

Memorandum of Understanding (MOU)
Between East Coker Parish Council (ECNPSG) and
South Somerset District Council

Memorandum of Understanding

between

East Coker Parish Council with East Coker Neighbourhood Planning Group and South Somerset District Council

in relation to Neighbourhood Planning

This Memorandum of Understanding is related only to Neighbourhood Planning activity. Commitment by the Parish Council to develop a Neighbourhood Plan does not change its clear position of objection to the proposed urban extension to Yeovil contained in the emerging South Somerset Local Plan, the majority of which would be located in East Coker Parish.

1. Background

- 1.1 This Memorandum of Understanding outlines the key roles and responsibilities of the main parties involved in the development of a Neighbourhood Plan for the parish of East Coker. In doing so it confirms the willingness of all parties to work positively together and sets out the protocols and parameters by which the Neighbourhood Plan will be prepared.
- 1.2 The parties are: East Coker Parish Council (ECPC), East Coker Neighbourhood Planning Group (ECNPG)¹ and South Somerset District Council (SSDC).
- 1.3 The Neighbourhood Plan will be produced for the entire Parish area of East Coker as defined by the map in Appendix 1.

¹ See Appendix 2 for Terms of Reference

- 1.4 The parties will work in co-operation to prepare a planning document for the local community that is suitable for adoption as a Neighbourhood (Development) Plan. Work on the plan and evidence produced for it could also contribute to future development plan documents and / or Local Plans produced by South Somerset District Council.

2. Roles and Responsibilities

- 2.1 ECPC, ECNPG and SSDC are committed to maintaining an open, three-way and transparent relationship to enable effective development of a Neighbourhood Plan. The key roles of each party in the neighbourhood planning process are set out below.

East Coker Parish Council

- 2.2 ECPC is the "relevant body"², with legal authority to produce a Neighbourhood Plan under neighbourhood planning regulations. It is the properly elected democratic body representing the entire local community within the Parish and is committed to ensuring that the community's views are fully reflected in future local planning decisions within the Parish.
- 2.3 The Parish Council will be responsible for the overall content of the Neighbourhood Plan prepared and for its submission to South Somerset District Council.

East Coker Neighbourhood Planning Steering Group

- 2.4 ECNPSG is a group formed of residents of East Coker acting under terms of reference and recognised by East Coker Parish Council for

² for the purposes of section 61G of the 1990 Town and Country Planning Act being the parish council for the entire neighbourhood planning area, i.e. the whole Parish.

the purpose of preparing a plan for the future development of the Parish. Its Terms of Reference are attached as Appendix 2.

2.5 ECNPSG, on behalf of the Parish Council and the community of East Coker Parish, will be responsible for carrying out the work necessary to deliver the Neighbourhood Plan.

2.6 ECNPSG will:

- i) Maintain a Steering Group to oversee the development of a Neighbourhood Plan for the parish of East Coker;
- ii) Seek to involve the whole community and gather the views and opinions of as many groups and organisations in the community as possible in the preparation of the Neighbourhood Plan. An extensive and inclusive programme of community participation and consultation will be carried-out to help develop the Plan;
- iii) Project manage the preparation of the Plan and regularly report back to the Parish Council on details of progress against timetable and budget on (at least) a monthly basis;
- iv) Act as the main conduit between the Parish Council, the local community and the District Council for neighbourhood planning matters;
- v) Submit a description of the scope of the proposed Neighbourhood Plan to East Coker Parish Council for its consideration and approval as soon as is practicable;
- vi) Liaise with relevant authorities and organisations to ensure that the Plan is as effective as possible, is fit for purpose and is in conformity with the strategic elements of the emerging District Local Plan;

- vii) Ensure that the scope and content of the Neighbourhood Plan is appropriate to the issues raised by the local community, is prepared utilising robust and proportional evidence and takes full account of national planning guidance (the National Planning Policy Framework) and Regulations governing the production of a Neighbourhood Plan; and,
- viii) Be responsible for the preparation of and consultation on the Plan and to present a final version to the Parish Council for its approval prior to the Plan being submitted for Public Examination.

