

At a recent meeting in Standish – to which Standish Voice was not invited – it was announced that a council in England had used a Neighbourhood Plan, which Standish has, to overturn a decision to house asylum seekers in a hotel.

This is untrue.

This false claim was followed up by an email to Wigan Council asking that Standish Neighbourhood Plan – which Standish Voice created, consulted upon and took to referendum – be changed to ensure Kilhey Court could not be used for asylum seekers, as a 'solution' to the issue.

The email also asked for Wigan Council to pay for a barrister to look into this.

The legal ruling which overturned a decision to house asylum seekers in a hotel in Great Yarmouth – the only instance where this has happened – was due to a policy in its council Local Plan, which is totally different to a Neighbourhood Plan in creation, adoption and updating.

A Neighbourhood Plan, for a small section of a borough, is carried out by that community – a Local Plan is carried out every 10 years or so by a local authority and covers all areas of planning and development in the whole borough.

Standish Neighbourhood Plan or Wigan Council's own Local Plan cannot be used to retrospectively change planning policy to influence the situation at Kilhey Court.

There are a number of untrue or unsubstantiated rumours circulating locally about Kilhey Court – please do your own research before believing them.

You can read the email to Wigan Council here:

[https://www.svm.org.uk/files/ugd/a3a822\\_def7be78a7a24b7c876a453ed8848c85.pdf?fbclid=IwAR1dEKkP9y8TGESToKQUMHDrFsw0RRCvtbHabMutlPsirE34V7yibbi0obY](https://www.svm.org.uk/files/ugd/a3a822_def7be78a7a24b7c876a453ed8848c85.pdf?fbclid=IwAR1dEKkP9y8TGESToKQUMHDrFsw0RRCvtbHabMutlPsirE34V7yibbi0obY)

and Wigan Council's response below...

"Does the Standish Neighbourhood Plan have an impact on any potential legal routes?

One council, Great Yarmouth, was successful in its injunction application, due to its existing Local Plan (not a Neighbourhood Plan).

However, there are crucial differences in those circumstances compared to the Kilhey Court situation, which we have outlined below.

It is important to note that even if changes are made to Local Plans, they cannot be applied retrospectively to previous decisions.

The hotel in Great Yarmouth was on the sea-front and there was a specific policy already in place in the council's Local Plan. It was designed to help boost tourism providing extra protection for hotels around changes of use.

There is a Standish Neighbourhood Plan (which has similar status to a Local Plan) but it does not include any policies relating to Kilhey Court.

Local Plans and Neighbourhood Plans can only be amended through strict procedures set by national government, and these can be lengthy.

This process can differ depending on how significant the changes are. If the changes are significant (for example, introducing a new policy into the plan) it would need to be introduced in the same way as a new plan.

This would mean consultation, submission, examination and (for Neighbourhood Plans) referendum stages, which could take at least 18 to 24 months.

However, even if the plan were to be modified, it would not apply to decisions retrospectively. This means that the new amended plan would affect only future decisions, not those that have already been taken by the Home Office."

You can read this on the council's website here: <https://www.wigan.gov.uk/.../FAQ-People-seeking-asylum.aspx>

For more information on Local Plans, see: <https://www.gov.uk/guidance/local-plans>

To read Standish Neighbourhood Plan, see:

<https://www.wigan.gov.uk/.../Neighbour.../Standish-plan.aspx>