under UK and European nature conservation legislation. The dispersal of responsibility for the use, management and planning of such resources from a regional to a local level may significantly compromise the planning processes and disable the most and sustainable and prudent use of natural resources.	The national baseline for each topic in Appendix E covered the existing situation in England, but also Wales and Scotland. The water baseline for the West Midlands (Section 5.2.3) identified that the Severn River Basin District also covered parts of Wales whilst the landscape baseline (Section 10.3.2) references that the West Midlands is adjacent to landscapes in Wales. Whilst the point concerning inter-dependency on resource use is noted, its complexity is such that the potential implications for the planning process cannot be directly attributed to any one resource or issue. In this sense, the West Midlands is no different to any other country or region. Thus it is unreasonable to expect the baseline to seek to establish in detail the resource interrelationships between regions and countries, whether these are adjacent to the region in question or further afield.
11.	Whether the likely significant effects	The Countryside Council for Wales would welcome clarification as to whether	Comment noted.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>have been identified, described and assessed</p>	<p>‘significance’ has been considered in the context of environmental limits and capacities and whether consideration has been given to ‘causal pathways’ in respect of indirect and cumulative effects.</p>	<p>Appendix E of the updated Environmental Report contains an assessment of the likely significant effects (by topic) of the revocation and retention of individual policies drawing on the assessment of all policies in Appendix D. The topic chapters contain information required by Annex I (b) to (g) of the Strategic Environmental Assessment Directive and are considered germane to the assessment. This includes information on: biodiversity; population; human health; fauna; flora; soil; water; air; climatic factors; material assets; cultural heritage, including architectural and archaeological heritage; landscape; and the inter-relationship between the issues referred to.</p> <p>The assessment uses definitions of significance for each of the assessment topics to aid transparency and consistency in the assessment and minimise the likelihood of any subjectivity. Where appropriate, environmental limits and capacities have been taken into account in these definitions. For example, Table 5.2 of Appendix E of the updated Environmental Report in relation to the water topic states that a significant negative effect would be one where “abstraction is beyond sustainable levels”.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			Secondary, cumulative and synergistic effects including those that may arise by 'causal pathways' are specifically considered in section 4.5. These are presented in each topic section of Appendix E.
12.	Whether the likely significant effects have been identified, described and assessed	The Countryside Council for Wales considers policies that form the framework for development and determine options for spatial distribution and magnitude of development should be considered in the context of required environmental goods and services and environmental effects and not by administrative boundaries. They also consider that direct, indirect and cumulative effects of the plan in terms of biodiversity and natural heritage issues outside the West Midlands should have been assessed in more depth.	Disagree. Since the West Midlands regional strategy is being revoked, the administrative boundaries must be regarded, since it is the policies within the West Midlands administrative boundaries that are being considered for revocation. Secondary, cumulative and synergistic effects including those that may arise outside the West Midlands region are specifically considered in section 4.5 of the updated Environmental Report.
13.	Whether the likely significant effects have been identified, described and assessed	Future Network West Midlands consider that the Strategic Environmental Assessment does not take account of the link between housing and employment on health.	Disagree. Table NTS3 for example states under the health topic that "there are a range of direct and indirect benefits to human health of increasing the quality and quantity of new housing, addressing local deprivation and improving local environmental quality."

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
14.	<p>Whether the likely significant effects have been identified, described and assessed</p>	<p>Friends of the Earth and Future Network West Midlands both consider there may be a difference in the short and medium term between retention and revocation, generally favouring the case for retention.</p> <p>The Town and Country Planning Association note the tabulated scorings show little difference between environmental effects of retention and revocation. It appears to be due to reliance on assumption about the effectiveness of the duty to co-operate. By using this assumption as a mitigation factor, it has the result of neutralising what others could see as significant environmental effects of revocation.</p> <p>Campaign to Protect Rural England were surprised the only area where revocation would lead to significant negative effects is in relation to water resources.</p>	<p>Disagree.</p> <p>The assessment uses definitions of significance for each of the assessment topics to aid transparency and consistency in the assessment and minimise the likelihood of any subjectivity. These are presented in each topic chapter of Appendix E.</p> <p>Appendix E also set out the baseline and contextual information for each topic to inform the assessment. The approach taken has been to provide a robust assessment of effects that is compliant with the requirements of the Strategic Environmental Assessment Directive. Necessarily though, when considering future effects in an uncertain and changing environment, there remains a degree of professional judgement involved; however, any assumptions made are explicit within each policy assessment in Appendix D and within section 3.4.5 of the updated Environmental Report.</p> <p>The assessment concluded that the range of effects of revocation and retention were likely to be broadly similar however, that there could be differences in scale and timing of the effects for 15 of the 65 policies assessed. Differences relate to, for example, policies for urban renaissance, housing and economic development, in both predicted</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>effects and uncertainties in respect of the long term effects of revocation.</p> <p>Section 4.6 summarises the findings of the assessment and includes the following:</p> <p>'Where it occurs, differentiation is most clear in respect of housing and employment allocations where the negative effects of top-down allocations could be tempered by more detailed understanding of environmental capacity issues and possibly more diverse and locally-specific spatial distributions of development (e.g. less reliance on urban extensions). However, in the opinion of AMEC, revocation does score more uncertainly in the short and medium term. This is due to the transition period for those authorities who need to establish the arrangements under the duty to co-operate to deliver such strategic policies and then reflect them in its adopted plan.'</p>
15.	Whether the likely significant effects have been identified, described and assessed	Future Network West Midlands consider that the Environmental Report fails to address the environmental implications of the revocation. They have an underlying concern that revocation will have significant negative impacts on the environment, economy and	<p>Disagree.</p> <p>The assessment does not rely only on the delivery of environmental protection in local plans and the National Planning Policy Framework but refers to a hierarchy of measures that will apply in the absence of the Regional Strategy for the West Midlands.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>communities of the West Midlands unless appropriate mechanisms are established. Some of these impacts fall outside the scope of the Strategic Environmental Assessment, but without effective resolution to address both the scale of development needed and the continuing decentralisation of population and investment away from major urban areas, it is likely there will be some serious long-term environmental consequences. These include dereliction and under use of infrastructure within the major urban areas, a greater need to travel as new development becomes dispersed and greater need to use greenfield as opposed to brownfield land. The Environmental Report needs to be revised to draw out, at the very least, the risks caused by failure to replace the regional strategy with more effective mechanisms for cooperation across local authority and other boundaries than are currently in place or planned.</p> <p>The Countryside Council for Wales consider that reference to the National Planning Policy Framework does not apply in Wales and</p>	<p>These include:</p> <ul style="list-style-type: none"> • existing legislation concerning environmental protection (such as the Habitats Directive, Water Framework Directive, the Floods and Water Management Act 2010); • existing planning policy (such as the National Planning Policy Framework and Planning Policy Statement 10); • other government policy (such as that articulated in the Natural Environment White Paper); • actions by other organisations subject to statutory requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning. Water resource management plans are subject the requirements of the Strategic Environmental Assessment Directive and the Habitats Directive. Where appropriate, this includes a consideration of the impacts on any relevant European sites in Wales, including to ensure that water management (eg through the extraction of water from Welsh water bodies for supply to England) does not have a significant impact on these sites.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>'presumption in favour of sustainable development' does not apply to European Sites that comprise the source of much of the water exported from Wales to the West Midlands. Therefore it may not always be appropriate to rely on the National Planning Policy Framework as mitigation.</p> <p>Friends of the Earth and Future Network West Midland noted that the Environmental Report claims the differences between retention and revocation are most clear in relation to housing and employment, favouring revocation on the basis that a "locally led approach could ensure that the adverse effects are more effectively mitigated". This claim fails to recognise the inter-relationship between strategic and local planning under the system the Government is in the process of dismantling with the regional strategy offering an inclusive and transparent approach for addressing and resolving different interests whilst maintaining a coherent overall sense of direction.</p>	<p>In many instances, particularly for policies of a pervasive and non-spatially specific nature, the specific paragraphs of the National Planning Policy Framework have been referenced in the individual policy assessments to provide a substantial alternative source of planning policy. For a number of Regional Strategy policies it has also been considered relevant to reference the duty to co-operate. Where this is the case, specific local examples of current co-operation are also cited where available. Examples where authorities have been co-operating include the West Midlands Climate Change Adaptation Partnership, the West Midlands Biodiversity Partnership and the West Midlands Forestry Framework, the Black Country Joint Core Strategy, the Shropshire Improvement Partnership and a range of Business Partnerships led by Business in the Community.</p> <p>Appendix E of the updated Environmental Report presents the detailed information that makes up the baseline for the Strategic Environmental Assessment topics considered in the assessment of the plan to revoke the Regional Strategy for the West Midlands. Proportionate to the plan to revoke, the information represented is national and regional</p>

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			<p>in nature. The assessment uses definitions of significance for each of the assessment topics (which covers all of the topic areas set out in Annex I to the Strategic Environmental Assessment Directive) to aid transparency and consistency in the assessment and minimise the likelihood of any subjectivity. These are presented in each topic Section of Appendix E of the updated Environmental Report.</p> <p>Necessarily though, when considering future effects in an uncertain and changing environment, there remains a degree of professional judgement involved; however, any assumptions made are explicit within each policy assessment in Appendix D and within section 3.4.5 of the updated Environmental Report.</p> <p>The assessment concluded that the range of effects of revocation and retention were likely to be broadly similar; however, that there were differences predicted, primarily in the long term, for 15 of the 65 policies assessed. Differences relate to, for example, policies for urban renaissance, housing and economic development, in both predicted effects and uncertainties in respect of the long term effects of revocation.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>Section 4.6 of the updated Environmental Report summarises the findings of the assessment and includes the following:</p> <p>'Where it occurs, differentiation is most clear in respect of housing and employment allocations where the negative effects of top-down allocations could be tempered by more detailed understanding of environmental capacity issues and possibly more diverse and locally-specific spatial distributions of development (e.g. less reliance on urban extensions). However, in the opinion of AMEC, revocation does score more uncertainly in the short and medium term. This is due to the transition period for those authorities who need to establish the arrangements under the duty to co-operate to deliver such strategic policies and then reflect them in its adopted plan.'</p> <p>The Government has provided a response to the findings of the Strategic Environmental Assessment (Table 3.2) which include the potential that over the medium and longer term, the wider effects of setting (and delivering) local housing targets could yield increasing differences between regions with growth concentrated in those areas of greatest demand with consequential effects for infrastructure and</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			environmental assets.
16.	<p>Whether the likely significant effects have been identified, described and assessed</p>	<p>Town and Country Planning Association considered that some of the possible knock-on consequences of revoking a strong urban renaissance strategy co-ordinated across so many local authorities have been underestimated. There are potential short to medium term effects of delaying development where local plans are absent. Even if it can be argued that there is little difference between the scale of development likely to arise in the medium to long term, differences in the location of development have also been underestimated. Removing the focussed approach to development beyond the Major Urban Areas (Policy UR2 and CF2) and the emphasis on reuse of land and buildings (Policy CF4) could lead to more unconstrained development in the countryside.</p> <p>Town Country Planning Act considers That revocation could lead to more dispersal of development, thereby giving uncertainty over effects on soil and landscape and on air quality and greenhouse gas emissions through the greater need to travel. Possible differences in</p>	<p>Comments noted.</p> <p>The Government recognises the importance of strategic planning and the National Planning Policy Framework makes it clear that strategic priorities across local boundaries should be properly co-ordinated and clearly reflected in individual local plans.</p> <p>This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape. For strategic planning to work on the ground, councils need to work together and with a range of bodies. In some cases, co-operation will be necessary with authorities well beyond an</p>

