

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY  
REGIONAL PLANNING COMMITTEE**

Date: 8 December 2004

Subject: **Consultation Schedule for Planning Applications**

Report of: Director of Transport and Planning

**Recommendation:**

That the Committee approve for consultation with local planning authorities, the proposed Schedule for Planning Applications on which the Assembly will be consulted under its new role as statutory consultee set out in the Planning and Compulsory Purchase Act 2004.

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**1. Purpose of the Report**

- 1.1 To present to the Committee the proposed thresholds for the categories of planning application on which the Assembly will request to be consulted when the development control provisions of the Planning and Compulsory Purchase Act commence in 2005.

**2. Background**

- 2.1 A paper was presented to the Committee on 29 September 2004 setting out the requirements of the new Planning Act for the Assembly:
- a) In ensuring that local development documents are in general conformity with the Regional Spatial Strategy (RSS); and
  - b) as a statutory consultee on major planning applications.
- 2.2 Following discussion of this report, Members considered that the Assembly should undertake all the conformity and consultation responses in-house. They agreed that a high application threshold should be set, and that a detailed report on proposed thresholds should be brought to the December Committee.
- 2.3 Conformity of Development Plan Documents with the Regional Spatial Strategy**
- 2.3.1 When a development plan document (DPD) is submitted for examination, the local planning authority must request the opinion of the Assembly as to the general conformity of the DPD with the RSS.

- 2.3.2 Conformity of DPDs will initially be judged against RPG9. Account will be taken of the South East Plan as it is developed, and the weight given to the Plan will increase as it progresses through the statutory process.
- 2.3.3 Given that the timetable to respond to requests for opinions of general conformity is only six weeks, it is proposed that this work is dealt with by reports to Committee, and that a small new Member sub-group is established to deal with controversial issues or where Committee cycles do not synchronise.

## 2.4 **Consultation on Major Planning Applications**

- 2.4.1 Local planning authorities will be required to consult the Assembly on any planning application that:
- a) would be of major importance for the implementation of the RSS or a relevant regional policy by reason of its scale or nature, or the location of the land; or
  - b) is one which the RPB has given notice in writing to local planning authorities that it wishes to be consulted on.

It is expected that this provision of the Act will take legal effect in the first quarter of 2005.

## 3. **Proposed Thresholds for Consultation on Major Planning Applications**

- 3.1 Proposed thresholds are set out in the Annex to this report.
- 3.2 The proposed thresholds set out in the Annex have been compiled with reference to a number of sources, including:
- a) the Planning and Compulsory Purchase Act, Secondary Legislation, Regulations, Orders and Planning Policy Statements and Guidance;
  - b) the criteria set out by the South East England Development Agency (SEEDA), who have recently taken on the role of statutory consultee;
  - c) the categories for consultation used by the Greater London Authority and set out in the schedule to the Town and Country Planning (Mayor of London) Order 2000;
  - d) draft criteria under consideration by adjoining regions.
- 3.3 The Assembly should set thresholds that focus on applications which truly are of regional and sub-regional significance and material to the implementation of the RSS and its evaluation.

- 3.4 It is considered that the thresholds in the Annex will ensure that the Assembly is consulted on such applications, but still keep the number of consultations to a manageable number.
- 3.5 The involvement of the Assembly in some pre-application discussions with the local planning authority will be important to ensure that where at all possible, major planning applications do not conflict with or prejudice the implementation of the RSS. The Assembly will therefore need to be informed by local planning authorities about major development proposals to allow for pre-application involvement in key cases.
- 3.6 It should be remembered that local planning authorities have a statutory duty, when determining planning applications, to have regard to the provisions of the development plan. This means that the RSS, and Development Plan Documents (which should be in conformity with the RSS), (or in the transitional period, structure plans, unitary development plans and local plans), should be taken into consideration by local planning authorities when they determine applications, regardless of whether the development is a major and significant one as set out in the proposed criteria.

