

## Appendix B

### Model Template for Service Level Agreement between South Cambridgeshire District Council and a parish council for the purposes of producing a Neighbourhood Plan

---

#### Service Level Agreement between South Cambridgeshire District Council and XXXX Parish Council(s) for the purpose of producing a Neighbourhood Plan

### The Agreement

This **Agreement** is between:-

- a) **South Cambridgeshire District Council, and**
- b) ..... **Parish Council**
- c) [Additional lines to be added if more than one parish 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 South Cambridgeshire Neighbourhood Plans and Neighbourhood Development Orders can only be undertaken by a Parish Council.

Under the provisions of the Localism Act 2011 South Cambridgeshire District Council is responsible

- a. fulfilling certain statutory requirements and
- b. the provision of advice and assistance to Parish Councils<sup>1</sup>

#### Purpose

The purpose of this agreement is to establish the working relationship between the Parish Council and South Cambridgeshire District Council.

This agreement confirms:

- a. How South Cambridgeshire District Council will undertake its statutory duties
- b. The level and extent of the technical advice and assistance that South Cambridgeshire District Council will provide
- c. How the Parish Council will aim to progress the Neighbourhood Plan
- d. How the Parish Council will engage with South Cambridgeshire District Council.

---

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

## **The Memorandum of Agreement:**

This Agreement is between:-

South Cambridgeshire District Council

Signature of Director of Planning and New  
Communities

date

and

xxxxx Parish Council

Signature of chairman of the parish council

date

[Additional lines to be added if more than one parish council]

## **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 South Cambridgeshire District Council (SCDC).

Once an application for a neighbourhood area has been submitted to South Cambridgeshire District Council 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.

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:

- a. an open and constructive working relationship
- b. to respect each other's views, and where different, after discussion to ensure proper understanding of the reasons for such differences
- c. to have a 'no surprises' policy, based on notifying each other well in advance, where possible, of significant announcements and developments in policy
- d. to minimise duplication of activity wherever possible
- e. 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 South Cambridgeshire District 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.

## The Neighbourhood Plan Flow Chart

The statutory obligations for a local planning authority and for a parish council carrying out a neighbourhood plan are set out within the [Neighbourhood Planning \(General\) Regulations 2012](#) and within the Town and Country Planning Act 1990 as amended by the Localism Act 2011.

The following chart sets out the different stages in the preparation of a neighbourhood plan and clearly shows what tasks are the responsibility of SCDC and what tasks are the responsibility of the parish council preparing a neighbourhood plan.

The chart shows what support will be offered by SCDC to parish councils and how the Council will meet its statutory obligations. It also indicates what will be expected from parish councils to enable SCDC to fulfil its obligations. The non statutory stages have a shaded background and the statutory stages are unshaded.

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
<b>Making a decision to prepare a neighbourhood plan.</b>	<b>Initial meeting</b> Held once a Parish Council advises SCDC that it has decided to prepare a neighbourhood plan.  <u>SCDC help and advice</u> SCDC is willing to meet with any Parish Council considering preparing a neighbourhood plan to discuss the requirements of preparing a plan and any other options that might also be available to meet local objectives to ensure the parish council has the necessary information to decide what approach would be best for them.	<b>Initial meeting</b> Once a Parish Council decides to prepare a neighbourhood plan it requests an initial meeting with SCDC to discuss whether a neighbourhood plan is the right option for delivering the Parish Council's vision for their area and then .... If the decision is taken to start a neighbourhood plan -  <u>Parish Council commitment</u> To provide SCDC with contact details of local consultees (e.g. local businesses, residents groups, and community organisations) ready for the consultation on the designation of the neighbourhood area.
<b>General neighbourhood planning advice</b>	Provide advice on the SCDC website as first port of call for enquiries about neighbourhood planning - <a href="http://www.scambs.gov.uk/neighbourhood.planning">www.scambs.gov.uk/neighbourhood.planning</a>	

