



Neighbourhood Planning – Memorandum of Understanding

Name of Qualifying Body

(i.e. Parish Council or Town Council or Neighbourhood Forum)

Purpose of Agreement

This is an agreement between Durham County Council (“**the County Council**”), and **the Parish Council or Town Council or Neighbourhood Forum** (i.e. “**the Qualifying Body**”).

To clarify the extent of the County Council’s role for those preparing neighbourhood planning documents (“**the documents**”), this Memorandum of Understanding represents an agreement between the County Council and the Qualifying Body. It is intended to formalise the County Council’s role in undertaking its statutory duties and provide clarity on the level and extent of the support that the County Council will provide.

For the avoidance of doubt, it is not intended that anything within this Memorandum of Understanding will cause one party to incur any liability (financial or otherwise) to the other party.

Neighbourhood Planning was introduced in the Localism Act of 2011 and comprises three different approaches:

- Neighbourhood Development Plans (or Neighbourhood Plans)
- Neighbourhood Development Orders (NDO)
- Community Right to Build Orders (CRBO)

The County Council has an important role as set out in legislation to support and advise Qualifying Bodies preparing the documents and to carry out various statutory procedures at key stages in the preparation of these documents.

The Qualifying Body preparing the document(s) for a particular neighbourhood area will be either **Parish or Town Council (or the lead Local Council where there is more than One Council in the case of a Joint Neighbourhood Plan)**, in the case of unparished areas – **the Neighbourhood Forum**.

The County Council is responsible for:

- fulfilling its statutory requirements; and,
- the provision of proportionate advice and assistance in respect to neighbourhood planning matters.

The statutory obligations of the County Council

The County Council will fulfil its statutory Neighbourhood Planning obligations, including dealing with matters in a timely fashion, as required by the prevailing statutory planning regulations, which include (but are not limited to):

- **For Neighbourhood Area (and Neighbourhood Forum) Designations:**
In accordance with the timescales as required by the Regulations* after receiving the Neighbourhood Area application, determine its acceptability, publicise and consult (when required) and where appropriate formally Designate the Neighbourhood Area and publicise it on the DCC website.
- **At Pre-Submission Plan stage:**
Whilst the Qualifying Body will carry out the pre-submission consultation and publicity. The County Council will support as necessary including checking the conformity of the draft plan with the NPPF/existing and emerging local plan.
- **At Submission Plan stage:**
When the Qualifying Body submits the draft plan and other relevant documentation to the County Council the County Council will publicise the submitted Neighbourhood Plan and other relevant documentation.
- **Preparing for Examination:**
The County Council will identify up to three potential Independent Examiners and appoint one of these in agreement with the Qualifying Body. The County Council will undertake final checks for legal compliance, followed by submission of the draft Neighbourhood Plan and Supporting Documents (including any representations made in accordance with Regulation 16*) to examination which will be funded by the County Council.
- **Once Examiner's Report is received:**
The County Council will consider the recommendations of the Examiner's Report, check that the draft Neighbourhood Plan meets the Basic Conditions and arrange the publication of the Decision Statement.

(NB: In cases when there are issues with the Examiner's Report that prevent or delay a referendum the County Council will discuss and agree timescales for taking the plan forward with the Qualifying Body).
- **At Referendum stage:**
To be arranged and funded by the County Council in accordance with *The Neighbourhood Planning (Referendums) Regulations 2012*.

- **For the ‘Making’ (i.e. Adoption) of the Plan/Order** (Regulation 18a & 19*):
As soon as possible after a positive referendum result in favour of the neighbourhood plan.
- **Publicising a neighbourhood plan**
Durham County Council will publicise the ‘making’ of the neighbourhood plan.

* Regulation Numbers relate to those in *The Neighbourhood Planning (General) Regulations 2012*

Support and Advice - Durham County Council’s role

In addition to carrying out the duties set out above in relation to the formal process the County Council in its role to support and advise, will provide:

- **A named Contact Officer**

In this instance the named officer is:

Contact Officer:	Name
Telephone Number:	03000 XXXXXX
E-mail:	name@durham.gov.uk

- who is the first point of contact for support and advice.

Durham County Council Spatial Policy Team will coordinate the involvement of other parts of Durham County Council as and when required, including involvement of Durham County Council Electoral Services at referendum stage.

