

Neighbourhood Planning

Memorandum of Understanding between Town
and Parish Councils and East Riding of Yorkshire
Council

Version 4 – May 2018



EAST RIDING
OF YORKSHIRE COUNCIL

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Introduction

Neighbourhood Planning enables local communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. In the East Riding, Town and Parish Councils lead on Neighbourhood Planning and can prepare *Neighbourhood Development Plans* or *Neighbourhood Development Orders*.

With a *Neighbourhood Development Plan* (or *Neighbourhood Plan*), Town and Parish Councils can shape and direct sustainable development by defining a vision and planning policies for the use and development of land in their local area.

With a *Neighbourhood Development Order* (or *Neighbourhood Order*), Town and Parish Councils can allow certain types of development within their local area, without the need to apply for planning permission.

Further information on Neighbourhood Planning, including a step by step guide to preparing a *Neighbourhood Plan* or *Order*, can be found in the East Riding Neighbourhood Planning Topic Notes, available to read here:

www.eastriding.gov.uk/neighbourhood-planning

The Council's website is the key tool used to disseminate information on Neighbourhood Planning to Town and Parish Councils and individual members of the local community. The Topic Notes will be kept under review and have been prepared to ensure a significant element of support and advice is available to Town and Parish Councils.

Please note, key terms in this memorandum are italicised. A glossary of key terms is provided in East Riding Neighbourhood Planning Topic Note 1.

East Riding of Yorkshire Council actively supports Neighbourhood Planning and has a duty to support Town and Parish Councils preparing *Neighbourhood Plans* and *Orders*. If Neighbourhood Planning is to be successful, East Riding of Yorkshire Council and Town and Parish Councils will need to work together.

Purpose of the memorandum

The purpose of this Memorandum of Understanding is to establish an effective and productive working relationship between Town and Parish Councils and East Riding of Yorkshire Council. Within East Riding of Yorkshire Council the Forward Planning team leads on Neighbourhood Planning, but other services including Planning and Development Management and Legal and Democratic Services also have important roles to play.

Memorandum of Understanding

This memorandum confirms:

- The advice and assistance East Riding of Yorkshire Council will provide in order to fulfil its statutory duties in relation to *Neighbourhood Plans* and *Orders*;
- The additional technical advice and professional assistance available from East Riding of Yorkshire Council that can be provided at a charge (subject to specific agreement with the relevant Town or Parish Council);
- How Town and Parish Councils should aim to progress their *Neighbourhood Plans* and *Orders*; and
- How Town and Parish Councils should engage with East Riding of Yorkshire Council.

This memorandum is between:-

East Riding of Yorkshire Council and **Insert name of Town or Parish Council**

Designation of Neighbourhood Area

Date *Area Application* submitted by **Insert name of Town or Parish Council**:

Date *Area Application* received by East Riding of Yorkshire Council:

Signatories

a)

Name: Jon Palmer

Position: Planning Policy Manager, On behalf of East Riding of Yorkshire Council

b)

Name:

Position:

On behalf of **Insert name of Town and Parish Council**

This memorandum will:

- Commence from the date on which the *Area Application* is received by East Riding of Yorkshire Council (noted above); and
- Continue in force from the commencement date until the *Neighbourhood Plan* or *Order* is made (adopted) by East Riding of Yorkshire Council.

Working Relationships

The parties to this memorandum seek:

- An open and constructive working relationship;
- To respect each others' views and, where these differ, after discussion 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;
- To minimise duplication of activity wherever possible; and
- To inform other relevant stakeholders about our relationship so as to reduce uncertainty.

Financing a Neighbourhood Plan or Order

East Riding of Yorkshire Council has a duty to finance certain stages of the *Neighbourhood Planning* process, including the *Examination* and *Referendum* stages, but will not provide direct financial support in relation to other stages of preparing the *Neighbourhood Plan* or *Order*.

Town and Parish Councils can apply to Locality, a national network of community-led organisations, for up to £9,000 in basic grant to help cover the costs of preparing a *Neighbourhood Plan* or *Order*. Town and Parish Council's meeting specific *Neighbourhood Plan* eligibility criteria are also able to apply for additional grant funding of up to £8,000 and can access a variety of technical support packages. This funding is confirmed to April 2022 and further information, including details on how to apply, is available here:

<https://neighbourhoodplanning.org/>

East Riding of Yorkshire Council takes no responsibility for costs incurred by Town and Parish Councils during the preparation of *Neighbourhood Plans* and *Orders*. However, East Riding of Yorkshire Council will assist Town and Parish Councils early in the process to explore opportunities that seek to minimise the cost of preparing a *Neighbourhood Plan* or *Order*. Further information on funding and support for Neighbourhood Planning is available in East Riding Neighbourhood Planning Topic Note 6.

East Riding of Yorkshire Council - Statutory Roles/ Responsibilities

Under the provisions of the *Localism Act (2011)*, East Riding of Yorkshire Council is responsible for fulfilling certain statutory requirements in relation to Neighbourhood Planning.

Table 1 (below) sets out the advice and assistance East Riding of Yorkshire Council will provide to meet its statutory obligations in relation to *Neighbourhood Plans* and *Orders*. It also provides details of the timescales in which the Council will report *Neighbourhood Plans* and *Orders* through The Cabinet and Full Council for formal member endorsement.

