

WEST MIDLANDS REGIONAL SPATIAL STRATEGY

Conformity Protocol

Between

**The West Midlands Regional Assembly
(as the Regional Planning Body)**

And

The Strategic and Local Planning Authorities

Of

The West Midlands Region

Approved by the Regional Planning Partnership on 24 September 2007

Conformity Protocol

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1.0 Introduction to the Conformity Protocol (the Protocol).

- 1.1 The Regional Assembly is the Regional Planning Body, a role statutorily created and conferred on it by the Planning and Compulsory Purchase Act 2004 (the Act). The Act requires Local Planning Authorities to request the opinion, in writing, of the Regional Planning Body as to the **general conformity** of a Development Plan Document with the Regional Spatial Strategy when they are submitting a Document for independent examination to the Secretary of State. Local Planning Authorities can also make a similar request to the Regional Planning Body with regard to any other Local Development Document that they produce.
- 1.2 Additionally, the Act makes the Regional Planning Body a statutory consultee on planning applications submitted to Local Planning Authorities. The applications to be sent to the Regional Planning Body are those that are considered to be of major importance to the implementation of the Regional Spatial Strategy (i.e. regionally significant planning applications).

2.0 Objective.

- 2.1 The objective of this Protocol is to provide an agreed mechanism in which the Regional Assembly can deal with the statutory requirements now bestowed upon it as described above. This Protocol defines the working relationships between all the Authorities within the West Midlands Region who have a statutory planning function.

3.0 Principles underlying the Protocol.

- 3.1 **One** – the Protocol provides a framework for open and inclusive partnership working between the West Midlands Regional Assembly and the Region's Planning Authorities.
- 3.2 **Two** - the Regional Planning Body will ask for a Strategic Authority's opinion on general conformity issues. Through a series of Partnership Agreements, the Region's Strategic Authorities will provide professional advice to the Assembly where this is required or requested. This advice will be provided at a sub regional level in the following groupings:
 1. Within the four Shire Counties, via the scrutiny of their respective District and Borough Councils' Local Development Documents and planning applications;
 2. Within the seven Metropolitan Authorities, by mutual scrutiny through the existing Chief Engineers and Planning Officers Group (CEPOG) arrangements by local authority officers of the Principal Assistants' Group providing the technical advice with a Conformity Co-ordinator supporting the process; and
 3. Within the three Shire Unitaries, via scrutiny of each others Local Development Documents and planning applications.

Within these three groupings, there are a number of Officers from the Strategic Authorities who will act as Regional Conformity Advisors. In the case of the

Metropolitan Authorities CEPOG are collectively the Regional Conformity Advisor. Detailed guidelines on how the latter two groups operate within the scope of this Protocol are available in the Reference Documentation that accompanies the Protocol..

- 3.3 **Three** - the exception to these arrangements will be for Minerals and Waste Local Development Documents as well as planning applications for this type of development. They are scrutinised by a regional panel of technical officers reporting direct to the Regional Assembly. Again more detailed guidelines on how this operates are available in the accompanying Reference Document.
- 3.4 Up to date details of the Regional Conformity Advisors and their geographical areas of responsibility are provided on the Assembly's website as are details of the Mineral and Waste Planning Authorities in the Region and contacts for the Minerals and Waste Conformity Panel. The detailed roles and responsibilities of the Regional Conformity Advisors, the WMRA Secretariat and its Members, as well as the Region's Local Planning Authorities are described in Appendix A.
- 3.5 All formal conformity decisions will be made by a Conformity Panel of Members of the Assembly through delegated powers. Further details of this Panel and the decision making process are set out in Section 6 of this Protocol.
- 3.6 All parties that are signatories to the Protocol will operate in accordance with the Planning and Compulsory Purchase Act 2004, the Freedom of Information Act 2000, and will use their best endeavours to comply with agreed and / or statutory timetables/requirements.

4.0 **Scope of the work covered by the Protocol.**

Role of Local Authorities

4.1 Development Plan Documents – formal requirements

The Planning and Compulsory Purchase Act 2004 Act requires Local Planning Authorities to request the opinion, in writing, of the Regional Planning Body as to the **general conformity** of a Development Plan Document with the Regional Spatial Strategy when they are submitting a such a Document for independent examination to the Secretary of State. Such opinions are only issued following consideration by Members of the Assembly who have been given delegated powers to make a response.

4.2 Development Plan Documents – provision of informal advice during preparation

Prior to a Development Plan Document being formally submitted to the Secretary of State, there will be periods of public consultation as it is being prepared. There are two stages of consultation where the Regional Assembly are encouraged to assist Local Planning Authorities:

- One is developing the evidence base which is often expressed through the production of an Issues and Options document;
- The second is in relation to a Preferred Option prior to Submission.

An underlying aim of this Protocol will be to ensure that informal officer advice is given to Local Planning Authorities on matters relating to conformity with the Regional Spatial Strategy at these earlier stages of a Development Plan Documents preparation.

4.3 Supplementary Planning Documents

Local Planning Authorities can also make a request to the Regional Planning Body for an opinion of general conformity with regard to any other Local Development Document that they produce.

With regard to Supplementary Planning Documents, the Regional Assembly will not give an opinion of general conformity unless the Local Planning Authority producing it specifically asks for one or, alternatively, if the Assembly judges it to be of regional significance.

4.4 Regionally Significant Planning Applications

The Assembly's advice regarding regionally significant planning applications will be considered on whether the application will prejudice the objectives and/or policies of the Regional Spatial Strategy as the test of general conformity with the Strategy. With the Regional Spatial Strategy being classified as a "Development Plan", all planning applications should be in accordance with the relevant Development Plan(s) unless other material considerations apply.

- 4.5 The Act has given the Regional Assembly a degree of flexibility to establish its own criteria for determining the type of development on which it wishes to be consulted. The criteria adopted by the Assembly to determine regionally significant planning applications are set out in Reference Document D.

- 4.6 It is the responsibility for the Local Planning Authorities to consult the Regional Planning Body, if there is a situation where a planning application has been determined and it transpires that it was one that the Assembly would have been consulted on, it is the responsibility of the determining Authority to justify why it was not sent to the Assembly.

4.7 Joint or cross boundary Development Plan Document

Where a Joint Development Plan Documents is prepared between Local Planning Authorities the responsibility for assessing the Document shall rest with the Regional Conformity Advisor whose geographical share of the Document area has the greatest population. Should a regionally significant planning application cross Local Planning Authority boundaries the advice to the Regional Assembly shall be undertaken by the Regional Conformity Advisor with the largest area of the site within their geographical responsibility.

- 4.8 If a regionally significant planning application is sent to the Assembly by an Authority that is also the Regional Conformity Advisor for that area (i.e. a County Council) then the nearest adjoining County Council Regional Conformity Advisor to the application under consideration shall provide advice to the Assembly.

Role of the Regional Assembly

4.9 The Regional Assembly's role once an opinion or consultation response has been sent to a Local Planning Authority

After the Regional Assembly has given its formal opinion or advice to a Local Planning Authority under its statutory duties, there will from time to time be occasions where it will need to be involved or represented at Public Inquiry or Public Examination in order to explain or defend its views. Section 7 of the Protocol details how such situations will be dealt with by the Assembly.

4.10 Consultation with neighbouring Local Planning Authorities outside of the Region

There will be occasions when the Regional Assembly is consulted on both Development Plan Documents and planning applications by a Local Planning Authority from an adjoining Region. In such circumstances, the WMRA Secretariat will liaise with the adjoining Region and the most relevant Regional Conformity Advisor to seek their advice.

5.0 Preparation of advice by the Regional Conformity Advisors and Minerals and Waste Conformity Panel.

5.1 Initial consideration and internal consultation

The following section provides a brief synopsis of how the Regional Assembly will handle a consultation once it receives one for its advice. It then describes the steps taken before a Conformity Assessment is produced by the Regional Conformity Advisor (including Assessments produced by the Minerals and Waste Conformity Panel). The process described below is summarised in the flow chart labelled Table 1.

5.2 In respect of planning applications and pre-application enquiries, the Regional Assembly shall not consider the consultation to have been received until both the Assembly and the Regional Conformity Advisor have the necessary documentation as set out in the Assembly's pro forma.

5.3 A timetable will then be agreed with the Regional Conformity Advisor or Chair of the Minerals and Waste Panel as to when a Conformity Assessment should be submitted to the WMRA Secretariat. Following this the Secretariat will then notify the other Regional Conformity Advisors, RSS Policy Lead's, the Assembly's Strategic Advisors. Notification that the Assembly has received a Document or regionally significant planning application will include a date by which comments should be made to the relevant Regional Conformity Advisor and include details of where further information can be found.

5.4 Details of the documents and applications currently being considered (along with the timetable for consultation) will be presented on a weekly basis on the Regional Assembly's website. Details will be provided on the consultation, where details can be found (if available) and the date by which persons can forward any views to the Regional Conformity Advisor in respect of general conformity with the RSS.

5.5 RSS Policy Leads will also be notified but they are not expected to provide advice to the Regional Conformity Advisor unless this is specifically requested by the Advisor. In such circumstances, the Regional Conformity Advisor should do this promptly in order to give the Policy Lead sufficient time to consider and prepare their advice. In any case where an officer has a dual role (e.g. Regional Conformity Advisor and Policy Lead) they should, when responding to a consultation, make it clear in which capacity they are making their response.

5.6 All other Regional Conformity Advisors will be informed of the consultation and will have the right to submit views where there are relevant considerations relating to their geographic area.

5.7 Where additional or supplementary information is received in respect of a regionally significant planning application then it may be necessary to reconsult if

the information is considered to be material to the issue of general conformity with the Regional Spatial Strategy.

- 5.8 All persons involved in providing or producing advice to the Assembly in respect of conformity with the RSS shall be subject to the Officers Code of Conduct.

5.9 Representations by third parties

Where the Regional Conformity Advisor or the Regional Assembly receive any views from a third party, then these will be forwarded to the relevant Local Planning Authority if they have not already received a copy and the author notified of this fact.

5.10 Informal 'pre-Submission' advice

In respect of consultations at the Issues and Options and Preferred Options stage, where informal advice is sought from the Regional Conformity Advisor, coming to a clear conclusion may be less clear cut. In such instances, the advice provided by the Regional Conformity Advisor should specify whether the Local Development Document is moving towards a future opinion of general conformity or not. Where it is not, the relevant parts of the Document or Policies within it should be highlighted, with recommendations for the Local Planning Authority as to what should change or be included so that the Document can move towards general conformity with the Regional Spatial Strategy.

5.11 Provision of a Conformity Assessment

The Regional Conformity Advisors advice will take the form of a written assessment documenting issues raised, opinions submitted and considered along with an evaluation that comes to a conclusion. The preferred method of providing an assessment is for the Regional Conformity Advisors to use a pro forma template provided by the Regional Assembly. The Conformity Assessment needs to include any views received and will also be required to demonstrate that these views have been taken into account in determining the final advice. Ultimately though, it is the Regional Conformity Advisors judgement that governs the final advice to the Assembly for their subsequent consideration.

- 5.12 Further guidance and best practice will be developed by the WMRA Secretariat with the Regional Conformity Advisor's to ensure a level of consistency across the Region and also to reflect ongoing changes as a result of Revisions to the Regional Spatial Strategy, any Government guidance or advice from the Planning Inspectorate.

5.13 Repeat or similar planning applications

Should the consultation relate to a planning application on which the Regional Assembly has already commented on, then the WMRA Secretariat will seek the views of the relevant Regional Conformity Advisor. If the Regional Conformity Advisor states that their earlier advice remains unaltered, then that view will be forwarded to the Chair of the Conformity Panel for consideration.