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<p>Providing links to on-line resources about neighbourhood planning such as:</p> <ul style="list-style-type: none"> <li>• Government legislation/regulations</li> <li>• PAS (Planning Advisory Service)</li> <li>• Community Led organisations e.g. Locality CPRE</li> <li>• Planning professionals - RTPI; Planning Aid</li> </ul> <p>A 'live' Frequently Asked Questions resource based on the Council's up to date experience of preparing neighbourhood plans with other parish councils.</p> <p>Basic templates for posters, and documents – signpost to good examples from other councils.</p>	
<b>Designation of neighbourhood area</b>		<p><b>Application for designation of neighbourhood area</b>            Submission of proposed neighbourhood area to SCDC with map of area and reason for boundary.  <i>Regulation 5</i></p>
	<p><b>Publicising area application</b>            SCDC must put the proposed neighbourhood area on its website for not less than six weeks so local people who live and work in area are aware of application and can comment  <i>Regulation 6</i></p>	
	<p><b>Determining the application for neighbourhood area</b>            SCDC decides whether to agree area  <i>In accordance with Section 61G and H of the TCPA 1990</i></p> <p><u>SCDC's commitment</u>            A decision about the area will be made by the Planning Portfolio Holder as soon as possible after the end of the consultation.</p>	
	<p><b>Publicising designation of neighbourhood area</b>            Publish on SCDC website  <i>Regulation 7</i></p>	

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<p><u>SCDC's commitment</u> SCDC will notify the results of the designation to all the consultees that were involved in the consultation.</p>	
<b>After the neighbourhood area is designated</b>	<p>SCDC and the Parish Council sign up to a Service Level Agreement</p> <p><u>SCDC support and advice</u> Professional advice will be provided to the Parish Council as they prepare their neighbourhood plan</p> <ul style="list-style-type: none"> <li>For advice and technical support on neighbourhood planning contact the Planning Policy Team on Tel: 01954 713183</li> <li>For advice on community engagement and grants contact the Partnership Team on Tel 01954 713290</li> </ul> <p>Email – <a href="mailto:neighbourhood.planning@scambs.gov.uk">neighbourhood.planning@scambs.gov.uk</a></p>	<p><u>Parish Council Commitment</u> The Parish Council will establish a <b>Steering Group</b> to develop the Neighbourhood Plan. This group should</p> <ol style="list-style-type: none"> <li>Consider including a range of people from the local parish area (not just the Parish Council) to ensure the wider community is involved and that the best use is made of all the skills available in the local community</li> <li>Have a clear terms of reference with a clear reporting link to the Parish Council</li> <li>Convene as a group on a regular basis throughout the period of preparation of the Neighbourhood Plan and its examination.</li> </ol> <p>From the start the Steering Group will need to commit adequate resources to the task.</p>
<b>First Planning Meeting between SCDC and Parish Council</b>	<p><u>SCDC support and advice</u> SCDC will attend and provide an overview on the procedures and issues and answering any questions that the Parish Council may have on neighbourhood planning The advice will be appropriate to the nature of the proposed neighbourhood plan This could include:</p> <ul style="list-style-type: none"> <li>The scope of a neighbourhood plan</li> <li>Relationship with the South Cambridgeshire Local Plan</li> <li>The legal procedures to be followed</li> <li>Managing the neighbourhood plan project</li> <li>Methods of consultation and engagement</li> </ul>	<p><u>Parish Council commitment</u> Arrange an initial meeting between SCDC and the Steering Group. An opportunity to ask questions about neighbourhood planning and to understand the SCDC approach.</p>