Table 1: East Riding of Yorkshire Council - Statutory Roles and Responsibilities

Stage	East Riding of Yorkshire Council Action
1) Designating the Neighbourhood Area	
1.1) Preparing the Area Application	The Council will provide, to the Town or Parish Council (or steering group), by email, a digitised map of the proposed <i>Neighbourhood Area</i> .
	<p>At the request of the Town or Parish Council, and prior to the submission of the <i>Area Application</i>, an officer from the Forward Planning Team will attend an initial meeting to discuss:</p> <ul style="list-style-type: none"> • The process for preparing a <i>Neighbourhood Plan</i> or <i>Order</i>; • The role and potential content of a <i>Neighbourhood Plan</i> or <i>Order</i>; • The requirements of other legislation such as the <i>Habitats Regulations, Strategic Environmental Assessment and Environmental Impact Assessment (Neighbourhood Orders only)</i>; and • Advice on the suitability of a proposed <i>Neighbourhood Area</i> where this differs from the existing Town or Parish boundary. <p>This meeting is separate to the meetings specified at stage 2.2 and stage 2.7.</p>
1.2) Publicise the Area Application	<p>The Council will publicise the <i>Area Application</i> on its website as soon as possible following receipt of the application.</p> <p>Should the proposed <i>Neighbourhood Area</i> follow the existing parish boundary there will be no consultation on the <i>Neighbourhood Area</i>.</p> <p>Should the proposed <i>Neighbourhood Area</i> not follow the existing parish boundary, there is a 6 week consultation period.</p> <p>Where relevant, the consultation period commences from the date the <i>Area Application</i> is first publicised by East Riding of Yorkshire Council.</p> <p>Details of the consultation, including how to make comments and the deadline for comments to be made, will be made available on the Council's website.</p> <p>If consultation is necessary, the Council will bring the <i>Area Application</i> to the</p>

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	<p>attention of people living, working and carrying out business in the area, including:</p> <ul style="list-style-type: none"> • The Town or Parish Council responsible for the <i>Area Application</i>, Ward Councillors and neighbouring Town and Parish Councils; • Statutory consultees (for example Historic England, Natural England and the Environment Agency); • Consultees in the area who are registered on the <i>East Riding Local Plan</i> contact database; and • Individuals or organisations with known land interests in the <i>Neighbourhood Area</i>. <p>The Council will make Ward Councillors and the Portfolio Holders for Asset Management, Environment and Housing; and Planning, Highways and Transportation aware an <i>Area Application</i> has been received.</p> <p>The Council will include the receipt of the <i>Area Application</i> as an item in the Corporate Management Team/Cabinet briefing.</p>
<p>I.3) Determine the Area Application</p>	<p>The Council will designate the proposed <i>Neighbourhood Area</i> without delay where:</p> <ul style="list-style-type: none"> • It comprises the whole administrative area of the Town or Parish Council; or • An existing <i>Neighbourhood Area</i> is being enlarged to encompass the whole of the Town or Parish Council's administrative area. <p>The Council will consider the following issues for an <i>Area Application</i> that does not cover the whole administrative area of the Town or Parish Council:</p> <ul style="list-style-type: none"> • The reasons why the Town or Parish Council believe the proposed area to be an appropriate <i>Neighbourhood Area</i>; • The desirability of maintaining the existing boundaries of areas already designated as <i>Neighbourhood Areas</i> (designated areas must not overlap); and • Whether the area should be designated as a <i>Business Area</i>. <p>If consultation is necessary (see stage I.2), the Council will determine the <i>Area Application</i> within the following timescales:</p> <ul style="list-style-type: none"> • 20 weeks - where the proposed <i>Neighbourhood Area</i> falls within the areas of two or more local planning authorities. • 13 weeks - where the proposed <i>Neighbourhood Area</i> does not follow existing parish boundaries. <p>The above timescales commence from the date the <i>Area Application</i> is first publicised for consultation by East Riding of Yorkshire Council.</p>
<p>I.4) Publicise approval</p>	<p>As soon as possible following approval of the <i>Area Application</i>, the Council will</p>

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of an Area Application	<p>publicise on its website, and by other means as appropriate:</p> <ul style="list-style-type: none"> • The name of the <i>Neighbourhood Area</i>; • A map identifying the <i>Neighbourhood Area</i>; • The name of the Town or Parish Council that applied for the designation and; • The decision record approving the <i>Area Application</i>.
	<p>The Council will notify the following people/organisations of the decision:</p> <ul style="list-style-type: none"> • The Town or Parish Council responsible for the <i>Area Application</i>; • Ward Councillors and neighbouring Town and Parish Councils; • Statutory consultees; • Consultees in the area who are registered on the <i>East Riding Local Plan</i> contact database; and • Individuals or organisations with known land interests in the <i>Neighbourhood Area</i>.
	<p>Provide to the Town or Parish Council (or steering group), by email, a digitised map of the designated <i>Neighbourhood Area</i>.</p>
	<p>The Council will sign up to the Memorandum of Understanding upon designation of the <i>Neighbourhood Area</i>.</p>
Or 1.5) Publicise refusal of an Area Application	<p>As soon as possible following refusal of the <i>Area Application</i> the Council will publicise on its website, and by other means as appropriate:</p> <ul style="list-style-type: none"> • The decision and the reasons for making the decision (the <i>decision document</i>); and • Details of when and where the <i>decision document</i> can be viewed.
	<p>The Council will notify the following people/organisations of the decision:</p> <ul style="list-style-type: none"> • The Town or Parish Council responsible for the <i>Area Application</i>; • Ward Councillors and neighbouring Town and Parish Councils; • Statutory consultees; • Consultees in the area who are registered on the <i>East Riding Local Plan</i> contact database; and • Individuals or organisations with known land interests in the <i>Neighbourhood Area</i>.
2) Preparation of the <i>Neighbourhood Plan</i> or <i>Order</i>	
2.1) Point of contact	<p>The Council will provide a named officer from the Forward Planning Team as a main point of contact. The officer will be available by email and telephone.</p> <ul style="list-style-type: none"> • For the <u>** Neighbourhood Plan/Order**</u> the officer is: <u>** Name**</u> • Contact details: <u>**Details**</u>
2.2) Attendance at meetings	<p>The Council will attend Town and Parish Council and/or Steering Group meetings and events where specific input by East Riding of Yorkshire Council is required and requested (up to a maximum of 2 meetings per year).</p>

