

# **East Midlands Regional Assembly** **Conformity Advice Note**

## **1. Introduction**

1.1 From 24 August 2005, the East Midlands Regional Assembly, as Regional Planning Body (RPB), is a statutory consultee in the planning process. The Planning and Compulsory Purchase Act 2004 (the Act) and accompanying Regulations and Secondary legislation give the RPB a duty to respond to consultation on:

- i) Planning applications that the RPB considers are of strategic importance (Schedule 6, paragraph 16 of the Act);
- ii) Development Plan Documents (Section 24 of the Act); and,
- iii) Any other Local Development Documents on which the local planning authority requires an opinion from the RPB (Section 24 of the Act).

1.2 This advice note sets out the RPB's requirements in response to the Act and specifies how these requirements should be fulfilled by the local planning authority.

## **2. Duty to Respond to Planning Application Consultations**

2.1 It is for the RPB to determine which planning applications are of strategic importance (Schedule 6, paragraph 16 (2) (a) and sub-paragraph 3 of the Act). The proposed list has been compiled based upon those applications for development:

- on which the Act, Secondary Legislation, Regulations, Orders and / or PPSs specify the RPB should be consulted;
- which are likely to be of strategic importance;
- which will require a policy response from RPG8 (as RSS) and / or the emerging RSS;
- which other RPBs are considering as appropriate in the regional and sub-regional context; and,
- which are required for consultation by the East Midlands Regional Development Agency in its role as statutory consultee.

2.2 Full and outline planning applications which meet one or more of the following criteria should be referred to the Regional Assembly for comment. This criteria will be reviewed in consultation with all planning authorities and *emda* after one year

of operation. The RPB will undertake to respond to each consultation within 21 days of the receipt of the application.

1. **Developments of regional or sub-regional significance due to the scale of the proposal, that is applications for:**
  - a) **Employment, retail or leisure** development comprising of more than **10,000 sq m (gross)** of employment floorspace in the Southern and Three Cities Sub-areas, or more than 5,000 sq m in the Eastern, Northern and Peak Sub-areas; or
  - b) Residential development comprising of **more than 250 dwellings (gross) in the Southern and Three Cities Sub-areas, and more than 100 dwellings (gross) in the Eastern, Northern and Peak Sub-areas** – EXCEPT where this relates to development of an allocated residential site in accordance with the Local Plan/LDF; or
  - c) **Mixed-use development** comprising of more than **10,000 sq m** of total floorspace (residential/ commercial/retail combined, gross) in the **Southern and Three Cities Sub-areas** or **more than 5,000 sq m** of total floorspace in the **Eastern, Northern and Peak Sub-areas**; or
  - d) Employment, retail, (indoor) leisure, residential (or mix of these uses) on sites of **5ha or more** where floorspace is unknown.
  
2. Development of regional or sub-regional economic significance that relate to the **region's key clusters and sectors** defined as:
  - Priority sectors include **high performance engineering** (including motor sports and aerospace); **clothing and textiles** (including design-led fast turn manufacturing and technical textiles); **food and drink** (including food technology); **healthcare** (including bio-science); and **creative industries** (including new media); or
  - Proposals which develop new - or encourage development of existing - **R&D facilities, institutions of higher or further education, and hospitals, particularly where they relate or provide links to the sectors/clusters** referred to above; or
  - New **Science Park** development.

3. Proposals of regional or sub-regional significance at existing **transport gateways** such as Nottingham East Midlands Airport and Boston Port, **or for the development of new transport interchanges in the region.**
4. Applications for **strategic transport infrastructure** development relating to:
  - Road priorities identified in the Regional Transport Strategy or
  - Development of the existing and future rail network identified in the Regional Transport Strategy; or
  - Tram, Light Rail, Guided Bus or Park and Ride facilities.
5. Proposals of regional or sub-regional economic significance for new or enlarged **tourism and leisure facilities** (including large casinos).
6. Applications of regional or sub-regional significance in the following policy areas:
  - Major new **ICT Infrastructure**;
  - **Renewable Energy Schemes** generating more than **3 MW per annum**;
  - **Waste Management Facilities** processing more than **50,000 tonnes of waste per annum**;
  - **Hazardous Waste Management Facilities** processing more than **5,000 tonnes of waste per annum**;
  - Major **mineral** developments.
7. Applications comprising either **new development or changes of use** which fall outside of criteria 1-6 and which are **considered directly detrimental to the delivery of regional or sub-regional priorities**, such as the proposed loss (comprehensive or piecemeal) of more than 10,000sq m of allocated employment floorspace or sites of 5 ha or more of allocated employment land, where floorspace is unknown.
8. Any application which is considered to represent a departure from RSS8 Policy.