# Model Template for Service Level Agreement between Forest Heath District Council and a Parish/Town council for the purposes of producing a Neighbourhood Plan

## Service Level Agreement between Forest Heath District Council and XXXX Parish/Town Council(s) for the purpose of producing a Neighbourhood Plan

## The Agreement

This **Agreement** is between:-

## a) Forest Heath District Council, and

**b) …………………………………………………. Parish/Town Council**

# 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 Forest Heath, Neighbourhood Plans and Neighbourhood Development Orders can only be undertaken by a Parish/Town Council.

Under the provisions of the Localism Act 2011 Forest Heath District Council is responsible for

1. fulfilling certain statutory requirements and
2. the provision of advice and assistance to Parish/Town Councils1

## Purpose

The purpose of this agreement is to establish the working relationship between the Parish/Town Council and Forest Heath Borough Council.

This agreement confirms:

1. How Forest Heath District Council will undertake its statutory duties
2. The level and extent of the technical advice and assistance that Forest Heath District Council will provide
3. How the Parish/Town Council will aim to progress the Neighbourhood Plan
4. How the Parish/Town Council will engage with Forest Heath District Council.

1 Parish Council refers to a parish/town council or group of parish councils that decide to prepare a Neighbourhood Plan.

**The Memorandum of Agreement:**

This Agreement is between:-

Forest Heath District Council and

*………………………………………………………………………………………*Parish/Town Council

(namely the Chairman of the parish/town council)

**Designation of Neighbourhood Area:**

Date submitted……………………………………………………………………………………………

Date of approval by Forest Heath District Council……………………………

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# Signatories:-

# a)……………………………………………………………………………………………………………………

# (Head of Planning and Growth)

# b)……………………………………………………………………………………………………………………

# Chair on behalf of …………………………………………………………Parish/Town Council

# This agreement will commence on:………………………………………………………………

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# 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 will come into affect once a neighbourhood area has been designated following submission to Forest Heath District Council (FHDC).

It is expected that this Agreement will run until the neighbourhood plan is either made or abandoned, with a review after 12 months by both parties with respect to its continuation or both parties agree to its abandonment.

# Working Relationships

The parties to this agreement seek:

1. an open and constructive working relationship
2. to respect each other’s views, and where different, discussion to ensure proper understanding of the reasons for such differences
3. to have a ‘no surprises’ policy, based on notifying each other well in advance, where possible, of significant announcements and developments in policy
4. to minimise duplication of activity wherever possible
5. to inform other stakeholders about our relationship so as to reduce uncertainty.

# Roles and Responsibilities

## Background

Neighbourhood Planning was introduced by the Localism Act 2011. The associated Regulations (The Neighbourhood Planning (General) Regulations 2012) require Forest Heath District Council (FHDC) 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/town councils.

Once an application for a neighbourhood area has been submitted to FHDC, a 6 week consultation period will be undertaken by the Council regarding the appropriateness of the area. A decision about the area will be made by the Planning Portfolio Holder as soon as possible after the end of the consultation.

FHDC will notify the parish/town council and ward member of this consultation period.

The statutory obligations for FHDC are set out in the table below:

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

| **Statutory procedures** | **Forest Heath District 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 where the application relates to a whole parish area, and not less than 6 weeks in all other cases. |
| Agreement of the Neighbourhood Development Plan Area  **Regulation 7** | Following the date the application for a neighbourhood area is first publicised, a decision will be made by the Planning Portfolio Holder by;   * 8 weeks, where the relevant body is a parish council and the area to which the application relates is the whole of the area of the parish council * 20 weeks, in a case where the area to which the application relates falls within the areas of two or more local planning authorities * 13 weeks in all other cases, for example forums applying for an area to be designated |
| Confirm that the pre-submission plan meets the requirements of the Localism Act  **Regulation 14** | Before the Parish Council starts its pre-submission consultation, FHDC will provide advice as to:   * whether the plan meets the basic conditions[[1]](#footnote-1) * whether the plan has been publicised * whether the other documents submitted are suitable (e.g. consultation statement, Environmental Assessment, Sustainability Appraisal and Habitat Regulations Assessment) * whether any maps submitted conform with OS mapping requirements (including copyright) |
| Confirmation that the submitted Neighbourhood Development Plan meets the criteria within the Localism Act  **Regulation 15** | Within one week following receipt of the submission documents, Council officers will assess the Neighbourhood Plan to consider:   1. Whether the proposal and accompanying documents:    1. Comply with the rules for submission to the Council (Regulation 15);    2. Meet the definition of a neighbourhood plan;    3. Meet the scope of neighbourhood plan provisions (specify the period for which it is to have effect/cannot include provision about development that is ‘excluded development’/cannot relate to more than one neighbourhood area or repeat an existing planning permission). 2. Whether the parish council has undertaken the correct procedures in relation to consultation and publicity   The Council can refuse to progress a neighbourhood plan if it does not meet all of the requirements.  Final approval, that the requirements of regulation 15 have been met, will be given by the Head of Planning and Growth. |
| Publicise the submission plan and other relevant documentation and forward comments to examiner  **Regulation 16** | Within four weeks of the Head of Planning and Growth confirming approval, the Council will publicise the submitted plan and notify bodies referred to in the submitted consultation document for a six week period during which formal representations can be made. |
| Approval of the appointment of an examiner with the Parish/Town Council and move submission plan/order for independent examination  **Regulation 17** | FHDC is responsible for making the arrangements for the examination. Within four weeks of the close of the consultation, the Council will have worked with the Parish Council to agree the appointment of an examiner.  Once the examiner is appointed the representations will be sent to the independent examiner. |
| Consideration of the Examiner’s Report and provision of ‘Decision Statement’  **Regulation 18** | Within one week of receiving the examiner’s report the Council will publish the report on its website.  Within eight weeks of receipt of the examiner’s report, the Planning Portfolio Holder will decide whether the plan is ready for referendum or whether modifications are required. **‘Decision statement 1’** will be sent to the Parish Council. |
| Arrange Referendum date | FHDC will organise the referendum to take place within 60 days of the decision statement upon the Examiner’s Report being published.  FHDC will publish detailed information about the referendum on its website 28 days before the referendum is to take place.  If a referendum results in more than half those voting (i.e. 50% + 1) in favour of the proposal the Council must formally adopt the plan as soon as reasonably practical. |
| Make/Adoption of Plan  **Regulation 19/20** | At the first available meetings of Cabinet/Council following a positive referendum result, the plan will be formally adopted. **‘Decision statement 2’** will be published setting out the reasons for the decision. |

**Technical advice and support**

Forest Heath District Council will:-

|  |  |
| --- | --- |
| **Topic** | **Advice and support** |
| Published advice | Provide advise on the West Suffolk website as a first port of call for enquiries about neighbourhood planning  [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk) /neighbourhoodplanning |
| Named contact | Provide a named officer as a first point of contact for advise and technical support  The support officer in this case is:-  Telephone:  Email: |
| Initial meeting | At the request of the Parish Council and following the designation of the Neighbourhood Area, the support officer will attend and provide an overview on the procedures and issues. |
| Provision of background data/evidence | At the request of the Parish Council, the support officer will provide and/or direct to the appropriate source of background evidence/data:   * The legal procedures to be followed * Relationship with current planning policy in West Suffolk * Methods of consultation and engagement * Contacts for statutory undertakers or other key consultees * The requirements of other legislation such as the Habitats Regulations and Strategic Environmental Assessment * Comments on emerging drafts of plans * Update on funding and grants available * Assist in digitising the final proposals/policy maps * Provide advice in getting the best from any paid support from contracted consultants |

|  |
| --- |
| Forest Heath District Council **will not** be able to offer support/assistance in the following areas:-   * Writing documents or policies * Carrying out of Sustainability Appraisals or Environmental Assessments * Designing or printing documents/graphics * Undertaking primary community survey work * Attending every meeting/consultation event organised * Direct financial support |

**Obligations for the Parish/Town Council**

Following the agreement by the Council of the Neighbourhood Area, the Parish/Town Council will:-

* Establish a steering group to develop the Neighbourhood 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 named contact officer from Forest Heath District Council
* Prepare a project plan for the preparation of the Neighbourhood Development Plan which will include:-
  + An indicative timetable for the completion of the Neighbourhood Development Plan
  + The provision of regular updates on progress to the Council via your Neighbourhood support officer
  + Programme discussions with the support officer during the preparation of the draft plan

1. If it is to proceed to a referendum, a Neighbourhood Plan is required to meet seven basic conditions listed at [paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990](http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted) [↑](#footnote-ref-1)