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<ul style="list-style-type: none"> <li>• Consultation with the 'Consultation Bodies'</li> <li>• The requirements of other legislation such as Human Rights Act, the Habitats Regulations, Sustainability Appraisals and Environmental Assessments</li> <li>• Update on funding and grants available</li> </ul>	
<b>Preparing a neighbourhood plan</b>	<p>SCDC has a duty to provide advice and assistance to a Parish Council preparing a neighbourhood plan.</p> <p><u>SCDC advice and support</u>  SCDC will advice on the following :</p> <ul style="list-style-type: none"> <li>• Assist with methods of community engagement and consultation. Contacts for statutory undertakers or other key consultees.</li> <li>• Provide conformity advice and up to date information on the South Cambridgeshire Local Plan</li> <li>• Provide advice on potential delivery issues</li> <li>• Up to date information on any grant funding available</li> <li>• Advice on any requirement for Environmental Assessment; Sustainability Appraisals and Habitats Regulation Assessment</li> <li>• Provide comments on emerging drafts of the plan</li> <li>• Assist in digitising the final proposals/policy maps</li> <li>• Provide advice in getting the best from any paid support from contracted consultants</li> </ul> <p>South Cambridgeshire District Council will <b>not</b>:</p> <ul style="list-style-type: none"> <li>• Write documents</li> <li>• Draft policies</li> <li>• Design and print documents, graphics etc.</li> <li>• Undertake or pay for community survey work</li> <li>• Carry out or pay for statutory and non statutory</li> </ul>	<p>Tasks that a Parish Council needs to do to prepare a neighbourhood plan</p> <ul style="list-style-type: none"> <li>• Build an evidence base.</li> <li>• Community engagement</li> <li>• Decide on vision and objectives</li> <li>• Write the plan</li> <li>• Scope for need for environmental assessment</li> <li>• Carry out sustainability appraisal if appropriate.</li> </ul> <p><u>Parish Council commitment</u>  Prepare a <b>Project Plan</b> for the preparation of the Neighbourhood Plan. This should include -</p> <ul style="list-style-type: none"> <li>• A indicative timetable for completion of the Neighbourhood Plan</li> <li>• The provision of regular updates on progress to the Council with SCDC</li> <li>• Budget planning</li> </ul> <p>PAS neighbourhood plan project management tool link  <a href="http://www.pas.gov.uk/neighbourhood-planning/-/journal_content/56/332612/4079048/ARTICLE">http://www.pas.gov.uk/neighbourhood-planning/-/journal_content/56/332612/4079048/ARTICLE</a></p>

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<p>assessments.</p> <ul style="list-style-type: none"> <li>• Carry out Sustainability Appraisals or Environmental Assessments</li> <li>• Attend every meeting</li> <li>• Attend every consultation event</li> <li>• Provide direct financial support</li> </ul>	
<b>Prior to starting the pre-submission consultation.</b>	<p>SCDC support and advice</p> <p>Before the Parish Council starts its pre-submission consultation SCDC will provide advice and support about:</p> <ul style="list-style-type: none"> <li>• Conformity of the plan and whether in their view it meets the basic conditions</li> <li>• Suitability of the Consultation Statement</li> <li>• Suitability of any Environmental Assessment; Sustainability Appraisal or Habitats Regulations Assessments undertaken</li> <li>• Conformity with other legislative requirements eg Equality Assessments</li> <li>• Conformity with the OS mapping requirements (including copyright issues)</li> </ul>	<p>Parish Council commitment</p> <p>The Parish Council will seek the views of SCDC on the documents that the Parish Council intend to use for the pre-submission consultation. This should be done in a timely manner so no surprises to delay the pre-submission consultation.</p>
<b>Pre-Submission Stage</b>		<p><b>Consultation by the Parish Council</b></p> <p>Before submitting the Plan to SCDC there must be a six week period of consultation <i>Regulation 14</i></p> <p>Parish Council commitment</p> <p>The Parish Council will provide SCDC with the following:</p> <ul style="list-style-type: none"> <li>• The Pre- Submission Plan in electronic format.</li> <li>• Copies of any Environmental Assessment / Sustainability Appraisals undertaken to date</li> <li>• Consultation Statement highlighting list of statutory bodies consulted</li> </ul>



Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
<b>Submission Stage</b>		<p><b>Submission of Plan to SCDC</b>  A Parish Council submits a plan proposal to SCDC. It must include</p> <ul style="list-style-type: none"> <li>• Map or statement identifying the neighbourhood area</li> <li>• Consultation Statement stating who was consulted; how consulted; main issues and how these were addressed</li> <li>• Proposed Neighbourhood Plan</li> <li>• Statement explaining how the NP meets the basic conditions</li> <li>• Where appropriate – information to enable appropriate environmental assessment if required eg Habitat Reg or Environmental Assessment</li> </ul> <p><i>Regulation 15</i>  <i>The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General Regulations) 2012. i.e Regs 102 and 102A</i></p> <p><u>Parish Council commitment</u>  The Parish Council will provide SCDC with the following:</p> <ul style="list-style-type: none"> <li>• An electronic version of the Submission Plan A consultation statement</li> <li>• List of consultees used during pre-submission with contact details</li> <li>• Final copies of any Environmental Statements or Assessments and any Sustainability Appraisals undertaken</li> <li>• Copy of ‘basic condition’ statement</li> <li>• Evidence documents used to inform the Submission Plan</li> </ul>

