

Neighbourhood Planning

Service Level Agreement

January 2014



Sample

1. The Agreement

This Agreement is between:-

- a) Herefordshire Council's Neighbourhood Planning Team, and
- b) Parish Council

2. Introduction and Purpose

• Introduction

The Localism Act 2011 introduced the following provisions into the planning process:-

- Neighbourhood Development Plans
- Neighbourhood Development Orders
- Community Right to Build Orders

In Herefordshire Neighbourhood Development Plans and Neighbourhood Development Orders can only be undertaken by a Parish/Town/City Council.

Under the provisions of the Localism Act 2011 Herefordshire Council are responsible for:-

- a) Undertaking certain statutory requirements, and
- b) The provision to Parish Councils¹ of technical advice and support

• Purpose

The purpose of this Agreement is to form a working relationship between the Parish Council and Herefordshire Council and to confirm:-

- a) How Herefordshire Council will undertake its statutory duties
- b) The level and extent of the technical advice and guidance that Herefordshire Council will provide
- c) How the Parish Council will aim to progress the Neighbourhood Development Plan

¹ - Parish Council refers to a parish, town, city or group of parish councils

3. Memorandum of Agreement

This **Agreement** is between:-

Herefordshire Council (namely the Neighbourhood Planning Team Leader), and

Parish Council
(namely the Chairman of the Parish Council)

Designation of Neighbourhood Area

Date Submitted:

Date of approval by Herefordshire Council

Signatories:-

a)

Herefordshire Council’s Neighbourhood Planning Team Leader

b)

Chair on behalf of Parish Council

This Agreement will commence on:



4. Roles and Responsibilities

• Background and context

Neighbourhood Planning was introduced by the Localism Act 2011. The associated Regulations (The Neighbourhood Planning (General) Regulations 2012) require Herefordshire Council to undertake certain provisions. In addition the Council is also required to provide technical advice and support.

This agreement sets out how the Council will meet its statutory obligations and the level of assistance it will offer to Parish Councils.

Once an application for a Neighbourhood Area has been submitted to Herefordshire Council a 6 week consultation period will be undertaken via the website and notices will be displayed within the parish, organised by Herefordshire Council.

Herefordshire Council will notify the Parish Council and Ward Member of this consultation period.

This agreement should be read in conjunction with Guidance Note 4 - A guide to procedures.

Regulation references refer to the Neighbourhood Planning (General) Regulations 2012.

• The statutory obligations for Herefordshire Council

Following the completion of the statutory procedures Herefordshire Council will meet the following standards (as set out in its formal governance arrangements) :-	Decision made within:-
Agreement of the Neighbourhood Development Plan area Regulation 7	Two weeks following the end of publicity period
Confirm that the pre-submission plan meets the requirements of the Localism Act Regulation 14	Four weeks following receipt by the Neighbourhood Planning Team
Confirmation that the submitted Neighbourhood Development Plan meets the criteria within the Localism Act Regulation 15	Decision made within 1 week of receiving the submission documents.
Publicise the submission plan and other relevant documentation and forward comments received to examiner Regulation 16	Publicise within two weeks of receiving the submission documents. Forward comments within four weeks of close of consultation
Approval of the appointment of an examiner with the Parish Council and move submission plan/order for independent examination Regulation 17	Within six weeks of close of consultation
Consideration of Examiner's Report and provision of 'Decision Statement' Regulation 18	Four weeks following the receipt of the Examiner's Report
Arrange Referendum date	Referendum to take place within 60 days of the decision document upon the Examiner's Report.
Make/Adoption of Plan Regulation 19/20	At the first available meetings of Cabinet/ Council following a positive referendum result

• **Technical advice and support**

Herefordshire Council will:-

Topic	Advice and support
Published advice	<p>Provide on its neighbourhood planning website:-</p> <p>https://www.herefordshire.gov.uk/neighbourhood-planning/</p> <p>A comprehensive information base in respect of the legislation and procedures involved.</p> <p>A set of guidance material in relation to the process and the practicalities involved.</p>
Professional advice	<p>Provide a named officer as the first point of contact for advice and technical support.</p> <p>The Support Officer contact in this case is: -</p> <p>.....</p> <p>Contact Details</p> <p>Telephone:.....</p> <p>E-mail:.....</p>
Initial meeting	<p>At the request of the Parish Council and following designation of the Neighbourhood Area the support officer will attend and provide an overview on the procedures and issues. This advice will cover:-</p> <ul style="list-style-type: none"> • The scope of a Neighbourhood Development Plan • Relationship with the Herefordshire Local Plan - Core Strategy • The legal procedures to be followed • The preparation/content of a project plan • Methods of consultation and engagement • Consultation with the “Consultation Bodies” • The requirements of other legislation such as the Human Rights Act, the Habitats Regulations and Environmental Assessments • Update on funding and grants available • Template for Project Management • Template for Budgeting
Provision of background data/evidence	<p>At the request of the Parish Council, the support officer will provide and/or direct to the appropriate source:-</p> <ul style="list-style-type: none"> • The Annual Monitoring Report planning data that the Council has available for the past 5 years • Provide list of planning applications made in the last 5 years • Links to research data • Access to LDF evidence base data • Maps showing constraints data with regards to Habitat Regulations Assessment and Strategic Environmental Assessment • Other appropriate data the Council holds

Topic	Advice and support
Professional advice and assistance	<ul style="list-style-type: none"> • Provide conformity advice and up to date information on the Herefordshire Local Plan - Core Strategy policies • Advice on any requirement for Environmental Assessment and Habitats Regulations Assessment • Assistance with methods and processes of consultation • Up to date information on any grant and funding available • Provide comments to emerging drafts • Digitising of the final proposals maps
Draft Neighbourhood Development Plan	<p>Provide advice and support in relation to:-</p> <ul style="list-style-type: none"> • Suitability of the plan in meeting the 'basic conditions' • Conformity of the Plan • Suitability of the Consultation Statement • Suitability of any Environmental Assessment or Habitats Regulations Assessment undertaken • Conformity with other legislative requirements • Conformity with the OS mapping requirements (including copyright issues)

Herefordshire Council will not offer support/assistance in the following areas:-

- Writing Documents
- Undertaking primary survey work
- Attend every meeting/consultation event organised
- Direct financial support

5. Obligations for the Parish/Town/City Council

The Parish/Town/City Council will:-

Following agreement by the Council of the Neighbourhood Area
Establish a steering group to develop the Neighbourhood Development Plan with a clear reporting link to the Parish Council via a Terms of Reference
Arrange an initial meeting of the Parish Council/steering group and invite the support Planning Officer from the Neighbourhood Planning team
Prepare a Project Plan for the preparation of the Neighbourhood Development Plan.
The Project Plan would include:-
<ul style="list-style-type: none"> • An indicative timetable for completion of the Neighbourhood Development Plan • The provision of regular updates on progress to the Council via your Neighbourhood Planning Support officer • Programme discussions with the Support Officer at the stage of preparation of the Draft Plan

As you are preparing to undertake your Pre-submission (draft plan) consultation

- Copy of the draft plan
- Copies of any Environmental Assessment undertaken to date
- Consultation Statement highlighting list of statutory bodies consulted

Submission of your final neighbourhood development plan prior to the examination

- Produce a consultation statement
- Provide final copies of any Environmental Statements or Assessments undertaken.
- Provide 'basic condition' statement

Following the successful examination

- Provide the Final Plan in an electronic format to the Neighbourhood Planning team
- Provide any support documentation in an electronic format to the Neighbourhood Planning team
- Provide results of any primary source data which would be helpful to the Research team

Sample