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	<p>These meetings are separate to the meetings specified at stage 1.1 and stage 2.7. Officers will not attend all meetings/events organised by the Town or Parish Council and/or Steering Group.</p> <p>Attendance at more than 2 meetings per year will require prior agreement with the Town or Parish Council and would be subject to an hourly charge (plus expenses) to cover the planning officer's time, inclusive of preparatory and follow-up work. Outside of these meetings the appointed officer will be available to provide support and advice using the contact details above. Details of charges for additional meetings is set out in table 2.</p>
2.3) Published advice	<p>The Council will provide on its Neighbourhood Planning webpage a series of topic notes for Town and Parish Councils. These will include up to date information in respect of the legislation and procedures involved in preparing a <i>Neighbourhood Plan</i> or <i>Order</i> and details of the funding available. The Topic Notes were published in November 2015 and are available to view here:</p> <p>http://www2.eastriding.gov.uk/ neighbourhood-planning/</p>
2.4) Electronic material	<p>The Council will make relevant elements of the <i>East Riding Local Plan</i> Evidence Base available electronically.</p>
2.5) Professional advice and assistance	<p>The Council will provide advice and assistance in relation to:</p> <ul style="list-style-type: none"> • The <i>East Riding Local Plan</i> and conformity matters; • Other work areas, for example, trees and landscape, conservation and highways management; • Evidence likely to be required; • Information on case studies (as they emerge); • Drafting a vision, objectives, policies; • Structuring the document; • Environmental Assessment; • Funding a <i>Neighbourhood Plan</i> or <i>Order</i>; and • Sign posting to relevant contacts within the Council or other stakeholders/organisations as necessary.
2.6a) Environmental Assessment (<i>Neighbourhood Plans</i>)	<p>Within 7 weeks of receipt of a valid screening opinion request form from the Town or Parish Council, the Council will issue a <i>Strategic Environmental Assessment</i> (SEA) Screening Opinion.</p>
	<p>The Council will issue an Initial Screening Opinion in relation to the <i>Habitats Regulation Assessment</i> (HRA) alongside the SEA Screening Opinion.</p>
	<p>Within 28 days of issuing the Screening Opinion the Council will:</p> <ul style="list-style-type: none"> • Publish the Screening Opinion on its website; and • Ensure a copy of the Screening Opinion is available for public inspection at County Hall, Beverley.
	<p>The Council will send an electronic copy of the Screening Opinion to the Town or Parish Council, Historic England, The Environment Agency and Natural England.</p>

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2.6b) Environmental Assessment (<i>Neighbourhood Orders</i>)	<p>Within 3 weeks of receipt of a valid <i>Environmental Impact Assessment (EIA)</i> Screening Opinion, issue an Environmental Impact Assessment Screening Opinion.</p> <p>Issue an Initial Screening Opinion in relation to the <i>Habitats Regulation Assessment (HRA)</i> alongside the EIA Screening Opinion.</p> <p>Within 5 weeks of receipt of a valid EIA Scoping Opinion, issue an Environmental Impact Assessment Scoping Opinion.</p> <p>Publish the following documents on its website:</p> <ul style="list-style-type: none"> • Request for a Screening Opinion; and • Scoping Opinion Determination. <p>Make copies of the above documents available for public inspection at County Hall, Beverley and on its website.</p>
2.7) Draft <i>Neighbourhood Plan</i> or <i>Order</i>	<p>The Council will provide advice and assistance on:</p> <ul style="list-style-type: none"> • Conformity of the <i>Neighbourhood Plan</i> or <i>Order</i> and whether it meets the <i>Basic Conditions</i> (see East Riding Neighbourhood Planning Topic Note 3); • Suitability of the <i>Basic Conditions Statement</i> and <i>Consultation Statement</i>; • Suitability of any Environmental Assessment undertaken; and • Conformity with other legislative requirements. <p>The Council will provide comments on a complete draft <i>Neighbourhood Plan</i> or <i>Order</i>. This would be reported through The Cabinet only if there are key issues, politically contentious and/or significant concerns with the draft <i>Plan</i> or <i>Order</i>.</p> <p>During the preparation of the <i>Neighbourhood Plan</i> or <i>Order</i>, the Council will organise one meeting with representatives from the Town or Parish Council, Forward Planning, Planning and Development Management and other departments/stakeholders as relevant to discuss the <i>Neighbourhood Plan</i> or <i>Order</i> and ensure the policies in the <i>Neighbourhood Plan</i> or <i>Order</i> can be implemented.</p> <p>This meeting will take place at the Council's main office (County Hall, Beverley) and is separate from the meetings of the Town or Parish Council or Steering Group, noted at stage 1.1 and 2.2.</p>
2.8) Pre-submission <i>Neighbourhood Plan</i> or <i>Order</i>	<p>The Council will provide a response (including comments from relevant departments) on a complete Pre-submission <i>Neighbourhood Plan</i> or <i>Order</i>. This response would be reported through The Cabinet only if there are key issues, politically contentious and/or significant concerns with the Pre-submission <i>Neighbourhood Plan</i> or <i>Order</i>.</p>
3) Submission <i>Neighbourhood Plan</i> or <i>Order</i>	

