

Item for Decision

Purpose of Working Party and Terms of Reference

Summary: This report explains the key purposes of the Planning Policy and Built Heritage Working Party and invites comments on revised Terms of Reference.

Recommendation: That the revised Terms of Reference are recommended to Cabinet for approval.

Cabinet Member(s)	Ward(s) affected
Cllr Karen Ward	All
Contact Officer, telephone number and email: Mark Ashwell, mark.ashwell@north-norfolk.gov.uk . 01263 516325	

1. Introduction and Scope

1.1 The Working Party's overall purposes are to ensure that the requirements of the Plan Making Regulations for Local and Neighbourhood Plans are met, that the legal Duty to Cooperate when preparing Development Plans is effectively discharged, that Conservation Areas, Listed Buildings and designated landscapes and wildlife are subject to appropriate policy protection and that the Council retains an effective policy basis to meet development needs whilst managing the impacts of all types of land use and built development in the District. It is responsible for preparing evidence, considering options, consulting, preparing Plans and policies, and ensuring that effective monitoring and review mechanisms are in place.

1.2 **Local Plans** are the key documents through which local planning authorities can set out a vision and framework for the future development of the area, engaging with their communities in doing so. Local Plans address needs and opportunities in relation to housing, the local economy, community facilities and infrastructure. They should safeguard the environment, enable adaptation to climate change and help secure high quality accessible design. The Local Plan provides a high degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications. Decisions on planning applications should be made in a way that accords with the policies of an up-to-date Local Plan, unless there are good reasons for departures.

1.3 Producing the Local Plan should be a shared endeavour – led by the local planning authority but in collaboration with local communities, developers, landowners and all other interested parties.

1.4 The Local Plan will be examined by an independent inspector whose role is to assess whether the Plan has been prepared in line with the relevant legal requirements (including the Duty to Cooperate) and whether it is “sound”. The regulations include formal tests of soundness including that Plans should be

positively prepared, justified by evidence, effective, and consistent with National Policy.

1.5 The Local Plan must be supported by a robust evidence base and informed by a Sustainability Appraisal. For housing this means that it must plan to meet objectively assessed needs for market and affordable housing, as far as is consistent with national planning policy. This includes identifying a five year supply of specific deliverable sites that should be updated annually (see later report).

1.6 The main legislation that sets out the process for the preparation of Local Plans can be found in Part 2 of the Planning and Compulsory Purchase Act 2004 as amended and The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended. Further guidance is available in Planning Guidance and the National Planning Policy Framework.

1.7 A **Neighbourhood Plan** is a community-led framework for guiding the future development and growth of an area. It may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development. It should accord with the provisions of any up to date Local Plans.

1.8 Collectively Local Plans, including Minerals and Waste Local Plans prepared by the County Council, and Neighbourhood Plans comprise the Development Plan for the District.

1.9 **Supplementary Planning Documents** build upon and provide more detailed advice and guidance on the application of Local Plan policies. They are subject to public consultation but do not get independently examined. They are material to the determination of planning applications but are not formal policy documents so attract less weight in the decision making process.

1.10 The Localism Act 2011 introduced a 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. The Act states that Local Planning Authorities must 'engage constructively, actively and on an on-going basis in relation to strategic cross boundary matters'. 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.

1.11 **Conservation Areas** are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (Section 69 of The 1990 Planning (Listed Buildings and Conservation Areas) Act). A '**Listed Building**' is a building, object or structure that has been judged to be of national importance in terms of architectural or historic interest and included on a special register, called the List of Buildings of Special Architectural or Historic Interest. Local Planning Authorities have a responsibility to keep Conservation Areas and the List of Buildings of special architectural or historic interest under review.

1.12 Designated Landscapes and Habitats include the Norfolk Coast Area of Outstanding Natural Beauty, Sites of Special Scientific Interests, and various types of protected habitats. Natura 2000 is a network of nature protection areas in the territory of the European Union. It is made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive. The network includes both terrestrial and Marine Protected Areas and

includes substantial areas of the North Norfolk Coast. These areas are recognized as being nationally and internationally important for wildlife and enjoy the highest order of protection.

2. The Planning Policy and Built Heritage Working Party (the Working Party)

2.1 The Working Party was established by Cabinet around 15 years ago. Its initial remit was to lead and oversee the preparation of a new Local Plan for the District. Its scope was subsequently amended to provide for the preparation of Local Development Documents (new types of Local Plans) and to broaden its role to include some aspects of the specialist work undertaken by the Conservation, Design and Landscape Team, most notably the preparation of Conservation Area Appraisals and reviewing the list of Locally Important Buildings.

2.2 The formal Terms of Reference for the Working Party were written some years ago and do not reflect more recent changes in legislation and furthermore they are felt not to adequately explain the relationship between the Working Party and Cabinet in terms of exercising the various functions of Plan preparation and other work. Revised terms have been produced which seek to address these concerns which, following consideration by the Working Party, will require the formal endorsement of Cabinet. Draft Terms of Reference are attached as **Appendix A**.

3. Risks

3.1 The preparation of Local Plans, Conservation Area Appraisals and other associated policy work is subject to national regulations and sometimes legal controls. Failure to comply with these controls is a significant risk and can add considerable costs, reduce confidence in the planning process, and ultimately lead to a failure to address growth needs and control the impacts of development.

3.2 Delivering on wider priorities in the public interest, such as ensuring sufficient homes are built, will often raise competing interests and may have some adverse consequences. Balancing these interests is often controversial. It is therefore important that the process of land use policy development is transparent, open to effective scrutiny, and properly recorded. The suggested Terms of Reference seek to address these areas.

4. Recommendations

That the appended Terms of Reference are recommended to Cabinet for approval.

Abbreviations

SPD – Supplementary Planning Document
CA – Conservation Area
LB – Listed Building
AONB – Area of Outstanding Natural Beauty
SSSI – Site of Special Scientific Interest
SPA – Special Protection Area
SAC- Special Areas of Conservation