

# Norfolk Strategic Planning Member Forum

## Terms of Reference (Dec 2017)

### 1. Introduction

1.1 The Localism Act 2011 inserts section 33A into the Planning and Compulsory Purchase Act (2004) the requirement for authorities and certain public bodies to engage on key issues under a 'Duty to Cooperate' when preparing Development Plan Documents (principally Local Plans), and other Local Development Documents .

1.2 The Act states, *inter alia* that Local Planning Authorities must:

*'...engage constructively, actively and on an on-going basis in any process by means of which activities within subsection (3) are undertaken.....'*

1.3 The Duty to Cooperate is a legal test when local plans are independently examined and Local Planning Authorities will need to provide evidence to demonstrate that they have undertaken the duty. Local Plans are also examined for their overall soundness. To discharge the soundness test work undertaken under the Duty to Co-operate must be demonstrably effective and as a minimum this will require:

- Genuine Member level co-operation.
- A continuous process of co-operation throughout plan preparation.
- Co-operation across all cross boundary strategic issues.

1.4 Norfolk Authorities have a strong record of working together through a range of both formal and less formal mechanisms. A Strategic Planning Officer Group has been established for many years and in January 2014 a Members Forum was established with the overall purpose of ensuring that the requirements of the Duty were met. This comprises Members from each of the Norfolk District Councils and the Broads Authority together with Norfolk County Council (the 'Core Group') supported by the Norfolk Strategic Planning Officer Group and meets on a quarterly basis to progress work under the duty.

### 2. The Forum

2.1 The Forum's overall purpose is to ensure that the requirements of the Duty to Cooperate when preparing Development Plans is discharged in a way which enhances the planning of strategic matters and minimises the risk of unsound Plans. It will provide the political input and steerage necessary to discharge the duty.

## **Powers**

2.2 The Forum has agreed to meet for the purposes set out in these terms of reference to provide a vehicle for cooperation and joint working between local authorities and other parties within Norfolk and across any other area over which the duty may be applied. They will act together in accordance with their powers under sections 13, 14 and 33A of the Planning and Compulsory Purchase Act and Section 1 of the Localism Act 2011 for this purpose.

2.3 For the avoidance of doubt, the Forum cannot exercise any of the functions of a Local Planning Authority or competent authorities, such as setting formal planning policy or exerting control over planning decisions, nor can it amend any decisions made by other bodies such as the LEPs unless such powers have been expressly delegated to the Forum by one or more of its members. The Forum will recommend actions to the member authorities and others insofar as this is necessary to discharge the Duty and aim where possible to reach agreement in relation to strategic cross boundary land use issues.

## **Specific Activities**

2.4 The Forum will address matters relating to the Duty to Cooperate to comply with Section 33A of the Planning and Compulsory Purchase Act 2004. In summary it will:

- Identify spatial planning issues of strategic importance that impact on more than one local planning area across Norfolk and a wider geographical area where appropriate to do so and provide the basis for working collaboratively within, and outside, of the 'core group' across a range of organisations and geographies as might be appropriate to address cross boundary strategic issues.
- Recommend the most appropriate land use planning approach to better integration and alignment of strategic spatial planning across Norfolk and a wider geographical area where appropriate.
- Provide the evidence that the Local Authorities are working 'constructively, actively and on an ongoing basis' on strategic planning matters to support delivery of Local Plans which will be able to be assessed as 'sound'.
- With the agreement of member authorities, oversee the joint commissioning and preparation of evidence necessary to determine the most appropriate strategic spatial approach to cross boundary issues.
- Produce an evidenced (documented) approach to cooperation across strategic cross boundary issues at a Member level and throughout the process of Local Plan Preparation

- Undertake any consultations which from time to time may be deemed appropriate to further the work of the forum.
- Provide, through the individual Members of the Core Group, liaison in respect of Norfolk strategic planning matters with each of the local authorities represented in the Forum.

## Specific Outcomes

- The timely production, maintenance and publication of an *evidence base* sufficient to address cross boundary strategic land use issues, to identify where such issues arise and recommend actions to the member authorities to address them.
- The preparation, agreement and updating of a *single non-statutory shared strategic framework* document (the Norfolk Strategic Framework) to inform Local Plan preparation covering any cross boundary strategic land use issues including but not limited to:
  - homes and jobs;
  - retail, leisure and other commercial development;
  - infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management;
  - minerals and energy (including heat);
  - health, security, community and cultural infrastructure and other local facilities;
  - climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape;
  - nationally significant infrastructure.
- The preparation, agreement and publication of Statements of Common Ground, Duty to Co-operate Statements and Memorandums of Understanding on behalf of, and as agreed by, the member Authorities.
- The local authorities represented in the Forum are suitably aware and supportive of the Forum's activities, and engaged in identifying and addressing Norfolk strategic planning matters.

## 3. Governance and administrative arrangements.

### Membership

The Core Group will consist of one Member from each of Norfolk County Council, Norwich City Council, South Norfolk District Council, North Norfolk District Council, Broadland Council, Breckland District Council, the Borough Council of King's Lynn and West Norfolk, Great Yarmouth Borough Council and the Broads Authority. The membership of the group will be determined by each authority via annual nomination preferably

of the Planning Portfolio Member or equivalent for each authority. Each authority should also nominate substitutes should the nominated Member not be able to attend particular meetings.

Membership of the Core Group will be kept under review and adjusted to reflect any wider geography over which it might be determined appropriate to cooperate.

Chairmanship and vice chairmanship will be determined by the Forum and reviewed each year.

### **Format of Meetings**

Meetings will be held in public and will comprise the Members and officers from each authority. Others (specialists, representatives of other organisations, consultants ) may attend and present at the meetings by invitation. An Agenda and papers will be circulated in advance of each meeting and informal action notes will be taken and published.

### **Public Information/website**

Agenda and a brief note of any recommendations made back to LPAs will be made public via a Duty to Cooperate web page on the NCC website. See [www.norfolk.gov.uk/nsf](http://www.norfolk.gov.uk/nsf)

### **Frequency of meetings**

Every three months, or at intervals to be agreed, hosted by Norfolk County Council.

### **Secretariat**

The secretariat for the group will be provided by the County Council.

### **Decision Making**

The Forum is not a decision making body and will recommend actions to partner authorities. It will aim to reach a consensus where possible. It's recommendations are not binding on the actions of any of the partners.