

Neighbourhood Planning

# Service Level Agreement

September 2012



**Herefordshire  
Council**

## **1. The Agreement**

This Agreement is between:-

- a) Herefordshire Council's Neighbourhood Planning Team, and
- b) ...Cusop..... 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 Councils<sup>1</sup> 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 will aim to progress the Neighbourhood Development Plan

<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

.....Cusop..... Parish Council  
(namely the Chairman of the Council)

#### Designation of Neighbourhood Area

Date Submitted: .....23rd July 2012.....

Date of approval by Herefordshire Council .....6th September 2012.....

#### Signatories:-

a) ..........

Head of Neighbourhood Planning

b) ..........

On behalf of .....Cusop..... Parish Council

This Agreement will commence on: - .....10/12/12.....

## 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.

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 the '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 Development Plan area Regulation 7</b>	<b>Two weeks following the end of publicity period</b>
<b>Approval of conformity of draft plan Regulation 14</b>	<b>Four weeks following submission to Neighbourhood Planning Team</b>
<b>Publicise the submission plan and other relevant documentation and review the comments received Regulation 16</b>	<b>Publicise within two weeks of receiving the submission documents. Review comments within four weeks of close of consultation</b>
<b>Approval of the appointment of an examiner and move submission plan/order for independent examination Regulation 17</b>	<b>Within six weeks of close of consultation</b>
<b>Consideration of Inspector's Report and provision of 'Decision Statement' Regulation 18</b>	<b>Four weeks following the receipt of the Inspectors Report</b>
<b>Arrange Referendum date</b>	<b>Referendum to take place within 60 days of the decision document upon the Inspector's report.</b>
<b>Adoption of Plan Regulation 19/20</b>	<b>At the first available meetings of Cabinet/ Council following a positive referendum result</b>

- **Technical advice and support**

Herefordshire Council will:-

Topic	Advice and support
<b>Published advice</b>	<p>Provide on its neighbourhood planning website:-</p> <p><a href="http://www.herefordshire.gov.uk/housing/planning/59632.asp">http://www.herefordshire.gov.uk/housing/planning/59632.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>.....Samantha Banks.....</p> <p>Contact Details</p> <p>Telephone:.....01432 261576.....</p> <p>E-mail:.....sbanks@herefordshire.gov.uk.....</p>
<b>Initial meeting</b>	<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"> <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 Assessments</li> </ul>
<b>Provision of background data/evidence</b>	<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"> <li>• The Annual Monitoring Report planning data that the Council has available for the past 5 years</li> <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>• Provide list of planning applications made 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 drafts</li> <li>• Digitising of the final proposals maps</li> </ul>

Topic	Advice and support
<b>Draft Neighbourhood Development Plan</b>	<p>Provide advice and support in relation to:-</p> <ul style="list-style-type: none"> <li>• Conformity of the Plan</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

The Parish/Town/City Council will:-

<b>Following agreement by the Council of the Neighbourhood Area</b>
<b>Establish a steering group to develop the Neighbourhood Development Plan with a clear reporting link to the Parish Council via a Terms of Reference</b>
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"> <li>• An indicative timetable for completion of the Neighbourhood Development Plan</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 Plan</li> </ul>
• Provide to the Council the Final Plan in electronic format
• Provide results of primary source data which would be helpful to the Research team