- **Provision of technical information and specialist advice**

The preparation of neighbourhood planning documents will require the group preparing the document to access various source of information and deal with, in some cases, complex matters. To help with this requirement, the County Council (through the contact officer) will provide support and advice from appropriate sources or direct groups to sources as listed below:

- Provision of links to the evidence used by the County Council in preparing the County Durham Plan.
- Provision of population and other statistical information, but only where it is available.
- Provision of Base Maps (subject mapping contractor licence) which can be used by the Qualifying Body in preparing plans and advice on copyright issues with the Ordnance Survey.
- Advising on consultation methods and questionnaire format.
- Provision of advice on regulations and legislation (including EU regs.).
- Advising on compliance with the Equality Act 2010.
- Either provision or checking of a screening opinion document along with its statutory consultation in relation to possible requirements for Strategic Environmental Assessment and Appropriate Assessment at the earliest opportunity.

- Commenting on emerging drafts of the Neighbourhood Plan and other relevant documents including advising on the conformity of the documents with national and local plan policy.
- Offering and undertaking a 'Health Check' on a full draft plan prior to the Qualifying Body consulting at Regulation 14 stage and prior to plan submission.
- Advising on the suitability of the Consultation Statement.

Areas of work that the County Council will not support

The County Council is committed to carrying out its role in line with national guidelines but there are certain matters for the group to address themselves and which the County Council will not support, namely:

- Carrying out primary research or surveys (although the County Council can assist in preparation of briefs for such work).
- Writing the document(s), though we can give guidance on generic policy writing.
- Undertaking the Strategic Environmental Assessment or Appropriate Assessment if determined necessary by the Screening Opinion without prior agreement. This is a chargeable service and is dependent on available officer capacity. However, we will freely advise on how to undertake any necessary assessments and whether they are fit for purpose. The level of support given in this regard will be pre-agreed with the Neighbourhood Planning group on a case by case basis.
- Attending every meeting and consultation event (although officers will attend appropriate meetings)
- Direct financial support other than for examination and referendum.

Obligations of the Memorandum of Understanding on the Qualifying Body

In order for the County Council to provide effective support (and manage its workload), the Qualifying Body will be expected to provide the following once the Neighbourhood Area (and where necessary Neighbourhood Forum) has been approved by the County Council:

- Establish an appropriate steering group (if the project is not to be managed directly by the local parish/town council or neighbourhood forum) with a clear reporting link to the local parish/town council or neighbourhood forum via Terms of Reference
- Set up an initial meeting of the (local council or neighbourhood forum or steering group) and invite the Contact Officer
- Prepare and keep under review a project plan for the preparation of the neighbourhood planning document, including: a timetable; provision for updates on progress; and appropriate discussions with Contact Officer
- Provide the County Council with the emerging and final documents in electronic format
- Share results of surveys which would help the County Council in its work (NB: this does not include providing personal details of respondents to such surveys)

Funding

The Government provides some financial assistance to planning authorities to enable them to fulfil their statutory neighbourhood planning duties including holding the examination and arranging the local referendum. Most of this funding is released at the end of the process after the County Council has incurred the costs of the Neighbourhood Plan examination.

There is no obligation on the County Council to offer financial support for Neighbourhood Planning and we regret that we are unable to do so.

However, the Government also provides some financial support for communities who choose to prepare Neighbourhood Plans in the form of grants (and in some instances technical support). Information on how Qualifying Bodies can apply is available at:

<https://mycommunity.org.uk/funding-options/neighbourhood-planning/>

The Memorandum of Agreement

This is an agreement between Durham County Council, and

Name of Qualifying Body

- by which each party agrees to abide by the requirements set out in this Memorandum of Understanding during the delivery of the **XXXXX** Neighbourhood Plan

Signatories:

.....

Dated*

Name of Qualifying Body (*This is the date upon which the agreement will commence)

.....

Dated*

Head of Planning & Assets (Durham County Council)

Appendix One: links to useful information

The following links provide various forms of information and advice on Neighbourhood Planning.

My Community:

<https://mycommunity.org.uk/take-action/neighbourhood-planning/>

Planning Aid:

<http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/what-is-neighbourhood-planning/>

Durham County Council Website:

<http://www.durham.gov.uk/article/3284/Shaping-your-neighbourhood-Neighbourhood-Development-Plans-and-Orders>

County Durham Association of Local Councils (CDALC)

<http://www.cdalc.info/>