

AGENDA

POLICY AND RESOURCES COMMITTEE MEETING

Date: Wednesday, 22 March 2023

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT*

Membership:

Councillors Mike Baldock (Chair), Monique Bonney (Vice-Chair), Lloyd Bowen, Derek Carnell, Mike Dendor, Tim Gibson, Mike Henderson, Alan Horton, Julian Saunders, David Simmons, Bill Tatton, Roger Truelove, Tim Valentine, Mike Whiting and Corrie Woodford

Quorum = 5

Pages

Information about this meeting

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The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

4. Minutes

To approve the [Minutes](#) of the meeting held on 8 February 2023 (Minute Nos. 629 – 644) as a correct record.

Part A Report for Recommendation to Council

- | | | |
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Issued on Tuesday, 14 March 2023

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Committee, please visit www.swale.gov.uk

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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Policy & Resources Committee Meeting	
Meeting Date	22 March 2023
Report Title	Boughton and Dunkirk Neighbourhood Plan – Final stage
EMT Lead	Emma Wiggins – Director of Regeneration & Neighbourhoods
Head of Service	Flo Churchill – Interim Head of Planning Services
Lead Officer	Aaron Wilkinson, Senior Planning Officer
Classification	Open
Recommendations	1. Agree to recommend to Council that the Boughton and Dunkirk Neighbourhood Plan be formally ‘made’.

1 Purpose of Report and Executive Summary

- 1.1 The Boughton and Dunkirk Neighbourhood Plan was approved at referendum on Thursday 16 February 2023 with a majority of 90% (full results at Appendix I), and the Council is required to formally ‘make’ the Plan within 8 weeks of this date, except in the circumstances set out in Section 2. This report seeks agreement to recommend to Council that no such circumstances apply and that the Plan be made (referendum version of the Plan at Appendix II).

2 Background

- 2.1 Members will recall that the Boughton and Dunkirk Neighbourhood Plan Group have been progressing their Neighbourhood Plan, having been through examination last summer. The Independent Examiner considered that the Plan (subject to modifications which were accepted) met the Basic Conditions and other legal requirements and recommended that it proceed to referendum. This was agreed by the Policy & Resources Committee on 30 November 2022. The referendum took place on 16 February 2023, with 90% of votes cast in favour of the Plan being used by Swale Borough Council to help it decide planning applications in the neighbourhood area.
- 2.2 As a result, the Plan immediately came into force as part of the statutory Development Plan for Swale Borough. It holds full weight and must be used (in conjunction with the Local Plan) when determining planning applications in Boughton and Dunkirk Parishes. However, the Plan must still formally be ‘made’ by the Council within 8 weeks of the successful referendum, this date being 13 April 2023.
- 2.3 There are only narrow circumstances in which the Council is not required to make the Plan. These are where it considers that the making of the Plan would breach, or be otherwise incompatible with, any EU or human rights obligations. Examples of these obligations include the Strategic Environmental Assessment Directive, the

Habitats and Wild Birds Directives, the European Convention of Human Rights, and the Human Rights Act 1998. Officers have worked with and advised the Group during the preparation of the Plan, particularly so over the last 2 years, and have always had these issues in mind. Furthermore, the Independent Examiner considered these issues, concluding that the Plan complied with the Basic Conditions and other legal requirements, and recommending that it proceed to referendum. As such, Officers are confident that no such obligations would be breached, and that Council should formally make the Plan.

3 Proposals

- 3.1 The proposal is to agree to recommend to Council that the Boughton and Dunkirk Neighbourhood Plan be made, which will complete the neighbourhood planning process.

4 Alternative Options Considered and Rejected

- 4.1 There are only very narrow circumstances in which the Council could choose not to make the Plan as set out in Section 2. Officers are confident that no such circumstances apply and that there are no alternative options unless Members consider that there would be a breach of EU or human rights obligations.

5 Consultation Undertaken or Proposed

- 5.1 The Plan has been through a number of stages of public consultation and independent examination between 2013 and 2022. It was also subject to a referendum as set out in Section 2. No consultation has been undertaken on this specific recommendation as this final stage of the process is for the Council to consider only.

6 Implications

Issue	Implications
Corporate Plan	The Boughton and Dunkirk Neighbourhood Plan contributes to delivering Objectives 1, 2 and 3 of the Corporate Plan.
Financial, Resource and Property	The Council has applied for, and will shortly receive, grant funding to help cover the costs of the recent referendum.
Legal, Statutory and Procurement	The Council is satisfied that the Plan has been prepared in accordance with the requisite legal and statutory processes. There are no implications for the Council regarding procurement.
Crime and Disorder	None identified at this stage.

Environment and Climate/Ecological Emergency	The Plan contains a suite of relevant policies to specifically protect and enhance the environment and respond to the climate and ecological emergency.
Health and Wellbeing	The Plan contains a suite of relevant policies to meet the health and wellbeing needs of the community.
Safeguarding of Children, Young People and Vulnerable Adults	The Plan has been prepared with appropriate consideration to the needs of children, young people, and vulnerable adults. There are policies contained within the Plan to support their needs being met.
Risk Management and Health and Safety	N/A
Equality and Diversity	The Plan has been supported by an Equalities Impact Assessment.
Privacy and Data Protection	Consultation has been undertaken in line with privacy and data protection requirements.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Declaration of Results
 - Appendix II: Referendum version of the Boughton and Dunkirk Neighbourhood Plan

8 Background Papers

- 8.1 For further background reading, a more in depth discussion on the journey to this stage can found in the Policy & Resources Committee Meeting report from the 30 November 2022 meeting: [SBC report \(swale.gov.uk\)](https://www.swale.gov.uk/sites/default/files/2022-11/2022-11-30-PRCM-report.pdf).

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DECLARATION OF RESULT OF POLL

Referendum on the Boughton and Dunkirk Neighbourhood Plan

I, the undersigned, being the Counting Officer for Swale Borough Council at the referendum held on 16 February 2023, DO HEREBY GIVE NOTICE that the results of the votes cast is as follows.

Question:		
Do you want Swale Borough Council to use the neighbourhood plan for Boughton and Dunkirk to help it decide planning applications in the neighbourhood area?"		
	Votes recorded	Percentage
Number cast in favour of a 'Yes'	528	90%
Number cast in favour of a 'No'	60	10%

The number of ballot papers rejected was as follows:

(a) Want of official mark	
(b) Voting for both answers	
(c) Writing or mark by which voter could be identified	
(d) Being unmarked or wholly void for uncertainty	1
Total rejected	1

I do hereby declare that more than half of those voting have voted in **favour of** the Boughton and Dunkirk Neighbourhood Plan.

Electorate: 2536

Ballot Papers Issued: 589

Turnout: 23.22%

Dated: Friday 17 February 2023

Larissa Reed
Counting Officer

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BOUGHTON AND DUNKIRK NEIGHBOURHOOD PLAN 2022 – 2031



**PROVIDING A SUSTAINABLE FUTURE
FOR BOTH PARISHES**

Introduction

The task of a Neighbourhood Plan is to set out the development principles and allocation of sites for future building and land use in its area, reflecting the Government's determination to ensure that local communities are closely involved in the decisions that affect them. What this Neighbourhood Plan aims to achieve is delivery of development, balanced with protecting and enhancing particular character and unique assets.

This Neighbourhood Plan is submitted by the parish councils of Boughton under Blean and Dunkirk, in Kent, both being qualifying bodies as defined by the Localism Act 2011. The parishes were designated as a Neighbourhood Area under the Neighbourhood Planning Regulations 2012, Part 2, and Section 6 by Swale Borough Council on 19th September 2013.

The Plan has been developed to establish a vision for the two villages, and to help deliver the local communities' aspirations and needs for the life of the plan, up to 2031. The Plan intends to deliver sustainable forms of development and seeks to achieve the goals identified through engagement with the local community it serves; these goals reflect their needs, views and priorities, and a general planning framework and a resolve to protect the rural environment.

Key Objectives are set out with the Plan's Aim and Vision Statement and expanded in each section. The objectives are driven by the results of community public consultations and questionnaires, and statutory public consultation. All the policies have been devised from the objectives in each section and apply to the entire designated area; specific area policies also apply to certain sites.

The Plan will influence and reinforce Swale planning policies, making them more relevant and acceptable to Boughton and Dunkirk. It will also contain planning policies just for Boughton and Dunkirk and will allocate sites for particular uses such as recreation, employment or housing. If approved by a referendum, the Plan will be a statutory document which, once adopted, forms part of the Local Development Plan and will be used by Swale Borough Council to determine planning applications along with the Council's Local Plan.

The Boughton and Dunkirk Neighbourhood Plan has been prepared and delivered in the context of two particular uncertainties:

1. The nature of the work necessary to alleviate the traffic pressure at Junction 7 of the M2, at Brenley Corner, which lies within the parish of Boughton, will affect the development plans in this area, decisions that will not be taken nor even aired until 2028.
2. The proposal for 2,500 houses and industrial development by the Duchy of Cornwall on a site beside the A2 at Faversham; 35% of the land in this proposed development lies outside the Faversham boundaries (26% in Boughton parish; 9% in Selling parish). In particular, this intrusion into Boughton parish, if adopted in the Swale Local Plan, may well distort any housing figures and traffic flow forecasts in this Neighbourhood Plan. In addition, it would threaten the 'green' rural gap between the town of Faversham and the villages of Boughton, Selling, Sheldwich, Hernhill, Dunkirk and potentially Graveney. The NP team will work with Swale Borough Council to agree a locally important countryside gap through the local plan process.

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Section 1.0 Aim, Vision Statement and Key Objectives

1.1 The Aim of the Plan, produced in consultation with both communities, is to guide and manage the challenges of future development within the parishes.

1.1.1 The Plan covers the period from 2022 to 2031.

1.2 Vision Statement

That in 2031, Boughton and Dunkirk will be safe communities, where those who work or grow up here can afford to live, where families can raise children, where the elderly can remain in the small rural communities of which they have long been part, and where every person has access to necessary education, health and leisure facilities.

1.3 Key Objectives

1.3.1 Housing – To preserve the villages’ architectural and historic heritage by protecting it from inappropriate development while providing a limited amount of sustainable housing to meet local needs, including affordable housing, sympathetic to the look and feel of the villages.

1.3.2 Traffic and Transport – To ensure any new developments will be limited by the capacity and nature of the road network to accommodate them, to restrict high volumes of vehicular through-traffic in order to reduce the adverse effects of traffic on our villages.

1.3.3 Business and Employment – To encourage the prospects for local businesses and employment in order to promote local economic growth and vitality.

1.3.4 Community Wellbeing and Health – To ensure maintenance of existing all footpaths and bridleways, and to encourage further provision of sports facilities to support healthy lifestyles and encourage exercise.

1.3.5 Educational Provision – To ensure that any future residential development takes full account of the impact upon school provision to ensure access to education, and to enhance local facilities for continuing study by all members of the community.

1.3.6 Environment, Landscape Character, and Design – To ensure the local landscape, character, design and environmental qualities of Boughton and Dunkirk parishes are protected from any inappropriate and unsustainable development; the villages of Boughton and Dunkirk to retain their sense of place within the surrounding countryside in order to maintain our identity as a community, separate from Faversham, Whitstable and Canterbury, with distinct rural green open spaces between the settlements.

Section 2.0 About Us

2.1 Context



2.1.1 The villages of Boughton under Blean and Dunkirk lie on the edge of an Area of Outstanding Natural Beauty as part of the Kent Downs. They are situated in the heart of the fertile hop-growing and fruit-growing area of North East Kent between the North Downs and the coast. It is vital that this history and character is preserved for future generations.

Hop fields in Boughton

2.2 History of Boughton under Blean

2.2.1 Known locally as Boughton, Boughton under Blean is entered in the Domesday Book as 'Boltone'. Boughton Street is part of the old Roman road of Watling Street which runs from London to Dover. The road was used by the pilgrims made famous by Geoffrey Chaucer and is mentioned in the Canterbury Tales:

'At Boghton under Blee us gan atake, a man, that clothed was in clothes blake, and undernethe he wered a white surplis'.

2.2.2 Tens of thousands of pilgrims journeyed through Boughton and Dunkirk to visit Thomas Becket's shrine at Canterbury as well as sailors travelling from port to port, calling at the Dolphin Inn (now a private residence) built around 1766.



Dolphin Inn



White Horse Inn



Wesleyan Chapel

2.2.3 A few steps on, they came upon the thriving 15th century White Horse Inn, once a coaching inn, and the Wesleyan Chapel, built in 1844 of Gothic design, which has now been converted into apartments. At this end of Boughton there was also a medieval chapel, the Holy Trinity, the stones from which were later used to mend the road and build some houses. Further along is the

Queens Head public house built in 1590, and St. Barnabas Church, built in 1895/6, now a parish centre. The site was donated by a resident and at least half the fixtures and fittings provided by public subscription. On the cenotaph outside are forty names from the First World War and eleven from the Second. Many of the surnames are still found throughout both parishes today.



Queens Head Public House



St. Barnabas Church and War Memorial

2.3 South Street Hamlet

2.3.1 Off Boughton Street lie ancient footpaths which branch off through hop fields and orchards, some leading to South Street, a hamlet which is to the south of both Boughton and Dunkirk, and is part of Boughton parish.

2.3.2 South Street is home to some of the most beautiful houses in the area and the parish church of St. Peter and St. Paul which was built in the 13th century and serves both parishes. The church is a Grade 1 listed building of local flint and was certainly a landmark for Chaucer's pilgrims travelling on their way from London to Canterbury.



Church of St. Peter and St. Paul



Key Cottage



King's Arms (now a private residence)



The Lichen

2.4 History of Dunkirk

2.4.1 Dunkirk was little more than a wasteland and was in fact once notoriously the wildest spot in Kent. Self-styled Sir William Courtenay chose the area of Bossenden Wood as the scene for his rebellion in May 1838, probably because it was so close to Canterbury. A road had been cut through the woods of Blean (Saxon word 'Blea' for 'rough ground') from Harbledown to Boughton. There was no church nor school; it was simply a small group of farms and woodmen's huts.

2.4.2 Once the Courtenay uprising in 1838 was put down, steps were quickly taken to reclaim the wasteland and create a parish. Dunkirk, *Ville de Dunkirk* until it became a parish, grew into a strong sister parish to Boughton and there is little doubt the name derived from Dunkerque in France, with a spot in the village being known as Petit France.

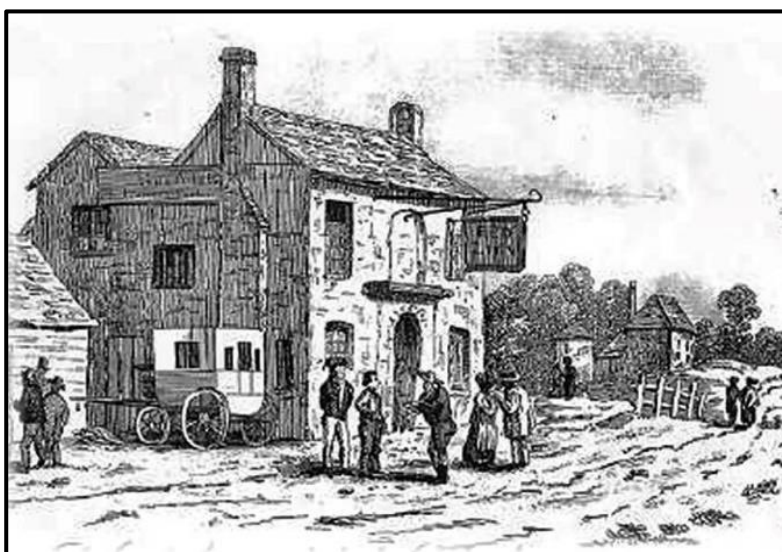


All Saints / Christ Church



Dunkirk School

2.4.3 The building of All Saints / Christ Church commenced, and it was consecrated by the Archbishop of Canterbury in June 1841. Dunkirk School opened in 1846 and served the community for 162 years until it was amalgamated in 2008 with Boughton School on the Boughton site, where school buildings had been opened in 1905. Dunkirk's church was also closed. It was deconsecrated in 1984 and converted into a private dwelling.



2.4.4 Further on towards Canterbury lies the Red Lion Inn, the former stable of which was the last resting place of Sir William Courtenay in 1838, before his burial.

Red Lion Inn, a drawing from 1838.

2.4.5 Dunkirk village is characterised by the imposing radar mast (Grade II listed) which looks over both villages, a reminder of the importance of the village to Britain's air defences in World War II and the Cold War. Surrounding the mast is a large open area on which stand a number of World War II structures including an observation post. The area was subsequently designated a Scheduled Monument site for the arms, etc. that would have been dropped/buried; it is possible there are also some unknown buried bodies. The area was strafed and bombed a number of times. The lower, longer building behind it is thought to be an ammunitions store, much of it underground.



WWII Radar Mast



WWII Observation Post and Ammunitions Store



2.4.6 Blean Woods (*left and right*) is a Site of Special Scientific Interest (SSSI), one of the largest remaining areas of ancient woodland in the United Kingdom and designated as high landscape value. Blean Woods forms the Eastern boundary of the parish.





Bofors Tower, Dunkirk before restoration (left), and now (right), a private dwelling

2.4.7 In Clay Pits Woods within 'The Blean' stands a Bofors Tower now converted to a private dwelling. Originally built in early 1940 of concrete and brick construction, the tower was designed to raise a 40mm Bofors gun and its operational equipment above surrounding obstacles in order to achieve an all-round field of fire in defending the airfield from low flying enemy aircraft.

2.5 Historic parishes

2.5.1 The historic parishes of Boughton and Dunkirk are set among some of the richest land in Kent. Boughton alone has more listed buildings than any other parish in the Faversham area. It boasts a wide variety of architecture ranging from medieval timbered and Georgian buildings, which remain largely unchanged, to contemporary bungalows (see also BD16). The lives of both villages are inextricably linked; one side of some roads lies in Boughton and the other in Dunkirk. The two communities enjoy and share each other's history, amenities, events and friendships.

See BD16 for a full list of Heritage Assets for both parishes.

Section 3.0 Neighbourhood Plan Development

3.1 Neighbourhood Designation Area request

3.1.1 Following discussions about neighbourhood plans at both Boughton and Dunkirk Parish Councils, it was decided that a joint Neighbourhood Plan should be explored and, if viable, researched and proposed to both communities in a referendum.

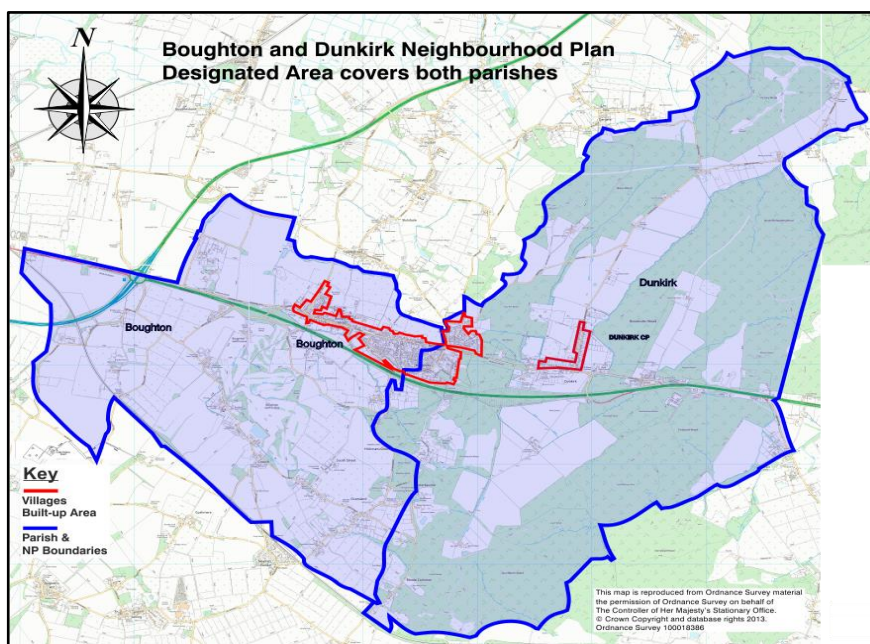
3.1.2 Boughton-Under-Blean and Dunkirk Parish Councils requested in May 2013 that the two communities form a Neighbourhood Plan. In order formally to make this request they wrote to Swale Borough Council outlining the area that they wish the Council to designate, i.e., the area which they would like the plan to cover. The area they sought to have designated is consistent with the long-established Parish boundaries of the two villages. See page 7, Map I.

3.2 Public consultation

3.2.1 Members of the Local Development Framework Panel agreed at the June 2013 LDF Panel meeting that a public consultation should take place. The consultation, which lasted for a period of six weeks from 5th July 2013 to 16th August 2013, outlined the reasons why the Parish Councils considered the area suitable to be designated as a neighbourhood area and showed a map of the area. The consultation was published on both Councils' websites and the Neighbourhood Plan website and site notices were placed at both Boughton under Blean and Dunkirk Parish halls and at other locations within the two villages. No comments were received.

3.3 Local Development Framework Panel

3.3.1 Officers considered the area proposed to be appropriate and recommended that the designation request be agreed. Members of the Swale LDF Panel agreed to the designation at their meeting of 19th September 2013.



Map I. Designated Area for Boughton and Dunkirk Neighbourhood Plan
This map is also printed at A3 size in the compendium of Maps that follow page 68.

3.4 Bearing Fruits 2031

3.4.1 The Boughton and Dunkirk Neighbourhood Plan will run concurrently with the adopted Swale Borough Local Plan “Bearing Fruits 2031”. This new type of planning document is to be prepared by local communities under the Localism Act 2011. It is part of the legal planning framework and must be used by Swale Borough Council, as part of the Local Plan, when it determines planning applications in Boughton and Dunkirk. The key is that the Neighbourhood Plan will help determine the future development and design of our village communities until 2031.

3.5 National Planning Policy Framework 2021

3.5.1 Following on from The Localism Act, the National Planning Policy Framework (NPPF Rev 2021, paragraph 2), explains the mechanisms for determining planning applications.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

NPPF 2021, page 5 sets out the objectives of sustainable development:

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs...

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural wellbeing; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Although this Neighbourhood Plan was drafted before publication of NPPF 2021, our proposed policies have been reviewed in order to take these principles fully into account.

3.6 Ensuring Local Involvement

3.6.1 Both Parish Councils discussed the merits of neighbourhood planning and agreed that a joint plan would be preferable for our communities in that they share many facilities. Discussions took place concerning funding because with a joint plan only a single grant would be received. Whilst it would have been useful to have double the grant, both Councils felt that the cohesion of the plan was more important as it would then provide for our joint needs. The team was grateful to receive some funding from our ward councillors. There has also been local fundraising to raise awareness.

3.6.2 The team has endeavoured to engage with as many groups and sections of our communities as possible as can be seen in document BD2 (Workshops and Community Engagement). This provides particulars and some details of the Questionnaire Survey (BD1), Housing evaluation and assessment of housing stock (BD5) Housing Need Survey (BD6), Character Area Assessments (BD8, BD9, BD10), Parking Surveys (BD4), Business Surveys (BD7) and other Community Engagement including timetabled interaction with years 4, 5 and 6 at the Boughton and Dunkirk primary school (BD3). The team were pleased with how engaged and involved our young people were; they were very perceptive and gave the team options and ideas, some of which have been incorporated into the Plan.

3.7 Source of the Plan's Vision and Objectives

3.7.1 In 2013/14 the B&DNP team consulted the local community to ask what issues they were most concerned about, and what issues they would like the neighbourhood plan to address. Full consultation details are in Questionnaire and Results (BD1 and Plan BDs Additional Evidence).

3.7.2 A total of 21% of households responded. In summary, question 20 asked "What two issues should we concentrate on?" and the highest number of responses named were:

- Parking in the Street (40)
- Repair potholes/improve road maintenance (24)
- Reduce congestion/improve traffic flow in The Street (22)
- Cleaner pavements/reduce litter and dog fouling (17)
- Stop over-development of new housing (12)
- Provide more affordable housing (10)

In response to question 19, "What have we missed?" the highest number of responses mentioned improving traffic flow (13) and maintaining the village atmosphere by preventing over-development (9).

3.8 Community consultations

3.8.1 Subsequently, the team undertook an extensive series of 29 community consultation events, as described in BD2 and BD3. Housing needs were then examined specifically through a Housing Needs Survey (BD6), carried out a targeted Business Survey (BD7), and surveyed Parking Needs for those living in The Street (BD4). These surveys informed the development of specific objectives and policies.

3.8.2 The initial consultations undertaken showed that although many residents feel privileged to live in as strong a community as Boughton and Dunkirk, they are generally concerned about the twin threats of inappropriate over-development and heavy traffic, which threaten the village atmosphere they hope to preserve. This finding led the team to propose the Aim, Vision Statement and the Key Objectives set out in Section 1, which were later endorsed by 90% of the respondents to the Regulation 14 community consultation in 2021.

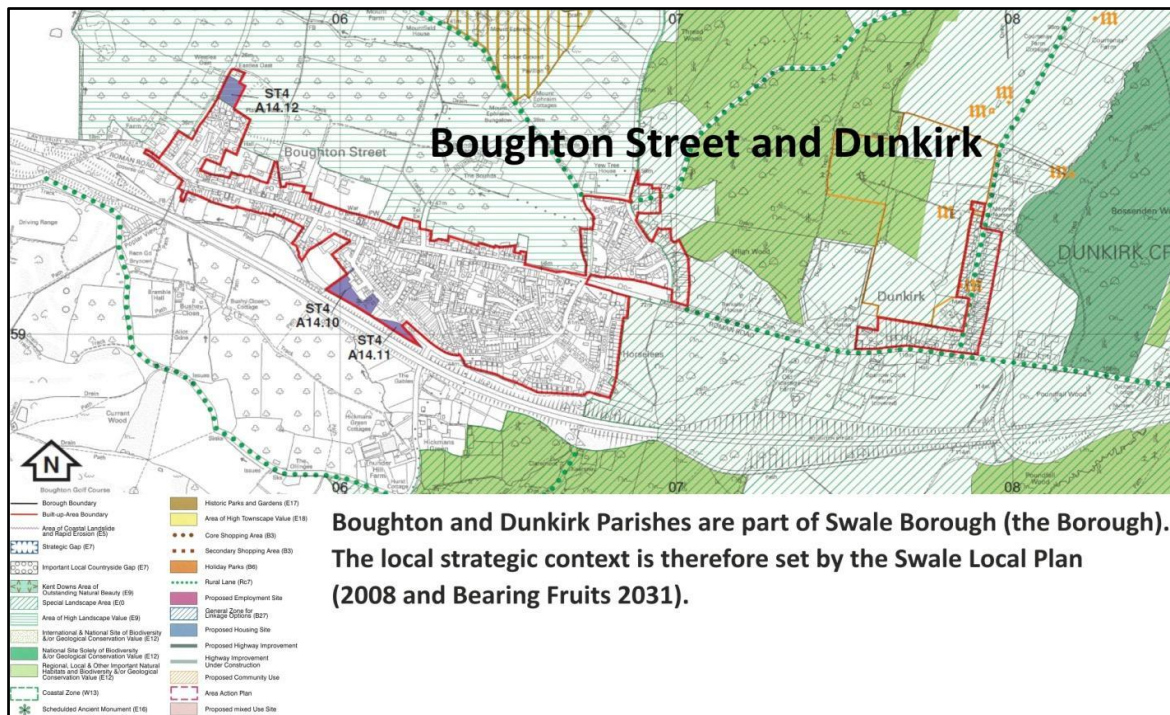
3.9 Statutory Consultations and Plan Evolution

3.9.1 The evolution of the Plan into the current document has been an arduous process which has lasted eight years, with the last two years being significantly affected by the covid pandemic. The plan was discussed, researched and drafted with limited support from the local authority, and there were long delays whilst awaiting expert advice. Consultation with statutory organisations resulted in extensive redrafting. Following the amendments, the Plan was then examined independently and further revisions made. The B&DNP Team consider that the current document satisfies all regulatory requirements whilst remaining true to the objectives of our communities; it sets out a schedule of how the NP supports European, national, regional and local policies on planning and the environment (BD15 Basic Conditions Statement). For full community and statutory consultation details, see Consultation Statement (BD17, and Plan BDs Additional Evidence) which includes the Strategic Environmental Assessment and Natural England response (BD12).

3.10 Future Review

3.10.1 The Plan will be monitored and reviewed at regular intervals during the period up to 2031 to ensure that it continues to be consistent with national policy and the strategic policies of the Swale Borough Local Plan. If necessary, the Plan will be formally reviewed and subject to statutory consultation and examination in accordance with the legislative requirements.

Section 4.0 Planning Policy Context



Map II. Local Strategic Context (village envelopes outlined in red)

This map is also printed at A3 size in the compendium of Maps that follow page 68.

4.1 Our Villages in the 21st Century

4.1.1 Today, Boughton and Dunkirk are home to around 3000 people, including about 600 aged under 16. The local population is slightly older than the national average, with 18% of the population aged 65 or more, compared to 16.5% in England and Wales. There is a very low percentage of ethnic minority residents (1% compared to 14% nationally). There are fewer single-person households (25 % vs 30%) and a higher percentage of owner-occupied homes than nationally (73% vs 67%). The source for the data is the ONS 2011 Census.

4.2 Accommodation

4.2.1 The breakdown of accommodation types is shown below. The neighbourhood plan area has a higher percentage of households living in family homes, and very few in flats, compared to the national average.

Accommodation by Household: B&DNP vs National

DWELLING TYPE	B&DNP%	National%
Detached house	31.8	21.7
Semi-detached house	39.5	30.6
Terraced house	22.4	24.9
Flat	4.9	22.4
Caravan	1.4	0.4
TOTAL	100	100

4.3 Work

4.3.1 About 70% of the population aged 16-74 is economically active, in line with the national average. However, of those who are economically inactive, a higher percentage are retired (17% vs 14%), which reflects the age breakdown of the local area.

4.4 Travel

4.4.1 Over 90% of households own at least one car, compared to only 76% nationally. Car usage is an important part of daily life, as shown by the fact that 51% of the population aged 16 – 74 travels to work by private car or motorcycle.

Travel to work: B&DNP vs National

TRAVEL TYPE	B&DNP%	National%
Work from home	5.4	4
By public transport	5.8	11
By car / motorcycle	50.6	45
Walk / cycle	3.9	10
Economically inactive	29.9	30
TOTAL	100	100

4.4.2 Despite the fact that the main Faversham to Canterbury bus service runs directly through both parishes, and there is a regular rail service from Faversham or Selling to London, fewer than 6% of residents travel to work via public transport. The villages are not as well served by public transport as other villages of similar size on or close to the A2. There is no railway station within the village confines nor within suitable walking or cycling distance. The nearest station is at Selling, approximately 3 km south of Boughton but this can only be accessed by narrow busy rural lanes or footpaths.

4.5 Boughton parish planning context

4.5.1 Boughton is one of the larger villages in Swale. It is set around the old Roman road of Watling Street which runs west-east through the village, rising to and through the outer canopy of Blean Woods which looks over the eastern part of the village. The setting of the village adds significantly to its character. The oldest part of the village spreads out along the line of the old A2. It contains a wide variety of historic buildings. This variety of building styles, together with raised grassed banks and properties set back above the level of the road provide a strong character to this linear street. From the 1950s onwards, the village saw substantial expansion, particularly in the 1970s when suburban style estates were built, particularly in its eastern and southern parts.

4.5.2 In 1976, the main road, Boughton Street, was part of the A2 London to Dover. The building of the M2, and the A2 Boughton bypass has reduced some of the heavy traffic to Dover and to London through the villages, although the consequence of ongoing severe traffic problems at Brenley Corner and the resulting volume of traffic through the villages continue to plague the safety of our community and visitors. Traffic on the bypass produces an ever-present vehicle noise, particularly in southern parts of the village. Even within the village itself, local and through traffic detracts from the historic character of the street, a situation exacerbated by local parking

on the narrow main road. This situation can only worsen as large-scale housing developments threaten the integrity of this village community.

4.5.3 As well as Blean Woods, to the north-east of the village the lower pastures, stream and remnant orchards which separate the bypass from the village as it rises up to the Roman road, also add character, whilst to the north of the village the farmsteads, some of which are still served from the main street, provide a rural feel only a few metres away from the centre of the community.

4.5.4 Boughton has a range of facilities primarily located along the main street including a village shop, post office and shop, two public houses, two restaurants, two hairdressers, two hotels, two garages, two churches, an artists' studio and a multi-amenity village hall. The small family GP practice closed after many years in September 2016, due to the doctors' retirement.

4.5.5 St. Barnabas Church is now a well-used parish centre though still consecrated and licensed for baptisms, weddings and funerals. Through recent investment of £70,000, it has excellent access for the disabled. The parish of Boughton, with its youth and ex-service organisations, holds a Remembrance Service around the cenotaph every year. The churches are an important part of village life, and actively involved in the community.



St Barnabas Church and War Memorial

4.5.6 Both the parishes' village halls were built following funding by public donations and fund-raising. The large village hall in Boughton was built in 1976 and is used extensively by local organisations and hired out for both private and public functions as well as housing the local public library. It sits in six acres of parkland, which in recent years had play equipment for all ages installed after the successful fund-raising of over £100,00 by a local community group. In 2021, an outdoor family gym was added to the amenities.



Boughton Village Hall and Play Area



Boughton and Dunkirk Methodist Primary School

4.5.7 Boughton and Dunkirk Methodist Primary School is positioned centrally but set back from the main road. Local congestion occurs at school peak times and the school continues to grow and flourish; in recent years it has been extended, with improved dedicated teaching spaces and upgraded technology. It plays a vital and integral role in the life of both communities with several generations of families attending the school over the years. It is necessary to travel outside the village for secondary education, with the nearest schools in Faversham, between 5 and 6 km away.

4.5.8 Boughton has two open public spaces on the edge of the village. There are several wooded areas with public footpath access, while to the north adjoining the parish is Mount Ephraim stately home with its public gardens and tourist facilities.

4.5.9 Between them, Boughton and Dunkirk have a variety of sports clubs, including football, bowls, cricket, and an 18-hole 'Pay and Play' golf course. There are many other clubs and organisations catering for special interest groups in the communities. There are three thriving independent Play Groups as well as a popular Parent and Toddler Group. A Community Magazine produced over the past 35 years carries Church news as well as news from both parishes, their local organisations and clubs. It is funded by advertising, delivered by volunteers and has a circulation of around 500.

4.5.10 The adopted Swale Borough Local Plan *Bearing Fruits 2031* categorises Boughton as a Rural Local Service Centre and the planning context of the village thus:

'There are some minor opportunities for development, but its setting and the valued habitats and landscapes around the village constrain its major expansion. Given its population, local services are not as extensive as other centres and could be enhanced.

Although not a service centre, the future and health of nearby Dunkirk is closely linked with that of its larger neighbour, and both will be considered through a Neighbourhood Plan.'

Bearing Fruits 2031 the Swale Local Plan, paragraph 4.3.20

4.6 Dunkirk parish planning context

4.6.1 Dunkirk is a much smaller settlement than Boughton and is based round the junction of the former A2 and Courtenay Road, some 1.8 km from the centre of its larger neighbour. It stands at the highest point of Boughton Hill surrounded by cultivated land and Blean Woods.

4.6.2 Many birds on the UK Red List (Birds of Conservation Concern 4) such as the *lesser spotted woodpecker* and *nightingale* make their home here. The parish of Dunkirk, which extends to the north east and south west of the village itself, is strongly rural and wooded in character.

4.6.3 Dunkirk's population centres are split between the top of Dunkirk Hill, where its oldest public buildings such as the former parish church and school are clustered beside the old A2, and the bottom of the hill, where there has been modern development on the border with Boughton. Aside from these, most of the development in the village is post-war ribbon development along Courtenay Road.

4.6.4 Dunkirk contains very limited facilities having lost its church, and the school having been amalgamated with the primary school 2.2 km away in Boughton. The village does however have some small industrial units and employment facilities. There has been a valued addition of a



village hall. Dunkirk Village Hall, now a centre for community life, was built in 2012 following a major fund-raising project to replace the small, pre-fabricated structure which had stood for many years.

Dunkirk Village Hall (with Bees Knees Play Group)

4.6.5 The adopted Swale Borough Local Plan *Bearing Fruits 2031* categorises Dunkirk as a village with a built-up boundary:

'...which will provide development on minor infill and redevelopment sites within the built-up area boundaries where compatible with the settlement's character, amenity, heritage or biodiversity value.'

Bearing Fruits 2031 the Swale Local Plan, Policy ST3, 4.

'At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.'

Bearing Fruits 2031 the Swale Local Plan, Policy ST3, 5.

Section 5.0 Housing

5.1 Context

5.1.1 These are villages in which historic Tudor buildings sit alongside post-war and more recent housing. These are mostly privately owned or rented, with a limited number of social housing units. Affordability is a major issue, particularly for younger residents; there is a lack of suitable accommodation to meet the varying needs of our communities. The Neighbourhood Plan is a development-led plan that will seek to improve and enhance both parishes. It is important that any future development reflects the expressed wishes and aspirations of parishioners whilst ensuring a vibrant, robust community from now until 2031 and beyond.

5.1.2 All the sections of the NP interlock into a single context and the plan must be read as a whole but one of the most important relationships is between the Housing Needs and the Traffic and Transport sections. It will become evident that these two sections are interdependent. Government housing targets for Swale Borough Council will increase from 2022 by 34% to 1,048 dwellings per annum. This Neighbourhood Plan is produced in the context of Swale (SBC) striving to achieve these targets and is required to provide additional dwellings through this process.

5.2 Questionnaire and Housing Needs survey

5.2.1 The questionnaire results (BD1) and the housing needs surveys (BD6) are important background documents along with housing issues (BD5), KCC Strategic Commissioning Statistical Bulletins: Affordable Housing 2019-2020, Housing Stock 2019, Property prices and sales in Kent 2020, Earnings in Kent 2019, Disability in Kent 2020.

5.3 Issues arising from Questionnaire, Housing Needs Survey and Reg. 14 consultation

5.3.1 Affordability is the main problem for people in the parishes, as prices have risen by more than salaries. The ratio median of salary to afford the median home increased from 6.96 x salary to 8.96 x salary in 2020. Changes in the housing market have shown an increase in property prices far ahead of salary increases. This makes the opportunities for family members wishing to leave home and set up on their own or in a new family unit even more difficult. Local prices are at a higher level than many other parts of the Borough. During 2020 the average sold price of a property was £336,000. This includes a one-bedroom flat at £102,500 and a two-bedroom terraced house below £200,000, which lowers the average. From the calculations in BD6, it is clear that this would put property ownership completely out of reach for many local families. During November / December 2020, only three advertised three-bedroom rented properties were available in Boughton with an average monthly rental of £1,150. In nearby Hernhill and Faversham only three flats, with either one or two bedrooms were available between £650 and £995 per month.

5.3.2 The situation in 2022 has changed since our original research in 2015. Analysis of Land Registry data, March 2020 to January 2022 shows an increase in average sale prices of 17% in Swale, therefore property is even less affordable in the two parishes. The need for truly affordable homes is still our main priority and underscores our only suggested allocation for new homes.

5.3.3 The results of the questionnaire showed that some parishioners would like to move into smaller homes. It established a need for a small development, low rise and low density, and it was important that the properties would be available to local people or people with a local connection (see BD5).

5.3.4 It is crucial that ANY development within the parishes should not add unduly to the traffic problems that blight Boughton Street and other parts of the villages (see Traffic and Transport section, and BD4). Research shows a major problem to be traffic flow, particularly through The Street in Boughton, and any development must not be allowed to make this worse.

5.3.5 The water supply and sewage facilities in both parishes are already under strain. The NP recommends the need for mandatory housing standards for water and energy use. This would support water and energy efficiency for new buildings and promote the collaboration between the parishes of Boughton under Blean and Dunkirk, Swale Borough Council and developers.

5.4 Local Plan Review new development concerns

5.4.1 The relationship with developers, particularly on any larger sites being planned, is crucial. The NP sets out what priorities new development should seek to deliver through Section 106 agreements which must be monitored rigorously by Swale Borough Council. The government's New Homes bonus, awarded as an incentive for new housing development, should be shared equitably with both parishes. This bonus has never been distributed since its inception.

5.4.2 Some proposed developments in SBC's emerging Local Plan Review straddle parish council boundaries. For instance, the proposed Duchy development on London Road in Faversham is 26% in Boughton and 9% in Selling (see Maps III and IV below). The impact on these communities must be taken into account, and views reflected through public consultation.



Map III. Duchy Land.



Map IV. Duchy Land by Parish: Faversham 65%; Boughton 26%; Selling 9%.

These maps are also printed at A3 size in the compendium of Maps that follow page 68.

5.5 Impact of housing demands on our parishes

5.5.1 The adopted Local Plan 'Bearing Fruits 2031' (adopted July 2017) allocates enough land to deliver 14,124 dwellings. From 2022, the housing requirement figure increases from 776 per annum to 1,078 per annum. This means that the Borough Council is expected to allocate sites over the period covered by the current Local Plan and the Local Plan Review (2022 to 2038) for over 26,560 dwellings in the Borough. None of this is included in this Neighbourhood Plan. If

approved, the anticipated increase in population would only exacerbate strains on our public services such as education and health provision, and would increase the risk that Boughton and Dunkirk will become a suburb of Faversham.

5.5.2 The NP will aim to protect the rural gap of Grade 1 Agricultural Land separating these settlements and resist any attempt to encroach on existing parish boundaries but this issue will be dealt with through the Local Plan Review.

5.6 Liaison and consultation

5.6.1 There is an urgent need for all stakeholders and decision-makers to:

- i liaise strategically over the important decisions facing them.
- ii give priority to recognising the impact of these decisions on small communities such as Boughton and Dunkirk. It is vital that the residents of Boughton and Dunkirk should be consulted over all matters which affect their everyday lives, and that their voices be heard.

5.7 Allocation

5.7.1 It was established that a modest development of 10 to 12 properties as proposed in Policy H2 would be sufficient to address the need of the villages, provided there were sufficient safeguards over how these and the existing allocations were to be reserved for local need. As a bonus, these would provide additional houses to the Swale five-year supply.

5.7.2 Allocation process

The Swale Local Plan 'Bearing Fruits 2031' assessed potential for housing development and allocated three sites within the Neighbourhood Plan area. These are already allocated meaning that planning permission will readily be considered. They are all in Boughton.

5.7.3 Bearing Fruits site allocation

1. Bull Lane – approximately 0.5ha in size and allocated to deliver a minimum of 16 dwellings.
2. Land off Colonels Lane – approximately 0.8ha in size and allocated to deliver a minimum of 15 dwellings.
3. Land South of Colonels Lane – approximately 0.3ha in size and allocated to deliver a minimum of 6 dwellings.

These three sites were previously allocated by Swale Borough Council and the NP may only add to them. **Indeed, one could say that these properties alone would satisfy the housing demand of the area covered by the Neighbourhood Plan.**

5.8 Meeting local housing needs

5.8.1 In order to meet local needs, the Neighbourhood Plan aims to ensure that these sites, as well as an additional area in Colonels Lane, are designed for and marketed to our parishioners. Dunkirk has gained consent for a S106 planning condition that ensures properties are offered to local people first and the Neighbourhood Plan wishes to ensure this continues. Another issue from the Housing Needs Survey was a need for 11 social rented or shared-ownership properties. This cannot be addressed through the NP as this could add 'hope value' to any land considered, making it too expensive for these properties. The land would need to be purchased at agricultural prices.

5.9 English Rural Housing

5.9.1 The NP team have met English Rural Housing and both Parish Councils will try to address this need outside of the Plan. This decision was taken after discussions with SBC and has the backing of both Parish Councils.

5.10 Site allocation by the Neighbourhood Plan

5.10.1 Since May 2016, the Neighbourhood Plan Team has been working on the understanding from Swale Borough Council that no further sites will be allocated by Swale Borough Council within the Boughton and Dunkirk area, and any further allocation will be determined by the Neighbourhood Plan. This is exclusive of any allocations through the Local Plan process.

Consequently, it is understood that the Neighbourhood Plan would be the only plan to allocate land within its designated area. This was a very positive confirmation. The Neighbourhood Plan Team had already started to assess the parishes for land for further development, but it was at a very early stage and would have had little weight in any planning decision.

5.10.2 It is necessary to point out that this responsibility is relevant to the 26% of the land within the Boughton Parish boundary that is embraced in the Duchy proposal to build 2,550 houses, plus 20,000 square metres of business, commercial and retail space on London Road in Faversham. The impact on the villages would be huge.

5.11 Call for sites

5.11.1 The Neighbourhood Plan Team carried out a call for sites (BD13) and 23 sites were submitted, which did not include the Duchy land. These were assessed with a process similar to that used by Swale Borough Council, to ensure they would be compliant with National Policies, The Swale Bearing Fruits 2031 (emerging at that time) and saved policies in Swale's local plan 2008, carried forward to Bearing Fruits 2031, and followed locality guidelines.

