

The Agreement

This Agreement is between

- a) Waveney District Council Planning Policy and Delivery Team, and
- b) Oulton Parish Council

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 Waveney Neighbourhood Development Plans and Orders can be undertaken by Parish/Town Councils or designated Neighbourhood Forums.

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

Undertaking certain statutory requirements, and

The provision to Parish/Town Councils and Neighbourhood Forums, technical advice and support.

Purpose

This Agreement sets out how the District Council as Local Planning Authority will meet its obligations and the level of support it will offer at different stages of the process.

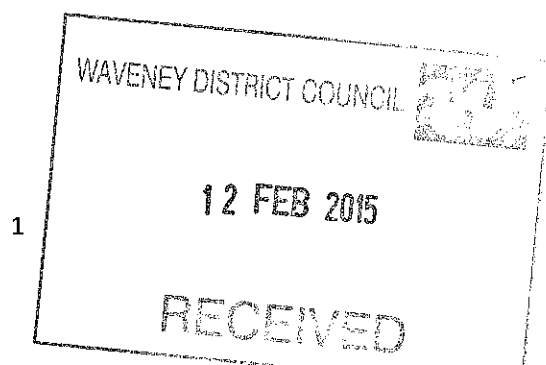
The purpose of this Agreement is to form a basis for a working relationship between the Parish Council and Waveney District Council throughout the Neighbourhood Planning process, and to confirm: -

How Waveney District Council will undertake its statutory duties;

The level and extent of the technical advice and guidance that Waveney District Council will provide;

How the Parish Council will aim to progress the Neighbourhood Development Plan; and

How the process will be managed to ensure efficiency for all those involved.



Memorandum of Agreement

This Agreement is between: -

Waveney District Council (namely the Planning Policy and Delivery Team), and

Oulton Parish Council

Designation of Neighbourhood Area

Date Submitted 17th September 2014

Date of Approval by Waveney District Council 12th January 2015

Signed: -

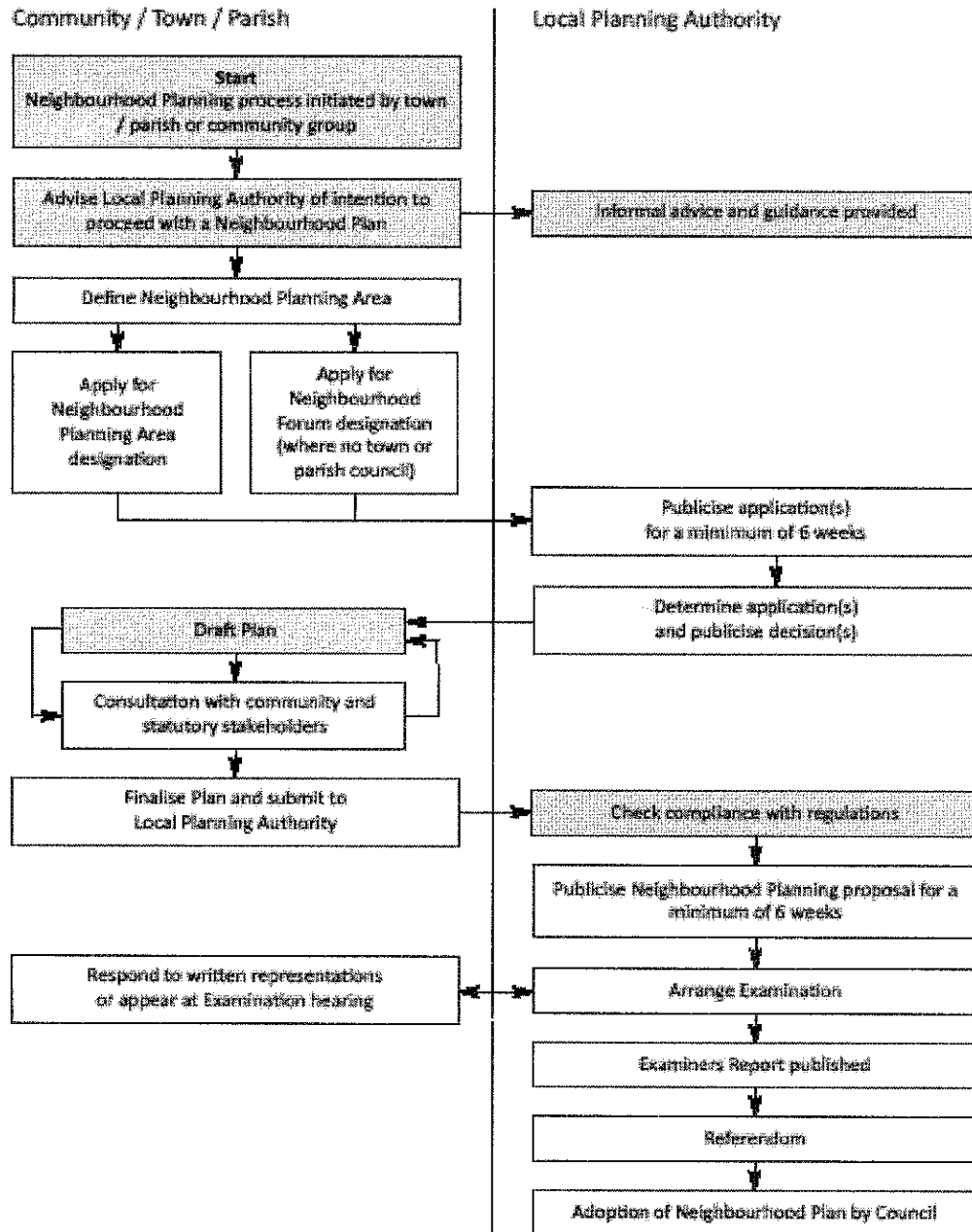
- a) 
On behalf of the Council (Planning Policy and Delivery Team)
- b) 
On behalf of Oulton Parish Council