6.0 Making a decision on the advice received.

- 6.1 Where a Conformity Assessment relates to a consultation on a pre submission Development Plan Document or a pre-application enquiry, it shall be sent to the WMRA Secretariat who will reply to the Local Planning Authority on behalf of the Regional Assembly and this will represent informal Officer advice.

- 6.2 The WMRA Secretariat will review the assessment to ensure there is clarity and consistency in the advice provided by the Regional Conformity Advisors. In relation to formal views this will be undertaken by the Secretariat before presenting it to those Members of the Assembly with delegated powers (as described below) for their consideration.
- 6.3 In the first instance all Conformity Assessments will be presented electronically by the WMRA Secretariat to a Conformity Panel who have been established to undertake this role (i.e. acting as a sub committee of the Assembly Board). The Protocol under which the Conformity Panel operates is available via the Assembly's [website](#). It defines the principles by which Members will come to a decision on the formal response to a consultation following receipt of a Conformity Assessment by the Regional Conformity Advisor. This process is summarised below and in the flow chart labelled Table 2.
- 6.4 The RPB has a duty to respond to such consultations within certain timescales, which, in respect of planning applications, is extremely limited. So that the RPB can deal with the random nature of such consultations and meet the tight timescales stipulated it has decided to delegate responsibility to the Regional Planning Executive (RPE) utilising a mechanism of a Conformity Panel of RPE members to deal with conformity issues, notwithstanding that any conformity matter may be referred for determination at any time to the full Regional Planning Partnership which has overall responsibility for the Assembly's Regional Planning Body function as delegated by the Assembly Board.
- 6.5 The Panel will comprise of four members with the Chair and Vice-Chairs of the RPE as core members with nominated alternates, agreed by the RPE, to participate in Panel proceedings in the event of any of the core members being unable to participate. In exceptional cases of urgency any other member of RPE can fulfill an alternate role in any particular meeting of the Panel. The occasions when alternates will be called upon will include non availability of core members for business or personal reasons or where the core member has a prejudicial interest in the matter to be determined.
- 6.6 If a meeting of the Members of the Conformity Panel is required, then the relevant Regional Conformity Advisor should attend that meeting to present their Assessment to the Panel. If they are unable to present their Assessment, they should ensure a substitute is made available on their behalf. If there is a difference of view on the final recommendation of general conformity between parties in the determination of the Regional Conformity Advisors advice, such parties (i.e. those Policy Leads or Registered Assembly Contacts who made representations) will also be invited to attend to present their views.
- 6.7 There will be occasions when a consultation will need to be referred by the Conformity Panel up to the Regional Planning Executive or the Regional Planning Partnership for a decision.
- Where there are outstanding issues within the conformity assessment regarding the advice given to the RPB;
 - If the Conformity Panel do not agree with the advice within the assessment provided to them;

- Where the Conformity Panel considers the matter to be of such significance to warrant referral;
- If the Conformity Panel cannot provide the required majority agreement on a view (i.e. at least 3 votes to 1).

In such circumstances, all those who made representations in the Assessment shall be given the opportunity to present their views to the relevant meeting. This shall include the Regional Conformity Advisor and, where the consultation is a Local Development Document, the Local Planning Authority.

- 6.8 In respect of consultations received from Local Planning Authorities in adjoining Regions, unless the Regional Conformity Advisor expresses any views that would lead to an opinion of non conformity, then the WMRA Secretariat will forward the advice to the neighbouring Local Planning Authority.

7.0 Involvement at Public Examinations and Inquiries.

7.1 Development Plan Documents

When the Regional Assembly provides its formal advice to a Local Planning Authority on a Development Plan Document, then this will be brought to the attention of the Planning Inspector presiding over the Public Examination of that Document by the Authority concerned.

- 7.2 In Examinations where the Regional Assembly is not represented, should the Inspector seek any clarification on a representation, then any response shall be provided in writing by the Regional Conformity Advisor to the WMRA Secretariat for endorsement by the Conformity Panel. The Assembly's response shall then be provided as a written statement to the Examination, before the close of the Examination.

- 7.3 The Regional Assembly will only attend Examinations by exception, for example, where the Assembly's advice is that the Development Plan Document is not in general conformity with the Regional Spatial Strategy. Where the Assembly is represented the Regional Conformity Advisor will be required to represent the Regional Planning Body as necessary unless the Assembly's Members did not agree their Assessment as the basis of the final response.

7.4 Site Allocations Development Plan Documents

Following the submission of a Site Allocations Development Plan Document, any representations that have been made are required to be advertised by the Local Planning Authority. The Regional Assembly has taken the view that is impractical, and a diversion of limited resources, to review all of the sites and consider whether they are in general conformity with the Regional Spatial Strategy, especially if the Site Allocations Development Plan Document is considered to be in general conformity with the Core Strategy and the Regional Spatial Strategy.

7.6 Regionally Significant Planning Applications

At any Public Inquiries in relation to a planning application where the Assembly has provided advice, it is considered that any supplementary evidence should be made by written representations. In such circumstances a Regional Conformity Advisor would prepare this advice for consideration by the Conformity Panel.

Again this would only apply where the Assembly had used their advice as the basis of a response.

8.0 Monitoring and Review.

- 8.1 Performance against this Protocol will be monitored and will be reported to both the Regional Planning Partnership and Regional Planning Executive. In respect of regionally significant planning applications and pre application enquiries, the Regional Assembly has a duty to send an Annual Report to the Department of Communities and Local Government in relation to statutory response times to consultations.
- 8.2 This Protocol and Appended documents will be reviewed at least annually to ensure that the process continues to operate efficiently and effectively and to reflect any emerging or new legislation and guidance. Reviews shall be professionally managed by the Regional Planning Officers Group and will be subject to direction/approval by the Regional Advisory Group.

How the Regional Assembly deals with formal and informal requests in relation to general conformity

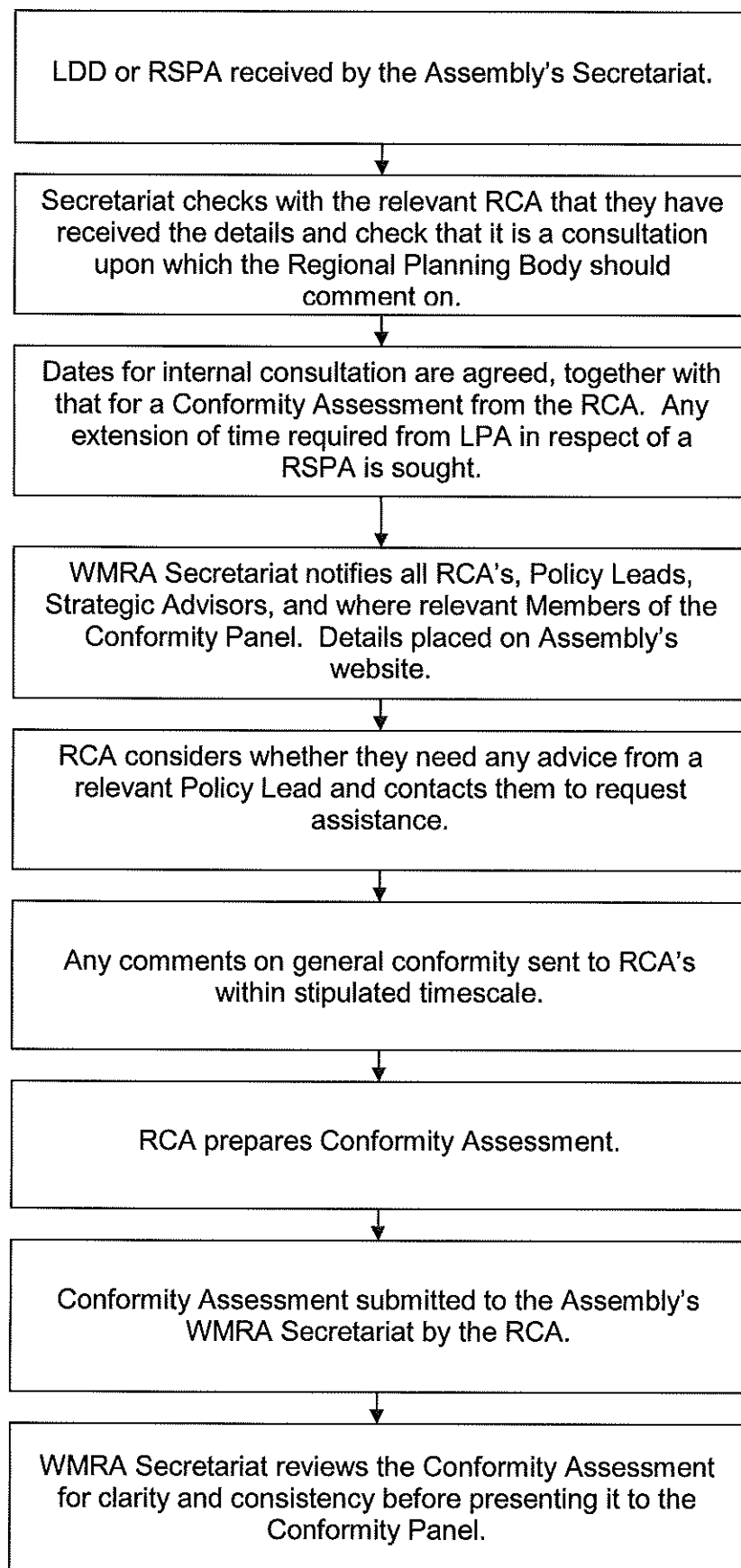


TABLE 1

Key to Abbreviations:

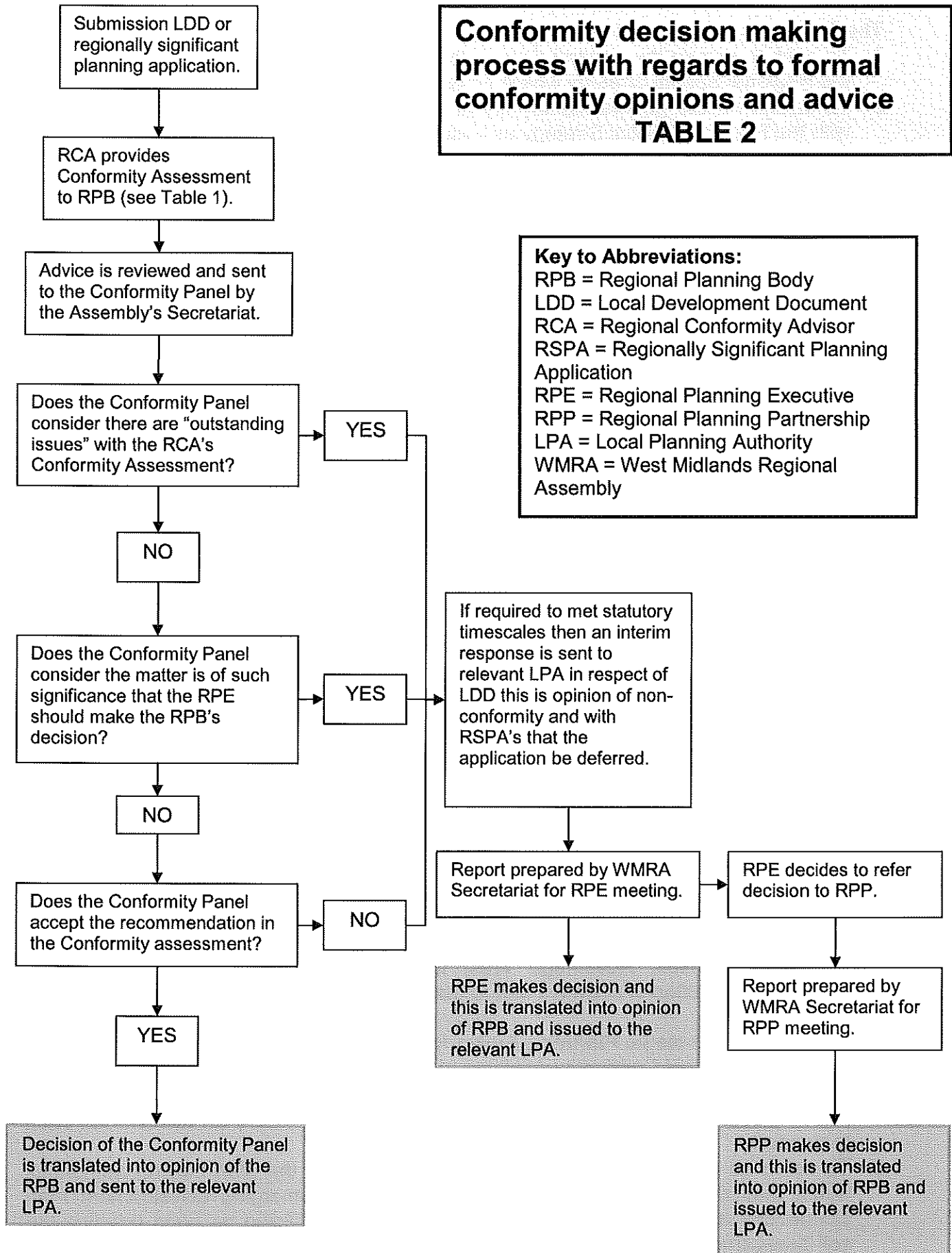
RPB = Regional Planning Body
LDD = Local Development Document
RCA = Regional Conformity Advisor
RSPA = Regionally Significant Planning Application
LPA = Local Planning Authority
WMRA = West Midlands Regional Assembly