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<p>3.1) Check the Submission <i>Neighbourhood Plan</i> or <i>Order</i></p>	<p>On receipt of a Submission <i>Neighbourhood Plan</i>, or <i>Order</i> the Council will check the following:</p> <ul style="list-style-type: none"> • Whether the Town or Parish Council is authorised to act in relation to the <i>Neighbourhood Plan</i> or <i>Order</i>; • Whether the <i>Plan</i> or <i>Order</i> meets the definition and scope of what can be included in a <i>Neighbourhood Plan</i> or <i>Order</i>; • Whether the correct documents have been submitted; • Whether the Town or Parish Council has undertaken the correct procedures in relation to consultation and publicity; and • Whether or not the <i>Neighbourhood Plan</i> or <i>Order</i> complies with paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended)¹. <p>The Submission <i>Neighbourhood Plan</i> or <i>Order</i> will be reported to The Cabinet at this stage only if there are key issues, potentially contentious and/or significant concerns with the <i>Neighbourhood Plan</i> or <i>Order</i>.</p>
<p>3.2) Publicise the Submission <i>Neighbourhood Plan</i> or <i>Order</i></p>	<p>The Council will bring the Submission <i>Neighbourhood Plan</i> or <i>Order</i> to the attention of people living, working and carrying out business in the area, including:</p> <ul style="list-style-type: none"> • The Town or Parish Council responsible for the <i>Area Application</i>, Ward Councillors and neighbouring Town and Parish Councils; • Statutory consultees; • Consultees who are registered on the <i>East Riding Local Plan</i> contact database; and • Individuals or organisations with known land interests in the <i>Neighbourhood Area</i>. <p>The Council will publicise the Submission <i>Neighbourhood Plan</i> or <i>Order</i> on its website and by other means as appropriate. This will set out:</p> <ul style="list-style-type: none"> • The <i>Neighbourhood Plan</i> or <i>Order</i>; • Where and when it can be inspected; • How to make comments on the <i>Neighbourhood Plan</i> or <i>Order</i>; • How to request notification of the decision taken by East Riding of Yorkshire Council in relation to the <i>Neighbourhood Plan</i> or <i>Order</i>; and • The deadline for the receipt of comments (not less than 6 weeks from the first day the <i>Neighbourhood Plan</i> or <i>Order</i> is publicised). <p>In the case of <i>Neighbourhood Orders</i>, the Council will also:</p> <ul style="list-style-type: none"> • Display the <i>Environmental Statement</i> in at least one place on or near the land to which the <i>Order</i> relates and publicise the <i>Environmental Statement</i>

¹ Available from: <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted>

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	in the local newspaper. This is only relevant where an Environmental Statement is required.
4) Examination of <i>Neighbourhood Plan</i> or <i>Order</i>	
4.1) Appoint an examiner	Within 6 weeks (where practicable) of the close of the consultation period, and in agreement with the Town or Parish Council, the Council will appoint an <i>Independent Examiner</i> .
4.2) Submit the Submission <i>Neighbourhood Plan</i> or <i>Order</i> to the Examiner	<p>Within 2 weeks of appointment, the Council will send the following documents to the <i>Independent Examiner</i>:</p> <ul style="list-style-type: none"> • Map identifying the area to which the <i>Plan</i> or <i>Order</i> relates; • The Submission <i>Plan</i> or <i>Order</i>; • The <i>Consultation Statement</i>; • The <i>Basic Conditions Statement</i>; • The <i>Strategic Environmental Assessment (SEA) Screening Opinion</i> and <i>Environmental Report</i> for a <i>Neighbourhood Plan</i>, or reasons why one is not required; • An <i>Environmental Statement</i> for a <i>Neighbourhood Order</i>, if required; • The <i>Habitats Regulations Screening Assessment</i>, and if required the <i>Appropriate Assessment</i>; • Any other relevant evidence or documentation submitted to East Riding of Yorkshire Council by the Town or Parish Council in relation to the <i>Neighbourhood Plan</i> or <i>Order</i>; and • A copy of the comments received in response to the Submission <i>Plan</i> or <i>Order</i> Consultation. <p>The Council may also submit comments on the Submission <i>Plan</i> or <i>Order</i> to the Examiner at this stage if there are outstanding key issues or potentially contentious and/or significant concerns with the <i>Plan</i> or <i>Order</i>.</p>
4.3) Arrange the Examination	The Council will make appropriate arrangements to hold the <i>Examination</i> (should there be a need for hearing sessions).
4.4) Arrange the Examination	The Council will finance the <i>Examination</i> , including the appointment of the <i>Independent Examiner</i> .
4.5) During the Examination	The Council will support the <i>Neighbourhood Plan</i> or <i>Order</i> if it meets the <i>Basic Conditions</i> .
5) After the Examination	
5.1) Publicise the Examiner's Report	Within 2 weeks of receiving the <i>Independent Examiner's</i> report, the Council will publicise the report on its website, and by other means as appropriate.
5.2) Action following Examiner's Report	<p>On receipt of the <i>Independent Examiner's</i> report, the Council will consider each of the Examiner's recommendations and come to a formal view on whether the <i>Neighbourhood Plan</i> or <i>Order</i> meets the <i>Basic Conditions</i>.</p> <p>The Council will determine if any modifications should be made to ensure the <i>Neighbourhood Plan</i> or <i>Order</i>:</p>