South Somerset District Council

- 2.7 SSDC has a number of legal duties in relation to the production of a Neighbourhood Plan. These are: to provide advice and assistance; to confirm the formal designation of a Neighbourhood Area for the purposes of neighbourhood planning; to validate and check a plan prior to submission to an independent examination of the Neighbourhood Plan; to hold and pay for an independent examination of the Plan; and, to make arrangements and pay for a referendum. At the end of the Neighbourhood Plan process, the Plan is adopted by the local planning authority and to that end it is in the interests of SSDC to work with ECPC and ECNPG to deliver a robust, fit for purpose and high quality document.
- 2.8 For these reasons and in the spirit of working together for the benefit of the local community and in accordance with Schedule 4B of the Town and Country Planning Act 1990³, SSDC will provide the following support to ECPC / ECNPG for neighbourhood planning

³ "give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of or in connection with facilitating the preparation of Neighbourhood Development Plans." [Schedule B of the 1990 Act] ('duty to support').
NB: there is no legal requirement to give financial assistance.

activities during the process:

- i) Professional support and advice on planning matters, including the neighbourhood planning process, on policy and strategy development and during discussion with statutory Agencies, land owners and developers and their agents;
- ii) Support and advise as necessary, on the scoping and development of a proportionate Sustainability Appraisal and Appropriate Assessment of the Plan, if required;
- iii) Support and advice to the ECNPG, through attendance at its meetings, and to the ECPC as and when necessary. A lead officer will be nominated by SSDC to maintain consistency. The lead officer will be responsible for co-ordinating the input of other technical specialists from within the Council as may be required to support the process and liaise with the County Council on technical matters relevant to the County Council's responsibilities (for example Highways) where necessary;
- iv) Will consider other reasonable requests for support based on the circumstances.

2.9 SSDC will liaise with the Parish Council and ECNPG to ensure that the Neighbourhood Plan is in conformity with the strategic policies of its own Local Plan.

2.10 SSDC will apply to the Government for funding which has been made available for local authorities to provide support to the development of Neighbourhood Plans to help fulfil the support

outlined above⁴.

3. Reviewing the Memorandum of Understanding

- 3.1 This Memorandum of Understanding will be kept open to review during the development of the Neighbourhood Plan. Amendments may be made following agreement between ECPC, ECNPG and SSDC.

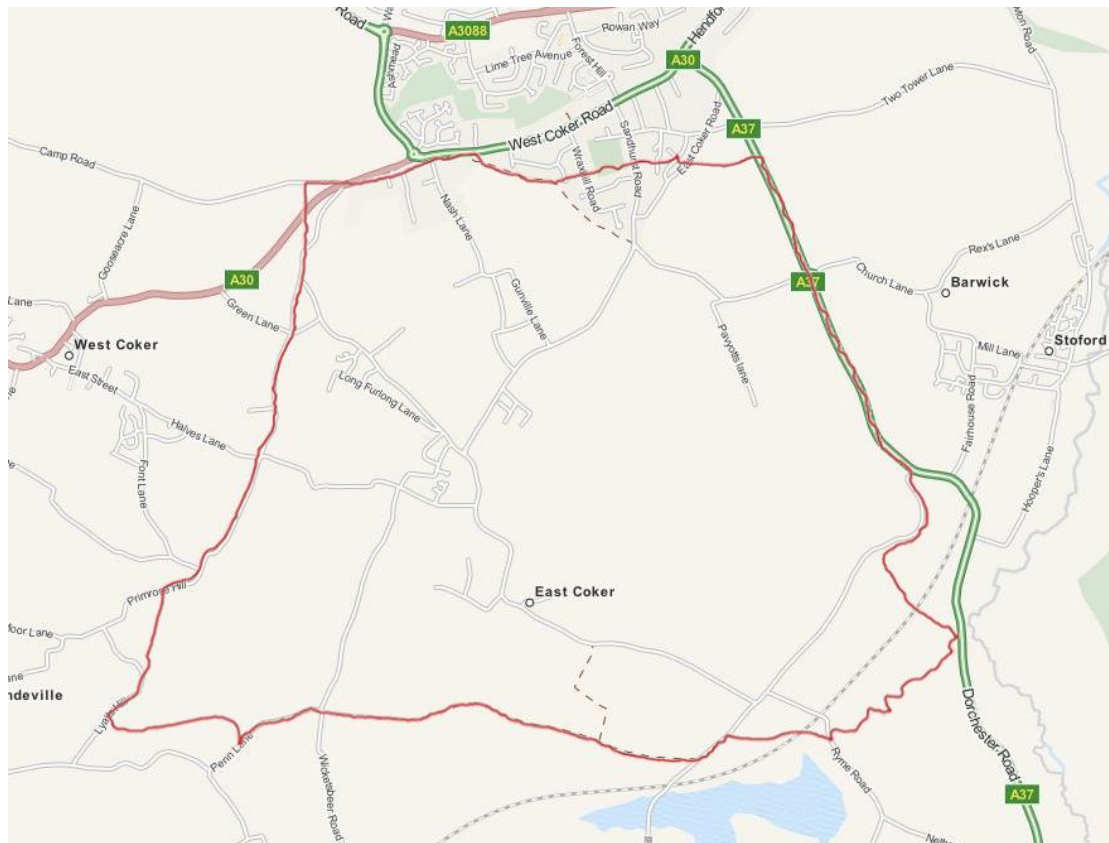
Produced with support from Stuart Todd, Independent Planning Consultant working with 'Locality'.

