Statement upon General Information relating to Town and Country Planning and the Referendum

1. A qualifying body such as a Parish Council is able to initiate a process to require a local planning authority such as the Lancaster City Council to make a Neighbourhood Development Plan. A Neighbourhood Development Plan is a Plan which sets out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area. The neighbourhood area is specified in the Plan.

2. There can only be one Neighbourhood Development Plan for each neighbourhood area. The Neighbourhood Development Plan must specify a period for which it is to have effect.

3. There is a statutory process which must be followed for the making of a Neighbourhood Development Plan which includes provision for its independent examination and for the holding of a Referendum in relation to the draft Plan which is proposed.

4. The independent Inspector checks that the Neighbourhood Development Plan which is proposed meets the basic standards which are set out in statute. The independent Inspector may recommend changes to be made to the Neighbourhood Development Plan. The independent Inspector reports to the local planning authority. The local planning authority considers the Inspector's report and decides, having regard to the statutory criteria, whether to accept the changes which the Inspector has proposed. The independent Inspector may also recommend that the draft Neighbourhood Development Plan proceeds to a Referendum.

5. Any Referendum is conducted through the Council which has responsibility for the conduct of elections. The Referendum will consider the question on whether the local planning authority should use the Neighbourhood Plan for the area concerned to help it decide planning applications. The local planning authority must make a Neighbourhood Development Plan which is the subject of a Referendum if more than half of those voting have voted in favour of the Plan. The local planning authority must make or adopt the Plan as soon reasonably practicable after the Referendum is held if the vote is in favour of the Plan.

6. The Referendum only relates to the area which is covered by the proposed Neighbourhood Development Plan. It is only those who are entitled to vote in the Referendum and who are registered to vote within addresses in the neighbourhood area who can vote upon the question of whether the Neighbourhood Development Plan should be taken into account by Lancaster City Council in the consideration of planning applications.

7. Once made and adopted the Neighbourhood Development Plan will be part of the Development Plan. A local planning authority in dealing with planning applications must have regard to:

a) the provisions of the development plan so far as material to the application;
b) any local finance consideration as far as material to the application; and
c) any other material considerations.

8. The determination of a planning application must be made in accordance with the Development Plan unless material considerations indicated otherwise. An adopted Neighbourhood Development Plan will be one of the documents which will be taken into account in the consideration of applications for planning permissions which are made within the area of the Neighbourhood Development Plan. The Neighbourhood Development Plan only applies within the specific area for which it has been proposed and made.

9. If a policy which is set out in a Neighbourhood Development Plan conflicts with any other statement or information in the Development Plan itself then that conflict must be resolved in favour of the policy. Therefore, the Neighbourhood Development Plan is a most significant document of the Development Plan which must be considered when determining planning applications.