Conformity decision making process with regards to formal conformity opinions and advice

TABLE 2

Key to Abbreviations:

RPB = Regional Planning Body
 LDD = Local Development Document
 RCA = Regional Conformity Advisor
 RSPA = Regionally Significant Planning Application
 RPE = Regional Planning Executive
 RPP = Regional Planning Partnership
 LPA = Local Planning Authority
 WMRA = West Midlands Regional Assembly



Conformity Protocol - Appendix A - Roles and Responsibilities of signatories to the Conformity Protocol

The Role of the Regional Planning Body

1. To seek to secure the general conformity of all Local Development Documents with the Regional Spatial Strategy where an opinion has been requested.
2. To advise on the general conformity of regionally significant planning applications with the Regional Spatial Strategy as a statutory consultee.
3. To utilise the region's strategic planning authorities as Regional Conformity Advisors and the Minerals and Waste Conformity Panel to advise (for their geographic area of responsibility) on whether Local Development Documents and regionally significant planning applications are in general conformity with the Regional Spatial Strategy.
4. To work in accordance with the Conformity Protocol and Appendices attached to it.
5. To operate a decision making process in accordance with the Protocol governing the exercise of the Regional Planning Body Conformity Role.
6. To ensure that equal application of general conformity judgement is applied across the Region in terms of both clarity and consistency of advice.
7. To ensure that upon notification or formal submission of a Local Development Document or a regionally significant planning application:
 - a) receipt and deadline dates are agreed with the Regional Conformity Advisor/Minerals and Waste Conformity Panel.
 - b) an email alert is sent to the Regional Conformity Advisors, Regional Spatial Strategy Policy Lead's, the chair of the Regional Town Centres Group, and the Assembly's Strategic Advisors.
 - c) information pertaining to the consultation is posted on the WMRA website.
8. To inform stakeholders, the Regional Planning Partnership, and the Regional Planning Executive of current consultations.
9. To ensure that the Regional Spatial Strategy conformity process is carried out in an open, transparent and inclusive manner.
10. To ensure that all records of meetings, information and advice received or given in carrying out the assessment of general conformity is made publicly available upon request.
11. To have due regard to opinions received where these relate to general conformity with the Regional Spatial Strategy.
12. To report to the Regional Planning Partnership and the Regional Planning Executive a record of all decisions taken by Conformity Panel, as well as providing updates on current issues that arise as a result of conformity based work.
13. To issue an opinion of general conformity within the timescales set by the Planning Act and Secondary legislation unless a written local agreement is in place.
14. To establish working arrangements to co-ordinate the operation of this Protocol with Government Office, Advantage West Midlands and the Highways Agency to minimise duplication of activities and to maximise consistency of advice.

The Role of the Strategic Planning Authorities

1. To act as Regional Conformity Advisors to the Regional Planning Body to secure the general conformity of Local Development Documents and regionally significant planning applications with the Regional Spatial Strategy where an opinion has been requested.
2. To establish arrangements whereby advice is given to the plan making authorities within their remit on the general conformity of their emerging Development Plan Documents at informal and self assessment stages, utilising as good practice the self-assessment tool (see Reference Document C).

3. To establish arrangements for the effective monitoring of planning applications in their agreed area of responsibility and to give prompt advice to the relevant planning authority on general conformity issues arising there from having particular regard to the definition of regionally significant planning applications (Reference Document D).
4. To advise the Regional Planning Body promptly where issues of general conformity have arisen that are not capable of resolution between the relevant planning authorities.
5. To present to the Regional Planning Body a Conformity Assessment, noting any pre-submission discussions, issues, consultations and views received.
6. To provide the Regional Planning Body with a balanced opinion of general conformity setting out clearly the issues involved and key determining factors, taking into account and having due regard to any views received from Regional Spatial Strategy Policy Leads, Strategic Advisors or other parties.
7. To ensure that there is adequate staff coverage in light of key personnel absences.
8. To assist and represent the Regional Planning Body at Public Examinations as set out in Section 7 of the Conformity Protocol.
9. To operate in the spirit of partnership working reflecting the open and inclusive ethos of the Regional Planning Body.
10. To comply with timescales set out in the Conformity Protocol and statutory requirements set by the Planning Act and Secondary legislation.

Role of the Metropolitan Authorities

In addition to the above;

1. To agree measures to operate the Protocol using the established Principal Assistants' Group as a mechanism for mutually assessing the general conformity of Local Development Documents and regionally significant planning applications of the seven Metropolitan Authorities.

Role of the Shire Unitary Authorities

In addition to the above;

1. To agree measures to operate the Protocol by securing the mutual assessment of general conformity of Local Development Documents and regionally significant planning applications of the three Shire Unitary Authorities.

The Role of the Local Planning Authorities

1. To maintain close and open liaison with their Regional Conformity Advisor/Minerals and Waste Conformity Panel in the preparation, review and roll-forward of their Local Development Schemes.
2. To have full regard to Regional Spatial Strategy in the preparation of their Local Development Documents in liaison with their Regional Conformity Advisor/Minerals and Waste Conformity Panel.
3. To discuss all aspects of their Development Plan Documents at pre submission stage with their Regional Conformity Advisor and any relevant Policy Lead/Strategic Advisor, and to work actively to resolve any general conformity issues.
4. Consult the Regional Planning Body on planning applications which Reference Document D of the Protocol indicates are of regional significance.
5. To help identify at the earliest stage possible all regionally significant planning applications that might be considered to be regionally significant during pre application discussion and to bring these to the attention of their Regional Conformity Advisor.
6. To submit one copy of relevant documentation to the WMRA Secretariat and one copy to their Regional Conformity Advisor. In addition where the documents concern Minerals or Waste matters then one copy of relevant documents should be sent to

the Chair of the Minerals and Waste Conformity Panel. Where possible details should be uploaded on the Authority's website so that those wishing to comment can easily view details of the consultation.

7. To have regard to statutory and Conformity Protocol timescales so that a request for an agreed extension of time to respond to planning applications is considered favourably.
8. Bring to the attention of the Regional Assembly any representation from other parties that Local Development Document or regionally significant planning application is not in general conformity with the Regional Spatial Strategy.

Assessment of Waste and Minerals Documents and regionally significant planning applications

Minerals Development Plans Documents produced by any of the Region's planning authorities as well as regionally significant planning applications of a minerals and waste nature shall be scrutinised by a Minerals and Waste Conformity Panel in line with guidelines produced for that Panel.

Codes of Conduct

All officers and Members shall operate this Protocol according to the Code of Conduct

Review

This Protocol and appended documents will be reviewed at least annually to ensure that the process continues to operate efficiently and effectively and to reflect any emerging or new legislation and guidance. Performance against the Protocol will be monitored.

Conformity Protocol – Appendix B – Glossary of Terms referred to in the Protocol

Chief Engineers and Planning Officers Group

Collectively, the Conformity Advisor for the Seven Metropolitan Authorities.

Conformity Assessment

An Assessment that is produced by a Regional Conformity Advisor as advice to the Regional Assembly in relation to a consultation on a Local Development Document or regionally significant planning application.

Conformity Panel of Members

Assembly Members on the RPE who have been given responsibility to deal with conformity issues under agreed Protocols.

Development Plan Document

Development Plan Documents are prepared by Local Planning Authorities and outline the key development goals of the Local Development Framework. Development Plan Documents include the Core Strategy, site-specific allocations of land and, where needed, Area Action Plans. There will also be an adopted proposals map which illustrates the spatial extent of policies that must be prepared and maintained to accompany all Development Plan Documents. All Development Plan Documents must be subject to rigorous procedures of community involvement, consultation and independent examination, and adopted after receipt of the Inspector's binding report. Once adopted, development control decisions must be made in accordance with them unless material considerations indicate otherwise. Development Plan Documents form an essential part of the Local Development Framework.

Issues and Options and Preferred Options Stage

The "pre-submission" consultation stages on Development Plan Documents with the objective of gaining public consensus over proposals ahead of submission to government for independent examination.

Local Development Document

These include Development Plan Documents (which form part of the statutory Development Plan) and Supplementary Planning Documents (which do not form part of the statutory Development Plan). Local Development Documents collectively deliver the spatial planning strategy for the Local Planning Authority's area.

Local Development Framework

The Local Development Framework (LDF) is a non-statutory term used to describe a folder of documents, which includes all the Local Planning Authority's Local Development Documents. An LDF is comprised of:

- Development Plan Documents (which form part of the statutory Development Plan)*
- Supplementary Planning Documents*

The Local Development Framework will also comprise of:

- the Statement of Community Involvement*
- the Local Development Scheme*
- the Annual Monitoring Report*
- any Local Development Orders or Simplified Planning Zones that may have been added*

Local Planning Authority

Counties, District's, Borough's and Metropolitan Authorities who prepare Local Development Frameworks and determine planning applications in their administrative area.

Minerals and Waste Conformity Panel

A panel of Officers from the Strategic Authorities who provide the Assembly with a Conformity Assessment in relation to Documents and planning applications for minerals and waste developments.

Public/Independent Examination

The process by which a planning Inspector may publicly examine a Development Plan Document or a Statement of Community Involvement (SCI) before issuing a binding report. The findings set out in the report of binding upon the Local Authority that produced the Development Plan Document or SCI.

Public Inquiry

A hearing by a Planning Inspector into a planning matter such as a Local Plan or appeal.

Regional Conformity Advisor

The Officer or Officers from the Strategic Authorities within the Region who provide advice to the Regional Assembly on conformity matters arising in the Local Planning Authorities in their geographic area.

Regional Planning Body

Body responsible for the production and review of the Regional Spatial Strategy and matters relating to the ongoing planning and development of the Region.

Regional Planning Executive

A sub committee of the Regional Planning Partnership. The RPE have been delegated specific responsibility for examining the conformity of Local Development Documents with the Regional Spatial Strategy and to agree the Regional Planning Body's response to any consultation on planning applications of regional significance.

Regional Planning Officers Group

A cross sectional group of persons that provide a sounding board to advise the Regional Assembly on a wide range of spatial planning issues including conformity and implementation matters.

