

Community Right to Build Order

# Service Level Agreement

January 2013



**Sample**

## 1. The Agreement

This Agreement is between:-

- a) Herefordshire Council's Neighbourhood Planning Team, and
- b) ..... Parish Council<sup>1</sup>/Community Group

## 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, Community Right to Build Orders can be undertaken by a parish council or a community group.

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

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

### • Purpose

The purpose of this Agreement is to:-

- a) Confirm how Herefordshire Council will undertake its statutory duties
- b) Confirm the level and extent of the technical advice and guidance that Herefordshire Council will provide
- c) Confirm how the parish council or community group will aim to progress the Community Right to Build Order

<sup>1</sup> - 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 Head of Neighbourhood Planning), and

..... Parish Council or Community Group  
(namely the Chairman of the Council or Group)

#### Designation of Neighbourhood Area

Date Submitted: .....

Date of approval by Herefordshire Council .....

#### Notification of Community Group

Date submitted:.....

Date of approval by Herefordshire Council:.....

#### Signatories:-

a) .....

Neighbourhood Planning Team Leader

b) .....

On behalf of ..... Parish Council/Community Group

This Agreement will commence on: - .....

Sample

## 4. Specification of Work

### • 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/community groups.

It should be noted that it is only the parish council that can submit a Neighbourhood Area application to Herefordshire Council, however after this an approved community group can write the Community Right to Build Order. In order to ensure that any proposed community organisations meet the prescribed conditions of the Neighbourhood Planning Regulations 2012 and the Town and County Planning Act 1990, an notification form will need to be submitted and approved by Herefordshire Council.

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 and of any notification approvals for community organisations.

There is no requirement to consult upon notifications of community organisation, however Herefordshire Council will notify the parish council and the ward member of any approvals within their area.

This agreement should be read in conjunction with the 'Community Right to Build - guide to the procedures' guidance note.

### • The Statutory Obligations for Herefordshire Council

<b>Following the completion of the statutory procedures Herefordshire Council will meet the following standards (as set out in its formal governance arrangements) :-</b>	<b>Decision made within:-</b>
<b>Agreement of the Neighbourhood Area Regulation 7</b>	Two weeks following the end of publicity period
<b>Agreement of Community Organisation Regulation 13</b>	Two weeks following receipt of Notification Form (CRtB1)
<b>Approval of conformity of draft order Regulation 21</b>	Four weeks following submission to Neighbourhood Planning Team
<b>Approval of the prescribed conditions for community right to build organisations Regulation 13 and Schedule 4C of The 1990 Act</b>	Two weeks following the submission of the CRtB organisation application

<b>Following the completion of the statutory procedures Herefordshire Council will meet the following standards (as set out in its formal governance arrangements) :-</b>	<b>Decision made within:-</b>
Publicise the submission order and other relevant documentation and review the comments received <b>Regulation 22</b>	Publicise within two weeks of receiving the submission documents. Review comments within four weeks of close of consultation
Approval of the appointment of an examiner and move submission order for independent examination <b>Regulation 24</b>	Within six weeks of close of consultation
Consideration of Inspector's Report and provision of 'Decision Statement' <b>Regulation 25</b>	Four weeks following the receipt of the Inspectors Report
Arrange Referendum date	Referendum to take place within 60 days of the decision document upon the Inspector's report.

- **Technical advice and support**

Herefordshire Council will:-

<b>Topic</b>	<b>Advice and support</b>
<b>Published advice</b>	<p>Provide on its neighbourhood planning website:-</p> <p><a href="http://www.herefordshire.gov.uk/housing/planning/59639.asp">http://www.herefordshire.gov.uk/housing/planning/59639.asp</a></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>
<b>Professional advice</b>	<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>
<b>Initial meeting</b>	<p>At the request of the parish council/community group and following designation of the Neighbourhood Area the support officer will attend and provide an overview on the procedures and issues</p> <p>This advice will cover:-</p>

Topic	Advice and support
<b>Initial meeting continued</b>	<ul style="list-style-type: none"> <li>• The legal procedures to be followed</li> <li>• The preparation/content of a project plan</li> <li>• Methods of consultation and engagement</li> <li>• Consultation with the “Consultation Bodies”</li> <li>• The requirements of other legislation such as the Human Rights Act, the Habitats Regulations and Environmental Impact Assessments</li> </ul>
<b>Provision of background data/evidence</b>	<p>At the request of the parish council or community group, the support officer will provide and/or direct to the appropriate source:-</p> <ul style="list-style-type: none"> <li>• Provide conformity advice and up to date information on the Core Strategy (Local Plan) policies</li> <li>• Advice on any requirement for Environmental Assessment and Habitats Regulations Assessment</li> <li>• Any planning history on the site in the last 5 years</li> <li>• Links to research data - see appendix 1</li> <li>• Access to LDF evidence base data</li> <li>• Maps showing constraints data</li> <li>• Assistance with methods and processes of consultation</li> <li>• Up to date information on any grant and funding available</li> <li>• Other appropriate data the Council holds</li> <li>• Provide comments to emerging draft orders</li> </ul>
<b>Draft Community Right to Build Order</b>	<p>Provide advice and support in relation to:-</p> <ul style="list-style-type: none"> <li>• Conformity of the order with Planning Policy</li> <li>• Suitability of the Consultation Statement</li> <li>• Suitability of any Environmental Assessment or Habitats Regulations Assessment undertaken</li> <li>• Conformity with other legislative requirements</li> <li>• OS mapping requirements (including copyright issues)</li> </ul>

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/community group

The parish/town/city council/community group will:-

<b>Following agreement by the council of the Neighbourhood Area</b>
Establish a community group to develop the order and submit form CRtB1 to Herefordshire Council if the group is not the parish/town council
Arrange an initial meeting of the group and invite the support Planning Officer from the Neighbourhood Planning team
Prepare a Project Plan for the preparation of the order. The Project Plan would include:- <ul style="list-style-type: none"><li>• An indicative timetable for completion of the Community Right to Build Order</li><li>• The provision of regular updates on progress to the council</li><li>• Programme discussions with the Support Officer at the stage of preparation of the Draft order</li></ul>
<ul style="list-style-type: none"><li>• Provide to the council the final order in electronic format</li><li>• Provide results of primary source data which would be helpful to the Research team</li></ul>

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