

LANCASTER CITY COUNCIL

NEIGHBOURHOOD PLANNING PROTOCOL

SERVICE LEVEL AGREEMENT

1. The Agreement

This agreement is between:-

- a) Lancaster City Council; and
- b) (Qualifying Body for the Area)*

(NB * all references to 'Qualifying Bodies' can relate to Parish or Town Councils or Neighbourhood Forums – whichever is most applicable to the local area – and is defined in Section 61(G) of the 1990 Town and Country Planning Act)

2. Introduction and Purpose

- 2.1 Under the Localism Act, Lancaster City Council (the Local Planning Authority), has a statutory duty to provide advice and support to communities choosing to develop a Neighbourhood Plan.
- 2.2 The protocol outlines the services that the City Council will offer to Qualifying Bodies such as Parish Councils, Town Councils and Neighbourhood Forums within the district of Lancaster.
- 2.3 The support provided is in line with the Neighbourhood Planning (General) Regulations 2012 and subsequent amendments.
- 2.4 The purpose of this agreement is to form a working relationship between the Qualifying Body and Lancaster City Council and to confirm;
 - a) How Lancaster City Council will undertake its statutory duties;
 - b) The level and extent of the technical advice that Lancaster City Council will provide; and
 - c) How the Parish Council will aim to progress the Neighbourhood Development Plan.

3. Service Level Agreement

This Agreement is between:-

Lancaster City Council andParish / Town Council / Neighbourhood Forum

Designation of Neighbourhood Area

Date Submitted

Date of Approval by Lancaster City Council

Signatories:-

- a) Lancaster City Council (Designated Officer)
- b) - Chair on Behalf of Parish / Town Council / Neighbourhood Forum

This agreement will commence on

4. Background and Area Designation

- 4.1 Neighbourhood Planning was introduced by the Localism Act 2011. The Neighbourhood Planning (General) Regulations 2012 require Lancaster City Council to undertake certain provisions. In addition the City Council is also required to provide technical advice and support.
- 4.2 This agreement sets out how the City Council will meet its statutory obligations and the level of assistance it will offer to qualifying bodies.
- 4.3 Once an application for a neighbourhood area has been submitted to Lancaster City Council (and checked that the relevant information has been submitted) a four week consultation will be undertaken via the City Council website and notices will be displayed within the neighbourhood area, organised jointly between the City Council and Qualifying Body. A press release will also be issued by the City Council including details of the consultation and an email sent out to the planning policy consultation database.
- 4.4 The length of the consultation may vary. If the neighbourhood designation falls between two or more local planning authorities or where the neighbourhood area does not follow recognised Parish boundaries a six week consultation period will be required.
- 4.5 Lancaster City Council will notify the Qualifying Body and relevant Ward Member(s) of this consultation period.

5. The Statutory Obligations for Lancaster City Council

Following the completion of the statutory area designation consultation, Lancaster City Council will meet the following standards:-

Stage	Timescale
Agreement of the Neighbourhood Development Plan Area (Regulation 7)	Dependent on the designation made*.
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.
Confirmation that the submitted Neighbourhood Plan and other associated documentation meets the requirements of the Localism Act (Regulation 15)	At the next logical meeting of Cabinet following the receipt of the submission documents.
Publicise the submission plan and other associated documentation (Regulation 16)	The consultation will take place no earlier than four weeks after a recommendation is made by Lancaster City Council (but as soon as possible thereafter) to publicise the submission plan.
Approval of the appointment of an examiner with the Parish Council (Regulation 17)	No later than four weeks following the close of consultation
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.

Convene examination hearing if required by the Examiner.	Within 8 weeks of an Examiner being appointed.
Consideration of Examiner's report and provision of a Decision Statement in consultation with the Qualifying Body (Regulation 18)	The findings of the Examination will be presented to next logical Cabinet Meeting following the receipt of the Examiner's Report.
Arrange Referendum venue and date and all associated administration.	The Referendum will take place no earlier than four weeks after a decision is made by Lancaster City Council (but as soon as possible thereafter) to move the Neighbourhood Plan forward to Referendum. Lancaster City Council will decide on the number and locations for Polling Stations with reference being made to the list of approved venues.
Adoption of the Neighbourhood Plan (Regulation 19 & 20)	At the first available meeting of Cabinet / Council following a positive referendum result.