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		<p>location of new development have also not been recognised in relation to water, which is the one topic where significant negative effects are envisaged. They consider there is a much greater risk of a significant negative effect from revocation since there is a risk of more dispersed development in the absence of up to date local plans with the inherent difficulties of securing water effectively in more dispersed smaller developments.</p>	<p>authority's own border.</p> <p>In addition, existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010 – which includes a duty to co-operate) is part of the hierarchy of measures that will apply in the short to long term in the absence of the West Midlands Regional Strategy.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local plans may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-</p>

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			<p>operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such the local plan may be found unsound.</p> <p>As a further check, the Localism Act and local plan regulations require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about their performance under the duty to co-operate.</p> <p>In respect of the spatial distribution of development, the analysis of revocation of Policy CF2 in Appendix D noted that:</p> <p>“Devolving responsibility for housing and employment to local authorities is unlikely to result in significantly different effects to that intended by the policies set out in the West Midlands Regional Strategy. The provisions of the National Planning Policy Framework in respect of high quality design and the protection and enhancement of natural resources, for example, mean that there are safeguards in the manner in which development is</p>

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			<p>realised. What is less predictable, however, is whether the provisions will be effective in areas of major change outside the region's Major Urban Areas where significant development will inevitably result in changes in landscape character and pressures on natural resources. Differences in the interpretation of the National Planning Policy Framework could result in discordant approaches to resource protection and enhancement in adjacent local authorities. Equally there could be a loss of momentum for the regeneration of specific settlements where significant additional development could be difficult to justify in the absence of demand. Provision for affordable housing and wider community infrastructure could be compromised."</p> <p>Accordingly, the scoring of potential impacts identifies a range of uncertainties against such issues as biodiversity, soil, water and landscape. These were the same as the scoring for the retention of the Regional Strategy, reflecting the onus put on local authorities to deliver the proposed scale of growth.</p>
17.	Whether the likely significant effects	Wychavon District Council agrees that a locally led approach could ensure that the	Comments noted.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
	have been identified, described and assessed	adverse effects of housing and employment allocations are effectively mitigated based on a great and more detailed understanding of local capacity issues and environmental constraints. As the South Worcestershire Development Plan has taken on board the demise of the regional strategy they generally accept the findings that there are no policies which would cause a significant negative environmental effect if removed nor provide a significant environmental benefit if the policy were retained.	The Government notes that Wychavon District Council agrees that the locally led approach could ensure that the adverse effects of housing and employment allocations are effectively mitigated, and that they generally accept the findings that there are no policies which would cause a significant negative environmental effect if removed nor provide a significant environmental benefit if the policy were retained.
18.	Reliance on the National Planning Policy Framework and the duty to co-operate, general	<p>The Environment Agency agree the National Planning Policy Framework and other existing policy frameworks, legislative regimes and partnerships can help enable the protection and enhancement of the environment and ensure development is sustainable.</p> <p>Wychavon District Council noted that whilst many issues are efficiently and effectively addressed across wider areas the local approach will present a better and more bespoke solution to spatial planning issues</p>	<p>The Government notes the comments from the Environment Agency that the National Planning Policy Framework and other existing policy frameworks, legislative regimes and partnerships can help enable the protection and enhancement of the environment and ensure development is sustainable.</p> <p>The Government notes the comments of Wychavon District Council that the broad and generic policies of the regional strategy offered little to shire districts.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>than the regional strategy. It considered that the broad and generic policies of the regional strategy offered little to 'shire' districts such as Wychavon. The South Worcestershire Councils Development Plan was prepared and taken on board the absence of the West Midlands Regional Strategy.</p>	
19.	<p>Reliance on the National Planning Policy Framework and the duty to co-operate, co-operation with devolved administrations</p>	<p>The Countryside Council for Wales notes the assumption that local plans (in England) will be consistent with the National Planning Policy Framework. The policies in the National Planning Policy Framework do not apply to Wales. It is therefore unclear as to how application of the National Planning Policy Framework could mitigate for adverse effects on the natural environment of Wales. If the principles of the National Planning Policy Framework were applied in Wales, the presumption in favour of sustainable development does not apply in respect of European protected sites, which comprise the location of many of the adverse effects identified in Wales as resulting from</p>	<p>Comment Noted.</p> <p>The National Planning Policy Framework applies to English authorities and requires authorities to produce local plans and make planning decisions in line with the requirements of the National Planning Policy Framework. The policies in the Framework set the framework for sustainable development in England. In Wales land use planning policy guidance is set out in two core documents, "Planning Policy Wales" and "Minerals Planning Policy Wales". These documents are supported by topic based Technical Advice Notes (Wales). Circulars and Circular letters provide advice and guidance on specific topics.</p> <p>Since the assessment process is aimed at assessing the implications of revoking policies that</p>

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		<p>implementation of the development plans in the West Midlands.</p> <p>Similarly, the duty to co-operate amongst English authorities may not require cooperation across the boundaries of devolved administrations and/or with other competent authorities and consultant bodies including Countryside Council for Wales. They noted with concern the premise that the duty to co-operate will become an integral part of plan preparation 'over time'. It is suggested that significant and irreversible damage may be done to the environment over this 'time' and they would welcome clarification as to what safeguards are in place to ensure that environmental damage will not occur during</p>	<p>only apply in England, it is reasonable to consider the policy and legislative framework that will remain in place, at national and local level in England, should the regional strategy be revoked. The application of policy and legislation, for instance on water resource management, can mitigate impacts in Wales if the impact is transboundary. In the case of water supply, separate legislation and policy is in place which sits outside the planning system (see line 34 of this Table)</p> <p>The Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633) require local authorities and other public bodies to assess the potential environmental effects of their plans in compliance with the Strategic Environmental Assessment Directive (2001/42/EC). The Regulations impose duties to consult certain bodies during the process, including the devolved administrations and their nature conservation agencies (the Countryside Council for Wales, in relation to such part of a plan as relates to Wales). Government guidance emphasises the need to consult the consultation bodies and the public in any part of the UK significantly affected by a plan or programme in another part of the UK (A Practical</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>this interim period. They consider there is uncertainty as to how the duty co-operate can address strategic issues particularly in the context of cross border issues with devolved administrations.</p>	<p>Guide to the Strategic Environmental Assessment Directive (ODPM, September 2005), para 3.2).</p> <p>The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), commonly referred to as the Habitats Regulations, impose further duties on local authorities to protect 'European sites' designated under the Wild Birds and Habitats Directives (79/409/EEC, now codified in 2009/147/EC, and 92/43/EEC). For example, under regulation 102 of the Habitats Regulations, plan-making authorities including local planning authorities are required to carry out an 'appropriate assessment' where a land use plan is likely to have a significant effect on a European site and is not directly connected with or necessary to the management of the site. For the purposes of this assessment the 'appropriate nature conservation body' must be consulted (Natural England in relation to England and the Countryside Council for Wales (replaced by Natural Resources Wales from 1 April 2013) in relation to Wales).</p> <p>Authorities are therefore required to consider the impacts of their plans on affected neighbouring authorities both in England and Wales as necessary.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Countryside Council for Wales note that no examples have been provided of cross authority working between England and Wales.</p>	<p>The duty to co-operate requires English authorities to co-operate in the drawing up of plans. Local plans are subject to the test of soundness required under section 20 of the Planning and Compulsory Purchase Act 2004. Paragraph 182 of the National Planning Policy Framework sets out what is required for a plan to be found sound. Where local planning authorities have failed to co-operate on cross boundary matters, it is also likely that their Local Plan will not be deliverable and as such it may be found unsound.</p> <p>There is a tradition of collaborative planning between English and Welsh local planning authorities. The Planning and Compulsory Purchase Act 2004 (section 64(5)(a) which applies to Wales only) states that the purpose of an independent examination is to determine whether a Local Development Plan is sound. Guidance in the form of the Local Development Plans Wales 2005 sets out a number of tests of soundness, to be tested at examination by an independent Inspector. Specifically Test C1 facilitates a collaborative approach to local plan making between local authorities by stating if a plan is to found sound, "C1: it is a land use plan which has regard to other relevant plans, policies and strategies relating to the</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>area or to adjoining areas", this test on Welsh local planning authorities extends beyond their Welsh neighbouring authorities to include English authorities where they share a boundary. Therefore, when Powys which shares a boundary with two West Midlands local planning authorities, brings forward a local plan they would liaise and consult with their English neighbouring authorities Shropshire and Herefordshire which are unitary authorities. Shropshire and Herefordshire have engaged on strategic planning matters with Powys and the Brecon Beacons National Park Authority. The National Planning Policy Framework and duty to co-operate applies to local planning authorities in England only, it does not extend to neighbouring Welsh authorities, however this is not an obstacle to English planning authorities working with their Welsh counterparts.</p> <p>The Welsh Government also plays a strategic planning role by participating in Local Development Plan examinations and where they identify cross boundary issues they raise them and also alert Welsh local authorities to cross boundary planning issues at the early stage of plan preparation. Beyond the English and Welsh statutory planning system, for example River Basin Management</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			Plans, because they are based on river basin water sheds cross local authority boundaries including the boundaries of England and Wales, providing a vehicle for joint strategic planning on the management of water resources by English and Welsh authorities.
20.	Reliance on the National Planning Policy Framework and the duty to co-operate, regional co-operation	<p>English Heritage will seek to engage with joint strategic planning units as well as individual local planning authorities to assist in the integration of the historic environment under the new arrangements.</p> <p>The Environment Agency support the new duty to co-operate and as a “prescribed body” will provide evidence that helps local authorities consider cross-boundary issues such as adapting to climate change, reducing the impacts of flood risk, waste management, using water resources wisely and achieving Water Framework Direct objectives. They welcomed the recognition that continued co-operation and resources could be required to mitigate effects on biodiversity and other issues. They noted that partnership working is crucial in achieving effective environmental</p>	The Government is pleased to note the support for strategic planning from English Heritage and the Environment Agency.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>mitigation.</p> <p>West Midlands Metropolitan Authorities welcome that the Environmental Report identifies areas where cross boundary working is appropriate; this will assist local authorities in identifying areas for collaborative working.</p> <p>Campaign to Protect Rural England agree that the removal of regional strategies may better allow discussions between authorities across regional boundaries.</p> <p>West Midlands Metropolitan Authorities consider the examples of joint working for the West Midlands do not represent a comprehensive list of activity. Similarly there is insufficient reference to other sub regional plans, such as their Local Transport Plan and daughter documents, all of which demonstrate an ongoing commitment to joint working.</p>	<p>The Government notes the comment from the West Midlands Metropolitan Authorities that areas where strategic cross boundary working is appropriate, that the National Planning Policy Framework and the duty to co-operate will assist local authorities in identifying areas for collaborative working</p> <p>The Government agrees that the removal of regional strategies will enable discussions between authorities across administrative, including regional, boundaries.</p> <p>The list of examples was not intended to be comprehensive, merely illustrative of current joint working arrangements. The identification of additional examples is welcomed.</p>
21.	Local Enterprise Partnerships	Wychavon District Council support reference to the Worcestershire Local Economic Partnership in terms of its importance for	The Government notes the comment from the Wychavon District Council supporting the reference to the Worcestershire Local Economic Partnership.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		setting conditions for economic development, which will help them to deliver the most sustainable and effective development for their area.	
22.	Reliance on the National Planning Policy Framework and the duty to co-operate, regional co-operation	Campaign to Protect Rural England remain unconvinced that duty to co-operate will result in better co-operation and consider it may, in some cases, be used by neighbouring councils to undermine adjoining local plans. They were concerned that the duty will result in undue weight being given to the views on unaccountable Local Enterprise Partnerships. All interests, including environmental, should be heard. They question whether there will be sufficient and consistent strategic monitoring and assessment to ensure application of the duty to co-operate is rigorous.	Disagree. The duty to co-operate underpinned by the National Planning Policy Framework enables local planning authorities along with the other bodies prescribed in regulations made under the duty to co-operate (section 33A of the Planning and Compulsory Purchase Act 2004) to strategically plan to address the types of environmental issues such as climate change, flood risk, waste management and water use identified by Natural England and the Environment Agency. In recognition of the breadth of bodies involved in effective strategic planning, the duty's requirements extend beyond local planning authorities and county councils to include a wide range of bodies that are critical to local plan making. The prescribed bodies are: <ul style="list-style-type: none"> • the Environment Agency; • the Historic Buildings and Monuments Commission for England (English Heritage);