Regional Planning Partnership

A Committee of the Regional Assembly's Board dealing with the Assembly's role as "Regional Planning Body"

Regional Spatial Strategy (RSS)

A strategy for how a region should look in 15 to 20 years time and possibly longer. The Regional Spatial Strategy identifies the scale and distribution of new housing in the region, indicates areas for regeneration, expansion or sub-regional planning and specifies priorities for the environment, transport, infrastructure, economic development, agriculture, minerals and waste treatment and disposal. The Regional Spatial Strategy is part of the Development Plan of an area.

Regional Spatial Strategy Policy Leads

Person who is responsible for overseeing and championing particular Policies of the Regional Spatial Strategy and any ongoing revisions to these.

Secretary of State

The Secretary of State for Communities and Local Government (CLG).

Seven Metropolitan Authorities

Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, Walsall Council, and Wolverhampton City Council.

Shire Counties

County Councils of Shropshire, Staffordshire, Warwickshire, and Worcestershire.

Shire Unitaries

City of Stoke on Trent Council, Herefordshire Council, and Telford and Wrekin Council.

Strategic Authorities

A Local Authority which the Regional Planning Body must seek the advice of in relation to certain number of its functions. In the West Midlands Region this is the Authorities of the Shire Counties, the Seven Metropolitan Authorities, and the Shire Unitaries.

Submission (of a Document)

A Development Plan Document submitted to the Secretary of State for independent examination by a government appointed planning Inspector.

Supplementary Planning Document

A Supplementary Planning Document is a Local Development Document that may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' Development Plan Document.

WMRA Secretariat

Officers from the Regional Assembly who coordinate the conformity process and provide support to Members of the RPP and RPE.

REFERENCE DOCUMENTS

The following Reference Documents accompany the West Midlands Conformity Protocol that was approved by the Regional Planning Partnership on the 24th September 2007.

The Documents are subject to changes and updates as necessary. The current versions will be available via the Regional Assembly's website.

Reference Document:

- A Geographical areas of responsibility for Regional Conformity Advisors
- B Guidelines for Unitary Authorities (i) Metropolitan Unitaries (ii) Shire Unitaries
- C Self assessment tool for Local Planning Authorities
- D Criteria and guidance in relation to regionally significant planning applications
- E Protocol Governing the Exercise of the RPB Conformity Role
- F Code of Conduct for Officers and Members
- G Guidelines for the Regional Minerals and Waste Conformity Panel

REFERENCE DOCUMENTS

The following Reference Documents accompany the West Midlands Conformity Protocol that was approved by the Regional Planning Partnership on the 24th September 2007.

The Documents are subject to changes and updates as necessary. The current versions will be available via the Regional Assembly's website.

Reference Document:

- A Geographical areas of responsibility for Regional Conformity Advisors
- B Guidelines for Unitary Authorities (i) Metropolitan Unitaries (ii) Shire Unitaries
- C Self assessment tool for Local Planning Authorities
- D Criteria and guidance in relation to regionally significant planning applications
- E Protocol Governing the Exercise of the RPB Conformity Role
- F Code of Conduct for Officers and Members
- G Guidelines for the Regional Minerals and Waste Conformity Panel

Conformity Protocol

REFERENCE DOCUMENT A

Geographical areas of responsibility for Regional Conformity Advisors

REFERENCE DOCUMENT A

Geographic Areas of Responsibility

| Regional Conformity Advisor | Authority |
|--|---|
| <p>Shropshire County Council Andy Mortimer 01743 252566 andy.mortimer@shropshire-cc.gov.uk Deputy – Liam Cowden 01743 252527 liam.cowden@shropshire-cc.gov.uk</p> | <p>Bridgnorth District Council North Shropshire District Council Oswestry Borough Council Shrewsbury & Atcham Borough Council South Shropshire District Council</p> |
| <p>Staffordshire County Council Tony Lovett 01785 277363 tony.lovett@staffordshire.gov.uk Deputies - Hugh Lufton 01785 277369 hugh.lufton@staffordshire.gov.uk Paul Rigby 01785 854089 paul.rigby@staffordshire.gov.uk</p> | <p>Cannock Chase Council East Staffordshire Borough Lichfield District Council Newcastle-under-Lyme Borough Council South Staffordshire Council Stafford Borough Council Staffordshire Moorlands District Council Tamworth Borough Council</p> |
| <p>Chief Engineers and Planning Officers Group - (CEPOG) Conformity Co-ordinator - Andrew Donnelly 0121 214 7338 andrewdonnelly@centro.org.uk Deputy - George Parsons. 0121 214 7328 georgeparsons@centro.org.uk</p> | <p>Birmingham City Council Coventry City Council Dudley Metropolitan Borough Council Sandwell Metropolitan Borough Council Solihull Metropolitan Borough Council Walsall Metropolitan Borough Council Wolverhampton City Council</p> |
| <p>Warwickshire County Council Pam Neal 01926 412061 pamneal@warwickshire.gov.uk Deputy - Tony Lyons 01926 412391 tonylyons@warwickshire.gov.uk</p> | <p>North Warwickshire Borough Council Nuneaton & Bedworth Borough Council Rugby Borough Council Stratford-on-Avon District Council Warwick District Council</p> |
| <p>Worcestershire County Council Mark Middleton 01905 766720 mmiddleton@worcestershire.gov.uk Deputies - Paul Maitland 01905 766717 PMaitland@worcestershire.gov.uk Dale Bristow 01905 766727 DBristow@worcestershire.gov.uk</p> | <p>Bromsgrove District Council Malvern Hills District Council Redditch Borough Council Worcester City Council Wychavon District Council Wyre Forest District Council</p> |
| <p>Tri-partite arrangements</p> | <p>Stoke-on-Trent City Council</p> |
| <p>Jim Kerrigan (Telford & Wrekin Council) 01952 203037 jim.kerigan@telford.gov.uk Deputy - Duncan Holness 01952 202380 Duncan.Holness@telford.gov.uk</p> | |

| | |
|---|-------------------------------------|
| <p>Christine Ide (Stoke-on-Trent City Council) 01782 232302 christine.ide@astoke.gov.uk Deputy - Brian Davies 01782 235706 brian.davies@stoke.gov.uk</p> | <p>Herefordshire Council</p> |
| <p>Gemma Dyke (Herefordshire Council) 01432 260139 gdyke@herefordshire.gov.uk Deputy – Kevin Singleton 01432 260137 ks1@herefordshire.gov.uk</p> | <p>Telford & Wrekin Council</p> |

Mineral/Waste Planning Authorities in West Midlands:

- Birmingham City Council
- Dudley Metropolitan Borough Council
- Sandwell Metropolitan Borough Council
- Shropshire County Council
- Solihull Metropolitan Borough Council
- Staffordshire County Council
- Stoke on Trent City Council
- Telford and Wrekin Council
- The County of Herefordshire District Council
- Walsall Metropolitan Borough Council
- Warwickshire County Council
- Wolverhampton City Council
- Worcestershire County Council

The Chair of the Minerals and Waste Conformity Panel is Paul Wilcox (Staffordshire County Council) Tel: 01785 277270 or paul.wilcox@staffordshire.gov.uk

The Deputy Chair is Jasbir Kaur (Warwickshire County Council) Tel: 01926 412170 or jasbirkaur@warwickshire.gov.uk

Details correct as of January 2008.

REFERENCE DOCUMENT B

Guidelines for Unitary Authorities

(i) Metropolitan Unitaries

(ii) Shire Unitaries

REFERENCE DOCUMENT B(i) - Conformity Protocol – Metropolitan Area (May 2007)

Context

1. Following the introduction of the Planning and Compulsory Purchase Act (2004), the West Midlands Chief Engineers and Planning Officers Group (CEPOG), has entered into an agreement with the RPB whereby it assesses Local Development Documents (LDDs) and regionally significant planning applications, within its area, in terms of their *General Conformity* with the RSS where such requests have been made to the Regional Planning Body.
2. Outlined below (Paragraph 8 onwards) is a framework for undertaking a Conformity Assessment which is consistent with the Conformity Protocol.
3. Structures for undertaking this work are in place with the local authority members of the Principal Assistants' Group (PAG) providing the technical capability and CEPOG considering its recommendations. The CEPOG Support Team (CST) will coordinate the process and provide technical support as required; CEPOG is collectively the Conformity Advisor and CST is the Conformity Coordinator.
4. PAG meets bi-monthly but also has intermediate reserve dates scheduled. Conformity matters/LDD progress is a standing item on the Agenda. Under this item, and as part of the 'frontloading' process, Authorities will be required to update each other regarding:
 - advance notice of Local Development Documents to be submitted;
 - early draft policies and proposals highlighting those which may pose general conformity issues; and
 - any known details of forthcoming major planning applications that may pose general conformity issues.
5. CST will keep the RPB informed with regard to the above matters which will be minuted and comprise part of an audit trail.
6. All officers engaged in Conformity Assessment will abide by the Conformity Protocol the Code of Conduct, and relevant appendices.
7. As the RCA, CEPOG will assist and represent the RPB at Public Examinations and Inquiries as set out in Section 7 of the Conformity Protocol.
8. CST, on behalf of CEPOG, will report to the RPB Secretariat on the discharge of this Protocol at least once a year.

The Assessment Process - Local Development Documents

9. Local Authorities will notify its LDDs and submission version DPDs to the Regional Assembly and also to CST formally requesting an opinion as to whether it is in *General Conformity*.
10. CST will liaise with the WMRA Secretariat to agree when an opinion is required in order to comply with its six-week deadline. CST will then convey this information to all Metropolitan Local Authorities and determine the internal timetable.
11. The WMRA Secretariat will inform all its stakeholders that the DPD is subject to the Conformity Assessment process and invite representations to be made to the CST. A response, taking into account all representations made will be prepared by CST and endorsed in accordance with the process set out in paragraphs 18 to 23.

12. Each Metropolitan Local Authority has a designated topic area for which it has responsibility for providing advice (see below), but is free to comment on any other policies/proposals or the document as a whole. In terms of considering the submitting authority's subject area, responsibility will usually fall to another Authority/CST. Any Metropolitan officer who is responding in a different capacity, such as a Regional Policy Lead, must make this clear when submitting representations.

Metropolitan Area – Topic Responsibilities for RSS Conformity Assessment

| <u>Metropolitan Authority</u> | Topic Responsibilities |
|--------------------------------------|---------------------------------|
| <u>Birmingham</u> | Economy and Employment |
| <u>Coventry</u> | Retail |
| <u>Dudley</u> | Natural Environment/Countryside |
| <u>Sandwell</u> | Housing |
| <u>Solihull</u> | Green Belt |
| <u>Walsall</u> | Transport |
| <u>Wolverhampton</u> | Waste* |

**NB Matters are dealt with via the Regional Minerals and Waste Conformity Panel*

13. Due to the tight deadlines, much of the work will be undertaken remotely. Regular PAG and RSS Task and Finish Group meetings will also be used to agree responses if they coincide with deadlines.
14. A prompt reply from individual authorities is required to enable CST to co-ordinate a response and circulate it to contributing authorities for endorsement. The PAG Chair will provide a steer where appropriate or responsibility will fall to the PAG Vice Chair if it is the chair authority's DPD that is under assessment or the Chair is unavailable.
15. If an authority does not comment on a draft response in accordance with the internal timescale set, it will be assumed that it has no comment to make. A response, however, in all circumstances is preferable.
16. Local Authorities are also requested to submit Issues and Options and Preferred Option consultation documents to the RPB and CST. Whilst a formal *conformity assessment* is not possible, informal comments will be provided in the context of RSS policies. This comprises part of the 'frontloading' process that CLG is keen to promote as a means of resolving potential difficulties prior to the formal submission of documents and the independent examination. These comments will be offered without prejudice to any formal consideration of a submission document and will be prepared and endorsed in the same way as for a submission document.
17. Each local authority and CST will nominate a reserve in addition to their lead PAG officer. It will be the responsibility of the reserve to coordinate any input in the absence of the lead officer.