** If the designation makes use of the Parish Boundary, no public consultation is required and formal designation will take place as soon as possible after the application is made (subject to Cabinet Member approval). Public consultation will be required on any designations which involve multiple parishes, part of a parish or no parish boundary, the length of decision will may vary depending on the boundaries used.*

6. Technical Advice from Lancaster City Council

Topic	Advice and Support
Professional Advice	<p>Provide a named officer as first point of contact for advice and technical support.</p> <p>The Support Officer contact for the Neighbourhood Plan is:-</p> <p>Name</p> <p>Telephone</p> <p>Email</p>

<p>Initial Meeting</p>	<p>At the request of the Qualifying Body and prior to the designation of the Neighbourhood Area the support officer will attend and provide an overview on the procedures and issues associated with neighbourhood planning. This advice will cover:-</p> <ul style="list-style-type: none"> • Advice on whether Neighbourhood Planning is the most appropriate method of meeting the groups aspirations; • The general level of support available from Lancaster City Council (as set out in this agreement); • The scope of a Neighbourhood Plan; • The relationship with Strategic Planning Policy and in particular the local development plan; • The legal procedures to be followed; • The preparation / content of the project plan; • Methods of consultation and engagement; • Consultation with the ‘Statutory Consultation Bodies’ including the provision of relevant contact details; • Provision of contact details for other important local stakeholders; • The requirements of other legislation such as Sustainability Appraisal, Strategic Environmental Assessment (SEA), Habitats Regulation Assessment (HRA), Equality Impact Assessment and the Human Rights Act; and • Update on funding mechanisms and grant assistance.
<p>Provision of background data / evidence.</p>	<p>At the request of the Qualifying Body, the support officer will provide / direct to the appropriate source:-</p> <ul style="list-style-type: none"> • The Annual Monitoring Report planning data which is available to the Council; • Links to relevant research data which has been undertaken and published by third parties; • Links to relevant evidence which has been published to inform the preparation of the local development plan; and • Maps showing relevant constraints data including data in support of Habitats Regulations Assessment and Strategic Environmental Assessment (where this data has already been plotted).
<p>Professional advice and assistance</p>	<p>Provide conformity advice and updates on the preparation of the Lancaster District Local Plan and related planning policy documents:-</p> <ul style="list-style-type: none"> • Provide a Screening Opinion on any requirement for Environmental Assessments and Habitats Regulations Assessment. It will be for the Parish Council to act on such opinions; • Assistance with methods and processes of consultation; • Up to date information on funding mechanisms and available grant assistance; • Provide comments to emerging draft policies and allocations; and • Digitising the final version of the Proposals Maps (if applicable).

<p>Draft Neighbourhood Development Plan</p>	<p>Provide advice and support in relation to:-</p> <ul style="list-style-type: none"> • The need for the Neighbourhood Plan to meet the ‘basic conditions’; • Conformity of the plan with national and local planning policy, particularly in relation to conformity with strategic policy; • The preparation of a consultation statement; • The suitability of any Environmental Assessment and/or Habitats Regulation Assessment undertaken; • Conformity with other legislative requirements; and • Conformity with the OS mapping requirements (including copyright issues).
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In addition to the above, Lancaster City Council will:

- Meet with the Neighbourhood Plan Steering Group to discuss specifically identified planning policy matters (where staff resources permit);
- Keep Neighbourhood Plan groups up to date with progress on the Strategic Development Plan;
- Collaborate with the Qualifying Body in the selection of an appropriate examiner for the neighbourhood plan through NPIERS or any other alternative arrangement which is agreeable to both parties;
- Maintain a Neighbourhood Planning page on the City Council website which provides links to key information and guidance and provide relevant updates on the neighbourhood plan on the City Council’s neighbourhood planning web pages;
- Collaborate with the Qualifying Body on the drawing up of Press releases to support the neighbourhood planning process;
- Encourage the Qualifying Body to ensure at least one Ward Member to stand on the neighbourhood plan steering group where it is feasible and appropriate to do so; and
- Provide an Examination venue (if required) and provide officer presence to elaborate on City Council comments on the Neighbourhood Plan.