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<ul style="list-style-type: none"> • Natural England; • the Mayor of London; • the Civil Aviation Authority; • the Homes and Communities Agency; • Primary Care Trusts; • the Marine Mangement Organisation; • the Office of Rail Regulation; • the Highways Agency; • Transport for London; and • Highway Authorities <p>The Localism Act also provides an enabling power requiring the bodies that are subject to the duty to have regard to the activities of other bodies when they are preparing their local plans and related activities. Local Enterprise Partnerships and Local Nature Partnerships have been prescribed in the 2012 Regulations for this purpose.</p> <p>These bodies will inform a strategic planning approach lead by local planning authorities which can tackle the environmental issues at a strategic cross boundary level, producing joint planning policies on strategic matters and informal strategies</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Future Network West Midlands noted the West Midlands have a long history of successful cooperation on spatial and economic planning issues. The current legislation as well as scrapping the regional strategy processes has had the effect of removing incentives to effective voluntary cooperation over a wide area. For example, the West Midlands Metropolitan Spatial Policy Statement agreed in June 2012 seeks to maintain the direction of travel set out by the regional strategy for prioritising redevelopment of previously developed land in the major urban areas. However, it has not proved possible to quantify targets for this in the absence of the regional strategy framework. Interestingly the Environmental Report acknowledges that removal of the target for reuse of land could lead to less development in the major urban areas and less development of brownfield land. They also noted that the Inspector on Coventry City Council's core strategy has put on record his concern that</p>	<p>such as joint infrastructure and investment plans.</p> <p>Disagree.</p> <p>Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements, and whether it is sound.</p> <p>The National Planning Policy Framework makes clear that local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. These strategic priorities include the need to develop strategic policies to deliver the homes and jobs needed in the area.</p> <p>The National Planning Policy Framework states that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>they may not have discharged their statutory duty to co-operate. Solihull Council are arguing their involvement in the preparation of the regional strategy to support its case that it has met its obligations under the duty to co-operate, this argument will not be available to Councils who are not as advanced in their plan preparation unless the regional strategy is retained. It would not be unreasonable in light of these examples to conclude that development in the West Midlands is starting to show the lack of coherence that the regional strategy sought to address</p>	<p>their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the National Planning Policy Framework. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.</p> <p>Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements, and whether it is sound.</p> <p>The National Planning Policy Framework states that local planning authorities may make an allowance for windfall sites in their five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment,</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Friends of the Earth noted that the region does not have many core strategies in place and there is little evidence of the duty of co-operate in action. There are already signs of difficulty in the formulation of plans in Birmingham and Coventry that were highlighted during the recent inquiry into the core strategy for Solihull.</p>	<p>historic windfall delivery rates and expected future trends, and should not include residential gardens. This policy, together with the approach to the use of brownfield land and other policies aimed at the protection and enhancement of the environment, aims to ensure that housing development is located in a way that is consistent with the principles of sustainable development.</p> <p>Disagree.</p> <p>Delivery of local plans is increasing: 33% of local planning authorities across the West Midlands region now have a post 2004 local plan adopted, and overall 68% of local planning authorities in England now have a published or beyond local plan.</p> <p>There is a package of advice and support being offered to all councils, from the Local Government Association, the Planning Inspectorate and the Department, to support councils to get Local Plans updated or in place. The Planning Inspectorate is working in particular with local authorities with published plans about to be examined, and the Local Government Association's Planning Advisory Service is offering support to councils working</p>

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			<p>towards plan publication. The Inspectorate continues to work quickly to examine plans already submitted, and the focus now is on maintaining a strong pipeline of plans coming through for examination.</p> <p>In identifying the potential for revocation to have an impact on this particular policy target, the Environmental Report noted potential longer term uncertainties associated with a range of topics. This is a reasonable assumption, but equally the effect could be positive i.e. more development in urban areas as local authorities establish their own brownfield development targets which could be higher than those set by the Regional Strategy.</p>
23.	<p>Reliance on the National Planning Policy Framework and the duty to cooperate, effectiveness</p>	<p>The Countryside Council for Wales consider the use of the principles of localism as ‘mitigation’ for resolving local environmental capacity issues may resolve challenges at the local level. However, it is unclear how such principles could apply at the regional and strategic level. Many of the environmental goods and services which enable development at a local level do not respect political or administrative boundaries. They consider the planning of development, which may be</p>	<p>Disagree.</p> <p>Local plans are being brought forward. In considering all decisions for planning permission, due weight will be given to relevant policies in all existing plans according to the degree of consistency with the policies in the National Planning Policy Framework. The closer policies are to policies in the National Planning Policy Framework the greater the weight that may be given.</p>

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		<p>dependent on strategic natural resources and affect the natural heritage interests of spatially distant areas, is best considered at the strategic and/or regional level.</p> <p>Campaign to Protect Rural England have concerns that the National Planning Policy Framework emphasises economic growth and short term viability which is likely to give undue weight to development interests. The Environmental Report relies on an optimistic view of the delivery of environmental protection in local plans and the National Planning Policy Framework, untested processes for co-operation between local authorities and fails to address how the current arrangements might be improved to ensure a rigorous approach to strategic planning that engages all sectors.</p> <p>Friends of the Earth identified that further planning reform undermines the basis of the assessment, the Environmental Report states that new planning reform measures will effectively deal with strategic spatial issues without providing evidence as to whether this has been the case since March 2012.</p> <p>Town and Country Planning Association</p>	<p>The Government has also put in place the duty to co-operate which came into force on 15 November 2011. This statutory duty to co-operate requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters. The National Planning Policy Framework makes clear cross boundary cooperation should apply in particular to the strategic priorities set out in paragraph 156. These matters include climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape features. The duty to co-operate not only means that authorities are required to work collaboratively when developing their Local Plans, but also that they will be held accountable for their cross-boundary working when their plan is examined. The examination of Local Plans will determine whether the local planning authority has complied with the duty to co-operate.</p> <p>The National Planning Policy Framework sets out a set of core land use planning principles which should underpin both plan-making and decision taking, including encouraging the use of renewable</p>

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		<p>concerned about the way the methodology has been applied. Under partial revocation, no policies were identified whose loss may lead to significant environmental effects. This is partly because a mention of any topic, however small, within the National Planning Policy Framework is assumed sufficient to ensure compliance. It is risky to put so much relation as a mitigation factor on the assumption that local authorities will continue to work together on cross boundary strategic issues and to assume a brief policy reference in the National Planning Policy framework and the duty to co-operate are effective substitutes for a regionally specific policy on key environmental topics.</p> <p>Friends of the Earth notes that water and biodiversity, transport and economy, and the need for larger than local solutions to climate change are negatively impacted in not having a regional approach but presents the National Planning Policy Framework and duty to co-operate as well as environmental legislation as mitigating factors. Since the National Planning Policy Framework has been operational only</p>	<p>resources. To be found sound, Local Plans need to reflect this principle and enable the delivery of sustainable development in accordance with the National Planning Policy Framework's policies and the statutory duty to co-operate. These include the requirements for local authorities to have a positive strategy to promote energy from renewable sources; design their policies to maximise renewable energy developments while ensuring that adverse impacts are addressed satisfactorily; approve applications for renewable energy if the impacts are (or can be made acceptable); and co-operate to deliver strategic outcomes which include mitigating climate change. The National Planning Policy Framework's proactive, plan-led approach sits within a wider set of requirements and policy initiatives to deliver renewable energy. These include the UK's legally binding target that by 2020 15% of energy should come from renewable energy. Additionally, there is a specific duty on local planning authorities to ensure their local plan includes policies designed to mitigate climate change. The National Planning Policy Framework also makes clear that, to minimise impacts on biodiversity, planning policies should plan for biodiversity at a landscape-scale across local</p>

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		<p>since March 2012 (and did not undergo Strategic Environmental Assessment itself) it is difficult to see where the evidence lies for the assumption that the National Planning Policy Framework will perform in the same way as a legally adopted plan. The Environmental Report also fails to recognise the duty to co-operate will not get the same number of local authorities cooperating at the same time and in the same way.</p> <p>Future Network West Midlands stated that a key purpose of Environmental Report should have been to demonstrate how acknowledged regional challenges could be met in absence of an overarching strategy. It fails to do this asserting that changes proposed or already introduced by the Government will do so. There is no supporting justification or evidence for these assertions and the assessment leans heavily on the alleged protection offered by the National Planning Policy Framework, the duty to co-operate and the power to prepare joint local plans and the establishment of non-legislative Local Enterprise Partnerships. The complex set of loosely linked plan, procedures</p>	<p>authority boundaries.</p> <p>Existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010 – which includes a duty to co-operate) remains. Local Planning Authorities are required by the National Planning Policy Framework to undertake a Strategic Flood Risk Assessment, preferably at a catchments level through joint co-operation.</p> <p>Six Energy National Policy Statements (including one on nationally significant renewable energy infrastructure) set out the need for certain infrastructure and policies against which applications for development consent for energy projects will be considered. These documents include the requirements for applicants to address economic, social and environmental impacts of a scheme; they also enable potential mitigating measures to be considered and, in some cases, built into the project before an application is submitted.</p> <p>Existing policy arrangements are also in place on a number of issues, for example a number of waste</p>