Endorsing the Recommendation

18. Once PAG has reached a decision, the recommendation will be presented to the next meeting of CEPOG if one is scheduled within the timescale. If this is not possible, as is likely to be the case, the recommendation will be endorsed by officers in the below order of priority:

- CEPOG Chair
- CEPOG Vice Chair
- RSS Phase 2 Task and Finish Group Chair
- PAG Chair
- PAG Vice Chair

19. CST will identify the officer best suited to considering the recommendation based upon:

- The magnitude of issues raised.
- Whether one of the above officers represents the submitting authority.
- The need to meet the RPB's deadline.
- The availability of the above officers.

20. Any decisions not endorsed by a full meeting of CEPOG will be reported on a quarterly basis.

21. Once either CEPOG or an authorised officer has taken a decision on a recommendation, it will be conveyed by CST along with an assessment providing an audit trail to the RPB and copied to the submitting authority. It will be the responsibility of the RPB to consider this and formally issue an opinion of general conformity/non-conformity as appropriate.

22. If a consensus view regarding general conformity cannot be reached, this will be reported to the WMRA Secretariat with the areas of divergence clearly explained. The WMRA Secretariat will follow the steps outlined in the Conformity Protocol.

23. If the issues raised are not resolved by the time of the independent examination, a representative from CEPOG will present a case on behalf of the RPB provided that the RPB has issued a Conformity opinion in accordance with CEPOG's recommendation. If the RPB takes a contrary view, CEPOG will not be in a position to present a case.

The Assessment Process - regionally significant planning applications

24. Given the short time period in which an opinion needs to be given, it will be the responsibility of the recipient authority to inform the RPB and CST that an application (in accordance with the criteria in Reference Document D) has been registered and an opinion is invited. This item will also be considered at the regular PAG meetings given that major applications are not usually lodged without advance warning/negotiations.

25. The procedure whereby an opinion is arrived at and agreed concurs with the procedures for DPD's except that authorities will not be bound by their topic areas although their areas of expertise will be drawn upon as appropriate. If a Local Authority does not respond within the given timescale it will be assumed that they have no observations to make. Again with the timescales involved it is more likely that the registering of regionally significant planning applications will not coincide

with scheduled CEPOG meetings and as such officer delegation as outlined in paragraphs 18 and 23 will be required.

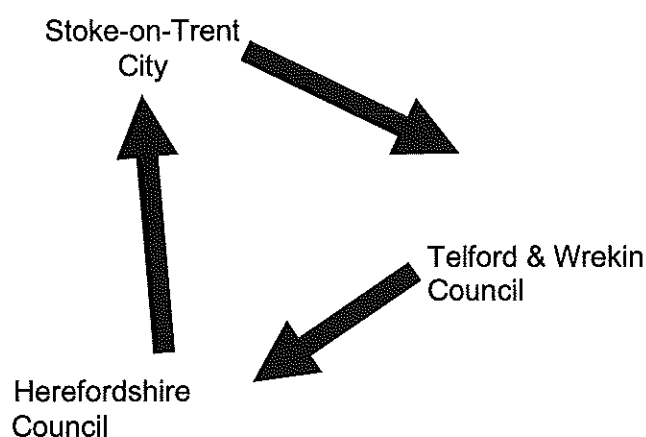
26. Local Authorities are urged to give advance warning of any regionally significant planning applications that are in the pipeline as part of the 'frontloading' process identified in para. 3. This is of particular importance given that the statutory time period for the RPB to formally respond to submitted planning applications is very short.
27. The primary purpose is to give advice on the general conformity of the application with the RSS. If the Authorities have other concerns about the application they should be directed to the Authority which is considering the application. This is important to ensure that the Conformity Assessment is not used as a vehicle to further the Authorities own views on an application.

REFERENCE DOCUMENT B(ii) (May 2007)

Guidelines for the Shire Unitary Authorities: Herefordshire Council, Stoke on Trent City Council and Telford and Wrekin Council

Constitution

- (1) The West Midlands Regional Planning Body (RPB) will endorse three Regional Conformity Advisors, one to be nominated by each of the Shire Unitary Authorities. Each Advisor will be advised by officers from that Local Authority, who will be known as a Local Technical Panel.
- (2) Each of the three Regional Conformity Advisors, with advice from a Local Technical Panel, will act to assess any regionally significant planning applications (Reference Document D) and the Local Development Documents (LDD) of another designated subject Shire Unitary Authority where a request for an opinion of "general" conformity with the West Midlands RSS has been made.
- (3) A deputy or substitute will be nominated to cover for absences.
- (4) Each of the three Regional Conformity Advisors will also act as the subject Local Planning Authority Advisor (Subject Advisor).
- (5) The Subject Advisor of one Unitary Authority will alert the Regional Conformity Advisor of the other Unitary Authority a minimum of five days before a scheduled Local Technical Panel meeting that advice on general conformity is required. This will be accomplished by submitting documents to the Regional Conformity Advisor that include:
 - A report requesting advance notice of the need for a general conformity opinion;
 - Details of the appropriate DPD policy or regionally significant planning application;
 - A draft report for a decision by the subject Authority Members;
 - A self-assessment (Reference Document D).
- (6) The Regional Conformity Advisor will be responsible for advising the RPB on the "general" conformity of the LDD or regionally significant planning application with the RSS.
- (7) The Regional Conformity Advisor will be responsible for advising the WMRA Secretariat of the opinion of general conformity.
- (8) Telford & Wrekin Council will provide the Regional Conformity Advisor for Stoke-on-Trent City Council for LDDs and regionally significant planning applications.
- (9) The Stoke-on-Trent City Council will provide the Regional Conformity Advisor for the Herefordshire Council for LDDs and regionally significant planning applications.
- (10) Herefordshire Council will provide the Regional Conformity Advisor for Telford & Wrekin for LDDs and regionally significant planning applications.
- (11) A RSS Advisor is bound by the code of conduct (Reference Document F).



Local Technical Panel Membership

- (12) The Chair shall be the Regional Conformity Advisor, who will be a Senior Planning Officer of the same Unitary Authority. The Chair will arrange to delegate this responsibility to an appropriate substitute during any absence. The Chair will exercise the advisory role of the Local Technical Panel to the RPB Conformity Co-ordinator and to the subject Authority.
- (13) Members of the Local Technical Panel shall be officers from the examining Local Authority as appointed by the Chair. Their role will be to report to and advise the Chair on issues of general conformity with RSS in relation to subject Authority LDD and regionally significant planning applications.

Local Technical Panel Meeting Arrangements

- (14) A Local Technical Panel will meet to decide on matters of RSS conformity, and will recommend to the RPB Secretariat on the opinion of general conformity for subject Authority LDD or regionally significant planning applications through the Regional Conformity Advisor.
- (15) Each Local Technical Panel will be scheduled to meet every 14 days.
- (16) Each Local Technical Panel shall determine any greater frequency in consultation with the subject Authority.
- (17) The RPB may request a meeting of a Local Technical Panel if considered necessary.
- (18) Whenever possible, documents will be circulated in electronic format only.
- (19) A Local Technical Panel meeting will be cancelled in the event of no documents being presented by the Advisor of the subject Authority.
- (20) The Regional Conformity Advisor will make the subject Authority and the WMRA Secretariat aware of schedules and deadlines.

Process Information Arrangements

Local Development Frameworks

- (21) The Subject Advisor will provide an opinion of general conformity as required under the terms of the Planning and Compulsory Purchase Act 2004 for each LDD. This will be circulated via the Regional Conformity Advisor to the Local Technical Panel a minimum of five days prior to the meeting.
- (22) The Subject Advisor will ensure that a self-assessment statement is submitted and circulated with the summary report on the LDD.
- (23) The Subject Advisor will report regularly to the Regional Conformity Advisor on the progress of LDD development, to share intelligence on potential issues on non-conformity arising.
- (24) The Subject Advisor will provide a Conformity Assessment of relevant background material to general conformity issues in line with the timescales agreed with the WMRA Secretariat.

Regionally Significant Planning Applications

- (25) The Subject Advisor will provide a summary of the key issues of general conformity and non-conformity for each regionally significant planning application. This will be circulated via the Regional Conformity Advisor to the Local Technical Panel a minimum of five days prior to the meeting.
- (26) Where non-confidential pre-application negotiations are appropriate on regionally significant proposals, then the Subject Advisor will inform the Regional Conformity Advisor.
- (27) The Subject Authority will allow the Regional Conformity Advisor access to the planning application system to enable audit of planning applications.

RSS Advisor Terms of Reference

- (28) The specific duties of each Regional Conformity Advisor shall be:
 - a) To be responsible for indicating to the WMRA Secretariat that a Local Technical Panel meeting is necessary.
 - b) To make the WMRA Secretariat and subject Authority aware of the received dates for submitted documents and agree deadline dates.
 - c) To review regionally significant planning applications submitted to the subject Authority to ensure that they are in "general" conformity with the West Midlands Regional Spatial Strategy;
 - d) To consider all relevant reports by and to the subject Authority, including the wider RPB partnership, relating to regionally significant planning applications;

- e) To make a recommendation to the WMRA Secretariat in terms of general conformity or non-conformity with the RSS within the timescales agreed with the WMRA Secretariat.
- f) To review proposed LDDs of the subject Authority to ensure general conformity with the West Midlands Regional Spatial Strategy;
- g) To consider all relevant reports by and to the subject Authority relating to the LDD;
- h) To issue a recommendation to the WMRA Secretariat in relation to LDD general conformity or non-conformity with RSS.
- i) To ensure that the Local Technical Panel service meets, or exceeds, the standards specified by the RPB and complies in all respects with guidelines.
- j) To consider and advise the RPB on the annual and long-term general conformity process.
- k) To consider any other matters relating to the subject Authority DPD general conformity with the RSS where requested to do so by the RPB.
- l) To report at least once a year to the RPB on the discharge of the above duties.
- m) To assist and represent the RPB at Public Examinations and Inquiries as set out in Section 7 of the Conformity Protocol.
- n) To operate in the spirit of partnership working reflecting the open and inclusive ethos of the RPB.

Conformity Protocol

REFERENCE DOCUMENT C

Self assessment tool for Local Planning Authorities

REFERENCE DOCUMENT C - Self-Assessment Tool for Local Planning Authorities (May 2007)

DPD's - General Conformity with the RSS

Purpose

It is intended that the self-assessment tool will provide a useful mechanism for Local Planning Authorities to work with the Regional Planning Body and their Regional Conformity Advisors to make sure that the key messages of the Regional Spatial Strategy (RSS) are considered. The underlying purpose will be to enable discussion about areas of non conformity at an early stage of plan formulation.

Self assessment must be informative, iterative, integrate the regional vision, with the aim of preventing non conformity opinions. It should ADD VALUE for the LPA and the RPB for the local areas in the Region.

Background

The self-assessment has been developed, in the first instance, in relation to the Core Strategy of a Local Development Framework. The general conformity of a Core Strategy is the key to delivering the RSS message at the local level. If the Core Strategy is aligned with the RSS then all other elements of the Local Development Framework should fall into place through the chain of conformity. It is intended that the self assessment tool is used at the informal stage of plan development.

The questions have been designed to stimulate discussion between the Local Planning Authority and the Regional Conformity Advisors. They are deliberately open-ended and have no single correct response.

This self-assessment has been developed as best practice by the West Midlands. The questions have been developed in consultation with the Strategic Advisors of the WMRA Secretariat, the RSS Policy Leads and the Regional Planning Officers Group.

The self-assessment tool is a Reference Document of the Conformity Protocol for delivering the general conformity of Development Plan Documents and regionally significant planning applications with the RSS.