Date: April 2013

⁴ from 1st April 2013 local planning authorities will be able to claim for up to 20 designations (£100,000) in the financial year 2013 to 2014. The overall limit for designation payments in 2013 to 2014 has been set at £5 million. Each local authority can claim up to £30,000 in total for each Neighbourhood Plan. A first payment of £5,000 will be made following designation of the neighbourhood area, a second payment of £5,000 will be made when the Council publicises the neighbourhood plan prior to examination and a third payment of will be made £20,000 after successful completion of the examination. (See <https://www.gov.uk/government/news/new-cash-backing-more-communities-to-put-neighbourhood-plans-together>)

Appendix 1

Defined Map of Parish Area and East Coker Neighbourhood Planning Area



Appendix 2

Terms of Reference for the East Coker Neighbourhood Planning Steering Group

Background

The Steering Group has been formed by East Coker Parish Council (the Parish Council) to manage the preparation of a Neighbourhood Plan for the civil parish of East Coker.

Responsibilities

The Steering Group is an advisory body and as such will make recommendations to the Parish Council. The group will undertake the following, subject to the approval of the Parish Council:

- Prepare and implement a programme for producing the Neighbourhood Plan;
- Work with officers from South Somerset District Council to ensure that the Plan conforms to national and local policies;
- Ensure that all members of the community and other relevant bodies are fully involved in the process through community consultation events and that all relevant information is published on the Parish Council's website;
- Obtain evidence required to support the policies of the Neighbourhood Plan;
- Prepare a Sustainability Appraisal and /or Habitats Regulation Assessment if appropriate;
- Prepare a draft Neighbourhood Plan with any revisions following public consultation.

The Steering Group shall not incur expenditure without prior authority from the Parish Council.

Membership

The Steering Group will consist of members of the Parish Council together with a small number of co-opted members from the village community.

A member of the Parish Council will act as Coordinator for the process. S/he will act as the Chair of the Steering Group and coordinate the work of the various working groups.

All members of the Steering Group are to be approved by the Parish Council.

The Steering Group may invite other individuals to join working groups or teams to undertake various tasks or projects forming part of the Neighbourhood Plan process, such individuals to be approved by the Parish Council. The working groups or teams will report to the Steering Group.

Parish Councillors must observe the Code of Conduct adopted by the Parish Council when they are acting as members of the Steering Group.

Members of the Steering Group must be willing to work together for the benefit of their community. They must treat other members with respect and dignity and be prepared to consider views that are different from their own.

Meetings

The Steering Group will arrange its own meeting schedule. Meetings will be informal and do not need to be open to members of the public.

Steering Group members should declare an interest where decisions or recommendations could result in potential advantage or disadvantage, whether financial or otherwise, to them, their family or close associates.

The Steering Group may invite individuals or organisations to attend meetings to give advice on any relevant topic.

Where possible the Parish Clerk will attend Steering Group meetings as an advisory officer.

Minutes of meetings will be recorded and published on the Parish Council's website.

Working group meetings will arrange their own meeting schedules and will keep minutes of meetings, but these will be published on the Parish Council's website.

Review of Terms of Reference

The Parish Council will be responsible for agreeing the terms of reference and any relevant amendments to them.

July 2013