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		<p>and organisations will not offer an effective alternative given they are on different timescales, overlapping geographies and uncoordinated evidence bases.</p>	<p>authorities are working together to plan strategically for waste management.</p> <p>Nature Improvement Areas provide cross-boundary projects where partners work to improve biodiversity and can also be expected to contribute significantly to landscape conservation. There are two Nature Improvement Areas located in the West Midlands: Birmingham and the Black Country Living Landscape; and the Meres and Mosses of the Marches.</p> <p>Reforming the planning system to give local councils and the communities that they represent more control in shaping the places in which they live is part of the Government's broader approach set out in, for example, 'Enabling the transition to a green economy', and the Government's 'Biodiversity 2020' strategy. Strategic partnerships, including Local Nature Partnerships, Climate Local, and the new arrangements for Lead Local Flood Authorities, are examples of how co-operation is already a key part of the wider framework addressing the issues raised.</p> <p>Disagree.</p>

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		<p>Future Network West Midlands stated that evidence indicates that some aspects of the new approach to strategic planning are already failing. For example, the impending revocation of the regional strategy has already led to reduction of over 8% in housing targets. Some local authorities' resistance to new development is reinforcing the reduction in targets now the controlling factor of the regional strategy has disappeared. Stratford-on-Avon District Council lost a high profile planning appeal for development of 800 homes because its assessment of current housing need was deemed too low resulting in a shortfall in its 5-year land supply figures and they are now considering a judicial review of the decision. Conversely, Birmingham proposes an increase in its total housing numbers to 2026 from 50,600 to 80,000 asking neighbouring authorities to provide for around 25,000 of these through the Duty to Co-</p>	<p>The analysis in the updated Environmental Report was identifying the fact that under revocation, local authorities will determine how new housing development will be delivered spatially. This may well be through urban extensions, but other approaches will also be used according to the local context (which was the approach of the Regional Strategy). In any case, the principles of sustainable development set out in the National Planning Policy Framework will be used to test the appropriateness of spatial allocations of development.</p>

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		<p>operate with draft options for up to 10,000 homes and a 50ha industrial site in Green Belt. This shows that the claim in the Environmental Report that there may be less reliance on urban extensions following revocation is unfounded.</p>	
24.	<p>Reliance on the National Planning Policy Framework and the duty to co-operate, uncertainties</p>	<p>The Environment Agency noted that achieving environmental outcomes might be more challenging during the transitional period (short to medium term) after the regional strategy is revoked until up to date local plans are in place.</p> <p>West Midlands Metropolitan Authorities noted that the Environmental Report concedes revocation will lead to more uncertainty in the short to medium term. In relation to the particular challenges posed by housing market areas this is borne out by current experience of local planning authorities that are progressing local plans.</p> <p>Campaign to Protect Rural England noted it remains important to implement the regional strategy revocation quickly as its continued existence is causing huge uncertainty for plan</p>	<p>Disagree.</p> <p>The Government notes the findings of the updated Environmental Report on the progress of plan-making in the West Midlands. In noting the findings of the updated Environmental Report, the Government considers uncertainty of impacts until plans are in place are mitigated by measures outside the Plan to Revoke.</p> <p>The National Planning Policy Framework states that it is ‘highly desirable that local planning authorities should have an up-to-date plan in place’. Where plans are absent, silent or out of date, the National Planning Policy Framework’s presumption in favour of sustainable development will apply in respect of decision-taking. In particular, where a local authority cannot deliver a five-year supply of deliverable sites, the relevant local policies for the supply of housing should not be considered up to date. In</p>

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		<p>making and does not assist speedy progress on local plans or the emergence of local solutions to strategic issues. They also noted that the transitional period is raised in the Environmental Report but the assessment hints at a wider problem quoting the National Planning Policy Framework reference to plans being “absent, silent or out of date”. It is unclear when this would apply and Campaign to Protect Rural England anticipates developers making claims that a plan is out of date wherever housing projections can be adjusted to suit their aspirations. In other words, the uncertainty may be deeper than the Environmental Report suggests allowing for more poorly located development.</p> <p>Future Network West Midlands noted that implementation of key strategies for the West Midlands will certainly be delayed and weakened and may be abandoned in their entirety following revocation. That would have significant implications for the region, including significant environmental impacts, which are not addressed in the Environmental Report. Only 10 core strategies have been adopted,</p>	<p>such cases, the decision maker will apply the presumption in favour of sustainable development, taking into account all relevant planning considerations. The presumption in favour of sustainable development is clearly set out at paragraph 14 of the National Planning Policy Framework in respect of both plan-making and decision taking. From April 2013, in considering all decisions for planning permission, due weight will be given to relevant policies in all existing plans according to the degree of consistency with the policies in the National Planning Policy Framework. The closer policies are to policies in the National Planning Policy Framework the greater the weight that may be given. Delivery of local plans is increasing: 33% of local planning authorities across the West Midlands region now have a post 2004 local plan adopted, and overall 68% of local planning authorities in England now have a published or beyond local plan.</p> <p>There is a package of advice and support being offered to all councils, from the Local Government Association, the Planning Inspectorate and the Department, to support councils to get Local Plans updated or in place. The Planning Inspectorate is</p>

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		<p>and they doubt that local authorities have the capacity to ensure that statutory local plans could help fill the policy gap in the foreseeable future.</p> <p>Friends of the Earth and Future Network West Midlands noted that uncertainty about whether the benefits will be realised in the short to medium terms for those local authorities who have yet to establish a Local Plan was relevant for up to 20 out of 30 local authorities.</p>	<p>working in particular with local authorities with published plans about to be examined, and the Local Government Association's Planning Advisory Service is offering support to councils working towards plan publication. The Inspectorate continues to work quickly to examine plans already submitted, and the focus now is on maintaining a strong pipeline of plans coming through for examination.</p> <p>Furthermore, the Government has already introduced, or is introducing, a range of measures to make the planning system work more effectively and efficiently. These measures are designed to create the conditions that support local economic growth, increase building and remove barriers that stop local businesses creating jobs. Specific measures build on the measures in the Localism Act and the introduction of the National Planning Policy Framework and include:</p> <ul style="list-style-type: none"> - proposals to extend permitted development rights for a trial period of 3 years; - instructing the Planning Inspectorate to respond quickly to all major economic and housing-related appeals; - proposals to speed up the process for determining

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			<p>planning appeals;</p> <ul style="list-style-type: none"> - giving developers extra time to get their sites up and running before planning permission expires; and - through the Growth and Infrastructure Bill which is nearing Royal Assent giving new powers to the Planning Inspectorate to take over the role of making planning decisions in an area if the local authority has a record of consistently slow or poor quality decisions. <p>In conclusion, the Government considers that any uncertainty of impacts until local plans are in place are mitigated by measures outside the Plan to Revoke the West Midlands Regional Strategy. Implementation of the Plan to Revoke will remove any uncertainty about the regional policy framework and the status of the Regional Strategy and potential uncertainties and delays to Local Plan-making.</p>
25.	Reliance on the National Planning Policy Framework and the duty to co-operate, guidance	The Environment Agency suggested that the Strategic Environmental Assessment should recommend providing advice to local authorities and other partners to assist cross boundary planning. This could be addressed	A report submitted by Lord Matthew Taylor of Goss Moor to the Government in December 2012 (the External Review of Government Planning Practice Guidance) includes a recommendation that the duty to co-operate should be one of the priority areas on

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		<p>by the recommendation by Lord Taylor in his “External Review of Government Planning Practice Guidance” that there is a need for guidance to support the duty to co-operate.</p> <p>Campaign to Protect Rural England welcomes the emphasis placed on local decision making and is supportive of the removal of “the predict and provide” approach to housing in regional strategies. However, they are concerned that the mechanisms put in place to deal with strategic level planning post-regional strategy are poorly explained and weak. They do remain to be tested but, at present, this appears likely to be through interpretation by the Planning Inspectorate. On its own this is inadequate basis for localism and clear Government policy guidance in relation to the duty to co-operate and more widely on broad engagement in the development of sub-regional strategies is needed.</p> <p>RenewableUK considered guidance should be provided on the duty to co-operate as recommended in the Taylor review report.</p>	<p>which the Government should consider providing guidance. The conclusions of the Review Group have been generally welcomed by Government and were published on for an 8 week consultation which closed on 15 February 2013. The Government is currently considering the approximately 400 responses received, and will be responding shortly to both the Review and the consultation.</p>

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26.	Monitoring	<p>English Heritage noted the need for monitoring in order to check that spatial inconsistencies or unintended effects are not produced as a result of revocation. In addition to the proposed use of heritage at risk data suggest that monitoring could also include a measure of engagement with historic environment issues within joint strategic planning arrangements to ensure that broader analysis, such as historic characterisation work, is utilised to assist understanding at the local level. This relates primarily to policies QE5 and QE6 and to the consistent application of the evidence base on historic characterisation available across the West Midlands.</p> <p>Environment Agency welcomed monitoring recommendations included in the Environment Report and those already in place to understand compliance under the duty to co-operate. Strongly recommend closer monitoring of highly complex, cumulative effects on issues such as climate change, water quality and water resources.</p> <p>Countryside Council for Wales suggests</p>	<p>The National Planning Policy Framework (paragraphs 126 – 141) illustrate the key role which local planning authorities have through the development management decisions they take and local plans they prepare in conserving and enhancing the historic environment. Naturally local planning authorities will wish to monitor the impact of the planning system upon the conservation and enhancement of the historic environment in their localities as well as cumulative effects on issues such as climate change, water quality and water resource. Local planning authorities must report on their performance against the duty to co-operate in their monitoring reports.</p> <p>The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan to revoke the West Midlands Regional Strategy will be set out in this Post Adoption Statement in Chapter 6 and Annex C.</p> <p>Local planning authorities have to produce an annual monitoring report on the implementation of their local plan, this data can be used to flag up the need to review policies within their local plan. If local planning authorities working collaboratively</p>