5.11.2 These were assessed thoroughly (BD14) in three ways:

1. By the Neighbourhood Plan team using protocols developed by Planning Aid England.
2. By a consultant (Town Planner Catherine Hughes) who worked with the team.
3. Finally, a shortlist* was reviewed by Swale spatial planners, planning officers and conservation officer, under the SHLAA constraints.

*These were the sites that had some merit, along with those that might be considered contentious, so that every site would be exposed to rigorous scrutiny. Some had already been assessed and rejected by Swale Borough Council.

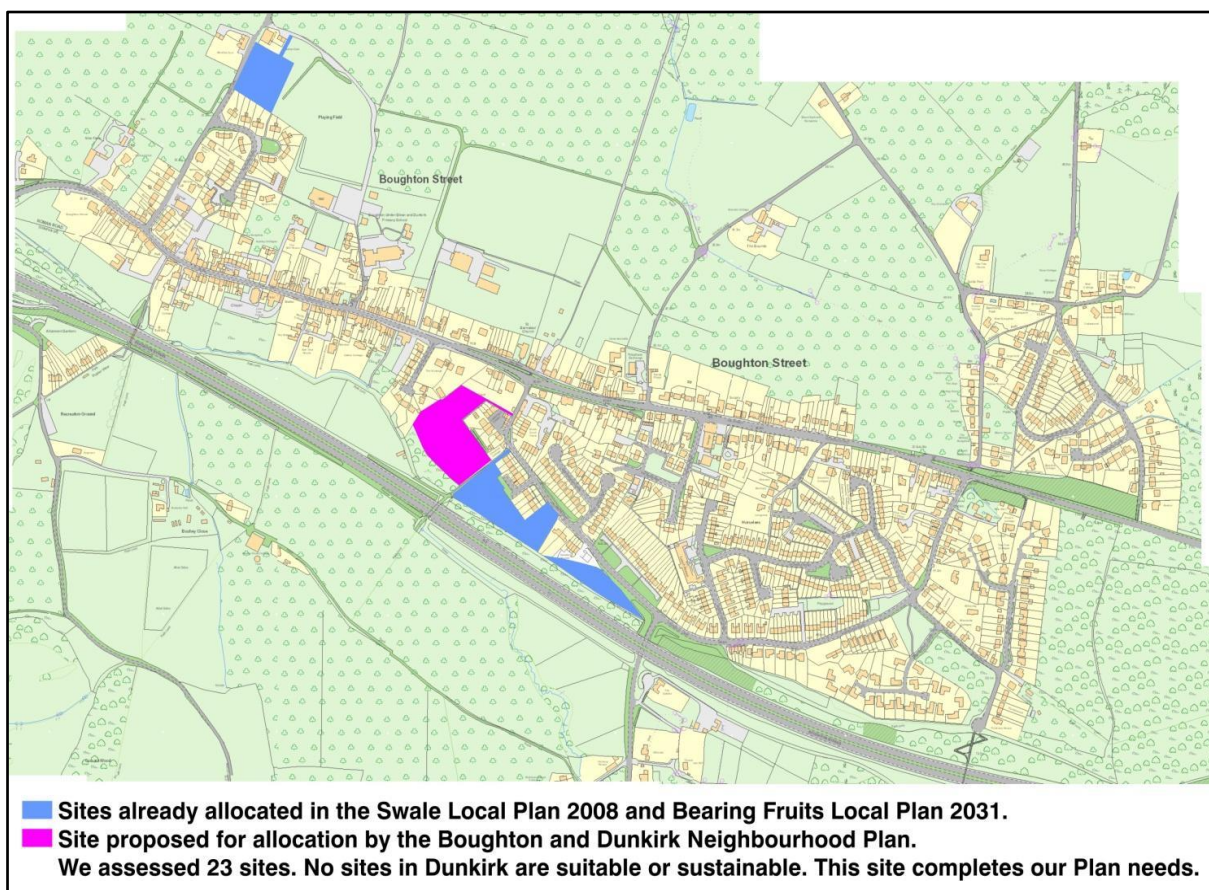
5.12 Plan site selection

5.12.1 The chosen site (land at rear of 89 The Street, sites 22 and 23 in BD13) has a number of constraints that can be mitigated by combining the site with the adjacent Local Plan allocations in Colonels Lane. Along with a suitable S106 condition, more homes would be available to people within our community.

5.12.2 A development brief / design code for the combined sites to include the local plan allocations will be required to address:

- i access to Colonels Lane via the adjacent site, allocated in the Swale Local Plan, with appropriate legal undertakings.
- ii safe pedestrian and cycling access and traffic management measures to cross a public footpath.
- iii noise screening, given the proximity to the A2.
- iv proximity to the Conservation Area.

These points will be further scrutinised with any planning application; the site is close to all facilities and is considered sustainable, suitable, available, achievable and deliverable.



Map V. Neighbourhood Plan site selection

This map is also printed at A3 size in the compendium of Maps that follow page 68.

5.12.3 This will be the only site the Neighbourhood Plan Team are prepared to recommend to the community in the referendum. This site (see Map V above) met all selection criteria and is therefore suitable for allocation.

See also BD14 Site Assessments and Allocations.

5.13 OBJECTIVES AND POLICIES

5.13.1 Objective 1. To provide existing and future residents with the opportunity to live in a quality home whilst ensuring minimal impact on the traffic-sensitive areas exposed by the questionnaire.

5.13.2 Policies from Objective 1

- H1** The provision of new housing within the Plan area, particularly to meet local needs and including the provision of affordable housing, will be supported, where such proposals comply with all other relevant policies in this Plan and those in the adopted Swale Borough Local Plan.
Proposals for new residential development will need to demonstrate that all aspects of the development comply with the objective of securing sustainable patterns of development within the Plan area, particularly in respect of seeking to minimise environmental impacts, such as traffic generation. All new dwellings should be designed and built to comply with Part M of the Building Regulations (see BD5).
- H2** Land to the rear of 89 The Street, Boughton, as shown on Map V on page 20, is allocated for the development of up to 12 new dwellings. Proposals for the development of the site will be required to:
1. include the appropriate proportion of Affordable Housing
 2. secure satisfactory vehicular and pedestrian access, including access for emergency and refuse collection vehicles, from land to the east of the site which is also allocated for residential development in the adopted Swale Borough Local Plan
 3. maintain the existing Public Right of Way along the south-eastern boundary of the site
 4. provide suitable access within the site to serve existing wastewater infrastructure in the area
 5. secure appropriate utility infrastructure connections in conjunction with the development of land to the east of the site
 6. be implemented in accordance with a Development Brief to be agreed with the Borough Council and the Parish Council, following public consultation.
- H3** Proposals for new residential development in the Plan area should include a mix of housing types, including smaller homes for people seeking their first home or for older people seeking to downsize from larger properties. Developments of 11 or more new dwellings must provide 40% affordable housing, in accordance with the Borough Council's policies and Housing Strategy.

H4 At least 25% of all Affordable Housing units secured through developer contributions in the Plan area shall be offered for discounted sale as First Homes for a period of at least six months, in accordance with the national and local eligibility criteria. See BD5 for full details.

5.13.3 Objective 2. To ensure that new development is of high-quality design, built to high sustainability standards (i.e., energy efficient and with vehicle electrical charging points), reinforces local distinctiveness, and minimises impact on the landscape. New and improved utility infrastructure including wastewater and water supply, will be encouraged and supported in order to meet the identified needs of the community subject to other policies in the plan.

5.13.4 Policies from Objective 2

H5 Proposals for new residential development in the Plan area will be supported where they:

- 1. demonstrate that they are of good design and locally distinctive style, respecting the principles of the current Kent Design Guide, and including suitable green spaces and children’s play areas. (See also Policies E1, E2 and E3); and**
- 2. demonstrate that they will be sympathetic to the street scene and their settings as set out in an agreed Design Code for the development and/or for the wider area; and**
- 3. include building design features to seek to achieve carbon neutrality and reductions in energy usage.**

H6 The sites within the Plan area allocated for new residential development, including the three sites allocated in the adopted Swale Borough Local Plan and the site included at Policy H2 in this Plan, shall:

- 1. be developed in accordance with an agreed Development Brief and/or a Design Code to be prepared by the applicant or developer, that is subject to local public consultation prior to agreement by the Parish Council and the Borough Council;**
- 2. be required to make the appropriate contribution towards the mitigation of recreational pressures on the designated Special Protection Areas (SPAs) in accordance with the Borough Council’s adopted Strategic Access Management and Monitoring Strategy (SAMMS).**

5.13.5 Objective 3. Preferential access to new affordable homes will be given to people with a proven local connection. Where a local need for affordable housing has been established, this will apply to those sites already allocated in the Swale Local Plan and to those allocated by this Plan; they must be placed in sustainable locations and support the environmental aims of the NP. This will be achieved with Section 106 agreements, monitored by Swale Borough Council.

5.13.6 Policy from Objective 3

H7 Within new residential developments approved within the Plan area, preferential access to Affordable Homes provided as part of those developments, should be given to people with a proven local connection and subject to meeting the eligibility criteria of the Borough Council's Housing Allocation Policy.

5.13.7 Objective 4. Traffic issues and parking are of the highest concern. Development will be expected to fully address the impacts on traffic and parking issues in the area.

5.13.8 Policy from Objective 4

H8 Proposals for new residential development in the Plan area shall ensure that adequate on-site car parking provision is made in accordance with the Borough Council's approved Parking Standards SPD (adopted June 2020).

Development proposals which involve the loss or conversion of existing on-site car parking spaces, for example the conversion of a garage to living accommodation, will only be supported where adequate on-site parking provision, in accordance with the Parking Standards, remains available to support the completed development.

Section 6.0 Traffic and Transport

6.1 Context

6.1.1 Boughton and Dunkirk, twin villages on the ancient road from London to Canterbury taken by Chaucer's Pilgrims, are under siege. Road traffic is the bugbear in many ways. The M2/A2 corridor, running through the Neighbourhood Plan area, is also part of the "Trans European Transport Network" and the Brenley Corner junction is one of UK's biggest accident black spots.

6.1.2 As with educational provision, many of the decisions that apply to/govern our recommendations will be taken at Borough Council, County Council or national level. Our representations, the voices of the communities need to be taken into account when decisions are made.

6.2 Brenley Corner Junction

6.2.1 Brenley Corner junction is the only roundabout between Dover and the outskirts of London with traffic, particularly foreign traffic, sometimes unprepared for it. Accidents occur regularly. When this happens, the impact on the village is profound, as vehicles, including heavy lorries, attempt to get around the accident by using country lanes and Boughton Street. The danger to other local road users – cyclists, horse-riders, pedestrians – is obvious and worrying. The quality of the air that people in our communities breathe is also affected.

6.2.2 This major junction, the responsibility of National Highways, is severely in need of improvement, especially if it is to take an extra load of traffic from more development at Faversham and Canterbury and from a new Thames Crossing. This improvement needs to be sensitively handled, respecting its rural setting in what will become a precious green gap between Faversham and Boughton.

6.2.3 Some commuters who car share or board coaches, park in Brenley Lane and Homestall Lane; this has never been properly controlled, to the detriment of the environment, but this could be affected by future highway improvements at Brenley Corner.

6.3 Increase in traffic flow

6.3.1 The problem will be exacerbated by future major housing developments planned for Faversham and Canterbury which will further increase traffic flow along the bypass/A2/A299 roads.

6.3.2 There is also a proposal to build up 2,550 new homes on Duchy of Cornwall land between Brenley Corner and along the A2 to Tinbridge Oast, which lies in Boughton. The draft plan for this development shows no fewer than five new junctions onto the existing A2 roadway. Any suggestion of major development between Faversham and Boughton beside the A2 must be seen in the context of the February 2022 Strategic Transport Modelling Evidence report. This states 'it is highly unlikely that any highway schemes can fix all the congested points on the network', which will constrain development until at least 2038.

6.3.3 Canterbury City Council also plans to approve the building of 16,000 homes in Canterbury, Whitstable and Herne Bay by 2031.

6.4 Congestion and parking

6.4.1 Congestion in Boughton Street is already an ever-present problem. Parking is in some stretches restricted by double yellow lines but this road, the old A2 between London and Dover, is frequently blocked, a situation exacerbated by the necessary, welcome and regular journeys by double decker buses. The congestion has often reached crisis point. This, as the Neighbourhood Plan indicates, is a necessary constraint on further housing development in the two villages, including affordable housing. Some efforts have been made to reduce the effects of large vehicles entering the village, through a 7.5 tonne weight restriction on The Street, but the basic problem persists.

6.4.2 More cars mean more parking, particularly in residential areas where existing housing has access to no, or just one, off-road parking space. Many of the houses within the conservation area have no garage or parking spaces. The western part of The Street, which is most affected by congestion, was surveyed again in 2017 to see if residents would use off street parking if it was available. The responses indicated that it would be acceptable but used only if there were a number of such sites relatively close to the respondents' homes. This is not viable as there are no sites with suitable and safe access on to The Street. The obvious solution is a major extension of the existing yellow lines but this is not acceptable without providing adequate alternative parking spaces for residents.

See BD4 Additional Evidence for Parking Questionnaire and Results.

6.5 A2 Lorry parking

6.5.1 Overnight lorry parking is a major problem along the A2 and in surrounding roads, especially at Gate Services and at Nash Court. Neither the solution to Operation Stack nor the problems associated with Brexit and overnight lorry parking have been resolved. The dangerous situation at Gate Services, where Heavy Goods Vehicles were parking on the footway, forced pedestrians into the roadway and damaged the path. Years of pressure from Parish and County councillors, with the local MP, achieved action from National Highways, but the situation is not yet fully resolved. The lorry parking problem also occurs along the old A2 near Nash Court.

6.6 OBJECTIVES AND POLICIES

6.6.1 Objective 1. High priority in the policies and implementation of the Neighbourhood Plan must be given to dealing with the transport and environmental implications of changes to the A2/M2 corridor and to development at Faversham and Canterbury.

Boughton and Dunkirk Parish Councils will continue their pressure on Swale Borough Council, Kent County Council, National Highways and their Borough Councillors, County Councillors and MP to improve the traffic flow along the A2 and the junction at Brenley Corner, while restricting access to some of our lanes and Boughton Street by HGVs and other through traffic. The Parish Councils

will play an active role in the preparation and implementation of a design and development brief for the Duchy Land in respect of traffic and pedestrian routes.

6.6.2 Objective 2. All development will be expected to include proposals to mitigate congestion problems in the area, and the intrusive effects of traffic. The villages of Boughton and Dunkirk, and the surrounding countryside, are to be protected from the impacts of threatened increase in traffic. The NP requires all developments to provide off-road parking in accordance with the Parking Standards set out in BD4.

6.6.3 Policies from Objectives 1 and 2

- T1 To reduce the adverse effects of traffic on our villages, all developments will be limited by the capacity and nature of the road network necessary to accommodate them, and where possible should include off-road access via public rights of way.**
- T2 Further development in the countryside and surrounding villages is resisted beyond that which is allowed by the NPPF 2021 and LP Policy ST3, Bearing Fruits 2031, in order to avoid any increased negative impact on the current road system traffic, the Public Rights of Way (PRoW) network and the local environment.**

6.6.4 Objective 3. Development proposals will require measures to allow safe walking, cycling and use of public transport. The Neighbourhood Plan team and the Parish Councils will work with the Highway Authority and the bus companies to improve facilities and information at the bus stops.

6.6.5 Objective 4. The Neighbourhood Plan team and the Parish Councils will work with:

- i. Kent County Council as the Highway Authority to improve cycle and pedestrian routes.
- ii. The Highway Authority and landowners to promote the “Walking for Health” routes identified (see Maps VI, VII page 30, and BD11)

6.6.6 Objective 5. Any development must not add to parking problems in the area and should include measures to ensure adequate parking provision is included to serve the needs of the development.

6.6.7 Policies from Objectives 3, 4 and 5

- T3 Future residential and non-residential buildings shall have sufficient dedicated on-site parking spaces to avoid the need for parking on adjacent roads in accordance with the Parking Standards set out in BD4.**
- T4 Development proposals for creation of a properly surfaced and managed car parking area, for example at Brenley Lane, will be supported, in principle, to promote car sharing.**

Section 7.0 Business and Employment

7.1 Context

7.1.1 The Neighbourhood Plan area has incomplete broadband coverage, with access one-third slower than the national average. The proportion of companies which export is in line with the national average (11%.) Eleven companies (15.5%) have expansion plans, some with additional property requirements, and eighteen have additional staff requirements.

There is no Business Forum or support group for local businesses to network, discuss promotion or recruitment opportunities or to make representations, either nationally or locally. Local business attitudes, however, are mainly positive. The potential for further growth exists, at least in the medium term.

7.2 Consultation

7.2.1 Local businesses were consulted regarding their requirements as part of the Neighbourhood Plan survey of community opinion. Eleven local companies said they were considering changing premises to expand and allow for growth. These opinions were expressed pre-Brexit and a further survey may be needed in order to gauge/check business confidence (see also BD7). The Neighbourhood Plan should remain flexible to accommodate expansion by small businesses, while at the same time, protecting the local environment.

7.3 Farming

7.3.1 There are five major farming/agricultural businesses in the curtilage of the Neighbourhood Plan. Each is thriving, and the sympathetic development of agricultural buildings has been necessary for the growth of these businesses.

7.4 Suggestions for improvements

7.4.1 Suggestions for improvements/criticisms by businesses covered ten different areas of which six most frequently mentioned were the need for:

1. Faster, improved broadband service
2. Reduced parking in The Street and increased off-street parking allocation (11)
3. Improved road upkeep and/or maintenance (6)
4. Additional housing and commercial land allocations (6)
5. A Business Networking forum (5)
6. Promotion of Local Businesses

7.5 OBJECTIVES AND POLICIES

7.5.1 Objective 1. To ensure the continuing vibrancy of the villages, the Neighbourhood Plan seeks to maintain and encourage proportionate expansion of local enterprises and retail outlets to encourage community use as well as to provide opportunity for employment and training for local people. This includes prioritising development on brownfield sites.

7.5.2. Policy from Objective 1

BE1 Proposals for new or expanded businesses (falling within Use Class E), either on existing or other sites will be supported, where they reflect the overall development strategy of this Plan and conform with the relevant policies concerning location, building design and environmental impacts. In particular, support will be given for proposals for the redevelopment of previously developed sites and also for those that provide opportunities for local employment and training.

7.5.3 Objective 2. To support sustainable and economic growth which respects the character of the area and conserves its heritage while understanding the important elements of the local landscape. See Section 2, About Us.

See also BD10 and Policies from Section 10: E1, E3 (10.4.2); E9 (10.4.8); AS12, AS13 (10.13.2).

7.5.4 Policy from Objective 2

BE2 Proposals for new commercial development within the Plan area must be in keeping with the important landscape and heritage character of the area and take account of the relevant policies in Section 10 of this Plan.

7.5.5 Objective 3. To maintain the essentially rural nature and character of the two parishes, any commercial development should be measured, proportionate in size and type, and sustainable in the context of traffic and other infrastructural consideration.

7.5.6 Policy from Objective 3

BE3 Proposals for new or expanded commercial development in the Plan area should include adequate on-site vehicle parking spaces in accordance with the adopted Parking Standards and, where necessary, submit a Goods Movement Plan to minimise the use of HGVs. (See also BD4, Parking Standards).

Section 8.0 Community Wellbeing and Health

8.1 Context

8.1.1 The community benefits from four designated recreation areas within two parishes, set within rural surroundings of picturesque fields, woodlands and orchards. These spaces provide play facilities for younger children as well as areas for football and bowls. There is also an 18-hole golf course with hotel facilities.

8.1.2 In recent years a community group, supported by the Parish Council, has enhanced the main recreation ground in Boughton by providing play facilities for the youngest children as well as adventure equipment for older children. An outdoor family gym was added in 2021.

8.1.3 With the closure of the Boughton GP surgery in 2016, our community now has no local primary medical, dental or social care facilities. Residents must travel to Faversham, Whitstable or further afield to meet their care needs. Whilst resolving this issue is not within the remit of a Neighbourhood Plan, our proposed housing policies have been designed with this constraint in mind (see BD11).

8.2 Questionnaire response

8.2.1 The main sources of evidence are the results of the Questionnaire and comments at subsequent meetings. These identified a strong concern for retention and promotion of the rural environment of the two villages (see also BD11). The Neighbourhood Plan has taken account of the need for additional facilities, particularly for younger adults, as indicated in responses to the initial Questionnaire.

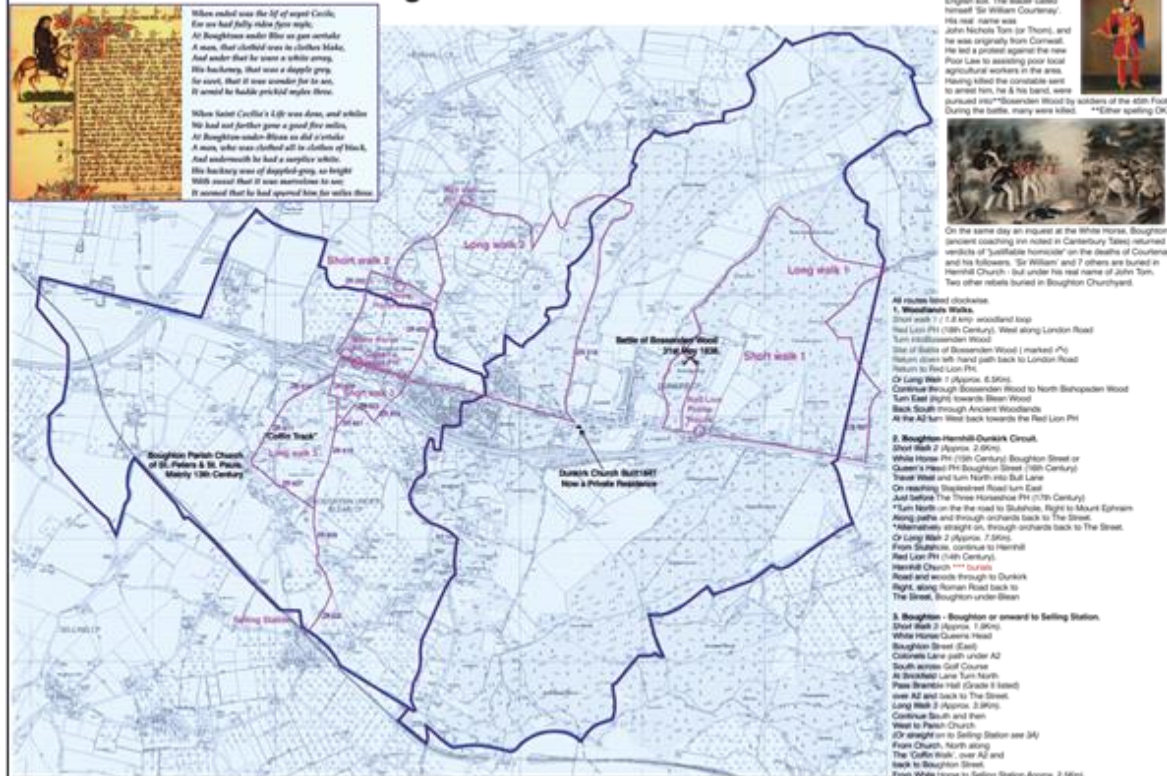
8.2.2 To meet the points identified by respondents, the Neighbourhood Plan contains a broad aim to extend sport and recreational opportunities for all members of the community by making best use of green spaces, village hall facilities and the Parochial Church Council-owned St. Barnabas Parish Centre. Responses to a Call for Sites also include suggestions suitable for recreational development.

8.3 Walks, trails, bridleways and footpaths

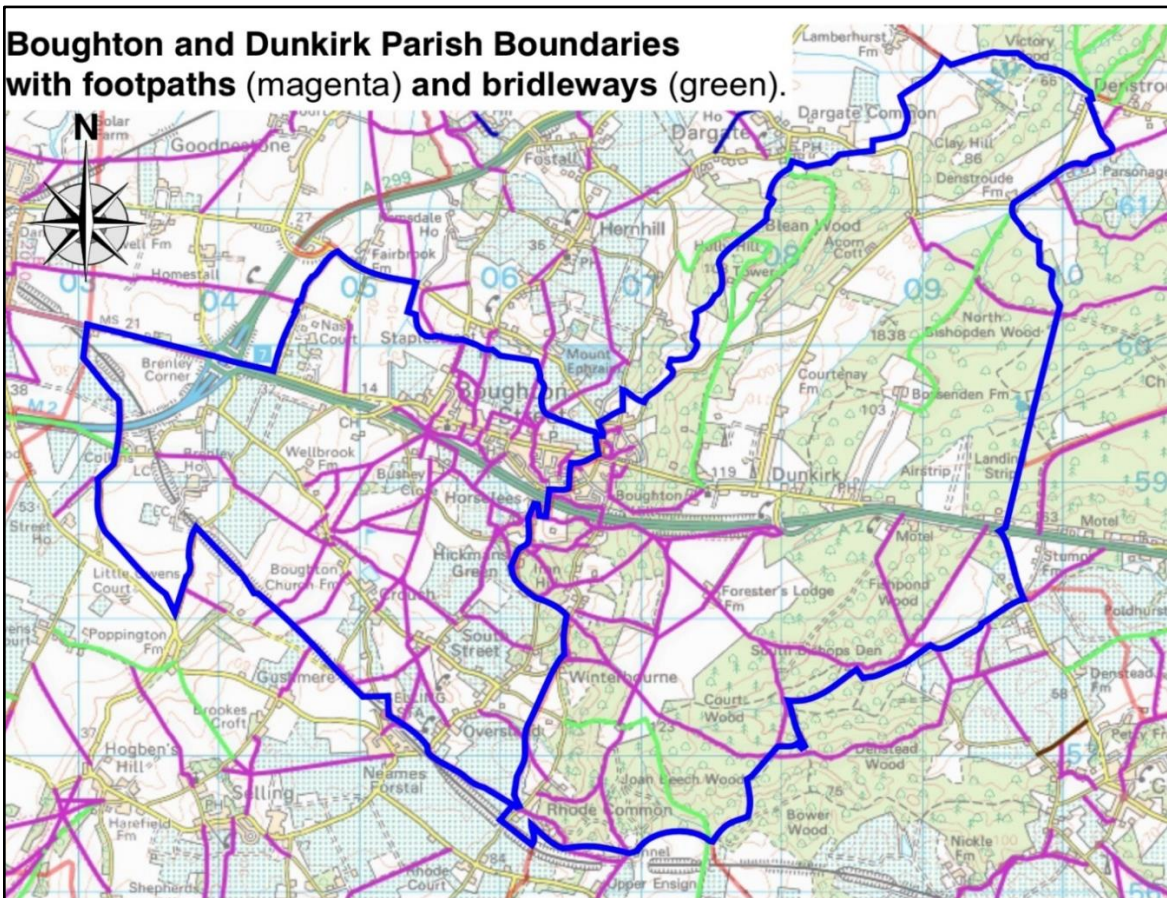
8.3.1 Maps VI and VII on page 30 identify footpath trails and bridleways across the two parishes, and specially designed walks entitled 'Walks for Heritage and Health' (see also BD11). The Neighbourhood Plan encompasses an area of landscape and historic interest. Situated close to the protected woodland of the Forest of Blean and surrounded by an iconic countryside of orchards and hop-gardens, it is the epitome of Kent 'The Garden of England'.

8.3.2 Local residents value this landscape for its intrinsic beauty, its historic importance and its recreational amenity value. It also acts as an important countryside buffer between the villages and the larger nearby towns of Faversham and Canterbury.

Walks and trails for Heritage and Health.



Map VI. Walks and Trails for Heritage and Health



Map VII. Boughton and Dunkirk boundaries with footpaths and bridleways

These maps are also printed at A3 size in the compendium of Maps that follow page 68.

8.4 OBJECTIVES AND POLICIES

8.4.1 Objective 1. To enhance the use of all present recreational spaces and facilities, and to promote the health of the whole community by encouraging physical exercise.

8.4.2 Policies from Objective 1

- CWB1 The promotion and use of the green environment through new and existing designated trails which link throughout the parishes will be supported.**
- CWB2 The provision of new and/or enhanced suitable recreational open spaces and facilities at suitable and accessible sites within the Plan area, will be supported.**
- CWB3 Development proposals will be supported that will enhance the network of public bridleways and footpaths throughout the parishes.**

8.4.3 Objective 2. To broaden recreational opportunities and highlight the benefits of the outdoor environment for community members of all ages, not least for young adults, as well as for visitors to the parishes.

8.4.4 Policy from Objective 2

- CWB4 Development proposals will be supported that will enhance sports facilities within Boughton and Dunkirk villages.**

Section 9.0 Educational Provision

9.1 Context

9.1.1 With the closure of the primary school in Dunkirk, pupils from both parishes within the Neighbourhood Plan area now attend the combined Boughton and Dunkirk Primary School in Boughton. Pupils continue to attend secondary schools in Faversham or Canterbury, either by bus or car.

9.1.2 With the primary school now close to capacity, a new housing development at Love Lane/Whitstable Road in Faversham as well as other proposed developments close to (and within) the boundary of the parish of Boughton-under-Blean may well have an impact upon school numbers. However, assurances have been given, following discussion with senior officers in East Kent Area Education Department, that pressure will be exerted upon developers to include the construction of a new primary education facilities in Faversham to meet the needs of these new residents.

9.2 Meeting the needs of our communities

9.2.1 The objectives of the Neighbourhood Plan relate both to ensuring adequate educational provision for all our primary school pupils and, where possible, to alleviating present and future pressures on parking and traffic flow linked to transportation of pupils to and from school.

9.2.2 At the same time, the Neighbourhood Plan supports local opportunities for continuing education and training for the wider community. Consequently, there is an obvious need for improved and consistent broadband throughout the NP area. Much of this section will depend on education and planning decisions, at District and County Council level, but the wishes of the community are summarised at the time of the writing of this Plan.

9.3 OBJECTIVES AND POLICIES

9.3.1 Objective 1. To ensure that any proposed new developments within or close to the boundaries of the two parishes must respect the constraints on the present primary school facilities. To improve parking provision and traffic flow at the beginning and end of the school day, as well as ensuring safe crossing places in The Street, following expressions of concern by pupils and parents. To support the suggestion produced by the questionnaire of a shuttle bus within the two Parishes in order to reduce the journeys of private vehicles travelling to and from the school.

9.3.2 Policy from Objective 1

EP1 Development proposals must make the appropriate educational provision including safe walking routes to and from the school. This is to ensure traffic problems are not exacerbated and air quality standards are not compromised.

9.3.3 Objective 2. To promote an ethos of Education for All by encouraging the use of local facilities to offer opportunities for study, personal development and expansion of vocational skills. To meet the needs of a world ever more reliant upon 'new technology', the Plan will focus on providing or encouraging opportunities for training in Information Technology (IT) for all members of the community by adapting or improving current facilities.

9.3.4 Policy from Objective 2

EP2 To support proposals to enhance local facilities for continuing study, including the development of vocational and information technology skills, for all members of the community and to improve broadband access and speed.

Section 10.0 Environment, Landscape Character and Design

10.1 Context

10.1.1 The Neighbourhood Plan Area includes the historic villages of Boughton and Dunkirk, together with surrounding hamlets around Boughton Church and at South Street. They are all set within two areas of significantly valuable farming and natural landscape – parts of the North Kent Horticultural Belt, with its predominance of orchards and hop gardens, and the Forest of Blean, which includes both areas of woodland and fields formerly part of the forest. “The Blean” is an internationally designated Special Area of Conservation due to its ancient oak and *hornbeam* woodland and because it supports a good population of the rare *heath fritillary* butterfly. The villages have seen gradual growth over the years, with a mix of housing developments, and a sprinkling of commercial and community facilities.

10.2 Conservation and Landscape Character

10.2.1 The Swale Local Plan includes policies for the protection of significant landscape and habitat areas and the historic environment of this Neighbourhood Plan Area. The Boughton and Dunkirk Neighbourhood Plan confirms the evidence base for these policies through the Landscape Character Analysis (BD9) and the Boughton Street, Boughton Church and South Street Conservation Area Appraisals, adopted in 2019 (BD8). These documents identify the special qualities of each area, and suggest development and design guidelines; these are reflected in the site-specific policies on page 39, paragraph 10.5. In particular, they emphasise the need to protect from development the fruit belt areas north and south of Boughton, as well as the Blean Woods area that surrounds Dunkirk, and the character and setting of the three Conservation Areas and the landscape buffers between Faversham and Boughton, and between the village and the A2.

10.2.2 In the Swale Landscape Character Assessment (BD10), 42 landscape character areas were identified, described, and their key characteristics noted. An analysis was undertaken to identify the condition and sensitivity of the landscape to change. Methodology guidelines for each area were proposed. It was noted that changes in the natural landscape are often gradual, relating closely to changes in geology and soil type. It is therefore common to find some characteristics of one area overlapping into another.

10.2.3 Not all areas within a landscape character area exhibit all the characteristics of that area and it is usual to have some pockets with very few distinctive features. Often this is due to changes in land use that have resulted in the loss of landscape features, or the addition of features not typically associated with that area. The proximity of the built environment often affects the condition of the landscape, particularly on the boundaries where pressures are greatest.

10.2.4 Within the NP area ten different landscape areas have been identified (see para 10.5); each one is mapped, photographed and described in detail in terms of the landscape, views and built environment. Development / design guidelines are given for each separate area which are now reflected in the area-specific policies in paragraph 10.5. (Map X, page 37).

10.3 Maintaining Community Identity

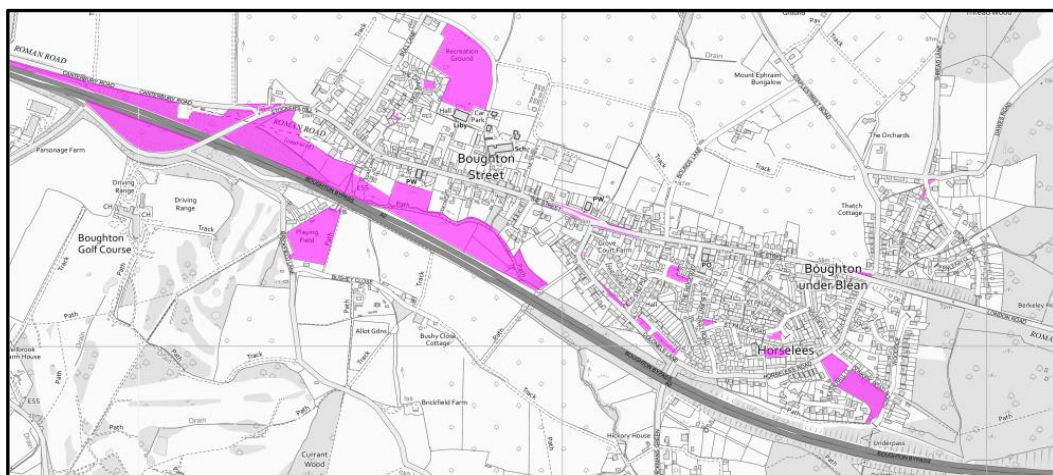
10.3.1 One of the most important principles of our Neighbourhood Plan is to maintain our identity as a community separate from Faversham, Canterbury and Whitstable with green space between us. This means that, in order to safeguard and enhance the local environment, as a matter of principle any new development should take place on sites within or, if required to meet recognised community needs, adjacent to the built-up boundaries of Boughton and Dunkirk, relating well to the existing settlements, respecting the character of the surrounding countryside and of the Conservation Areas.

10.4 OBJECTIVES AND POLICIES

10.4.1 Objective 1. To safeguard and enhance the distinctive identity and rural character of both Boughton and Dunkirk parishes and to maintain their separate identities and physical separation from the nearby communities of Faversham and Canterbury. To protect from development the countryside gaps between them, the open landscape between the A2 and the Boughton Street Conservation Area, and other heritage assets, and the significant views to and from The Blean and to the coast (see BDs 8, 9 and page 41, Map XII).

10.4.2 Policies from Objective 1

- E1** Proposals for developments which respect and enhance the tranquillity, local landscape, character, environmental quality and amenity value of Boughton and Dunkirk parishes will be supported in principle.
- E2** Proposals for developments which actively seek opportunities for landscape, heritage, recreational and ecological gain will be supported in principle, as will the protection and enhancement of heritage assets and the management of the countryside.
- E3** Green spaces within the parishes will continue to be protected from development (see Map VIII below, Map IX on page 36 and Map XI on page 38, and BD11).



Map VIII. Boughton parish green spaces.

This map is also printed at A3 size in the compendium of Maps that follow page 68.



*Map IX. Dunkirk parish green spaces.
This map is also printed at A3 size in the
compendium of Maps that follow page 68.*

10.4.3 Objective 2. To continue to protect and enhance the Blean Woods area that surrounds Dunkirk, the fruit belt areas north and south of Boughton, as well as the settings of the Conservation Areas of the parishes. To give special protection to sites in or near to designated landscape areas, as included in the Swale Local Plan, and to designated wildlife sites, and to encourage their enhancement and proper management.

10.4.4 Policies from Objective 2

- E4 Any development that conflicts with the protection of the natural landscape and sensitive sites and wildlife in 'The Blean' and the surrounding fruit belt will not be supported.**
- E5 All proposals for new or extended development having a landscape impact must demonstrate that they have had regard to and reflect the Landscape Character Area in which the application site falls and must follow the policy guidelines of the Local Plan as well as the policies in this Plan.**

10.4.5 Objective 3. To minimise the environmental impact of new development, including surface water drainage, water supply and quality; to ensure that all development is sympathetic to its setting and that it enhances the high-quality landscape and improves local biodiversity; to ensure that any development is compatible with its built and natural context and to locate new development within easy walking distance of existing village facilities. It will encourage access to bus stops, thus minimising traffic congestion, the related emissions and pedestrian safety concerns.

10.4.6 Policies from Objective 3

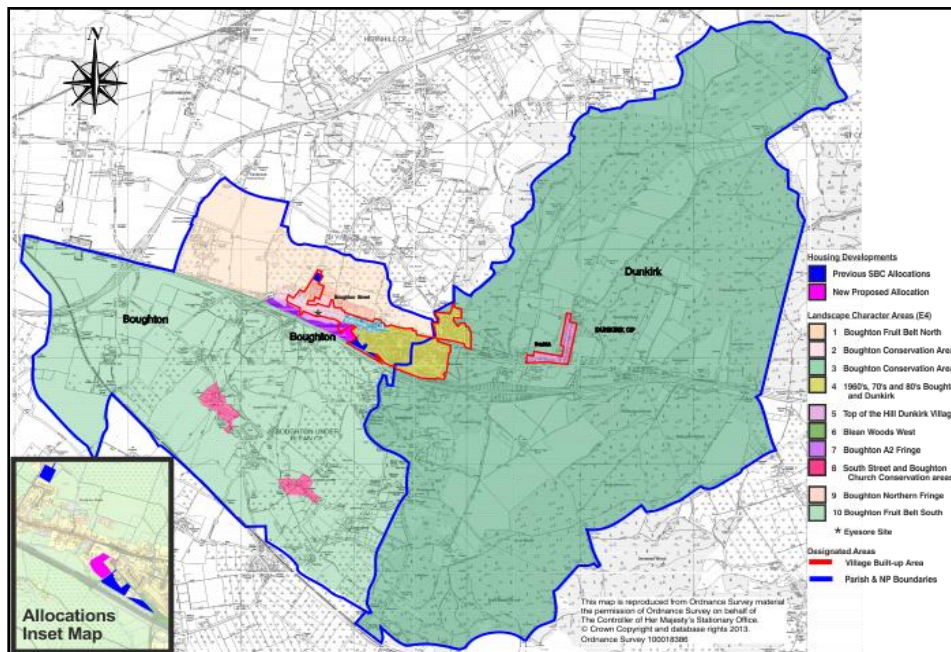
- E6 Development proposals within the Plan area which minimise the adverse environmental impacts of new development, for example in respect of surface water drainage, ecology and biodiversity, air quality and water quality, and which promote sustainable forms of development will be supported in principle.**

- E7 Development within the village envelope will be supported in principle providing it promotes the re-use, recovery and restoration of previously developed sites.**
- E8 A minimum level of at least 10% Biodiversity Net Gain is required for proposed new developments in the Plan area against baseline conditions for the development sites concerned.**

10.4.7 Objective 4. All proposals for development must contain sufficient detail to demonstrate that the proposal is of high-quality design appropriate to its surroundings, with suitable layout and access arrangements. Proposals for development within or visible from the Conservation Areas must have regard to the principles set out in the Boughton Conservation Area Appraisals (BD8) and Landscape Character Areas (BD10). The traditional pattern of growth which characterises the parishes of Boughton and Dunkirk is one of small scale and gradual change. This must be reflected in the scale of any development permitted in the Neighbourhood Plan area during the plan period. Any external lighting proposed must not cause visual intrusion or light pollution.

10.4.8 Policies from Objective 4

- E9 Variety in density, layout, building orientation and sizes will be sought to reflect the local context. Building styles and materials must also respect and positively contribute to local distinctiveness.**
- E10 Schemes must produce a cohesive and high-quality design approach for car parking, charging points, boundary treatments, bin stores, utility storage boxes, lighting and street furniture. All landscaping and boundary planting should be of native species.**



Map X. Landscape Character Areas.

This map is also printed at A3 size in the compendium of Maps that follow page 68.

10.5 LANDSCAPE CHARACTER AREAS AND AREA-SPECIFIC OBJECTIVES AND POLICIES

The policies that follow provide detailed guidance for the proposals in Map X, page 37. These policies should be considered alongside all other relevant policies and guidance in this Plan and the adopted Swale Borough Local Plan that may also apply to proposals affecting these areas.

10.5.1 Area 1 - BOUGHTON FRUIT BELT NORTH

10.5.2 Objective 1. To conserve the area and its characteristic agricultural activity, retaining its open nature and emphasising its role in the countryside gap that exists between Faversham and the villages including key views.

10.5.3 Policy from Objective 1

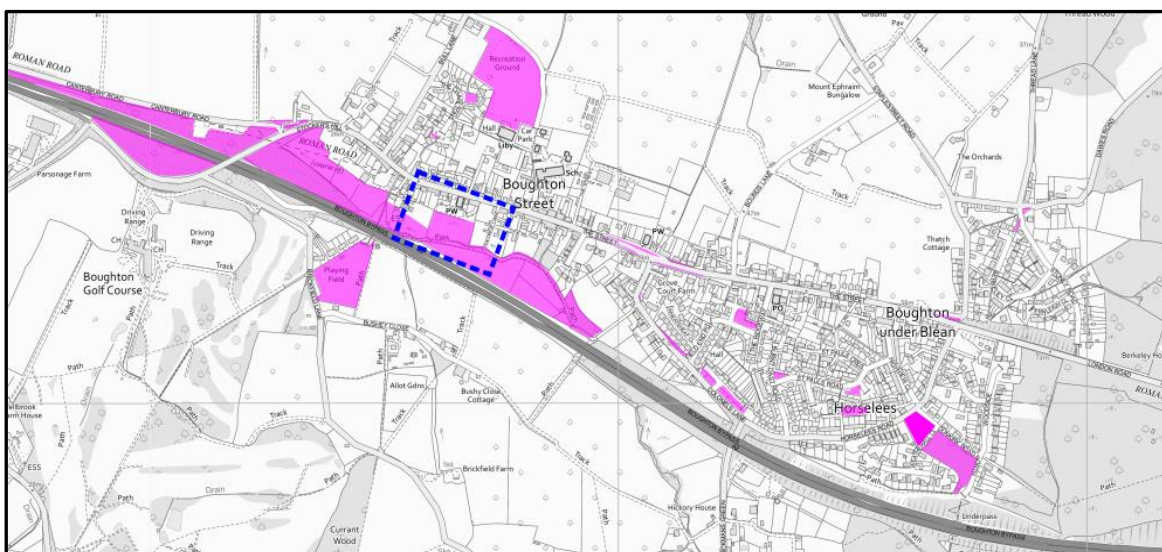
AS1 To support landscaping around the A2 to reduce the impact of the road and associated development. All landscaping and boundary planting should be of native species.

10.6. Areas 2 and 3 - BOUGHTON STREET CONSERVATION AREA

10.6.1 Objective 2. To preserve and enhance the area's special interest and its setting, including the open and wooded landscape between the rear of properties and the A2.

10.6.2 Policy from Objective 2

AS2 To support the improvement of the old Garden Hotel, in a manner which secures the viable future of the listed building and is sympathetic to the objectives of this Plan, including protection of the lower area of this site as part of a wider designation as a local green space in accordance with policy AS6 on page 39. See Map XI below.



