

WEST MIDLANDS REGIONAL SPATIAL STRATEGY – PHASE TWO REVISION

Our Ref: PPM/dt/EXAM43

Your Ref: EiP/OD/BR

Date: 15 June 2009

Panel Secretariat
West Midlands RSS Phase Two Revision Public Examination
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West Midlands Regional Assembly
Albert House, Quay Place
92-93 Edward Street
Birmingham B1 2RA
For the attention of Olwen Dutton, Chief Executive

Dear Ms Dutton

WMRSS – Examination in Public

The Panel have asked me to respond, on their behalf, to your letter dated 12 June 2009, which is Examination document EXAM42, regarding the Strategic Environmental Assessment (SEA) Directive.

The Panel appreciates and indeed shares your concern to avoid further delay to the RSS process. As the Assembly's officers will be aware, the Panel will do all that they can to ensure that the Examination in Public and decisions flowing from it do not give rise to grounds for legal challenge. They appreciate also the concerns the Assembly has about the proper application of procedures under the Strategic Environmental Assessment Directive, and have well understood the various statements and documents referred to in your letter.

There is, however, one matter which you may wish to clarify regarding point (e) made by Mr Pattinson as quoted in your letter. Some might read this as an attempt to prevent the Panel from recommending any change whatever to the submitted strategy under threat of challenge on SEA grounds. Interpreted in this way it would be a negation of the purpose of holding an Examination in Public, and an attempt to impair the Panel's freedom to reach an independent judgement in the light of all the evidence before them in deciding what recommendations to make to the Secretary of State. In view of the generally constructive tone of your letter, I am sure you would wish to correct any misapprehension on this point.

Yours sincerely

Pam Perceval-Maxwell

Panel Secretary

For and on behalf of

Mr A Richardson BA MPhil MRTPI

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