

## SWANLEY NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION

Cabinet – 14 December 2023

**Report of:** Deputy Chief Executive, Chief Officer for Planning and Regulatory Services

**Status:** For Consideration

**Also considered by:** Development and Conservation Advisory Committee – 12 December 2023

**Key Decision:** No

**Portfolio Holder:** Cllr. Simon Reay

**Contact Officer:** Vivienne Riddle, Ext. 7357

**Recommendation to Development and Conservation Advisory Committee:**

- (a) To note the Swanley Neighbourhood Plan Regulation 16 consultation and to consider SDC's proposed representation.

**Reason for recommendation:** To provide members with an overview of the Swanley Neighbourhood Plan and to enable them to consider the proposed SDC representation.

**Recommendation to Cabinet:** That Cabinet

- a) Approves the proposed representation to the Swanley Neighbourhood Plan.
- b) Delegates authority to the Development and Conservation Portfolio Holder to agree the final representation, including any amendments raised through DCAC, Cabinet and/or by officers within wider organisation.

## Introduction and Background

- 1 This report sets out the background to the Swanley Neighbourhood Plan. It also provides details about the Neighbourhood Plan consultation under Regulation 16 and includes our proposed representation as a supplementary appendix. The proposed representation is for consideration by Members.
- 2 The Swanley Neighbourhood Plan originally commenced with the designation of the neighbourhood area in November 2014. The neighbourhood area comprises the whole of the parish area covered by Swanley Town Council, the qualifying body. Through their Steering Group and various working groups, they have since undertaken engagement with local residents and businesses in order to develop their Neighbourhood Plan. Furthermore, there has been ongoing contact between SDC and STC, and we have been providing advice to the Town Council, as an informal part of the plan making process.
- 3 Earlier this year they proceeded to pre-submission consultation and publicity as required under Regulation 14 of The Neighbourhood Planning (General) Regulations 2012 (as amended). The pre-submission consultation took place between 9th January 2023 and 20th February 2023. We provided an officer level response (Appendix A).
- 4 The Swanley Neighbourhood Plan has since been amended to address comments raised by us and others and as such has now been submitted. It was submitted to Sevenoaks on 2nd November 2023 by Swanley Town Council, following a vote to submit. Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 (as amended) sets out what it must include. It has been checked against these and other legal requirements and it has been concluded that it meets those requirements.
- 5 As such under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 (as amended), we are required to publicise the plan proposal so as to bring it to the attention of people who live, work or carry on business in the neighbourhood area, as soon as possible after receiving the plan proposal. The consultation, which will run for 6 weeks, commenced on 30<sup>th</sup> November 2023. This means that it will overlap with the emerging Local Plan's consultation but starting one week later, whilst ending on the same date (11<sup>th</sup> January 2024)
- 6 The consultation is being hosted and run via our online consultation database, Citizenspace. We have utilised our mailing list, notifying those in Swanley who have signed up either electronically or via letter according to their stated preference. Furthermore, we have notified the relevant consultation bodies. In addition, it has been publicised through the use of a public notice, in the Sevenoaks Chronicle and through social media posts. The Town Council has also been encouraged to publicise it more widely, including via their website.
- 7 The submitted documents are available to view as part of the consultation, via our website. The evidence base is relatively extensive and similar to Plan 2040, an evidence base page has been set up. Hard copies of the Neighbourhood

Plan have also been deposited at three locations: Sevenoaks District Council offices, Swanley Town offices and at Swanley Link.