Map XI. Boughton parish green spaces showing the Garden Hotel (within blue dotted line). This map is also printed at A3 size in the compendium of Maps that follow page 68.

10.7 Area 4 - 1960s / 70s / 80s BOUGHTON AND DUNKIRK

10.7.1 Objective 3. To protect and enhance incidental open spaces.

10.7.2 Policy from Objective 3

AS3 Development proposals that would compromise the character or access to open spaces in Area 4 will not be supported.

10.8 Area 5 - "TOP OF THE HILL" DUNKIRK

10.8.1 Objective 4. To conserve the relationship of "top the hill Dunkirk" with the wider Blean Woods (SSSI).

10.8.2 Policy from Objective 4

AS4 Development will be permitted where it is limited in scale, in accordance with the Swale Local Plan, to "minor infill and redevelopment sites within the built-up area.

10.9 Area 6 - BLEAN WOODS WEST

10.9.1 Objective 5. To conserve the distinct and tranquil landscape character of the ancient and semi-ancient woodland.

10.9.2 Policy from Objective 5

AS5 Development proposals must conserve and enhance Area 6, including ditches, streams and ponds, scrub, dry and wet heath, together with its setting of wood pasture, open slopes (including views) and the rural character of the area's network of narrow winding lanes, enclosed by mature hedgerows.

10.10 Area 7 - BOUGHTON A2 FRINGE

10.10.1 Objective 6. To restrict development south of the built-up area to the two areas on Colonels Lane already allocated for residential use and an additional area immediately to the west, detailed in Policy AS7.

10.10.2 Policy from Objective 6

AS6 Any further development to the two areas immediately alongside the A2 in Area 7 other than already allocated will not be supported.

10.10.3 Objective 7. To consider development on the area of relatively level land next to the larger site, and adjoining the built-up area.

10.10.4 Policies from Objective 7

AS7 Residential development is proposed on the area west of the two sites already allocated in the adopted Swale Borough Local Plan, as shown on Map V on page 20 and defined at Policy H2 on page 21, provided that a development brief taking account of the policies in this Plan and the views of the local community is prepared by the developer and approved by the Borough Council. The development brief should address the matters set out at paragraph 5.12.2 on page 20.

AS8 The remainder of Area 7 is to be protected as an area of green space, the public footpath enhanced, and maintenance improved through S106 contributions.

10.11 Area 8 - SOUTH STREET AND BOUGHTON CHURCH CONSERVATION AREAS

10.11.1 Objective 8. To ensure both Conservation Areas are protected and enhanced. The management and safeguarding of the churchyard, the memorial garden and burial ground is of key importance to the heritage assets and biodiversity.

10.11.2 Policy from Objective 8

AS9 Any proposals that impact the conservation areas in area 8 must be in accordance with the Conservation Area Appraisals (BD8).

10.12 Area 9 - BOUGHTON NORTH FRINGE

10.12.1 Objective 9. To maintain the rural character of the Bull Lane area and improve the Village Hall and school surroundings.

10.12.2 Policies from Objective 9

AS10 To ensure the control of the allocated development of the Bull Lane site by a Development Brief that maintains the rural character of Bull Lane, and creates an attractive frontage to the adjoining playing fields through an integrated landscape strategy, (see 'Bearing Fruits 2031', paragraph 6.5.11).

AS11 To support improvement of the Village Hall and surroundings to enhance the community facilities and green open space.

10.13 Area 10 - BOUGHTON FRUIT BELT SOUTH

10.13.1 Objective 10. To maintain the open character of the area and in particular its role as part of the countryside gap between Faversham and the villages.

10.13.2 Policies from Objective 10

AS12 Proposals will be supported for an improved layout for Brenley Corner where they are developed to respect and respond to its countryside setting, incorporating a landscape strategy that minimises the impact of the development on the surrounding areas.

AS13 Development proposals will be supported which contribute to protecting and where possible, enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

Boughton and Dunkirk Green Spaces Map with views



Map XII. Boughton and Dunkirk Green Spaces map with views

This map is also printed at A3 size in the compendium of Maps that follow page 68.

Boughton and Dunkirk Neighbourhood Plan

DESIGNATION OF NEIGHBOURHOOD AREA

Local Development Framework Panel
Thursday, 19th September, 2013

Local Development Framework Panel

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne on Thursday 19 September 2013 from 7:00 pm to 8.20 pm.

Present: Councillor Gerry Lewin (Chairman), Councillor Bryan Mulhern (Vice-Chairman), Councillors Andy Booth, Derek Conway, Mike Haywood, Prescott, Adam Tolhurst, Roger Truelove and John Wright.

Officers Present: Alan Best, James Freeman and Kellie Mackenzie.

Also In Attendance: Councillor David Simmons (Cabinet Member for Environment and Rural Affairs).

273	<p>Minutes</p> <p>The Minutes of the Meeting held on 27 June 2013 (Minutes Nos. 106 - 111) were taken as read, approved and signed by the Chairman as a correct record subject to an amendment to Minute No. 107 to reflect that Councillor Bryan Mulhern was elected as Vice-Chairman.</p>
274	<p>Declarations Of Interest</p> <p>No interests were declared.</p>
<p>Part A Minutes For Recommendation To Cabinet</p>	
275	<p>Draft Kent Downs Area Of Outstanding Natural Beauty Management Plan 2015-2020</p> <p>The Chairman welcomed Councillor David Simmons, Cabinet Member for Environmental and Rural Affairs to the meeting.</p> <p>Councillor Simmons thanked the Principal Planner for the report which set out minor observations, as set out in Table One of the report, on the management plan for the Kent Downs Area of Outstanding Natural Beauty (AONB) which was currently out for consultation.</p> <p>Councillor Simmons spoke about the importance of the document and the need to enhance and strengthen controls to protect AONBs and the countryside for their own sake. Councillor Simmons explained that he would have liked the document to have explored amendments to boundaries, but hopefully this was something for the future.</p> <p>Councillor Simmons also considered that on page three of the report paragraph 2.6 the wording 'decline in woodland management' should be replaced with 'changes in woodland management'.</p> <p>In response to queries from Members, the Principal Planner stated that with regard to Policy VC7 and to green accreditation, there was currently no mechanism to require landowners to support the scheme. He felt that some strengthening of the statement may give added encouragement. Some Members felt that this was best left to businesses to decide whether to join such a scheme. The Principal Planner explained that with regard to the 'byways Open to all traffic' statement in Section 3.10.4, the review would include those areas where it was already legal for off-road vehicles to access.</p> <p>The Chairman thanked the Officer and Cabinet Member for their work on the document.</p> <p>RECOMMENDED: (1) That, subject to the amendments suggested by the Panel, the minor observations set out in Table One be provided to the Area of Outstanding Natural Beauty (AONB) unit for consideration in preparing the final draft adoption version of the management plan.</p>
276	<p>Boughton-under-blean & Dunkirk Neighbourhood Plan - Designation Of Neighbourhood Area</p> <p>The Chairman introduced the report which informed Members of the outcome of a recent public consultation outlining a request by Boughton-under-Blean and Dunkirk Parish Councils to have an area designated as a neighbourhood area for the purposes of developing a Neighbourhood Plan.</p> <p>RECOMMENDED: (1) That the Boughton-Under-Blean and Dunkirk neighbourhood area be designated for the purposes of a Neighbourhood Plan following a six-week public consultation.</p>

Boughton and Dunkirk Neighbourhood Plan

Glossary

Affordable housing

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.

AONB – Area of Outstanding Natural Beauty

Land protected by the Countryside and Rights of Way Act 2000. It protects the land to conserve and enhance its natural beauty.

BD – Background Documents

Working documents which, together with Plan Additional Evidence, provide further information about how the plan was researched and developed.

B&DNP – Boughton and Dunkirk Neighbourhood Plan

Bearing Fruits 2031 – also known as the Local Plan and Local Development Plan

The Swale Borough Council Local Plan identifies where development will take place and how the natural environment and built heritage of the borough will be protected and enhanced.

Comprises one or more documents prepared in accordance with legal requirements, independently examined and adopted in 2017 by the Council. It is also used by the Council to help determine planning applications.

Biodiversity value

The variety and variability among living organisms and the ecological complexes in which they occur.

Conservation Area Appraisal

Defines the special interest of the conservation area that merits its designation and describes and evaluates the contribution made by the different features of its character and appearance.

Disability in Kent

Outlines the data sets that Kent County Council uses to estimate the number of people with a disability or disabling condition.

Earnings in Kent

Average weekly earnings data for the districts in Kent.

Economically active

Those people in employment plus those who are unemployed (includes students)

Economically inactive

Those people (aged 16-64) not involved in the labour market, neither working or actively seeking employment.

English Rural Housing

Non-profit organisation working with rural communities to build and manage affordable homes.

Goods Movement Plan

Evaluates existing conditions and key trends, issues and opportunities. Recommends projects, programs and policies to improve the efficiency of goods movement while reducing impacts on communities.

Grade II listed

A building or structure of special architectural or historic interest considered to be of national importance and therefore worth protecting.

Housing stock in Kent

The total number of houses and apartments in an area.

KCC – Kent County Council**Land registry data**

House price information consisting of more than 24m definitive records dating back to 1995.

Landscape Character Assessment

The process of identifying and describing variation in character of the landscape. It identifies and explains the unique combination of elements and features that make landscapes distinctive by mapping and describing character types and areas.

Light pollution

Excessive or poor use of artificial outdoor light at night which disrupts the natural patterns of wildlife, contributes to the increase in carbon dioxide in the atmosphere, disrupts human sleep and obscures stars in the night sky.

LDF – Local Development Framework

A collection of planning documents that deliver the spatial planning strategy and policies for the local area.

LPR – Local Plan Review

Local Plan is reviewed every 5 years and will set out the planning framework for the borough for the period to 2038 and will cover issues such as: housing provision, the economy, retail and town centres; infrastructure provision and the environment. It will also set out policies by which planning applications will be determined, in addition to allocation land for housing.

Localism Act 2011

An Act of Parliament that changes the powers of local government in England. The aim of the act is to facilitate the devolution of decision-making powers from central government to individuals and communities.

Locality

National network charged with supporting the delivery of Neighbourhood Plans.

NP – Neighbourhood Plan (also known as Neighbourhood Development Plan)

A made plan gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area.

NPPF – National Planning Policy Framework

Sets out government's planning policies for England and how these are expected to be applied.

Native species

A species that originated and developed in its surrounding habitat and has adapted to living in that particular environment.

ONS – Office for National Statistics

Produces statistics which are relied on by central and local government, businesses and individuals to make decisions and plan for the future. The data used by this document is from the 2011 Census.

Parking Standards

Considers parking for all types of vehicles and seeks to balance the need to provide an appropriate parking provision for new developments.

PAE – Planning Aid England

Provides planning advice and support to help individuals and communities engage with the planning system and get involved in planning their local area.

Property prices and sales in Kent

Presents the annual house prices and sales for local authorities in Kent as published by the Land Registry.

PRoW – Public Rights of Way

Rights across land exercisable by the public, and which allow them to pass along them, at any time they choose. Some rights of way also allow travel by other means, e.g. by horse, bicycle or car.

Reg 14 – Regulation 14 Consultation

Details of the proposals for a neighbourhood development plan, details of where and when the proposals for a neighbourhood development plan may be inspected, details of how to make representations and the date by which those representations must be received.

Rural Local Service Centre

Growth points or settlements with relatively high intensity of functional magnitude and distinctiveness; serves its surrounding territory in terms of cultural, commercial, administrative and other requirements.

SAMM area – Strategic Access Management and Monitoring area

Working with Natural England, strategies are created for protected sites, these are known as:

SAMMS – Strategic Access Management and Monitoring Strategies.**SBC – Swale Borough Council****S106 – Section 106 agreement**

Planning obligations under Section 106 of the Town and Country Planning Act 1990, are a mechanism which makes a development proposal acceptable in planning terms that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development on the community and infrastructure.

SHLAA – Strategic Housing Land Availability Assessment

A technical exercise to determine the quantity and suitability of land potentially available for housing development.

SPAS – Special Protection Areas

Protected areas for birds in the UK and together with Special Areas of Conservation (SACs), form the UK's national site network.

SSSI – Site of Special Scientific Interest

A formal conservation designation. Usually, it describes an area that is of particular interest to science due to the rare species of fauna or flora it contains, or even important geological or physiological features that may lie in its boundaries.

Special Area of Conservation

Protects one or more special habitats and/or species, terrestrial or marine, listed in the Habitats Directive.

Sustainable development

Development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.

Thames Crossing

A proposed road crossing of the Thames estuary close to the Dartford Crossing that links the counties of Kent and Essex and its proposed approaches.

Trans European Transport Network

A planned network of roads, railways, airports and water infrastructure in the European Union.

UK Red List

A globally recognised way of identifying the threat of extinction to species using the internationally accepted Red List guidelines developed by the International Union for Conservation of Nature, based on scientific information and ongoing research.

Boughton and Dunkirk Neighbourhood Plan

EVIDENCE BASE

Reference	Content
Section 1	Aim, Vision Statement and Key Objectives
BD1 + Additional Evidence	Questionnaire and results: The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.
BD2	Workshops and community engagement: Overview of 2 workshops, 7 public meetings/surgeries, 25 community group visits, and four surveys undertaken during the period 2013-2015, in order to ensure residents' views were fully taken into account, and as many volunteers as possible were given an opportunity to participate.
BD3	School documentation and engagement with young people: Summarises the lessons delivered at the local primary school in 2015, and views collected from schoolchildren about amenities in their community.
BD17 Appendix 3	Community consultation responses and B&DNP Team decisions.
Section 2	About Us
	'Canterbury Tales' by Geoffrey Chaucer
	'Battle in Bossenden Wood' by P. G. Rogers
	'The Courtenay Affair, 1838', A Nutshell Guide by Wendy Safe
	Local history researched by the NP Team
	Photos researched and supplied by the NP Team and members of the local community
BD16	Our Community: History and development of Boughton under Blean and Dunkirk Heritage Asset list for both parishes
Section 3	Neighbourhood Plan Development
BD1 + Additional Evidence	Questionnaire and results: The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.

BD2	Workshops and community engagement: Overview of 2 workshops, 7 public meetings/surgeries, 25 community group visits, and four surveys undertaken during the period 2013-2015, in order to ensure residents' views were fully taken into account, and as many volunteers as possible were given an opportunity to participate.
BD3	School documentation and engagement with young people: Summarises the lessons delivered at the local primary school in 2015, and views collected from schoolchildren about amenities in their community.
BD17 Appendix 3 + Additional Evidence	Community consultation responses and B&DNP Team decisions.
BD12	Strategic Environment Assessment with Natural England's response
BD17 Appendix 5	Statutory consultation responses and B&DNP Team decisions.
BD17 Appendix 7	Swale Borough Council Consultation response and B&DNP Team decisions.
	National Policy Planning Framework 2021: https://www.gov.uk/government/publications/national-planning-policy-framework--2
Section 4	Planning Policy Context
	KCC Labour Force Bulletin 2020.
	ONS 2011 Census – Accommodation figures.
	ONS 2011 Census – Travel figures.
	ONS 2011 Census – Public transport figures.
Section 5	Housing
BD1 + Additional Evidence	Questionnaire and results: The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.
BD4 + Additional Evidence	Traffic and Transport: Describes the road and footpath network and current public transport services, and discusses problems with traffic levels, car and lorry parking, lighting, and signage. NP photographs 2015. NP Parking Standards

BD5	<p>Housing: Extracts the housing issues raised through community engagement, particularly the implications for provision of new privately-owned affordable homes. Includes details on First Homes.</p>
BD6	<p>Local Needs Housing Survey (inc. survey work and work on current housing in the Parishes): Sets out results of October 2014 survey of existing housing stock as reported by 353 residents, and housing needs for 29 households seeking new housing at that time. Also shows costs of houses sold, for sale or for rent in 2020.</p>
BD7 + Additional Evidence	<p>Business and Employment: Shows results of a Business Monitor survey of 170 local companies carried out in 2015, with a response rate of 40%, including suggestions for improvements.</p>
BD11	<p>Open Spaces and Community Wellbeing: Reviews the large number of diverse green spaces within the NP area which are available for the public to use and enjoy. Includes Health and Welfare report.</p>
BD12	<p>Strategic Environmental Assessment and Habitats Regulations Assessment screening report from Natural England, May2021.</p>
BD13	<p>Call for sites - Consultation with landowners: Shows correspondence with landowners who responded to the call for sites.</p>
BD14 + Additional Evidence	<p>Site assessments and allocations: Sets out individual site assessments for 23 potential new housing sites. Includes a Strategic Housing Land Availability Assessment.</p>
	<p>ACRK Boughton and Dunkirk Housing Needs Survey report.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Affordable Housing 2019-2020.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Housing Stock 2019.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Property prices and sales in Kent: 2020.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Earnings in Kent 2019.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Disability in Kent 2020.</p>
	<p>Strategic Housing Market Assessment Part 1: Objectively Assessed Housing Need Final Report Peter Brett Associates September 2015.</p>

	Future Housing Need in Swale: Peter Brett (now part of Stantec) February 2019
	Swale LPR Housing Trajectory 2022-2038
	Bearing Fruits 2031: The Swale Borough Local Plan.
	Swale Technical Paper No. 4. Influences on development strategy December 2014.
	Homes England 'Building for a Healthy Life' July 2020.
	HM Government Building Regulations 2010 'M: Access to and use of buildings, Volume 1: Dwellings'.
	Office for National Statistics March 2020: House price to workplace-based earnings ratio.
	Land Registry data, 2022
Section 6	Traffic and Transport
BD1 + Additional Evidence	Questionnaire and results: The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.
BD4 + Additional Evidence	Traffic and Transport: Describes the road and footpath network and current public transport services, and discusses problems with traffic levels, car and lorry parking, lighting, and signage. NP photographs 2015. NP Parking Standards
	Strategic Transport Modelling Evidence report, February 2022.
	KCC Local Transport Plan 4-Delivering Growth Without Gridlock 2016-31.
	Swale BC 'Looking Ahead' Consultation April 2018.
	Swale BC 'Freight Management' Consultation Draft 2016.
BD6	Local Needs Housing Survey, responses to Q7 and Q8 on travel.
	UK Government Bus Services Bill 2016.
	KCC The Big Conversation Rural bus consultation 2018.
	Appendix 4 SBC Parking Standards.

	UK Government Traffic Management Act 2004.
	KCC Freight Action Plan for Kent 2012-16.
	National Policy Planning Framework 2021: https://www.gov.uk/government/publications/national-planning-policy-framework--2
Section 7	Business and Employment
BD7 + Additional Evidence	<p>A Business Survey was carried out in the two villages.</p> <p>Like much of the UK, Boughton and Dunkirk thrive, in the main, on small business. Companies were invited to submit their views either on-line, via a website or on paper. Seventy-one companies responded (44%), well above the average business survey response rates (10-15%).</p> <p>The Neighbourhood Plan area has fewer companies than the average for communities of this size across the south east of England. Largely, they involve part-time working and the self-employed.</p>
Section 8	Community Wellbeing and Health
BD1 + Additional Evidence	<p>Questionnaire and results:</p> <p>The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.</p> <p>The main sources of evidence are the results of the NP Questionnaire and comments at subsequent meetings. These identified a fundamental wish to preserve and extend green spaces, paths and bridleways and to provide additional sports opportunities (see Q2, Q10 and Q14)</p>
BD11	<p>Open Spaces and Community Wellbeing:</p> <p>Reviews the large number of diverse green spaces within the NP area which are available for the public to use and enjoy.</p> <p>Includes Health and Welfare report.</p>
Section 9	Educational Provision
	Meeting with East Kent Education Officers in July 2015. Officers are well aware of the increasing pressure on school places at both primary and secondary level within the immediate area, particularly with the present and planned new residential developments in Faversham, close to the Boughton Parish boundary.
BD1 + Additional Evidence	<p>Questionnaire and results:</p> <p>The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions.</p> <p>There was a 21% response rate. Responses in particular to Q9 and Q17.</p>

BD3	Visits to school and lesson plans for pupils in Years 4 and 5. Pupils' responses identify concerns and wishes for a child-friendly community.
BD4 + Additional Evidence	NP Parking Survey results and photographs 2015. Responses to Parking Survey from residents in The Street, Boughton. The particular pressures of parking needed close to the school and sited in the centre of Boughton village. Results of the Traffic Flow Survey have shown a marked increase in traffic at the start and end of the school day both between Boughton and Dunkirk as well as in the main street of Boughton and in surrounding side roads.
Section 10	Environment, Landscape Character and Design
BD8	Conservation Area Assessments: Includes published Consultation Drafts of Character Appraisal and Management Strategies for 3 Conservation Areas within the NP area: Boughton Street CA (2015), Boughton Church CA (2016) and South Street CA (2016.)
BD9	Rural Landscape Area Assessments: Summarises the Swale Borough Council Landscape Character Assessments of the 3 rural landscape types within the NP area: Faversham and Ospringe Fruit Belt, Hernhill and Boughton Fruit Belt, and Blean Woods West. Guidelines for each area are proposed, which are taken into account in the NP.
BD10	Landscape Character Assessments: Details the 10 different landscape areas identified within the NP area; each one is mapped, photographed and described in detail in terms of the landscape, views and built environment. Development/design guidelines are given for each separate area.
BD11	Open Spaces and Community Wellbeing: Reviews the large number of diverse green spaces within the NP area which are available for the public to use and enjoy. Includes Health and Welfare report.
BD12	Strategic Environmental Assessment and Habitats Regulations Assessment screening report from Natural England. May 2021.
BD15	Basic Conditions Statement: 1. A schedule of how the NP supports European, national, regional and local policies on planning and the environment. 2. Statement of Common Ground. 3. Equality Assessment Impact form.
BD17 + Additional	Consultation Statement: The process of consultation on the Neighbourhood Plan

Evidence	<ol style="list-style-type: none">1. Community leaflet delivered to all households and businesses in Boughton and Dunkirk.2. Community consultation online response form.3. Summary of Community consultation responses with B&DNP comments (see also Plan Additional Evidence, BD17, B&DNP website for full consultation details).4. Statutory Consultation letter5. Statutory Consultation responses with B&DNP comments6. SEA Consultation Report and Comments from Natural England7. Reg 14 Responses from Swale Borough Council, with B&DNP comments
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Boughton and Dunkirk Neighbourhood Plan

Acknowledgements

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The Plan has been produced by the Boughton and Dunkirk Neighbourhood Plan Team, a working group set up in 2013, and comprising Jeff Tutt from Dunkirk Parish Council, Terry Fitchett from Boughton Parish Council, and residents from both communities, including Deborah Evans, Frances Holliday, Julian Owen, Peter Williams and the late John Peto.

The team would like to thank all who have supported the production of this important document, the community volunteers who gave of their time and the many residents and business owners who participated in the response to surveys and questionnaires.



Digital copies of the Boughton and Dunkirk Neighbourhood Plan and all supporting documents can be viewed on the website: www.boughtonanddunkirkneighbourhoodplan.org.uk

Referendum date:

Made Plan date:

Boughton and Dunkirk Neighbourhood Plan

IMPLEMENTATION PLAN AND REVIEW

Policy	Policy Objective	Indicators
HOUSING		
H1 H2 H3 H4	To provide existing and future residents with the opportunity to live in a quality home whilst ensuring minimal impact on the traffic-sensitive areas exposed by the questionnaire.	
H5 H6	To ensure that new development is of high-quality design, built to high sustainability standards (i.e. energy efficiency and vehicle electrical charging points), reinforces local distinctiveness, and minimises impact on the landscape. New and improved utility infrastructure Including wastewater and water supply, will be encouraged and supported in order to meet the identified needs of the community subject to other policies in the plan.	
H7	Preferential access to new affordable homes will be given to people with a proven local connection. Where a local need for affordable housing has been established, this will apply to those sites already allocated in the Swale Local Plan and to those allocated by this Plan; they must be placed in sustainable locations and support the environmental aims of the NP. This will be achieved with Section 106 agreements, monitored by Swale Borough Council.	
H8	Traffic issues and parking are of the highest concern. Development will be expected to fully address the impacts on traffic and parking issues in the area.	
TRAFFIC AND TRANSPORT		
T1 T2	High priority in the policies and implementation of the Neighbourhood Plan must be given to dealing with the transport and environmental implications of changes to the A2/M2 corridor and to development at Faversham and Canterbury. Boughton and Dunkirk Parish Councils will continue their pressure on Swale Borough Council, Kent County Council, National Highways and their Borough Councillors, County Councillors and MP to improve the traffic flow along the A2	

	<p>and the junction at Brenley Corner, while restricting access to some of our lanes and Boughton Street by HGVs and other through traffic. The Parish Councils will play an active role in the preparation and implementation of a design and development brief for the Duchy Land in respect of traffic and pedestrian routes.</p> <p>All development will be expected to include proposals to mitigate congestion problems in the area, and the intrusive effects of traffic. The villages of Boughton and Dunkirk, and the surrounding countryside, are to be protected from the impacts of threatened increase in traffic. The NP requires all developments to provide off-road parking in accordance with the Parking Standards set out in BD4.</p>	
T3 T4	<p>Development proposals will require measures to allow safe walking, cycling and use of public transport. The Neighbourhood Plan team and the Parish Councils will work with the Highway Authority and the bus companies to improve facilities and information at the bus stops.</p> <p>The Neighbourhood Plan team and the Parish Councils will work with:</p> <ul style="list-style-type: none"> i. Kent County Council as the Highway Authority to improve cycle and pedestrian routes. ii. The Highway Authority and landowners to promote the “Walking for Health” routes identified (see Maps VI, VII page 30, and BD11) <p>Any development must not add to parking problems in the area and should include measures to ensure adequate parking provision is included to serve the needs of the development.</p>	
BUSINESS AND EMPLOYMENT		
BE1	<p>To ensure the continuing vibrancy of the villages, the Neighbourhood Plan seeks to maintain and encourage proportionate expansion of local enterprises and retail outlets to encourage community use as well as to provide opportunity for employment and training for local people. This includes prioritising development on brownfield sites.</p>	
BE2	<p>To support sustainable and economic growth which respects the character of the area, reflecting the results of our community consultation.</p>	

BE3	To maintain the essentially rural nature and character of the two parishes, any commercial development should be measured, proportionate in size and type, and sustainable in the context of traffic and other infrastructural consideration.	
COMMUNITY WELLBEING AND HEALTH		
CWB1 CWB2 CWB3	To enhance the use of all present recreational spaces and facilities, and to promote the health of the whole community by encouraging physical exercise.	
CWB4	To broaden recreational opportunities and highlight the benefits of the outdoor environment for community members of all ages, not least for young adults, as well as for visitors to the parishes.	
EDUCATIONAL PROVISION		
EP1	To ensure that any proposed new developments within or close to the boundaries of the two parishes must respect the constraints on the present primary school facilities. To improve parking provision and traffic flow at the beginning and end of the school day, as well as ensuring safe crossing places in The Street, following expressions of concern by pupils and parents. To support the suggestion produced by the questionnaire of a shuttle bus within the two Parishes in order to reduce the journeys of private vehicles travelling to and from the school.	
EP2	To promote an ethos of Education for All by encouraging the use of local facilities to offer opportunities for study, personal development and expansion of vocational skills. To meet the needs of a world ever more reliant upon 'new technology', the Plan will focus on providing or encouraging opportunities for training in Information Technology (IT) for all members of the community by adapting or improving current facilities.	
ENVIRONMENT, LANDSCAPE CHARACTER AND DESIGN		
E1 E2 E3	To safeguard and enhance the distinctive identity and rural character of both Boughton and Dunkirk parishes and to maintain their separate identities and physical separation from the nearby communities of Faversham and Canterbury. To protect from development the countryside gaps between them, the open landscape between the A2 and the Boughton Street Conservation Area, and other	

	heritage assets, and the significant views to and from The Blean and to the coast (see BDs 8, 9 and page 41, Map XII).	
E4 E5	To continue to protect and enhance the Blean Woods area that surrounds Dunkirk, the fruit belt areas north and south of Boughton, as well as the settings of the Conservation Areas of the parishes. To give special protection to sites in or near to designated landscape areas, as included in the Swale Local Plan, and to designated wildlife sites, and to encourage their enhancement and proper management.	
E6 E7 E8	To minimise the environmental impact of new development, including surface water drainage and the water supply and quality; to ensure that all development is sympathetic to its setting and that it enhances the high-quality landscape and improves local biodiversity; to ensure that any development is compatible with its built and natural context and to locate new development within easy walking distance of existing village facilities. It will encourage access to bus stops, thus minimising traffic congestion, the related emissions and pedestrian safety concerns.	
E9 E10	All proposals for development must contain sufficient detail to demonstrate that the proposal is of high-quality design appropriate to its surroundings, with suitable layout and access arrangements. Proposals for development within or visible from the Conservation Areas must have regard to the principles set out in the Boughton Conservation Area Appraisals (BD8) and Landscape Character Areas (BD10). The traditional pattern of growth which characterises the parishes of Boughton and Dunkirk is one of small scale and gradual change. This must be reflected in the scale of any development permitted in the Neighbourhood Plan area during the plan period. Any external lighting proposed must not cause visual intrusion or light pollution.	
LANDSCAPE CHARACTER AREA-SPECIFIC		
AS1	To conserve the area and its characteristic agricultural activity, retaining its open nature and emphasising its role in the countryside gap that exists between Faversham and the villages, including key views.	

AS2	To preserve and enhance the area's special interest and its setting, including the open and wooded landscape between the rear of properties and the A2.	
AS3	To protect and enhance incidental open spaces.	
AS4	To conserve the relationship of "top the hill Dunkirk" with the wider Blean Woods (SSSI).	
AS5	To conserve the distinct and tranquil landscape character of the ancient and semi-ancient woodland.	
AS6	To restrict development south of the built-up area to the two areas on Colonels Lane already allocated for residential use and an additional area immediately to the west, detailed in Policy AS7.	
AS7 AS8	To consider development on the area of relatively level land next to the larger site, and adjoining the built-up area.	
AS9	To ensure both Conservation Areas are protected and enhanced. The management and safeguarding of the churchyard, the memorial garden and burial ground is of key importance to the heritage assets and biodiversity.	
AS10 AS11	To maintain the rural character of the Bull Lane area and improve the Village Hall and school surroundings.	
AS12 AS13	To maintain the open character of the area and in particular its role as part of the countryside gap between Faversham and the villages.	

Boughton and Dunkirk Neighbourhood Plan

MONITORING FORM

Policy	Usage	Issues addressed	Issues addressed unsatisfactorily	Comments
HOUSING				
H1	The provision of new housing within the Plan area, particularly to meet local needs and including the provision of affordable housing, will be supported, where such proposals comply with all other relevant policies in this Plan and those in the adopted Swale Borough Local Plan. Proposals for new residential development will need to demonstrate that all aspects of the development comply with the objective of securing sustainable patterns of development within the Plan area, particularly in respect of seeking to minimise environmental impacts, such as traffic generation. All new dwellings should be designed and built to comply with Part M of the Building Regulations (see BD5).			
H2	Land to the rear of 89 The Street, Boughton, as shown on Map V, is allocated for the development of up to 12 new dwellings. Proposals for the development of the site will be required to: <ol style="list-style-type: none"> 1. include the appropriate proportion of Affordable Housing 2. secure satisfactory vehicular and pedestrian access, including access for emergency and refuse collection vehicles, from land to the east of site which is also allocated for residential development in the adopted Swale Borough Local Plan 3. maintain the existing Public Right of Way along the south-eastern boundary of the site 			

	<p>4. provide suitable access within the site to serve existing wastewater infrastructure in the area</p> <p>5. secure appropriate utility infrastructure connections in conjunction with the development of land to the east of the site</p> <p>6. be implemented in accordance with a Development Brief to be agreed with the Borough Council and the Parish Council, following public consultation.</p>				
H3	<p>Proposals for new residential development in the Plan area should include a mix of housing types, including smaller homes for people seeking their first home or for older people seeking to downsize from larger properties. Developments of 11 or more new dwellings must provide 40% affordable housing, in accordance with the Borough Council's policies and Housing Strategy.</p>				
H4	<p>At least 25% of all Affordable Housing units secured through developer contributions in the Plan area shall be offered for discounted sale as First Homes for a period of at least six months, in accordance with the national and local eligibility criteria. See BD5 for full details.</p>				
H5	<p>Proposals for new residential development in the Plan area will be supported where they:</p> <p>1. demonstrate that they are of good design and locally distinctive style, respecting the principles of the current Kent Design Guide, and including suitable green spaces and children's play areas. (See also Policies E1, E2 and E3); and</p> <p>2. demonstrate that they will be sympathetic to the street scene and their settings as set out in an agreed Design Code for the development and/or for the wider area; and</p>				

	<p>3. include building design features to seek to achieve carbon neutrality and reductions in energy usage.</p>				
H6	<p>The sites within the Plan area allocated for new residential development, including the three sites allocated in the adopted Swale Borough Local Plan and the site included at Policy H2 in this Plan, shall:</p> <p>1. be developed in accordance with an agreed Development Brief and/or a Design Code to be prepared by the applicant or developer, that is subject to local public consultation prior to agreement by the Parish Council and the Borough Council;</p> <p>2. be required to make the appropriate contribution towards the mitigation of recreational pressures on the designated Special Protection Areas (SPAs) in accordance with the Borough Council's adopted Strategic Access Management and Monitoring Strategy (SAMMS).</p>				
H7	<p>Within new residential developments approved within the Plan area, preferential access to Affordable Homes provided as part of those developments, should be given to people with a proven local connection and subject to meeting the eligibility criteria of the Borough Council's Housing Allocation Policy.</p>				
H8	<p>Proposals for new residential development in the Plan area shall ensure that adequate on-site car parking provision is made in accordance with the Borough Council's approved Parking Standards SPD (adopted June 2020). Development proposals which involve the loss or conversion of existing on-site car parking spaces, for example the conversion of a garage to living accommodation, will only be supported where adequate on-site parking provision, in accordance with</p>				

	the Parking Standards, remains available to support the completed development.				
TRAFFIC AND TRANSPORTATION					
T1	To reduce the adverse effects of traffic on our villages, all developments will be limited by the capacity and nature of the road network necessary to accommodate them, and where possible should include off-road access via public rights of way.				
T2	Further development in the countryside and surrounding villages is resisted beyond that which is allowed by the NPPF 2021 and LP Policy ST3, Bearing Fruits 2031, in order to avoid any increased negative impact on the current road system traffic, the Public Rights of Way (PRoW) network and the local environment.				
T3	Future residential and non-residential buildings shall have sufficient dedicated on-site parking spaces to avoid the need for parking on adjacent roads in accordance with the Parking Standards set out in BD4.				
T4	Development proposals for creation of a properly surfaced and managed car parking area, for example at Brenley Lane, will be supported, in principle, to promote car sharing.				
BUSINESS AND EMPLOYMENT					
BE1	Proposals for new or expanded businesses (falling within Use Class E), either on existing or other sites will be supported, where they reflect the overall development strategy of this Plan and conform with the relevant policies concerning location, building design and environmental impacts. In particular, support will be given for proposals for the redevelopment of previously developed sites and also for those that provide opportunities for local employment and training.				

BE2	Proposals for new commercial development within the Plan area must be in keeping with the important landscape and heritage character of the area and take account of the relevant policies in Section 10 of this Plan.				
BE3	Proposals for new or expanded commercial development in the Plan area should include adequate on-site vehicle parking spaces in accordance with the adopted Parking Standards and, where necessary, submit a Goods Movement Plan to minimise the use of HGVs. (See also BD4, Parking Standards).				
COMMUNITY WELLBEING AND HEALTH					
CWB1	The promotion and use of the green environment through new and existing designated trails which link throughout the parishes will be supported.				
CWB2	The provision of new and / or enhanced suitable recreational open spaces and facilities at suitable and accessible sites within the Plan area, will be supported.				
CWB3	Development proposals will be supported that will enhance the network of public bridleways and footpaths throughout the parishes.				
CWB4	Development proposals will be supported that will enhance sports facilities within Boughton and Dunkirk villages.				
EDUCATIONAL PROVISION					
EP1	Development proposals must make the appropriate educational provision including safe walking routes to and from the school. This is to ensure traffic problems are not exacerbated and air quality standards are not compromised.				
EP2	To support proposals to enhance local facilities for continuing study, including the development of vocational and information				

	technology skills, for all members of the community and to improve broadband access and speed.				
ENVIRONMENT, LANDSCAPE CHARACTER AND DESIGN					
E1	Proposals for developments which respect and enhance the tranquillity, local landscape, character, environmental quality and amenity value of Boughton and Dunkirk parishes will be supported in principle.				
E2	Proposals for developments which actively seek opportunities for landscape, heritage, recreational and ecological gain will be supported in principle, as will the protection and enhancement of heritage assets and the management of the countryside.				
E3	Green spaces within the parishes will continue to be protected from development.				
E4	Any development that conflicts with the protection of the natural landscape and sensitive sites, wildlife in 'The Blean' and the surrounding fruit belt will not be supported.				
E5	All proposals for new or extended development having a landscape impact must demonstrate that they have had regard to and reflected the Landscape Character Area in which the application site falls and follow the policy guidelines of the Local Plan as well as the policies in the Plan.				
E6	Development proposals within the Plan area which minimise the adverse environmental impacts of new development, for example in respect of surface water drainage, ecology and biodiversity, air quality and water quality, and which promote sustainable forms of development will be supported in principle.				
E7	Development within the village envelope will be supported in principle providing it promotes the re-				

	use, recovery and restoration of previously developed sites.				
E8	A minimum level of at least 10% Biodiversity Net Gain is required for proposed new developments in the Plan area against baseline conditions for the development sites concerned.				
E9	Variety in density, layout, building orientation and sizes will be sought to reflect the local context. Building styles and materials must also respect and positively contribute to local distinctiveness.				
E10	Schemes must produce a cohesive and high-quality design approach for car parking, charging points, boundary treatments, bin stores, utility storage boxes, lighting and street furniture. All landscaping and boundary planting should be of native species.				
LANDSCAPE CHARACTER AREAS SITE-SPECIFIC					
AS1	To support landscaping around the A2 to reduce the impact of the road and associated development. All landscaping and boundary planting should be of native species.				
AS2	To support the improvement of the old Garden Hotel, in a manner which secures the viable future of the listed building and is sympathetic to the objectives of this Plan, including protection of the lower area of this site as part of a wider designation as a local green space in accordance with policy AS6.				
AS3	Development proposals that would compromise the character or access to open spaces in Area 4 will not be supported.				
AS4	Development will be limited, in accordance with the Swale Local Plan, to “minor infill and redevelopment sites within the built-up area”.				
AS5	Development proposals must conserve and enhance Area 6,				

	including ditches, streams and ponds, scrub, dry and wet heath together with its setting of wood pasture, open slopes (including views) and the rural character of the area's network of narrow winding lanes, enclosed by mature hedgerows.				
AS6	Any further development to the two areas immediately alongside the A2 in Area 7 other than already allocated will not be supported.				
AS7	Residential development is proposed on the area west of the two sites already allocated in the adopted Swale Borough Local Plan, as shown on Map V on page 20 and defined at Policy H2 on page 21, provided that a development brief taking account of the policies in this Plan and the views of the local community is prepared by the developer and approved by the Borough Council. The development brief should address the matters set out at paragraph 5.12.2 on page 20.				
AS8	The remainder of Area 7 is to be protected as an area of Local Green Space, the public footpath enhanced, and maintenance improved through S106 contributions.				
AS9	Any proposals that impact the conservation areas in area 8 must be in accordance with the Conservation Area Appraisals (BD8).				
AS10	To ensure the control of the allocated development of the Bull Lane site by a Development Brief that maintains the rural character of Bull Lane, and creates an attractive frontage to the adjoining playing fields through an integrated landscape strategy, (see 'Bearing Fruits 2031', paragraph 6.5.11).				
AS11	To support improvement of the Village Hall and surroundings to enhance the community facilities and green open space.				

AS12	Proposals will be supported for an improved layout for Brenley Corner where they are developed to respect and respond to its countryside setting, incorporating a landscape strategy that minimises the impact of the development on the surrounding areas.				
AS13	Development proposals will be supported which contribute to protecting and where possible, enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.				

Policy & Resources Committee Meeting	
Meeting Date	22 nd March 2023
Report Title	Risk Management Update
EMT Lead	Lisa Fillery – Director of Resources
Head of Service	Katherine Woodward – Head of Audit
Lead Officer	Alison Blake – Interim Deputy Head of Audit
Classification	Open
Recommendations	1. To consider the Council’s corporate risks and overall risk profile, gaining assurance that key risks are being appropriately managed.

1 Purpose of Report and Executive Summary

- 1.1 Reporting of risk information is key to ensuring risks are being appropriately identified and managed and, ultimately, to ensuring the Council achieves its priorities. This report sets out the Council’s corporate risks which have been reviewed and updated to reflect progress on implementing planned controls and other changes surrounding the risk.
- 1.2 The purpose of the report is to provide Members of Policy & Resources Committee with an overview of risks which could prevent achievement of the Council’s strategic priorities, and how these risks are being managed.
- 1.3 Five corporate risks have reduced as a result either of a change in circumstances and / or the successful implementation of planned actions. Three corporate risks have no planned actions, this is due to having established controls that will continue to manage the risk and be maintained.
- 1.4 Appendix I outlines further details on the corporate risks and how they have changed and the overall risk profile.

2 Background

- 2.1 The Council’s risk management arrangements have been in place since 2015, with Mid Kent Audit facilitating the operation of the overall process. The Risk Management Framework has recently been comprehensively reviewed and updated, with the final version approved by Audit Committee in July 2022. Over the years risk management processes have become well established with officers engaged in the process and aware of their risks and how to manage them.
- 2.2 Risk information is routinely reported to Senior Management Team (SMT) and Members. SMT receive quarterly updates on all corporate and key operational risks. Before the new committee structure Informal Cabinet received 6-monthly

reports on the Council’s key risks, and this is now the responsibility of Policy & Resources Committee. Audit Committee receive an annual report on the effectiveness of the Council’s risk management arrangements – this is due to go to their April 2023 meeting.

- 2.3 Historically corporate and operational risks have been captured on spreadsheets and a central version maintained by Mid Kent Audit. To further embed risk management arrangements risk management software (JCAD) has been purchased and configured to reflect the Council’s Risk Management Framework. JCAD will ensure risk owners have direct access to their risks, including reviewing and updating these risks routinely. It will also improve the reporting of risk information across the Council.
- 2.4 Operational risks across all Council services (including shared services) were reviewed and updated alongside the JCAD roll out to ensure they are current and reflect the revised Risk Management Framework.

3 Proposals

- 3.1 Members of Policy & Resources Committee are responsible for oversight and challenge of how the Council’s key risks are managed. In particular the management of those risks above the Council’s risk appetite. As such Members are asked to consider the Council’s risks and whether they are being appropriately managed.

4 Alternative Options

- 4.1 Identifying and monitoring the Council’s risks is a key component of effective governance. The Council could decide not to identify, monitor and report on high-level risks, but this would be contrary to the agreed Risk Management Framework and principles of good governance.

5 Consultation Undertaken or Proposed

- 5.1 All risk owners and Heads of Service have been involved in the identification and assessment of the Council’s risks. The risks reported here have been reviewed and updated by the relevant risk owner.

6 Implications

Issue	Implications
Corporate Plan	Effective risk management is part of the Council’s governance framework. The purpose of the risk management process is to ensure that key risks are identified and appropriately managed as the Council pursues its Corporate objectives.