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		<p>additional consideration needs to be given to monitoring effects on biodiversity and water resources in areas affected by revocation but which may be some distance from the West Midlands. Sources of information provided related solely to England.</p> <p>Friends of the Earth suggested that regular monitoring reports be made available to all local authorities in the region with issues of concern flagged for review in local plans.</p> <p>The Town and Country Planning Association and Future Network West Midlands welcomed the identification of proposed monitoring indicators but were unclear at what spatial scale this monitoring will be carried out at, how this information will be brought together and where it will be published.</p> <p>Future Network West Midlands suggested that monitoring needed in relation to the scale and location of development and to the core concerns of decentralisation of population and investment away from major urban areas given the negative long-term environmental effects associated with such trends.</p>	<p>wish to pool their resources to produce joint local plan monitoring and annual reporting mechanisms they can do so.</p> <p>The monitoring programme will use existing regulatory regimes and data collection processes to provide information for these potential environmental impacts, including the Department for Communities and Local Government's commitments regarding the local plan making progress by authorities and on compliance with the duty to co-operate. If, as a result of monitoring it becomes apparent that implementation had led to significant negative environmental effects, the Government will consider measures to address or mitigate those effects.</p> <p>Local planning authorities produce monitoring reports on the implementation of their local plan. This data can be used to flag up the need to review policies within their plan. If local planning authorities working collaboratively wish to pool their resources to produce joint local plan monitoring and annual reporting mechanisms they can do so.</p> <p>The Government notes that RenewableUK welcomes the provisions which have been made on</p>

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		<p>The Town and Country Planning Association considered that there should be recognition of the strong and continuing commitment to monitoring within the West Midlands authorities and that the Environmental Reports makes little attempt to tie in with any locally generated data apart from controlled waste.</p> <p>RenewableUK welcome the provisions on monitoring especially those for monitoring greenhouse gases. They consider that renewable energy generation should also be monitored.</p>	<p>monitoring in the updated Environmental Report and their request for provision of monitoring of renewable energy infrastructure, and from English Heritage about the use of the Heritage at Risk register.</p> <p>The Government notes the comments from the Countryside Council for Wales. In light of this comment, the proposed monitoring of biodiversity, flora and fauna; water abstraction and air covers both the territory of England and Wales.</p> <p>All local planning authorities in Wales are required under section 76 of the Planning and Compulsory Purchase Act 2004 to make an Annual Monitoring Report on the Local Development Plans to the Welsh Government following adoption of the plan. This should encompass a full year's data collation and be submitted to the Welsh Government by 31 October annually (Local Development Plan Regulation 37(1)).</p> <p>The monitoring should identify the impacts of policies, targets have been met, the basic strategy remains 'sound' and where progress has been made. This also includes achieving the objectives of the strategy and/or sustainable development objectives. As environmental issues will have a</p>

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			bearing on the strategy it is expected that key indicators are monitored to ensure that the objectives of sustainable development, as set out in Planning Policy Wales are achieved. This could include cross boundary issues, if appropriate.
27.	Individual topics: gypsies and travellers	The National Federation of Gypsy Liaison Groups does not share the view that the impact of revocation on the provision of sites will be the same as retention. They consider that evidence already suggests that freed from the constraints of the regional strategy local planning authorities are taking the opportunity to review the level of provision and are downsizing pitch requirements. They also consider that the lack of a regional level oversight can only have a negative impact on pitch provision and thus on the health and wellbeing of the gypsy and traveller community.	<p>It is the Government's view that Local authorities are best placed to understand the needs of their communities. The Government has produced new planning policy for traveller sites that reflects this. The policy published in March 2012 makes it clear that its overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.</p> <p>Local planning authorities when preparing their Local Plans should set pitch targets for gypsies and travellers and plot targets for travelling show people which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. The policy makes it clear that local authorities should set their targets based on robust evidence of need that will be tested at the Local Plan examination.</p> <p>This includes:</p>

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			<p>(i) identifying and updating annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;</p> <p>(ii) identifying a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15;</p> <p>(iii) considering the production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area.</p> <p>The duty to co-operate will ensure that local authorities work together constructively, actively and on an ongoing basis in relation to these cross boundary matters in local plans.</p> <p>The Plan to Revoke the Regional Strategy for the West Midlands is part of a wider package of measures that will work alongside the reformed and decentralised planning system and are aimed at securing fair and effective provision of authorised sites for travellers. This includes the new traveller policy, Traveller Pitch Funding, the New Homes Bonus, reforms to enforcement measures to tackle unauthorised sites (via the Localism Act); improved</p>

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			protection from eviction for local authority traveller sites (via application of the Mobile Homes Act) and training for local authority councillors on their leadership role in site provision.
28.	Individual topics: biodiversity and Habitats Regulations Assessment	The Countryside Council for Wales consider that a Habitats Regulations Assessment should have been undertaken They cannot agree with the view that revocation of the regional strategies will have no effects requiring assessment under the Habitats Directive without a Habitats Regulations Assessment being undertaken.	<p>Comment noted</p> <p>Section 1.4 of the updated Environmental Report addresses the requirements of the Habitats Directive (92/43/EEC) and concludes that ‘the Government’s view is that the revocation of the regional strategies will have no effects requiring assessment under the Habitats Directive’.</p> <p>A screening assessment was undertaken to assess the likelihood of the plan to revoke having significant effects on a European site requiring appropriate assessment under the Habitats Regulations. Each policy in the Regional Spatial Strategy for the West Midlands (January 2008) was reviewed to identify those that referred to the protection of European sites and those which are locationally specific – i.e. they direct development to a particular parcel of land. Policies that were more pervasive in nature or provided a more general requirement for a local planning authority to make provision for a certain type or amount of</p>

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			<p>development, were screened out at that stage, as it is for each local planning authority to decide on a response to the pervasive policies and determine the most suitable locations for the development – taking account, where necessary, of the finding of their own Habitats Regulations Assessment.</p> <p>The Habitats Regulations Assessment for Phase 1 of the revision to the West Midlands Regional Spatial Strategy was also examined to identify any general environmental pressures on European Habitats sites, and any policies that aimed to protect those sites or reduce those pressures.</p> <p>This exercise identified five policies which sought to avoid effects on European sites. These policies sought to mitigate for development that the Regional Strategy itself encouraged. They were therefore considered further in order to determine whether it could be concluded that the revocation of these policies would not have adverse effects on such sites. Consideration was given, among other things, to the fact that: (i) the ‘development policies’ in the Regional Strategy they seek to mitigate would cease to apply were the Strategy to be revoked; and (ii) that the Conservation of Habitats and Species Regulations 2010 require that a competent</p>

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			<p>authority, such as a local planning authority, in exercising any of their functions must have regard to the requirements of the Habitats Directive.</p> <p>In summary, the five policies were assessed as follows:</p> <p>Revocation of policy UR1B will not have an adverse effect on a European Habitat site. The policies have been subsumed in the adopted Black Country joint core strategy which has been subject to a Habitats Regulations Assessment.</p> <p>Revocation of policy PA11A will not have an adverse effect on a European Habitat site. The policies have been subsumed in the adopted Brierley Hill Area Action Plan which has been subject to a Habitats Regulations Assessment.</p> <p>Revocation of policy QE1 will not have an adverse impact on a European Habitats site. The effects of revocation will be similar to retention due to the existence of national planning policy expressed through the National Planning Policy Framework and existing statutory requirements. The legal requirement for local planning authorities to ensure that internationally and nationally designated sites are given the strongest level of protection and that development does not have adverse effects on the</p>

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			<p>integrity of sites of European or international importance for nature conservation would be unchanged by revocation of policy QE1.</p> <p>Revocation of policy QE4 will not have an adverse effect on a European Habitat site. The effects of revocation will be similar to retention due to the existence of national planning policy expressed through the National Planning Policy Framework and existing statutory requirements. In addition, the introduction of Local Nature Partnerships announced in the Natural Environment White Paper, which will complement existing local partnerships which deal with matters such as provision of green infrastructure will improve the chances of the delivery of the policy. Such partnerships will be able to work across administrative boundaries enable planning of networks at the geographical scale that has the most impact.</p> <p>Revocation of Policy QE9 will not have an adverse effect on a European site national legislation and policy are in place to manage the potential impacts on the environment of water abstraction - and this is described in line 34 of this Table. More generally, the legal and national policy requirement to protect</p>

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			<p>European sites will remain.</p> <p>This exercise did not therefore identify any likely significant effects on European sites.</p> <p>This conclusion was supported by the findings of the Strategic Environmental Assessment. The Strategic Environmental Assessment assessed the likely effects of the revocation of the strategy, and the likely effects of retaining the strategy (and a number of reasonable alternatives involving partial revocation). This assessment was carried out for each policy in the Regional Strategy and for each of the topics set out in Appendix I of the Strategic Environmental Assessment Directive (which include biodiversity, fauna and flora). The assessment uses definitions of significance for each of the assessment topics to aid transparency and consistency in the assessment and minimise the likelihood of any subjectivity. The guidance on a significant effect for biodiversity includes reference to negative and sustained effects on European or national designated sites and/or protected species. No significant negative effects on biodiversity were found, nor were any significant negative effects found from reasonable alternatives. Monitoring measures have been proposed for biodiversity (as</p>

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		<p>The Countryside Council for Wales are concerned that, the safeguards proposed in respect of potential adverse effects resulting from revocation rely on deferring responsibility for Habitats Regulations issues to the local level.</p>	<p>well as the other topics) to help review the effects of the decision.</p> <p>The Secretary of State is therefore proceeding on the basis that the implementation of the plan as adopted (the Plan to Revoke the Regional Strategy for the West Midlands) will not have a significant effect on a European site.</p> <p>Comment noted.</p> <p>A screening assessment was undertaken to assess the likelihood of the plan to revoke having significant effects on a European site requiring appropriate assessment under the Habitats Regulations (see above for details). The Government believes that the legislative and policy protections for European Habitat sites in both England and Wales are sufficient to allow the conclusion that the revocation of West Midlands Regional Strategy is unlikely to result in a significant effect on a European site. Responsibility for Habitats Regulations issues for plan making and planning applications lie with the relevant local authority. In addition, water resource management plans, drawn up by water companies, are also subject to strategic environmental assessment and</p>

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		<p>The Countryside Council for Wales noted that reference should be made to 2011 and 2012 amendments to the Habitats Regulations.</p> <p>The Countryside Council for Wales notes that Appendix G does not include a full list of European Sites outside the West Midlands but that were identified in the Habitats Regulations Assessment for the Phase 2 regional strategy as potentially being subject to significant effects. They are concerned about any increased abstraction for the River Wye</p>	<p>Habitats Regulations Assessment if a likely significant effect on a European site is identified.</p> <p>Comment noted.</p> <p>The Environmental report does not include reference to all amending regulations. However, for the avoidance of doubt, where the Habitats Regulations are referenced this means the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) as amended by the Conservation of Habitats and Species (Amendment) Regulations 2011 (S.I. 2011/625) and the Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927).</p> <p>Comment noted.</p> <p>Phase 2 of the revision of the West Midlands Regional Spatial Strategy was not completed and therefore never formed part of the West Midlands Regional Spatial Strategy. When the Regional Spatial Strategy and the Regional Economic Strategy were then adopted as the Regional Strategy, Phase 2 of the revisions to the West Midlands Plan did not form part of the Regional</p>

