

West Midlands Regional Assembly

GOOD PRACTICE GUIDE FOR REGIONAL CONFORMITY ADVISORS (RCA's)

PRE APPLICATION ENQUIRIES WITH REGARD TO REGIONALLY SIGNIFICANT PLANNING APPLICATIONS

Reason for this Guide

The RSS Conformity Protocol, which all RCA's are party to, acknowledges that the Conformity process will work best if there is active engagement at the pre application stage, in order that both developers and Local Planning Authorities (LPA's) are made aware of how proposals relate to the policies and principles of the West Midlands RSS.

However, there is very little within the Conformity Protocol or the accompanying Regional Planning Partnership paper that describes how this area of work should operate. It has been agreed through the Development Plans Group that the RCA's should provide informal pre application advice without the need to formally consult the RPB, although it has been agreed that any written advice should be sent to the RPB so that a response can be sent on RPB letter paper and signed by the Director of Policy. In order to provide a consistent steer in relation to this subject the following Good Practice Guide has been written by the RPB to assist the RCA's.

Dealing with Pre Application Enquiries

Given that the initial stage of development proposals often involve commercial confidentiality the RCA's should, in the first instance, encourage developers and LPA's to self assess proposals that are likely to fall under the RPB's criteria as a regionally significant planning application. This should be done by providing the Conformity Assessment Pro Forma attached to this Note. The Assessment Pro Forma is also available on the Regional Assembly's web page on Conformity.

Should RCA's be approached by developers or LPA's for their opinion, either in writing or by invitation to a meeting, the RCA should first consider whether they wish to seek additional advice from the relevant Policy Leads, adjoining RCA's, or anyone from the Business Council and Other Stakeholder Group contact list that the RPB holds. In light of confidential sensitivities the RCA should first ask the enquirer whether they are willing for the RCA to contact the relevant persons to assist them with their opinion and enquire whether the RCA can discuss the matter with the LPA.

Following either a written request or a meeting the RCA should provide advice by using the Assessment Pro Forma which should then be sent to the Assembly's Conformity Advisor, who will issue the advice with a covering letter summarising the views. The covering letter will include the caveat that

the views provided are the RCA's own opinion (with or without any advice received and considered from Policy Leads etc.) and are made without prejudice to any subsequent opinion provided by the RCA. It will also be made clear that the views are without prejudice to those of the Regional Assembly who, as Regional Planning Body, would provide formal comments should the proposals progress to submission to the LPA for determination. A copy of the letter and Assessment Pro Forma will be copied to the relevant RCA and those who provided comments to them.

In line with formal requirements pertaining to pre application consultations RCA's should endeavour to provide their advice within 21 days of receipt of a request. Should RCA's require further information in order to make a substantive response then this should be done without delay.

Enquiries being sought from the RPB

There will occasions when an enquiry comes directly to the RPB rather than the RCA. The RPB will follow the approach advocated above but will include the RCA as a person they will be seeking to consult in providing an opinion. The RPB will then notify the RCA and ask for its advice in the manner that it does for an actual application, but will specify any limitations to the consultation as a result of speaking to the enquirer.

Given that the RPB is a statutory consultee, when it is specifically contacted for its advice on a pre application consultation it is subject to the requirement to respond to within 21 days and therefore deadline for all concerned will be tight. It should be noted from experience that gaining an agreed extension to this timescale will be harder to obtain than when similar requests are sought from a Local Planning Authority.

On receipt of a completed Assessment from the RCA the Assembly's Conformity Advisor will issue the advice with a covering letter summarising the views and the caveats as described above. A copy of the letter with the Assessment will be sent to the relevant RCA and anyone else who provided comments to them.

<p>RSS Regional Conformity Assessment Interim advice in relation to pre application enquiry</p>
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Proposal:	
Location:	
Enquirer:	
Local Planning Authority:	
County/Group/PAG:	
Regional Conformity Advisor:	
Date Sent to the RCA:	
Assessment to the RPB from RCA :	
Date Opinion Required :	

Refer to the RSS General Conformity Assessment Dossier Sheet to complete the section/s above. The information for example the dates should be consistent with the dossier sheet.

Description of Development Plan Document/Regionally Significant Planning Application

Description of Development Plan Document/Regionally Significant Planning Application (continued)

Relevant Planning History

The description of the Development Plan Document or Regionally Significant Planning application should be a clear concise accurate and precise account. Consider in Development Plan Documents for example the status of the document; its relationship to previous plans any related planning history considered under the new planning system or is it in transitional stages was there a first deposit draft). Consider in the case of Regionally Significant Planning applications for example, the type, scale, size and nature of the proposed development and its planning history.

Regional Spatial Strategy Objectives (Para 3.14 a-j)

- (a) to make the MUAs of the West Midlands increasingly attractive as places where people want to live work and invest
- (b) to secure the regeneration of the rural areas of the Region
- (c) to create a joined up multi centred Regional structure where all areas/centres have distinct roles to play
- (d) to retain the Green Belt but to allow an adjustment of boundaries where this is necessary to support urban renaissance
- (e) to support the cities and towns of the Region to meet their local and sub regional development needs
- (f) to support the diversification and the modernisation of the Region's economy while ensuring that opportunities for growth are linked to meeting needs and reducing social exclusion

(g) to ensure the quality of the environment is conserved and enhanced across all parts of the Region

(h) to improve significantly the Region's transport system

(i) to promote the development of a network of strategic centres across the Region

(j) to promote Birmingham as a world city

RSS Spatial Strategy Policies : Topic Chapters

Urban renaissance (Policy checklist: UR1 UR2 UR3 UR4)

Rural renaissance (Policy checklist: RR1 RR2 RR3 RR4)

Communities for all (Policy checklist: CF1 CF2 CF3 CF4 CF5 CF6)

Prosperity for all (Policy checklist: PA1 PA2 PA3 PA4 PA5 PA6 PA7 PA8 PA9 PA10 PA11 PA12 PA13 PA14 PA 15)

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Transport & Accessibility (Policy checklist: T1 T2 T3 T4 T5 T6 T7 T8 T9 T10 T11 T12)
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Consider how the proposal relates to the key RSS objectives (refer to Chapter 3 para. 3.14 of the RSS) which provide the context for the RSS policies. Ensure that the case is considered against the RSS Objectives and are referred to in this section. Consider the case against all the RSS topic chapters: Urban renaissance; Rural renaissance; Communities for all; Prosperity for all; Quality of the Environment; Transport & Accessibility. The relevant policies to the case should be referred to in this section and how they will be considered in the overall assessment.

Comments Received (including details of any self assessment or views of the enquirer)

All Comments received for example from the RSS Policy Leads; The RA's Strategic Advisors and the Other Stakeholder Groups and the Business Council to be recorded in this section.

The Assessment/Evaluation
(i)Key relevant issues
(ii) Relevant RSS Objectives
(iii)Comments Received

(iv) Summary and Assessment

An overall assessment and evaluation should (i) highlight the key relevant issues of the development plan document or regionally significant planning application with the RSS; (ii) relate them against the relevant RSS objectives and the RSS policies; (iii) consider all the comments received from for example the Policy Leads etc. (iv) summarise all the issues and comments received and weigh up the critical factors in reaching a 'balanced view' of the circumstances and (v) provide a clear logical 'step by step' assessment of the particular case.

Conclusion and Opinion of General Conformity

The opinion of general conformity should be based on the overall assessment and sound judgement and provide a clear and unambiguous opinion of whether the case is in general conformity with the RSS or whether it will significantly harm the implementation of the RSS.

Regional Conformity Advisor

Date