

Wyre Council General Information Statement on Town and Country Planning, including Neighbourhood Planning

This statement has been produced to support Wyre Borough Council's role in hosting neighbourhood plan referendums. It provides general information about the planning system, the role of neighbourhood plans, and summarises how they are produced.

The Planning System

1. The planning system manages the use and development of land and buildings, with the aim of creating sustainable places to live and work. Without a planning system in place, development would not be controlled and could take place anywhere, with considerable impact on people and the environment. Potential development activity is managed through planning applications, using local plans as a basis to make decisions.
2. The planning system has two parts which are usually the responsibility of the local planning authority (in this case, Wyre Borough Council):
 - a. Plan making - setting out proposals for development and policies to guide development over a period of time
 - b. Development management – where planning decisions are made through the assessment of planning applications
3. Not all forms of development require planning permission as some proposed developments, depending on the scale and type, are covered by permitted development rights. For development that requires planning permission in the administrative boundary of Wyre, Wyre Borough Council, is responsible for deciding whether the development should be granted planning permission. Decisions on planning applications are based on national planning policy, the Local Plan and any relevant neighbourhood plan.

National Planning Policy

4. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF gives guidance to local planning authorities in drawing up Local Plans and on making decisions on planning applications. The NPPF includes a presumption in favour of sustainable development and sets out core planning principles. Planning Practice Guidance (PPG) supports the NPPF and provides further guidance on planning issues, including neighbourhood planning guidance.

Local Plans

5. As a statutory planning body Wyre Borough Council must prepare a local plan which sets strategic priorities and planning policies for the local authority area. They must be positively prepared, justified, effective, and consistent with national policy in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and the NPPF. The policies in a local plan set out to deliver key development, including housing and employment required, the provision of retail and community facilities and infrastructure. Policies relating to managing conservation and enhancement of the natural and historic environment are also included.
6. Decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The current Local Plan for the

borough is the Adopted Wyre Local Plan (2011-2031) (incorporating partial update of 2022).

Neighbourhood Planning

7. The Localism Act 2011 which amended the Town and County Planning Act 1990, introduced the right for local communities to produce neighbourhood plans and the mechanisms for them to do so. The Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the detailed arrangements that neighbourhood plans should follow, including the responsibilities of the parish council and the local planning authority in the neighbourhood plan process. Neighbourhood planning is a way for communities to shape the future of the places where they live and work. It allows communities to achieve this by setting planning policies through a neighbourhood plan, or grant planning permission through a neighbourhood development order. A neighbourhood plan cannot be used to prevent or stifle development.
8. Neighbourhood Plans are prepared by Parish councils where they exist, or by Neighbourhood Forums who have been formally designated by the local planning authority to act as the 'qualifying body' for neighbourhood planning matters within a designated neighbourhood area.
9. A neighbourhood plan can cover a range of different issues that the local community feel are important, however it needs to meet the 'Basic Conditions' as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, in order for it to be considered legally compliant and to proceed to referendum stage. An independent examiner is appointed to check that a plan meets the basic conditions, as set out below:
 - The making of the neighbourhood plan contributes to the achievement of sustainable development;
 - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained EU obligations; and
 - Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.
10. There is a statutory process that must be followed in order to produce and 'make' a neighbourhood plan and therefore for it to be adopted as part of the Local Development Framework. This statutory process is set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) and the key stages are summarised below:
 - a) Designation of a neighbourhood area

The neighbourhood area (area to which the plan relates) must be designated by the District Council following an application from the qualifying body.
 - b) Preparation of a draft neighbourhood plan – The 'qualifying body' prepares the draft neighbourhood plan and evidence base.

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

- c) Pre-submission publicity and consultation - The Plan is publicised and consulted upon by the qualifying body to those who live, work or carry on business in the neighbourhood area before submission to the local planning authority. This stage is often referred to as Regulation 14.

The draft plan must be prepared through a process of consultation with local residents and businesses, and must be subject to a formal consultation period of six weeks, providing the opportunity for all interested parties to make comments. All comments received must then be assessed and, where relevant, reflected in amendments to the plan.

- d) Submission of the draft plan - The 'qualifying body' formally submits the neighbourhood plan to the local planning authority. This stage is often referred to as Regulation 15.

The local planning authority checks whether the plan accords with the relevant legislation, publicises the Plan for six weeks to people who live, work and carry on business in the neighbourhood area and to inform the examination process. This stage is referred to as Regulation 16. The local planning authority then appoints an Independent Examiner.

- e) Independent Examination – The neighbourhood plan is submitted for examination by an Independent Examiner to assess whether the Plan meets the basic conditions. This stage is referred to as Regulation 17.

The Examiner will also consider any comments submitted. This is to ensure that referendums only take place when proposals are able to work in practice and of sufficient quality to meet the 'basic conditions'. The Examiner then issues a report, which will identify whether any modifications should be made to the plan to meet the basic conditions, and whether it should then proceed to a referendum.

Under Regulation 18, the borough council will then decide, in conjunction with the qualifying body, and having regard to the statutory criteria, whether to accept the Examiners recommendations and proceed to a referendum. This will be organised by the local planning authority and its decision is published in the form of a 'Decision Statement'.

- f) Referendum - The borough council organises a referendum, and then publishes the results.

People who are registered electors in the neighbourhood area will be entitled to vote in the referendum. This will be conducted following similar procedures to those used at local government elections. Wyre Council will publish an 'Information Statement' about the referendum advising of the date of the referendum, referendum question, who can vote and the area of the referendum. For further information on the conduct of the referendum, including deadlines for registration, postal and proxy votes can be found in an 'Notice of Referendum' published by the Council's Election team.

- g) Adoption – The Plan is ‘made’ by the borough council (this is dependent on the referendum outcome)

If more than 50% of people voting in the referendum area support the Plan, the local planning authority must bring it into force. The local planning authority must ‘make’ the Plan as soon as reasonably practicable after the successful outcome of a referendum. The decision whether to ‘make’ a neighbourhood plan is published under Regulation 19 by the local planning authority. Once a neighbourhood plan is ‘made’ (adopted) it becomes part of the authority’s statutory development plan, meaning it will be used alongside local and national planning policy and guidance to determine planning applications in the neighbourhood plan area.

Further information and advice on neighbourhood planning:

The following links provide further information and advice on neighbourhood planning.

- [Neighbourhood Planning Roadmap Guide](#)
- [Ministry of Housing, Communities and Local Government: Notes on neighbourhood planning](#)
- [How to shape where you live: a guide to neighbourhood planning](#)
- [Neighbourhood Planning \(General\) Regulation 2012](#)
- [Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#)
- [Neighbourhood Planning \(General\) and Development management Procedure \(Amendment\) regulations 2016](#)
- [Locality](#)
- [Royal Town Planning Institute / Planning Aid](#)