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		<p>Special Area of Conservation. Many of the likely adverse effects identified in the Habitats Regulations Assessment of the West Midlands regional strategy (especially the Phase 2 regional strategy) related to indirect and cumulative effects on European sites in Wales including the River Wye Special Area of Conservation and Elenydd Mallaen Special Protection Area. They suggest it unlikely that the potential for these adverse effects in Wales could be or will be addressed to any satisfactory degree by individual competent authorities in the West Midlands.</p>	<p>Strategy for the West Midlands. Phase 2 of the revisions to the West Midlands Regional Spatial Strategy were therefore not assessed as part of this exercise because they never formed part of the Regional Strategy the proposed revocation of which was the subject of the assessment.</p> <p>The local plans in the region have not adopted the anticipated quantum of development set out in Phase 2 or 3 of the emerging regional spatial strategy (eg for housing and/or employment land). Housing data contained in Appendix C in the updated Environmental Report of the revocation of the West Midlands regional strategy illustrates that the 30 local planning authorities in the West Midlands, all contained housing numbers which are in line with the original scale and distribution of housing numbers set out in Policy CF3 in the Regional Spatial Strategy for the West Midlands (January 2008). Therefore the removal of the regional strategy for the West Midlands will not add development burdens in place beyond that set out in the Phase 1 revisions to the regional spatial strategy. It is therefore considered reasonable to limit the consideration of the implications of the</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Countryside Council for Wales asked for clarification as to whether the 10% of the Special Area of Conservation in favourable condition relates to the entire site or just the sections in England.</p>	<p>revocation of the regional strategy to the assessment of the revocation of policies set out in the West Midlands Regional Spatial Strategy adopted in 2008.</p> <p>Legislation and policy outside the planning system is in place to address the potential impacts of abstraction from water bodies in Wales. A description of these is provided in line 34 of this table.</p> <p>Comment Noted</p> <p>The 10% special area of conservation refers to the whole of the River Wye's water course, hence covers sections of the river in England and Wales.</p>
29.	<p>Individual topics: strategic sites</p>	<p>Campaign to Protect Rural England and Future Network West Midlands noted that regional strategy controlled allocations to strategic sites including Regional Logistics Sites, Regional Investment Sites or Major Investment Sites. The regional strategy contained specific location guidance on strategies sites that is not replicated in the</p>	<p>Disagree.</p> <p>The National Planning Policy Framework (paragraph 157) reinforces the role of plans (Local Plans and neighborhood plans) as the primary basis for identifying what development is needed in an area, deciding where it should go and dealing with planning applications. In preparing plans, councils should assess the development needs for their</p>

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		<p>National Planning Policy Framework or elsewhere. Local authorities are likely to propose their own competing sites. This can already be seen in the approach of Birmingham looking for a greenfield site near Sutton Coldfield and Coventry promoting its Gateway proposal. Even with the regional strategy, the region has a history of oversupply and strategic sites lying half-developed and that could increase with consequent impacts on the countryside and environment. It is unclear why the Environmental Report considers an increase in the number of strategic sites to be more sustainable. They consider that there is a clear need for a broader mechanism to identify and prioritise strategic sites across the region and that the duty to co-operate as it stands is not adequate.</p> <p>Friends of the Earth note there will be a role for Local Enterprise Partnerships in the planning system, but that they are largely unaccountable and difficult to engage with. Regional strategy provided an accountable and transparent manner in which a number of</p>	<p>areas and identify appropriate sites for development to meet this need. The options taken forward in plans should be justified, supported by evidence and take into account local people's views</p> <p>Disagree.</p> <p>The National Planning Policy Framework (paragraph 180) makes clear that local authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		strategic sites could be brought forward along with an appropriate evidence base. There is every chance that multiple sites in less advantageous locations may come forward.	Partnerships. There are many good examples of local authorities working with their neighbours on strategic planning and other issues and Government is keen to encourage authorities to develop these relationships through the duty to co-operate. Government has confirmed that there will be guidance on the operation of the duty in practice. Matters to be covered in guidance have yet to be agreed but are likely to include the role of Local Enterprise Partnerships in strategic planning.
30.	Individual topics: urban renaissance	West Midlands Metropolitan Authorities note that it is of concern the report states “it is possible that removing the requirement to direct most strategically significant growth to the West Midlands major urban area and removing the target for the re-use of previously developed land could lead to less development within the major urban areas and result in less development of brownfield land”. The West Midlands Metropolitan Spatial Policy Statement agreed by Joint Committee in June 2012 maintains support for the urban renaissance strategy.	Comment noted. Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements, and whether it is sound. The National Planning Policy Framework clearly encourages the re-use of brownfield sites and makes clear that local planning authorities may

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>The Town and Country Planning Association identified that a distinctive feature of the West Midlands Plan, maintained through its partial Phase 1 revision, was its co-ordinated approach to the urban renaissance of the Major Urban Areas (Policy UR1, 1A-B, CF1, CF6) as a way of reducing outmigration from the conurbations into the areas beyond and the clear definition of a small number of regional investment sites (Policy PA7) to maximise the attraction to potential inward investors. The delivery of this approach required buy-in from all local authorities and strong alignment with the Regional Economic Strategy over spatial interventions in Regeneration Zones within the conurbations and High Technology Corridors in the hinterland. (Policies PA2 and PA3). Surprisingly the assessment identifies little or no difference in maintaining delivery of this co-ordinated approach to new development between the retention and revocation alternatives. Instead it prays on the “increased emphasis on growth and development” within recent Government reforms as a way of reducing any uncertainties from revocation,</p>	<p>continue to set local brownfield targets. Urban regeneration is also supported by a range of other policies in the Framework. Local planning authorities are asked to recognise town centres as the heart of their communities and they should support their viability and vitality. They should also ensure that town centre uses (e.g. office, retail) are planned for in town centres and, if necessary, they should consider expanding the town centre boundaries to accommodate that need. The Framework sets a clear sequential and impact test for unplanned out of town development, thereby further supporting town centres and their regeneration. These policies combined with those that seek to protect valued countryside, that allow for the use of windfall sites and that promote sustainable transport clearly steer local planning authorities strongly when they develop the strategic plan for their areas, and in doing so can clearly be used to support the regeneration of towns.</p> <p>The updated Environmental Report identified broadly similar impacts for retention and revocation for Policies PA7, PA8 and PA9 as the Regional Strategy did not identify or prioritise strategic sites,</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>without considering whether a greater proportion of this development might now take place on greenfield sites beyond conurbations.</p> <p>Campaign to Protect Rural England, Future Network West Midlands and Friends of the Earth considered that the key challenge for the region is to address the outward movement of people and jobs from the major urban areas. This remains the most important issue for the West Midlands as a whole and whether or not the trend is reversed will determine the success of otherwise of planning policies in the region.</p> <p>Campaign to Protect Rural England noted the Environmental Report clearly highlights a risk that the strategic sustainability goal of reversing out migration from the major urban areas could be at risk. There is also evidence, such as the recent Birmingham Core Strategy that this is likely to be the case. The claim in the assessment that this change could be either negative or positive depending on habitats involved seems to miss the point.</p>	<p>leaving this to individual Core Strategies.</p> <p>Disagree.</p> <p>The analysis in the updated Environmental Report was identifying the fact that under revocation, local authorities will determine how new housing development will be delivered spatially. This may well be through urban extensions, but other approaches will also be used according to the local context (which was the approach of the Regional Strategy). In any case, the principles of sustainable development set out in the NPPF will be used to test the appropriateness of spatial allocations of development.</p>

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		<p>Clearly, there will be greenfield land with higher and lower biodiversity value than brownfield sites. One can pursue a policy to protect areas of high biodiversity whether or not one is primarily building on brownfield or greenfield land but a greenfield approach almost inevitably increases travel and creates less sustainable communities. The particular conclusion that there will be less reliance on urban extensions does not seem well grounded; the Birmingham case suggests local authorities may adopt more urban extensions.</p> <p>Friends of the Earth considered that regional strategy attempted to provide a mechanism to address urban renaissance especially with respect to the Black Country but also to some extent Telford, the North Staffordshire conurbation and parts of Birmingham. They considered that the Strategic Environmental Assessment should have recognised the long track record across the region of collaborative work. How this gap could be filled is not made clear.</p> <p>Future Network West Midlands notes that without effective management to reverse the</p>	

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		trend they consider it likely there will be serious negative long term environmental consequences including dereliction and under use of infrastructure within the major urban areas, a greater need to travel as new development becomes dispersed, reduced supply of housing and greater need to use greenfield instead of brownfield sites.	
31.	Individual topics: regional imbalance	<p>Campaign to Protect Rural England shares the view that there could be increased regional disparity between regions. It is concerned that increasing development pressure in regions under strain will increase environmental and landscape challenges in those areas whilst undermining urban regeneration in the north.</p> <p>Friends of the Earth and Future Network West Midlands note the Environmental Report acknowledges greater potential regional imbalances caused by revocation, which is contrary to the thrust of Government policy. There are no clear recommendations as to how the Government should address these and this remains a major flaw.</p> <p>In relation to the conclusion that national</p>	<p>Comment noted.</p> <p>Section 4.5 ‘Secondary, Cumulative and Synergistic Effects’ and section 4.6 of the updated Environmental Report outlines the wider implications and effects of revocation and retention of the West Midlands Regional Strategy. This notes that:</p> <p>“A number of issues are arguably more efficiently and effectively addressed across wider areas than local authority boundaries, in particular strategic employment sites, major infrastructure provision, biodiversity planning, climate change mitigation and adaptation, and renewable energy. Whilst the duty to co-operate could well address a wide range of strategic issues, such as the delivery of green infrastructure, it is AMEC’s opinion that there is</p>

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		<p>transport policies such as HS2 will become increasingly important to counter potential effects Future Network West Midlands and the Campaign to Protect Rural England doubt that transport projects on their own can successfully redress regional or intra-regional imbalances without wider support for urban regeneration. There is greater risk that increasing connectivity on its own will actually concentrate more development in the south in regions already under strain whilst undermining urban regeneration in the north. In the West Midlands where development pressures are sub-regional, this needs to be addressed intra-regionally as well.</p> <p>West Midlands Metropolitan Authorities note the report confirms the need for macro issues such as tackling the north-south divide, addressing population decentralisation and regeneration to be tackled at a larger than local level.</p>	<p>uncertainty as to how this might work, particularly in the short to medium term, both by topic and geographically. Some issues such as renewable energy, biodiversity enhancement or landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their potential realised.”</p> <p>The Government recognises that the duty to co-operate needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local authorities’ plans may not pass the examination process. This is a powerful sanction. Where local authorities cannot</p>