SELF ASSESSMENT TOOL

The Spatial Strategy

Can you say that the vision, strategic objectives and spatial strategy in the DPD Core Strategy are;

- a) Aligned with the Regional Vision.
- b) Complementary to the Regional Vision.
- c) Reflecting the Regional Vision adequately
- d) Moving the Regional Vision forward

Where relevant, how do the policies in the DPD implement the policies contained in the RSS?

Urban Renaissance

- 1) What strategies are you producing and adopting in order to encourage more people to live in or close to the city centres?
- 2) Can you provide examples of ways in which you are encouraging the creation of safer neighbourhoods?
- 3) How is your DPD countering the unsustainable movement of people and jobs out of the MUAs?
- 4) How have you addressed the importance of city and town centres for new homes?
- 5) In what way have you considered or addressed better access to services for people who live or work in urban areas?

Rural Renaissance

- 1) How does the DPD support the diversification of the rural economy?
- 2) Does the Core Strategy identify market towns and contain a relevant policy? If so how does this relate to policies in the RSS?
- 3) How does the DPD address the major changes that are challenging the traditional roles of the rural areas and the countryside?
- 4) In what ways is your DPD strengthening the range and quality of services which are available to residents in rural areas?

Communities for the Future

- 1) How is the DPD ensuring the provision of affordable social and low cost market housing?
- 2) Can you describe the ways in which the DPD is managing the release of new housing land so as to secure the development on previously developed land?
- 3) How does the Core Strategy address the need to keep a constant flow of housing development at RSS rates of build?

Prosperity for All

- 1) In what ways is the core strategy aiming to provide and maintain a range and a choice of readily available employment land sites to meet the need of the regional economy?
- 2) How has the Core Strategy considered the importance of town and city centre development in relation to economic prosperity in relation to traditional town centre uses, offices and service provision e.g. health, education and leisure?

Quality of the Environment

- 1) Can you provide examples of how the Core Strategy will restore degraded land in order to improve your major urban areas?
- 2) Will the DPD achieve improvements in the overall quality of urban greenspace and public space?
- 3) In what ways does the Core Strategy protect natural, man-made and historic features which contribute to the character of landscape and townscape?
- 4) How does the DPD minimise the demand for energy from development, redevelopment, and improvement?
- 5) How is your authority planning for energy generation or meeting the Regions future energy needs?
- 6) How are sustainability considerations incorporated into development of the built environment?
- 7) How do the policies in the DPD make appropriate provision for the supply of nationally and regionally significant minerals?
- 8) How does the DPD ensure that the use of mineral resources is efficient and use of alternative sources of material is maximised?

Transport and Accessibility

- 1) Does the DPD promote patterns of development which reduces the need to travel?
- 2) In what ways does the Core Strategy address the challenges of developing an integrated public transport network which is of a high quality, is affordable, and is accessible to all?
- 3) How does the Core Strategy deliver the Regional Transport Strategy?
- 4) How is your authority ensuring that it is maximising the transport of minerals by rail or water?

Monitoring

- 1) Does the monitoring framework of the DPD take account of the proposed DPD core indicators currently being prepared by Government? Which indicators are omitted?

Implementation

- 1) How do the policies contained in the DPD assist the implementation of the RSS?

Flexibility

- 1) Whether and how the DPD considers change resulting from the emerging Revisions to the Regional Spatial Strategy.

REFERENCE DOCUMENT D

User friendly guide in relation to regionally significant planning applications

Conformity Protocol – Reference Document D (January 2008)

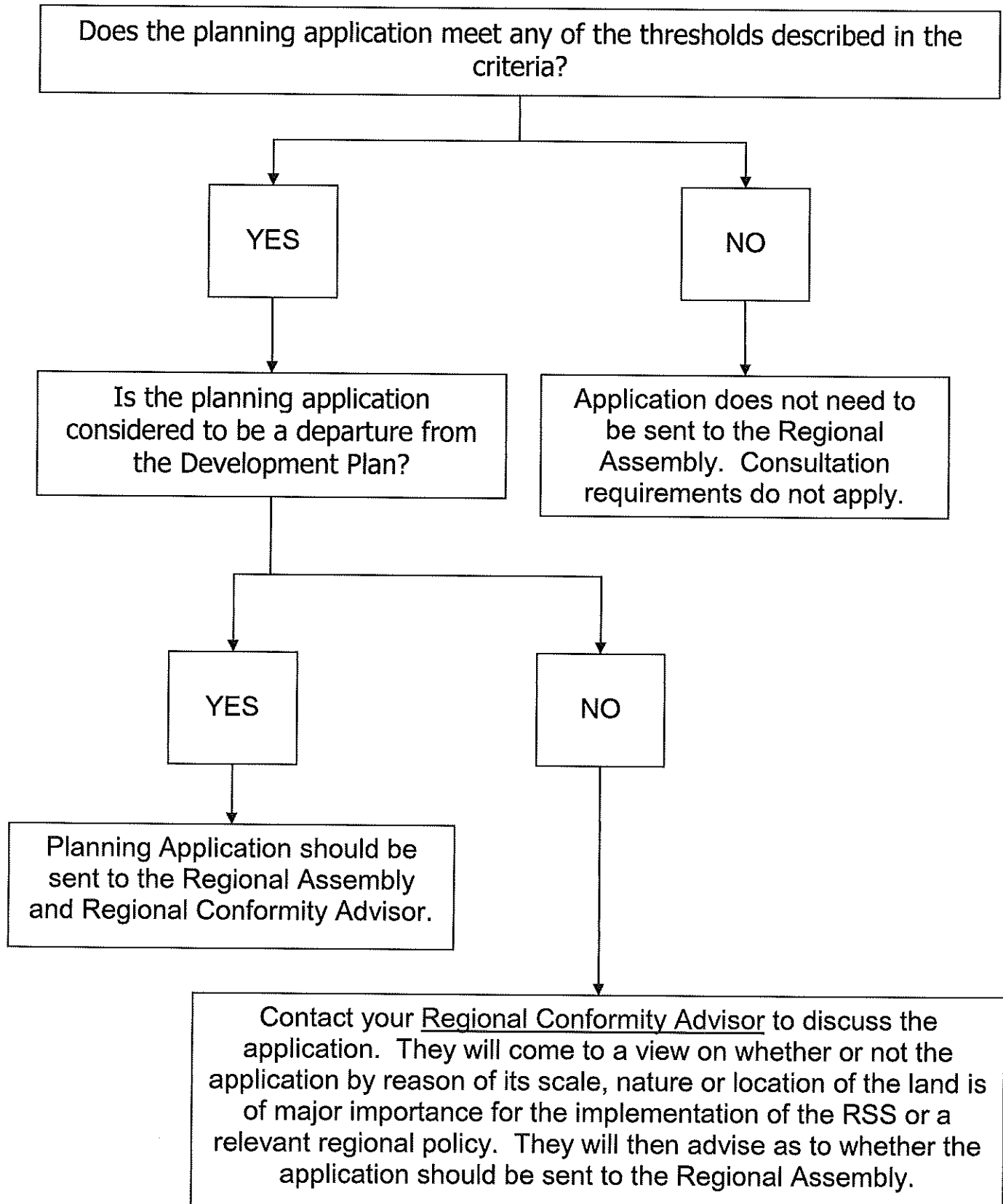
Part 1 - Criteria for Regionally Significant Planning Applications

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 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

Part 2 - Guidance in relation to Regionally Significant Planning Applications

Who is this Guide for?

This Guide is aimed primarily at Local Authority Development Control Officers who are involved with planning applications. However, it may also be of interest to those in the development industry and members of the public.

Why is there a need to consult the Regional Assembly?

Under the 2004 Planning Act, the West Midlands Regional Spatial Strategy (WMRSS) became the key component of the statutory Development Plan for the Region. In order to ensure the implementation of the WMRSS the Assembly, as the Regional Planning Body, has a duty to look at all Development Plan Documents in order to give an opinion of general conformity with the WMRSS.

Additionally the Government has also made the Assembly a statutory consultee with regard to certain planning applications of regional significance as part of the process of ensuring the implementation of the WMRSS. Failure to consult the Regional Assembly on a regionally significant planning application that falls within the definition stipulated by the Assembly could potentially lead to an application of Judicial Review from a third party.

What is a regionally significant planning application?

A regionally significant planning application is one that would be of major importance for the implementation of the Regional Spatial Strategy or a relevant regional policy because of its scale or nature or the location of land.

As permitted by Government, the Regional Planning Body has notified Local Planning Authorities in the Region of the descriptions of development in relation to which it wishes to be consulted. Part 1 of this Reference Document are the criteria that the Assembly has chosen for this purpose and a flow diagram to help identify when the Assembly should be notified.

When do I get the Regional Assembly involved?

As a statutory consultee, the Assembly only needs to be involved when a regionally significant planning application has been received by your Authority.

However, when you are involved in pre application discussions, you should also consider whether the development proposed will need to be sent to the Assembly in order that informal views can be provided. Where a relevant pre application enquiry is sent to you on a confidential basis, you should inform the enquirer that the Assembly would have an interest in the proposal, and recommend that they contact the Assembly for advice.

Where do I send the consultation to?

The Assembly has adopted a decentralised approach to carrying out its conformity role by drawing on the bank of knowledge and expertise held by the Strategic Authorities e.g. County Council's. Consultations should therefore be sent to both the Regional Assembly and the relevant Regional Conformity Advisor (RCA) for your administrative area. However, if the application is for a minerals or waste development then it should be sent to the Chair of the Minerals and Waste Conformity Panel.

What information do I need to send?

The Assembly has produced a pro forma for you to fill in relation to any consultations you need to send. This also includes what level of information is required in order to permit an appropriate consideration of the application and to provide a substantive response. Copies of the pro forma are also provided on the Conformity page of the Assembly's website.

How will the Regional Assembly come to a decision?

In order to provide a clear, consistent, and balanced approach to the assessment of an opinion of conformity with the Regional Spatial Strategy, a report pro forma has been produced to assist RCA's in the preparation of their assessments. This includes the opportunity of seeking advice from Regional Spatial Strategy's Policy Leads and other RCA's where this is appropriate. A copy of this pro forma is on the Conformity page of the Assembly's website.

The pro forma can also be used in pre application discussions with a developer to enable consideration of how the proposal relates to the WMRSS. As previously explained, if it is felt necessary the Assembly or relevant RCA should be contacted for its informal opinion on the proposals.

As it is the Assembly's views that are being sought, Assembly Members need to be happy with the advice received from the RCA's in terms of consistency and the balance of arguments. This means that dedicated Conformity Panel of the Regional Planning Executive considers all recommendations made and will then determine the Assembly's final view. The approved advice is then referred back to the submitting Authority.

Exceptionally, should very contentious issues arise and referral to the Regional Planning Executive or Partnership become necessary, then in the light of the timescales for responding to a consultation, the Local Planning Authority will be notified and a recommendation given that the application be deferred pending further consideration by the Assembly. The response of the Assembly will then follow as a result of a decision made by the full Planning Executive or Partnership.

When will the Regional Assembly reply?

As a statutory consultee, the Regional Assembly is required to respond to consultations on planning applications and pre application enquiries within 21 days. However, there may be instances where an extension of time is sought by the Regional Assembly in order to provide a considered response. We would appreciate if such requests are considered favourable.

What weight do I give to the Regional Assembly's comments?

As the Regional Planning Body (RPB) the Assembly assesses consultations on planning applications on the basis of whether the development would prejudice the policies and objectives contained within the West Midlands Regional Spatial Strategy (WMRSS). Advice is then provided in the form of a balanced opinion as to whether or not the proposal is in 'general conformity' with the WMRSS.

