

APPENDIX C: Swanley Neighbourhood Plan

Draft Decision Statement

Reg. 18(2) - The Neighbourhood Planning (General) Regulations 2012

Summary

1. Following an independent examination undertaken by way of written representations, Sevenoaks District Council (SDC) now confirms that the Swanley Neighbourhood Plan (STNP) will proceed to a Neighbourhood Planning Referendum.

2. This decision statement is available on the SNP page of the SDC website: https://www.sevenoaks.gov.uk/info/20069151/neighbourhood_planning/703/swanley_neighbourhood_plan and will be displayed at the District Council office, Argyle Road. A copy will also be sent to Swanley Town Council for display at their offices.

Background

3. SDC formally designated the area shown at **Appendix 1** as the Swanley Neighbourhood Area in November 2014.

4. Following the submission of the SNP to SDC, the plan was publicised, and representations were invited. The publicity period ran from 30 November 2023 and 11 January 2024

5. The District Council appointed an Independent Examiner, David Hogger BA MSc MRTPI MCIHT to examine whether the SNP met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the SNP should proceed to a referendum.

6. The Examiner's Report recommended a number of modifications so that the SNP is able to comply with the 'basic conditions' and other relevant statutory provisions and that the submission plan if modified can be put to referendum.

7. The Executive Summary of the Examiner's Report (04 April 2024) states: "From my examination of the Swanley Neighbourhood Plan (the Plan/SNP) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions".

8. In the summary, the Examiner's Report states that the independent Examiner recommends to SDC "I recommend that the Swanley Neighbourhood Plan, once modified, proceeds to referendum".

Recommendations, Decisions and Reasons

9. The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).

10. Having considered the recommendations made by the Examiner's report, and the reasons for them, SDC in conjunction with STC (the Qualifying Body) has agreed to accept the modifications made to the draft plan under paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990 in response to the Examiner's recommendations/ modifications.

11. To meet the requirements of the Localism Act 2011 a referendum which poses the question, *'Do you want Sevenoaks District Council to use the Swanley Neighbourhood Plan to help it decide planning applications in the Swanley Neighbourhood Area?'* will be held in the area formally designated as the Swanley Neighbourhood Area, that is Swanley Town Council Parish Boundary (see Appendix 1), to ensure the community has the final say on whether the neighbourhood plan comes into force or not.

12. The date on which the referendum will take place is: xxxx.

Appendix 1: Neighbour Area (Swanley Town Council Parish Boundary)