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	<ul style="list-style-type: none"> • Meets the <i>Basic Conditions</i>; • Complies with the Human Rights Act 1998; • Complies with the definition of a <i>Neighbourhood Plan</i> or <i>Order</i> and the provisions that can be made by a <i>Plan</i> or <i>Order</i>; and • Complies with suitable periods for making applications and starting development (<i>Neighbourhood Order</i>). <p>The Council will determine the <i>Neighbourhood Plan</i> or <i>Order</i> is unsatisfactory if does not meet one or more of the aforementioned points.</p>
<p>5.3) Decision on the <i>Neighbourhood Plan</i> or <i>Order</i></p>	<p>Within 5 weeks of receiving the report, the Council must decide whether it agrees with the recommendations of the Examiner. The Council will publish the following information on its website and by other means as appropriate:</p> <ul style="list-style-type: none"> • The decision made on the <i>Neighbourhood Plan</i> or <i>Order</i> and the reasons for that decision (the <i>Decision Statement</i>); • Details of where and when the <i>Decision Statement</i> can be inspected; and • The <i>Independent Examiner's</i> report. <p>Send a written notice of the decision to the Town or Parish Council and any person asked to be notified of the decision.</p> <p>If the Council comes to a different view from the Examiner, the Council will undertake an additional consultation for 6 weeks. At this stage the following individuals/organisations will be consulted:</p> <ul style="list-style-type: none"> • The relevant Town/Parish Council; • Anyone who made representations to the <i>Submission Neighbourhood Plan</i> or <i>Order</i> (see stage 3.2); • Anyone mentioned in the <i>Consultation Statement</i>; • Statutory consultees; and • Additional parties (at the discretion of East Riding of Yorkshire Council). <p>Where there has been additional consultation, the Council will issue its final decision within 5 weeks following the close of the consultation period.</p>
<p>6) <i>Neighbourhood Plan</i> or <i>Order</i> Referendum</p>	
<p>6.1) Make arrangements for the referendum</p>	<p>The Council will organise and finance the <i>referendum</i> to take place within 56 days of the publication of the <i>Decision Statement</i>. This timescale applies except in the following cases:</p> <ul style="list-style-type: none"> • The referendum can be combined with another poll that is due to be held within three months of the end of the 56 working day period; • There are unresolved legal challenges to East Riding of Yorkshire Council's decision to hold a referendum; or • East Riding of Yorkshire Council and the Town/Parish Council agree a different timetable.

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	<p>Publish notice of a <i>referendum</i> for at least 28 working days prior to a <i>referendum</i> being held.</p> <p>Take a report to The Cabinet noting the decision to proceed to a <i>referendum</i> and request approval to make (adopt) the <i>Neighbourhood Plan</i> or <i>Order</i> following a successful <i>referendum</i> outcome.</p>
6.2) Make specified documentation available	<p>Within at least 28 working days before the <i>referendum</i>, the Council will publish the <i>Information Statement</i> and specified documents (see below) on its website and make them available at County Hall, Beverley and at least one other public building local to the <i>Neighbourhood Area</i>.</p> <p>Ensure documentation is available throughout the <i>referendum</i> period.</p> <p>Include the following in the <i>Information Statement</i>:</p> <ul style="list-style-type: none"> • The date of the <i>referendum</i>; • The question to be asked; • A map of the <i>referendum</i> area; • Where the <i>referendum</i> area and <i>Neighbourhood Area</i> are not identical, a map of the <i>Neighbourhood Area</i>; • A description of those entitled to vote in each <i>referendum</i>; • The <i>referendum expenses limit application</i> and the number of people identified as entitled to vote on which the limit was calculated; • That the <i>referendum</i> will be conducted in accordance with procedures similar to those for local government elections; and • The address and times at which a copy of the specific documents can be inspected. <p>Publish the following specified documents:</p> <ul style="list-style-type: none"> • Submission <i>Neighbourhood Plan</i> or <i>Order</i>; • <i>Independent Examiner's</i> report; • Summary of comments submitted to the <i>Independent Examiner</i>; • Statement confirming East Riding of Yorkshire Council is satisfied the <i>Neighbourhood Plan</i> or <i>Order</i> meets the <i>Basic Conditions</i>; and • General information on the <i>Neighbourhood Plan</i> or <i>Order</i> and the <i>referendum</i>.
7. Making the <i>Neighbourhood Plan</i> or <i>Order</i>	
7.1) Making (adopting) <i>Neighbourhood Plan</i> or <i>Order</i>	<p>Within 8 weeks of a successful <i>referendum</i> make (adopt) the <i>Neighbourhood Plan</i> or <i>Order</i> and publish a final <i>Decision Statement</i>, including reasons why the <i>Neighbourhood Plan</i> or <i>Order</i> has been made (adopted).</p> <p>Send a copy of the final <i>Decision Statement</i> to the Town or Parish Council and any person who asked to be notified of the decision.</p>
7.2) Publicising the	As soon as possible following the making (adoption) of the <i>Plan</i> or <i>Order</i> , publish:

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Stage	East Riding of Yorkshire Council Action
made (adopted) <i>Neighbourhood Plan</i> or <i>Order</i>	<ul style="list-style-type: none">• Details of the made (adopted) <i>Neighbourhood Plan</i> or <i>Order</i> including where the <i>Neighbourhood Plan</i> or <i>Order</i> can be viewed; and• The <i>Environmental Report</i>, where the <i>Neighbourhood Plan</i> has been subject to the <i>Strategic Environmental Assessment Directive</i>.

East Riding of Yorkshire Council - Additional Technical Advice and Support

As part of the memorandum, table 2 (below) sets out the additional (chargeable) technical advice and assistance East Riding of Yorkshire Council can provide to Town and Parish Councils preparing a *Neighbourhood Plan* or *Order*.

Please note, the chargeable support is separate from the statutory support currently provided by the Council (set out in Table 1) and is offered at the discretion of the Council. In some cases, the advice and assistance currently offered by the Council as part of its statutory role will be sufficient to progress a *Neighbourhood Plan* or *Order*. Should additional chargeable support be required, the funding available to Town and Parish Councils (set out on page 5) will, in many cases, cover the cost of plan making (including the additional support set out in Table 2). The Council can advise further on this matter.

East Riding of Yorkshire Council could undertake any of the tasks below when specifically commissioned to do so, at a rate agreed separately with the Town or Parish Council. A range of costs are provided in table 2 for the various types of advice and assistance offered at the discretion of the Council. The majority of costs are based on standard hourly rates.

Please note the exact cost will depend on the specific nature and complexity of the task, the time taken to complete the work and is subject to agreement with the Town or Parish Council.

Table 2: East Riding of Yorkshire Council – additional technical advice and assistance

Stage		Charge
Preparation of the <i>Neighbourhood Plan</i> or <i>Order</i>		
Attendance at meetings	Attendance at meetings/events. These meetings are additional to the meetings/events include at table 1 (see stage 1.1, 2.2 and 2.7).	£40 per hour including travel time (plus VAT and mileage expenses)
Project Plan	Preparation of a draft project plan/timetable for the production of the <i>Neighbourhood Plan</i> or <i>Order</i> in consultation with, and on behalf of, the Town or Parish Council.	£40 per hour (plus VAT)
Mapping	Provision of electronic customised maps designed specifically for the <i>Neighbourhood Plan</i> or <i>Order</i> . These maps are additional to those provided in table 1 (see stage 1.1 and 1.4).	£20 per hour (plus VAT)
Printed material	Provision of printed material (including maps).	Available on request. Cost varies depending on size and

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Stage		Charge
		whether the print is required in black and white or colour. Post and package charge may apply. (plus VAT)
Background data, analysis and evidence base	Preparation of evidence base work, data collection and analysis in consultation with, and on behalf of, the Town or Parish Council, including the following: <ul style="list-style-type: none"> • Site assessment, including site visits; • Development limits methodology; • Local Green Space assessment; and • Other work as agreed. 	£40 per hour (plus VAT)
	Preparation of evidence base work, data collection and analysis in consultation with, and on behalf of, the Town or Parish Council, in relation to the following Planning and Development Management matters: <ul style="list-style-type: none"> • Trees; • Landscape and Visual Impact; • Ecology; • Conservation; • Listed Buildings; • Highways; and • Other work as agreed. 	Price available on request
Environmental Assessment	Preparation of Environmental Reports and Assessments in consultation with, and on behalf of, the Town or Parish Council. This report is additional to the environmental assessment provided in table I (see stage 2.6a/b).	£40 per hour (plus VAT)
Consultation	Preparation of a questionnaire or survey in consultation with, and on behalf of, the Town or Parish Council for community consultation purposes.	£40 per hour (plus VAT)
	Preparation of consultation material, for example posters and other display material.	£40 per hour (plus VAT)
	Organise and/or facilitate consultation events.	£40 per hour including travel time (plus VAT and mileage expenses)

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Stage		Charge
	Analysis of data collected for community consultation purposes in consultation with, and on behalf of, the Town or Parish Council. This could include preparation of a report on findings and recommendations.	£40 per hour (plus VAT)
Draft <i>Neighbourhood Plan or Order</i>	<p>In consultation with, and on behalf of the Town or Parish Council, preparation of a draft <i>Neighbourhood Plan or Order</i>. This may include one or all of the following tasks:</p> <ul style="list-style-type: none"> • Provision of template for structuring the <i>Neighbourhood Plan or Order</i>; • Preparation of a draft vision; • Preparation of draft objectives/aims; • Preparation of draft planning policies and supporting text; • Preparation of a complete draft <i>Neighbourhood Plan or Order</i>; and • Revisions to draft <i>Neighbourhood Plan or Order</i>. 	£40 per hour (plus VAT)
Pre-submission <i>Neighbourhood Plan or Order</i>	<p>Preparation of the following documents in consultation with, and on behalf of, the Town or Parish Council:</p> <ul style="list-style-type: none"> • <i>Consultation Statement</i> • <i>Basic Conditions Statement</i> 	£40 per hour (plus VAT)

Town or Parish Council - Roles and Responsibilities

Table 3 (below) of the memorandum sets out the roles and responsibilities of Town and Parish Councils in preparing their *Neighbourhood Plan* or *Order*.