The WMRSS has the status of a Development Plan Document and forms part of the framework for decisions taken under section 38 of the Planning and Compulsory Purchase Act (2004), which means that decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

It should also be noted that the 2004 Planning Act provides that, if there is a conflict between policies in a Regional Spatial Strategy and an adopted Structure Plan, then the

most recent document will take precedence. The Regional Spatial Strategy for the West Midlands was published in June 2004.

What if an application is granted permission despite the Assembly advising that it is not in general conformity with the RSS?

The Assembly would hope that your Authority would give considerable weight to its advice in coming to a decision but it has no direct power of intervention should an Authority decide otherwise. The Assembly always forwards copies of its opinion to the Government Office for the West Midlands and the Secretary of State has separate powers of intervention if she so chooses to use them.

Will the Assembly support the Council if its advice leads to a refusal of planning permission?

If the reasons for refusal are based on our advice then the Assembly will consider whether it should support your Authority at any subsequent appeal. However, because of resource issues any subsequent involvement by the Assembly will be restricted to Written Representations. It should always be remembered that the RSS is part of the Development Plan for your Authority's area.

Where do I go for further information and advice?

In the first instance you should go to the following page on the Regional Assembly's website: www.wmra.gov.uk > Planning > Regional Spatial Strategy > RSS Conformity. Alternatively you can contact the Regional Conformity Advisor for your administrative area, details available via the website page.

REFERENCE DOCUMENT E

Protocol Governing the Exercise of the RPB Conformity Role

Regional Planning Body Conformity Function

Protocol Governing the Exercise of the RPB Conformity Role

Context and Legal Framework

The Regional Assembly is the Regional Planning Body (RPB), a role statutorily created and conferred by the Planning and Compulsory Purchase Act 2004. The Act requires Local Planning Authorities (LPA's) to request the opinion in writing of the RPB as to the general conformity of a Development Plan Document (DPD) with the Regional Spatial Strategy when they are submitting a DPD to the Government Office. LPA's can also make a similar request to the RPB with regard to any other Local Development Document (LDD) that they produce.

Once an opinion of general conformity has been requested the RPB has a duty to provide such an opinion to the LPA within the timescales stipulated by them.

Additionally, the Act also makes the RPB a statutory consultee on planning applications submitted to LPA's that are considered to be of major importance to the implementation of the RSS or a relevant regional policy. As a statutory consultee the RPB has a duty to respond to requests within a period of 21 days, or a longer date agreed in writing with the LPA.

This document outlines how decisions will be made by the RPB in fulfilling its statutory duties as described above. A Conformity Protocol has been produced and adopted between the RPB and the Region's LPA's to secure the general conformity of LDD's and regionally significant planning applications with the policies of the RSS.

The Conformity Protocol describes a system between the RPB and the Region's LPA's that is open, inclusive, and transparent so that the RPB's duties are addressed on a consistent basis. The Protocol establishes a decentralised model whereby the Region's Strategic Planning Authorities provide advice to the RPB on general conformity issues for consideration. In practice this means that there are a number of Regional Conformity Advisors (RCA's) from each of the Strategic Authorities advising the RPB on general conformity issues arising in LPA's that each of the RCA's has been allocated. The RCA's remit includes providing informal Officer advice to LPA's and developers on such issues.

The need for regulations governing the exercise of the conformity function has arisen from the fact that opinions of general conformity and responses to planning applications are sought on a frequent but random basis. The RPB has a duty to respond to such consultations within certain timescales, which, in respect of planning applications, is extremely limited. So that the RPB can deal with the random nature of such consultations and meet the tight timescales stipulated it has decided to delegate responsibility to the Regional Planning Executive (RPE) utilising a mechanism of a Conformity Panel of RPE members to deal with conformity issues, notwithstanding that any conformity matter may be

referred for determination at any time to the full Regional Planning Partnership which has overall responsibility for the Assembly's Regional Planning Body function as delegated by the Assembly Board.

The Conformity Determination Process

All conformity consultations will normally be referred in the first instance to the RPE Conformity Panel. However, in the following circumstances, the Conformity Panel shall refer the consultation to the full RPE:

- Where there are outstanding issues* within the RCA's assessment regarding the advice given to the RPB;
- If the Conformity Panel do not agree with the advice within the assessment provided to them by the RCA;
- Where the Conformity Panel considers the matter to be of such significance to warrant referral;
- If the Conformity Panel cannot provide the required majority agreement on a view (i.e. at least 3 votes to 1).

**Definition of "Outstanding Issues"*

Where there is a difference of views within a conformity assessment regarding an opinion of general conformity that Members of the Conformity Panel consider remain issues despite the evaluation and conclusions of the conformity assessment in question.

In such instances the WMRA Secretariat shall issue an opinion of non conformity or recommend refusal of planning application as the interim response to the consultation. The Secretariat will then prepare a paper to the RPE for their consideration on the matter. As the RPE only formally meets every three months any referral to them may from time to time to require a "special" meeting of that body.

The subsequent decision of the RPE will constitute the final decision on the conformity consultation, replacing the interim response, and be communicated to as such to the relevant parties.

Modus Operandi of the Conformity Panel (the Panel)

- The Panel will be presented with an assessment by the relevant RCA following a consultation request to the RPB.
- The Panel will make a decision on the consultation having considered the assessment provided to them either at a meeting of the Panel Members or via email sent by the WMRA Secretariat.
- The Panel shall meet if the WMRA Secretariat recommends they should meet or if any of the Panel Members requests a meeting. Otherwise the consultation shall be referred to the Panel by the WMRA Secretariat via email.
- Members of the Panel may not be involved in any consultation where they have a pecuniary or other prejudicial interest (including for local government members conformity consultations submitted by the local

authority of which they are a member or, in the case of County Councillors, consultations submitted by authorities in their county area).

- All meetings shall be held in private although those parties or individuals who have made representations to the RCA, and the RCA themselves, will be able to attend so that they can express their views to the Panel.
- In order for the WMRA Secretariat to issue an opinion on behalf of the RPE three Members of the Panel must agree to append their signatures to an opinion in order for a decision to be made. The signatories must include at least one WMRA Director.
- Where the members of the Panel agree to append their signatures to a decision the WMRA Secretariat will be given authority to use electronic signatures. A record or note of the Panel's consent will be kept on file.
- Progress and activity of the Panel shall be reported to the meetings of the Regional Planning Executive and the Regional Planning Partnership.

Membership of the Panel

- The Panel will comprise of four members with the Chair and Vice-Chairs of the RPE as core members with nominated alternates, agreed by the RPE, to participate in Panel proceedings in the event of any of the core members being unable to participate. In exceptional cases of urgency any other member of RPE can fulfill an alternate role in any particular meeting of the Panel.
- The occasions when alternates will be called upon will include non availability of core members for business or personal reasons or where the core member has a prejudicial interest in the matter to be determined.

Conformity Protocol

REFERENCE DOCUMENT F

Code of Conduct for Officers and Members

REFERENCE DOCUMENT F: CODE OF CONDUCT PART A (JANUARY 2008)

For the West Midlands Regional Planning Body “Officers (nb 1.4)” acting on behalf of, or providing the RPB in assessing generally conformity

Aims

- a). To set out the operating parameters for officers undertaking activities described in the conformity protocol for the RPB when considering issues of general conformity between Local Development Documents (including Development Plan Documents (DPD's)) and the Regional Spatial Strategy (RSS) and in consideration of major planning applications of regional significance.
- b). To protect the integrity of officers acting on behalf of the RPB in this capacity.

General Provisions

1. Scope

- 1.1 This code applies to all officers acting on behalf of the RPB when considering issues of general conformity of Local Development Documents (LDD's) to the Regional Spatial Strategy (RSS) or planning applications referred to the RPB. This includes at pre-submission stage or pre-application stages and all “frontloading” as described in the protocol.
- 1.2 The above must observe the code of conduct whenever they act as a representative of, or advisor to, the RPB.
- 1.3 The code of conduct shall not apply to the activities of an officer other than in the capacity as an advisor to the RPB.
- 1.4 “Officer” refers to local government, Business Council or Other Stakeholders Group representatives acting within the scope of this code of conduct and the Conformity Protocol.

2. General Obligations

- 2.1 An officer acting in the above capacity must:-
 - a) Not do anything which compromises or which is likely to compromise the impartiality of the RPB Secretariat;
 - b) Promote equality by not discriminating unlawfully against any person;
 - c) Treat others with respect.
- 2.2 An officer acting in the above capacity must not:-
 - a) Disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so; nor
 - b) Prevent another person from gaining access to information about the organisation or its work to which that person is entitled by law.
- 2.3 An officer must not, in their official capacity, or any other circumstance, conduct themselves in a manner, which could reasonably be regarded as bringing the RPB or Regional Assembly into disrepute.

3. Interests

- 3.1 An officer acting in the above capacity must declare any interests which may affect their role in relation to considering and appraising on issues of general conformity of Local Development Documents or planning applications.
(Interests will particularly relate to the views of the officer's employing authority, business or sector he/she is representing).
- 3.2 In the event of a conflict of interests, the officer with an interest must:-
 - a) Not exercise decision-making functions in relation to the matter; and
 - b) Not seek improperly to influence a decision about the matter.
 - c) Refer the matter to the RPB secretariat.
- 3.3 An officer, Business Council or Other Stakeholder Group contact advising the RPB, or providing advice to the Regional Conformity Advisor or Minerals and Waste

Conformity Panel must not be a Member or Alternate of the Planning Executive or Planning Partnership.

Part B: SUBJECT TO REVIEW

CODE OF CONDUCT FOR MEMBERS OF THE WEST MIDLANDS REGIONAL ASSEMBLY AND ITS ASSOCIATED POLICY PARTNERSHIPS (APPROVED 24TH APRIL 2003)

GENERAL PROVISIONS

1. SCOPE

- 1.1 This code applies to all Members of the West Midlands Regional Assembly and individuals when serving on the Assembly's designated Planning Partnership and Planning Executive. The term 'Member' is used throughout the text to cover both categories.
- 1.2 A Member must observe the organisation's code of conduct whenever they;
 - a) conduct the business of the organisation;
 - b) conduct the business of the office to which they have been elected or appointed; or
 - c) act as a representative of the organisation, and references to a member's official capacity shall be construed accordingly.
- 1.3 The organisations code of conduct shall not, apart from paragraphs 2.3 and 2.4 (a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.

2. GENERAL OBLIGATIONS

- 2.1 A Member must:
 - a) promote equality by not discriminating unlawfully against any person;
 - b) treat others with respect; and
 - c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the organisation.
- 2.2 A member must not:
 - a) disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so; nor
 - b) prevent another person from gaining access to information about the organisation or its work to which that person is entitled by law.
- 2.3 A member must not, in their official capacity, or any other circumstance, conduct themselves in a manner, which could reasonably be regarded as bringing their office or organisation into disrepute.
- 2.4 A member:

- a) must not, in their official capacity, or any other circumstance, use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- b) must, when using or authorising the use by others of the resources of the organisation:

- (i) act in accordance with the organisations requirements; and

- (ii) ensure that such resources are not used for political purposes

- 2.5 A member must when reaching decisions have regard to any relevant advice provided to them by an officer on issues of financial propriety and regularity.
- 2.6 The West Midlands Regional Assembly believes that all of its employees have the right to be treated with dignity and respect and that bullying and harassment is totally unacceptable. It will deal effectively with any form of harassment or bullying and take any steps it sees fit to either stop or prevent it. Members are expected to promote this philosophy.

Paragraphs 3 to 6 are the relevant extracts taken from the Statutory Code of Conduct for Members of Local Authorities, which the Regional Assembly proposes should apply equally to all its Members.

3. PERSONAL INTERESTS

- 3.1 A Member must regard themselves as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 7.1 and 7.2 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other inhabitants of the region, the well-being or financial position of themselves, a relative or a friend or:

- a) any employment or business carried on by such persons;
 - b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - d) any body listed in sub-paragraphs (a) to (d) of paragraph 7.2 below in which such persons hold a position of general control or management.

