

**SOUTH EAST ENGLAND PARTNERSHIP BOARD  
BOARD MEETING**

Date: 24 July 2009

Subject: **Delegated Authority: LDF conformity and major applications**

Report of: Director of Planning, Partnership Board Strategy Unit

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**1. Introduction**

1.1 The Partnership Board, as the Regional Planning Body (RPB), has a role in ensuring that all Local Development Frameworks (LDFs) and major planning applications are in conformity with the Regional Spatial Strategy (South East Plan). SEEDA also has a role as a Statutory Consultee and is asked for its views on both LDFs and major applications from an economic perspective. This paper sets out a proposal for handling conformity issues under the new arrangements.

**2. Current Process for Handling Conformity**

2.1 Under the current legislation governing RSS, the RPB is asked to give an opinion of general conformity on LDF Development Plan Documents and is a statutory consultee on major applications. The purpose of the general conformity 'test' is to ensure that both parts of the development plan for an area (i.e. the RSS and LDF) operate as one plan. Planning applications for proposals need to be in accordance with the development plan, unless material considerations indicate otherwise. When the Regional Assembly was the RPB, most LDF conformity issues were non-contentious and were managed through delegated responsibility to the Director of Planning. Where there were contentious issues involved or issues of non-conformity, decisions were delegated to small sub-groups of the Regional Planning Committee (RPC). This reflected the 'expert' planning role of RPC members. However, it is important to note that this is a very rare occurrence.

2.2 SEEDA also has a role in advising local authorities on LDFs and major applications but this is based solely on the RES and not the wider planning issues. The team responsible for conformity within the Strategy Unit meets regularly with SEEDA colleagues to ensure that any differences of view are exposed early on in the consultation process. This rarely results in two different/opposing views being expressed in terms of the economic and wider planning aspects of LDFs/major applications.

**3. Proposal for Handling Conformity Under the New Arrangements**

3.1 The test of conformity is expected to continue to be applied under the new arrangements with the Partnership Board, acting as the RPB, responsible for conformity issues. The tests will continue to be based on the South East Plan only, however, until the new Regional Strategy replaces this and the RES. SEEDA will also continue to have a separate role in the process as a Statutory Consultee.

3.2 It is therefore proposed that the following process is put in place to handle conformity:

- All non-contentious LDFs and major planning applications that are sent to the Partnership Board as RPB will be managed by the Strategy Unit and dealt with under delegation by the Director of Planning.
- LDFs or major planning applications that are deemed to be contentious or raise issues of non-conformity will be determined by a small sub-group of the proposed Planning Panel (Terms of Reference for the Planning Panel will be considered by the Strategy Board at its meeting on the 17 September) comprising 3 Local Authority Members and 1 SEEDA Board Member. This group will operate mainly as a virtual group.
- SEEDA will continue to respond separately to LDFs and major planning applications under its Statutory Consultee remit. Keeping this role distinct from the planning conformity role will help ensure that SEEDA's views as an RDA are not prejudiced.
- The teams within the Strategy Unit and SEEDA will continue to meet regularly to share views and expose any potential conflicts between the wider planning and economic perspectives.

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13 July 2009

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