Financial, Resource and Property	Investment in developing risk management arrangements is being met from existing resources within the Mid Kent Audit partnership. No implications identified at this stage.
Legal, Statutory and Procurement	None identified at this stage
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	None identified at this stage
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage
Risk Management and Health and Safety	This report is about risk management. No H&S implications identified at this stage.
Equality and Diversity	None identified at this stage
Privacy and Data Protection	None identified at this stage

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Risk Management Update

8 Background Papers

- Risk Management Framework 2022: [Appendix I Swale Risk Management Framework - 2022 Draft.pdf](#)

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Risk Management Update

March 2023



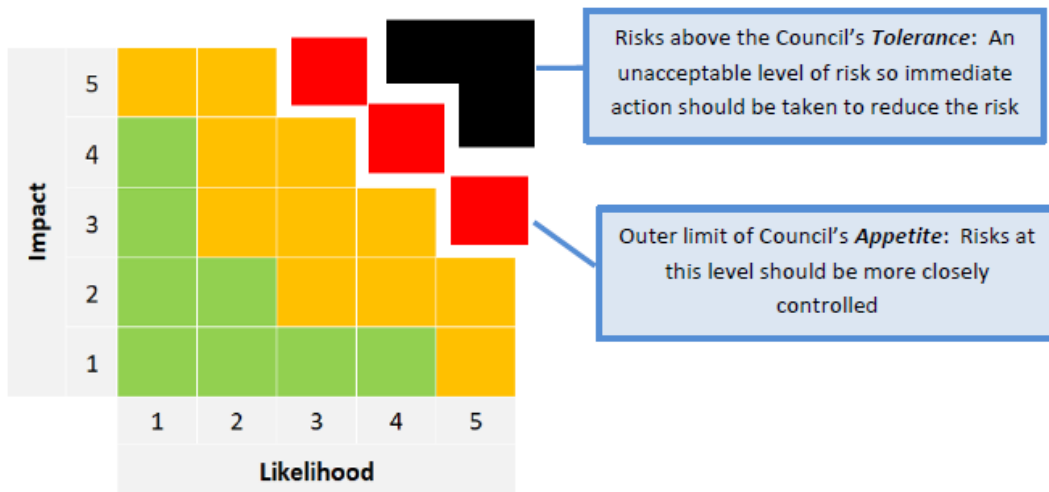
Risk Management Process

A risk is a **potential future event that, if it materialises, effects the achievement of objectives**. Risk management is the process of identifying, measuring and responding to risks. These processes help to ensure that the Council achieves its corporate and service objectives by controlling risks in balance with resources. Good risk management also increases our ability to cope with developing and uncertain events and helps to instil a culture of continuous improvement and optimisation.

The Risk Management Framework sets out the Council’s approach to managing corporate and operational (service) risks. The risk management process is broken down into the following key components, which start with being clear about what the Council, or service are trying to achieve.



The Risk Management Framework also includes the Council’s risk appetite statement, which articulates how much risk the Council is comfortable with and able to bear. The Council recognises that to achieve its objectives it must take risks, but that some risks are unacceptable (above our tolerance) and so action should be taken immediately to manage these risks. Risk appetite and tolerance are illustrated in the following matrix:



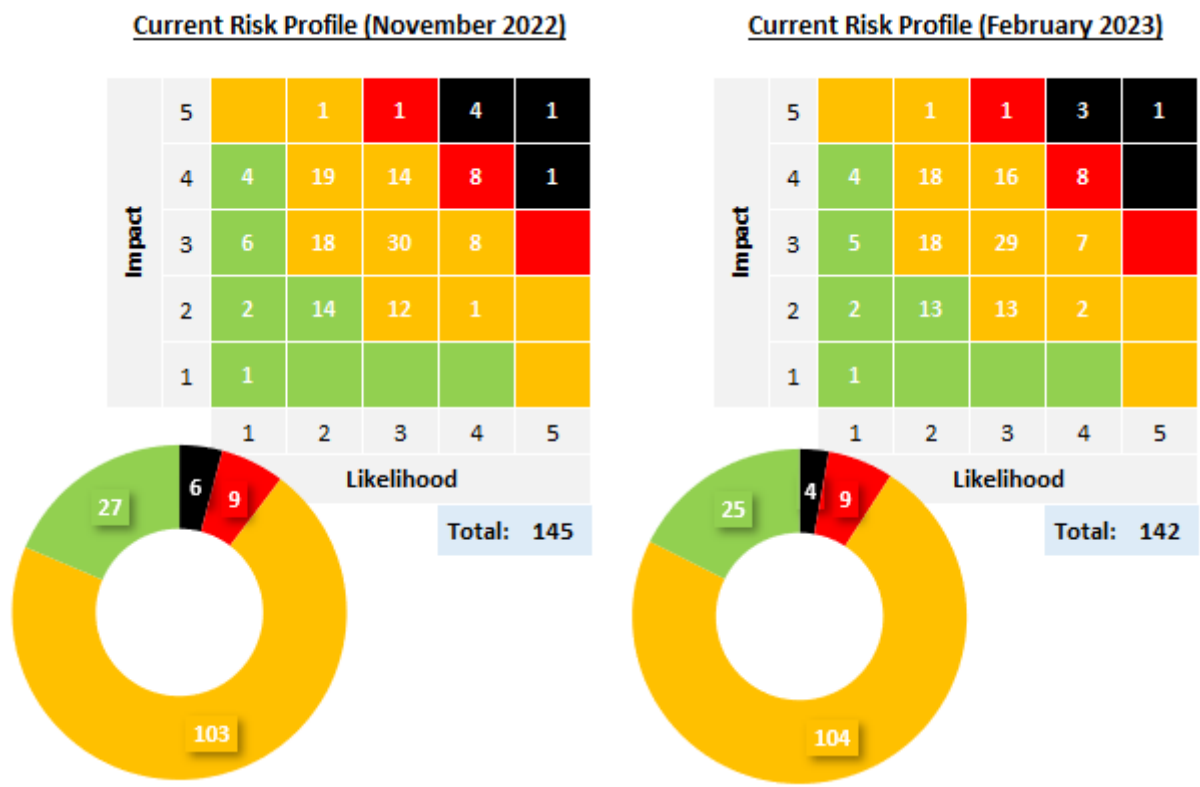
Introduction

Having arrangements in place to identify and manage our risks, increases our chances of achieving corporate and operational objectives and reduces the chance of failure. Good risk management also increases our ability to cope with developing and uncertain events. A key part of the risk management process is to report and discuss risk information.

The first risk update report was taken to Policy & Resources Committee on 28th September 2022. Feedback from Members has been incorporated into this report. This report provides Members with the detail of all corporate risks, an outline of high (red/black) operational risks and the overall risk profile of the Council.

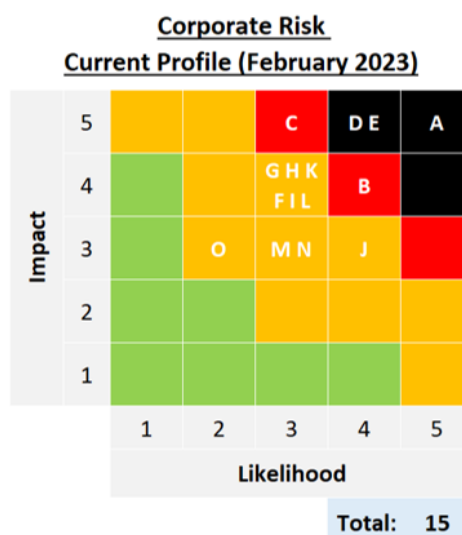
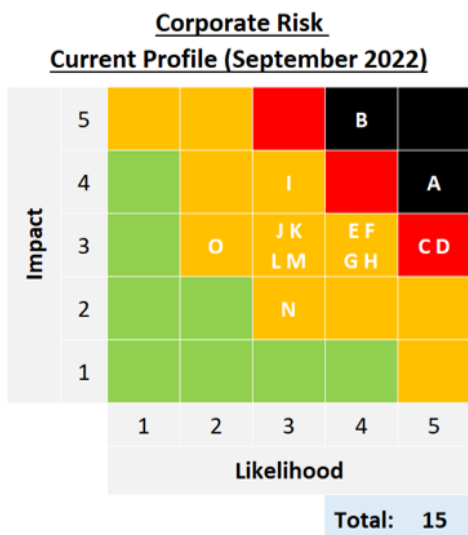
Risk Profile

The following diagrams detail the Council’s overall risk profile and includes both Swale and shared service risks. This demonstrates the risk to the Council at this moment in time (the **current rating**) and compares how the profile has changed since November 2022 (the last report to Senior Management Team). As can be seen there is a small decrease in the overall number of risks from 145 to 142, and 2 (corporate) risks have reduced out of the black. The remainder of the report further describes the changes.

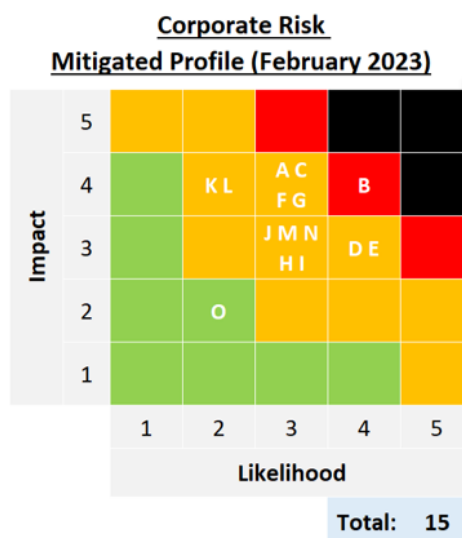


Corporate Risks

Risk owners have reviewed and updated their risks and associated controls and actions. The following diagrams set out the corporate risk profile, which is to say the score of each corporate risk plotted onto the risk matrix. This demonstrates the risk to the Council at this moment in time (the **current rating**) and what it could look like in the future assuming all planned actions are completed (the **mitigated rating**), the current risk profile as at the last report to Policy & Resources Committee is also shown. Appendix 1a sets out the impact and likelihood scoring criteria used to assess risks.



Ref	Risk Title	Mov'nt
A	Balancing Medium Term Budget	↔
B	Demands & Community Pressure	▼
C	Elections Fialure or Challenge	▼
D	Increased Homelessness	↔
E	Funding Capital Spend	↔
F	Major Contractor Failure or Decline	▼
G	Design of Major Contracts	▼
H	Borough Wide Infrastructure	awaiting review
I	Affordable Housing	↔
J	Recruitment & Retention of staff	↔
K	Housing Supply	awaiting review
L	Cyber Security Incident	↔
M	Swale House Refurbishment	↔
N	Climate & Ecological Emergency	↔
O	Focus on Established Priorities	▼



After actions implemented

Risks B, C and O have all decreased due to the successful implementation of planned actions.

Risks F and G have also decreased. The likelihood of the contract failure risk (F) has decreased as the controls are working effectively to manage the risk. The impact associated with the design of major contracts risk (G) has decreased now the implications from the wate contract are clear – i.e. the future impact for other major contracts is less.

The detail of each corporate risk is outlined below.

Corporate Risks Table

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
A	<p>Hyper inflation and current economic market conditions and uncertainty over government funding</p> <p>Unable to balance the Budget over the medium term</p> <p>Unable to match the delivery of coalition priorities and core Council services to funding levels</p>	Director of Resources	<p>Budget setting & monitoring process and Medium Term Financial Plan</p> <p>Information sharing at Chief Finance Officers and Chief Accountants Groups</p> <p>Use of specialist local government financial consultants</p> <p>Reserves strategy</p> <p>Income generation initiatives</p> <p>Ongoing regular reporting to SMT and the Leader, including a Finance Sub Group to consider the budget and fees & charges</p> <p>Awareness of proposed changes to local government finance</p>	25 (5x5)	<p>Service reviews complete for the 23/24 budget round with £2.8m of savings identified from services leaving £2m to be taken from reserves. Final decision on the budget to be taken on 22 February (28/02/2023)</p> <p>Future decision making needs to be robust to ensure resources match spending plans (31/03/2024)</p>	12 (4x3)
B	<p>Worsening inflation and the cost-of-living crisis increase pressures on individuals and business</p> <p>Increase in demands on Council services, loss of income and community pressure</p> <p>Increased costs and reputational damage</p>	Head of Housing & Community Services	<p>Internal Cost of living working group</p> <p>Administration of Household Support Fund</p> <p>Volunteer sector group in place to identify key risks and collaborative working</p> <p>Controls outlined in the Homelessness risk</p> <p>Explore Redirection of grant funds to support increase on demand to VCS</p> <p>Use of Policy & Practice data platform to provide targeted support</p> <p>Winter plan agreed with VCS on how to support residents in Swale</p>	16 (4x4)	<i>No further mitigations identified – Council will monitor effectiveness of existing controls over time</i>	16 (4x4)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
C	<p>Elections Act 2022 introduction of Voter ID for May 2023 elections</p> <p>Election failing or being challenged</p> <p>Reduced electoral integrity, reputational damage, and potential impact on political leadership and decision-making capability for 2023/24</p>	Chief Executive	<p>Utilising senior staff for positions of responsibility within the election</p> <p>Working with Electoral Services Manager at Maidstone who is regional rep for DLUHC</p> <p>Kent Chief Executives and Kent Electoral Officers working together on joint action plan</p> <p>Corporate working group</p> <p>Staffing of all polling stations has been reviewed and additional training provided</p>	15 (5x3)	Weekly monitoring of applications for voter ID forms (31/05/23)	12 (4x3)
Page 98	<p>Cost of living crisis</p> <p>Increases in homelessness</p> <p>Additional workload and increased cost burden for the Council</p>	Head of Housing & Community Services	<p>Review of temporary accommodation provision and maximising use of public sector assets</p> <p>Supporting / influencing developers to unlock additional social housing</p> <p>Landlord incentive scheme</p> <p>Housing Allocations Policy</p> <p>Homeless Prevention Team in place</p> <p>Forecasting of homelessness spend and adjustments to budgets made as part of medium-term financial planning</p> <p>Increasing supply of affordable housing to increase rental supply</p> <p>Temporary Accommodation Improvement Plan in place and being actioned</p> <p>Additional temporary Housing Benefit Officer employed</p>	20 (5x4)	<p>Undertake a tender process for provision of temporary accommodation (30/04/2023)</p> <p>Review all those in temporary accommodation households (30/04/2023)</p> <p>Revised Housing Strategy drafted and approved to go out to consultation (30/06/2023)</p> <p>Implement TA Purchase project - agreed by Housing & Health Committee, awaiting budget approval and then 2 year project will be established/ (28/02/2025)</p>	12 (3x4)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
E	<p>Including pressures from delivery of Swale House Refurbishment, lending to Rainbow Homes, acquisition of waste fleet, increasing interest rates impacting on cost of borrowing</p> <p>Funding Capital Spend Delivery of coalition priorities requires capital spend which cannot be accommodated within the revenue budget.</p> <p>Non-delivery or reduction in scope of coalition priorities. Based on current market conditions the projects are not affordable and will severely impact ability to deliver a balanced budget.</p>	Director of Resources	<p>Revenue implications of capital explicitly funded through revenue budget</p> <p>Liaison with commercial tenants</p> <p>All capital projects to have business case agreed by relevant Committee</p> <p>Capital schemes may generate new revenue income streams</p> <p>North Kent Pooled Business rate fund to meet capital costs</p> <p>Annual review of capital programme and ongoing process to review business plans for current programme as required</p>	20 (5x4)	<p>s106 and grant funding of new capital projects only in the future - External income to be reviewed for the 24/25 budget process (31/03/2024)</p> <p>Work more closely with commercial tenants (31/08/2023)</p> <p>Generation of capital receipts through selling assets (31/03/2024)</p> <p>Consultant working on the Rainbow Homes business case and reviewing costs (30/06/2023)</p>	12 (3x4)
F	<p>Contractor financial difficulties in general or impacts from economic/market factors (fuel crisis, driver shortages, labour challenges, strike action)</p> <p>Major Contractor Failure or Decline: Existing suppliers not delivering as per the contract</p> <p>This results in the Council not getting the anticipated level of service or at its worst a complete failure in the service / company insolvent</p>	Head of Environment & Leisure	<p>Contracts in place and regularly monitored</p> <p>Annual reconciliation of invoices paid to contractors</p> <p>Regular dialogue with contractors and use of performance mechanisms</p> <p>Awareness of industry developments and best practice</p> <p>Routine financial checks</p> <p>Discussions with contractors around the impact of COVID-19 / other external issues</p> <p>Supporting contractors to undertake new initiatives to resolve problems</p> <p>Council stepping in to support contractor staff if necessary</p>	12 (4x3)	No further mitigations identified – existing controls are ongoing to manage the risk	12 (4x3)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
G	<p>Changes in political direction (central and local) or service specification required/needed by residents</p> <p>Design of Major Contracts: Significant changes in how major contracts are delivered when the contract expires</p> <p>Significant financial consequences for the Council.</p> <p>Reputational risk of no longer delivering the required service.</p>	Head of Environment & Leisure	<p>Robust tender process that includes the early identification of contracts approaching the end of their term</p> <p>Ongoing engagement with Members to provide a clear perspective on direction</p> <p>Awareness of central government legislative changes</p> <p>Review potential methods of operation, including researching approaches adopted by other local authorities</p> <p>Early market testing to support financial predictions</p> <p>Design of waste specification completed with careful consideration of financial implications</p> <p>GM contract completed and in final transition</p> <p>Availability of expert legal advice</p>	12 (4x3)	<p>Continued Member engagement - especially since change of governance structures, discussion at environment committee and Member briefing ahead of final contract award committee (ongoing)</p> <p>Continue to follow Government consultations on new legislation - some basic updates received but no confirmation on when full details will be released (TBC)</p> <p>Continue to research alternatives to commissioned services and ways to reduce financial implications (as required)</p>	12 (4x3)
H	<p>Borough wide Infrastructure: Infrastructure programmes don't align to the local plan review</p> <p>Fail to make a robust case for public funding and / or to support development proposals that create sustainable communities</p>	Head of Planning Services	<p>Regular communication with developers, KCC, Integrated Care Board and infrastructure agencies (i.e. highways) government</p> <p>Independent specialist advice / support to work on viability / realistic development modelling</p> <p>Pursue funding opportunities/lobby agencies and Government/support delivery agencies to progress schemes</p> <p>Head of Regeneration & Economic Development actively seeking public funding</p> <p>UK Shared Prosperity and Rural England Prosperity funds investment plans to unlock central government allocation</p> <p>Levelling-Up Fund business case</p> <p>Continue to strengthen relationships and communications with developers</p>	12 (4x3)	<p>Exploring development strategy options in the review Local Plan to support local bids and funding (TBC as local plan review paused)</p> <p>Junction 5 proposals underway (due to be completed by 2024)</p> <p>Pursue private sector funding streams (as required)</p> <p>Key Street and Grovehurst junctions agreed (start in 2022)</p> <p>Pursuing commitment for major improvement to M2J7 with KCC and Canterbury CC (2024)</p> <p>Discussions with Integrated Care Board to establish an investment plan for the area</p>	9 (3x3)

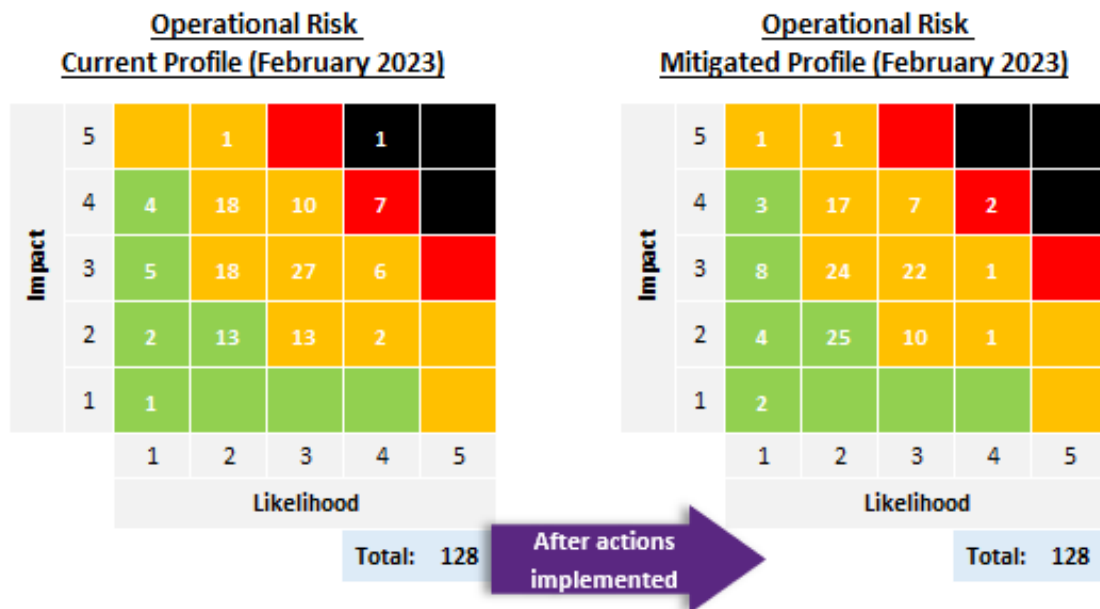
Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
1	<p>Limitations in funding and market interest</p> <p>Affordable Housing: Failure to develop a good quality, viable project for the delivery of affordable housing</p>	Head of Housing & Community Services	<p>Access to expert consultancy and legal advice</p> <p>Strong relationships with ~RPs that develop in Swale</p> <p>Capital funding agreed by council</p> <p>SBC Landholdings identified to support the project</p> <p>Review of best practice</p> <p>Initial scoping and viability work undertaken on landholdings</p> <p>Available sources of funding reviewed</p> <p>Testing the market for possible partners</p> <p>Local Housing Company set up and director appointed to lead on development of sites</p> <p>Monitor market for land acquisitions</p> <p>Acquire suitable land to enable development of Affordable Housing</p>	12 (4x3)	<p>Deliver 3 development sites agreed by Cabinet (31/03/2024)</p> <p>Homes England grant application being developed (31/03/2023)</p> <p>Become an investment partner with Homes England (31/03/2023)</p> <p>Rainbow Homes to become a registered provider (31/03/2024)</p>	9 (3x3)
Page 101	<p>As a result of the current recruitment market the Council</p> <p>Struggles to recruit and retain the right staff</p> <p>Increased costs and a loss of productivity</p>	Head of Mid Kent HR & Director of Resources	<p>Workforce strategy monitoring and reporting</p> <p>Training and development programme (including hybrid working skills and SmartPath to support managers)</p> <p>Occupational health, employee support and HSE Stress survey</p> <p>Recruitment process includes ability to adjust pay & market supplement for hard to recruit jobs</p> <p>Rewards package reviewed regularly</p> <p>Commissioning specialist external support as required</p> <p>Online onboarding of new staff</p> <p>Use of Clear Review to encourage continuous conversations and clear objectives</p> <p>Hybrid Policy and service review of hybrid working arrangements</p>	12 (3x4)	<p>Consult on introduction of 34hour working week to support recruitment and retention. (30/04/23)</p> <p>Explore further creation of career grades and the ability to bring in graduates (30/04/2023)</p> <p>Strengthen the succession planning progress (30/04/2023)</p> <p>Explore and increase in HR resources to support alternative recruitment methods (30/04/2023)</p>	9 (3x3)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
K	<p>Housing Supply: Council continues not to deliver the 5year housing supply Increased ad hoc greenfield planning applications and potential appeals costs</p>	Head of Planning Services	<p>Provision of a sound evidence base to support the Council's proposals for housing delivery Promote sites with early delivery programmes Ensure Members are kept up to date with key regulation and legislation changes</p>	12 (4x3)	Local Plan review paused awaiting clarity around legislation (TBC)	8 (4x2)
Page 102	<p>Security breach or system weakness Cyber Security Incident Cyber-attack that results in system unavailability and financial or legal liability</p>	Head of Mid Kent IT	<p>Effective backup arrangements External testing ICT policies & staff training, including disaster recovery plan Cyber Security testing & training, plus awareness quarterly campaigns Nessus scanning software reporting daily on system vulnerabilities Darktrace enterprise cyber immune system deployed New firewall in place (August 2022)</p>	12 (4x3)	<i>No further mitigations identified – existing controls are ongoing to manage the risk</i>	12 (4x3)
M	<p>Cost uncertainties in the construction market; unexpected delays or additions to work programme. Swale House Refurbishment: refurbishment of Swale House does not support 'new ways of working' Hinders the delivery of effective office-based working within flexible / hybrid arrangements.</p>	Head of Regeneration & Economic Development	<p>Participation in Climate & Ecological Emergency group Consultant (Quartz) in place to provide advice to project team Cabinet agreement to award the contract March 2022. Work to start from late spring Contract in place to govern the works New ways of working (NWOW) steering group in place to support physical and cultural changes Regular contractor meeting to monitor delivery</p>	9 (3x3)	Space Planner appointed to support building layout which will promote new ways of working (31/07/23)	9 (3x3)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
N	<p>Financial costs restrict delivery of actions</p> <p>Loss of key personnel</p> <p>Changes in national policy</p> <p>The Council is unable to deliver the climate & ecological emergency motion agreed at Council in June 2019.</p> <p>Reputational damage</p> <p>Not meeting net zero for Swale operations</p>	Head of Environment & Leisure	<p>Climate & ecology emergency Member / officer steering group established</p> <p>Annual report to Council to monitor progress</p> <p>Corporate Action Plan being delivered</p> <p>Annual revision of action plan including focus on top 10 actions</p> <p>Environmental gains factored into major contracts</p>	9 (3x3)	<p>Swale House refurbishment will be completed (31/03/23)</p> <p>Key environmental policies remain in draft (new local plan)</p>	9 (3x3)
Page 103	<p>Emerging issues and short-term initiatives</p> <p>Focus on established priorities: Resources are dissipated away from statutory responsibilities and established priorities</p> <p>Inhibits the Council's ability to deliver on the administration's medium-term objectives</p>	Chief Executive	<p>Agreed corporate plan priorities which have been prioritised and are being monitored through Pentana Service planning process designed to relate activity more explicitly to resources and priorities</p> <p>Regular 1-2-1 meetings between senior members & heads of service</p> <p>Robust budget-setting process</p> <p>Single CLT member identified to monitor/coordinate cross-cutting work on each corporate-plan objective</p> <p>Directors have overall responsibility for the delivery of the priorities</p> <p>Annual report process to be focused on corporate-plan objectives</p> <p>Routine reporting on progress against priorities to P&R Committee</p>	6 (3x2)	<p>Working to have a full LGA Corporate Peer review in February 2023 - corporate peer review scheduled for w/c 12 March. Pre-review work completed and forwarded to LGA (30/04/2023)</p>	4 (2x2)

Operational Risks

The following diagrams set out the operational risk profile, which is to say the score of Swale and shared service operational risks plotted onto the risk matrix. This demonstrates the risk to the Council at this moment in time (the **current rating**) and what it could look like in the future assuming all planned actions are completed (the **mitigated rating**). Appendix 1a sets out the impact and likelihood scoring criteria used to assess risks.



There continues to be 8 risks above the Council’s risk appetite, including one black risk above its tolerance. With mitigating actions 2 of these risks will remain above the appetite. In summary the high-level risks are as follows:

Service	Risk Event	Current Rating (I x L)	Mitigated Rating (I x L)
Housing Options	Provision and cost of Temporary Accommodation	20 (5x4)	16 (4x4)
Mid Kent ICT	IT Security Breach	16 (4x4)	16 (4x4)
Mid Kent Legal Services	Difficulty recruiting and retaining staff	16 (4x4)	12 (4x3)
Housing Options	Staff recruitment and retention	16 (4x4)	12 (4x3)
Economic Development & External Funding	Delivery against relevant Council priorities	16 (4x4)	9 (3x3)
Economic Development & External Funding	Post-16 learning provision in the Borough cannot be improved	16 (4x4)	12 (4x3)
Planning Services	New Planning Regs	16 (4x4)	9 (3x3)
Community Safety	CCTV Staffing	16 (4x4)	6 (3x2)

APPENDIX Ia

Definitions for Impact and Likelihood

Risks are assessed for impact and likelihood. So that we achieve a consistent level of understanding when assessing risks, the following definitions were agreed and have been used to inform the assessment of risks on the comprehensive risk register.

RISK IMPACT

Level	Service	Reputation	Wellbeing	Legal/Compliance	Financial	Strategic Objectives
Catastrophic (5)	Ongoing failure to provide an adequate service in a key area	Perceived as a failing authority requiring intervention	Significant staff dissatisfaction, long term absence, or increased staff turnover including key personnel	Litigation almost certain and difficult to defend. Breaches of law punishable by imprisonment. Possible responsibility for death.	Uncontrollable financial loss or overspend over £1.5m	Failure to deliver multiple key priorities
Major (4)	Key service areas disrupted 5+ days Other service areas ongoing failure	Significant adverse national publicity	Adverse staff dissatisfaction, or increased absence and turnover of staff	Litigation expected and uncertain if defensible. Breaches of law punishable by significant fines. Fails to prevent death, causes extensive permanent injuries or long term sick	Financial loss or overspend greater than £1m	Failure to deliver key priority
Moderate (3)	Key service disruption 3-5 days Other service disruption 7+ days	Adverse national publicity of significant adverse local publicity	Declining staff satisfaction, or some loss of staff due to absence or turnover	Litigation expected but defensible. Breaches of law punishable by fines. Fails to prevent extensive permanent injuries or long term sick.	Financial loss or overspend greater than £700k	Unsatisfactory delivery of priorities
Minor (2)	Key service disruption 2 days Other service disruption 2-7 days	Minor adverse local publicity	Short-term dissatisfaction, minor loss of staff due to absence or turnover	Complaint or litigation possible. Breaches of regulations or standards. Long term injuries or sickness.	Financial loss or overspend greater than £100k	Poor delivery of priorities
Minimal (1)	Any service disruption 1+ day	Unlikely to cause adverse publicity	Loss of staff morale but unlikely to result in absence or turnover of staff	Unlikely to cause complaint. Breaches of local procedures.	Financial loss or overspend under £100k	Minimal reduction in delivery of priorities

RISK LIKELIHOOD

Level	Probability	Description
Highly Probable (5)	80% +	Without action is likely to occur; frequent similar occurrences in local government / Council history or anticipated within the next 6 months.
Probable (4)	60% - 80%	Similar occurrences known often in local government / Council history or anticipated within the next 12 months.
Possible (3)	40% - 60%	Similar occurrences experienced in local government / Council history or anticipated within the next 18 months.
Unlikely (2)	20% - 40%	Not unheard-of occurrence in local government / Council history. Anticipated within the next 2 years.
Rare (1)	0% - 20%	Seldom occurs; no recent similar instances in local government / Council history.

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Policy and Resources		Agenda Item:
Meeting Date	22 March 2023	
Report Title	Financial Management Report – Third Quarter Monitoring 2022/23	
EMT Lead	Lisa Fillery, Director of Resources	
Head of Service	Claire Stanbury, Head of Finance & Procurement	
Lead Officer	Caroline Frampton, Principal Accountant	
Classification	Open	
Recommendations	<ol style="list-style-type: none"> 1. To note the projected revenue overspend of £531k. 2. To note the capital expenditure of £5.3m against the Revised Budget as detailed in Table 2 and Appendix I. 	

1. Purpose of Report and Executive Summary

- 1.1 This report sets out the quarter 3 revenue and capital budget monitoring forecast for 2022/23. The report is based on service activity for April – December 2022 and is collated from monitoring returns from budget managers.
- 1.2 The purpose of the report is to forecast the estimated outturn position for 2022/23 compared to the budget approved at Council in February 2022 and subsequently amended by virements, made under delegated authority during the year.
- 1.3 The headline figures are:
 - revenue overspend on services of £531k – Table 1;
 - capital expenditure of £5.3m – Table 2 and Appendix I.

2. Background

2.1 The Council operates a budget monitoring process at Head of Service level, with regular reports to the Policy and Resources Committee and the Strategic Management Team.

3. Proposals

Revenue Outturn

Table 1 - Variance by Service

	Service Manager	Working Budget £'000	Projected Outturn 2022/23 £'000	Projected Variance £'000
Chief Executive	L Reed	247	249	2
Policy, Governance, Transformation & Customer Services	D Clifford	2,506	2,480	(25)
Director of Regeneration	E Wiggins	172	173	1
Director of Resources	L Fillery	133	132	(1)
Housing & Community	C Hudson	3,807	5,142	1,335
Planning	F Churchill	911	1,092	181
Environment & Leisure	M Cassell	6,949	6,675	(274)
Regeneration & Economic Development	J Johnson	(169)	(11)	158
Finance & Procurement	C Stanbury	811	781	(29)
Revenues & Benefits	Z Kent	303	138	(165)
Environmental Health	T Beattie	609	507	(102)
Information Technology	C Woodward	1,377	1,353	(24)
Internal Audit	K Woodward	194	178	(16)
Human Resources	B Sandher	483	446	(37)
Legal	C Valmond	550	440	(109)
Corporate Items		1,467	1,103	(364)
NET REVENUE SERVICE EXPENDITURE		20,349	20,880	531
Finance by:				
Revenue Support Grant		(119)	(119)	0
Lower Tier Services Grant		(192)	(192)	0
Services Grant		(296)	(296)	0
Business Rates		(9,072)	(9,072)	0
New Homes Bonus		(1,407)	(1,407)	0
Collection Fund Surplus		0	0	0
Council Tax Requirement		(9,263)	(9,263)	0
TOTAL FINANCING		(20,349)	(20,349)	0
NET EXPENDITURE (Contribution (to)/from General Fund)		0	531	531

3.1 The variances with brackets are underspends, i.e. income received was greater than the budget or the spend was less than budget; variances with no

brackets are overspends, i.e. the income was less than the budget, or the spend was more than budget. The significant variances from budget are explained below.

- 3.2 The forecasts include contributions to reserves to roll forward unspent but committed funds, which reflect costs that were previously forecast to be spent in the current year.
- 3.3 **Policy, Governance & Customer Services (£25k) projected underspend**, a movement of £11k from quarter 2: (£51k) underspend mainly Members' Allowances, offset by a forecast overspend on the Sheerness Gateway with Kent County Council for additional building works.
- 3.4 **Housing & Community Services £1.335m projected overspend** – a movement of (£239k) from quarter 2:

	Movement for Qtr 2 variance to Qtr 3 Variance £'000	Projected variance as at Qtr 3 £'000
Temporary Accommodation	(168)	1,430
Licences - additional income	(44)	(25)
Community Services	10	(28)
Other	(37)	(42)
Total	(239)	1,335

The overspend in temporary accommodation - the growth in landlord charges continues to be a concern, reflecting the current economic position. One landlord, who holds approximately 36% of the current accommodation occupied, increased their charges in September. However, the team are working hard to keep costs down as much as possible.

- 3.5 **Planning £181k projected overspend** - a movement of £101k from Quarter 2 to Quarter 3:

	Movement for Qtr 2 variance to Qtr 3 Variance £'000	Projected variance as at Qtr 3 £'000
Conservation & Design	1	2
Building Control	0	1
Local Land Charges (including shared service)	14	64
Planning Income (Net)	22	(353)
Staff costs and running costs	59	459
Planning Shared Service	0	(31)
Spatial Planning & Local Plan	5	39
Total	101	181

Net additional income of (£353k) to date from planning fees. This includes (£150k) from the major application at Bobbing; additional staffing and running costs of £392k; £64k loss of income from Local Land Charges; £50k costs in relation to Highstead Park applications transport assessment.

3.6 Environment & Leisure (£274k) projected underspend - a movement of £61k from Quarter 2 to Quarter 3:

	Movement for Qtr 2 variance to Qtr 3 Variance £'000	Projected variance as at Qtr 3 £'000
Environmental Services including refuse collection and street cleansing	48	52
Leisure & Technical Services	(107)	68
Parking Management	(60)	(488)
Other	60	94
Total	(60)	(274)

- Environmental Services - there is a projected overspend of £52k on refuse collection including £295k indexation compensation payable to contractor offset by (£150k) savings on new bins. Projected overspend of £26k on Street Cleansing relating to increased indexation compensation payable to the contractor. Projected reduced income of £90k re Garden Waste subscriptions due to a fall in the number of subscriptions. Projected underspend of (£39k) re Public Conveniences, as new facilities are not yet in service; Projected savings of (£60k) re staff and agency costs.
- Leisure & Technical Services - projected overspend of £68k on Parks & Open Spaces including overspend of £120k on Leisure & Sports Centres being increase in leisure centre utility costs; offset by net service (£64k) staff costs savings.
- Parking Management projected net additional income of (£488k) as detailed below:

Projected variance as at qtr 3:	£'000
General car parks - additional fees income	(412)
Multi Storey - additional fees income	(78)
Net excess parking charges	(24)
Net other	26
Total	(488)

- Other - projected overspend of £94k made up of £75k overspend on grounds maintenance due to indexation increase, plus various small variances.

3.7 Regeneration and Economic Development projected overspend £158k, a movement of £15k from quarter 2. The overspend continues to originate mainly from energy bills, agency staff and reduced rental income at Bourne Place.

- 3.8 **Finance & Procurement projected underspend (£29k)**, a (£67k) movement from quarter 2. This is mainly as a result of a further staffing vacancy and reduced agency costs.
- 3.9 **Revenues & Benefits (£165k) projected underspend** variance, a movement of (£93k) from quarter 2. This is largely driven by underspends of salary budgets, and also additional recovery of overpaid Housing Benefit.
- 3.10 **Shared Services (£289k) projected underspend**, an increase of (£29k) from quarter 2. The Legal Services projected underspend of (£109k) is due to additional income from recharges to Maidstone and Tunbridge Wells. There is a projected underspend on the service recharges from Maidstone Council for HR of (£37k) and IT of (£24k). Internal Audit recharges are also forecast to be underspent by (£16k). There is a projected underspend of (£102k) for the Environmental Shared Service with Tunbridge Wells Borough Council.
- 3.11 **Corporate Items projected underspend of (£364k)**, a movement of (£153k) from quarter 2. This is as a result of an improvement in net investment income as a result of the increasing interest rates, and a reduced MRP cost being anticipated due to previous slippage of capital projects.

Reserves

- 3.12 As part of the budget build process a review of the use of reserves has been carried out and the details are included in the draft budget reported to Policy & Resources Committee on 30 November.

Capital Expenditure

- 3.13 This section of the report details actual capital expenditure to end of quarter 3 and highlights any variations between the revised 2022/23 capital budget and the projected outturn. The revised budget includes the 2021/22 roll forwards as agreed by the Policy and Resources Committee 13 July 2022.
- 3.14 Members to note that the revised capital budgets have been reviewed as part of the budget process and details are included in the draft budget reported to Policy & Resources Committee on 8 February 2023. Some schemes have slipped to 2023/24 and 2024/25. In addition, any new schemes funded from reserves and funds have been reported. Appendix I provides further details.
- 3.15 Actual expenditure is £5.3m which is 40% of the budget. A summary is set out in Table 2 below and further details are shown in Appendix I.

Table 2 – Capital Expenditure to end of December 2022

	2022/23 Revised Budget £'000	2022/23 Actual to end of December 2022 £'000	Projected Variance £'000
Housing & Community Services	6,177	1,400	0
Regeneration & Economic Development	5,123	3,637	0
Environment & Leisure	1,741	289	0
Information Technology	219	16	0
Total Capital Programme	13,260	5,342	0

3.16 Housing and Community Services – Disabled Facilities Grant: funding is from Central Government and is paid via Kent County Council. The grant is part of the overall Better Care Fund which incorporates aspects of health, and the Disabled Facilities Grant (DFG) money which must be used on mandatory grants that the Council administers. The money should be rolled over to the following year to continue funding grants approved within the year. The spend is dependent on applications received, and due to Covid-19, owners not wanting work to proceed or builders unable to carry out work, the number and spend on grants has been impacted. Additionally, once a grant is approved the applicant has 12 months to complete the work, therefore the DFG spend is a constant rolling process that crosses financial periods.

3.17 There has been a delay to the planned expenditure to deliver affordable homes within the district, however the current assumptions are that this spend will now fall in future years and so there is no variance on the project at this stage.

Funding of the 2022/23 Capital Programme

3.18 The 2022/23 capital programme budgeted expenditure of £13.26m is to be funded as set out in Table 3 below.

Table 3: Capital Programme Funding

	2022/23 Revised Budget £'000
Capital grants and other contributions	6,957
Borrowing	3,090
Earmarked reserves	2,133
Capital receipts	953
Revenue & grant funding	127
Total Capital Funding	13,260

4. Alternative Options

4.1 None identified – this report is largely for information.

5. Consultation Undertaken or Proposed

5.1 Heads of Service and Strategic Management Team have been consulted in preparing this report.

6. Implications

Issue	Implications
Corporate Plan	Good financial management is key to supporting the Corporate Plan objectives.
Financial, Resource and Property	As detailed in the report. Budget holders will need to review the current forecast position to identify savings to address the forecast overspend.
Legal, Statutory and Procurement	The monitoring report is not a statutory requirement, but it is a requirement of the Council's Financial Regulations.
Crime and Disorder	None identified at this stage.
Environment and Climate/ Ecological Emergency	The report identifies a wide range of expenditure headings which support the Council's Climate and Emergency Action Plan.
Health & Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	The Council's overall financial position is a key risk in the Council's Corporate Risk Register.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

7. Appendices

7.1 The following documents are published with this report and form part of the report:

- Appendix I: Capital Expenditure to end of September 2022/23

8. Background Papers

- Council Meeting Agenda and Minutes 23 February 2022 Item 12
- Policy & Resources Committee 8 February 2023

Capital Quarter 3 2022/23

	2022/23 Working Budget £'000	2022/23 Actual to date £'000	2022/23 Projected Variance £'000	Notes
Housing & Community Services				
CCTV	0	0	0	This budget has moved to 2026/27
Disabled Facilities Grant Mandatory/Discretionary	5,720	1,191	0	External Grant
Housing Repair Grants Over 60	0	1	0	External Grant
RHB2 Decent Home Loans Owner Occupier	0	22	0	Long Term Loans/ Grants
Winter Warmth Grants	0	53	0	External Grant
Local Housing Company	360	88	0	Borrowing/ £22.833m of budget has been moved to 2023/24 onwards
Land Regeneration/Improvement Works at Dolphin Barge Museum & Skatepark	52	0	0	Special Project Fund
Murston Old Church	45	45	0	Community Fund/ new bid
Total Housing & Community Services	6,177	1,400	0	
Regeneration & Economic Development				
Central House – Lift Refurbishment	20	20	0	Building Maintenance Fund/ new bid
Faversham Creek Basin Regeneration Project (Swing Bridge)	0	0	0	This project of £200k has slipped to 2023/24
Sittingbourne Town Centre	641	0	0	Borrowing
High Streets	248	0	0	Town Centres, High Street Fund
St Michael's Church Boundary Wall, Sittingbourne	120	4	0	Town Centres, High Street Fund
Queenborough & Rushenden Klondyke Land Improvement	0	1,103	0	External Grant
Coronation Clock Tower Sheerness	144	83	0	Improvement & Resilience Fund/ Town Centres, High Street Fund
Redevelopment of Master's House, Sheerness	1,319	1,219	0	Improvement & Resilience Fund/ Capital Receipts/ External Grant
Swale House Refurbishment	1,955	1,208	0	Borrowing

Capital Quarter 3 2022/23

	2022/23 Working Budget £'000	2022/23 Actual to date £'000	2022/23 Projected Variance £'000	Notes
UKSPF	38	0	0	External Grant/ new bid
LUF	638	0	0	External Grant/ new bid
Total Regeneration & Economic Development	5,123	3,637	0	
Environment & Leisure				
Barton's Point Coastal Park - replacement bridge	39	8	0	Capital Receipts
Barton's Point Drainage Project	70	0	0	Sheppey Improvement Fund - Reserves
Beach Huts	0	0	0	This project of £60k has moved to 2023/24
Changing Places Toilets – Swallows	49	0	0	S106 / Borrowing
Coach Parking Sheerness	35	0	0	Reserves
Faversham Recreation Ground	0	3	0	External Grant/on-going project
Gunpowder Works Oare Faversham - new footbridge and connecting paths	30	0	0	S106
Leisure Centres Condition Surveys Improvements	287	0	0	Borrowing / External Grants
Lynsted Churchyard Walls	0	0	0	This project of £120k has moved to 2023/24
Milton Creek Access Road	75	0	0	Reserves
Open Spaces Play Equipment	456	117	0	S106
Open Space Play Equipment – Millfield, Faversham	59	59	0	Revenue & Grant Funding
Play Improvements	197	0	0	Capital Receipts / Special Projects Fund/ Reserves
Play Improvements – Diligent Drive	16	16	0	Reserves/Special Projects Fund
Play Area Manor Grove, Sittingbourne	65	65	0	Revenue & Grant Funding/New Scheme
Sheerness Public Toilets	120	0	0	Sheppey Improvement Fund - Reserves

Capital Quarter 3 2022/23

	2022/23 Working Budget £'000	2022/23 Actual to date £'000	2022/23 Projected Variance £'000	Notes
Swallows Roof Improvement	17	17	0	Covid Recovery Fund - Reserves
Public Toilets (including Minster Leas, Queenborough All Tide Landing, Forum Sittingbourne, Milton Creek Country Park and Toilets & Shower Block Barton's Point)	222	0	0	Special Projects & Improvement / Resilience Fund
Resurfacing Shellness Road, Leysdown	4	4	0	Reserve/Revenue Funding
Wheeled Bins	0	0	0	This project has moved to 2023/24
Total Environment & Leisure	1,741	289	0	
Policy				
Council Chamber IT Equipment	0	0	0	This project of £50k has been moved to 2023/24
Total Policy	0	0	0	
ICT				
ICT Infrastructure & Equipment Replacement	219	16	0	R & R Reserve
Total ICT	219	16	0	
Total Capital Programme	13,260	5,342	0	

Policy and Resources Committee Meeting	
Meeting Date	Wednesday 22 nd March 2023
Report Title	Swale Domestic Abuse Policy
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Communities
Lead Officer	Stephanie Curtis, Community Safety Manager
Classification	Open
Recommendations	1. That the Policy and Resources Committee approves this Domestic Abuse Policy

1 Purpose of Report and Executive Summary

- 1.1 This report provides an overview of the Swale Domestic Abuse Policy and the outcome of the consultation that has taken place.

