

Conformity Protocol – Reference Document D (May 2007)

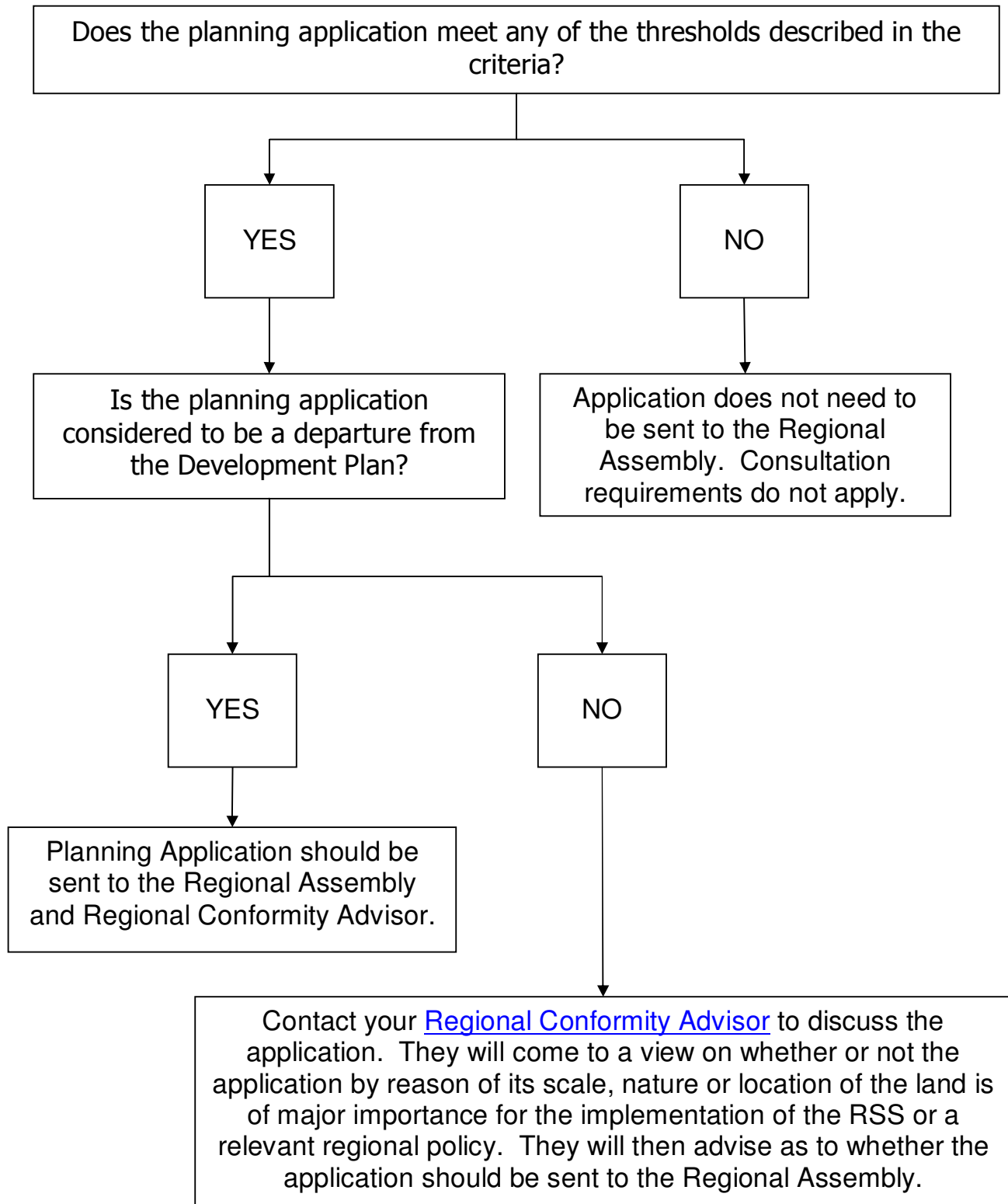
Part 1 - Criteria for Regionally Significant Planning Applications