Table 3: Town and Parish Council - roles and responsibilities

Stage	**Insert name of Town or Parish Council** will:-
Submit Area Application	<p>Following initial consultation with East Riding of Yorkshire Council, submit an application for the designation of a <i>Neighbourhood Area</i> using the <i>Area Application Form</i>, available here:</p> <p>http://www2.eastriding.gov.uk/ neighbourhood-planning/</p> <p>Request a digitised map by email showing the proposed <i>Neighbourhood Area</i> from East Riding of Yorkshire Council.</p> <p>Sign up to the Memorandum of Understanding.</p>
Publicise the proposed Neighbourhood Area	<p>Promote the proposed <i>Neighbourhood Area</i> and the intention to prepare a <i>Neighbourhood Plan</i> or <i>Order</i> on their website (where possible) and any other means available (for example, notice boards and local/householder newsletters).</p>
Preparing a <i>Neighbourhood Plan</i> or <i>Order</i> - the initial stages	<p>Establish a <i>steering group</i> to develop the <i>Neighbourhood Plan</i> or <i>Order</i> and a clear reporting link to the Parish Council via an agreed terms of reference.</p> <p>Publish the <i>terms of reference</i>.</p> <p>Involve a range of people (not just the Town or Parish Council) in the <i>steering group</i> to ensure the wider community is involved and best use is made of all skills available in the local community.</p> <p>Commit adequate resources to the task.</p> <p>Consider applying for funding and other external support (see East Riding Neighbourhood Planning Topic Note 6).</p> <p>Consider setting up a dedicated webpage for the <i>Neighbourhood Plan</i> or <i>Order</i>.</p> <p>Prepare a <i>Project Plan</i> setting the stages and timetable in completing the <i>Neighbourhood Plan</i>.</p>
Request a Screening Opinion (<i>Neighbourhood Plan</i>)	<p>Request a <i>Strategic Environmental Assessment Screening Opinion</i> by completing the screening opinion request form, available here:</p> <p>http://www2.eastriding.gov.uk/ neighbourhood-planning/</p>

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Stage	**Insert name of Town or Parish Council** will:-
	Send the completed screening opinion request form to East Riding of Yorkshire Council.
Request a Screening Opinion and consider requesting a Scoping Opinion (<i>Neighbourhood Order</i>)	<p>Write to the Forward Planning team at the Council to request an <i>Environmental Impact Assessment (EIA) Screening Opinion</i>. This letter should include:</p> <ul style="list-style-type: none"> • A plan identifying the location and extent of the proposed development site; • A description of the nature and purpose of the proposed development; and • An objective description of the potential impact on the environment. <p>Consider asking East Riding of Yorkshire Council for their opinion on what information needs to be included in the <i>Environmental Statement</i> (this is called a scoping opinion). It is not mandatory for a Town or Parish Council to request a scoping opinion.</p>
Preparing a <i>Neighbourhood Plan or Order</i>	<p>Convene on a regular basis throughout the period of preparation of the <i>Neighbourhood Plan or Order</i> and the <i>Examination</i>.</p> <p>Make the minutes of all meetings publically available.</p> <p>Have regard to the relevant provisions of their <i>Code of Conduct</i> to avoid those with land interests steering the preparation of the <i>Neighbourhood Plan or Order</i>.</p> <p>Undertake work towards preparation of a <i>Neighbourhood Plan or Order</i> in accordance with the <i>project plan</i>.</p> <p>Provide regular updates on progress against the <i>project plan</i> to East Riding of Yorkshire Council via the named support officer.</p> <p>Lead and resource the preparation of the <i>Neighbourhood Plan or Order</i>, including the following tasks:</p> <ul style="list-style-type: none"> • Engage and consult those living and working in the <i>Neighbourhood Area</i> and those with an interest or affected by the proposals; • Maintain an ongoing record of consultation events associated with the preparation of the <i>Neighbourhood Plan or Order</i>; • Ensure data protection requirements are met; • Gather baseline information and evidence; • Develop and decide on the vision and objectives; • Draft planning policies and proposals;