2 Background

- 2.1 Swale Borough Council, through both its safeguarding and community safety duties have been supporting domestic abuse victims for many years, linking in with both statutory and voluntary sector partners to improve partnership work and its response to victims. Since the introduction of the Domestic Abuse Act 2021, a domestic abuse officer has been on post to review compliance to this Act and support wider partnership work to improve responses to victims and their families.
- 2.2 The Swale Community Safety Plan, developed by the Community Safety Partnership (CSP), identifies several priorities of which Domestic Abuse is one. The SBC Safeguarding Policy and associated procedures also includes detail of how SBC will respond to domestic abuse.
- 2.3 SBC is an active partner within the CSP and has participated heavily in local activity to increase service provision in the Borough for victims/survivors of domestic abuse. This also includes identifying gaps in services and working to address these, such as behavioural programmes for perpetrators in recent times. SBC also works closely with the Kent and Medway Domestic Abuse Partnership and financially contributes to the Kent Integrated Domestic Abuse Service (support service).
- 2.4 SBC has agreed to apply for Domestic Abuse Housing Alliance (DAHA) accreditation. The accreditation standards are set to increase good working practices within organisations and will assist SBC in reviewing and making improvements where necessary in supporting domestic abuse victims and families.

- 2.5 Due to the volume of domestic abuse incidents within Swale; the standards within the DAHA accreditation and a need to ensure that our response to domestic abuse is coordinated in the best manner, a standalone Domestic Abuse Policy has been developed.
- 2.6 This policy will be underpinned by a separate domestic abuse procedure that will provide a daily framework for staff to ensure the correct response is given to victims/families. This will sit alongside existing safeguarding procedures. Additionally, a separate policy will be developed for staff affected by domestic abuse.

3 Proposals

- 3.1 That the Policy and Resources Committee approves this Domestic Abuse Policy

4 Alternative Options

- 4.1 To not approve this draft policy - with the Community Safety Plan and Safeguarding Policy in place, there is no legal requirement for a separate Domestic Abuse Policy. However, having one in place is considered good practice and will consolidate all domestic abuse work by SBC.

5 Consultation Undertaken

- 5.1 Consultation has taken place with the Communities Committee on the 1st November 2022. This committee provided several suggested amendments to the report and agreed it should then go out for public consultation for 6 weeks.
- 5.2 Public Consultation ran from mid-December to the end of January 2023, with a series of 18 questions. 10 responses were received, which were a mixture from residents and agencies. A summary of feedback is shown in Appendix 2, along with amendments that have been made to the policy because of this.
- 5.3 Consultation also took place with our national lead for the Domestic Abuse Housing Alliance (DAHA) accreditation from Standing Together. Their feedback is also shown in Appendix 2, along with which amendments have then been made to the draft Policy because of this.
- 5.4 Key changes made within the Policy include:
- Several sections have been slightly amended to ensure this policy is aimed at victims and survivors of domestic abuse.
 - Wording within the Policy has been expanded within some sections to stress the differing response needed to those with protected characteristics.
 - Change of term Domestic Abuse Champion to Domestic Abuse Advocate

- Responding to Domestic Abuse Section has been brought forward within the Policy so it is easier for Victims/Survivors to access.

6 Implications

Issue	Implications
Corporate Plan	This Policy supports the Corporate Plan priority ‘tackling deprivation and creating equal opportunities for everyone’ and the objective of ‘ensuring that the council plays a proactive role in reducing crime and ASB, including through the modernisation of CCTV provision’.
Financial, Resource and Property	There are no additional finance, resource or property implications in implementing this refreshed policy. Funding is already committed to the county commissioned domestic abuse service from existing community safety core budget. Further grant funding is provided on an adhoc basis towards perpetrator services or other required local services through core community safety budget or the grant received from the Police and Crime Commissioner.
Legal, Statutory and Procurement	<p>The Council is required to comply with a variety of legislation in relation to Domestic Abuse including the Domestic Abuse Act 2021, Care Act 2014, Childrens Act 1989 and the Crime and Disorder Act 1998.</p> <p>This policy does not introduce any additional activity to meet the requirements of this legislation but consolidates existing action into one place.</p>
Crime and Disorder	The policy details the main aim of the Domestic Abuse Policy which is to increase the safety of those residents within the Borough that are affected by domestic abuse.
Environment and Climate/Ecological Emergency	No environment and sustainability implications have been identified at this stage.
Health and Wellbeing	This policy consolidates existing activity under both the community safety and safeguarding agendas into on place, all of which seek to increase the health and wellbeing of those affected by domestic abuse.
Safeguarding of Children, Young People and Vulnerable Adults	The creation of this policy will bolster the existing Safeguarding Policy for the Council, ensuring appropriate responses are in place for those affected by domestic abuse.
Risk Management and Health and Safety	No specific implications on risk management or health/safety have been identified at this stage.

Equality and Diversity	No specific implications on groups with protected characteristics have been identified.
Privacy and Data Protection	The introduction of this policy does not identify any new privacy or data protection concerns. Any data gathered or shared will continue to be done so in line with existing community safety/safeguarding mechanisms.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix 1: Swale Domestic Abuse Policy 2022-25
- Appendix 2: Feedback from Public Consultation on draft Domestic Abuse Policy

8 Background Papers

No background papers.

Swale Domestic Abuse Policy 2023

1. Introduction

Swale Borough Council is committed to ensuring the safety of its community. The Council believes that all forms of domestic abuse are unacceptable and this Policy sets-out not only the Council's responsibilities under the Domestic Abuse Act 2021, but what further action the Council will take to support domestic abuse victims and their families in partnership with other agencies.

2. Purpose

- 2.1 The purpose of this policy and its associated procedures are to increase the safety of those residents within the Borough of Swale that are affected by Domestic Abuse.
- 2.2 This policy also demonstrates how Swale Borough Council (SBC) will meet its legal obligations and assure victims and survivors of domestic abuse as to what they can expect SBC to do to increase their safety; and how the Council we will work in collaboration with external agencies to do so.

3. Definition of Domestic Abuse

- 3.1 Domestic Abuse is defined as an incident or pattern of incidents of controlling, coercive, threatening, degrading and violence behaviour. It is between those that are 16 and over and are, or have been in an intimate relationship, family members or have a parental relationship in relation to the same child. For full definition please visit [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk).
- 3.2 Domestic abuse can include, but is not limited to:
 - Coercive control (a pattern of intimidation, degradation, isolation and control)
 - Psychological or emotional abuse
 - Physical or sexual abuse
 - Financial or economical abuse
 - Harassment and stalking
 - Violent or Threatening Behaviour
 - Online or digital abuse
- 3.3 SBC recognises that domestic abuse can be experienced by both women and men and we will ensure an appropriate response for all.
- 3.4 The Domestic Act 2021 formally recognised children as victims of domestic abuse in their own right, due to the impact experiencing domestic abuse can have on them. SBC had already understood this impact and had been working with partner agencies to determine what local services needed to be in place for children affected by domestic abuse.
- 3.5 It is also recognised that domestic abuse can be more prevalent within certain groups and that any response must consider those with protected characteristics, but also that they may experience more barriers in accessing support.

4. Swale Context

- 4.1 Domestic Abuse is one of the highest crime volumes in the borough and there has continued to be a steady increase in reported domestic abuse incidents over the last ten years. This is the case nationally. This is in part felt to be due to increase confidence in victims to report concerns, but ultimately is reflective of the high prevalence of these issues.
- 4.2 Annually within Swale, the local domestic abuse picture is captured within the Community Safety Strategic Assessment. Within Kent, an annual Domestic Abuse Needs Assessment is also completed. Both documents show how partners within Kent will work together to tackle this issue.

5. Legal Duties

- 5.1 The Domestic Abuse Act 2021 became law on 30th April 2021. It includes:
- A revised legal definition of domestic abuse which recognises children as victims in their own right (as discussed in section 3).
 - Legal duty on Councils to fund support for survivors in safe accommodation
 - New protections in the family and civil courts for survivors
 - A guarantee that all survivors will be in priority need for housing and will keep a secure tenancy in social housing
- 5.2 The Care Act 2014 stipulates how local authorities (in this case Kent County Council) and other parts of the system such as relevant partners (which includes SBC as a district council) should protect adults at risk of abuse or neglect. This includes those experiencing or having experienced domestic abuse.
- 5.3 The Children Act 1989 states that the child's welfare is paramount and that every child has a right to protection from abuse, neglect and exploitation.
- 5.4 The Crime and Disorder Act 1998 Section 17 places a duty upon SBC to consider the impact of its functions and decision in crime and disorder within their local area; and to fully cooperate within the local Community Safety Partnership (CSP). Within the Swale CSP, SBC is an active partner and tackling Domestic Abuse is a key priority for the Partnership and has been for many years.

6. Policy Position

6.1 Principles

- 6.1.1 SBC believes that all forms of domestic abuse are unacceptable and is committed to the following principles:
- To work in partnership with external agencies to ensure the most appropriate response is in place as a Borough to victims and survivors of domestic abuse, working towards a Coordinated Community Response.
 - To ensure our staff have the correct skills, tools and knowledge to effectively respond to victims of domestic abuse
 - To ensure that all practice is underpinned by safety led case management
 - That a survivor led approach is taken to all service development
 - To provide inclusive services that are accessible and meet the individual needs of all, including those experiencing domestic abuse within same sex relationships

- To consider our role in how perpetrators of abuse are held to account for their behaviour and seek to ensure appropriate support services are in place for them
- To actively promote our domestic abuse response
- To have a trauma informed approach to supporting victims and survivors

6.1.2 This policy will be developed and reviewed on a regular basis, with residents, service users and partner agencies affected by domestic abuse. It will be reviewed within three years. Consideration will be given to any changes in legislation or policy.

6.1.3 Should any learning arise from Domestic Homicide Reviews, Serious Case Reviews or Serious Adult Reviews which impact on this Policy and the way in which SBC responds to domestic abuse, the Policy will be revised sooner.

6.2 Scope

6.2.1 This policy covers Swale Borough Council's response to victims and survivors of domestic abuse. It clearly identifies the role of the Council in this agenda and how it will work in partnership with other agencies.

6.2.2 This policy will sit alongside existing SBC Policies including:

- Safeguarding Policy and Procedures
- Community Safety Plan
- Staff Domestic Abuse Policy
- Housing Strategy
- Housing Allocations Policy

6.2.3 This policy will also sit alongside standalone domestic abuse procedures. These will provide a daily framework for staff to enable the right response is given and will focus on identifying individuals/families experiencing domestic abuse; how to respond in a safe way; and recording and sharing information.

7. Responding to Domestic Abuse

7.1 Key Contacts

7.1.1 All Swale based support for victims and survivors of Domestic Abuse can be found at <https://www.domesticabuseservices.org.uk/>.

7.1.2 The Swale Borough Council Safeguarding Team will be the main contact point for all victims and survivors of domestic abuse seeking support from the Council, along with for staff, Members, volunteers and contracted services for advice on domestic abuse cases. They can be contacted on:

- Email: safeguarding@swale.gov.uk
- Phone: 01795 417457

The team will be able to offer support, safety planning and onward referrals to other agencies for dedicated support.

7.1.3 For any concerns outside of office hours, where there is an immediate concern for safety, support can be sought from Kent Police on 999 or 101 or Social Services on 03000 41 91 91.

7.2 Record Keeping

- 7.2.1 All details of cases will be kept in line with the Safeguarding Policy. The My Concern Safeguarding Database is in place to record and manage all safeguarding concerns, including those for domestic abuse.
- 7.2.2 It is the responsibility of all staff, Members and volunteers to ensure that they have made the Safeguarding team aware of a disclosure or concern of domestic abuse, so that details of that concern and action taken can be recorded.

7.3 Risk based process

- 7.3.1 All support to domestic abuse victims will be tailored around a risk-based approach. Safeguarding staff and those that are most likely to identify victims of domestic abuse will be required to understand how to risk assess a concern and then take appropriate action.

7.4 Local Support Services

- 7.4.1 SBC does not directly deliver domestic abuse specialist support services. As a result, staff within the Safeguarding team are required to have good knowledge of all local support services for victims and families.
- 7.4.2 Through the Community Safety Partnership mechanism, regular mapping of local services will take place. SBC will also work with partner organisations to identify any gaps in services needed locally.

7.5 Tailored Response

- 7.5.1 SBC recognises that not all victims/survivors of domestic abuse can access services in the same manner; or at the same point of their journey. Each response given to an identified or potential victim will be tailored to their needs and wishes. This will also include for those with protected characteristics. Referrals into specialist By and For services at either a local or national level will be considered.

8. Roles and Responsibilities

- 8.1 **All Staff, Members, Volunteers:** All are responsible for ensuring that that they are aware of how to identify a victim of domestic abuse and how to direct them for support.
- 8.2 **Senior Management Team (SMT):** SMT are responsible for ensuring that this Policy and related procedures are implemented, monitored and regularly reviewed.
- 8.3 **Community Safety Manager:** The Community Safety Manager will be responsible for ensuring that this policy and associated procedures are implemented. This role will also be the main link for all partnership related activity.
- 8.4 **All Service Managers:** All service managers (and contract managers responsible for contracted services) must ensure that they and their staff have received the appropriate training and are confident to identify victims of domestic abuse and signpost accordingly.
- 8.5 **ASB and Vulnerability Team Leader/Safeguarding Officers:** These posts will be responsible for implementing this policy and associated procedures on a day to day

basis. They will be the main point of contact for all other staff/Members/volunteers that have identified a victim of domestic abuse and will ensure that an appropriate response is in place.

- 8.6 Domestic Abuse Advocates will be introduced into customer facing teams. These roles will be a voluntary and provided with additional levels of training. They will be the first point of contact within teams for those seeking advice on any identification of domestic abuse concerns.

9. Training

- 9.1 SBCs Safeguarding Policy details training required by staff across a range of safeguarding subjects including domestic abuse. Training required varies depending on the level of contact by roles with vulnerable adults, children and families, with those with the greater level of contact required to complete face to face/virtual training. Those staff with less contact will need to complete an e-learning module.
- 9.2 The Safeguarding Policy and Training Plan are reviewed annually, and this is where all domestic abuse related training will be captured.
- 9.3 Staff training compliance is monitored on a quarterly basis.
- 9.4 Specialist staff, including those within the Safeguarding Team will also consider enhanced domestic abuse training.
- 9.5 All domestic abuse training will be delivered by a domestic abuse specialist agency.
- 9.6 Staff will need to have the confidence to identify, respond to, support, refer and record domestic abuse in a way that is appropriate to their role. Specialist staff will also be required to use risk identification and assessment, information sharing and general safeguarding.
- 9.7 Training will also be made available to elected Members.

10. Partnerships

- 10.1 SBC is an active partner within the Swale Community Safety Partnership (CSP), for which domestic abuse remains a priority and has been for over ten years. It contributes to the development and delivery of any associated actions within the Swale Community Safety Plan relating to domestic abuse, including chairing the Swale Domestic Abuse Group, which is a sub-group of the CSP. The Community Safety Plan is reviewed annually, taking into account current threats and risks as part of the community safety agenda, including for domestic abuse. SBC works closely with other local partners to understand any gaps in services and how these can be addressed.
- 10.2 SBC is also an active partner within the Kent and Medway Domestic Abuse Partnership and the Kent and Medway Domestic Abuse Local Partnership Board.

10.3 SBC also works closely with the Kent Safeguarding Children Multi-Agency Partnership and the Kent Safeguarding Adults Board.

11. Publicity/Awareness Raising

11.1 SBC will ensure that information on accessing domestic abuse support is available on its website, signposting to appropriate local support services.

11.2 SBC is committed to working alongside the Kent and Medway Domestic Abuse Partnership on all publicity and awareness raising work. This will include:

- Promotion of the Kent and Medway Domestic Abuse website which holds comprehensive information on all local support services
- To be an active participant in the national '16 days of action' campaign and other localised communications campaigns.

10.3 SBC will work closely with other local partners to ensure there are a variety of mechanisms in place locally, including face to face, for victims to access support and advice.

10.4 SBC will continue to promote the White Ribbon Campaign, hosting local Ambassadors to spread the message that Violence Against Women and Girls will not be tolerated.

10.5 Any communication will be tailored to different audiences to ensure messaging is inclusive and that victims from all groups are able to access support.

12. Prevention

11.1 SBC will consider what preventative action it can take through its partnership working, to seek to prevent domestic abuse occurring in the first place.

11.2 This will include through engagement with schools and young people to promote what a healthy relationship looks like and where to go if they are experiencing issues themselves. Although the Council will not directly deliver this support, it will work closely with partners to ensure that such support is available

13. Perpetrators

13.1 Throughout this policy, SBCs response to supporting victims and survivors of domestic abuse has been discussed, but it must be recognised that perpetrators of abuse must also be identified and held to account for their behaviour.

13.2 SBC will work in partnership with other local agencies to ensure that a holistic response is in place for tackling perpetrator behaviour.

13.3 When staff identify perpetrators of domestic abuse, information sharing with appropriate agencies will take place to ensure that appropriate action can be taken to safeguard the victim and ensure the perpetrator can be held to account for their behaviour.

13.4 SBC will work alongside partner agencies to ensure that there is adequate local provision in place for perpetrators to access to address their behaviour or other needs. Staff will seek to promote these services to perpetrators as appropriate.

Appendix 2: Swale Domestic Abuse Policy Consultation Responses

Responses from Public Survey

Question/response	Officer Comments and recommendations
<p>General information gathered: 10 responses – 7 from residents, 2 from public sector agencies, 1 from voluntary/community sector agency</p> <p>The greatest age group of responses was 45-54 (4), followed by 55-64 (2).</p> <p>A greater proportion of females responded to the survey (7).</p> <p>8 of those that responded were of White ethnicity.</p>	<p>For noting only.</p>
<p>Of those that responded to the survey, 3 identified themselves as someone with lived experience of domestic abuse. 3 identified themselves as an advocate agency. 4 identified themselves as other.</p>	<p>We have sought to engage with those with lived experience of domestic abuse, or those that can advocate on their behalf, in the development of this policy.</p> <p>No recommended changes at this stage.</p>
<p>None of the responders had previously engaged with the Council for support as a domestic abuse victim.</p> <p>However, one response stated: Survivors' experience is crucial for understanding the situations that are suffered. Particularly the impact on children of a parent shouting abuse on a regular basis. I found Alanon most helpful for me, (this was years ago). I would not have gone to the council for help then. There was a huge amount of stigma which created barriers.</p>	<p>We have sought to engage previous victims of domestic abuse that had made use of Council services, with the creation of this Policy, but have recognised it has been difficult to do so.</p> <p>This feedback is useful that at the time this victim was requiring help, they would not have felt confident going to a Council.</p> <p>No recommended changes at this stage.</p>
<p>Respondents were asked whether they feel each of the proposed principles within the Policy were achievable by the Council.</p>	<p>Overall, respondents were positive about the achievability of the proposed principles.</p>

To work in partnership with external agencies to ensure the most appropriate response is in place as a Borough to victims and survivors of domestic abuse, working towards a Coordinated Community Response – 90% felt this was achievable, 10% not sure.

To ensure our staff have the correct skills, tools and knowledge to effectively respond to victims of domestic abuse – 80% felt achievable, 20% not sure.

To ensure that all practice is underpinned by safety led case management - 80% felt achievable, 20% not sure.

That a survivor led approach is taken to all service development – 70% achievable, 10% not achievable, 20% not sure.

To provide inclusive services that are accessible and meet the individual needs of all – 60% achievable, 10% not achievable, 30% not sure.

To consider our role in how perpetrators of abuse are held to account for their behaviour and seek to ensure appropriate support services are in place for them - 60% achievable, 20% not achievable, 20% not sure.

To actively promote our domestic abuse response – 100% achievable.

To have a trauma informed approach to supporting victims and survivors - 80% felt achievable, 20% not sure.

Comments made in relation to the achievement of these principles included:

- we must have perpetrator programmes, without these the responsibility remains on survivors
- If it doesn't already, include information on how the organization supports employees experiencing DA, and provide support around their Health and wellbeing

The main concern raised relates to the principle regarding our response to perpetrators.

It is recognised that SBC's response to changing perpetrator behaviour is limited, however the wording of the principle is to consider our role and seek to ensure services are in place. At this stage, no changes are recommended to the wording of this principle.

No recommended changes at this stage.

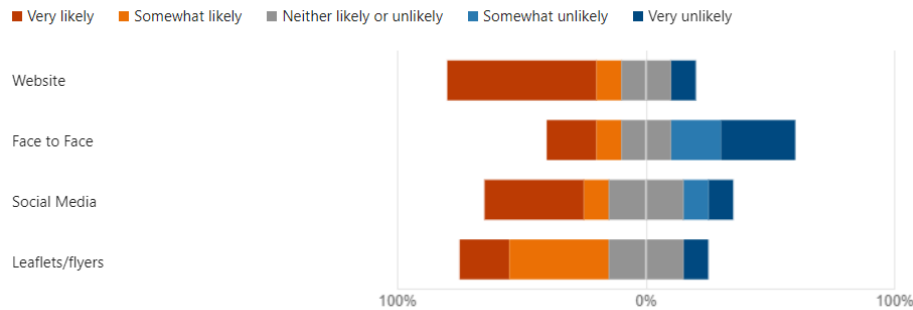
<ul style="list-style-type: none"> - Well rounded Policy - Training for staff needs to be kept up to date and repeated annually. Will the voice of survivors be heard? Maybe by way of a survivors forum to ensure survivor led approach? It is widely known that reports of DVA and VAWG rarely lead to conviction of perpetrators. More needs to be done in this area. Same sex relationships are mentioned but what about the trans community or disabled people or those with lack of capacity ie dementia or learning disabilities. - It is all good - however perpetrators are skilled at lying - and it is difficult to prove their culpability unless your team are really well trained - The principles seem reasonable but given that few staff interact with the public and many staff work from home, albeit with comms, how effective can these principles be? 	
<p>Responders were asked to comment on the role name of domestic abuse champion. 6 responders felt this was not an appropriate term and 3 agreeing it was.</p> <p>Alternative terms suggested included:</p> <ul style="list-style-type: none"> - Domestic Abuse Advisor - Stop Domestic Abuse Champion - Domestic Abuse Liaison Advisor - Domestic Abuse Advocate 	<p>The majority of responders felt that the term domestic abuse champion was not appropriate. A number of other suggestions were made, but domestic abuse advocate feels like the most appropriate alternative suggestion.</p> <p>Recommendation: Change term of Domestic Abuse Champion to Domestic Abuse Advocate.</p>
<p>Responders were asked to comment on how the Council works in Partnership to support victims, families and survivors of domestic abuse. Responses included:</p> <ul style="list-style-type: none"> - We need to see more DVPOs and a lot more work with perpetrators - continue working in partnership for victim/survivors to be empowered them with choice of agencies that is accessible. 	<p>A number of comments were made by responders regarding the strength of existing partnership working by SBC. A concern was raised about partnership working with the Police, due to a loss of confidence due to national media. This is something already being picked up by the Community Safety Partnership.</p>

- Great work and good policy
- All agencies need to be involved - police, social care, health care, legal, charitable sector
- I have concerns about your potential partnership with the police. The police have recently failed to identify abusers within their own teams, resulting in loss of life. I hope that you also do enough checks on your own personnel to root out misogyny and victim blaming?
- Essential that all professional colleagues communicate effectively - and actually listen
- Helpful to understand how SBC and its staff are actually involved, other than to report abuse.

No recommended changes at this stage.

Responders were asked how likely they were to access domestic abuse support information and guidance from the Council via specific means.

Website, social media and leaflets/flyers were shown to be the most likely, with face to face the least likely.



The responses clearly showed that it was felt face to face was not a likely mechanism for engaging with the Council.

These responses are useful to use in publicity/awareness raising work going forward.

No recommended changes at this stage.

Alternative suggestions included:

- Link to domestic abuse services included on SBC website home page
- Public toilets and buses
- Face to face at community hubs and pharmacies

<ul style="list-style-type: none"> - Posters in public spaces – leisure centre, gyms or targeting young girls at school who are in new relationships – give examples to help them recognise what is abuse. 	
<p>Responders were asked if they had any comments on SBCs proposed approach to tackling perpetrator behaviour. Comments made were:</p> <ul style="list-style-type: none"> - I think SBC's partnership working is very strong. - Working together to run groups for perpetrator within Swale - More work is needed for children who have witnessed abuse - There needs to be better conviction rates and less victim blaming - I have already commented that abusers 'lie through their teeth' and are often charming when approached. Criminal behaviour is what it is - 'support' seems a bit generous. Do you mean some kind of campaign to educate these (usually) men at their clubs - golf/football etc?? - " Holistic" is less than helpful. if staff see, hear or are aware of domestic abuse it should be properly reported and followed through. Perpetrators would in most cases need to be dealt with by the police or mental health services, unless it also related to children. - 	<p>Responders have made a number of useful comments about SBCs approach to tackling perpetrators. The White Ribbon Campaign is already mentioned to tackle men's views about violence towards women.</p> <p>No recommended changes at this stage.</p>
<p>Responders were asked if they had any comments in relation to SBCs proposed preventative approach to domestic abuse. Comments made were:</p> <ul style="list-style-type: none"> - We need to work with children and young people around healthy relationships etc. Is this happening? - More support within schools to look around positive relationships. - Schools are a key place to do this. Children need to learn what a healthy relationship looks like from a young age, even primary school age. - I am very glad for this initiative, and only hope that you will be able to fund the refuges which are oversubscribed. Education is vital to preventing abuse, but listening to young girls who can't talk to their parents - how do you organise that? - Early years engagement, from secondary school level upwards 	<p>A number of comments have been made about work required with young people around healthy relationships. The Council are already working in partnership with agencies such as SATEDA on this.</p> <p>Recommendation: Wording within Prevention section to be amended to reflect wider existing partnership work on children and young peoples services.</p>

<ul style="list-style-type: none"> - Not sure how practical this is, unless there are sufficient preventative resources available. 	
<p>Responders were asked if they had any comments on how SBC will respond to domestic abuse. Comments made were :</p> <ul style="list-style-type: none"> - A focus on the perpetrator - Victims and survivors need to know where to go and be able to speak to anyone they come into contact with, whether that be GP, pharmacy, housing agencies etc. - It all sounds good, Publicity for the initiative will be key. It seems like you are taking domestic abuse seriously but it is long overdue. - All responses need precise documentation, follow through and investigation 	<p>Useful comments have been made in relation to use of publicity. This can be included within the domestic abuse procedures being compiled.</p> <p>No recommended changes at this stage.</p>
<p>When asked, do you think the Policy and local services meets the need of those with protected characteristics, 7 responded that they didn't know. Only 1 responded yes and 1 responded no.</p>	<p>This result may be indicative that those responding are not those either with protected characteristics, or an advocate on their behalf.</p> <p>It has already been identified within the Policy within the main principles and also within section 13.5 that a tailored response to victims must be provided.</p> <p>Recommendation: Section 13.5 be extended to stress that consideration must be given to those with protected characteristics and whether more specialised by and for service referrals are needed.</p>

Consultation response from Standing Together

Through the Domestic Abuse Housing Alliance (DAHA) accreditation, Swale BC are allocated a regional lead from Standing Together to advise on how to meet the required standards for the accreditation. A copy of the draft domestic abuse policy was shared with this lead and the comments are shown in the below table.

Standing Together/DAHA National Lead Comments	Officer Comments and recommendations
<p>Section 1 Introduction: This is a great starting document and its great to see you starting to think about implementing the DAHA principles within this.</p> <p>Something that felt a little unclear is who this policy is aimed at both in terms of language used and content.</p> <p>Ideally, it needs to be written with the victim/survivor in mind as the audience, and as a document that is going to support disclosure, therefore the language needs to be non-judgmental and supportive throughout.</p> <p>It would be good to ensure that the information that is most relevant/important to victim/survivors comes first so that they can get to the information they need quickly.</p> <p>As you are developing a procedural document to correspond with the policy, it means that some of the more procedural information which will be pertinent to staff can be moved into the procedure, helping to keep the policy as focussed as possible.</p> <p>We discussed in our meeting last week that it is important to have a separate policy for staff who maybe experiencing DA, or encounter it within the context of work. This may also help you to distinguish the outward customer facing policy from the internal staff policy.</p>	<p>Comments made within this section have been picked up in following sections of this table.</p> <p>A staff domestic abuse policy is being created which will be aimed at staff that are victims and how they can be supported. This policy is aimed at members of the public but is also in place to show staff what is expected of them in terms of a response.</p> <p>A procedures document is also being compiled for staff, which will provide more detail of the sections discussed within this Policy.</p>

<p>Diversity and intersectionality is a really crucial part of the DAHA accreditation and is embedded as one of our core principles. We appreciate this is a big and somewhat complicated topic. But it would be great to see more mention of protected characteristics, intersectionality and the additional challenges that may be faced by victim/survivors in accessing support, and how you will support them. This will include not just those in same sex relationships, but recognise that there may be increased experiences of DA as well as additional challenges by customers who are elderly, young people, minority ethnic, LGBTQ+, those with multiple and complex needs including mental health, alcohol and substance misuse concerns, learning disability, male.</p> <p>See comments throughout with some suggestions for change.</p>	
<p>Section 2.2 – Purpose: I think it would be helpful to be clear about who this policy is aimed at. This covers a lot of bases. The language needs to be written with victim/survivors as the primary audience, so they know what they can expect from you for support. And then the procedures can go into more detail to support staff in actioning what you are setting out in your policy.</p> <p>It is good to recognise that SBC has legal responsibility, but in order for this to feel more person centred and less an obligation, perhaps this could be mentioned after the rest of the sentence about what victim/survivors can expect.</p>	<p>Agree that wording of this section could be strengthened to reflect focus on victims and survivors.</p> <p>Recommendation: Wording of purpose section to be revisited to reflect focus on victims and survivors.</p>
<p>Section 3.1 – Definition Use wording from the DA Act 2021. https://www.legislation.gov.uk/ukpga/2021/17/part/1/enacted</p> <p>Section 3.2 – Online or digital abuse I really like that you include this. Whilst not specified in the DA Act, (falls under 'other abuse'. I think its useful to mention this as it is an ever developing form of abuse used by perpetrators.</p>	<p>The definition of domestic abuse within the Policy was compiled using wording within the Domestic Act 21, but to ensure it was also written in an accessible and easy to understand manner. However, this can be reviewed to ensure it includes all elements to be discussed in the act. Also agree to amend wording in section 3.4 and add in further section on equality and diversity in this section.</p>

<p>Section 3.4 I would change the wording from 'witnessing' to 'experiencing' as the new definition recognises that children don't just witness abuse, they experience it.</p> <p>This would be a good place to include a paragraph relating to Equality and Diversity, so about victim/survivors who experience DA with protected characteristics and recognise the importance of intersectionality, the increased prevalence of abuse within these populations and the additional barriers in accessing support they may face.</p>	<p>Recommendation: Section 3 to be amended to reflect wording from the Domestic Abuse Act; section 3.4 wording to be amended and additional paragraph on equality and diversity to be added.</p>
<p>Section 4: Swale Context It is interesting to know about context within Swale. But I'm not sure all this is necessary for the policy and makes it less accessible. Is it possible to condense this to just the highlights.</p>	<p>Agree that figures in relation to domestic abuse may not be deemed as appropriate for victims.</p> <p>Recommendation: Wording of Swale context section to be reviewed and condensed.</p>
<p>Section 5: Legal Duties Again, I think its useful to highlight that SBC have a legal duty, but this much text is a lot to get through. Rather than include what each act stipulates, you can signpost to the act and just bullet point the acts linked. If you wish to include this much detail, it might be better to include the Acts as appendices.</p>	<p>Agree with comments made about legal duties as this is a public facing document.</p> <p>Recommendation: Wording of legal duties to be reviewed and condensed.</p>
<p>Section 6.1 : Policy Principles It would be good to mention more about other protected characteristics and intersectionality here, as presumably the inclusivity of the service is not just limited to sexuality and gender, but also ethnicity, age etc. As this is so integral to your approach of supporting victim/survivors, it should be listed nearer the top of this list of principles.</p>	<p>Agree with comments made about protected characteristics and intersectionality.</p> <p>Recommendation: wording and order of principles to be amended.</p>
<p>Section 6.2: Scope Some of this repeats what has already been stated. Could this be incorporated into the introduction? 6.2.3 - This is a great description of the procedures and what needs to be covered.</p>	<p>Officers feel that the wording of the scope should remain as it is.</p> <p>No recommended changes at this stage.</p>

<p>Section 7: Roles and Responsibilities</p> <p>I think its useful to highlight responsibilities of each set of staff's responsibilities. However, this information may be better placed in the procedures. Instead here, you could include details that are more vicitm/survivor directed, including who they can speak to/who may ask them about DA and what they can expect from any disclosure.</p>	<p>A staff domestic abuse policy is being created and details of these roles will be included here. Officers feel it is useful for victims/survivors to understand the different roles within the council and the response expected from them. This information will also be reflected with the procedures once completed.</p>
<p>Section 8: Training</p> <p>This can move to procedure document.</p>	<p>A staff domestic abuse policy is also being compiled which will reference training, along with a procedural document. Believed to be useful to continue to have this section within the Policy as shows to victims that staff are adequately trained.</p> <p>No recommended changes at this stage.</p>
<p>Section 10: Publicity/awareness raising</p> <p>Again, this is more procedural.</p>	<p>Officers feel that information contained within this section is useful for victims to be made aware of. Further detail will be within procedures once finalised.</p> <p>No recommended changes at this stage.</p>
<p>Section 11: Perpetrators</p> <p>Response to perpetrators should come after response to victim/survivors.</p>	<p>Officers agree with this point. Perpetrator section to be moved further back into policy.</p> <p>Recommendation: Perpetrator section position within the Policy to be reviewed.</p>
<p>Section 13: Responding to Domestic Abuse</p> <p>This section should come earlier in the policy. It also comes across as if written for staff rather than victim/survivors so consider re-writing with victim/survivors as primary audience.</p> <p>This is directed at staff. It would be good to let victim survivors know who they can talk to about DA first.</p> <p>Tailored Response - This language feels like it is focussing on a willingness of victims to engage, Victim/Survivors may be unable to engage with services due to the abuse they are experiencing.</p>	<p>General comments about audience for policy have been noted and have been considered throughout policy. Some sections may be more of note for staff, but whilst staff policy is being drafted, is felt to be useful to be included within this overarching one too.</p> <p>Recommendation: wording of tailored response section (now 7.5.1) to be revisit to reflect comments about wording.</p> <p>Recommendation: Section to be moved to earlier within policy.</p>

Policy and Resources Committee	
Meeting Date	22 March 2023
Report Title	Revisions to the Covert Surveillance and Access to Communications Data Policy and Guidance Notes
EMT Lead	Larissa Reed - Chief Executive
Head of Service	Claudette Valmond – Head of Mid-Kent Legal Services
Lead Officer	Gary Rowland – Senior Legal Advisor and RIPA co-ordinating Officer
Classification	Open
Recommendations	1. That the revised Covert Surveillance and Access to Communications Data Policy and Guidance Notes set out at Appendix I ('the Policy') be approved.

1 Purpose of Report and Executive Summary

1.1 The RIPA Co-ordinating Officer is required to review and revise the Council's Policy, where necessary, every year. Apart from grammatical and formatting revisions, there are only a few minor suggested amendments to the existing policy which are set out at section 2. This report seeks approval of the Policy, set out at Appendix I.

2 Background

2.1 The Home Office Covert Surveillance and Property Interference Revised Code of Practice 2018 makes it a requirement that the authority's elected members should review the authority's use of covert surveillance authorised under RIPA at least once a year. This forms part of the Monitoring Officer's annual report to the Standards Committee.

2.2 The Policy, which has been highlighted for ease of reference, has been revised as follows:

- Page 1 - The Scope has been expanded to include further detail on the specific types of surveillance covered within the Policy and highlight that the Policy is supplementary to other legislation and guidance;
- Page 2 – The Contents page has been revised to include sub-headings;
- Page 3 – Whilst the Policy references the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 throughout, links to these Acts have been added;
- Page 6 – Section 1.15(d) has been revised to highlight potential risks;
- Page 7 – Section 1.27 has been revised in relation to asking members of the public to record information on the Council's behalf;

- Page 9 – Section 1.33 has been revised to include more up to date social networking sites;
- Page 9 – Section 1.35 has been revised to highlight potential risks; and
- Page 10 – Section 2.4. That Emma Wiggins be appointed the Deputy Senior Responsible Officer to act in the absence of the Senior Responsible Officer. The current Authorising Officers referred to in the Policy remain unchanged.

3 Proposals

3.1 That the Policy and Resources Committee approve the revised Policy.

4 Alternative Options Considered and Rejected

4.1 Doing nothing is not an option as the Council is required by the Regulation of Investigatory Powers Act 2000 and associated Codes of Practice to have a Policy in place. The content of the Policy is steered by the recommendations made by the Investigatory Powers Commissioner's Office.

5 Consultation Undertaken or Proposed

N/A

6 Implications

Issue	Implications
Corporate Plan	No direct implications however the revised Policy will enable the Council to carry out surveillance in line with its values.
Financial, Resource and Property	There will be a cost to the Council as all applying and Authorising Officers will need to undertake training once in every three years.
Legal, Statutory and Procurement	Clear policy and guidance is necessary as failure to comply with the requirements of RIPA could lead to evidence in criminal proceedings not being admissible under the common law, section 78 of the Police and Criminal Evidence Act 1984 and the Human Rights Act 1998. It may also lead to proceedings being taken against the Council under the Human Rights Act 1998.
Crime and Disorder	The appropriate use of RIPA will enable the Council to provide evidence to support prosecutions in the public interest and tackle crime.
Environment and Climate/Ecological Emergency	None identified at this stage.

Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	Compliance with the Policy, together with the necessary training, will minimise the risks involved in carrying out covert surveillance and the associated risk of having critical information treated as inadmissible.
Equality and Diversity	This Policy treats all groups equally.
Privacy and Data Protection	No personal information is provided as part of this report.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Covert Surveillance and Access to Communications Data Policy and Guidance Notes

8 Background Papers

N/A

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COVERT SURVEILLANCE AND ACCESS TO COMMUNICATIONS DATA POLICY AND GUIDANCE NOTES

Scope

This policy document explains how the Council's officers will comply with the Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 in relation to directed surveillance, use of covert human intelligence sources and the acquisition of communications data.

This policy is supplementary to the legislation, the statutory code of practice and the Home Office guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillances.

RIPA Senior Responsible Officer: Larissa Reed (Chief Executive)

RIPA Co-ordinating Officer: Gary Rowland (Senior Legal Adviser, Corporate Governance)

Revised: February 2023
Review date: February 2024

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Appendices:

- A. Relevant legislation
- B. Authorisation Procedure Flowchart
- C. Authorisation control matrix

POLICY STATEMENT

The Regulation of Investigatory Powers Act 2000 (RIPA) provides the legislative framework within which covert surveillance must be conducted whilst the Investigatory Powers Act 2016 provides the legislative framework within which access to communications data operations must be conducted. This ensures that investigatory powers are used with minimal interference with an individual's human rights. This Policy Statement is intended as a practical reference guide for Council Officers who may be involved in such operations.

This Policy is supplementary to the:

- Home Office guidance on the use of covert surveillance or covert human intelligence sources (CHIS) - <https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>
- Regulation of Investigatory Powers Act (RIPA) 2000 - <http://www.legislation.gov.uk/ukpga/2000/23/contents>
- Investigatory Powers Act 2016 - <https://www.legislation.gov.uk/ukpga/2016/25/contents/enacted>

The Council is committed to implementing the provisions of RIPA to ensure that any covert surveillance and/or access of communications data that is carried out during the course of investigations is undertaken properly and that the activity is necessary and proportionate to the alleged offence(s). Following the implementation of the Protection of Freedoms Act 2012 investigatory powers can only be used in relation to activities that would receive a minimum sentence of six months imprisonment or are in relation to the underage selling of alcohol or tobacco. If such action is contemplated initial consultation with the Council's Co-ordinating Officer should be undertaken at the earliest opportunity.

The Council seeks to ensure that this Policy Statement remains consistent with the Council's objectives.

This Policy ensures:

- that proper procedures are in place in order to carry out covert surveillance or to obtain communications data;
- that an individual's right to privacy is not breached without justification;
- that proper authorisation is obtained for covert surveillance or access to communications data;
- that proper procedures are followed; and
- that covert surveillance is considered as a last resort, having exhausted all other options.

1. **BACKGROUND**

Scope and Control

- 1.1 RIPA is the law which governs the use of a number of covert techniques for investigating crime and terrorism. Using covert techniques allows public authorities, which range from the police and security agencies to local authorities and organisations, such as the Office of Fair Trading, to investigate suspected offences without alerting an individual that they are part of that investigation.
- 1.2 Local authorities can use three techniques. They can obtain **Communications Data**, use **Directed Surveillance** and use **Covert Human Intelligence Sources (CHIS)**.
- 1.3 RIPA requires that an authorisation is needed for the use of these investigatory techniques and that they can only be used where it is considered proportionate and necessary to what is sought to be achieved.
- 1.4 Local authorities can only use these investigatory techniques if they are necessary to prevent or detect crime or prevent disorder.
- 1.5 These guidance notes provide a summary of the main points from the Home Office Covert Surveillance Code of Practice that are relevant to Swale Borough Council. They apply to authorisations for covert surveillance and access to communications data made by the Council.
- 1.6 To improve awareness, this guidance also briefly refers to activities that the Council has determined **should not** be undertaken.
- 1.7 Before undertaking any covert surveillance, these guidance notes should be read and if it is considered proportionate and necessary, further advice should be sought from the RIPA Co-ordinating officer. Members of the public who enquire about covert surveillance procedures should be referred to the Home Office Covert Surveillance Code of Practice. Officers employed by the Council and who are involved in covert surveillance should be made aware of these guidance notes and of the Code of Practice.
- 1.8 The use of the RIPA by the Council will be overseen by the Senior Responsible Officer supported by the Co-ordinating Officer. These positions are currently held by:
 - Senior Responsible Officer – Larissa Reed (Chief Executive)
 - Co-ordinating Officer – Gary Rowland (Senior Legal Advisor)

Senior Responsible Officer

The Senior Responsible Officer will have overall responsibility for the integrity of the RIPA process within the Council. In addition they will:

1. be responsible for the Council's compliance with RIPA and its regulatory framework;
2. engage with the Commissioners and Inspectors when they conduct inspections;
3. oversee the implementation of any recommendations made by the Investigatory Powers Commissioner's Office (IPCO);
4. carry out periodic oversight of the authorisations; and

5. report annually to Members on the usage of RIPA within the Council.

Co-ordinating Officer

The Co-ordinating Officer will be responsible for overseeing the day to day RIPA process, in particular they will:

1. keep the Central Record and collate the documentation received;
2. exercise the day to day oversight over the RIPA process by ensuring the quality of the documents submitted;
3. to monitor the Council's use of its appointed S.P.O.C agent, the National Anti Fraud Network ('NAFN');
4. monitoring the timeliness of the officers in making returns, carrying out reviews and effecting renewals and cancellations;
5. keep a record of the RIPA training programme as part of the Central Record; and
6. raise general RIPA awareness within the Council whilst ensuring that detailed awareness and training is provided to applicants and Authorising Officers in accordance with the IPCO recommended timeframes.

NB: applicants and Authorising Officers are required to undertake regular training at least once in every three year period.

Definitions

- 1.9 **Covert surveillance** is any surveillance carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place.
- 1.10 General observation forms part of the duties of the Council's enforcement officers i.e. **overt surveillance**, and is not usually regulated by RIPA (for example observations during routine planning enforcement matters where the property owner has been 'put on notice' that inspections may be carried out). Such observation may involve the use of equipment to merely reinforce normal sensory perception, such as binoculars, or the use of cameras, where this does not involve systematic surveillance of an individual.
- 1.11 The use of noise monitoring equipment to measure noise audible in a complainant's premises does not amount to covert surveillance because the noise has been inflicted by the perpetrator who it is likely has forfeited any claim of privacy. The use will only become covert when sensitive equipment is used to discern speech or other noisy activity that is not discernible to the unaided ear.
- 1.12 Although the provisions of RIPA do not normally cover the use of overt CCTV surveillance systems, since members of the public are aware that such systems are in use, there may be occasions when the Council's overt CCTV system is used for the purpose of a specific investigation or operation. Such cases should be discussed with the Authorising Officer who will decide whether it is directed surveillance and whether authorisation is required.
- 1.13 The primary purpose of surveillance is to secure evidence to bring offenders before the courts. The proper authorisation of surveillance should ensure the admissibility of such evidence in criminal proceedings.
- 1.14 **Directed surveillance** is the type of covert surveillance that the Council's employees will be permitted to undertake on an exceptional basis and only within the Council's

responsibilities for the prevention and detection of crime, or for the prevention of disorder. Authorisation for directed surveillance **must** first be obtained.

