



**Hinckley & Bosworth  
Borough Council**

**NEIGHBOURHOOD PLANNING**

**Service Level Agreement between**

**Hinckley & Bosworth Borough Council  
and  
Bagworth and Thornton Parish Council &  
Stanton Under Bardon Parish Council  
for the purpose of producing a Neighbourhood Development Plan.**

**1. Purpose**

- 1.1 The Localism Act 2011 ("The Act") and the Neighbourhood Planning (General) Regulations 2012 (637) ("The Regulations") set out the framework for the preparation and bringing into force of a Neighbourhood Development Plan ("NDP").
- 1.2 Under the provisions of the Act, Hinckley & Bosworth Borough Council ("The Borough Council") (as the Local Planning Authority) is responsible for:
  - fulfilling certain statutory requirements
  - the provision of appropriate advice and assistance
- 1.3 The purpose of this agreement is to set out the respective responsibilities between Bagworth and Thornton Parish Council & Stanton Under Bardon Parish Council<sup>1</sup> and the Borough Council in relation to the proposal to bring into force an NDP for the area<sup>2</sup>, and, in particular:
  - how the Borough Council is minded to undertake its statutory duties
  - the level and extent of the technical advice and assistance that the Borough Council is minded to provide
  - how the qualifying body aims to progress the NDP

<sup>1</sup> Referred to as the 'qualifying body' in the remainder of this document

<sup>2</sup> The designated Neighbourhood Area

- 1.4 This agreement is conditional upon the designation of a Neighbourhood Area by the Borough Council and, where appropriate, a Neighbourhood Forum.

**2. Memorandum of Agreement:**

This Agreement is between:-

a) The Borough Council

Signature of Head of Planning

.....

Date.....

and

b) Bagworth and Thornton Parish Council & Stanton Under Bardon Parish Council  
Parish Council

Signature of chairperson of the qualifying body

..... *CHLR RUSSELL GEORGE* .....

Date..... *13/3/2019* .....

**3. Date and duration of agreement**

- 3.1 This agreement will commence once the document has been signed and dated by the selected representatives of both parties.
- 3.2 It is anticipated that the full process for bringing the said NDP into force will take, as a minimum, some 24-36 months from the date of designation. The Borough Council and the qualifying body will review progress on the NDP at intervals of approximately every 6 months from the date of the agreement.

**4. Working Relationships**

4.1 The parties to this agreement seek:

- an open and constructive working relationship
- to work closely together at all levels, both in policy, and in strategic issues of importance
- to respect each other's views, and, where different, after discussion, to ensure proper understanding of the reasons for such differences

- to have a 'no surprises' policy, based on notifying each other well in advance, where possible, of significant announcements and developments in policy or changes to the timetable
- to minimise duplication of activity wherever possible
- to inform other stakeholders about the relationship so as to reduce uncertainty

The Borough Council holds a service level agreement with the Rural Community Council (RCC) through which the RCC provides certain support related to neighbourhood planning to qualifying bodies.

## **5. Respective Responsibilities**

### **5a. The statutory obligations of Hinckley & Bosworth Borough Council**

- 5.1 Following completion of the statutory procedures for designation of the Neighbourhood Area, the Borough Council will undertake the following in accordance with its duties set out in the Act and the Regulations:

	<b>Stage</b>	<b>Indicative timescale</b>
1	Confirm that the pre-submission Neighbourhood Plan meets the general requirements of the Localism Act (Regulation 14) before pre-submission public consultation commences	Within the prescribed consultation period unless an extension has been agreed with the qualifying body
2	Confirmation that the submitted Neighbourhood Plan and other associated documentation meets the requirements of the Localism Act (Regulation 15)	Within two weeks of the submission of all relevant documentation to the Council
3	Publicise the submission plan and other associated documentation (Regulation 16)	Within two weeks following confirmation by the Borough Council that the submission documents meet the requirements of the Localism Act
4	In consultation with the qualifying body, approval of the appointment of an examiner with the Parish Council (Regulation 17), including the drafting of a contract with the appointed examiner	Within 2 weeks of the close of consultation (regulation 16)
5	Forward all comments received on the submission plan along with all other required documentation to the appointed examiner (Regulation 17)	Within 2 weeks of an Examiner being appointed

6	Consideration of Examiner's report and provision of a Decision Statement in consultation with the Qualifying Body (Regulation 18)	Within 6 weeks of receiving the Examiners report the Council will issue a decision statement on whether it agrees with the findings of the examiners report and approval to proceed to referendum
7	In liaison with the qualifying body, make arrangements for the referendum	Following the issuing of the Decision Statement the referendum process will begin. Eight weeks is allowed for this process which includes a 6 week notification period
8	'Make' the Neighbourhood Plan (Regulation 19 & 20)	As soon as practically possible after a positive referendum <sup>3</sup>

5.2 It should be expected that the statutory process from regulation 15 (submission of draft plan) to the plan being made (stages 2 to 8 above) will cover a period of a minimum of 8 months.

