

## **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 Westmorland and Furness Council to make a Neighbourhood Development Plan. A Neighbourhood Development Plan is a Plan that 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 that must be followed for the making of a Neighbourhood Development Plan. This includes provision for the independent examination of the Plan and for the holding of a Referendum in relation to the draft Plan which is proposed.

4. An Independent Examiner checks that the proposed Neighbourhood Development Plan meets the basic standards that are set out in statute. The Independent Examiner may recommend changes to be made to the Neighbourhood Development Plan. The Independent Examiner reports to the local planning authority. The local planning authority considers the Examiner's report and decides, having regard to the statutory criteria, whether to accept the changes proposed by the Examiner. The Independent Examiner must recommend whether or not the Neighbourhood Development Plan should proceed to a Referendum.

5. The 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 Development Plan for the area concerned to help it decide planning applications. The local planning authority must make a Neighbourhood Development Plan that has been subject to 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 as reasonably practicable after the Referendum is held if the vote is in favour of the Plan.

6. Unless the Examiner indicates that the referendum area should be extended, the Referendum only relates to the area which is covered by the proposed Neighbourhood Development Plan. Only those entitled to vote and who are registered at addresses in the Neighbourhood Area (or Referendum area if it is extended by the Examiner) are entitled to vote in the Referendum and can vote upon the question of whether the Neighbourhood Development Plan should be taken into account by Westmorland and Furness 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 indicate otherwise. An adopted Neighbourhood Development Plan is one of the documents that must be taken into account in the consideration of planning applications made within the area covered by 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 that is set out in a Neighbourhood Development Plan conflicts with any other statement or information in the Development Plan, then that conflict must be resolved in favour of the policy. Therefore, the Neighbourhood Development Plan is a significant document of the Development Plan and must be considered when determining planning applications.

10. Information in relation to neighbourhood planning is available on the following website <https://www.gov.uk/guidance/neighbourhood-planning--2>