- 1.15 Directed surveillance is defined as surveillance which is covert, but not intrusive, and undertaken:
- a) for the purpose of the prevention or detection of crime or to prevent disorder;
 - b) for the purpose of a specific investigation or specific operation;
 - c) in a manner that is likely to result in the obtaining of **private information** about a person (whether or not specifically identified for the purpose of the investigation or operation). Private information is defined at paragraph 1.19 below; and
 - d) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of the 2000 Act to be sought for the carrying out of the surveillance. For example, you may be in a Post Office obtaining information in relation to a particular customer when you observe a different person committing a benefit fraud. **Officers acting in their line of duty are allowed to follow that person, if necessary, to establish their identification and any other information that may help with the subsequent investigation but you should not do so if you believe there is any possibility of a risk to your own safety.**
- 1.16 A similar situation may occur whilst visiting an employer under section 110 powers, Social Security Administration Act 1992 (which requires separate authorisation). For example, if during a visit to an employer you recognise an individual benefit claimant, authorisation for watching the person working would not be required. This is because you have come across the information incidentally and in the course of your normal duties. However, if you visited an employer with the precise intention of observing an identified individual at work (whilst claiming benefit), written authorisation would be required before the visit.
- 1.17 Directed surveillance includes covert surveillance within office and business premises.
- 1.18 **Private information** includes:
- a) any information relating to a person's private or family life, or
 - b) information relating to aspects of a person's professional and business life.
- The concept of private information should be broadly interpreted to include an individual's private or personal relationship with others. Family life should be treated to extend beyond the formal relationships created by marriage.
- 1.19 **Intrusive surveillance** is defined as covert surveillance that:
- a) is carried out in relation to anything taking place within any residential premises or any private vehicle; and
 - b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device or involves premises where legal consultations take place.

Under no circumstances should this type of surveillance be undertaken. An alternative means of obtaining the information should be sought.

- 1.20 **Interception of post, e-mail and recording of telephone conversations.** The interception of communications sent by post or by means of public telecommunications systems or private telecommunications systems attached to the public network are outside of the remit of Council officers.
- 1.21 **Covert Human Intelligence Source (CHIS)** is the term used for a person who is tasked by the Council to establish or maintain a relationship with a person for the purpose of covertly obtaining or disclosing information i.e. it is someone working “under cover” who has been asked to obtain information, to provide access to information or to otherwise act, incidentally for the benefit of the Council.
- 1.22 A relationship is established or maintained for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.
- 1.23 A person is considered to be a CHIS if:
- (a) they establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraphs (b) or (c) below;
 - (b) they covertly use such a relationship to obtain information or provide access to any information to another person; or
 - (c) they covertly disclose information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.
- 1.24 **The Council has taken a policy decision that it will be the general practice not to undertake this type of surveillance activity.** An alternative means of obtaining the information should be followed. However, it is necessary that the Council be equipped to deal with CHIS should the situation arise.
- 1.25 If it is necessary to request an authorisation under CHIS, advice should first be sought from the RIPA Senior Responsible Officer.
- 1.26 As with directed surveillance the Council may only make an authorisation permitting the use of CHIS on the ground that it is necessary for the purpose of the prevention or detection of crime or the prevention of disorder.
- 1.27 It should be noted that where members of the public volunteer information to council officers, either as a complaint or as part of their civic duties i.e. use contact numbers set up for the reporting of suspected benefit fraud or for whistle-blowing etc. they would not generally be regarded as a CHIS. In addition, if someone is keeping a diary record of nuisance, this will not amount by itself to use of a CHIS. **With the exception of a diary record of nuisance, a Council officer must never ask a member of the public to routinely record information relating to specified individuals on the Council’s behalf.**
- 1.28 In order for the Council to carry out surveillance using CHIS (should the need arise) it is necessary to have appropriately trained officers designated as Controllers and Handlers. These posts will carry out the following functions:
- Controller – will at all times have general oversight of the use made of the source.
 - Handler – will have day to day responsibility for dealing with the source on behalf of the authority, and for the source’s security and welfare.

In all cases the Controller will be the RIPA Senior Responsible Officer.

Handlers will include investigators and enforcement officers that have received the relevant CHIS training and have been authorised by the RIPA Senior Officer to undertake this role. A register of those authorised as handlers will be kept by the RIPA Co-ordinating Officer.

In addition to the above the RIPA Co-ordinating Officer will have responsibility for maintaining a record of the use made of the source.

1.29 **Accessing Communications Data**

Local Authorities can obtain communications data for investigating crime under the Investigatory Powers Act 2016. Communications data includes land line and mobile telephone subscriber and billing data for telephone, web and postal customers.

1.30 Communications data can be obtained where it is necessary and proportionate to do so. Applications are primarily used to identify or locate suspects. Examples include applications to ascertain subscriber identity and address details of illegal fly tipping suspects from mobile phone number evidence.

1.31 The Council has appointed NAFN to provide a RIPA Single Point of Contact (SPoC) service to obtain communications data. NAFN is authorised to carry out requests to telecommunications service providers for category B and C data (see 1.32) for criminal investigations. This includes subscriber and billing information on telephone, web and postal services.

1.32 It should be noted that in order for Local Authorities to seek authority to acquire category B data, it must meet the new serious crime threshold. A serious crime is one which carries a prison sentence for a minimum of 12 months and meets the definition set out in section 81(3)(b) of the Act, i.e. conduct that involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose. Category C data can still be acquired for any crime where necessary and proportionate to do so.

Category Table

A Data – Not accessible to Local Authorities	B Data – Available if serious crime threshold met	C Data – Available
Cell site IEMI Incoming caller data	Itemised Billing Call Diversion Data Downloading Outgoing call data	Subscriber detail including: Name and Address Method of Payments Customer info.

NB: Local Authorities are not able to obtain Category A data.

Social Networking Sites

- 1.33 **Social Networking Sites (SNS) which include but are not limited to Facebook, Instagram, Twitter and TikTok** can provide information that will aid an investigation. When using these sites to carry out surveillance it is essential to know how they work and officers should not assume that one service provider works in the same way as another.
- 1.34 In all cases it would be unwise to assume that the content came from an open source or was publically available, even where security settings are low, as the author would have some reasonable expectation of privacy where access controls are applied.
- 1.35 When conducting any surveillance of social media sites use of an officers personal account is prohibited and advice should be sought from the Communications Team with regards to setting up a Council account. It may pose a risk to an officers' personal safety when viewing social media profiles from a personal account, due to the potential for a 'digital footprint' to be left and therefore potentially identifying the officer to the account holder.
- 1.36 Where a site is being covertly accessed for monitoring purposes it may be necessary for an authorisation for directed surveillance to be obtained. As part of an investigation it is possible to take an initial look at an individuals social media activity, however, should there be a need to return to the site this may constitute surveillance. In such circumstances advice should be obtained from the RIPA Co-ordinating Officer before further surveillance is carried out.
- 1.37 When accessing an individuals' social media site, an officer of the Council must never establish or maintain a relationship with that individual without consulting with the SRO, as an authorisation for a CHIS may need to be obtained. See 1.23 above for full details of what constitutes a CHIS.
- 1.38 The Central Record will contain a register of any Council profiles utilised and a record of their use, where the Council decides to utilise Social Media for the purpose of investigation. The RIPA Co-ordinating officer must be involved prior to any social media being utilised for surveillance, to ensure appropriate records are being kept and stored.
- 1.39 A brief summary of the relevant legislation governing covert surveillance has been included at Appendix A.

2. GENERAL RULES ON AUTHORISATIONS

- 2.1 Where an authorisation or renewal is sought for the use of Directed Surveillance, acquisition of Communications Data or the use of CHIS it will be necessary to obtain Judicial Approval, i.e approval from the Magistrates Court. It will still be necessary to go through the internal authorisation stage, detailed below, prior to an application for Judicial Approval. The procedure for obtaining Judicial Approval is detailed at paragraphs 4.12 to 4.14 below.

NB: A flowchart produced by the Home Office showing the authorisation procedure is shown at Appendix B.

2.2 Directed Surveillance and CHIS

- 2.2.1 You must seek an authorisation where the surveillance is likely to interfere with a person's rights to privacy (*Article 8 of the European Convention on Human Rights*) by obtaining private information about that person, whether or not that person is the subject of the investigation or operation. Obtaining an authorisation will ensure that the action is carried out in accordance with law.
- 2.2.2 In the event that the Council is required to conduct joint directed surveillance working with another agency, the tasking agency should obtain the authorisation. For example, in the event that the police require covert surveillance by the Councils' CCTV system the police would normally seek the authorisation. A copy of the Authorisation, Renewal and Cancellation forms should be sought from the tasking agency to provide a record and justification for the Councils involvement. This should be presented to the RIPA Co-ordinating officer for recording.

2.3 Accessing Communications Data

- 2.3.1 Only authorised officers are able to use the NAFN Single Point of Contact service to access communications data. NAFN provides Council officers with access to a secure online system for processing RIPA telecommunications requests. Authorised applicants and designated persons can submit, approve and track applications through one central secure website. NAFN review all applications for legal compliance prior to approval from Swale's designated person. NAFN is subject to inspection by the officers of the Interception Commission to ensure compliance with RIPA.

2.4 RIPA Authorising Officers

The Authorising Officers for the Council are:

- Larissa Reed – Chief Executive / RIPA Senior Responsible Officer (SRO)
- Emma Wiggins – Director of Regeneration / Deputy SRO
- Lisa Fillery – Director of Resources
- Martyn Cassell – Head of Environment and Leisure
- Charlotte Hudson – Head of Housing and Community Services

No person designated as an Authorising Officer may act as an Authorising Officer unless they have undertaken appropriate training.

In addition to the above the following officers will be responsible for the authorisation of NAFN RIPA telecommunications requests:

- Larissa Reed – Chief Executive / RIPA Senior Responsible Officer (SRO)

2.5 Necessity and Proportionality

- 2.5.1 Obtaining an authorisation for surveillance will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is **necessary and proportionate** for these activities to take place. RIPA first requires that the person granting an authorisation to believe that the authorisation is necessary for the purpose of preventing and detecting crime or of preventing disorder; therefore there is a requirement that applicants and Authorising Officers consider why the use of covert surveillance is necessary in the specific investigation and what it will achieve.

2.5.2 If the activities are necessary, the person granting the authorisation must believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in the operational terms. Both the officer making the application and the Authorising Officer should consider the following test when deciding that the proposed covert surveillance is proportionate:

- a) Is the proposed covert surveillance proportionate to the mischief under investigation;
- b) Is the proposed covert surveillance proportionate to the degree of anticipated intrusion on the target and others; and
- c) Is the proposed covert surveillance the only option and have other overt means been considered and discounted.

2.5.3 The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. For example it may be acceptable in a benefit “living together” case for surveillance over seven days but not extended over three months. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

2.6 Collateral Intrusion

2.6.1 Before authorising surveillance the Authorising Officer should take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion). Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.

2.6.2 An application for an authorisation should include an assessment of the risk of any collateral intrusion. The Authorising Officer should take this into account, when considering the proportionality of the surveillance.

2.6.3 Those carrying out the covert surveillance should inform the Authorising Officer if the operation or investigation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation. When the original authorisation may not be sufficient, consideration should be given to whether the authorisation needs to be amended and re-authorised or a new authorisation is required.

2.6.4 Any person granting or applying for an authorisation will also need to be aware of particular sensitivities in the local community where the surveillance is taking place and of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance.

2.7 Central Record of Authorisations

2.7.1 A central retrievable record of all authorisations is required to be kept by the Council and regularly updated. Whenever an authorisation is granted, renewed or cancelled the original signed document must be passed to the Co-ordinating Officer who maintains the Central Record of Authorisations. On receipt of the documentation the required information will be recorded in the central register.

2.7.2 The record is required to be made available to the relevant Commissioner or an Inspector from the Investigatory Powers Commissioner's Office, upon request.

2.7.3 These records should be retained for a period of five years from the ending of the authorisation and should contain the following information:

- the unique reference number (URN) – this will be provided by the Co-ordinating Officer when requested by the officer applying for the authorisation;
- the type of authorisation; (SBC officers can only conduct directed surveillance)
- the date the authorisation was given;
- the name of the Authorising Officer;
- the title of the investigation or operation, including a brief description and names of subjects, if known;
- the date for review;
- the date review was undertaken;
- if the authorisation is renewed, when it was renewed and who authorised the renewal, including the name of the Authorising Officer;
- whether the investigation is likely to result in obtaining confidential information; and
- the date the authorisation was cancelled.

2.7.4 In all cases, the officer responsible for the investigation (Investigation Manager) must maintain the following documentation which need not form part of the central retrievable record:

- copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- copy of any renewal of any authorisation together with supporting documents
- any authorisation which was granted or renewed orally (an urgent case) and the reason why the case was considered urgent
- record of the period over which the surveillance has taken place;
- any risk assessment raised in relation to a CHIS;
- the circumstances in which tasks were given to the CHIS;
- the value of the CHIS to the investigation;
- the frequency of reviews prescribed by the Authorising Officer, recommended monthly;
- record of the result of each review of the authorisation;
- copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested; and
- date and time when any instruction were given by the Authorising Officer since using CHIS.

2.8 Retention and Destruction

2.8.1 Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable further period, commensurate to any subsequent review.

2.8.2 There is nothing which prevents material obtained from properly authorised surveillance from being used in other investigations. Authorising Officers must ensure compliance with the appropriate data protection requirements and that arrangements for the handling, storage and destruction of material obtained through the use of covert surveillance are followed.

- 2.8.3 Investigating officers are expected to keep accurate and full records of investigations. All notebooks (including QB50 for relevant Officers), surveillance logs and other ancillary documentation that relate to surveillance must be maintained for five years and available for management or regulatory inspection on demand.

3. SPECIAL RULES ON AUTHORISATIONS (Directed Surveillance and CHIS)

- 3.1 Care should be taken in cases where the subject of the investigation or operation might reasonably expect a high degree of privacy eg, where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material. For example, extra care should be given where, through the use of surveillance, it would be possible to acquire knowledge of discussions between a minister of religion and an individual relating to the latter's spiritual welfare, or where matters of medical or journalistic confidentiality or legal privilege may be involved.

- 3.2 In cases where through the use of surveillance it is likely that knowledge of confidential information will be acquired, the use of surveillance is subject to a higher level of authorisation, and must be authorised by the Chief Executive (who is designated the RIPA Senior Responsible Officer) or in their absence the deputy SRO.

- 3.3 Where a juvenile or vulnerable person is to be used as a CHIS the Investigating Officer must, when seeking an authorisation:

(a) make a risk assessment to demonstrate that the physical and psychological risks have been identified, evaluated and explained to the CHIS, and

(b) that an appropriate adult will be present at meetings of any CHIS under the age of 18.

- 3.4 Where the authorisation is for the employment of a juvenile or vulnerable CHIS the authorisation **must** be obtained by the Chief Executive (who is designated the RIPA Senior Responsible Officer) or in their absence, the deputy SRO.

4. AUTHORISATION PROCEDURE FOR COVERT SURVEILLANCE (Directed Surveillance and CHIS)

The appropriate RIPA forms are available from the Intranet, under Service Units; Legal; Shared Documents; Guidance, RIPA; Covert Surveillance Forms and Code of Practice.

Application Forms:

- Application for the use of Directed Surveillance form
- Application for the use of CHIS form
- Judicial Application / Order form

- 4.1 Before covert surveillance can be conducted, an application for the use of directed surveillance form and/or an application for the use of CHIS form must be completed and authorised in writing by the Authorising Officer.

- 4.2 Local Authorities cannot rely on the provision for urgent authorisation being given orally by the Authorising Officer as there is the requirement of obtaining judicial approval.

There are however guidelines for obtaining urgent judicial approval and these are detailed below at paragraph 4.15. It should be remembered that no RIPA authority is required in situations where surveillance is an immediate response to events i.e. where criminal activity is observed during routine duties and officers conceal themselves to observe what is happening.

4.3 The application should include:

- the reason why the authorisation is necessary i.e. for the purpose of preventing and detecting crime or of preventing disorder (*this is the only permitted ground open to Local Authorities*)
- an adequate explanation of the reason why the surveillance is considered proportionate to what it seeks to achieve;
- the nature of the surveillance including what surveillance equipment is to be used (the operation must be spelt out in sufficient detail on the application form for the Authorising Officer to have a clear idea of exactly what they are being asked to authorise);
- a map showing where the surveillance will take place;
- details of other methods considered and why they were deemed not to be appropriate;
- the identities, where known, of those to be the subject of the surveillance;
- an explanation of the information desired from the surveillance;
- the details of any potential collateral intrusion and why the intrusion is justified;
- the details of any confidential information that is likely to be obtained as a consequence of the surveillance;
- the level of authority required (or recommended where that is different) for the surveillance; and
- a subsequent record of whether authority was given or refused, by whom and the time and date.

Good Practice Tips:

- ensure all questions are answered properly and appropriate boxes ticked;
- prior to submitting the application review the case file and discuss the case with the Authorising Officer to tease out additional information required and to fill any gaps, provide adequate information on the application form for it to stand alone;
- Information must be clear and unambiguous;
- set out in full and explain any acryomns; and
- explain operational processes which may otherwise require service specific knowledge.

4.4 To enable application forms for directed surveillance to be completed with sufficient detail drive bys are permitted to identify whether a location is suitable for surveillance. However, the practice should not be abused and repeated and/or systematic use of drive bys may require application for surveillance forms to be completed and authorisation granted by an Authorising Officer. If surveillance is to commence immediately authorisation **must** be sought first.

Authorisation:

- 4.5 Responsibility for authorising the carrying out of covert surveillance rests with the Authorising Officer and requires the personal authority of the Authorising Officer. **In no circumstances should an officer authorise until they have met the training standard stipulated by the Senior Responsible Officer.**
- 4.6 Authorising Officers must insist on the operation being described in sufficient detail *on the application form* for them to have a clear idea of exactly what they are being asked to authorise and so that they have a sufficient *aide-memoir* to be able to withstand cross-examination in Court, maybe after a lapse of some years. The application form must stand alone in supporting the authorisation. Only what is written on the form would be used in Court to justify authorisation of surveillance being granted, therefore Authorising Officers must clearly describe exactly what activities they are authorising.
- 4.7 An authorisation can only be granted by the authorising officer where they believe that the use of covert surveillance is **necessary** in the investigation for the purposes of preventing and detecting crime or of preventing disorder and that the surveillance is **proportionate** to what it seeks to achieve, i.e it satisfies the test set out at 2.5 above.
- 4.8 In completing their authorisation the Authorising Officer should include a statement detailing their reasons for considering that application is necessary and proportionate incorporating the 5 “W”s”; these being: “who”, “what”, “where”, “when”, “why” and “how”.
- 4.9 In addition, when an authorisation is sought for the use of CHIS, the Authorising Officer must be satisfied that:
- (a) that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have day-to-day responsibility for dealing with the source on behalf of that authority, and for the source's security and welfare;
 - (b) that there will at all times be another person holding an office, rank or position with the relevant investigating authority who will have general oversight of the use made of the source;
 - (c) that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have responsibility for maintaining a record of the use made of the source;
 - (d) that the records relating to the source that are maintained by the relevant investigating authority will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State;
 - (e) that records maintained by the relevant investigating authority that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons; and
 - (f) that a risk assessment has been carried out to determine the risk to the source of any tasking and the likely consequences should the role of the source become known. The ongoing security and welfare of the source, after the cancellation of the authorisation, should have also been considered at this stage.

For further information please refer to paragraphs 1.22 to 1.29 above.

- 4.10 Authorising Officers should, where possible, complete their authorisation by hand to avoid being challenged at a later date as to the authenticity of their authorisation.
- 4.11 Where a previously unidentified subject is identified or an additional subject is subsequently identified during the course of surveillance, the surveillance may continue in order to maintain contact. Thereafter, a revised authorisation will be required to cover the additional subject etc. New individuals **must not** be added to the original authorisation retrospectively.

Judicial Approval:

- 4.12 As soon as an authorisation has been granted through the internal procedure the following steps must be taken to obtain judicial approval:
1. HMCTS administration at the magistrates' court should be contacted by calling 01622 671041 for a hearing to be arranged – such hearings will be held in private.
 2. A copy of the original RIPA authorisation and supporting documentation should be provided to the Magistrate and **should contain all information that is relied upon**. The authorisation can be considered by a single lay Magistrate (sometimes referred to as a Justice of the Peace) supported by a Legal Advisor to the Court or a District Judge.
 3. Two copies of the partially completed judicial approval/order form should be provided to the Magistrate – one for the Court to keep and one for the Council.
 4. Attend hearing.

Any officer that attends on behalf of the Council must be authorised to do so by the Head of Legal under section 223 of the Local Government Act 1972.

- 4.13 Consideration should be given as to who is the most appropriate person to attend the hearing to request judicial approval. As it is likely that the Magistrate will have questions for whoever attends it should be someone with a detailed knowledge of the case. It may be that the most appropriate person to attend is the Authorising Officer as only they can explain their reasoning on necessity, proportionality, collateral intrusion and risk. It is recognised that this is not always practicable, and in these cases it is likely that the investigating officer should attend and promptly report back any comments made by the Magistrate to the Authorising Officer.

*NB: All evidence of necessity and proportionality **must** be in the RIPA/CHIS application form as it is not sufficient to provide oral evidence at the hearing where this is not reflected or supported in the papers provided.*

- 4.14 Following consideration of the case the Magistrate will complete the order section of the judicial application / order form recording their decision to either approve or refuse the authorisation or to refuse and quash the original authorisation.
- 4.15 Whilst Home Office Guidance urges Local Authorities to make local arrangements to deal with out of hours access to a Magistrate for urgent cases our local HMCTS legal staff have advised that they do not envisage there to ever be a need for the authority to require urgent access, therefore all applications should be made in Court hours. The Senior Responsible Officer will continue to review the situation and if it is proven

that there is a need for local arrangements for urgent cases to be made we will contact the Court again.

NB: It should be remembered that in most emergency situations it is likely that the police would have the power to act, and in such cases they would be able to authorise the activity without prior judicial approval.

- 4.16 Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved, although it is recognised that this may sometimes be unavoidable, especially in the case of small organisations, or where it is necessary to act urgently

Directed surveillance conducted from premises
(ref: R v Kenneth Johnson)

- 4.17 In the event that covert surveillance is required to be conducted from premises the following guidelines must be followed:

- Prior to covert surveillance being conducted from premises the line manager (or above) responsible for the investigation must visit the premises to ascertain the attitude of the occupiers to the surveillance activities and to the possible disclosure of information which might enable them to be identified.
- Immediately before trial the Head of Services (or above) must ascertain whether the occupiers of the premises are the same as when the surveillance took place and, whether they are or not, what their feelings are as to the disclosure of information which might cause them to be identified.

Reviews:

Forms:

- Review of the use of Directed Surveillance form
- Review of the use of CHIS form

- 4.18 Written authorisations granted under RIPA for a CHIS cease to have effect twelve months after the date of granting of the authorisation. All other written authorisations under RIPA cease to have effect three months after the authorisation was granted.

- 4.19 Reviews of authorisations should be undertaken by the officer responsible for conducting the investigation (Investigation Manager), and approved by the Authorising Officer, to assess the need for the surveillance to continue. Reviews should take place at least monthly and immediately after the date the surveillance is due to end. The Authorising Officer may review the authorisation on a more frequent basis where it is considered necessary and practicable for example where the surveillance provides access to confidential information or involves collateral intrusion. *There is no requirement for the JP to consider internal reviews.* A copy of the review form should be retained by the officer responsible for conducting the investigation (Investigation Manager) and the original should be passed to the RIPA Co-ordinating Officer.

Renewals:

Forms:

- Renewal of Directed Surveillance form
- Renewal of CHIS form

- 4.20 If at any time before an authorisation would cease to have effect, the Authorising Officer considers it necessary for the authorisation to continue for the purpose for which it was given, they may renew it in writing for a further period of **three months** for directed surveillance and **twelve months** for a CHIS.
- 4.21 A renewal takes effect at the time at which, or day on which the authorisation would have ceased to have effect but for the renewal. An application for renewal should not be made until shortly before the authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation.
- 4.22 Applications for renewal of an authorisation for covert surveillance should record:
- whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
 - any significant changes to the information at paragraph 4.3;
 - the reasons why it is necessary to continue with the directed surveillance;
 - the content and value to the investigation or operation of the information so far obtained by the surveillance; and
 - the result of regular reviews of the investigation or operation.
- 4.23 Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisations. A copy of the renewal forms should be retained by the officer responsible for conducting the investigation (Investigation Manager) and the original should be passed to the RIPA Co-ordinating Officer for the required information to be recorded in the Central Record of Authorisations (see paragraph 2.7).
- 4.24 **Following the internal authorisation for renewal process it will again be necessary to obtain judicial approval for the authorisation to be renewed and the same process detailed in 4.12 to 4.14 above should be followed.**

NB: Where renewals are timetabled to fall outside of court hours it is for the investigating officer on behalf of the Local Authority to ensure that the renewal is completed ahead of the deadline.

Cancellations:

Forms:

- Cancellation of Directed Surveillance form
- Cancellation of CHIS form

- 4.25 A written authorisation granted by an Authorising Officer will cease to have effect (unless renewed) at the end of a period of **three months in relation to Directed Surveillance** or **twelve months in relation to CHIS** beginning with the day on which it took effect, however the Authorising Officer who granted or last renewed the authorisation must promptly cancel the authorisation if he is satisfied that the covert surveillance no longer meets the criteria for authorisation, including, but not limited to, where during the investigation it becomes clear that the offence being investigated no longer meets the crime threshold.
- 4.26 As soon as the decision is taken that covert surveillance should be discontinued, the instruction must be given to those involved to stop all surveillance of the subject(s) and a record made of the date and time when the instruction was given. A cancellation of

the use of directed surveillance form must be completed by the officer responsible for conducting the investigation (Investigation Manager) and signed by the Authorising Officer. *There is no requirement for the Magistrate to consider cancellations.*

- 4.27 Cancellation forms should be retained by the Investigating Manager and the original should be passed to the RIPA Co-ordinating Officer for the required information to be recorded in the Central Record of Authorisations (see paragraph 2.7).

To ensure prompt cancellation Investigation Managers should advise the Authorising Officer as soon as surveillance activity has ceased.

5. AUTHORISATION PROCEDURES FOR COMMUNICATIONS DATA

- 5.1 Only officers authorised by the Council's Designated Person can submit applications via the NAFN secure website facility. Authorised officers are assigned a website username and password to access the NAFN SPoC application system.
- 5.2 Applications should detail the necessity, purpose and proportionality of each request for information, in addition to consideration of collateral intrusion arising from the request for information. The level of detail should be as required for covert surveillance and CHIS applications – See 4.3.
- 5.3 Applications which do not provide adequate detail will be returned to applying officers for reworking prior to submission to the Council's Designated Person (DP) for consideration and approval. Applications will only be approved where the DP considers the application to be necessary and proportionate to the investigation.
- 5.4 As soon as an authorisation has been granted through the internal procedure it will be for the Council to obtain judicial approval following the procedure detailed above at paragraphs 4.12 to 4.14. The Magistrate will complete the order section of the judicial application / order form reflecting their decision after which the Council will then be required to upload a copy of this order to the NAFN SPoC system.

6. Authorisation Control Matrix/ Aide-memoire:

- 6.1 To assist officers responsible for conducting investigations (Investigation Managers) to maintain appropriate records and comply fully with the Regulations a suitable Authorisation Control Matrix has been included at Appendix C. Dates of Reviews and when Authorisations cease should also be diarised as a further aid-memoire so that Reviews, Renewals and Cancellations are properly completed in a timely manner.

7. Complaints Relating to the use of RIPA

- 7.1 The Investigatory Powers Tribunal is a court which investigates and determines complaints which allege that public authorities or law enforcement agencies have unlawfully used covert techniques and infringed an individual's right to privacy, as well as claims against the security and intelligence agencies for conduct which breaches a wider range of our human rights. Where a member of the public wishes to complain about the Council's use of, or conduct of these powers they should be directed towards the Tribunal's website at <http://www.ipt-uk.com/>.

8. Non-RIPA Surveillance

Where the crime threshold for surveillance cannot be met, surveillance can still be considered as a last resort if it is deemed to be both necessary and proportionate. In such cases the same internal procedure used for the authorisation, renewal, review and cancellation of a RIPA application set out on pages 15 to 19 are to be followed, however the relevant non-RIPA form is to be used with all documentation being held centrally by the RIPA Co-ordinating Officer. For non RIPA applications there is no requirement to obtain Judicial Approval however all internal procedures must be followed to record the non-RIPA activity.

Relevant Legislation and Guidance

The Data Protection Act 2018

The Act provides six principles to be observed to ensure that the requirements are complied with. They provide that personal data (which includes personal data obtained from **covert surveillance techniques**) must:

- 1 be used fairly, lawfully and transparently;
- 2 be used for specified, explicit purposes;
- 3 be used in a way that is adequate, relevant and limited to only what is necessary;
- 4 be accurate and, where necessary, kept up to date;
- 5 be kept for no longer than is necessary; and
- 6 be handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

The Human Rights Act 1998

Article 8 of the European Convention on Human Rights is relevant in the context of **covert surveillance** in that it states:

- everyone has the right to respect for his private and family life, home and correspondence;
- there is to be no interference with the exercise of these rights by the local authority, except where such interference is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others

Article 6 of the Convention is also relevant in the context of **covert surveillance** in that everyone has the right to a fair trial, including internal procedures or hearings, and fairness extends to the way in which evidence is obtained.

The Regulation of Investigatory Powers Act 2000

- The Act strikes a balance between community responsibilities, including effective law enforcement and individual rights and freedoms. The principles of RIPA are as follows:
- Surveillance is an intrusion into the privacy of the citizen. It should not be undertaken unless it is necessary, proportionate to the alleged offence and properly authorised. Where there is an alternative legal means of obtaining information that is less intrusive on the rights of the citizen, the alternative course rather than surveillance should be taken.
- Surveillance will be conducted within the constraints of the Council. It will cease when evidence sought has been obtained or when it becomes clear that the evidence is not going to be obtained by further surveillance. At that point authorisation must be cancelled.

- In every instance where surveillance is authorised the officer who conducts surveillance will consider and make plans to reduce the level of collateral intrusion into the privacy of third parties.
- All outstanding surveillance authorisations will be reviewed at regular intervals and cancelled where there is no further need for surveillance.
- All officers involved in applying for, authorising or undertaking surveillance will understand the legal requirements set out in RIPA and the Code of Practice. They will personally take responsibility of their involvement.
- All authorisations, notebooks, surveillance logs and other ancillary documentation that relates to surveillance will be maintained to the required standard for three years. All documentation will be volunteered for any management or regulatory inspection on demand.
- Any failure of any part of the process will be brought to the attention of the manager responsible for the investigation.
- Wilful disregard of any part of the Surveillance Code of Practice or of internal procedures will be dealt with in line with Council policy.

Protection of Freedoms Act 2012

The Act amended the Regulation of Investigatory Powers Act 2000 (RIPA) to make local authority authorisation subject to judicial approval. It also limited a Local Authority's use of RIPA so that authorisations could only be obtained for directed surveillance to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a minimum term of at least six months imprisonment or are related to the underage sale of alcohol and tobacco.

Investigatory Powers Act 2016

The Act will provide a new framework to govern the use and oversight of investigatory powers by law enforcement and the security and intelligence agencies. The aim of the Act is to bring together all of the powers already available to law enforcement and the security and intelligence agencies to obtain communications and data about communications and will make these powers and the safeguards that apply to them clear and understandable. In addition it creates a powerful new Investigatory Powers Commissioner to oversee how these powers are used and ensures powers are fit for the digital age.

Criminal Procedures & Investigation Act 1996 (CPIA)

The Act sets out legal obligations concerning criminal investigations. The principles of the Act are as follows:-

- **Record** - Information must be recorded in a durable and retrievable form. It must be full & factual. File notes must be contemporaneous, dated & preferably timed. There should be no personal comments, biased opinions, and prejudiced observations.
- **Retain** - All material obtained in the course of an investigation must be retained in the investigation file. The origin, date & if appropriate the time it was obtained must be recorded. The reasons for action must be recorded, including any request for authorised surveillance, and details of the risk assessment.

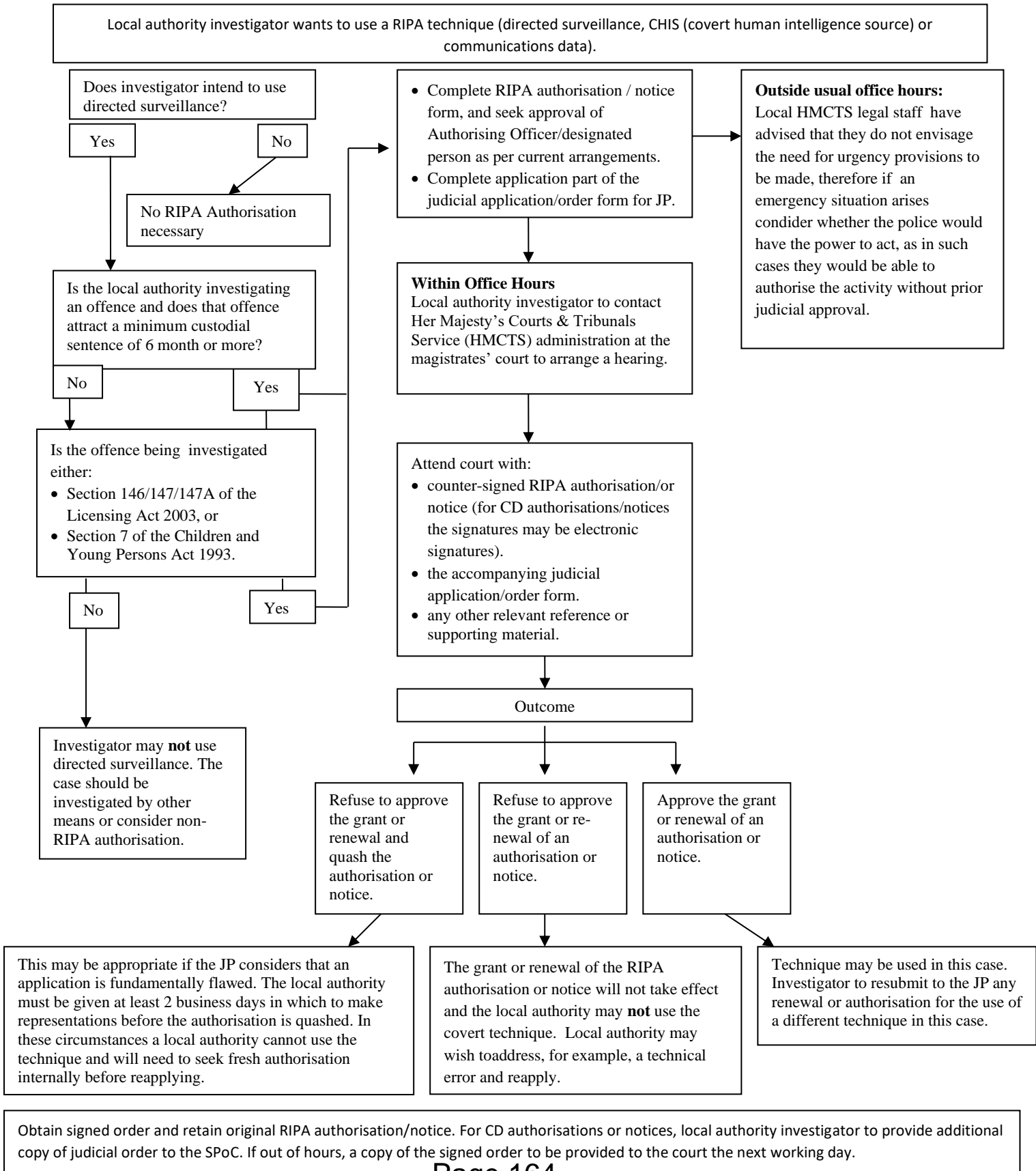
- **Reveal** - 3 clearly identifiable roles on all investigation files:-
 - Investigator
 - Officer in Charge of the Investigation
 - Disclosure Officer
- Unused material is listed on two schedules: -
 - Non-sensitive
 - Sensitive.

Guidance Notes and Codes of Practice:

- Covert Surveillance and Property Interference Code of Practice – Home Office
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384975/Covert_Surveillance_Property_Interference_web_2_.pdf
- Covert Human Intelligent Source Code of Practice – Home Office
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384976/Covert_Human_Intelligence_web.pdf
- Acquisition and Disclosure of Communications Data Code of Practice – Home Office
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426248/Acquisition_and_Disclosure_of_Communications_Data_Code_of_Practice_March_2015.pdf
- Guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance – Home Office, October 2012
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf

Information can also be obtained from the website of the Investigatory Powers Commissioner's Office at <https://www.ipco.org.uk/> who has absorbed the powers of the Office of Surveillance Commissioners and the Interception of Communications Commissioner's Office.

**LOCAL AUTHORITY PROCEDURE:
APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE
GRANT OF A RIPA AUTHORISATION OR NOTICE**



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Policy and Resources Meeting	
Meeting Date	22 March 2023
Report Title	34 - hour working week
EMT Lead	Larissa Reed, Chief Executive
Head of Service	Larissa Reed, Chief Executive
Lead Officer	Larissa Reed, Chief Executive
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Policy & Resources Committee note the results from the consultation with staff to change the contracted working week from 37 hours to 34 2. Agree to change the working week from 37 hours per week to 34 hours per week with council services stopping at 13.30 on a Friday (except for emergency services) 3. To add two additional days leave (pro rata) to be taken between Christmas and New Year resulting in a close down of the council between Christmas and New Year. 4. That a transition/implementation phase runs from 1 May 2023 until 31 December 2023 5. That the permanent change starts 1 January 2024 unless there is a compelling reason not to 6. To note that the Head of Paid Service has delegation to implement the permanent change

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the results of the consultation with staff on the proposal to introduce a 34-hour working week and seeks approval from committee to implement the preferred option to implement a 34-hour working week. This will first have a transition/implementation phase starting 1 May 2023 until 31 December 2023, moving to a permanent change 1 January 2024, subject to review.

2 Background

- 2.1 The draft budget and Medium-Term Financial Strategy (MTFS) for 2023/24 – 2026/27 did not make provision for a pay rise for staff, however alongside the budget process, staff were consulted on the proposal to reduce the working week from 37 hours to 34 hours. The purpose of the change was not only to save money but to improve work life balance for staff. There is a growing amount of evidence that improved work life balance improves productivity and is a positive

tool for recruitment.

- 2.2 Officers were requested in November 2022 to carry out an anonymous staff survey to gauge support for reducing the number of contracted hours from 37 to 34 in lieu of a pay rise. Staff were asked to vote on whether they would accept this or whether they would prefer a pay rise. The survey made it clear that any pay rise would be unfunded and may result in further cuts to staff to pay for it. The survey had a response rate of 55.4% with 43.3% in favour of a reduction in contracted hours.
- 2.3 At its meeting of 14 December 2022, Policy & Resources approved a formal staff consultation on the introduction of a 34-hour working week take place.
- 2.4 A consultation document, setting out proposals to introduce a standard, contractual 34-hour working week (from 37 hours), to be introduced from 1 April 2023, was issued to Trade unions on 9th January 2023 and to staff 16 January 2023. The consultation lasted for 30 days with a deadline for responses the 15 February 2023.
- 2.5 The proposals also included an additional 2 days leave at Christmas and that council services would close at 1.30pm on Friday afternoon (with the exception of emergency services).
- 2.6 The consultation documents were shared and agreed with Unison prior to being shared with staff. Unison were also invited to the consultation sessions. During the consultation period, six consultation sessions were held with Directors and the Chief Executive, four 'in person' briefings held in Swale House and two remote online sessions held on MS Teams. Unison was invited to these sessions. It was also discussed at the Council wide All Staff Briefing/Swale Stars event. In total 160 staff attended the sessions to find out more information and ask questions so they could fully consider and understand the proposals. In addition, there were 200 attendees in person at the All Staff Briefing and 16 people joined via Teams.
- 2.7 In total, 119 responses to the consultation were received. Based on a headcount of 299 staff, this represents a response rate of 39.80%.
- 2.8 The comments received have been coded using sentiment analysis:

Sentiment	# Of responses
Positive	20
Neutral	25
Negative	61
Mixed	13

119

2.9 The negative and mixed responses were then analysed further into sub-categories:

Theme	No.
Cost of living/Financial impact/Prefer Pay rise	54
Workload/Stress	56
Shared Service queries	7
Concerns over initial consultation process	16
Flexibility over hours	23
Work-life balance	14
Recruitment/retention concerns	15
Queries/Suggestions	36
No reason given.	5
Other	6

NB. If a comment includes multiple topics, then it has been coded into multiple categories.

2.10 The council's response to the comments is shown in Appendix I.

2.11 In order to be able to assess the potential impact on all staff, demographic information was captured (voluntarily). The results can be found in Appendix II.

2.12 Work with specific teams was also carried out by Heads of Service (HoS) to understand the implications of the proposal and to consider any mitigation where there is an unacceptable impact on workload and/or where statutory deadlines or tasks cannot be delivered. A summary of this work can be found below.

2.13 Analysis of the feedback, impact on staff and service implications

- With a response rate of 39.80%, 60% of staff did not respond which suggests that these staff do not feel strongly either way about the proposal.
- Of the 119 responses, 61 people (51.26%) do not support the proposal, however these comments were mainly due to concern about how it will work in

practice and the timescales to implement on 1st April 2023 as proposed in the consultation, rather than not accepting the premise of a reduction to 34 hour working week.

- The negative responses represent only 20.4% of the total workforce.
- The total of the positive, neutral and mixed responses equals 58 (48.74%) which is similar to the negative score.
- Those in favour, highlighted support for the reasons of improving work life balance, better productivity and being a more modern organisation.
- Comments and concern were raised about staff preferring pay rise; however, this option was not part of this consultation. At the consultation events it was made clear that the budget proposals did not include provision for a pay rise. The money would have to be found elsewhere in the base revenue budget, most likely from further redundancies, should this be a counter proposal put forward.
- Cost of living was raised as a concern in the responses. The demographic data shows the correlation between the lower graded staff and negative and mixed response regarding the cost of living, suggesting that this was more of a concern to them.
- Comments were made about a possible move to a four-day week. This remains an option moving forward, but the results of other organisations trialling this will help make the council make a more informed decision on that in the future.
- Flexibility of working hours was raised and whether there is any scope to look at this rather than everyone stopping work Friday at 1.30pm. This appears particularly pertinent for part time staff.
- There were a number of comments received from part time staff suggesting that there is no benefit to them in reducing the weekly working hours. Comments suggest that part time staff feel they won't gain anything from the proposed change, and the reduction in some cases is so small that it's "insignificant" and "pointless". They suggest that because of this, part time staff would prefer a pay rise. However, the reduction in hours will be applied fairly to all staff, on a pro rata basis in line with hours of work. This is exactly the same pro rata principal that would be carried out if a pay rise was given.
- The council has a duty of care to its staff, and it needs to be recognised that there is concern over workload. Staff are regularly working longer than their 37 hours a week.
- In some cases, the comments were not factually correct; for example, there were a number of comments received stating that workloads will not being reduced in line with the reduction in hours and that staff will be expected to

deliver the same amount of work, in less time. This is not the case and Heads of Service are committed to continue the work with managers to identify which areas of work within teams can cease or be modified to take account of the lesser weekly working hours.

- The Trade Union (TU) does not support the proposal. Their response is shown in Appendix I. This focuses mainly on a pay rise and not on the 34-hour week proposal. Dialogue between the TU and the Chief Executive and HR in relation to the pay claim is on going.
- The change to the 34-hour week will remove 711 hours from teams, which equates to 19 FTEs.
- The work that HoS have done with their teams shows that should the council move to a 34-hour week;
 - response times increase
 - backlogs may occur over time
 - prioritisation will need to take place
 - streamlining and process change will be needed
 - potential for less partnership working meeting attendance and external networking
 - service standards will need to be amended
 - a review of performance targets will need including frequency of monitoring and what we will monitor internally
 - additional costs required to cover out of hours in housing options, CCTV and playground service
 - There may be a requirement invest additional resource given work demands in some areas e.g planning, housing options
 - Service transformation and digitisation will be required to support better, more efficient ways of working.
- Consideration also would need to be given to how Shared Services would operate. Legal services record the hours they charge to each partner authority. The cost of the service is then split between the partners according to the percentage of chargeable time attributed to each. Should Maidstone and Tunbridge Wells Councils require a legal cover on a Friday afternoon, the additional resource required would be chargeable to them, not to Swale. The Head of MKLS is looking at how this is resourced either by using Locum staff or by a rota. Further discussions are being held with Maidstone and Tunbridge Wells to ensure the legal team is not put under undue pressure.

