

Annex 1

DRAFT SURREY STRATEGIC PLANNING AND INFRASTRUCTURE PARTNERSHIP

Terms of Reference

1. Objectives

- 1.1 The Signatories to a Memorandum of Understanding dated [] have 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 within Surrey.
- 1.2 The Signatories will address matters relating to: (i) the Duty to Cooperate to comply with section 33A of the Planning and Compulsory Purchase Act 2004; (ii) infrastructure investment and funding streams; (iii) strategic planning interaction with Greater London and other adjoining and relevant authorities and (iv) associated planning issues that are of joint interest to the member organisations. In summary:
 - To identify and co-operate on spatial planning issues that impact on more than one local planning area across Surrey; and
 - To support better integration and alignment of strategic spatial, infrastructure and investment priorities across Surrey.
- 1.3 The Signatories are acting 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 the purposes set out above by:
 - Providing a framework to 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'.
 - Being 'spatially specific' where there is a strategic focus on particular areas within Surrey or overlaps with adjoining areas.
 - Providing a basis for working collaboratively with the GLA/Mayor and other authorities on the long term growth of London, particularly in relation to the next full review of the London Plan and the Mayor's Long Term Infrastructure Plan.
 - Integrating strategic spatial, economic and infrastructure priorities for Surrey with a clear set of (agreed) objectives for delivering 'sustainable' prosperity in Surrey. This should build on the priorities in Surrey Future, the Strategic Economic Plans and local plans and collaboration with the LEPs and Surrey Local Nature Partnership.
 - Providing a positive voice for Surrey, setting out its case for investment and why it is important to the national economy.
 - Helping to align business/investment priorities of other key bodies, e.g. Environment Agency, transport operators and utility companies.
- 1.4 The Signatories will act to deliver cooperation across the Surrey area

to maximise the effectiveness of plan making, infrastructure delivery, growth and a single strategic voice in respect of Greater London planning issues.

- 1.5 The Signatories will put in place a single agreed framework, in the form of a Memorandum of Understanding, within which the Duty to Cooperate can be undertaken on an ongoing and rolling programme irrespective of individual plan making timetables of individual authorities.
- 1.6 For the avoidance of doubt, the Signatories cannot exercise any of the functions of a planning authority or competent authorities, including setting formal planning policy or exerting control over planning decisions, nor can they fetter any decisions made by other bodies such as the LEPs.

2. Functions

2.1 The Signatories will :

- agree frameworks for working effectively at a strategic planning and infrastructure level to ensure the best and most appropriate outcomes for Surrey through the Duty to Cooperate
- act together as a vehicle for joint working, liaison and exchange of information related to the Duty to Cooperate
- agree a spatially specific strategic vision for Plan and infrastructure delivery
- retain an overview of, and monitor, the implementation of projects and plan making across Surrey and the wider area of influence.
- identify the sustainable development issues that impact on more than one local planning area and agreeing how these should be prioritised and managed (covering the whole local plan cycle from plan-making, through to delivery and monitoring)
- support better integration and alignment of strategic spatial and investment priorities in the Surrey area, ensuring that there is a clear and defined route through the statutory local planning process, where necessary

2.2 In carrying out these functions, the Signatories may, subject to the necessary procurement arrangements and authorities being put in place by the local authorities represented by them:

- act on behalf of member organisations to commission studies, surveys and reports
- provide advice to member and stakeholder organisations, including making non-binding recommendations for a course of action

2.3 Surrey Leaders may review these terms of reference at any point.

3. Meetings of the Signatories

- 3.1 The Signatories may invite key stakeholders to attend their meetings as may be agreed. Minutes of the outcomes of meetings will be made available to the local authorities represented by the Signatories.

3.2 Other communication regarding their activities will be agreed by the Signatories.

4. Statutory/Non-statutory Duty to Cooperate Bodies

4.1 There are a number of public bodies that are subject to the Duty to Cooperate. These are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013.

These bodies are currently:

- the Environment Agency
- the Historic Buildings and Monuments Commission for England (known as English Heritage)
- Natural England
- the Mayor of London
- the Civil Aviation Authority
- the Homes and Communities Agency
- each clinical commissioning group established under section 14D of the National Health Service Act 2006
- the National Health Service Commissioning Board
- the Office of Rail Regulation
- Transport for London
- each Integrated Transport Authority
- each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
- the Marine Management Organisation.

4.2 The National Planning Practice Guidance suggests that these bodies play a key role in ensuring Local Plans are as effective as possible on strategic cross boundary matters. The Signatories will ensure, through provisions to invite stakeholders when required or through the work undertaken by the Surrey Chief Executives and Surrey Planning Officers Association (SPOA), that preparation of a Local Strategic Statement has involved these statutory bodies as far as is proportionate given the policy context under consideration.

4.3 Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty. But local planning authorities and the public bodies that are subject to the duty must cooperate with Local Enterprise Partnerships and Local Nature Partnerships and have regard to their activities when they are preparing their Local Plans, so long as those activities are relevant to local plan making. Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs) are prescribed for this purpose in Town and Country Planning (Local Planning (England) Regulations as amended by the Town and Country

Planning (Local Planning) (England) (Amendment) Regulations 2012 to include Local Nature Partnerships.

- 4.4 There is existing effective working between Councils, LEPs and LNPs. In this context, the Signatories will ensure that they are aware of Strategic Economic Plans and the delivery of a strategic approach to encouraging biodiversity. The Signatories will ensure, through provisions to invite stakeholders when required or through the work undertaken by the Surrey Chief Executives and SPOA, that preparation of a Local Strategic Statement has involved these bodies as far as is proportionate given the policy context under consideration.
- 4.5 The Signatories will be advised by SPOA via the Surrey Chief Executives.