Stage	**Insert name of Town or Parish Council** will:-
	<ul style="list-style-type: none"> • Identify and assess options; • Carry out any necessary environmental assessment to ensure compliance with European Union directives, <i>Environmental Impact Assessment Regulations</i> and national policy/<i>Local Plan</i> (carrying out a <i>Strategic Environmental Assessment</i> and <i>Habitats Regulation Assessment</i> as necessary). (See East Riding Neighbourhood Planning Topic Note 4); • Avoid writing planning policies which duplicate/repeat policies in the <i>East Riding Local Plan</i>; and • Write the <i>Neighbourhood Plan</i> or <i>Order</i>. <p>Consider submitting the final draft <i>Plan</i> for an independent and impartial health check. This is a service for Town and Parish Councils who feel their draft <i>Plans</i> are ready to progress to the Pre-submission formal consultation. Further information on this service is available here:</p> <p>http://www.rics.org/uk/join/member-accreditations-list/dispute-resolution-service/drs-products/neighbourhood-planning-independent-examiner-referral-service-npiers/</p>
<p>Prior to commencing the Pre-submission consultation</p>	<p>Before the formal <i>Pre-submission</i> consultation takes place, be satisfied that:</p> <ul style="list-style-type: none"> • A complete draft <i>Neighbourhood Plan</i> or <i>Order</i> has been prepared that satisfies the <i>Basic Conditions</i> (having undertaken a Health Check where possible); • All development proposals involving landowners are deliverable and realistic; and • There is general support from the community and other stakeholders. <p>Seek the views of East Riding of Yorkshire Council on the documents intended to be used for the <i>Pre-submission</i> consultation.</p>
<p>Pre-submission consultation</p>	<p>Hold a 6 week period of consultation on the Pre-submission <i>Neighbourhood Plan</i> or <i>Order</i> prior to submitting it East Riding of Yorkshire Council. This involves publicising the following information:</p> <ul style="list-style-type: none"> • Details of the Pre-submission <i>Neighbourhood Plan</i> or <i>Order</i>; • Details of where and when the Pre-submission <i>Plan</i> or <i>Order</i> may be inspected; and • Details of how residents, businesses and statutory consultees can make comments. Consultation must take place for a minimum of 6 weeks.

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Stage	**Insert name of Town or Parish Council** will:-
	<p>Ensure the correct people and organisations are consulted, requesting advice from East Riding of Yorkshire Council where necessary.</p> <p>Provide East Riding of Yorkshire Council with the following:</p> <ul style="list-style-type: none"> • The Pre-submission <i>Neighbourhood Plan</i> or <i>Order</i> in an electronic format; • Copies of any Environmental Assessment undertaken; and • A list of the statutory bodies consulted on the Pre-submission <i>Plan</i> or <i>Order</i>.
Consider changes to the Pre-submission <i>Neighbourhood Plan</i> or <i>Order</i>	Consider making changes to their <i>Neighbourhood Plan</i> or <i>Order</i> before submitting it to East Riding of Yorkshire Council. This might be necessary depending on the issues raised in response to the consultation.
Prior to submission of <i>Neighbourhood Plan</i> or <i>Order</i>	Seek the views of East Riding of Yorkshire Council on the documents the Town or Parish Council intend to submit. East Riding of Yorkshire Council can provide advice on the preparation of the <i>Consultation Statement</i> and <i>Basic Conditions Statement</i> .
Submission <i>Neighbourhood Plan</i> or <i>Order</i>	<p>Submit the Submission <i>Plan</i> or <i>Order</i> to East Riding of Yorkshire Council in an electronic format with:</p> <ul style="list-style-type: none"> • A map identifying the <i>Neighbourhood Area</i>; • A <i>Consultation Statement</i> stating who was consulted, how they were consulted, the main issues raised, and how these were considered and, where relevant, addressed in the <i>Neighbourhood Plan</i> or <i>Order</i>; • A <i>Basic Conditions Statement</i> explaining how the <i>Neighbourhood Plan</i> or <i>Order</i> meets each of the <i>Basic Conditions</i>; and • Where required, an <i>Environmental Report</i>.
Examination	<p>Work with East Riding of Yorkshire Council to agree the appointment of an <i>Independent Examiner</i>.</p> <p>Keep the local community up to date with the progress of the <i>Neighbourhood Plan</i> or <i>Order</i> through the <i>Examination</i> process.</p> <p>If significant changes are needed to the <i>Neighbourhood Plan</i> or <i>Order</i> following the <i>Independent Examiner's</i> report, discuss these with East Riding of Yorkshire Council and consider the need to carry out further consultation before proceeding to the <i>referendum</i>.</p>
Referendum	If the <i>referendum</i> result is a 'no' vote for the <i>Neighbourhood Plan</i> or <i>Order</i> , repeat the <i>Neighbourhood Plan</i> or <i>Order</i> making process. This is necessary because East Riding of Yorkshire Council cannot make

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Stage	**Insert name of Town or Parish Council** will:-
	(adopt) a <i>Neighbourhood Plan</i> or <i>Order</i> without a successful referendum. This process may include further consultation. The same <i>Neighbourhood Plan</i> or <i>Order</i> cannot be re-submitted for <i>Examination</i> .
Making (adoption) of the <i>Neighbourhood Plan</i> or <i>Order</i>	Consider preparing a <i>monitoring/implementation plan</i> setting out how the <i>Neighbourhood Plan</i> or <i>Order</i> will be monitored and reviewed.

Progress Review

The progress on the *Neighbourhood Plan or Order* and success of the support from East Riding of Yorkshire Council will be reviewed every 12 months. This will be considered against the memorandum and as part of any meetings between East Riding of Yorkshire Council and the Neighbourhood Planning *steering group*.

Dispute Settlement

In the unlikely event of a dispute it is expected these will be resolved as they arise.

General Provisions

Nothing in this memorandum shall fetter either party in exercising their statutory duties and powers. Nor does it prevent either party from exceeding the minimum level of service stated, either voluntarily or by the specific agreement of both parties.