Date of Commencement of Agreement 9 February 2015

Roles and Responsibilities

The statutory stages of the Neighbourhood Planning process are shown in the diagram below. This diagram sets out the Neighbourhood Planning group's responsibilities and the role the Local Planning Authority plays at key stages in the process.

Fig. 1



Statutory Obligations for the Council

As required by the Neighbourhood Planning (General) Regulations 2012 the Council will: -

- Designate the Neighbourhood Area (Regulation 5) and the Neighbourhood Forum (Regulation 8) (where required)
The Council is responsible for acknowledging receipt of the application(s), carrying out a consultation with the community, and making the formal decisions on these applications. The Council will aim to make a decision within 3 calendar months of receipt of a valid application and will publicise the decision on our website.
- Publicise the submitted Plan (Regulation 16)
Where the draft Neighbourhood Plan meets the requirements in the legislation the Council must publicise the plan for a minimum of 6 weeks, invite representations, notify consultation bodies and send the draft plan to Independent Examination
- Arrange and fund the examination (Regulation 17).
The Council will fund and provide a venue for the examination as required and appoint an Independent Examiner in consultation with the Parish Council.
- Publicise the Examiners Report and Plan Proposal decision on our website (Regulation 18).
Consideration will be given to any recommendations the Examiner has made for suggested changes to the Plan.
- Arrange and fund the referendum
The rules covering all aspects of organising and conducting the polls are set out in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended)
- Adopt (make) the Plan
Following a successful referendum outcome the Council will formally make the plan part of the Local Plan for the purpose of making decisions on planning applications and publicise the decision on our website (Regulation 26)

Technical Advice and Support of the Council

The Council will: -

- Attend initial meetings and carry out presentations subject to availability of an Officer(s)
- Officer time will be limited to a maximum of 1 ½ hours for attending meetings unless otherwise agreed
- Provide advice on public consultations and community engagement
- Provide funding advice

- Provide advice and support for development of questionnaires
- Provide support at consultation events where appropriate and subject to officer availability
- Provide a named person as a contact for any help and advice (direct advice and as a key contact for other services)
- Provide help in interpreting national and local policies
- Provide signposting to background and evidence documents
- Provide hard copies of Council documents (a cost may apply)
- Check policy wordings

A copy of the draft Neighbourhood Plan should be made available to the Local Planning Authority before formal consultation takes place with the community and statutory stakeholders to check general conformity with national and local policies.