Lancaster City Council **will not** offer support / assistance in the following areas:-

- Writing documents;
- Undertaking primary survey and research work, including the breakdown of existing evidence to inform the Neighbourhood Plan;
- Undertaking Strategic Environmental Assessment or Habitat Regulation Assessment;
- Undertaking of non-statutory consultation exercises;
- The printing of documents which do not relate to the non-statutory requirements of the Council;
- Provide project management services for the production of a Neighbourhood Plan;
- Provide advice on the status of ‘live’ planning applications;
- Attend every meeting / consultation event organised; and
- Provide direct financial support for the preparation of a Neighbourhood Plan.

7. Obligations for the Qualifying Body (Parish / Town Council / Neighbourhood Forum)

Following agreement by the City Council of the Neighbourhood Area the Qualifying Body will:

Seek to establish a steering group to develop the Neighbourhood Development Plan. Where the Qualifying Body is a Town / Parish Council this group should have a clear reporting link to the Town / Parish Council via a Terms of Reference.

Ensure that adequate financial resources are available to support the Qualifying Body in meeting its obligations under this Agreement. The Qualifying Body will be expected to seek financial grant aid in funding this project.

In not undertaken prior to the designation of the Neighbourhood Area, the steering group should arrange an initial meeting and invite the Support Officer from Lancaster City Council.

Prepare a Project Plan for the Neighbourhood Development Plan which will include the following:

- An indicative timetable for completion of the Neighbourhood Development Plan;
- The provision of regular updates on progress to Lancaster City Council via the Support Officer;
- Programme briefings with the support officer at the stage of preparation of the initial draft plan (i.e. pre-submission plan document).

The Qualifying Body should seek to keep the City Council updated on plan progress, including the City Council on the distribution list of meeting minutes and arrangement of face-to-face meetings at key stages of plan preparation (or at least every 6 months).

In preparing the Neighbourhood Plan, Qualifying Bodies should notify the City Council when draft policy is being finalised in order for a Screening Opinion to be undertaken to whether Environmental Assessments are required.

At pre-submission stage, the Qualifying Body will provide to Lancaster City Council the following material:

- A copy of the draft plan;
- Copies of any Environmental Assessment and/or Habitats Regulation Assessment work undertaken to date;
- Copies of any other reports or surveys undertaken to evidence the plan policies and proposals; and
- A Consultation Statement highlighting a list of statutory bodies consulted along with the identity of other key stakeholders directly consulted.

The Qualifying Body will also have to undertake consultation on the pre-submission plan (and associated documentation) in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

At the stage of formal submission of the final plan to Lancaster City Council, prior to examination, the Qualifying Body will provide the following material;

- A final, updated Consultation Statement;

- Final copies of any Environmental Statements and/or Habitats Regulation Assessments work undertaken; and
- A 'basic condition' statement that meets regulatory requirements.

To support the examination process the Qualifying Body will:-

- Assist Lancaster City Council in selecting a suitable examiner through NPIERS;
- Provide copies of all material held by the Qualifying Body which has been requested by the examiner in a timely manner and in the format requested;
- Provide a representative from the Qualifying Body to support the examination process where a formal hearing is required by the examiner;
- Provide a timely response to any proposed modifications to the plan required by the Council to respond to the Examiners Requirements.

Following a successful examination the Qualifying Body will provide to Lancaster City Council:-

- The final plan and any supporting documentation in an electronic format;
- Any primary source of data which would be helpful to Lancaster City Council in its planning service delivery;
- Support as required in promoting local awareness of the Neighbourhood Plan Referendum.

8. Subject to Change

The content of this statement is subject to change as a result of experience, new information, changes in process requirements and the availability of resources.

9. Contact Details

For further information please contact:

Lancaster City Council
Planning and Housing Policy Team (Regeneration and Planning)
Lancaster Town Hall
Dalton Square
Lancaster LA1 1PJ

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Email: planningpolicy@lancaster.gov.uk