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			<p>demonstrate compliance with the duty they may fail the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such it may be found unsound.</p> <p>With regard to tackling the north south divide, the Government considers that there are other, broader drivers of spatial change. For instance, there are six Local Enterprise Partnerships in the West Midlands whose remit is to drive growth across their area making the most of its inherent strengths. These cover: the Black Country; Coventry and Warwickshire; Greater Birmingham & Solihull; Marches; Stoke-on-Trent & Staffordshire; Worcestershire. The Local Growth White Paper 2010, "Realising Every Place's Potential" established the Government's position on regional economic circumstances and set the framework for the ongoing activity of Local Enterprise Partnerships and investments such as the Growing Places Fund and the Regional Growth Fund.</p>
32.	Individual topics: flood risk	Environment Agency welcome the recognition that local authorities should continue to work together across administrative	<p>Comment noted.</p> <p>The Government welcomes the Environment</p>

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		<p>boundaries and with the Environment Agency to plan development that minimises the effects of climate change, particularly from flooding and coastal change. Birmingham and Coventry have had surface water management issues that have resulted in significant flooding. The duty to co-operate should enable local authorities to work with us and others to fully consider flood risk issues across the whole of the West Midlands. An example of this is the River Tame Flood Risk Management Strategy which will be delivered by working in partnership with local authorities and other strategic delivery organisations. They also welcomed the reference to the Flood Risk Regulations 2009.</p>	<p>Agency's comment regarding the need for local authorities to continue to work together across strategic boundaries.</p> <p>The National Planning Policy Framework contains policies to manage the risk of flooding through the planning system, together with technical guidance on flooding also states that local planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver, the provision of infrastructure for flood risk and coastal change management.</p> <p>The National Planning Policy Framework also clearly states that planning policy decisions must reflect and where appropriate promote relevant obligations under European law – which include, for example, obligations under the Floods Directive (2007/60/EC).</p>
33.	<p>Individual topics: Water Framework Directive (WFD)</p>	<p>Environment Agency was pleased the Water Framework Directive has been considered, as a high percentage of water bodies in the cities of Birmingham and Coventry are failing to meet the Directive's objectives. Restoring rivers to good ecological status and successful surface</p>	<p>Comment noted.</p> <p>The Government welcomes the Environment Agency's comment that the Environmental Report highlights the important of the Water Framework Directive and that local planning authorities have a significant role to play in planning for managing</p>

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		<p>water management is dependent on spatial planners having a good understanding of water management. In urban areas, a significant proportion of issues can be attributed to diffuse pollution from roads, industrial estates and misconnected drains. They consider that it is important that reasons for Water Framework Directive failure are fully considered during the revocation of the regional strategy and recommendations are made to local authorities and other stakeholders to take account of the Directive in local planning. A document produced in partnership with the Environment Agency and Sustainability West Midlands called “Delivering the Water Framework Directive and Environmental Infrastructure with Local Authorities” provides useful advice and case studies.</p> <p>They also recommend that Water Cycle Studies or similar will provide local authorities with a better understanding of strategy water issues. This evidence will be particularly important for Birmingham, Coventry and Rugby where there have been concerns over the ability of major Sewage Treatment Works to</p>	<p>water resources. The Government agrees that it will be important for local authorities, water companies and the Environment Agency to work together on issues such as the expansion of major sewage treatment works to ensure the requirements of the Directive are met.</p> <p>The National Planning Policy Framework is clear that local planning authorities should work with other bodies to assess the capacity of water supply and wastewater treatment infrastructure, and should set out in the Local Plan their strategic priorities and policies for the provision of such infrastructure.</p> <p>The National Planning Policy Framework also clearly states that planning policy decisions must reflect and where appropriate promote relevant European Union obligations – which include, for example, obligations under the Water Framework Directive (2007/60/EC).</p> <p>A report submitted by Lord Matthew Taylor of Goss Moor to the Government in December 2012 (the External Review of Government Planning Practice Guidance) includes a recommendation that the duty to co-operate should be one of the priority areas on which the Government should consider providing guidance. The conclusions of the Review Group</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>expand capacity whilst still meeting the required discharge consents. They support a joint approach between local authorities and water companies and Environment Agency to address these issues.</p>	<p>have been generally welcomed by Government and were published on for an 8 week consultation which closed on 15 February 2013. The Government is currently considering the approximately 400 responses received, and will be responding shortly to both the Review and the consultation.</p>
34.	<p>Individual topics: Water Resources</p>	<p>The Countryside Council for Wales noted that revocation will lead to significant negative effects on water resources. Severn Trent's water resource management plan is noted but consideration should also be given to the water resource management plans of other providers including Welsh Water. They had concerns about relying on use of plans by private companies as mitigation.</p> <p>Wychavon District Council noted that of the three reasonable alternatives there is no significant difference other than in relation to water resources. Issues related to water stress refer to areas to the west of Birmingham conurbation and to the west of Stoke-on-Trent and are not an issue for Wychavon or South Worcestershire.</p>	<p>Comment noted.</p> <p>A number of statutory and policy measures are in place to address the management of water resources and any consequential effects on biodiversity, the majority of which sit outside the planning system. These include:</p> <ul style="list-style-type: none"> • existing legislation concerning environmental protection (such as the Habitats Directive, Water Framework Directive, the Floods and Water Management Act 2010) • existing planning policy (such as the National Planning Policy Framework, in this context particularly sections 10 and 11, and PPS10) • other government policy (such as that articulated in the Natural Environment White Paper) • actions by other organisations subject to statutory

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Environment Agency recommend that local authorities engage with water companies' Water Resource Plans and Investment Plans to ensure the necessary infrastructure is in place at the right time. Inter regional water transfers are becoming more common and it is important to understand the wider strategic issues with other parts of the country such as the East Midlands and South East, and any cross boundary issues associated with receiving water supplies from Wales.</p> <p>Campaign to Protect Rural England, Friends of the Earth and Future Network West Midlands note that the only area where revocation would lead to significant negative effects is in relation to water resources arising from development associated with policies for housing provision. However, similar policy performance is recorded for retention.</p> <p>Campaign to Protect Rural England believe that the Environmental Report should address more fundamentally whether mechanisms to control the level and location of development in the region are needed to conserve water resources.</p>	<p>requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning.</p> <p>River Basin Management Plans identify measures that will achieve Water Framework Directive requirements for water bodies. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 place a duty on each public body including local planning authorities to have regard to River Basin Management Plans in exercising their functions so far as affecting a river basin district. River Basin Management Plans for the region (including those which cross the English/Welsh border for instance the Severn River Basin Management Plan) identify the pressures that the water environment faces and include action plans requiring cross boundary co-operation and input from a range of organisations. River Basin Management Plans are also subject to the requirements of the Habitats Directive if a likely significant effect on a European site is identified.</p> <p>Water companies and their respective Water Resource Management Plans set out how future demand for water resources will be met, including companies such as Welsh Water and Severn Trent.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Friends of the Earth and Future Network West Midlands state that, given there is very little mention of water resources in the National Planning Policy Framework, it is difficult to understand how developers or the local authorities will be able to operate efficiently and intelligently with regard to this issue. At the Public Examination into the Phase 2 revision of the regional spatial strategy there was serious debate about an objection from the Welsh Assembly Government concerning the impact of the level and distribution of development proposed in Phase 2 on the head waters of rivers such as the Wye, rising in Wales.</p>	<p>Water Resource Management Plans are subject to assessment in line with the requirements of the Habitats Directive if they are likely to have a significant effect on a European site.</p> <p>The Environment Agency is responsible for the National Environmental Programme. This is a programme of actions and investigations for environmental improvement schemes that support water companies meeting the requirements of EU Directives (and domestic legislation transposing those requirements), national targets and their statutory environmental obligations. The Environment Agency produces the National Environmental Programme after consultation with the water industry and a number of other organisations.</p> <p>The Programme forms part of the final Asset Management Plan that determines the overall level of investment that water companies need to make over a five year period, based on the new price set by the Water Services Regulation Authority (Ofwat). Companies incorporate these requirements into their proposed business plans, which inform Ofwat's decision on price limits.</p> <p>The Programme includes requirements for water</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>companies to undertake improvement schemes, or where more evidence is required, to investigate a particular problem. Each water company's National Environmental Programme is different, as there will be different issues in every region, however actions include ensuring that abstractions do not impact adversely on Habitats protected by law, including European Habitats sites.</p> <p>The National Planning Policy Framework requires that local plans include strategic policies to deliver water supply and wastewater infrastructure, and expects local planning authorities to work with other authorities and providers (such as water and sewerage companies) to assess the quality and capacity of consider that infrastructure and its ability to meet forecast demands.</p> <p>The duty to co-operate came into force on 15 November 2011. This statutory duty, set out in section 33A of the Planning and Compulsory Purchase Act 2004, inserted by the Localism Act 2011, requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters. This includes the strategic planning for infrastructure to deliver water supply and wastewater.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			The impacts of Phase 2 of the proposed revision to the Regional Spatial Strategy for the West Midlands have not been assessed (see line 5 of this table for further detail).
35.	Individual topics: Climate Change and Renewable Energy	<p>RenewableUK policies QE1, QE11 and CC1 should be retained. These provisions have not been replaced and some have no current equivalent in the National Planning Policy Framework and Local Plans.</p> <p>RenewableUK noted that evidence on how localism is operating is mixed so far and revocation of Planning Policy Statement on renewable energy has created a policy vacuum on how local authorities should be dealing with renewable energy. Revocation will add to the policy vacuum that already exists. On this basis, consider revocation will have a detrimental effect on the deployment of onshore wind, carbon dioxide emission reductions and climate change mitigation. Despite this, the Environmental Report states that no significant differences have been identified between revocation and retention. Some policies in the regional strategy include targets for renewable energy and carbon</p>	<p>Disagree</p> <p>The Government does not believe that retaining Policies QE1 (Conserving and Enhancing the Environment) and CC1 (Climate Change Sustainable Communities) is necessary because it will be for local authorities to determine local responses to the issue of renewable energy generation consistent with the National Planning Policy Framework. Policy QE11 does not exist but it is assumed that RenewableUK meant policy EN1 (Energy generation). The Government also does not consider it necessary to retain this policy for the same reason.</p> <p>The National Planning Policy Framework also contains a number of policies aimed at encouraging the development of renewable energy installations including that local planning authorities should : “have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>emissions reduction, when these are lost through revocation there is likely to be a significant effect on the environment.</p> <p>Friends of the Earth note that mitigation for climate change should be a core part of a local authority's actions as commended by the Committee on Climate Change.</p> <p>Future Network West Midlands consider that the conclusion revocation will have a positive cumulative effect on climate change is incorrect. It effectively ignores the benefit of sub-national strategy planning in climate change mitigation and adaptation. Climate change does not respect administrative boundaries and elsewhere the consultants have queried whether regional strategies relating to biodiversity and landscape can adequately realise their potential in the absence of unifying policy framework.</p> <p>The Countryside Council for Wales suggest that a number of climate change impacts are likely to occur at the strategic, regional and local level and may not be easily addressed/mitigated for at local level.</p> <p>RenewableUK consider that on the basis of</p>	<p>energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and in line with the objectives and provisions of the Climate Change Act 2008." In addition, National Planning Policy Framework policies on strategic planning for infrastructure include the need to plan for energy infrastructure including heat.</p> <p>Other measures that local authorities will need to respond to include the nationally legally-binding target to ensure 15% of energy comes from renewable sources by 2020 (in accordance with the Renewables Energy Directive (2009/28/EC)), the requirements of the Climate Change Act 2008, the Flood and Water Management Act 2010, the UK Renewable Energy Strategy 2009, the UK National Renewable Action Plan 2010, the Green Deal and responses to the UK Climate Change Risk</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>emerging evidence so far the view that revocation 'will not affect the intent (to move towards a low carbon economy)' is not currently the case. They are already seeing some negative local policies, which seek to restrict the deployment of wind energy, for example. This is a misinterpretation of the intent of the National Planning Policy Framework and the accompanying lack of guidance is creating confusion as to the purpose of local plans and the need for local planning authorities to plan positively for renewable energy. This will have a knock on effect on carbon dioxide emissions and the deployment of renewable energy.</p> <p>RenewableUK consider that there remains significant value in the supporting evidence base collected in the development of renewable energy policies for the regional strategy and we strongly recommended the supporting evidence is saved</p> <p>RenewableUK recommend that Government establish a research programme to evaluate the effectiveness of the duty to co-operate in delivering national outcomes, particularly</p>	<p>Assessment 2012.</p> <p>Collectively the legislation and planning policy provides the framework for Government, agencies and local authorities to act in concert to respond to the challenge of climate change.</p> <p>The Government has also provided a response to the findings of the Strategic Environmental Assessment in Table 3.2 of this Post Adoption Statement which included the finding concerning issues, such as, renewable energy, biodiversity enhancement and landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.</p> <p>A report submitted by Lord Matthew Taylor of Goss Moor to the Government in December 2012 (the External Review of Government Planning Practice Guidance) includes a recommendation that the duty to co-operate should be one of the priority areas on which the Government should consider providing guidance. The conclusions of the Review Group have been generally welcomed by Government and were published on for an 8 week consultation which closed on 15 February 2013. The Government is currently considering the approximately 400</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>renewable infrastructure. They do not believe reliance on national policy and duty to co-operate is sufficient to ensure that the UK can meet its renewable energy generation and carbon emissions reduction targets. Lack of strategic action on mitigation and adaptation to climate change is likely to result in significant and unpredictable effects on biodiversity, flora and fauna. Other aspects such as population and health will also be affected and there will be investment uncertainty in local areas from renewable energy companies leading to fewer jobs created and fewer local benefits.</p>	<p>responses received, and will be responding shortly to both the Review and the consultation.</p> <p>The National Planning Policy Framework makes it clear that local planning authorities may continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence. The National Planning Policy Framework (paragraphs 158-177) also sets out in detail the evidence base that is required to underpin the development of local plans and planning decisions.</p>
36.	<p>Individual topics: cultural heritage</p>	<p>English Heritage stated that publication of the National Planning Policy Framework has clarified and strengthened the position of the historic environment as a strand of sustainable development. They believe the approach in the National Planning Policy Framework will help to ensuring the historic environment is recognised as relevant to a wide range of planning policy areas well beyond stand-alone historic environment policies.</p> <p>English Heritage welcomes the use of the historic environment strategy for the West</p>	<p>Comment noted</p> <p>Paragraphs 126 – 141 of the National Planning Policy Framework illustrate the key role which local planning authorities have through the development management decisions they take and the local plans they prepare in conserving and enhancing the historic environment. English Heritage is identified as one of the bodies which local planning authorities through the duty to co-operate should work with when preparing their local plans. Working in liaison with local planning authorities English Heritage can promote policies, which address the</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>Midlands to provide a general overview of the baseline section. The West Midlands has complete coverage of historic landscape characterisation for Herefordshire, Shropshire, Worcestershire, Staffordshire and Warwickshire as well as historic characterisations for the metropolitan areas. Section 9.6 identifies references to the National Planning Policy Framework as covering policy areas in the regional strategy and specifically QE5. The difference that perhaps needs to be better reflected is that the National Planning Policy Framework lacks the distinctiveness of regional strategy policies. The regional strategy identified at a broad level a range of heritage assets (designated and non designated) and asset groups considered to make an important contribution to the character and identity of the area as well as those of particular regeneration potential. Policy QE6 also encouraged an integrated approach to management of the landscape and use of consistent approaches for understanding landscape character and local distinctiveness.</p>	<p>preservation and enhancement of the cultural and historical assets such as historical landscapes and settlements.</p> <p>By definition, heritage assets include areas and landscapes, as well as individual buildings and monuments, which have a degree of significance meriting consideration in planning decisions, because of their heritage interest. The significance of a heritage asset is stated to derive not only from its physical presence, but also from its setting.</p>