2.14 Response to the feedback and analysis

Taking the consultation response and analysis into consideration, the council has listened and responded:

- **Cost of living crisis**

The Leader put an amendment to the budget that was discussed and approved at Council 22 February 2023. As such £200,000 from the budget contingency reserve will pay staff on grade 5 and below a one-off payment of £1000.00 pro rata to 1fte. This is equivalent of 4 -5% of Grade 2 -3 salaries and 3-4% of grade 4-5 salaries. This will be made in addition to increments (where they are due) and is in addition to the proposed move to a 34-hour week.

- **34 hour working week (pro rata for part-time staff)**

Work has been done to assess impact and some mitigations have been suggested as set out above. The full scale of the impacts, both positive and negative, are yet to be determined. Some staff have said through feedback that they struggle to see how the change will work in practice. Others have said that they recognise the benefits to work life balance and productivity. On the basis of the feedback, it is believed the change will be successful with planning and preparation in place.

To this end, implementation plans will be developed by HoS, including assessment of what can be done differently, what can stop being done and ways to be productive. The transition/implementation period will be used to plan and prepare for the change and address any issues. The change will be temporary initially with a view to the change becoming permanent on 01 January 2024. During this period of transition/implementation, managers will be working with staff to ensure work demands are in-line with 34 hours working (pro-rata for part-time staff).

- **Implementation date**

The 1 April 2023 implementation date is challenging. Staff feedback shows the feeling that it would be rushing the change. HoS, with their teams need to be able to set plans in place to implement and manage the change. Systems and processes need amending. Contractual issues need to be formalised e.g. part time staff, annual leave etc. Communications externally would also need to be planned and managed in good time. Given this challenge and risk of non-implementation, a new implementation date of 1 May 2023 is proposed.

- **Mitigations** to reduce workload have been considered as shown below. It is recognised that more are required and through the transition/implementation

phase these will be explored to enable staff to do things differently within the 34 - hour working week.

- **Cost mitigations**

The funding been identified by HoS for out of hours cover which is highlighted in the financial implications section in section six below. Over the transition/implementation phase assessment will be made to identify any further resources and costs required.

- **Flexibility on hours**

To achieve work life balance benefits, reduce work requests and contact and cost savings to Swale House, the closure on a Friday at 1.30pm is necessary. However, it is understood that there may be some occasions and some staff that may have to work Friday afternoons. This will only be on the understanding that it is from home and that are on tasks that do not require communication with others and that no meetings are arranged, or emails sent. This will be monitored to ensure this is in line with business need as part of the monitoring actions set out below. Also, analysis of how any change to 34 hours would evolve, such as monitoring the requests for compressed hours from staff. This needs to be fair and consistent across the organisation.

- **Service transformation and digitisation.**

The council is developing a corporate transformation programme. We want to be an efficient and agile council, inspiring all our staff to make the most of the technology available to us, accelerating our response to changing demands to meet the evolving expectations of our residents and businesses.

Service areas starting to look at ways to reduce workload, be more efficient and do things differently. Examples include revenues and benefits shared service and automation, planning work with an external service improvement organisation (Mondrem) and housing options transformation.

The corporate transformation programme is in its infancy but will be pivotal in enabling reduced working hours to be successful and mitigate some of the concerns raised.

- **Service Standards**

To mitigate the implications of the reduced hours and impact to service delivery, corporate service standards will need to be amended in due course to reflect that tasks will take longer following the reduction. The intention is to do this in line with the already planned review of Customer Access Strategy later this year.

- **Regular monitoring and review**

With any change process, there will be things that will come up that were not foreseen even with the work to assess impact. It is essential that there is regular monitoring and review and action put in place to address issues,

assess wellbeing, requests for further change to working patterns etc. It will be compulsory to include a discussion at monthly 121s with all staff and team meetings. Executive Management team will also receive a quarterly implementation report. The New Ways of Working Group will also review its TOR and membership to monitor and review corporately. There will also be regular meetings with the staff engagement group and we will consult regularly with the Trade Union to gain feedback on the change from their members perspective.

The move from temporary to permanent will be made 1 January 2024 unless there is a compelling reason not to. In order to make that assessment, measurement will be key. Success criteria will be drawn from performance information, customer satisfaction, engagement of staff, health and well being surveys.

- **Cultural change**

This proposal is a significant change for the organisation. Indeed, Swale is the first authority in Kent to move to a reduced working week. Nationally, trades unions have been calling to reduce the working week for a number of years. It will require staff to think in a different way, try new things, reframe and redesign services. The council, through its senior management team, will lead, enable and support its staff to have the confidence and belief that work can be done in a different way by thinking differently and have a mindset that embraces what can be done positively. To look at staff time and challenge how people work or need to work to be productive in the reduced hours.

3 Proposals

1. That Policy & Resources Committee note the results from the consultation with staff to change the contracted working week from 37 hours to 34.
2. Agree to change the working week from 37 hours per week to 34 hours per week with council services stopping at 13.30 on a Friday (except for emergency services).
3. To add two additional days leave (pro rata) to be taken between Christmas and New Year resulting in a close down of the council between Christmas and New Year.
4. That a transition/implementation phase runs from 1 May 2023 until 31 December 2023.
5. That the permanent change starts 1 January 2024 unless there is a compelling reason not to.
6. To note that the Head of Paid Service has delegation to implement the permanent change.

4 Alternative Options Considered and Rejected

- 4.1 No change – stay at 37 hours but with no pay rise. This is not recommended as this will not enable the council to modernise and try new approaches to new ways of working or support work life balance.
- 4.2 To implement the 34-hour week permanently from 1 April 2023. This is not recommended given the comments in the consultation around implementation date.
- 4.3 To implement the 34-hour week permanently from 1 May 2023. This is not recommended given the concerns raised in relation to impact assessment and the need to plan and prepare for implementation.
- 4.4 To consider a 4-day working week. This is not recommended at this stage but will be reviewed when the outcomes have been assessed for other councils that are currently trialling this change to working hours and from analysis of 34 hours transition/implementation phase.

5 Consultation Undertaken or Proposed

- 5.1 Initial findings from the staff survey indicated that staff were willing to consider a change to working practices.
- 5.2 Informal consultation was undertaken between November and December. Formal consultation with staff and trade unions was undertaken from 13 January – 15 February 2023
- 5.3 At the time of writing the Chief Executive and the Head of HR are meeting with the Trade Union to discuss the pay claim These negotiations are on going.

6 Implications

Issue	Implications
Corporate Plan	This links to the priority of a Council fit for the future The delivery of the corporate plan will be reassessed based on the change and mitigations set out in the report
Financial, Resource and Property	Implementing the 34-hour week results in the following costs to help mitigate impacts Housing out of hours cover - £10,400 p.a CCTV - £29,000 p.a (24/7 service) Playground monitoring and inspection - £30,000 p.a

	Total - £69,400 p.a
Legal, Statutory and Procurement	Council policy on staff consultation has been followed. The council is legally allowed to change working patterns in consultation with staff
Crime and Disorder	None identified
Environment and Climate/Ecological Emergency	Closing Swale House on a Friday afternoon will make a positive impact on our energy usage.
Health and Wellbeing	Work pressures and stress has been identified as a concern as part of the consultation. Nationally, Trades Unions (including Unison) have been calling for a reduced working week to improve work life balance. This proposal will improve work life balance for staff and improve staff well being By mitigating the impacts to service delivery, it is hoped that this will be alleviated. Regular monitoring and review will be used to assess staff well-being in the trial period
Safeguarding of Children, Young People and Vulnerable Adults	None identified
Risk Management and Health and Safety	Reputational risk to reducing services, taking longer and response times to the public extending. Clear communication on what can be expected will be undertaken to mitigate this
Equality and Diversity	A full Equalities Impact Assessment has been undertaken, however there are not currently any equality and diversity implications identified as no member of staff will be financially disadvantaged by the change in hours, no member of staff will be asked to work longer hours (compress the hours) and annual leave entitlement will be not changed (34 hours = 1 fte)
Privacy and Data Protection	None identified

7 Appendices

- Appendix I – Comments and response to the consultation
- Appendix II – Demographic impact

8 Background Papers

- 14th December Policy & Resources committee report

Appendix I

Comments and response to the consultation

Question: “Please share your comments on the proposed change to working hours		
Theme	No.	Nature
Cost of living/Financial impact/Prefer Pay rise	54	<p>Of the 119 comments received, 54 respondents cited the ongoing cost-of-living crisis and financial concerns as a reason for their negative/mixed response. In summary, responses received under this theme raise <i>“significant concern at the thought of no pay rise this year given the large rise in inflation and the cost-of-living crisis that has ensued as a result”</i>.</p> <p>Responses categorised under this theme suggest that many employees are already struggling with the <i>“significant increase in bills/mortgage/rent/food/utilities etc”</i> and therefore staff are relying on a Pay Award in April in order to assist with this. Several respondents state that they will need to take on a 2nd job to supplement their income if bills continue to rise and there is no Pay Award given. Several staff also claim that the <i>“thought of not having a pay award to help towards these increased costs is causing them stress and anxiety.”</i></p> <p>Staff commented that the proposed changes to the working hours have been <i>“dressed up as an 8% pay rise”</i> however in real monetary terms, employees are concerned that they will see no benefit of this in their take home pay and that the <i>“3 hours per week social time does not help to pay the dramatic cost of living”</i>. It is stated that the <i>“reality is that it’s not an 8% pay rise but a small hourly rate uplift and whilst working 3 hours less, we are no better off financially, in fact worse off given the current standard of living crisis”</i>.</p> <p>There was a comment received suggesting the Council should pay a <i>“Cost-of-Living award to match inflation instead of paying staff their incremental annual rise as this is an additional bonus”</i>. In reply to this specific point, it must be noted that the annual increments payable in October for those not at the top of their grade, are contractual payments as set out in employee’s terms & conditions, they are not discretionary bonuses which can just be stopped.</p>

		<p>There were a couple of responses which acknowledged that some other employers are also not able to match the Pay Award in line with inflation, but suggestions were made about <i>“the possibility of a one-off payment to help with the Cost-of-living crisis”</i>.</p> <p>In summary, comments received under this theme are all concerned that the <i>“34 hour week with no pay rise, does not help staff keep up with the increasingly high cost of living”</i> and may cause some <i>“financial hardship”</i> They also believe that the 3 hour reduction makes it difficult for staff to be able to get a secondary part time job elsewhere to increase their income, which may have been viable had the Council opted to do a 4 day working week.</p> <p>Analysis of the comments under this theme, have shown correlation between the lower grades and a negative response regarding the cost of living and a preference for a Pay Award.</p> <p>In response to the concerns over the cost-of-living crisis, an amendment has been put into the budget proposals which recommends that staff on grade 5 and below are paid a one-off payment of £1,000 pro rata. This is equivalent of 4-5% of Grade 2-3 salaries and 3-4% of Grade 4-5 salaries. This will be made in addition to increments (where they are due)</p>
Workload/ Stress	56	<p>Almost half the comments received in response to the consultation cite concern about workloads and the viability of being able to carry out their current role in 34 hours per week.</p> <p>Many respondents state that they, and their department, are already <i>“overworked and understaffed”</i> and they feel there is a risk that 37 hours’ worth of work would be expected to be done in just 34 hours. They feel currently there is no way to reduce the number of hours they are working due to the large demand on their service, and many people already working in excess of 37 to cope with current workloads.</p> <p>Lots of comments received state that whilst they are engaging with their managers on what work can stop/be done differently etc, there is a general feeling that services have already</p>

		<p>been streamlined to the maximum and that if there was work that could just be stopped, it would have been done already as staff have already been working to their limits.</p> <p>It can be noted that even some of the respondents who are more positive regarding the reduction in working hours, caveated their response with a concern about workloads not reducing in line with the reduction in hours which could have a detrimental impact on staff wellbeing.</p> <p>In summary, comments received under this theme express that many departments are already working beyond capacity and are experiencing staff shortages and it is felt that reducing the weekly hours could be untenable resulting in more pressure on staff/higher staff turnover.</p> <p>In response to the concerns raised regarding workloads and how these will be managed in the shorter working week; EMT are continuing to work with Heads of Service to identify which areas of work can cease or be modified to take account of the lesser weekly working hours. It is acknowledged that the reduction in working hours needs to be supported by a real change in workloads or processes to ensure that staff are not continuing to do the same level of work in less time and Heads of Service are working with their teams to identify where this can be achieved.</p> <p>There is a commitment by EMT to continually review the levels of work and an assurance is made that “pinch points” will be managed in line with Council policies, as they are now; for example, Elections, Closure of Accounts etc. EMT and Heads of Service are committed to regular monitoring and review of the situation to ensure that mitigation is considered where there is an unacceptable impact on workloads and/or statutory deadlines cannot be delivered.</p> <p>To mitigate the implications of the reduced hours and impact to service delivery, corporate service standards will be amended to reflect that tasks will take longer following the reduction. EMT and Heads of Service will work together to ensure that</p>
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		<p>Members, and the Public, are fully informed of the new service standards for each department and clear communications of any changes will be published.</p> <p>In addition, the council is developing a corporate transformation programme and service areas are continuing to look at ways to reduce workload, be more efficient and do things differently.</p> <p>With any change process, there will be things that will come up that were not foreseen even with the work to assess impact. It is essential that there is regular monitoring and review and action put in place to address issues. It will be compulsory to include a discussion at monthly 121s with all staff and team meetings. EMT will also receive a quarterly implementation report.</p>
Flexibility over hours	23	<p>Of the total comments received, 23 respondents raised concern that mandating the Friday afternoon closure appears unnecessarily rigid and inconsistent with the flexible or agile way that we aspire to work.</p> <p>There are multiple comments to suggest that staff would prefer to work 4 longer days, or to pick the day they finish earlier, as a Friday may not suit everyone.</p> <p>In summary, responses under this theme suggest that it would be useful to allow some flexibility around which day staff chose to finish early, in agreement with their managers. They suggest there could be an understanding that Swale House and the phonelines will still close at 1:30pm on a Friday, so if staff chose to work on a Friday afternoon then they would need to work from home.</p> <p>In response to the comments under this theme: in order to achieve work life balance benefits, reduce work requests & contact and cost savings to Swale House, the closure on Friday at 1:30pm is necessary.</p> <p>However, it is understood that there may be some occasions and some staff that may have to work Friday afternoons. This will only be on the understanding that it is from</p>

		<p>home and that are on tasks that do not require communication with others and that no meetings are arranged or emails sent. This will be monitored to ensure this is in line with business need as part of the monitoring actions set out below. This needs to be fair and consistent across the organisation.</p>
<p>Concerns over initial consultation process</p>	<p>16</p>	<p>There were comments received expressing the view that the initial staff survey consultation in October 2022 wasn't carried out adequately and as a result the results of that initial survey cannot be relied upon One comment states <i>"the October consultation was presented in such an ambiguous way that it was designed with the intention to encourage a positive response on reduced hours as this is the cheapest option. No one wants to see redundancies, but that was the threat".</i> Responses here state the survey was <i>"poorly written"</i> and was <i>"flawed from the outset"</i> as it omitted key information and therefore it's felt by some that it carries no validity in the decision-making process. Respondents suggest that the survey email was <i>"too light on detail"</i> and not enough information was provided to have assisted staff in making informed decisions in ranking the proposals. Responses here state that <i>"intentional or not, the survey was misleading, meaning that the results were probably "skewed" as with more information given, people's initial ranking to that survey could have been different"</i>.</p> <p>Several comments under this theme also mention the low response rate and cite the stats which show that only a quarter of the workforce overall elected that the 34 hour week was their preferred option so it is questioned whether this can be described as <i>"the most popular first choice"</i> as it is described in the consultation document.</p> <p>In response to comments under this theme, it is recognised and accepted by Senior Management that the emailed survey that was sent out to staff in October asking for views on different ideas relating to employee pay and potential savings, could have been handled differently.</p> <p>That was not a formal consultation, but an informal exercise to help inform the budget setting process. It is noted on reflection that this could have been handled in a</p>

		<p>different way and perhaps not enough information was provided to staff, and therefore advice was sought before entering into this formal staff consultation before a formal decision is taken.</p> <p>This Staff Consultation document was sent to the Trade Unions prior to launching the official consultation period and they have encouraged their members to engage with this process.</p>
<p>Shared Service queries</p>	<p>7</p>	<p>There were 7 respondents who made comments or raised questions about the impact of Shared Services under the proposals. There were practical questions asked about the whether SBC will proportionately pay less now towards the other Mid Kent Services.</p> <p>Respondents here state they <i>“don’t believe the impact on shared services have been fully explored including the demands on officer time that arise because of the need to balance the work of multiple authorities, which can lead to an extremely pressured working week and subsequently results in extra hours being worked”</i>.</p> <p>Several comments received were clearly from the Legal Services team who work across multiple authorities, who queried how they will be able to respond to their clients’ needs on reduced hours, when their clients and associated statutory bodies are not working reduced hours. They state that each Mid Kent authority expects a level of service with no consideration of the other Authorities.</p> <p>In response to the comments received under this theme; Legal services record the hours they charge to each partner authority. The cost of the service is then split between the partners according to the percentage of chargeable time attributed to each. Should Maidstone and Tunbridge Wells Councils require a legal cover on a Friday afternoon, the additional resource required would be chargeable to them, not to Swale. The Head of MKLS is looking at how this is resourced either by using Locum staff or by a rota. Further discussions are being held with Maidstone and Tunbridge Wells to ensure the legal team is not put under undue pressure.</p>

Work-life balance	14	<p>The comments received under this theme were generally positive citing that reducing to a 34-hour week could help improve employee's work/life balance and general wellbeing.</p> <p><i>One comment said "I'm in support of the change in working hours. This will give staff a better work life balance, and if people want to earn extra money through working another job, this gives some ability to do so"</i></p> <p>Others were looking forward to the additional two days off at Christmas which they said is a welcome proposal which can really help to improve emotional wellbeing by spending that extended time with friends and family.</p> <p>However, it can be noted that even some of the positive respondents caveated their response with concern that the workload will not be reviewed sufficiently in line with the reduction in hours, which could end up having a detrimental effect on wellbeing and not the positive impact that they'd hoped.</p> <p>The response to this theme echo's that of the "workload" theme above. It is positive that some staff can see the potential benefits to work/life balance/wellbeing that the reduction in hours can bring if workloads are reviewed and managed correctly.</p>
Recruitment/ retention concerns	15	<p>There were 15 responses received which aspects of Recruitment and Retention in their comments. Generally these were of a concerned nature with regard to not being able to retain our talent or recruit in new talent if we don't receive a Pay Award and remain competitive with other Kent Local Authorities.</p> <p>The response from UNISON on this theme states "<i>This will not help us with recruitment or retention, staff morale is already very low</i>"</p> <p>One of the comments did have a positive sentiment stating "<i>I am supportive. This could be an important recruitment tool that gives SBC an edge it needs in finding quality staff.</i>"</p>

		<p>However, the majority of the other comments cited fears that by not awarding a Pay Award, SBC could become uncompetitive and staff may be forced to leave SBC to seek alternative employment.</p> <p>Some feel that their service areas have already been struggling to recruit new staff and state that <i>“cutting 3 hours instead of an increase in salary is not going to help the recruitment and retention situation”</i></p> <p>Many responses here talk about the “extortionate” rates that we are already having to pay some temps/locums due to already not being able to recruit permanent staff and it is feared that even more money will spent on temps to “pick up the workload” if substantive staff’s hours are reduced.</p> <p>We hope that that the move to a 34 hour week and being the first Local Authority in Kent to do so, means Swale will be seen as a progressive, forward thinking Authority who puts it’s staff’s wellbeing and work/life balance at the forefront. If workloads are properly managed, we see that this could be used as an important tool to rebrand the Council and give the SBC the USP it need’s to recruit and retain good quality talent.</p>
Queries/ Suggestions	36	<p>There were many queries, questions and suggestions put forward as part of the consultation responses. A variety have been included below but the individual comments will be answered formally in a response document sent out to staff.</p> <p><i>“It all seems very rushed and not thought out, it feels like someone really likes the idea and has decided to run with it. Is there a possibility to delay it and bring it in at a later date if needed so there won't be any hiccups? As with all consultations there really is a feeling of it's a done deal, why bother, it's affecting morale.”</i></p> <p><i>“Is there not an option to trial the new terms for a period before implementing permanent contract changes?”</i></p>

		<p><i>“What is the impact on employees who are part time who already work less than 34hrs/week?”</i></p> <p><i>“Will new roles be recruited to as 34 hours, in which case the salary will reflect this and be reduced?”</i></p> <p><i>“2% pay increase for 2023/24 then permanent 4 day working week from 2024/25 with pay then being reviewed annually as normal”</i></p> <p><i>“It is not particularly clear from the consultation how future pay rises beyond 2023/24 will be managed, although assume that this will be raised on an annual basis as has always been done and with Unison?”</i></p> <p><i>“For us to finish early on Friday afternoon we would have to cancel the afternoon post collections for both whistle and Royal mail.”</i></p> <p>The answers to some of the questions raised were already set out in the FAQ’s. For the questions received anonymously via the online survey, we will endeavour to address the queries in a consultation response document to all staff. Additionally, service specific operational questions should be picked up with departmental managers and Heads of Service.</p> <p>Any personal, HR related queries should be directed to Sam Connelly.</p>
No reason given.	5	Five respondents didn’t indicate a reason for the sentiment behind their comment. Of these five responses, two were not in favour of the proposals, two were supportive of the proposals and one was neutral in their response.
Other	6	Below are some of the “other” comments people submitted to the consultation, which includes comments of both a positive and negative sentiment.

		<p><i>“Please don't dress this up as an 8% increase in pay. It's not bankable. I think there is a danger than goodwill might expire and there could be more of a "working to rule" attitude”</i></p> <p><i>“I am happy to support the reduction in hours to 34 at same whole time salary. However i do feel this needs to be fully reviewed and considered as a more long term projection to give reassurance and stability to the SBC staff”</i></p> <p><i>“I welcome the new proposed change to working hours. I think that it is a positive approach to a constantly adapting working environment and shows that Swale Borough Council are forward thinking”</i></p> <p><i>“I like the idea of the change of hours for the working week especially if this helps not to have redundancies”</i></p> <p><i>“I have no concerns with the shortened hours for the council as a whole (other than of course teams such as CCTV) on the proviso that my pay is maintained and i receive my increments agreed within my banding and that doesn't change (I'm not at the top of my grade) then I'm happy to finish early as long as the whole council does”</i></p>
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Trade Union (UNISON) response

<p>Trade Union Comments - sent via Julie May as part of the consultation process</p>	<p>Management Response</p>
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Unison is not in favour of the 34-hour working week proposal, our objections are detailed below:

- Major increases in the cost of living over recent years have significantly reduced the value of staff wages a reduced working week will not solve this.
- Workloads will not be reduced significantly enough to allow people to work any less hours, staff are already under immense pressure and many work more than 37 hours to stay on top of workloads.
- Inflation is at an all-time high, staff are unable to pay their bills, heat their houses and put food on their tables, a reduced working week is not going to impact this.
- This will not help us with recruitment or retention, staff morale is already very low.
- With home working and people being able to work remotely anywhere from the country, the low wages provided by the Council will only mean that people will seek employment elsewhere. This must be factored into account.
- A 34-hour week has no benefit to those staff who already choose to work part time.
- Appropriate reward is needed to sustain the morale and productivity of employees in their crucial role of delivering high quality services.

It can be seen that the Unison response also falls into the themes listed above, primarily detailing concerns over the *Cost of living crisis*, *Workloads* and *Recruitment/Retention* challenges.

It is believed that Management have responded to each of the concerns outlined in the TU objection in the above table, but a response has also been summarised below for ease:

- In response to the concerns over the cost-of-living crisis, analysis of the comments under this theme, showed correlation between the lower grades and a negative response regarding the cost of living and a preference for a Pay Award.

An amendment has been put into the budget proposals which recommends that staff on grade 5 and below are paid a one-off payment of £1,000 pro rata. This is equivalent of 4-5% of Grade 2-3 salaries and 3-4% of Grade 4-5 salaries. This will be made in addition to increments (where they are due)

- In response to the concerns raised regarding workloads; EMT are continuing to work with Heads of Service to identify which areas of work can cease or be modified to take account of the lesser weekly working hours. It is acknowledged that the reduction in working hours needs to be supported by a real change in workloads or processes to ensure that staff are not continuing to do the same level of work in less time and Heads of Service are working with their teams to identify where this can be achieved.

There is a commitment by EMT to continually review the levels of work and an assurance is made that “pinch points” will be managed in line with Council policies, as they are now; for example, Elections, Closure of Accounts etc.

	<p>To mitigate the implications of the reduced hours and impact to service delivery, corporate service standards will be amended to reflect that tasks will take longer following the reduction. EMT and Heads of Service will work together to ensure that Members, and the Public, are fully informed of the new service standards for each department and clear communications of any changes will be published.</p> <p>In addition, the council is developing a corporate transformation programme and service areas are continuing to look at ways to reduce workload, be more efficient and do things differently.</p> <p>With any change process, there will be things that will come up that were not foreseen even with the work to assess impact. It is essential that there is regular monitoring and review and action put in place to address issues. It will be compulsory to include a discussion at monthly 121s with all staff and team meetings. EMT will also receive a quarterly implementation report.</p> <ul style="list-style-type: none">• With regard to recruitment and retention, we hope that that the move to a 34 hour week and being the first Local Authority in Kent to do so, means Swale will be seen as a progressive, forward thinking Authority who puts it's staff's wellbeing and work/life balance at the forefront. <p>If workloads are properly managed, we see that this could be used as an important tool to rebrand the Council and give the SBC the USP it need's to recruit and retain good quality talent.</p>
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NB – The consultation on the 34 hour week did not form part of the formal Pay Claim Negotiations.

These discussions have not yet concluded are still going between the Chief Executive, Head of HR and the Trade Union.

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Appendix II

Demographic Data

What grade are you	# of responses	Do you work Full/Part time	# of responses	Sex	# of responses
SBC Grade 2	1	Full time	82	Male	21
SBC Grade 3	10	Part time	23	Female	75
SBC Grade 4	14	Prefer not to say	11	Prefer not to say	17
SBC Grade 5	17	Blanks	3	Blanks	6
SBC Grade 7	9		119		119
SBC Grade 8	10				
SBC Grade 9	9				
SBC Grade 10	6				
SBC Grade 13	1				
SBC Grade 14	1				
Prefer not to say	29				
Blanks	3				
	119				

Grades in correlation to negative response and cost of living concern

What grade are you	# of negative responses	Cost of Living/Financial impact/Pay Rise
SBC Grade 2	1	1
SBC Grade 3	5	4
SBC Grade 4	9	7
SBC Grade 5	8	7
SBC Grade 6	5	3
SBC Grade 7	5	3
SBC Grade 8	4	2
SBC Grade 9	5	3
SBC Grade 10	4	0
SBC Grade 13	0	0
SBC Grade 14	0	0
Prefer not to say	17	11
Blanks	1	1
	64	42

Grades in correlation to mixed response and cost of living concern

What grade are you	# of mixed responses	Cost of Living/Financial impact/Pay Rise
SBC Grade 2	0	0
SBC Grade 3	1	1
SBC Grade 4	2	2
SBC Grade 5	2	0
SBC Grade 6	2	2
SBC Grade 7	1	1
SBC Grade 8	2	1
SBC Grade 9	2	0
SBC Grade 10	0	0
SBC Grade 13	0	0
SBC Grade 14	0	0
Prefer not to say	1	1
Blanks	0	0
	13	8

The data shows the correlation between the lower grades and negative and mixed response regarding the cost of living

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Policy and Resources Committee Forward Decisions Plan – 22 March 2023 meeting

Report title, background information and recommendation(s)	Date of meeting	Open or exempt?	Lead Officer and report author
Performance Monitoring & Priority Projects Report – 2022/23 year-end	First meeting of the Civic Year	Open	Head of Service: David Clifford Report author: Tony Potter
2022/23 Outturn report	July 2023	Open	Head of Service: Lisa Fillery Report author: Claire Stanbury

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Policy and Resources Committee 22 March 2023

Recommendations for noting from the Planning and Transportation Policy Working Group – 20 February 2023, reports attached.

Minute Nos. 670. E-Petition: Replace trees felled by developers.

Resolved:

(1) That the E-Petition be noted and a Tree Strategy be prepared by officers.

Minute No. 671. Levelling-Up and Regeneration Bill: Reforms to National Planning Policy Framework (NPPF) Consultation.

Resolved:

(1) That the proposed consultation response on behalf of the Council be noted subject to the amended changes as minuted.

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Policy & Resources Committee Meeting	
Meeting Date	20 February 2023
Report Title	Petition: Replace trees felled by developers
EMT Lead	Emma Wiggins, Director of Regeneration & Neighbourhoods
Head of Service	Flo Churchill, Interim Head of Planning
Lead Officer	Stuart Watson, Principal Planning Officer
Classification	Open
Recommendations	1. Members are asked to note the petition, and that a Tree Strategy should be prepared.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to bring before the Working Group an e-petition to: *“require the council to ensure that conditions are imposed by Swale Borough Council so that if members are minded to grant consent for planning applications that an equal number of mature trees as those that have to be felled/uprooted for each building development and/or an equal length of hedging as that which has to be removed for each building development are replanted within the footprint of the development i.e. No offsite biodiversity net gain. Ensure that the number of mature trees/length of hedging to be removed is confirmed by the council officers before any planning permissions are granted and that this condition, to replant the same or greater amount of trees/hedges is monitored by Swale Borough Council on an agreed timetable with each developer/builder and published for public scrutiny on the council website. Also to ensure the Planning Dept do not discharge the landscape conditions until the full number of replacement trees/hedging are planted and established.”*
- 1.2 The ePetition ran from 11/03/2022 to 22/04/2022 and has now finished. 279 people signed the ePetition.
- 1.3 Although the blanket approach proposed by the ePetition is understandable, it is not achievable in practice where trees are not covered by Tree Preservation Orders. An alternative approach is suggested whereby the Council will prepare and consult on a Tree Strategy.
- 1.4 A Tree Strategy will enable greater flexibility when considering planning proposals and would provide the opportunity for the Council to align with the Government objectives of having trees at the forefront of plans to achieve net zero emissions by 2050. The scope of the strategy would address the loss of trees and other planting and how all new developments should provide for additional or new trees, groups of trees and hedgerows. It would include detail on site layout and design details, species selection and implementation and management requirements.

2 Background

2.1 According to the petitioners, this ePetition has arisen due to the proposed loss of at least 1,400 trees on the Lady Dane development in Faversham. There is no clear idea how many of the remaining trees lining Love Lane would be felled. This established line of trees (circa 30 years old) is a windbreak and rural historic feature of the eastern boundary between the built up area of Faversham and agricultural land, a visual benefit for the people living in and using the wider area.

2.2 The petitioners have previously sought to make contact with SBC tree warden and KCC Highways to secure the safety of 98 trees but were told nothing could be done. This is because trees are only protected from felling, in law, if they are covered by a Tree Preservation Order (TPO) and even then, applications can be made for their removal.

2.3 The petitioners set out the benefits of trees and express their concern and disappointment regarding the loss of trees in the area and the problems this is creating regarding surface flooding and loss of wildlife habitat.

2.4 The ePetition asks that the Council impose conditions that require felled mature trees and hedgerows to be replaced in equal or greater measure. And that this should be monitored (by SBC) on a timetable agreed with the developer and published on the website. These conditions would then not be discharged until the full number of replacement trees/hedgerows are planted and established.

2.5 With regards to the national policy approach to trees. The NPPF 2021 makes clear the importance of trees and their retention. Paragraph 131 states:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible...”

2.6 In May 2021 the Government published the [England Trees Action Plan \(ETAP\)](#), that sets out the long-term, generational vision for the forestry sector to 2050. In the [Response to Third Report of Session 2021–22 - Environment, Food and Rural Affairs Committee \(parliament.uk\)](#) the Government reconfirmed its position to the importance of trees and stated that *“Trees are at the forefront of Defra’s contribution to the Government’s plans to achieve net zero emissions by 2050”*. The Response goes on to outline that in England by 2025 the ETAP supported by the £760 million Nature for Climate Fund will have:

- Trebled tree planting rates, meeting our target of planting at least 7,500 hectares.

- Established a framework for the future of tree planting that will continue into the Environment Land Management programme and beyond.
- Provided significant funding to build nursery capacity, supporting public and private sector nurseries and seed suppliers to enhance the quantity and quality of domestic tree production.
- Published a policy roadmap identifying key actions for Government, the construction sector, the timber sector, and academia to safely increase timber use in construction.
- Seen the first graduates of our new apprenticeship scheme as well as developed new training routes into the forestry sector.
- Built a new Centre for Forest Protection and developed a Woodland Resilience Implementation Plan to improve the ecological condition of woodlands and increase resilience to climate change, pests, and disease.

2.7 The Council is in the process of recruiting a Principal Urban Design and Landscape Officer to join the Planning Services team. The new postholder will be best placed to drive forward a Tree Strategy. The scope of the strategy should address the issues raised in the ePetition and support the delivery of wider objectives, including greater on-site biodiversity net gain, better design quality and placemaking. Once the officer role is filled, a project plan would be prepared to set out the full scope and timescales for the strategy.

3 Proposals

3.1 The proposal is that Members note the ePetition and that a Tree Strategy is to be prepared once the post holder of Principal Urban Design and Landscape Officer is in place.

4 Alternative Options

4.1 Members could chose to disregard the development of a Tree Strategy but this would be a missed opportunity to deliver the benefits of more trees and hedgerows and contribute to the wider objectives of building beautiful and better placemaking.

5 Consultation Undertaken or Proposed

5.1 No consultation has been undertaken or is proposed. The report presents the ePetition and a proposal for addressing the concerns in that petition. Consultation is not necessary at this stage but the Tree Strategy itself would be subject to consultation.

6 Implications

Issue	Implications
Corporate Plan	The proposals support the delivery of Objectives 1 and 2 of the Corporate Plan.
Financial, Resource and Property	Tree Strategy would be prepared using existing resources and would include mechanisms for maintenance costs to be addressed through planning conditions/ S106.
Legal, Statutory and Procurement	None identified at this stage.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	The proposals would support the Council to address the Environmental and Climate/ Ecological Emergency.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: E-petition - Replace trees felled by developers

8 Background Papers

None.

We the undersigned petition the council to ensure that conditions are imposed by Swale Borough Council so that if members are minded to grant consent for planning applications that an equal number of mature trees as those that have to be felled/uprooted for each building development and/or an equal length of hedging as that which has to be removed for each building development are replanted within the footprint of the development i.e. No offsite biodiversity net gain. Ensure that the number of mature trees/length of hedging to be removed is confirmed by the council officers before any planning permissions are granted and that this condition, to replant the same or greater amount of trees/hedges is monitored by Swale Borough Council on an agreed timetable with each developer/builder and published for public scrutiny on the council website. Also to ensure the Planning Dept do not discharge the landscape conditions until the full number of replacement trees/hedging are planted and established.

This petition has arisen due to the proposed loss of at least 1400 trees on the Lady Dane development in Faversham. The disposal of half the plot to a different developer 6 years after the original planning permission was gained, resulted in confusion regarding the new spine and commercial service roads into the estate (due to the new applicant not having gained planning permission and proposing to change the position of the commercial road) and no clear idea of how many of the remaining 353 trees, lining Love Lane, would be felled, this was originally an established (30 year old) windbreak and rural historic feature of the eastern boundary between the built area of Faversham and agricultural land, a visual benefit for the people living opposite the hedge along Love Lane.

Despite calls to The Tree Warden at SBC and appeals to KCC Highways there was nothing which could be done to save 98 of those trees, which were cut down by order of the landowner on 12/02/22.

The loss of the remaining trees lining Love Lane and also the windbreak field dividers is now in the balance, with the council yet to decide upon the Fernham Homes and Crest Nicholson Phase 2 applications, with the proposed loss of the majority of those 1300 trees.

The drawings in both applications show replanting, but not sufficient to remedy the loss of these trees, in terms of their maturity, their ability to absorb carbon dioxide and provide oxygen, in terms of the insect population living in them that will be lost, as well as all the web of fauna and flora that depend upon the insects/trees as a food supply or for nesting/hibernation. The trees lining Love Lane help to prevent flooding of the road surface. Where the hedging further down Love Lane opposite the cemetery has been removed there have been puddles covering half of the road. The new crossing point over Love Lane

(opposite the Crest Nicholson show home) gets so muddy and in a deep puddle that it cannot be used as a crossing point.

With climate change, sewerage and the new environment bill all being very real pressures on new developments as well as established residents in Swale, we must lay the foundations now for a realistic sustainable future for the coming generations.

60% of the Fernham Homes development in their current proposal is going to be impermeable surfaces. Impermeable surfaces do not absorb water and the water has to go somewhere.

Trees soak up water, they shade, they enrich the soil, they provide habitats, they enrich our air, they provide great biodiversity opportunities.

We must ensure that all new development now retains as many original trees as possible, plus that the onus is on developers to plant as many new trees as are removed.

It is heartbreaking to hear that the council are buying hundreds of new saplings, or using grant money, when thousands of trees are at the same time being killed for housing estates.

This ePetition ran from 11/03/2022 to 22/04/2022 and has now finished.

279 people signed this ePetition.

Planning & Transportation Policy Working Group	
Meeting Date	20 February 2023
Report Title	Levelling Up and Regeneration Bill: reforms to national planning policy (NPPF consultation)
EMT Lead	Emma Wiggins, Director of Regeneration & Neighbourhoods
Head of Service	Flo Churchill, Interim Head of Planning
Lead Officer	Jill Peet, Planning Policy Manager
Classification	Open
Recommendations	1. Note the content of this report and the proposed consultation response on behalf of the Council.

1 Purpose of Report and Executive Summary

- 1.1 Members will be aware of government plans to reform the planning system. The main vehicle for this is the Levelling Up and Regeneration Bill (LURB) that is progressing through the House of Lords. The Bill had its second reading on 17 January 2023 and the line-by-line examination of the bill is scheduled to begin on 20 February.
- 1.2 On 22 December 2022, the dept for Levelling Up Housing and Communities (DLUHC) published the long-anticipated consultation on the proposed changes to the National Planning Policy Framework (NPPF). The consultation ends on 2 March 2023. The government response to the consultation responses is expected by spring 2023 and plan to publish the framework revisions as part of this “so that policy changes can take effect as soon as possible”. The proposed SBC response to the consultation on planning and the NPPF is contained in **appendix i**.
- 1.3 The purpose of this report is to set out the headlines in the NPPF consultation and to discuss the implications for Swale. This has informed the proposed responses to the set questions.
- 1.4 In summary, the proposed changes to the NPPF focus on how housing needs should be addressed and the resulting figures applied; the changes to the housing delivery test and 5 year land supply test and measures to tackle slow build-out of permissions. Energy efficiency, environmental protection and tackling climate change are also addressed as is proposed changes to plan making and how National Development Management Policies should be developed.

2 Background

- 2.1 The government sought to introduce a complete overhaul of the planning system back in August 2020 with the publication of both the White Paper: Planning for the Future in August 2020 and consultation on various proposed changes to existing policy. The government's subsequent approach was to retain the existing system and focus on amendments to existing policy and guidance that would complement and support 'Levelling Up'. The Levelling Up and Regeneration Bill (LURB) has now had its second reading in the House of Lords.
- 2.2 The [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](#) is not a wide-ranging review of the full NPPF. As well as seeking views on the governments proposed approach to the NPPF, the consultation also canvasses opinion on its proposed approach to preparing National Development Management Policies (NDMPs). The link usefully provides access to a version of the NPPF showing proposed amendments as tracked changes and a separate discussion paper that sets out the scope and objectives of the consultation and a number of technical questions. Respondents are encouraged to respond to the set questions that cover the changes to the NPPF text and proposals for future changes. The NPPF is but one element of national policy. Amendments to this important framework will need to be backed up by changes to other policies, guidance and legislative tools to give genuine weight in the practice of planning. The consultation discussion paper states that if the government is "*to truly remake the planning system, we also need changes to national policy and guidance, regulations and wider support for local authorities, communities and applicants*". The proposed revisions to the NPPF are required to deliver this wider change but how they can be implemented in the absence of more detail is unclear at this stage although future changes are promised for next year. There is also a proposed transitional period which also needs to be carefully considered.
- 2.3 The following is a summary of the key points made in the Levelling-up and Regeneration Bill: reforms to national planning policy, i.e. the proposed changes to the NPPF.

Policy objectives

- 2.4 The stated policy objectives of the proposals are to support the governments wider objectives of making the planning system work better for communities, delivering more homes through sustainable development, building pride in place and supporting levelling up more generally. There are a number of themes identified as follows:
- Building beautiful and refusing ugliness;
 - Securing the infrastructure needed to support development;
 - More democratic engagement with communities on local plans;
 - Better environmental outcomes;
 - Empowering communities to shape their neighbourhoods; and

- Delivering more homes in the right places, supported by sustainable and integrated infrastructure for our communities and our economy.

2.5 These themes are referred to under many of the topics and are intended as a thread running through the document. The consultation makes it clear that it is the government's intention to retain the plan-led system, which is useful to note given previous suggestions of a more generic zone-type approach and reiterated the importance of up-to-date Local Plans and Neighbourhood Plans.

2.6 A key focus of the technical detail in the consultation is around housing development, the assessment of need and how this is delivered. The detail of this is set out below.

How housing need should be assessed, and the resulting figures applied

2.7 The new household projections data based on the 2021 Census is due to be published in 2024 and the government have said it will review the implications for the Standard Method once that data is available. In the meantime, there are no proposals to amend the Standard Method through this consultation and unless "exceptional circumstances" can be justified, the use of the Standard Method should continue. More explicit indications will be given in planning guidance about the types of local characteristics which may justify a departure from the use of the Standard Method. Examples could include areas with a high percentage of elderly residents, or university towns with an above-average proportion of students.

2.8 Local Housing Need (calculated using the Standard Method) is proposed to be an advisory starting point for establishing a housing requirement rather than a minimum which is the case, currently. The governments target of building 300,000 new homes per year remains and the consultation NPPF states that the overall aim should be to meet as much housing need as possible. Paragraph 61 of the consultation retains the clause that any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for. The housing requirement may be higher than the identified housing need, if it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure.

2.9 The requirement to provide a sufficient supply and mix of sites to accommodate housing need in a local plan remains. This includes a requirement for a minimum of 10% of the total housing need to be met on small and medium sites.

2.10 The need to avoid development that would be uncharacteristically dense can outweigh the requirement to meet local housing need. This would need to be based on the principles in local design guides and codes. Authorities would not need to review their Green Belts to meet housing needs even if this would be to the detriment of meeting the local housing needs. Swale, of course, is not a Green Belt authority but our neighbours Medway and Maidstone both have some Green Belt. Authorities to the immediate west of these neighbours are Green Belt authorities and this begs the question of what would happen to their unmet needs

given the remaining requirement to take into account “any needs that cannot be met within neighbouring areas”.

- 2.11 The Duty to Cooperate is to be replaced with as as-yet unformulated “alignment policy”. The Duty will remain in place until those provisions come into effect, and “further consideration on what should constitute the alignment policy will be undertaken”.

Changes to the housing delivery test and 5 year land supply test

- 2.12 Local planning authorities with an up-to-date local plan (i.e. less than 5 years old) will no longer need to continually show a deliverable five-year housing land supply. The proposals also include removing the need for a “buffer” to be applied to housing land supply. This is regardless of the local planning authority’s score in the Housing Delivery Test which currently penalises authorities with a score below 85% by requiring them to apply a 20% buffer to their housing requirement figures for the purposes of calculating housing land supply (rather than 5%). There would be no buffers applied to five-year housing land supply calculations.
- 2.13 Amendments to the NPPF and to national planning practice guidance would allow councils to include historic oversupply in its five-year housing land supply calculations. This will not be an issue for Swale given previous performance. Evidence of sufficient deliverable planning permissions could save local planning authorities from the most severe housing delivery test sanction, i.e. the presumption in favour of sustainable development. The consultation document proposes to add to the HDT an additional permissions-based test. This will ‘switch off’ the application of the presumption in favour of sustainable development’ as a consequence of under-delivery, where a local planning authority can show sufficient permissions for enough deliverable homes to meet their own annual housing requirement or, where lacking an up-to-date local plan, local housing need, plus an additional contingency based on the number of planning permissions that are not likely to be progressed or are revised (which the government proposes defining as 115% of the housing requirement or local housing need).
- 2.14 The government is considering suspension or amendment of the usual consequences of failure of the 2022 Housing Delivery Test. “Given our proposed changes,” the document says, “we would like to receive views on whether the test’s consequences should follow from the publication of the 2022 Test or if they should be amended, suspended until the publication of the 2023 Housing Delivery Test, or frozen to reflect the 2021 Housing Delivery Test results while work continues on our proposals to improve it”.