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<p><b>Receipt and assessment of submission Plan by SCDC – Decision statement 1</b></p> <p>SCDC will assess the neighbourhood plan to consider -</p> <ol style="list-style-type: none"> <li>1. Whether the parish council is authorised to act</li> <li>2. Whether the proposal and accompanying documents               <ol style="list-style-type: none"> <li>a. Comply with the rules for submission to the Council (Regulation 15'), and</li> <li>b. Meet the 'definition of an NP'                   <p><i>"A plan which sets out policies (however expressed) in relation to the development use and of land in the whole or any part of a particular neighbourhood area specified in the plan"</i></p> </li> </ol> </li> </ol> <p>and</p> <ol style="list-style-type: none"> <li>c. Meet the 'scope of NP provisions' which are -               <ol style="list-style-type: none"> <li>1. <i>The NP must specify the period for which it is to have effect</i></li> <li>2. <i>It cannot include provision about development that is 'excluded development'</i></li> <li>3. <i>It cannot relate to more than one neighbourhood area or repeat an existing planning permission</i></li> </ol> </li> </ol> <p>and</p> <ol style="list-style-type: none"> <li>3. Whether the parish council has undertaken the correct procedures in relation to consultation and publicity.</li> </ol> <p>SCDC can refuse to take forward a plan if it does not meet all the requirements.  <i>TCPA 1990 Act Schedule 4B para 6 38 A and B;</i>  <i>Definition of NP - 2004 P &amp; CP Act as amended by</i>  <i>Localism Act Section 38 A (2); Scope of NP provisions 2004 Act s 38B (1 &amp; 2) (4)</i></p> <p>SCDC will notify Parish Council of decision and will issue a decision statement.</p>	

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<p><i>TCPA 1990 Act Schedule 4B para 6 (4)</i> <i>Regulation 19.</i></p> <p><u>SCDC's commitment</u> The Planning Portfolio Holder (PPH) will make a decision as to whether the Council is satisfied that the plan meets the necessary requirements – as this is a key decision there will need to be a minimum of 28 days from the day the Plan is submitted to the Council and then to find the first available PPH meeting after this period for the decision to be made.</p> <p>The decision statement will be sent to the Parish Council within two weeks of the Portfolio Holder decision being made to allow for call in period on the decision.</p>	
	<p><b>Publicising/ Consultation of the Plan</b> If SCDC accepts the Plan it will publicise the submitted Plan and notify bodies referred to in the submitted consultation document for six week period during which formal representations can be made. <i>Regulation 16</i></p> <p><u>SCDC commitment</u> The Council will start the consultation within four weeks of the Planning Portfolio Holder confirming the submission documents meet the requirements.</p>	
<b>Examination</b>	<p><b>Arrangements for examination</b> SCDC is responsible for making arrangements for the examination. Once satisfied with Plan SCDC will appoint examiner with consent of parish council. <i>TCPA 1990 Act Schedule 4B para 6</i></p> <p>SCDC will submit the Plan and all supporting documents to the</p>	<p>Parish Council to work with SCDC to agree the appointment of an examiner.</p> <p>Parish Council should keep their local community up to date with the progress of the Plan through the examination process.</p>

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<p>examiner including representations from the consultation.  <i>Regulation 17</i>  <i>Regulation 102A Conservation of Habitats and Species Regulations 2010.</i></p> <p><u>SCDC commitment</u>  SCDC will appoint an examiner within four weeks of the end of the consultation. Once the examiner is appointed the representations will be sent to the independent examiner.</p>	
<p><b>Considering the examiner's report</b></p>	<p><b>Examiner's report</b>  The examiner must make a report with recommendations, the reasons for them and a summary of findings. The examiner's report can recommend that either -</p> <ul style="list-style-type: none"> <li>• the draft NP is submitted for referendum or</li> <li>• modifications specified in the examiner's report are made and the revised draft Plan is submitted to referendum.</li> </ul> <p>When SCDC has received the report it will arrange publication of the report as soon as possible.</p> <p>SCDC will consider each recommendation and decide what action to take to respond.</p> <p><u>SCDC commitment</u>  Within 1 week of receiving the examiner's report the Council will publish the report on its website.  The Council will consult with the Parish Council for its views on the examiner's recommendations before a decision is made by the Planning Portfolio Holder.</p>	

