

Neighbourhood Planning

Service Level Agreement

Parish/Town Councils and other Qualifying Bodies

Service Level Agreement between Kirklees Council and Mirfield Town Council for the purpose of producing a Neighbourhood Development Plan

1. Purpose

The purpose of this agreement is to set out a framework for a working relationship between Mirfield Town Council and Kirklees Council.

Under the provisions of the Localism Act 2011 Kirklees Council is responsible for:

- a. fulfilling certain statutory requirements set out in clause 6 below; and
- b. the provision of advice and assistance.

This agreement confirms:

- a. how Kirklees Council will undertake its statutory duties;
- b. the level and extent of the technical advice and assistance that Kirklees Council will provide
- c. how Mirfield Town Council will aim to progress the Neighbourhood Development Plan.

2. Memorandum of Agreement:

This Agreement is made the day of 2017

BETWEEN:-

Kirklees Council

signed

Director of Economy, Skills & the Environment (Place)

and

Mirfield Town Council

Signed by

Chair on behalf of Mirfield Town Council

3. Date and duration of agreement

This agreement will commence on the date set out above.

This agreement will run for 12 months whereupon there will be a review by parties with respect to its continuation.

4. Working Relationships

The parties to this agreement seek:

- a. an open and constructive working relationship;
- b. to work closely together at all levels, both in policy, and in strategic issues of importance;
- c. to respect each other's' views, and where different, after discussion to ensure proper understanding of the reasons for such differences;
- d. to have a 'no surprises' policy, based on notifying each other well in advance, where possible, of significant announcements and developments in policy;
- e. to minimise duplication of activity wherever possible;
- f. to inform other stakeholders (anybody who has an interest or is affected by the neighbourhood plan) about our relationship so as to reduce uncertainty.

5. Communication

The parties agree that:

All communication will be between Mirfield Town Council and Kirklees Council Planning Policy Group will be through a designated representative.

Roles and Responsibilities

The statutory obligations of Kirklees Council are set out in the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

6. Kirklees Council will make the following provision service standard*:

Following completion of the initial statutory procedures set out in the Regulations in relation to designation of neighbourhood areas and neighbourhood forums, Kirklees Council will meet the following standards of service (the regulation numbers apply to the Neighbourhood Planning (General) Regulations 2012):-

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| Confirm that the draft neighbourhood plan meets the criteria in the Localism Act (Regulation 15) | within 8 weeks following submission to the Council. |
| Publicise the submission plan and other relevant documentation (Regulation 16) - | within 6 weeks of receiving the submission documents which meet the criteria |
| Appoint a suitable examiner in agreement with Mirfield Town Council and submit the draft plan, supporting documents to the Independent Examiner (Regulation 17) | within 8 weeks of close of pre-submission publicity period |
| Forward on representations to the Independent Examiner (Regulation 17) | within 2 weeks of the close of the consultation period |
| Consideration of the recommendations in the Examiners' Report, that the draft plan meets the basic conditions and publication of a 'Decision Statement' (Regulation 18/19) – | within 5 weeks following the receipt of the inspectors report |
| Make arrangements including the setting of a date for the holding of the referendum | As soon as possible after the publication of the decision statement |

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| Making of the plan (Regulation 19/20) | Within 8 weeks from the date of the referendum |

* Note: To be reviewed in light of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and the Neighbourhood Planning Bill

Kirklees Council will make the following provision for advice and assistance:

| Topic | Advice & Support |
|--------------------------------------|---|
| Published advice | A dedicated neighbourhood planning web page on the Council's website with guidance notes |
| Professional advice | Provide a named officer as first point of contact for advice and technical support. In this case the support officer is Sarah Smith Contact details: Telephone 01484 221000 (automated switchboard, ask for Sarah Smith) Email sarah.smith@kirklees.gov.uk |
| Background Data and Evidence | At the request of Mirfield Town Council, the Support Officer will provide and/or direct to the appropriate source:- <ul style="list-style-type: none"> • The Local Plan Evidence Base and access to relevant base data • Links to relevant research data • OS base maps for the area • Maps showing constraints data • Up to date information on any grant funding available • Other appropriate data the council holds |
| Professional advice and assistance | <ul style="list-style-type: none"> • Provide conformity advice with Kirklees Unitary Development Plan and Kirklees Publication Draft Local Plan • Up to date information on the Local Plan • Provide comments to emerging drafts • Digitising of final proposals maps |
| Draft Neighbourhood Development Plan | Provide advice and support in relation to:- <ul style="list-style-type: none"> • Conformity of the plan and whether in their view it meets the basic conditions • Suitability of the Consultation Statement |

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| | <ul style="list-style-type: none"> • Suitability of any Environmental Assessment or Habitats Regulations Assessments undertaken • Conformity with other legislative requirements • OS mapping requirements |
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Note: Kirklees Council is bound by the Data Protection Act and other relevant legislation in terms of release of information. Provision of information with regard to the Publication Draft Local Plan is restricted to that which is in the public domain at any time, as any changes need to be agreed by Kirklees Council's Cabinet Committee.

Kirklees Council will not offer advice or assistance in the following areas:

- Writing and producing documents
- Undertaking survey work
- Attending every meeting
- Attending every consultation event
- Designated officer support at meetings/consultation events
- Direct financial support

7. Mirfield Town Council (qualifying body) Responsibilities

- a. Establish a steering group to develop the Neighbourhood Development Plan with clear terms of reference.
- b. Undertake to work towards preparation of a Neighbourhood Development Plan with a defined project management approach, work programme and timetable to delivery.
- c. Convene as a group on a regular basis throughout the period of preparation of the Neighbourhood Development Plan and its examination.
- d. Commit adequate resources to the task.
- e. Provide regular updates on progress against the project plan to the Council via the named officer.
- f. Provide to the Council the Draft Submission Plan in electronic format.
- g. Provide results of primary source data which would be helpful to the Council.

8. Dispute settlement

In the unlikely event of a dispute it is expected that this will be resolved at the working level at which it arises. If this is not possible then the relevant signatories to this agreement will discuss the matter and decide on the action to take.