ANNEX C

Monitoring Indicators

Table C1 Strategic Environmental Assessment topics, monitoring indicators and sources of information

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
Biodiversity, Flora and Fauna	<p>Annual (where information allows) trends in:</p> <ul style="list-style-type: none"> • Condition of designated sites • Threatened habitats and species • Populations of countryside birds • Surface water biological indicators 	<p>Joint Nature Conservation Committee report under Article 17 of the Habitats Directive (completed every 6 years) on the conservation status of protected habitats</p> <p>Joint Nature Conservation Committee http://www.jncc.gov.uk/page-4241 http://jncc.defra.gov.uk/page-4239 http://jncc.defra.gov.uk/page-4238 http://jncc.defra.gov.uk/page-4235 http://www.sssi.naturalengland.org.uk/Special/sssi/report.cfm?category=R,RF</p> <p>Department for Environment, Food and Rural Affairs (Defra) http://www.defra.gov.uk/statistics/environment/inland-water/</p> <p>The Environment Agency (EA) are responsible for monitoring water quality under the Water Framework Directive</p> <p>Welsh Government Sustainable Development Indicators http://wales.gov.uk/docs/statistics/2012/120829susdev12en.pdf (Indicators 3a and 3b)</p> <p>And</p> <p>State of the Environment Report in Wales http://wales.gov.uk/docs/statistics/2012/120725stateofenvironment12en.pdf (Indicators 19 and 21)</p>

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Population	Annual (where information allows) trends in: <ul style="list-style-type: none"> • Employment Information • Population • Housing and additional net dwellings • Local plan making progress and the duty to co-operate 	Office of National Statistics reports, specifically Regional Trends and Regional Gross Value Added Department for Communities and Local Government statistics: Annual net additional dwellings, Housebuilding: permanent dwellings completed by tenure and region The Department for Communities and Local Government Business Plan monitoring
Human Health	Annual (where information allows) trends in: <ul style="list-style-type: none"> • National Statistics – Long term illness, etc. • Crime • Deprivation • Access to and quality of the local environment 	Office for National Statistics on health Home Office, Crime Survey for England and Wales Department for Communities and Local Government statistics: Indices of Deprivation Office for National Statistics (proposed measures of wellbeing)
Soil and	Annual (where	Department for Communities and Local Government statistics

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Geology	information allows) trends in: <ul style="list-style-type: none"> • Land use 	Department for Environment, Food and Rural Affairs http://magic.defra.gov.uk/
Water	Annual (where information allows) trends in: <ul style="list-style-type: none"> • % of catchments with good ecological status • Water resource availability • Per capita water consumption • Number of water resource zones in deficit 	The Environment Agency and the Department for Environment, Food and Rural Affairs. http://www.defra.gov.uk/statistics/environment/inland-water/ Severn Trent Water Severn Trent Water Water Resource Plans (available every 5 years) from Severn Trent Water For Wales Water Resource Plans (available every 5 years) from Welsh Water, Severn Trent Water and Dee Valley Water Welsh Government Sustainable Development Indicators http://wales.gov.uk/docs/statistics/2012/120829susdev12en.pdf (Indicator 15) And State of the Environment Report in Wales http://wales.gov.uk/docs/statistics/2012/120725stateofenvironment12en.pdf (Indicators 13b, 35c and 36c)
Air	Annual (where information allows) trends in: <ul style="list-style-type: none"> • Number of Air Quality Management 	Department for Environment, Food and Rural Affairs

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	<p>nt Areas</p> <ul style="list-style-type: none"> • Number of Air Quality Management Areas were exceedances occurred. 	<p>Department for Environment, Food and Rural Affairs</p> <p>Welsh Government http://wales.gov.uk/?lang=en</p> <p>State of the Environment Report in Wales http://wales.gov.uk/docs/statistics/2012/120725stateofenvironment12en.pdf (Indicators 33a, 33c and 33j)</p> <p>Welsh Government Sustainable Development Indicators http://wales.gov.uk/docs/statistics/2012/120829susdev12en.pdf (Indicators 11 and 12)</p>
Climatic factors	<p>Annual (where information allows) trends in:</p> <ul style="list-style-type: none"> • Emission of greenhouse gases • Installed capacity of sites generating electricity from renewable sources (MW) • Number of properties at risk of flooding 	<p>Department for Energy and Climate Change Statistical Release: Local and regional CO2 emissions</p> <p>Department for Energy and Climate Change Regional Renewable Statistics (from the RSTATS (Renewable Energy Statistics) database and REPD (the Renewable Energy Planning) database, https://restats.decc.gov.uk/cms/welcome-to-the-restats-website/</p> <p>Environment Agency</p>
Material	Annual (where	

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Assets	information allows) trends in: <ul style="list-style-type: none"> • Volume of construction waste and proportions recycled • Volume of hazardous waste • Volume of controlled wastes and proportions recycled • Volume of minerals extracted 	Environment Agency Environment Agency Environment Agency West Midlands Mineral Planning Authorities
Cultural heritage, including architectural and archaeological heritage	Annual (where information allows) trends in: <ul style="list-style-type: none"> • % of heritage assets of different types that are at risk 	English Heritage 'Heritage at risk report'
Landscape and Townscape	Annual (where information allows) trends in: <ul style="list-style-type: none"> • Change in Areas of Outstanding Natural Beauty 	National Association of Areas of Outstanding Natural Beauty

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	<p>(area, threats and quality)</p> <ul style="list-style-type: none"> • Changes in Conservation Areas • Percentage who are very or fairly satisfied with local area • Trend in number of vacant dwellings 	<p>English Heritage (if 2003 survey repeated)</p> <p>Office for National Statistics (proposed measures of wellbeing)</p> <p>Department for Communities and Local Government http://www.communities.gov.uk/documents/housing/xls/1815794.xls</p> <p>Countryside Council for Wales (Natural Resource Wales) http://landmap.ccw.gov.uk/.</p>