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<p><b>When SCDC proposes to make a decision that differs from the examiner's recommendation</b>            ....and the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by SCDC as to a particular fact</p> <ol style="list-style-type: none"> <li>1. notifies all those identified on the consultation statement of the parish council and invites representations</li> <li>2. may refer the issue to an independent examination if they think it appropriate.</li> </ol> <p>SCDC cannot make a decision that differs from the examiners' recommendations about the referendum area.  <i>TCPA 1990 Act schedule 4B para13</i></p> <p><u>SCDC commitment</u>            If SCDC decides to propose changes to the NP that are different from the examiner they will consult with the Parish Council before the Planning Portfolio Holder formally makes a decision.</p>	
<p><b>Decision to take Plan forward for referendum</b></p>	<p><b>Decision Statement 2</b>            SCDC must make formal decision about whether Plan meets the basic conditions, is compatible with the Convention of rights and meets legal and procedural requirements.</p> <p>SCDC decides whether Plan ready for referendum or needs modifications. It will publish its decision and reasons in a decision statement. If modifications are different from those recommended by the examiner further consultation is required before a referendum can take place.</p> <p>SCDC to send copy of decision statement to the Parish Council.</p>	

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<p><i>TCPA1990 Act schedule 4B para 12 (11 &amp; 12)</i>  <i>Regulations 18 &amp; 19</i></p> <p><u>SCDC commitment</u>            Within 8 weeks of receipt of the examiner's report the Planning Portfolio Holder will decide whether the plan is ready for referendum or if modifications are needed. This is a key decision.</p> <p>The decision statement will be sent to the Parish Council within two weeks of the Portfolio Holder decision being made to allow for call in period on the decision.</p>	
Referendum	<p><b>Arrangements and publicity of referendum</b>            SCDC is responsible for making arrangements for the referendum to take place.</p> <p><i>Regulation 17+4 of the Neighbourhood Planning (Referendums) Regulations 2012- and as amended by the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013</i></p> <p><u>SCDC commitment</u>            The referendum to take place within 60 days of the 'Decision Statement 2' upon the Examiner's Report being published. SCDC will publish detailed information about the referendum on its website 28 days before the referendum is to take place</p>	
	<p><b>Results of referendum – Decision Statement 3</b>            If a referendum results in more than half those voting (i.e. 50% plus 1), voting in favour of the proposal SCDC must 'make' i.e. formally adopt, the Plan as soon as reasonably practical.  <i>2004 Act s38A (4) (6)</i></p>	<p>If the referendum results in a 'no' vote for the NP the Parish Council will have to repeat the plan-making process. It cannot simply resubmit the same NP for examination.</p>

Stages	By South Cambridgeshire District Council (SCDC)	By Parish Council
	<p>SCDC must publish a decision statement about the referendum  <i>2004 Act s 38A (9)(10) Regulation 19</i></p> <p><u>SCDC Commitment</u>                      As this is a key decision there will need to be at least a 28 day period before the Plan can be considered and then it will be at the first available meeting of Cabinet/ Council following a positive referendum vote where SCDC will 'make' the Plan.</p>	
<b>Making of Plan</b>	<p><b>Publicising the Plan</b>                      As soon as possible after SCDC has decided to make the Plan it will be published, and people notified that it has been made.</p> <p>Also any environmental statements to be published and consultation bodies notified of relevant matters including how significant effects will be monitored.</p> <p>Monitoring results should be published in the Councils monitoring report.  <i>Regulation 20 Regulation 16 and 17 of Environmental Assessment of Plans and Programmes Regulations 2004.</i></p> <p><u>SCDC commitment</u>                      Within two weeks of the Cabinet / Planning Portfolio Holder meeting the Council will publish the neighbourhood plan on its website.</p>	<p><u>Parish Council commitment</u>                      Following successful examination the Parish Council will provide SCDC with the results of any primary source data which would be helpful to the Local Plan Team.</p>

## **Progress and Review Process**

The progress on the Neighbourhood Plan and success of the support from South Cambridgeshire District 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.

## **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 signatories to this agreement will discuss the matter and decide on the action to take.