- Carry out a Strategic Environmental Assessment Screening Report (SEA)
The Local Planning Authority will carry out an assessment to confirm whether or not an SEA is required
- Provide a Sustainability Appraisal template
Although a Sustainability Appraisal (SA) is not a legal requirement it is good practice to carry out a simple SA to test your policies or site allocations against other options as evidence that they comply with the requirement for promoting sustainable development)
- Provide an Equality Impact Analysis template
There is a requirement to carry out an assessment to establish whether the plan or policy could have any impacts for any particular sections of the community either adversely or positively
- Carry out Habitat Regulations Screening Opinion
The Local Planning Authority will carry out the first stage assessment of the plan against the requirements set out in the Habitats Regulations. If the plan is found to require full Appropriate Assessment the Neighbourhood Planning group will be required to commission this work.
- Determine whether a Crime Impact Assessment is required
A Crime Impact Assessment may be required where design of new development is included as a policy or if a larger development proposal is included in the plan.

It is not the role of Waveney District Council to offer direct support and assistance but it can act as a critical friend in relation to: -

- Writing documents
- Writing policies
- Undertaking the Strategic Environmental Assessment (if required)
- Undertaking the Sustainability Appraisal
- Undertaking the Equality Impact Analysis
- Undertaking primary survey work
- Undertaking an Habitat Regulations second stage report if an Appropriate Assessment is required

Obligations for the Parish Council

The following considerations will help the Council provide you with the best advice at the right time and for greater efficiency allow the Council to programme in the work associated with the Neighbourhood Plan process.

- Ensure that the Council is aware at an early stage that your community wants to produce a Neighbourhood Plan
- Set up an initial meeting inviting representatives from the Council's Planning Policy and Active Communities Team
- Ensure that in advance of any meeting an agenda is provided of items for discussion
- Understand that any request for meetings will be subject to officer availability
- Produce a project plan indicating timescales for different stages of the plan process
- Inform the Council when key stages have been commenced and again when completed
- Give adequate time for the Council to respond to requests for information
- Understand that the Council is required to comply with statutory requirements to carry out formal consultations at key stages and that these need to be considered in drawing up the project plan (see Figure 1 above)

Good Practice for the Parish Council

It is good practice to take into account the following: -

- Inform your Local/Ward Councillor (s) that your community is intending to produce a Neighbourhood Plan. They may be able to offer some support.
- Read the Council's existing planning documents.
- Be aware of the Council's own policies. A Neighbourhood Plan must be in general conformity with the Council's strategic plan (Core Strategy). Also familiarise yourself with other adopted policies (Development Management Policies) These may already be adequate to deal with the issues that your Neighbourhood Plan consultations have identified.
- Read the National Planning Policy Framework and the National Planning Policy Guidance. Neighbourhood Plans must be in general conformity with these documents.
- Make sure you familiarise yourself with the 'Basic Conditions'
All Neighbourhood Plans must comply with these conditions, if they don't the Independent Examiner will not allow your document to progress to a referendum.
- Keep a record of your progress against the key targets in your project plan.
- Ensure that a chronological record of all community engagement events and consultations is kept including a record of all comments/consultation responses.
You will need this as part of your submission to the Independent Examiner as evidence that the Plan has been produced with full support and continual engagement with the community (Consultation Statement).

The Basic Conditions (paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004

What are the basic conditions that a draft Neighbourhood Plan or Order must meet if it is to proceed to referendum?

- Regard to national policies and guidance
- Regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest it possesses. This applies only to Orders.
- Regard to the desirability of preserving or enhancing the character or appearance of any conservation area. This applies only to Orders.
- The making of the Order or Neighbourhood Plan contributes to the achievement of sustainable development.
- The making of the Order or Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- The making of the Order or Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.
- Prescribed conditions are met in relation to the Order or Neighbourhood Plan and prescribed matters have been complied with in connection with the proposal for the Order or Neighbourhood Plan.

Other Basic Conditions

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basis conditions in addition to the set out above. These are: -

- The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats) Regulations 2007 (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)
- Having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see Schedule 3 to the Neighbourhood Planning General) Regulations 2012 (as amended), where the development described in an order proposal is EIA development.