

Neighbourhood Planning Service Level Agreement

Parish Councils and other Qualifying Bodies

1. THE AGREEMENT

This Agreement is between:-

- a) Rutland County Council; and
- b) Parish Council*

(NB *all references to “Parish Council” include for Town Councils or Neighbourhood Forums if constituted in a Parish Meeting area)

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 Buy Orders.

Under the provisions of the Localism Act 2011, Rutland County Council is responsible for;

- a) Undertaking certain statutory requirements in the delivery of the above plans/orders;
- b) Providing technical advice and support to Parish Councils.

Purpose

The purpose of this Agreement is to establish the working relationship between the Parish Council and Rutland County Council (RCC) and to confirm:

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

3. SERVICE LEVEL AGREEMENT

This Agreement is between:-

Rutland County Council

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(to be signed by the delegated officer, Director for Places (Development and Economy)

and Parish Council

(to be signed by the Chair of the Council)

Designation of Neighbourhood Area

Date submitted:

Date of approval by Rutland County Council:

Signatories:-

a) Rutland County Council
(designated officer)

b) Chair on Behalf of Parish Council

This Agreement will commence once the document has been signed and dated by representatives of both parties and will come into effect once a neighbourhood area has been designated following submission to Rutland County Council.

It is expected that this Agreement will run until the neighbourhood plan is either made or abandoned.

4. ROLES AND RESPONSIBILITIES

Background and context

Neighbourhood Planning was introduced by the Localism Act 2011. The Neighbourhood Planning (General) Regulations 2012 (as amended) require Rutland County 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 Rutland County Council a minimum 4 week consultation period will be undertaken via the Council's website.

Rutland County Council will notify the parish council and ward member(s) of this consultation period.

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

The obligations for Rutland County Council

Following the completion of the statutory procedures, Rutland County Council will meet the following standards:-

Publicising the Neighbourhood Area application (Regulation 6)	The proposed Neighbourhood Area will be publicised on the Council's website for not less than 4 weeks ¹ .
Agreement of the Neighbourhood Development Plan area (Regulation 7)	Where the relevant body is a parish council and the application relates to the whole of the area of the parish council the designation will be made as soon as possible, once RCC is satisfied that the application is valid and complete. All other applications will be determined within 13 weeks of first being publicised, or 20 weeks where the application relates to more than one local planning authority area.
Confirm that the pre-submission plan meets the general requirements of the Localism Act before public consultation commences (Regulation 14)	Four weeks following receipt of the pre-submission plan to RCC
Confirmation that the submitted Neighbourhood Development Plan and other documentation meets the requirements of the Localism Act (Regulation 15)	Within one week following receipt of the submission documents.

¹ If the Parish Council is proposing the whole of the Parish as the Neighbourhood Area there is no requirement to consult

<p>Publicise the submission plan and other relevant documentation (Regulation 16)</p>	<p>Within two weeks of confirming approval, the Council will publicise the submitted plan and notify bodies referred to in the submitted consultation document of a six week period during which formal representations can be made.</p>
<p>Approval of the appointment of an examiner with the Parish Council (Regulation 17)</p>	<p>Within four weeks of close of consultation the Council will have worked with the Parish Council to agree the appointment of an examiner.</p> <p>Once the examiner is appointed the representations will be sent to the examiner.</p>
<p>Consideration of Examiner’s report and provision of Decision Statement in consultation with Parish Council (Regulation 18)</p>	<p>Within five weeks following receipt of the Examiner’s report the Council will decide whether the Plan is ready for referendum or whether modifications are required and publish a Decision Statement.</p>
<p>Arrange Referendum venue and date and all associated administration.</p>	<p>Referendum to take place no less than 56 working days, but as soon as possible thereafter, of the Decision Statement on the neighbourhood plan. RCC will decide on the number and location for Polling Stations with reference being made to the list of approved venues.</p> <p>RCC will publish detailed information about the referendum on its website 28 days before the referendum is to take place.</p>
<p>Adoption of Plan (Regulation 19/20)</p>	<p>Within eight weeks of a positive referendum result the plan will be formally adopted.</p> <p>A Decision Statement will be published setting out the reasons for the decision.</p>

Technical advice from Rutland County Council

Rutland County Council will provide:-

Topic	Advice & Support
Published advice	<p>Provide on its neighbourhood planning website:-</p> <p>An outline of the legislation and procedures involved in neighbourhood planning along with signposting to key sources of further information, advice and sources of funding assistance.</p> <p>A list of sources of supporting evidence available through the Council's planning policy and related work.</p>
Professional Advice	<p>Provide a named officer as the first point of contact for advice and technical support.</p> <p>The Support Officer in this case is: Sharon Baker</p> <p>Telephone: 01572 758156 E-mail: sbaker@rutland.gov.uk</p>
Initial meeting	<p>At the request of the Parish Council and prior to 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> <ul style="list-style-type: none"> • The general level of support available from Rutland County Council as set out in this document; • The scope of a neighbourhood plan; • Relationship with the Rutland Local Plan; and related planning policy documents • 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 Sustainability Appraisal and Strategic Environmental Assessments requirements, the Habitats Regulations; • Update on funding and grants that may be available from external sources.
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; • Links to relevant research data; • Access to relevant Local Plan evidence base data; • Maps showing relevant constraints data • Other appropriate data the Council holds.