- 3.2 In this paragraph:

- a) 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - b) 'partner' in sub-paragraph (a) above means a member of a couple who live together.

- 3.3 An example of a personal interest would be when a member is participating in a planning decision which would be of immediate benefit to them or might be of benefit to members of their family.

4. DISCLOSURE OF PERSONAL INTERESTS

- 4.1 A member with a personal interest in a matter who attends a meeting of the organisation at which the matter is considered must disclose to that meeting the

existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 4.2 Subject to paragraph 6.1 (a) below, a member with a personal interest in any matter who has made a decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

5. PREJUDICIAL INTERESTS

- 5.1 Subject to sub-paragraph (5.2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest.

- 5.2 A member may regard themselves as not having a prejudicial interest in a matter if that matter relates to:

- (a) another public authority in which they hold a position of general control or management;
- (b) a body to which they have been appointed or nominated by the authority as its representative;

- 5.3 An example of a prejudicial interest is one whereby it was believed by an informed member of the public that a member's personal interests had influenced their ability to make an objective judgment of the public interest.

6. PARTICIPATION IN RELATION TO DISCLOSED INTERESTS

- 6.1 Subject to sub-paragraph (b) below, a member with a prejudicial interest in any matter must:

- (a) not exercise decision making functions in relation to that matter; and
- (b) not seek improperly to influence a decision about that matter.

7. REGISTRATION OF FINANCIAL AND OTHER INTERESTS

- 7.1 Within 28 days of the provisions of the organisations code of conduct being adopted or within 28 days of their appointment to the organisation or office (if that is later), a member must register their financial interests in the Assembly's register by providing written notification to the organisations Head of Secretariat:

- (a) any employment or business carried on by them;
- (b) the name of the person who employs or has appointed them, the name of any firm in which they are a partner, and the name of any company for which they are a remunerated director;
- (c) the name of any corporate body which has a place of business or land in the region, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (d) a description of any contract for goods, services or works made between the organisation and themselves or a firm in which they are a partner, a company of which they are a remunerated director, or a body of the description specified in sub-paragraph (c) above;
- (e) the address or other description (sufficient to identify the location) of any land in which they have a beneficial interest and which is in the area of the authority;

- 7.2 Within 28 days of the provisions of the organisations code of conduct being adopted or within 28 days of their election or appointment to the organisation (if that is later), a member must register his other interests in the organisations register by providing written notification to the Head of Corporate Services of their membership of or position of general control or management in any:

- (a) public authority or body exercising functions of a public nature;
- (b) company, industrial and provident society, charity, or body directed to charitable purposes;
- (c) body whose principal purposes include the influence of public opinion or policy; and
- (d) trade union or professional association.

- 7.3 A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 7.1 and 7.2 above, provide written notification to the Head of Secretariat of that change.

8. REGISTRATION OF GIFTS AND HOSPITALITY

- 8.1 A member must within 28 days of receiving any gift or hospitality over the value of £25, that arises as a result of the Member's position on the Regional Assembly provide written notification to the Head of Secretariat of the existence and nature of that gift or hospitality.

A member who is required by another authority or employment to register their interests may submit a copy of this to the Head of Secretariat rather than re-completing the Assembly register. But they should append any necessary explanations to reflect the regional perspective.

Conformity Protocol

REFERENCE DOCUMENT G

Guidelines for the Regional Minerals and Waste Conformity Panel

REFERENCE DOCUMENT F – GUIDELINES FOR THE REGIONAL MINERALS/WASTE CONFORMITY PANEL (May 2007)

1. Preamble

This Reference Document to the Conformity Protocol defines the working arrangements between the mineral and waste planning authorities in the West Midlands and the Regional Planning Body (Regional Assembly) in securing the general conformity of mineral and waste development plan documents and planning applications of regional significance for minerals and waste with the Objectives and Policies of the Regional Spatial Strategy.

2. The purpose of the Conformity Protocol is to secure the proper spatial planning for minerals and waste in the Region in accordance with the statutory policies of the Regional Spatial Strategy and thereby to promote the social, economic and environmental well being of the West Midlands.

3. The Role of the Panel

To consider the general conformity of all waste and minerals development plan documents produced by the Region's mineral and waste planning authorities and all planning applications of regional significance for minerals and waste referred to the Regional Assembly in accordance with Reference Document D of the Conformity Protocol.

4. Composition of the Panel and Panel Members

The Panel shall comprise the RSS Policy Lead for Minerals and the RSS Policy Lead for Waste and one representative (including any nominated substitutes) from each of the Mineral/Waste Planning Authorities in the Region, unless two or more authorities elect to be represented by one nominated officer. There shall be a Chair and a Deputy Chair nominated from amongst the Panel Members. Each Panel member shall carry out their duties in accordance with the Code of Conduct.

5. Operation of the Panel

- The Panel shall operate remotely and when necessary meet to discharge its duties within the timescales agreed with the WMRA Secretariat.
- The Chair of the Panel shall be the RSS Policy Lead for Minerals.
- The Chair may not chair a meeting where his/her mineral or waste development plan is being considered. He/she shall stand down, take no part in the discussions and the Deputy Chair shall chair that meeting.
- A Conformity Assessment shall be prepared on the extent to which the minerals and/or waste development plan document or the planning application of regional significance for minerals and waste generally conforms to the mineral/waste policies in the Regional Spatial Strategy. The assessment shall contain a recommendation to the Regional Planning Body on whether an opinion of general conformity should be issued on the said plan document or on any referred planning application.
- The decision of the Panel shall be binding on all members of the Panel.
- The Panel shall assist and represent the RPB at Public Examinations and Inquiries as set out in Section 7 of the Conformity Protocol.
- In exceptional circumstances where there is no agreement on what recommendation to make to the Regional Assembly the Chair of the Panel shall refer the matter to the Regional Assembly in accordance with the main Conformity Protocol.

- All comments submitted by Panel Members and recommendations of the Panel shall be properly recorded and the agreed Conformity Assessment shall be forwarded to the RPB in accordance with the required timescales.

6. The Role of the Chair (and the Deputy Chair) of the Panel

- (a) As and when necessary to arrange and chair all meetings of the Panel.
- (b) To ensure that electronic copies of the minerals or waste development plan documents are circulated to all Members of the Panel in accordance with the timescale agreed with the RPB.
- (c) To ensure that the Panel assesses each mineral and waste development plan documents in accordance with the Self Assessment Tool (Reference Document D) including taking account of any duly made comments received from other parties.
- (d) To ensure that the Panel assesses each planning application of regional significance for minerals and waste referred to it by RPB including taking account of any duly made comments received from other parties.
- (e) To prepare reports/assessments to the Panel from time to time.
- (f) To ensure that the Regional Assembly receives the recommendation of the Panel on the scrutiny of a minerals or waste plan and a mineral or waste planning application of regional significance.
- (g) To ensure that all decisions taken by the Panel are properly recorded.
- (h) To liaise with the Regional Assembly from time to time on the process set out in the Conformity Protocol.
- (i) To liaise on behalf of the Panel with the relevant MPA/WPA during the conformity process.
- (j) To ensure that the remote operation of the Panel is carried out effectively and efficiently and in accordance with the conformity protocol (see Diagrams A and B)
- (k) To carry out the role, responsibilities and specific duties in accordance with the Code of Conduct

7. The Role of the Panel Member

- (a) To consider and respond to in accordance with the agreed timescales any consultation received by the Panel on a minerals and waste development plan document or planning application of regional significance.
- (b) To consider and respond to on behalf of the Panel any consultation received by the Panel on a non mineral DPD and planning application of regional significance.
- (c) To contribute to the work of the Panel generally on the operation of the Conformity Protocol.
- (d) To carry out the role and specific duties in accordance with the Code of Conduct.

- Shropshire County Council
- Worcestershire County Council
- Herefordshire Council
- Warwickshire County Council
- Stoke on Trent City Council
- Telford and Wrekin Council
- Wolverhampton City Council
- Dudley MBC
- Sandwell MBC
- Walsall MBC
- Birmingham City Council
- Solihull MBC
- Coventry City Council

Diagram A

REGIONAL MINERALS/WASTE CONFORMITY PANEL

PROCESS FOR PLANS

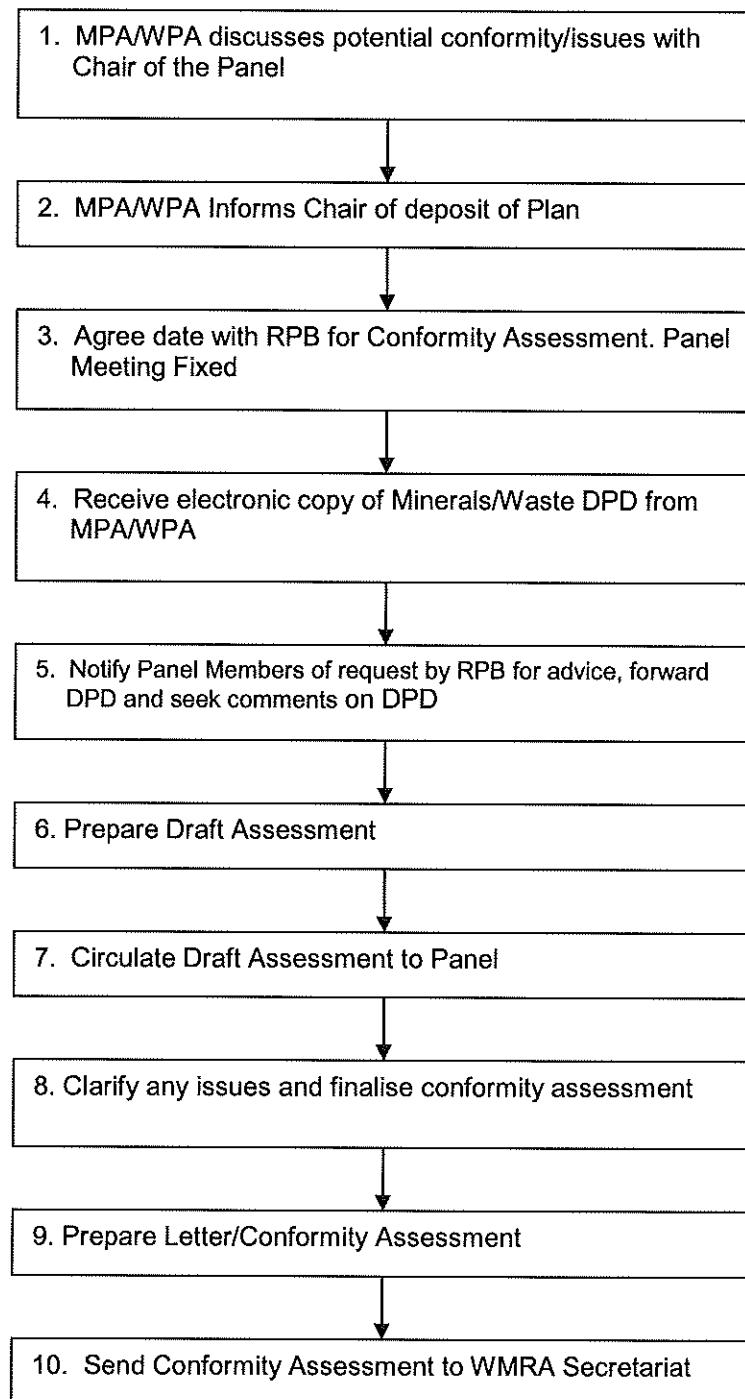


Diagram B

REGIONAL MINERALS/WASTE CONFORMITY PANEL

PROCESS FOR REGIONALLY SIGNIFICANT PLANNING APPLICATIONS

