

ELECTED MEMBERS FORUM: DRAFT TERMS OF REFERENCE
Essex Coast RAMS Elected Members Forum
DRAFT Terms of Reference

Introduction

The Essex Coast Recreation Avoidance Mitigation Strategy (RAMS) is being prepared in partnership by 11 participating Councils (Basildon, Braintree, Brentwood, Castle Point, Chelmsford, Colchester, Maldon, Rochford, Southend, Tendring and Thurrock).

Essex Place Services (the consultancy arm of ECC) are providing consultancy services, including project management resource.

To ensure that all Local Plans and new development are compliant with the Conservation of Habitats and Species Regulations 2010 and deliver positive outcomes for the natural environment, Natural England recommend that a strategic approach is the most effective way of mitigating recreational disturbance impacts from residential growth (identified by the participating authorities Local Plans). A Recreation Avoidance and Mitigation Strategy (RAMS) will ensure that new development does not have a significant effect on the 10 internationally and nationally protected wildlife sites on the Essex Coast. The Essex Coast RAMS is an important strategic document, covering the 11 local authority areas.

The Localism Act 2011 requires local authorities and certain public bodies ‘*engage constructively, actively and on an ongoing basis*’ on key strategic matters which includes ‘*sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic*’ under a Duty to Co-operate when preparing Development Plan Documents.

The Duty to Co-operate is a legal test when Local Plans are examined and LPAs will need to provide evidence at examination 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 effective and as a minimum this will require:

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

Emerging national policy, in the revised Draft National Planning Policy Framework (March 2018, paragraphs 28 - 29) reinforces this Duty through the requirement for a Statement(s) of Common Ground. This is amplified in the revised draft Planning Practice Guidance:

‘a written record of the progress made by strategic plan-making authorities during the process of planning for strategic matters across local authority boundaries. It documents where effective co-operation is and is not happening, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities (including County Councils), it is also evidence that they have complied with the duty to cooperate’ (draft revised PPG, p38).

The Forum will formalise the approach to Elected Member involvement by each Council in the RAMS process to promote genuine Member level co-operation on a key strategic issue.

All participating authorities have signed a Memorandum of Understanding which includes the following Governance arrangements:

- Each partner is responsible for:
 - seeking necessary approvals for participation;
 - securing key project decisions including approval of the final RAMS report and support for consultation and adoption of the SPD as per their own schemes of delegation and governance arrangements;
 - securing financial contributions;
 - involving Members appropriately through their local plan reporting committees or member briefing forums to ensure formal approvals later in the timetable can be achieved in a timely manner.

A flow chart showing the governance arrangements for the project are at the end of this paper.

Place Services will:

- provide support for individual governance arrangements by providing template reports for individual partners;
- seek to meet reporting deadlines and update the project plan to reflect such matters during the course of the project;
- project manage the delivery of RAMS; and
- to report progress to Essex Planning Officers Association (EPOA) as necessary, or at the request of the EPOA Chair.

The EPOA is the Essex-wide sponsor for the project, championing the delivery of the RAMS as evidence to support sustainable local development and inform strategic planning decisions in Essex. No direct input into the Project is anticipated from EPOA, but individual Partners are encouraged to report updates to their EPOA representative as necessary.

Natural England has consented to support the project, provide guidance and technical advice throughout the process, attend the steering group meetings and workshop sessions. Although not a Partner, their input will be recognised through the RAMS, and SPD where their formal advice will build upon their interim advice to the Authorities (December 2017) and best practice.

Purpose of the Forum

The purpose of the Essex Coast RAMS Members Forum is to:

- establish a collaborative process whereby Members of each participating authority can inform the development and delivery of the Essex Coastal Recreation Avoidance Mitigation Strategy and SPD. Specifically, it will provide an opportunity to:
 - Discuss key issues relating to the preparation, approach, content and implementation of the Strategy and the SPD;
 - Understand relevant mitigation projects and their prioritisation;
 - Consider all relevant methods of securing developer contributions for the SPD; and
 - Unblock delivery issues relating to the Strategy and the SPD, where appropriate.

- ensure that the requirements of the Duty to Co-operate for Development Plans is discharged in a way which enhances the planning of strategic issues and minimises the risk of unsound Plans. It will provide the political input and steerage necessary to discharge the duty;
- ensure that Members provide a coherent and coordinated ‘one team’ response to the RAMS process;
- recognise and take account of the interests, rights and responsibilities of landowners, users and other stakeholders;
- maintain liaison with other organisations which are undertaking related activities in order to exchange information and avoid duplication of work; and
- make recommendations to the RAMS Officer Steering Group 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.

Terms of reference

- This is an engagement Forum to secure the timely and joined-up delivery of the RAMS;
- This is not a planning decision group: the Forum cannot exercise any of the functions of a planning authority or competent authority, such as setting formal planning policy or exerting control over planning decisions or adopting the SPD; nor can it fetter any decisions made by such authorities, nor the rights and responsibilities of the landowners within the protected sites;
- Membership will be limited to Members of the participating authorities involved in the delivery of RAMS;
- The Forum will be focussed on co-ordinating delivery and unblocking hurdles to achieve delivery of a RAMS;
- The Forum will investigate all potential sources of securing developer contributions to secure the timely delivery of mitigation;
- The Forum will meet at key milestones initially likely to be at draft Strategy stage and draft SPD stage, although the Forum can set additional meetings as required;

Governance

- The Forum will comprise of one Elected Member from each of the following participating local authorities:
 - Basildon District Council
 - Braintree District Council
 - Brentwood Borough Council
 - Castle Point Borough Council
 - Chelmsford Borough Council
 - Colchester Borough Council
 - Maldon District Council
 - Rochford District Council
 - Southend on Sea Borough Council
 - Tendring District Council
 - Thurrock Borough Council
- The membership of this Forum will be determined by each authority via nomination. Each authority should also nominate substitutes should the nominated Member not be able to attend a particular meeting.
- Chairmanship and vice chairmanship will be determined by the Forum.

APPENDIX 3

- Members of the Forum will respect the confidential nature of the issues raised and discussed at the Forum.

Format of Meetings

- Meetings will be held in private and will comprise the Members and officers from each authority;
- Others (consultants, representatives of other organisations) may attend and present at the meetings by invitation.

Frequency of meetings

- The Forum will meet at key milestones initially likely to be at draft Strategy stage and draft SPD stage, although the Forum can set additional meetings as required;
- Requests for additional meetings will be in consultation with the Chairman;
- The Forum will not commence until June 2018 to take account of local government elections;
- Venue is to be decided, but will be hosted by Maldon District Council.

Secretariat

- Maldon District Council will hold secretariat responsibilities for the Forum;
- An Agenda and papers will be circulated in advance of each meeting. Minutes will be taken and circulated prior to the next meeting;
- Minutes will be considered at the RAMS Officer Steering Group.

Decision making

- The Forum is not a decision making body. It will aim to reach a consensus where possible. Its recommendations are not binding on the actions of any of the partners;
- Officers and Members of each participating authority will determine the extent of information reported to each Council's relevant Committee(s).

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