5.3 Whilst the Council will seek to meet the above timescales, it should be noted that events and circumstances may arise which could impact on the ability of the Council to meet these timescales, for example local or national elections and associated purdah periods. The Council will inform the qualifying body at the earliest opportunity when it becomes aware that there may be an issue which could affect the ability of the Council to meet these timescales.

**5b. The Borough Council will provide the following advice and assistance:**

**Published advice**

Provide on its website:

<http://www.hinckley-bosworth.gov.uk/neighbourhoodplanning>

- A simple guide on the stages required for preparing a NDP
- A map illustrating the Parish Council Boundaries

**Professional advice**

The first point of contact for advice and technical support is Fran Belcher

Telephone 01455 255749

Email [frances.belcher@hinckley-bosworth.gov.uk](mailto:frances.belcher@hinckley-bosworth.gov.uk)

<sup>3</sup> A positive referendum is where more than 50% of those voting in the referendum vote in favour of the neighbourhood plan

## **Initial Meeting**

5.4 At the request of the qualifying body 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 related to neighbourhood planning
- Project plan and timescales for the production of a plan
- Relationship with the Hinckley & Bosworth Local Plan and related planning policy documents
- Methods of consultation and engagement
- Consultation with the 'specific' consultees
- The requirements of other legislation such as Human Rights Act, the Habitats Regulations and Strategic Environmental Assessment
- Support available from other organisations such as the Rural Community Council

## **Background Data and Evidence**

5.5 The Borough Council will make available:

- Authority Monitoring report data for the last 5 years
- List of planning applications made in the Neighbourhood Area for the last 5 years
- The Local Plan Evidence Base and access to base data
- Maps showing constraints data
- Up to date information on any grant funding and technical support available

## **Professional advice and assistance**

i. The Borough Council will provide the following level of officer support:

- Attendance at 1 meeting (up to 2 hours) every three months
- 4 hours per calendar month to undertake the tasks set out under ii); iii) and iv) set out below

ii. The Council will provide advice (and/or direct to the appropriate source) on:

- Methods of community engagement and consultation
- Potential delivery partners
- Conformity matters
- Up to date information on the Local Plan
- Advice on any requirement for Environmental Assessment and Habitats Regulation Assessment
- Emerging drafts of the NDP
- Links to research data

iii. For the Pre-submission draft NDP the Borough Council will provide advice and assistance on:

- Conformity of the plan with local and national policy and relevant national guidance 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

iv. The Borough Council will provide:

- Electronic copies of OS base maps for the area
- Digitising of final proposals maps

5.6 The Borough Council will aim to respond to all queries within 10 working days. Where a query is particularly complex and/or may take longer than 10 working days to respond to we will endeavour to provide an indicative timescale for a full response.

**The Borough Council will not offer advice or assistance in the following areas:**

- Drafting the NDP and supporting documents
- Undertaking survey/research work
- Undertaking Strategic Environmental Assessment or Habitats Regulation Assessment
- Undertaking non- statutory consultation exercises
- Project management services
- Attending every meeting
- Attending every consultation event
- Direct financial support
- Printing of documents unless related to the statutory requirements of the Borough Council.

## **6. Qualifying Body Responsibilities**

- Establish a steering group to develop the NDP with clear terms of reference.
- Arrange an initial meeting which the Borough Council support officer can attend and advise the steering group.
- Produce a project plan including a timetable for the production of the plan. This will be submitted to, and agreed with the Council. The qualifying body will inform and seek agreement with the Borough Council on updates to the timetable.
- Provide regular updates on progress against the project plan and timetable to the Borough Council via the support officer.
- Convene as a group on a regular basis throughout the period of preparation of the NDP and its examination.
- Commit adequate resources to the task.
- Provide to the Borough Council the Draft Submission Plan and supporting documents in electronic format.

- Provide results of primary source data which would be helpful to the Borough Council.

#### **Qualifying Body first point of contact**

Name CLLR RUSSELL GEORGE

#### **Contact details**

Telephone 07876501750

Email cllr.george.bandt@pc.btinternet.com

### **7. Progress and Review Process**

- 7.1 As noted above, the qualifying body will agree a timetable for the production of the plan with the Council. The purpose of the timetable is to provide a level of certainty to the process and timescale of the production of the plan. The qualifying body will undertake to work towards the preparation of the plan in line with the timetable.
- 7.2 The timetable will form part of the Service Level Agreement, and will be the basis for the review of the progress of the plan. A review will take place approximately every six months in a face-to-face meeting between the Council and the qualifying body. Should the production of the plan no longer be in accordance with the agreed timetable, the necessary action to be taken will be discussed by both parties and if necessary a revised timetable will be produced.
- 7.3 If at any point should the qualifying body or the Council become aware that there are issues arising from the agreed timetable then they should inform the other party as soon as possible. A discussion and / or a meeting should then be arranged to discuss the necessary action that needs to be taken, and if necessary a revised timetable will be produced.

### **8. Withdrawal of Professional Advice**

- 8.1 Subject to its statutory responsibilities under the Act the Borough Council reserves the right to cease the provision of professional advice and assistance should it consider that the production of the NDP is not proceeding satisfactorily.

### **9. Dispute settlement**

- 9.1 In the unlikely event of a dispute (including the professional advice as set out in Section 5), 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.

