

# **Service Level Agreement between *West Berkshire Council* and *xxx Parish Council* for the purpose of producing a Neighbourhood Development Plan**

## **1. Purpose**

The purpose of this agreement is to form a working relationship between *xxx parish Council* and *West Berkshire Council (Planning and Countryside)*.

Under the provisions of the Localism Act 2011 *West Berkshire Council* are responsible for:

- a. fulfilling certain statutory requirements and
- b. the provision of advice and assistance

This agreement confirms:

- a. how *West Berkshire Council* will undertake its statutory duties
- b. the level and extent of the technical advice and assistance that *West Berkshire Council* will provide
- c. how the *xxx Parish Council* will aim to progress the Neighbourhood Development Plan.

## **2. Memorandum of Agreement:**

This Agreement is between:-

*West Berkshire Council*

signature Head of Planning and Countryside

date

and

*xxx Parish Council*

signature of chairman of the parish

date

## **3. Date and duration of agreement**

This agreement will commence once the document has been signed and dated by the selected representatives of both parties.

It is expected that this agreement will run for 24 months, or until the parish council have an adopted Neighbourhood Plan (whichever is sooner), at which point there will be a review by both parties with respect to its continuation.

## **4. Working Relationships**

The parties to this agreement seek:

- a. an open and constructive working relationship
- b. to work closely together at all levels, both in policy, and in strategic issues of importance
- c. to respect each others' views, and where different, after discussion to ensure proper understanding of the reasons for such differences
- d. to have a 'no surprises' policy, based on notifying each other well in advance, where possible, of significant announcements and developments in policy

- e. to minimise duplication of activity wherever possible
- f. to inform other stakeholders about our relationship so as to reduce uncertainty.

## **5. Service Roles and Responsibilities**

### **5.1 The statutory obligations of West Berkshire Council**

Following completion of the statutory procedures *West Berkshire Council* will meet the following standards of service – the regulation numbers apply to the Neighbourhood Planning (General) Regulations 2012, amended 2015.

Confirm that the draft plan meets the criteria in the Localism Act (Regulation 15) within 2 weeks of submission to the Council.

Publicise, for 6 weeks, the submission plan and other relevant documentation (Regulation 16) within 4 weeks of receiving the submission documents which meet the criteria and pass on representations to the Independent Examiner within 4 weeks of the close of the consultation period (Regulation 17),

Consideration of the recommendations in the Examiners' Report, that the draft plan meets the basic conditions and publication of a 'Decision Statement' (Regulation 18/19) within 4 weeks following the receipt of the inspectors report.

Take the proposed plan to the first available council meeting following the publication of the 'Decision Statement' to agree progression of the plan to referendum and adoption of the plan following a successful 'yes' vote.

Make arrangements including the setting of a date for the holding of the referendum – within 5 working days of the council meeting where the plan is agreed.

Hold the referendum within 10 weeks of making the decision to hold the referendum, unless it could be combined with another poll to be held within 3 months of the end of the 10 week period.

*Changes to the above timescales can be made following written agreement between the Parish Council and West Berkshire Council.*

*Should new legislation be published that significantly changes the Neighbourhood Planning Process this agreement will be reviewed and updated as necessary.*

### **5.2 West Berkshire will make the following provision for advice and assistance:**

#### **Published advice**

A simple guide to procedures for Neighbourhood planning and a set of guidance notes.

#### **Professional advice**

Provide a named officer as first point of contact for advice and technical support.

In this case the support officer is: *Name of officer and contact details*

## **Initial Meeting**

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. The advice will cover:

- *The legal procedures*
- *The preparation and content of a project plan*
- *Methods of consultation and engagement*
- *Consultation with the 'consultation bodies'*
- *The requirements of other legislation such as Human Rights Act, the Habitats regulations and Environmental Assessments*

## **Background Data and Evidence**

The Council will make available on request:

- *Annual Monitoring reports for the last 5 years*
- *Planning commitments for housing for the last 5 years (where available)*
- *Planning commitments for employment uses for the last 5 years (where available)*
- *Details of the SHLAA submissions for the parish*
- *List of planning applications made in the last 5 years*
- *The Local Plan Evidence Base and access to base data*
- *Maps showing constraints data*

The Council will provide:

- *OS base maps for the area (Council's OS licence number must be included on all maps provided by the Council)*
- *Digitising of final proposals maps*
- *Links to research and demographic data*

## **Professional advice and assistance**

The Council will provide advice and assistance on:

- *Methods of community engagement and consultation*
- *Questionnaires*
- *Potential delivery partners*
- *Conformity matters*
- *Up to date information on the Local Plan*
- *Advice on any requirement for Environmental Assessment and Habitats Regulation Assessment (including screening as to whether SEA will be required)*
- *Emerging drafts of the plan*

For the Draft Neighbourhood Development Plan the Council will provide advice and assistance on:

- *Conformity of the plan and whether in their view it meets the basic conditions*
- *Suitability of the Consultation Statement*
- *Suitability of any Environmental Assessment or Habitats Regulations Assessments undertaken*
- *Conformity with other legislative requirements*
- *OS mapping requirements*
- *Coordinate consultation with internal Council consultees regarding the draft plan.*

West Berkshire Council will provide formal comments on the Neighbourhood Plan as part of the pre-submission consultation (Regulation 14) including a steer on whether the plan is considered to meet the Basic Conditions.

**West Berkshire Council will not offer advice or assistance in the following areas:**

- *Writing documents*
- *Undertaking survey work*
- *Attending every meeting*
- *Attending every consultation event*
- *Direct financial support*
- *Printing of documents for examination*

**6. Parish Responsibilities**

- a. Establish a steering group, made up of representatives of the local community, to develop the Neighbourhood Development Plan with clear terms of reference.
- b. Publish details of the steering group on the Parish Council's website (including details of the area where each member of the steering group lives)
- c. Arrange an initial meeting to which the named Council support officer can attend and advise the steering group.
- d. Undertake to work towards preparation of a Neighbourhood Plan with a defined project management approach, work programme and timetable to delivery (Project Plan).
- e. Convene as a group on a regular basis throughout the period of preparation of the Neighbourhood Development Plan and its examination.
- f. Commit adequate resources to the task.
- g. Provide regular updates on progress against the project plan to the Council via the named officer.
- h. Provide to the Council the Draft Submission Plan in electronic format.
- i. Provide evidence base documents which would be helpful to the Council.
- j. Provide at least one hard copy of all documents (including evidence base documents) to the Council to pass on to the examiner.

**7. Progress and Review Process**

The progress on the Neighbourhood Plan and success of the support from West Berkshire Council will be reviewed every *6 months*, against this agreement and in a face to face meeting between the Council and the *Parish* steering group.

**8. Dispute settlement**

In the unlikely event of a dispute it is expected that these will be resolved at the working level at which they arise. If this is not possible then the relevant signatory to this agreement will discuss the matter and decide on the action to take.