- 8 The Regulation 16 consultation provides our opportunity to formally comment on the proposed Swanley Neighbourhood Plan and as such we need to submit our representations by the deadline of 11<sup>th</sup> January 2024.
- 9 The submitted documents comprise the following:
  - a. Swanley Neighbourhood Plan 2020 – 2040 Submission Version
  - b. Swanley Village Design Guide
  - c. Basic Conditions Statement October 2023, including SEA/HRA Screening.
  - d. Consultation Statement comprising the Swanley Neighbourhood Pre Regulation Plan Consultation Statement November 2022 and the Swanley Neighbourhood Plan Post regulation 14 Consultation Statement October 2023.
  - e. Various evidence base documents
- 10 The Swanley Neighbourhood Plan 2020-2040 sets out policies for the development and use of land within Swanley Parish set around five themes/topics:
  - a. Working and Employment;
  - b. Community Health Education and Leisure;
  - c. Heritage and Conservation;
  - d. Housing, and;
  - e. Transport.
- 11 It has to be in general conformity with our current adopted Local Plan, comprising the Core Strategy 2011 and the Allocations and Development Management Plan 2015. We are only required to consider whether the Neighbourhood Plan meets the basic conditions, including its general conformity, after the Examination. However, it is noted that the Town Council recognises the relationship between the National Planning Policy Framework, Local Development Plan and Neighbourhood Plans. Furthermore, they have also sought to have regard to the emerging Local Plan 2025-2040, by referencing the first Regulation 18 consultation held between November 2022 and January 2023.
- 12 The draft representation is attached as a supplementary appendix. It includes an update on the position with respect to our emerging Local Plan, an assessment of the policies to ensure they 'do not undermine strategic policies' and consideration of whether or not it broadly conforms with the strategic aims and policies of the District's existing policy framework.

- 13 We are seeking input from officers across the organisation but due to the timing of the consultation and of DCAC and Cabinet, it has not been possible to include that input at this point in time. As such the intention is to secure agreement from the Portfolio Holder for the final representation, incorporating any additional comments agreed at DCAC and Cabinet, as well as any officer comments arising after DCAC and Cabinet.

### **Next steps**

- 14 Sevenoaks is managing the Regulation 16 consultation and we will be engaging an Independent Examiner, in discussion with the Town Council, during this time. Following the end of the consultation, all representations received, including our own, will be sent to the Independent Examiner. The end of the Examination will be marked by the receipt of the Examiner's final report. Upon receipt of which we will prepare a DCAC/Cabinet report recommending a course of action. The next step following that is likely to be to proceed to referendum. However, timings for this will be dependent on a number of factors, including how long the Examination takes.

### **Other options Considered and/or rejected**

Options include not responding to the consultation however this provides our opportunity to formally raise any comments or objections we may have for consideration by the Independent Examiner.

### **Key Implications**

#### Financial

Responding to the consultation on the Swanley Neighbourhood Plan 2020-2040 Submission Version has no financial implications.

#### Legal Implications and Risk Assessment Statement.

Responding to the consultation on the Swanley Neighbourhood Plan 2020-2040 Submission Version has no legal implications as there is no legal requirement to respond.

#### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

#### Net Zero Implications

This report relates to a consultation on a parish's (Swanley's) neighbourhood plan and to SDC's representations. Net Zero implications are highlighted where considered relevant in the draft representation.

## **Conclusions**

This report briefly sets out the background to the Swanley Neighbourhood Plan, prior to its submission to us. Following submission, it was checked against the legal requirements and it was concluded that the plan proposal could proceed to its next stage, which is publicity under Regulation 16, which we, as the competent authority, are managing. The Regulation 16 consultation commenced on 30th November, running for 6 weeks until 11th January 2024.

This provides us with an opportunity to formally comment on the Swanley Neighbourhood Plan. Officers have drawn up a draft representation for consideration. However, given the timings of DCAC and Cabinet and the consultation, it has not been possible to include input from officers from across the organisation, at this stage. As such any amendments agreed through DCAC and Cabinet and from officers from across the organisation will be subject to the agreement of the Portfolio Holder.

### **Appendices**

Appendix A – Our representation to the Regulation 14 consultation.

Supplementary Appendix – Our proposed representation to the Regulation 16 consultation. (To Follow)

**Richard Morris**

**Chief Officer for Planning and Regulatory Services**