<p>Professional advice and assistance</p>	<p>Provide conformity advice and up to date information on the Rutland Local Plan and related planning policy documents:-</p> <ul style="list-style-type: none"> • Signposting to methods and processes of consultation and good practice; • Up to date information on any grant and funding available; • Provide comments on emerging drafts; • Assist in digitising of the final proposals maps. <p>RCC will prepare a Strategic Environmental Assessment/Habitats Regulation Screening Report of the neighbourhood plan at pre-submission stage.</p>
<p>Draft Neighbourhood Development Plan</p>	<p>Provide advice and support in relation to:-</p> <ul style="list-style-type: none"> • The need for the plan to meet the 'basic conditions'; • Conformity of the Plan; • The Consultation Statement; • Conformity with other legislative requirements; • OS mapping requirements (including copyright issues).

In addition to the above, Rutland County Council will;

- Collaborate with the Parish Council in the selection of an appropriate examiner for the neighbourhood plan through Neighbourhood Planning Independent Examiner Referral Service (NPIERS) or any alternative arrangement agreeable to both parties;
- Provide a regular update on the neighbourhood plan on the Council's neighbourhood planning web pages;
- Collaborate with the Parish Council on the drawing up of Press Releases to support the neighbourhood planning process;
- Encourage the Parish Council to include at least one Ward Council Member to stand on the neighbourhood plan steering group.

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

- Writing documents or policies;
- Carrying out a full Strategic Environmental Assessment/Appropriate Assessment if the Screening Report concludes this is required;
- Designing or printing documents/graphics;
- Undertaking primary survey/research work;
- Attend every meeting/consultation event organised;
- Direct financial support.

Obligations for the Parish Council

1. Following designation by the Council of the Neighbourhood Area the Parish Council will:-

- Establish a steering group to develop the Neighbourhood Development Plan with a clear reporting link to the Parish Council via a Terms of Reference;

- Ensure adequate financial resources are available to support the Parish Council in meeting its obligations under this Agreement. The Parish Council will be expected where necessary to seek financial grant aid to assist in funding the project;
- Arrange an initial meeting of the Parish Council/steering group and where necessary invite the support Planning Officer from the RCC Planning Policy Team;
- Prepare and keep updated a Project Plan (and provide a copy to RCC) for the preparation of the Neighbourhood Development Plan which will include:
 - An indicative timetable for completion of the Neighbourhood Development Plan;
 - The provision of regular updates on progress to RCC via the Planning Policy support officer;
 - Programme update briefings with the support officer at the stage of preparation of the initial draft plan (pre-submission plan document).

2. At pre-submission stage, the Parish Council will:

- Provide to RCC a copy of the draft plan;
- Provide copies of any other reports or surveys undertaken to evidence the plan policies and proposals;
- Provide a Consultation Statement highlighting a list of statutory bodies consulted along with the identity of other key stakeholders directly consulted
- Give three weeks notice to RCC of the intention to submit the pre-submission plan, if the anticipated submission date is different to that set out in the Project Plan.

3. At the stage of formal submission of the final plan to RCC prior to examination, the Parish Council will provide the following material;

- A map of the area to which the neighbourhood plan relates;
- A final, updated Consultation Statement;
- Final copies of any Environmental Statement and/or Habitats Regulation Assessment work undertaken;
- A 'basic condition' statement that meets regulatory requirements.

4. To support the examination process the Parish Council will:-

- Assist RCC in selecting a suitable examiner through NPIERS;
- Provide copies of all Parish Council held material requested by the examiner in a timely manner and in the format requested;
- Provide a Parish Council representative to support the examination process where a formal hearing is required by the examiner;
- Provide a timely response to any additional or alternative modifications to the plan required by the Council to enable the Plan to meet the Basic Conditions or respond to the Examiner's recommendations.

5. Following a successful examination the Parish Council will provide to Rutland County Council:-

- The final plan and any supporting documentation in an electronic format;
- Any primary source data which would be helpful to Rutland County Council in its planning service delivery;
- Support as required in promoting local awareness of the Neighbourhood Plan Referendum.