#### **4. Consultation on Proposed Thresholds and Monitoring**

- 4.1 Subject to Committee approval of the Schedule of Planning Applications, a consultation exercise will be undertaken to seek the views and comments of local planning authorities on the proposed thresholds.
- 4.2 The ODPM will be consulting on guidance for the development control provisions of the Act shortly. Any further information regarding the role of the RPB as statutory consultee that emerges from this will be reported with the results of the consultation exercise in February 2005.
- 4.3 Once this requirement, the numbers and types of applications received, and the responses given, will be monitored. In the light of this monitoring, and to allow account to be taken of the emerging South East Plan, it is expected that an initial review of thresholds will be undertaken after one year.

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25 November 2004

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## Consultation Schedule for Planning Applications

Full and outline applications, which meet one or more of the following criteria, should be referred to the Regional Assembly for comment<sup>1</sup>.

*The levels of development specified below should be treated as a guide, rather than as strict thresholds. There may be cases when proposals for development fall below these levels but on which the Assembly should be consulted at the discretion of the local planning authority.*

- I. Developments of regional or sub-regional significance due to the scale of the proposal, that is, applications for:
  - a) **Residential development** on sites of 10ha+ or comprising 500 units or more in urban<sup>2</sup> areas; and of 5ha+ or comprising 250 units or more in rural areas.
  - b) **Retail development** on sites of 10ha+ or comprising 10,000sqm or more (gross floorspace) in town centre or edge of centre locations, and of 5ha+ or comprising 5,000sqm or more in out of centre or out of town locations<sup>3</sup>.
  - c) **Employment development** (generally use classes B1, B2 and B8) on sites of 10ha+ or comprising 10,000sqm or more (gross floorspace) in town centre or edge of centre locations, and of 5ha+ or comprising 5,000sqm or more in out of centre or out of town locations.
  - d) **Tourism/leisure development** on sites of 10ha+ or comprising 10,000sqm or more (gross floorspace) in town centre or edge of centre locations, and of 5ha+ or comprising 5,000sqm or more in out of centre or out of town locations; or any other proposals likely to attract over 250,000 visitors per annum<sup>4</sup>.

Additionally, applications for **regional casinos** with a gross floorspace of 5,000sqm or more<sup>5</sup>.

- e) **Mixed use development** on sites of 10ha+ or comprising 10,000sqm or more (gross floorspace) in town centre or edge of centre locations,

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<sup>1</sup> This will include Reserved Matters and amendments to earlier development proposals which fall within the criteria and that the LPA considers, in discussion with the Assembly, are significant.

<sup>2</sup> 'Urban areas' are those as identified in the ODPM's Urban and Rural Super Output Areas and Wards (2004).

<sup>3</sup> Definitions of these terms are set out in Draft PPS6.

<sup>4</sup> As set out in the Regional Spatial Planning Strategy for Tourism (Proposed Alterations to Regional Planning Guidance - Tourism and Related Sport and Recreation), Policy TSR5.

<sup>5</sup> As defined in the Gambling Bill 2004

and of 5ha+ or comprising 5,000sqm or more in out of centre or out of town locations.

- f) **Other development** (including educational establishments and health facilities) on sites of 10ha+ or comprising 10,000sqm or more (gross floorspace) in town centre or edge of centre locations, and of 5ha+ or comprising 5,000sqm or more in out of centre or out of town locations.

2. Applications for the provision of strategic transport infrastructure or the improvement of the Region's existing strategic infrastructure which meet the following criteria:

- a) Applications relating to **regionally significant highway improvements** (ie improvements with a total cost in excess of £5m<sup>6</sup>) on the following corridors (including junction improvements) within the South East England regional boundary;

- the M25 (including carriageway widening between Junctions 1b and 3);
- the M20 (including improvements to Junction 4, improvements to Junction 10 and a new junction 10A);
- the M1 (including improvements to Junction 14 and Junction 13);
- the M27 (including improvements between Junctions 3 and 4, between Junctions 11 and 12, and junction improvements identified in the M27 Integrated Transport Study);
- the A27 (including improvements at Chichester, Arundel, between Worthing and Lancing, and between Selmeston and Wilmington);
- the A34;
- the A21 (including improvements between Tonbridge and Hastings).

