

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**24<sup>TH</sup> APRIL 2008**

**Revision to Conformity Protocol Operating in the West Midlands**

<b>OPEN</b>	
<b>COMMUNITY STRATEGY THEME</b>	<b>A Better Environment</b>
<b>CORPORATE PLAN THEME</b>	<b>Managing the Local Environment</b>
<b>KEY PRIORITY</b>	<b>Risk Assessment/Forward Planning</b>
<b>CABINET MEMBER</b>	<b>Cllr Stephen Clee</b>
<b>RESPONSIBLE OFFICER</b>	<b>Head of Planning, Health &amp; Environment</b>
<b>CONTACT OFFICER</b>	<b>Mike Parker Extension 2500 Mike.parker@wyreforestdc.gov.uk</b>
<b>APPENDICES</b>	<b>Appendix 1 West Midlands RSS Conformity Protocol has been <i>circulated electronically and a public inspection copy is available on request. (See front cover for details).</i></b>

**1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise Members of the changes to the Conformity Protocol operating in the West Midlands. The West Midlands Regional Assembly has requested that all Local Planning Authorities in the West Midlands adopt the revised Protocol, including through Member endorsement.

**2. RECOMMENDATION**

**The Cabinet is asked to RECOMMEND to Council:**

- 2.1 **The West Midlands Conformity Protocol, as detailed in Appendix 1 of the report, be endorsed for use in the Local Development Framework and Development Control processes.**

**3. BACKGROUND**

- 3.1 Since September 2005, a Conformity Protocol has been in place between the West Midlands Regional Assembly and the Strategic and Local Planning Authorities in the Region.

- 3.2 The purpose of the Conformity Protocol is to govern arrangements between the Assembly and the Authorities regarding the Assembly's statutory role in providing an opinion of general conformity in relation to the West Midlands Regional Spatial Strategy. This requirement arises when a Local Development Document is submitted for Public Examination.
- 3.3 The Protocol also governs arrangements regarding those planning applications for which the Assembly must be notified of as statutory consultee.
- 3.4 In 2005, these two statutory functions were new areas of work for the Assembly to deal with. At that time, the Protocol was very much based on what was thought to be the best way of dealing with these requirements. The principles behind the Protocol were that it should operate in an 'open, inclusive and transparent' manner, be simple in approach yet effective, and also recognise the capacity limitations of the Assembly's Secretariat, the Regional Planning Partnership and the Local Planning Authorities in the Region.
- 3.5 Whilst the Region consider that the Protocol has worked well, it has become clear that in practice there are a number of areas where it could potentially be improved and made clearer. On this basis, a Revision to the existing Protocol has been prepared by the Assembly.
- 3.6 In practice officers from Worcestershire County Council act as Regional Conformity Adviser to the Regional Assembly in this area.
- 3.7 The protocol was approved by the Assembly's Regional Planning Partnership on the 24<sup>th</sup> September 2007. On the 14<sup>th</sup> January the Assembly wrote to all Local Planning Authorities in the West Midlands asking them to adopt the Protocol, including through Member endorsement.

#### **4. KEY ISSUES**

- 4.1 The main changes proposed in relation to the existing Conformity Protocol as described by the Assembly are;
  - The need for a written report detailing how the Protocol would work rather than reliance on a set of bullet points relating to the roles and responsibilities of the signatories along with the cover report to the Regional Planning Partnership, as is the case at present;
  - The Revised Protocol should focus on the mechanics of the process rather than the detailed judgements to be made by the Regional Conformity Advisors. Guidance on this area should be developed in conjunction with the Regional Conformity Advisors outside of the Protocol given that this is an area of change;
  - RSS Policy Leads should still be notified of consultations but would not be expected to respond unless a Regional Conformity Advisor requests their advice;
  - The criteria for regionally significant planning applications should be changed to make it easier to follow for Local Authorities. The thresholds were also to be revised upwards so less significant applications need not be sent to the RPB for comment;

- There was a need for clarification on how the Regional Assembly should conduct itself at Public Examinations and Inquiries following an opinion of general conformity being issued;
- Decision making arrangements should, in the first instance, be considered by a Conformity Panel of Members who would have a greater degree of flexibility to deliberate on advice, without the need to refer matters to the Regional Planning Executive/Partnership;
- Revised consultation arrangements should allow non Officer views to be made to Conformity Advisors when they are preparing their Assessments to the Assembly;
- Formal conformity advice prepared by the Regional Conformity Advisors for consideration by the Conformity Panel will first be reviewed by the Assembly's Secretariat to ensure clarity and consistency of that advice (i.e. the formalisation of existing arrangements performed by the Secretariat).

4.2 The Regional Assembly is intending to apply the new Protocol from the 1<sup>st</sup> February 2008.

4.3 A copy of the Conformity Protocol is attached at Appendix 1 of this report.

## **5. FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report.

## **6. LEGAL & POLICY IMPLICATIONS**

6.1 The purpose of the Conformity Protocol is to govern arrangements between the Assembly and the Authorities regarding the Assembly's statutory role in providing an opinion of general conformity in relation to the West Midlands Regional Spatial Strategy, in relation to when a Local Development Document is submitted for Public Examination and arrangements regarding those planning applications for which the Assembly must be notified of as statutory consultee.

## **7. RISK MANAGEMENT**

7.1 There are no risk implications arising from this report.

## **8. CONCLUSION**

8.1 The Conformity Protocol is primarily a technical document which the WMRA is required to produce and which became operational on 1<sup>st</sup> February 2008.

## **9. CONSULTEES**

N/A

## **10. BACKGROUND PAPERS**

West Midlands Regional Assembly letter of 16<sup>th</sup> January 2008 and revised protocol.  
25<sup>th</sup> February 2008