1. Background.

- 1.1 [Schedule 6, paragraph 16 \(sub paragraph 3\)](#) of the Planning and Compulsory Purchase Act 2004 (the Act) specifies that Local Planning Authority's must consult the Regional Planning Body where (a) a development which would by reason of its scale or nature or the location of the land be of major importance for the implementation of the Regional Spatial Strategy or a relevant regional policy, or (b) a development of a description in relation to which the Regional Planning Body has given notice in writing to the Local Planning Authority that it wishes to be consulted.
- 1.2 Paragraphs 58 and 59 of [ODPM Circular 08/2005](#) (Guidance on Changes to the Development Control System) also explain these new arrangements. The following criteria are the West Midlands Regional Assembly's notification of other descriptions of development in relation to which it wishes to be consulted.
- 1.3 If, by using the flow chart below, the application is not one where the Regional Planning Body wishes to be consulted then, in accordance with sub paragraph 5a of paragraph 16 to Schedule 6 of the Act, the consultation requirements do not apply.
- 1.4 There is a duty for the Regional Assembly to make a substantive response to such consultations within a statutory time period. The relevant time period is 21 days or any other period agreed in writing between both parties. As a statutory consultee the Regional Assembly is required to report annually to the Secretary of State on their performance in meeting the statutory deadline.
- 1.5 In order to assist the understanding of the criteria and the Regional Assembly's role in such consultations, a user friendly guide has been produced and this is reproduced as Part 2 of this Reference Document.

West Midlands Regional Assembly

Flow chart to assist Local Planning Authorities in identifying planning applications that are regionally significant and therefore are developments on which the Regional Planning Body wishes to be consulted.



Criteria (Headings based on Chapters of the Regional Spatial Strategy)

Communities for the Future

- In Major Urban Areas residential applications of more than 4 hectares on green-field sites;
- In the settlements of significant development, residential applications of 3 hectares or more on any sites;
- In other urban areas or market towns residential applications of 2 hectares or more on any sites;
- In rural areas residential applications of 1 hectare or more on any site.
- In any area residential applications of more than 10 hectares on existing employment sites.

Prosperity for All

(Employment)

- Outside of the limits of a strategic centre¹ all office (Use Class B1a) applications (including where these are a part of a mixed use development) of 5,000 gross square metres or more.
- In the settlements of significant development, other urban areas, and market towns any Use Class B1, B2 or B8 scheme over 10 hectares;
- In rural areas any Use Class B1, B2, or B8 scheme that is in excess of 2 hectares;
- Significant applications for and on Regional Investment Sites (RIS), Major Investment Sites (MIS), Regional Logistic Sites (RLS);

(Retail and Leisure)

- Outside of the limits of a strategic centre¹ all applications comparison retail developments (including where these are a part of a mixed use development) of 5,000 gross square metres or more.
- Retail schemes involving 20,000 gross square metres floorspace area or more;
- Leisure schemes involving 20,000 gross square metres floorspace area or more;
- Tourism or leisure development of 5,000 gross square metres or more outside of a strategic centre defined in Policy PA11 and/or would have a

national, regional (except in the case of developments in Birmingham City Centre) or sub-regional role and catchment.

¹ A strategic centre is one that is identified in Policy PA11, namely: Birmingham, Brierley Hill, Burton upon Trent, Cannock, Coventry, Hanley (Stoke on Trent), Hereford, Kidderminster, Leamington Spa, Lichfield, Newcastle under Lyme, Nuneaton, Redditch, Rugby, Shrewsbury, Solihull, Stafford, Stratford upon Avon, Sutton Coldfield, Tamworth, Telford, Walsall, West Bromwich, Wolverhampton, Worcester.

Quality of the Environment

- New, or expansion of existing processing, utilisation and inter modal mineral handling facilities which exceed 1,000 square metres or a site greater than 5 hectares;
- Proposals for mineral extraction of 100,000 tonnes per year or 15 hectares or more;
- Sites of 10 hectares or more for waste disposal or proposals for waste management or waste transfer facilities of 50,000 tonnes per year;
- Renewable energy proposals greater than 5MW capacity (e.g. 5 turbines or a digester with 2MW of electricity and 3MW of heat capacity);
- Development schemes of 15 hectares or more which would sterilise mineral resources identified in a Minerals Consultation Areas and/or Minerals Safeguarding Areas.

Transport

- Major transport infrastructure (above £5million capital)¹;
- Any application for a Strategic Park and Ride facility;
- Any application which would prejudice the schemes listed in Policy T12;
- Any proposals for new airport developments or significant expansion or intensification of use in connection with existing airports in the Region.

If you are unsure if the application meets the criteria contact the [Regional Conformity Advisor](#) for your Local Authority for advice. Alternatively contact Tim Williams at the Regional Assembly on 0121 678 1050 or t.williams@wmra.gov.uk

¹ LTP definition