- b) Applications relating to any other regionally significant highway improvements (i.e. improvements with a total cost in excess of £5m), including, but not limited to, the following schemes identified in the Regional Transport Strategy:

- South Thameside Development Route;
- Lower Thames Crossing;
- M40/A404 Handy Cross Junction Improvement;
- A3 Hindhead Improvement;
- Bexhill to Hastings Link Road;
- A23 Handcross to Warninglid
- A2 Lydden to Dover;
- A421 Milton Keynes to M1 Junction 13

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<sup>6</sup> LTP definition of 'major'

- c) Applications relating to **improvements in the network of public transport services** that are of regional significance, including, but not limited to, the following schemes identified in the Regional Transport Strategy:
- the introduction of domestic services on the Channel Tunnel Rail Link;
  - Crossrail;
  - Thameslink 2000;
  - rail links to Heathrow Airport (including a link between Staines and Heathrow such as Airtrack, and westerly connection between Heathrow and the Great Western main line);
  - rail links and new stations supporting planned levels of growth associated with the Milton Keynes and Aylesbury Vale growth area (such as proposals associated with East-West rail corridor between Oxford and Bletchley, including the provision of a new link to, and new station at Aylesbury North);
  - rail links to ports identified as gateways in the Regional Transport Strategy (including gauge and capacity enhancements on the Southampton to West Midlands corridor, and the restoration of a rail connection into Dover Harbour);
  - enhanced rail services along the South Coast (the Coastway), including improvements associated with the Ashford growth area (Ashford to Hastings);
  - enhanced rail services on the Brighton main line;
  - enhanced rail services on the Great Western main line (including capacity enhancement at Reading Station);
  - enhanced public transport services serving the South Hampshire sub-region (including those associated with South Hampshire Rapid Transit – SHRT, and enhancements to Southampton Airport Parkway).
- d) Applications for the provision of **other transport infrastructure projects** of the types listed below:
- i) Airports
    - Construction of airports with a basic runway length in excess of 1,000m;
    - Construction of a new runway at existing airports in excess of 1,000m;
    - Construction of an extension to an existing runway by more than 100m;
    - Construction of a new airport terminal, or the expansions of an existing terminal, which provides additional capacity.
  - ii) Ports
    - Construction of facilities that increase the capacity of the ports identified as gateways in the Regional Transport

Strategy, specifically the ports of Southampton, Portsmouth, Dover, the Channel Tunnel, Thamesport and Sheerness;

- Construction of facilities that increase the capacity of regionally significant ports identified in the Regional Transport Strategy, specifically Shoreham, Newhaven and Ramsgate;
- Construction of a new port.
- Inter-modal Interchanges
- Terminals of over 10ha for the transfer of freight from road to rail.

3. Applications for developments in the following policy areas:

a) **Minerals**

- i) New sites, or expansion of facilities of 10ha+ for minerals extraction.
- ii) Any proposals for new wharves or depots.
- iii) Any proposals that threaten loss of wharves and depots.

b) **Waste**

- Sites of 5ha or more for waste disposal.
- Waste management facilities processing more than 50,000 tonnes of waste per annum.
- Hazardous waste management facilities processing more than 10,000 tonnes of waste per annum.

c) **Energy**

- Schemes of over 1MW installed capacity.

d) **Water Supply and Treatment**

- Major new reservoirs, sewage treatment plants, desalination plants or other water supply or treatment infrastructure, or major expansions to existing facilities which may have a significant cross boundary impact or are of strategic importance.

4. **Other major applications** that, whilst they do not fall within the criteria set out above, the local planning authority considers may significantly conflict with or prejudice the implementation of existing or emerging RSS policies.