Measures to tackle the slow build-out of permissions

- 2.15 Past “irresponsible planning behaviour” by applicants could in future be taken into account when applications are being determined. As examples of such applicant behaviour, the document cites “persistently breaching planning controls or failing

to deliver their legal commitments to the community”. Primary legislation would be needed to enact such measures, on which the government is seeking views.

- 2.16 Government data will be published on developers of sites over a certain size who fail to build out according to their commitments. Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme’s absorption rate (which is the rate at which homes are sold or occupied). Delivery will become a material consideration in planning applications. “This could mean that applications with trajectories that propose a slow delivery rate may be refused in certain circumstances,” the document says. A financial penalty for developers that are building out too slowly will be consulted on separately.

Energy efficiency

- 2.17 Replacing old wind turbines with more powerful and efficient models will be made easier. Changes to paragraphs 155 and 158 of the existing NPPF will enable the repowering of renewable and low carbon energy schemes where planning permission is needed, and providing that the impacts of any development proposal are or can be made acceptable in planning terms, the NPPF will be amended with a new paragraph 161 to give “significant weight” to the importance of energy efficiency through adaptation of buildings. But the document says that this will be done in a way that ensures that local amenity and heritage continues to be protected.

Environmental protection and tackling climate change

- 2.18 Steps will be taken to prevent developers from gaining biodiversity net gain rules by clearing habitats before submitting planning applications. This will involve closer working with Defra to review current degradation provisions for Biodiversity Net Gain to reduce the risk of habitat clearances prior to the submission of planning applications, and before the creation of off-site biodiversity enhancements.
- 2.19 Proposals to clamp down on the use of artificial grass in new developments (by developers) is also mooted as a way for the government to consider how to halt the threat to wildlife created using this.
- 2.20 The possibility of embedding a broad form of carbon assessment in planning policy will also be explored. This will look at whether effective and proportionate ways of deploying a broad carbon assessment exist, what they should measure, what evidence could underpin them and how they could be used in a plan-making context or tool for assessing individual developments.
- 2.21 Policy and guidance in relation to the production of Strategic Flood Risk Assessments will be reviewed to encourage maximum coverage and more frequent updates.

Plan making

- 2.22 The proposals confirm the governments commitment to a plan-led system and the delivery of development needs, placing greater emphasis on beauty and placemaking. The principle of duty to cooperate remains but is no longer one of the tests against which a local plan is examined. The expectation remains that a local planning authority will consider unmet housing needs in neighbouring areas and will follow a development strategy that seeks to meet the area's objectively assessed needs so far as possible, taking into account the policies in the Framework.
- 2.23 The 'justified' test of soundness for a local plan is proposed to be removed. This test relates to the need for local plans to be 'justified', i.e. that the development strategy would be "appropriate", taking into account the reasonable alternatives, and based on proportionate evidence. On the surface, this might suggest that local planning authorities are no longer required to consider reasonable alternatives for a development strategy and for them to be assessed through the Sustainability Appraisal process. However, the legal requirement of sustainability appraisal still applies (Section 12 of The Environmental Assessment of Plans and Programmes Regulations 2004). Since local plan at examination stage must demonstrate they are legally compliant, in the absence of more detail, the requirement to satisfy the inspector that the council has considered reasonable alternatives remains.
- 2.24 Steps are being taken to maximise the amount of authorities who can make use of policy changes around plan-making intended to be introduced by NPPF revisions in the Spring, before the revised plan-making system set out in the Levelling Up Bill is introduced in late 2024. Plan-makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework. The government is also proposing that, to be examined under existing legislation, all independent examinations of local plans, minerals and waste plans and spatial development strategies must be concluded, with plans adopted by 31 December 2026. This means that the Local Plan Review currently in progress will need to be submitted to the Secretary of State for Examination by 30 June 2025. The independent examinations of local plans must be concluded (and plans adopted) by 31 December 2026. These plans will be examined under the current legislation and will need to demonstrate the Duty to Co-operate has been met. If the deadline of 30 June 2025 for submission is missed, LPAs will not be able to continue under the transitional arrangements and will need to begin preparing a new style local plan straight away.
- 2.25 The new system will require LPAs to start work on new plans (under the new system), at the latest, 5 years after adoption of their previous plan and to adopt that plan within 30 months of starting.
- 2.26 For Swale, this means the current Local Plan Review will continue to be prepared under the current system (but under the transitional arrangements) and the *next* local plan after that will be prepared under the new system.

2.27 It will not be possible to prepare supplementary planning documents (SPDs) under the new system. Instead, these will be replaced by Supplementary Plans that will be afforded the same weight as local plans (or minerals and waste plans). Existing SPDs will remain in force for a time limited period; until the local planning authority is required to adopt a new-style plan at which point current SPDs will expire.

National Development Management Policies

2.28 There is intended to be a consultation next year on how National Development Management Policies (NDMPs) are implemented. They will cover planning considerations that apply regularly in decision-making across England or significant parts of it, the document says, such as general policies for conserving heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk. Before any NDMP was designated by the secretary of state, there would be a public consultation.

2.29 The starting point for creating NDMPs would be existing parts of the NPPF that apply to decision-making. "However, we welcome views on whether there are other topics that should be added," the document says. Two other categories for NDMPs, in the government's "initial view", are firstly, "selective new additions to reflect new national priorities, for example net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important", and secondly "selective new additions to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country (or significant parts of it)". Indicative examples of 'gaps' where national policy is silent on common decision-making issues, which NDMPs would address, are: carbon reduction in new developments; allotments and housing in town centres and built-up areas.

2.30 NDMPs will cover "only matters that have a direct bearing on the determination of planning applications. Other key principles, according to the consultation, are that they would be "limited to key, nationally important issues commonly encountered in making decisions on planning applications across the country; and that they would solely address planning issues, "in other words that concern the development and use of land".

Other issues and ideas covered

2.31 As well as the main key point summarised above, there is also a number of individual issues and ideas that have been raised. These are summarised as follows:

- Local planning authorities must ensure they meet the need for retirement housing, housing-with-care and care homes;
- Greater use of planning conditions to require clear details of a scheme's design and materials;
- Encouragement of mansard roofs as an appropriate form of upwards extension (where appropriate)
- Giving higher priority in the NPPF to the provision of social rent homes

- Greater reference to the importance of ensuring outcomes support *beauty* and placemaking.

Impacts of the proposals for Swale

- 2.32 The proposed changes to the NPPF are not a significant change of direction when compared with the current version. There is some softening of the language around the use of the Standard Method in local authority areas that are constrained but is not materially different. Swale has already undertaken evidence and research over the years to look at whether there are “exceptional circumstances” to the demographics of the borough to justify a departure from the Standard Method approach to calculating housing needs. Unless the guidance is revised to explicitly identify “exceptional circumstances” it is unclear what the impact of these revisions will be and indeed whether the “exceptional circumstances” relate to the approach used to identify housing numbers or the capacity of an area to delivering housing numbers.
- 2.33 The proposals state that authorities are not required to revise their green belt boundaries to meet housing needs but under the current and transitional arrangements, the Duty to Cooperate remains and there are already failed plans in west Kent where the issue of unmet need has been the root cause. Swale, of course, is not a green belt authority but neighbouring Medway and Maidstone do have small amounts of green belt and their immediate neighbours to the west, more so. Is it unclear how unmet need would be resolved. Other constraints such as those in Swale (AONB, international and national landscape and ecological designations to name a few) are potentially more limiting to development delivery than green belt but this is not addressed in the proposals.
- 2.34 Additionally, much of what is proposed could be considered good practice and this has already been embraced by the Council. This includes a renewed vigour for beauty and raising design and placemaking standards across Swale and ensuring planning conditions regarding design and material are clear. Setting this out in the NPPF will further strengthen the Council’s ability to deliver this when negotiating proposals through the development management process and local plan policies.
- 2.35 Proposals to remove the requirement for a ‘buffer’ in calculating housing delivery is welcomed. The Housing Delivery Test was introduced as a mechanism to measure performance against delivery target. Where local plans in preparation have achieved certain formal stages, local planning authorities could be required to demonstrate a four year housing land supply (rather than five years). This is a welcome approach that recognises plan preparation progress.

3 Proposals

- 3.1 This report seeks to provide a summary of the key proposals in the consultation version of this NPPF and what the implications of these are for Swale. Draft responses to the set questions to the consultation are contained in **appendix i** of

this report. The proposal is that Members note the content of this report and the responses contained in the appendix for submission to the Department for Levelling Up, Housing and Communities by the deadline of 11:45 pm on 2 March 2023.

4 Alternative Options

4.1 This report is for noting and therefore there are no reasonable alternatives.

5 Consultation Undertaken or Proposed

5.1 Local planning authorities are being asked specifically to respond to this open consultation from their point of view and therefore no consultation has been undertaken or is proposed.

6 Implications

Issue	Implications
Corporate Plan	The proposals ensure the Council is providing views on how national policy can support the delivery of Objectives 1 and 2 of the Corporate Plan.
Financial, Resource and Property	None of the proposed changes will incur additional expense at this stage as they are proposals and lack the level of detail required to adequately consider future implications.
Legal, Statutory and Procurement	None identified at this stage as this is a consultation but the lack of detail and reliance on future iterations of the National Planning Policy Framework could have implications for the Council.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	The proposals ensure the Council is providing views on how national policy can support our own policies to address the Environmental and Climate/ Ecological Emergency.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage although there is uncertainty around how some of the proposed changes could be implemented in the

	absence of detail in this consultation and reliance on future iterations of the National Planning Policy Framework.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix i: Proposed SBC response to Levelling-up and Regeneration Bill: reforms to national planning policy

8 Background Papers

None

Proposed SBC response to Levelling-up and Regeneration Bill: reforms to national planning policy

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Appendix i : : Proposed SBC response to Levelling-up and Regeneration Bill: reforms to national planning policy

	NPPF consultation question	Proposed Council response
1.	Do you agree that local planning authorities should not have to continually demonstrate a deliverable five- year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?	Agree. Housing delivery is complex and subject to a number of factors, many of which are beyond the control of the Council. The requirement to demonstrate a continual 5 year supply undermines a plan-led system, especially where plans are not ou-of-date. The proposed approach allows local plans to be delivered without the distraction of speculative development pressures, particularly in areas with difficult market conditions or where significant and early infrastructure delivery is needed. Local plans should not be undermined where there is a change in circumstances because this is beyond the control of the council.
2.	Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?	Agree. The inclusion of a buffer further exacerbates a problem that is beyond the LPAs control. Councils should be better supported to deliver housing rather than penalised when unforeseen circumstances result in delivery below expected levels. Root cause and analysis of under- delivery should be explored before penalties are put in place.
3.	Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?	Yes, any approach for calculating 5YHLS should be able to take oversupply into account. Similarly, undersupply should also be considered over the plan period as there can be complex reasons for this. It would need to be set out clearly in local plan examination documents, explaining and justifying the housing trajectory with some flexibility to protect against changes in circumstances.
4.	What should any planning guidance dealing with oversupply and undersupply say?	Any guidance should ask LPAs to set out their vision for delivery of homes and the infrastructure required and ensure enough flexibility and/ or evidence to give confidence this can be achieved. It should be clear where oversupply or undersupply will be taken into account and how and why. Where no up-to-date plan is in place, penalties related to housing delivery can exacerbate delays to plan making because it dilutes the (political) incentive and diverts resources into other areas of work.
5.	Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?	Support consistency between neighbourhood plans and local plans. NP bodies should not have their plans undermined when they are up-to-date. Explore possibilities of extending the 5 year period given how long NPs take to deliver (from start to finish). This would avoid NPs being trumped by new LPs within a short timeframe.

Appendix i : : Proposed SBC response to Levelling-up and Regeneration Bill: reforms to national planning policy

	NPPF consultation question	Proposed Council response
6.	Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?	<p>Agree, but use of “sufficient” is too open to interpretation. Guidance on how to determine “sufficient” should be provided to ensure lengthy and expensive debates between LPAs and developers does not take place at the expense of housing delivery.</p> <p>Delete “can” and replace with “to provide”. “can” and “sufficient” waters down the last sentence.</p> <p>However, given the chronic shortage of housing supply nationally, the Framework should introduce policies to support a national plan and a strategic regional layer of planning.</p> <p>More details about how the government would support local planning authorities would also be welcomed.</p>
7.	What are your views on the implications these changes may have on plan-making and housing supply?	<p>Aligns the weight of a neighbourhood plan with a local plan, this is appropriate and proportionate and gives neighbourhood plans a chance to take control of delivering their own housing without being penalised if there is an out-of-date local plan for the wider area. This could encourage more local areas to prepare neighbourhood plans. Will not speed up or streamline. Not enough detail, too many unanswered questions. The removal of a buffer is supported as market absorption rates and viability issues determine delivery, not number of dwellings with planning permission.</p>
8.	Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?	<p>Yes.</p> <p>Set out the criteria, e.g. % of borough constrained (high-level constraints), settlement pattern and infrastructure constraints are critical factors to the character of an area and are under threat where housing delivery would result in these being further compromised.</p>
9.	Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?	<p>No, national Green Belt policy needs a full root and branch review. Where development is constrained in GB authorities, the development pressure usually filters out towards other areas that are then compromised, usually with just as much constraint. Much of the GB is in sustainable locations, particularly at the edges of London. Ideally, a national plan and strategic level regional planning would be introduced to address the housing shortage whilst delivering sustainable communities with the right range and quantum of supporting infrastructure and facilities.</p>

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	NPPF consultation question	Proposed Council response
		Past over-supply should only be taken into account where it falls within the current plan period.
10.	Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?	<p>LPA's would need to provide character and density assessment and should also provide information on natural and open space because intensification should not be allowed at the expense of open space. This is because the demand for open space will increase as a result of higher density development. There should also be evidence that the land available can accommodate infrastructure requirements. Higher density should not be at the expense of good place making.</p> <p>A national plan and strategic planning at the regional level would be a better way to deliver the homes needed. These would provide a strategic response to the housing crisis with settlements large enough to deliver all of the infrastructure needed and genuine placemaking and beauty.</p>
11.	Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?	<p>Local plan strategies SHOULD be justified and if this test is to be replaced. The need to justify is part of wider place making and explaining the 'story' for the development strategy and the proposed allocations for all uses.</p> <p>To remove the requirement is contradictory for good place making and is unfair on local communities who will want and need to understand that development strategies are justified.</p> <p>Anomaly to remove the requirement for adequate and proportional evidence.</p>
12.	Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?	Yes, they have been prepared with the current version of the NPPF in mind.
13.	Do you agree that we should make a change to the Framework on the application of the urban uplift?	<p>Different approach is needed as 30% uplift is arbitrary. Creates significant concern around what happens to any unmet need, particularly in light of NO review of GB.</p> <p>Unrealistic targets undermine and can result in poor urban environments because it supports speculative development and turns planning into a 'numbers game'. Such significant uplifts require time to develop and undermines a plan-led system.</p>

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	NPPF consultation question	Proposed Council response
14.	What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?	Uplift does not apply to Swale or neighbours but does apply to London fringe authorities such as Bexley and Bromley. There needs to be a full review of national Green Belt policy and a national plan and strategic planning at regional level for addressing unmet needs.
15.	How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?	Does not apply to Swale or immediate neighbours. See response to q.14
16.	Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?	Yes. Over-supply should be taken into account but clear guidelines should be provided around the timescales local planning authorities can use to take this into consideration.
17.	Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?	Yes because it reflects the realities of the situation and LPAs should have the tools needed to deal with this asap. It means emerging local plans once adopted, will be consistent with the new NPPF and therefore more robust.
18.	Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?	Protection from speculative development supports a plan-led system and should be supported.
19.	Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?	No, it should be 100% - obligations are obligations! 100% figure is better aligned with proposals to remove buffers for the same purposes.
20.	Do you have views on a robust method for counting deliverable homes permissioned for these purposes?	A robust method will ensure consistent approach and negate the need for arguments between LPAs and developers. This should include ensuring no double counting. For the purposes of determining the % switch off figure, there should be no requirement to determine how 'deliverable' these permissioned homes are. This is against the spirit of

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	NPPF consultation question	Proposed Council response
		this proposal and will be resource intensive for LPAs and developers seeking to secure speculative development proposals. A more straightforward approach would be to remove duplicate applications and to apply a % reduction for lapsed permissions.
21.	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?	HDT scores should use the figures in the adopted local plan, even if a plan is over 5 years old. Plans are made in good faith and the agreements at the time of adoption are that there are enough sites to meet the housing need figure in the local plan. Focus needs to be on root causes of under-delivery.
22.	Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?	<p>Agree. The needs for this tenure is most acute and as a housing product, needs to be fully integrated with wider development to ensure delivery of good placemaking.</p> <p>First Homes as an ‘affordable housing’ product should be reviewed because delivery issues in Swale are demonstrating that the national requirement of 25% of all “affordable housing” is to be First Homes is unviable and impacts negatively on the delivery of other affordable housing products.</p> <p>Robust and well evidenced policies that are based on full assessed need and placemaking/ design policies to ensure developments are ‘tenure blind’ are needed.</p>
23.	Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people’s housing?	Agree, but guidance should also be given in relation to how this can be delivered, i.e. in what circumstances allocations not suitable for open market housing could be suitable for specialist older people’s housing. Guidance needs to be provided to justify location and related to level of care. There are differentials between the needs of older people’s housing that impact their locational/ sustainability needs. Many of the specific housing needs of older people could be met if building standards to ‘lifetime homes’ was in place.
24.	Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?	<p>Need to find a way to give SME the flexibility they need without having to engage in the LP process – this does not work for their business model.</p> <p>Definition of SME would provide clarity in monitoring the effectiveness of delivery of small sites by this sector.</p>
25.	How, if at all, do you think the policy could be strengthened to encourage greater use of small sites,	The policy does not need to be strengthened to encourage greater use of small sites. Challenges associates with small site delivery relates to access, land contamination and viability in Swale.

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	NPPF consultation question	Proposed Council response
	especially those that will deliver high levels of affordable housing?	
26.	Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?	Affordable housing for rent from organisations that are not Registered Providers should be a separate class because of the need for regulation in this sector.
27.	Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?	Difficulties in bringing sites forward is related to site costs/ viability and not policy.
28.	Is there anything else that you think would help community groups in delivering affordable housing on exception sites?	Government funds should be made available to support community groups to purchase land and develop sites.
29.	Is there anything else national planning policy could do to support community-led developments?	Great policy support for identification and allocations of these sites but funding to purchase and deliver sites is the main issue
30.	Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making?	No.
31.	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?	No, there are other ways to address slow build out rates e.g. expiry dates for planning permission.
32.	Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?	Proposed measures take away flexibility that is usually needed. Use of Statements of Common Ground would support greater collaboration and are more likely to support delivery going forward. Proposals are unworkable and unhelpful, and have the potentially to disproportionately penalise SMEs.
33.	Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?	Agree and additional resources should be made available to support local planning authorities to achieve this.

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	NPPF consultation question	Proposed Council response
34.	Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?	Agree.
35.	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?	Unlikely to deliver greater compliance of conditions and is an issue of good practice. Design details set out in a planning permission are important but unlikely to be pertinent to the acceptability of the proposal. Enforcement action would seek to regularise what was there rather than insist on compliance with original drawings. Time consuming, resource intensive and could require lpas to take disproportionate action. The starting point of action is whether lpas can work with developers to regularise the issues and as such any action needs to be proportionate to the extent of the breach.
36.	Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?	Unnecessary as any airspace proposals would already need to take into consideration surrounding character and be of good design.
37.	How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?	BNG will be challenging to deliver and could be cover as part of the design code for an area.
38.	Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?	Food security often raised as an issue in consultations that would see the loss of agricultural land. Nation policy should simply to commit to preserving BMV agricultural land, giving it the same status as other high level constraints and designations in the NPPF.
39.	What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable	Benchmark assessment needed in the first instance and then aim is for betterment through the proposals put forwards.

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	NPPF consultation question	Proposed Council response
	carbon demand created from plan-making and planning decisions?	
40.	Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?	A national plan and strategic planning at a regional level would support a pattern of growth in fewer locations but of a more significant scale so that this is identified and agreed at the outset and delivered accordingly.
41.	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?	Unsure as this is likely to be difficult to enforce through planning mechanisms
42.	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?	This is what happens in practice already and the proposals are supported.
43.	Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?	Not clear what the changes proposed are to footnote 54 as looks the same in tracked version of NPPF. Para 62 raises a considerable number of questions including how this would be done and by whom.
44.	Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?	Yes, but would obviously need to be weight up against harm, as already set out in the framework.
45.	Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?	Timeline should be extended by 6 months to allow some flex in the system for teething problems and address NDMPs and ensure no overlap, also taking into account LURB
46.	Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?	Yes, but it is likely more resources will be needed to deliver this. More detail should be provided.
47.	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?	Yes, but more support needs to be made available for neighbourhood planning groups.

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	NPPF consultation question	Proposed Council response
48.	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?	There should be enough flex in the system for LPAs to prepare and adopt supplementary plans and guidance as they see fit and meet the needs of their own areas, addressing local planning issues.
49.	Do you agree with the suggested scope and principles for guiding National Development Management Policies?	Topics quite broad. There needs to be consistency and the list SHOULD be exhaustive to provide the certainty needed. These NDMPs need to be robust yet flexible.
50.	What other principles, if any, do you believe should inform the scope of National Development Management Policies?	Residential space standards, air quality, heritage, ecology (including BNG but without reducing the ability of an area to increase the % minimum amount in response to local circumstances) and flood risk.
51.	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?	No, consistency is needed. This goes too far as there is a need to be able to prepare local guidance where issues are a local concern
52.	Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?	See response to Q.50
53.	What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?	A national plan and strategic planning at a regional level is essential to support the delivery of new homes and provide the jobs and infrastructure needed to support genuinely sustainable settlements.
54.	How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?	A national plan strategy with medium and long term growth so that growth is contained within the environmental capacity along the lines of the donut theory of economics.
55.	Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?	Not a policy issue – all the policies are already in place. It is a matter of viability and finance. Often grant-related funding relies on sites of significant size when smaller, more complex sites would deliver just as much betterment. Lower density suburban areas could possibly benefit more from “gentle densification” where it would result in the provision of additional services, facilities and infrastructure.
56.	Do you think that the government should bring forward proposals to update the framework as part of next year’s wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?	Safety for all is needed and this should be addressed through good design standards. Police forces should be adequately resourced with the skill and expertise needed to work collaboratively with planning departments to ensure design delivers safe and inclusive environments.

Recommendations for approval from the Swale Joint Transportation Board – 27 February 2023, report attached.

Minute No. 722 – Proposed Parking Bays – Forbes Road, Faversham Update Report

- (1) *That the proposed on-street parking bays and associated double yellow lines in Forbes Road, Faversham be progressed.*

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SWALE JOINT TRANSPORTATION BOARD	
Meeting Date	27 th February 2023
Report Title	Proposed Parking Bays – Forbes Road, Faversham – Update Report
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment and Leisure
Lead Officer	Mike Knowles, Seafront & Engineering Manager (SBC)
Classification	Open
Recommendations	1. Members are asked to note the results of the swept path analysis contained in this report and recommend that the previously proposed on-street parking bays and associated double yellow lines in Forbes Road, Faversham, be abandoned.

1 Purpose of Report and Executive Summary

- 1.1 This report provides an update to the previous submission to the Swale Joint Transportation Board at their meeting in December 2022, on proposed parking bays in Forbes Road, Faversham, requested by the Ward Member.

2 Background

- 2.1 An informal consultation took place with residents between 5th and 28th October 2022 on the proposed installation of three sections of parking bays in Forbes Road, Faversham. The proposals were requested by the Ward Member, and consisted of replacing some sections of single yellow line with residents' permit bays.

3 Proposals

- 3.1 Of the 35 residents consulted a total of 20 responses were received, 9 supporting the proposals and 11 objecting. The results of the consultation can be found in Annex B. At their meeting in December 2022, Members of the Swale Joint Transportation Board considered the results of the informal consultation and recommended that the proposed installation of the new residents' parking bays and accompanying double yellow lines be investigated further through liaison with Kent County Council Officers and a possible further informal consultation.

- 3.2 Following this recommendation, Officers at Swale contacted Kent County Council's Road Safety Engineering Project Manager to investigate the proposals further. Whilst there is usually a cost involved in undertaking this detailed analysis, the KCC Officer kindly offered to assist the Borough Council without charge in this instance, and we would like to document our thanks in this report to the KCC Officer for his kind assistance.
- 3.3 A swept path analysis was undertaken in both directions of Forbes Road by KCC using their specialist design software. This tracking was based on a pantechnicon and large articulated vehicle negotiating the route with the proposed parking bays in place.
- 3.4 Details of the swept path analysis results can be found in Annex A. Whilst the copied plans have lost some text detail in their transfer into this report, the swept path routes can still be examined.
- 3.5 During the informal consultation, a number of concerns were raised by residents around the impact of the proposed parking bays on traffic movements along Forbes Road, particularly during peak times when it has been reported that traffic backs up from the junction of the A2 London Road and The Mall. Comments received included concern that the parking bays would create a bottleneck resulting in an increase in stationary vehicles and subsequent air pollution. Following the swept path analysis, the Highway Officer at Kent County Council has raised similar concerns around vehicle movement, as there would be conflict with some larger vehicles travelling in opposite directions negotiating parked vehicles located in the new bays.

4 Alternative Options Considered and Rejected

- 4.1 It was noted that it could be possible to consider progressing the installation of the proposed parking bay on the west side of Forbes Road, opposite Nos.30 to 33, but the proposed bay would be reduced in length by around one parking space to ensure vehicular access to the rear of the property on the corner of Forbes Road and Athelstan Road remains unimpeded.
- 4.2 However, this would only provide around 18 metres of on-street parking which could be considered disproportionate to the cost of completing the Traffic Regulation Order and on-site signing and lining installations. In addition to this, the Kent County Council Officer has expressed some concern that vehicles parked in this bay could suffer damage to wing mirrors due to the narrow nature of the carriageway and the passing traffic

5 Consultation Undertaken or Proposed

- 5.1 As detailed above, a previous informal consultation has been undertaken with residents on the proposed parking bays.

- 5.2 Ward Member Comments: One of the Ward Members has provided the following comments: *“I am very disappointed with this decision by KCC highways who in my opinion are yet again prioritising motor vehicles above the safety of pedestrians as it does not promote Active Travel. KCC took the bold decision to approve a Town Wide 20mph limit for Faversham, however with residents raising concern at the speed of traffic on Forbes Road, this decision does nothing to contribute to any speed reduction. Therefore I remain concerned with the speed of traffic on Forbes Road particularly as it approaches downhill towards the poorly designed zebra crossing where pedestrians can be hidden behind the beacon pole. I urge KCC to respond to my concerns.”*
- 5.3 Faversham Town Council Comments: The Town Council have provided the following comments following their recent meeting: *“It was resolved to Support the proposal subject to KCC, Public Transport Companies and Emergency Services confirming they are happy with the proposal.”*

6 Implications

Issue	Implications
Corporate Plan	Improving Community Safety through safer Highways.
Financial, Resource and Property	Cost and Resource for Drafting Traffic Regulation Order, including Formal Consultation. Cost and resource for installing Lines and Signs on site. Cost of £55 for Kent County Council to arrange Sealing of Traffic Regulation Order.
Legal, Statutory and Procurement	Formal Consultation of Traffic Regulation Order, and Sealing of Traffic Regulation Order by Kent County Council.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	Potential reduction in air quality if proposed parking bays restrict vehicle movements, leading to an increase in stationary vehicles.
Health and Wellbeing	The wellbeing of residents could be improved through increased on-street parking capacity and a natural reduction in traffic speeds. However, several disabled residents have expressed concern that they will no longer be able to park outside of their properties which could impact on their wellbeing and mobility. Whilst these residents could apply for a disabled persons' parking bay, this would be subject to the layout of the new parking bays, their eligibility to meet the KCC criteria for bay applications and the maximum permitted disabled bay classification of 5% of total on-street parking capacity. Any addition congestion and impediment of vehicle movements could also result in a negative impact on drivers' mental wellbeing through incidents of road rage.

Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

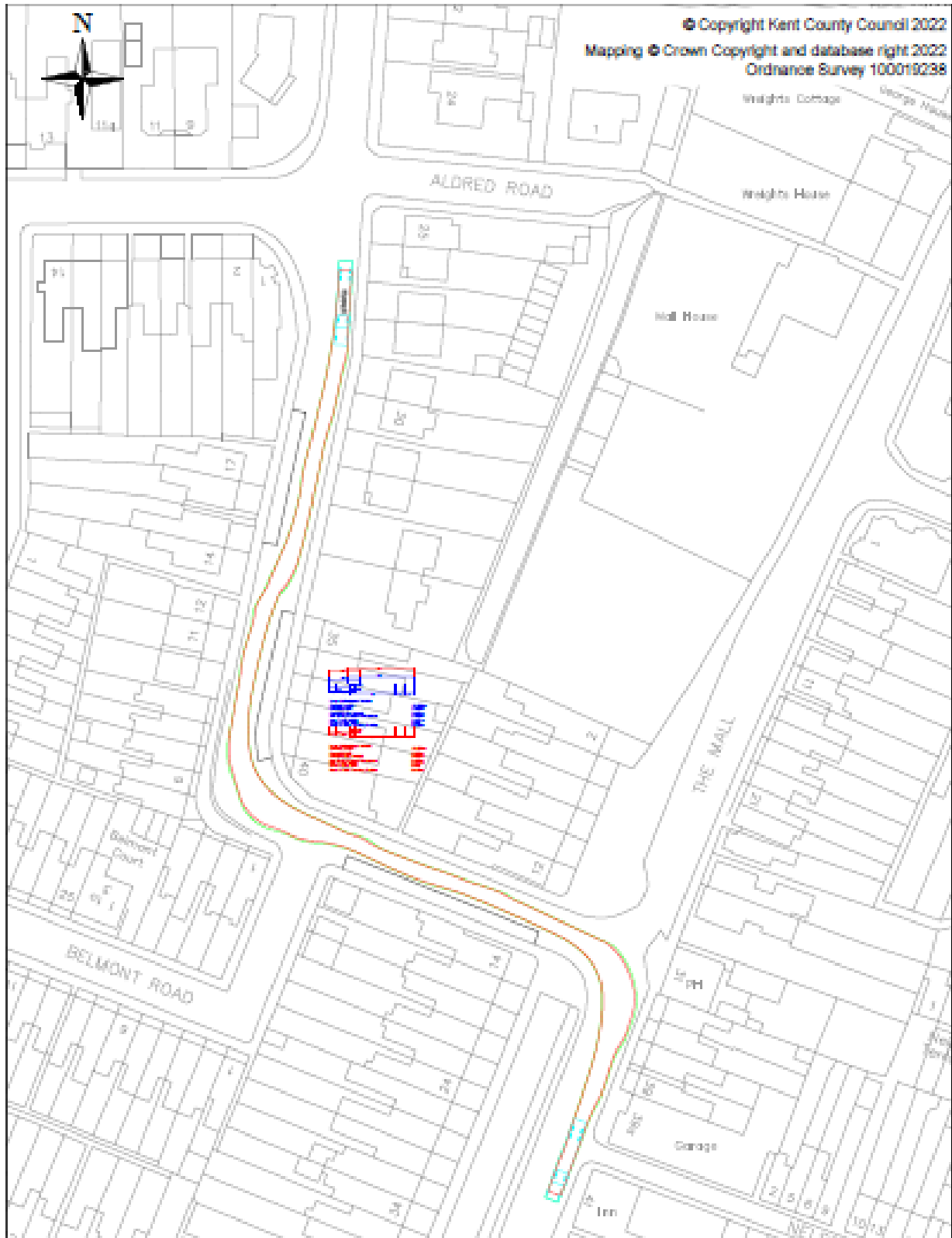
7 Appendices


- 7.1 The following documents are to be published with this report and form part of the report:
- Annex A – Results of Swept Path Analysis
 - Annex B – Results of Informal Consultation

8 Background Papers

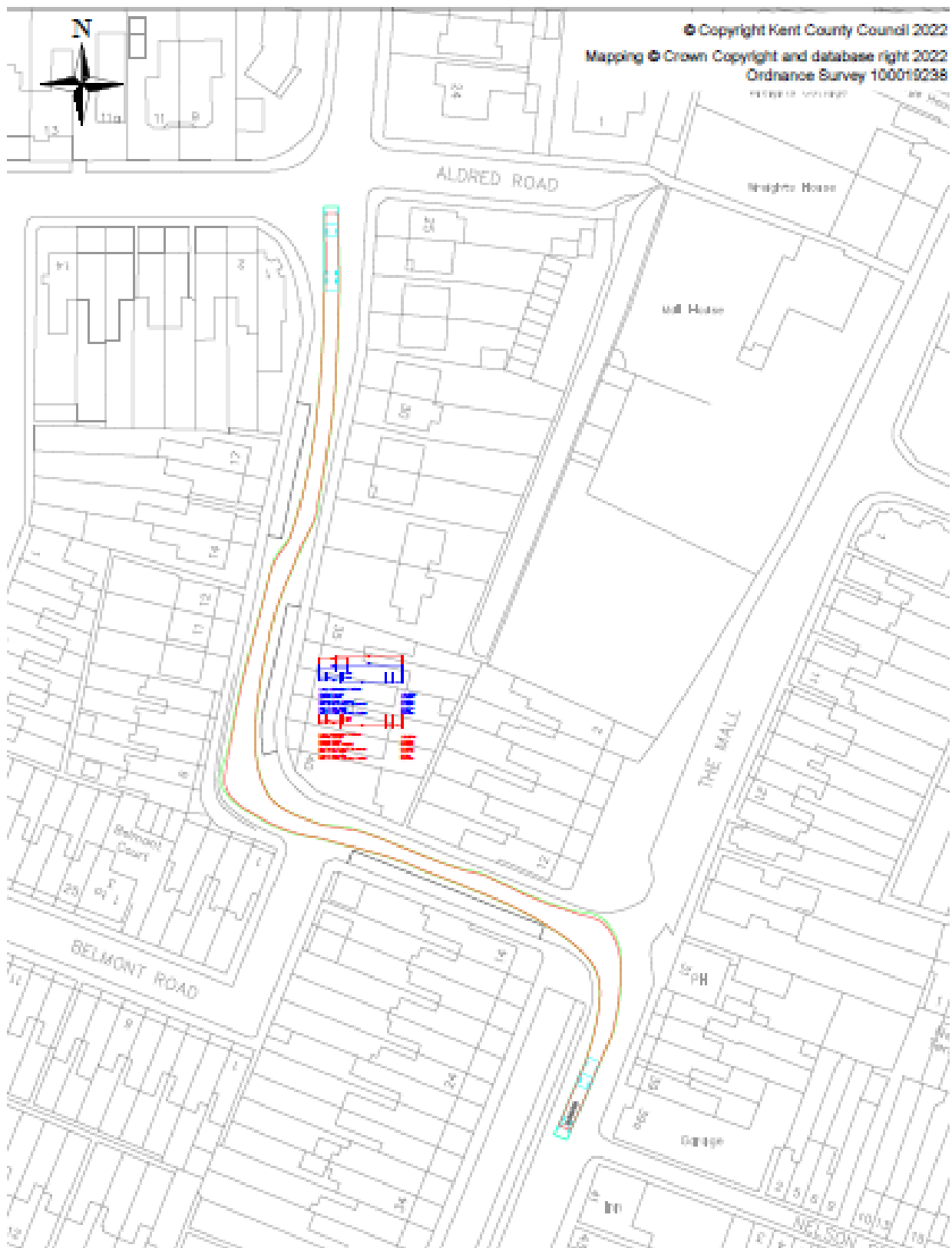
None


Forbes Road, Faversham – Articulated Vehicle – Southbound Movements



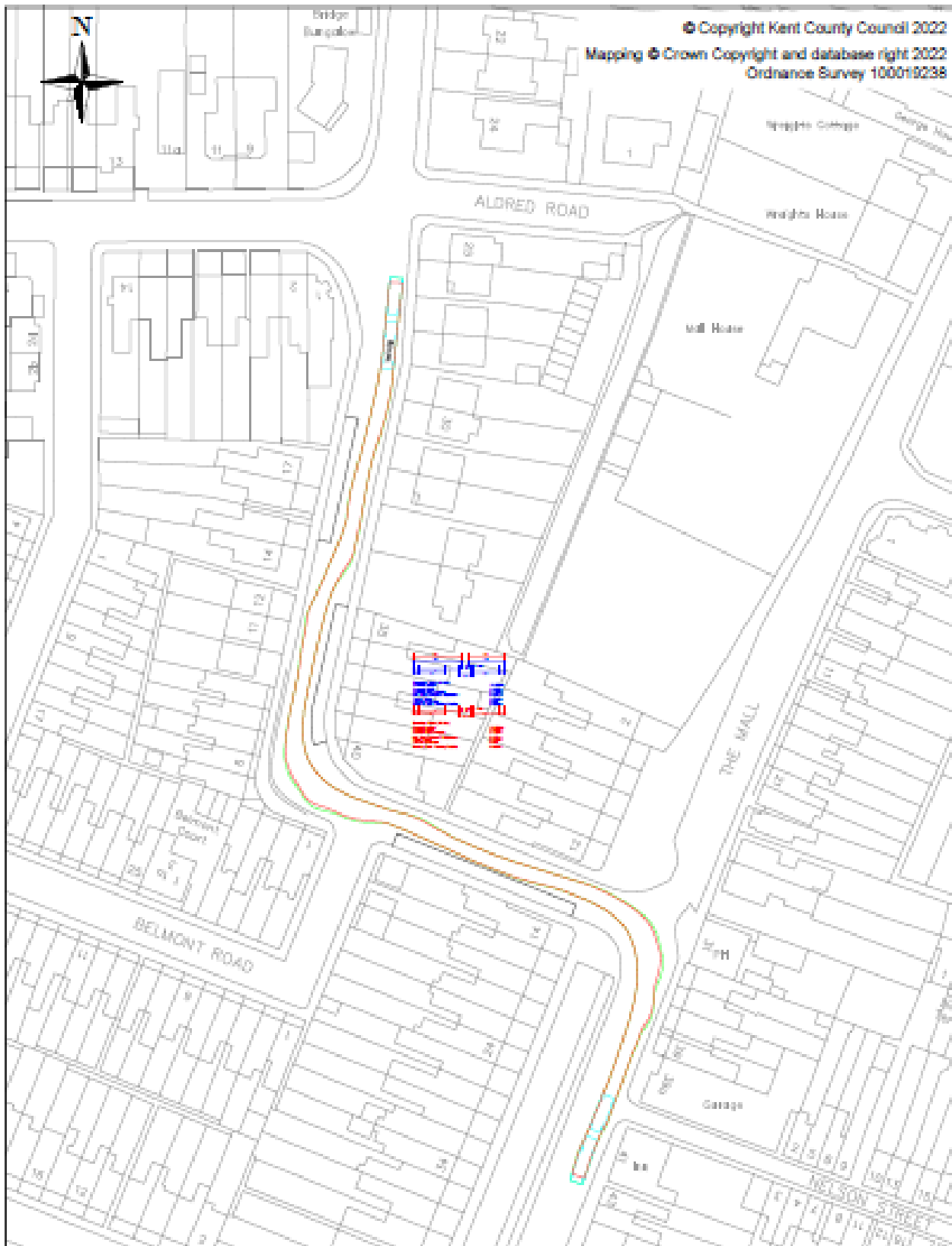
This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.		0	24/1/2022				
 Kent County Council Ashford Highway Depot Hemsted Industrial Estate Ashford TN24 9AD Tel: 02020 418 811		Project: FORBES ROAD, FAVERSHAM					
Drawing status: FOR INFORMATION		Drawing title: PROPOSED PARKING BAYS (BOROUGH-LED) SWEEPED PATHS					
Scale:	1:1000 at A4	Do not scale					
Drawing number: 22-EXT-SW-619-004		Rev: 0		15.0M ARTICULATED VEHICLE - SOUTHBOUND			


Forbes Road, Faversham – Articulated Vehicle – Northbound Movements



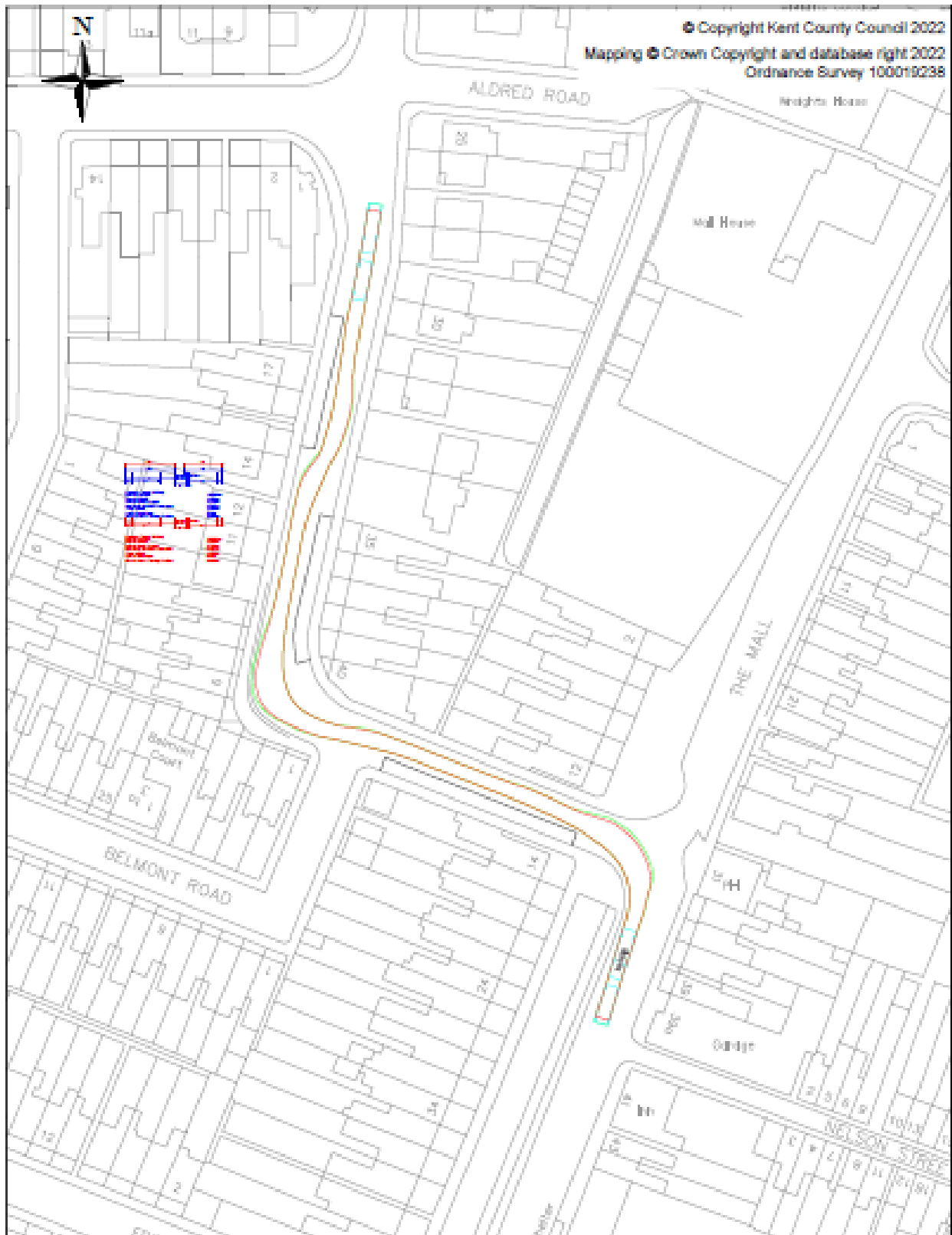
This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.		D	24/11/22				
Rev	Revision Date	Purpose of revision		Drawn	Checked	App'd	
 Kent County Council Ashford Highway Depot Hemmels Industrial Estate Ashford TN24 9PZ Tel: 02000 410 811		FORBES ROAD, FAVERSHAM					
Drawing status: FOR INFORMATION		Drawing title: PROPOSED PARKING BAYS (BOROUGH-LED) SWEPT PATHS					
Scale	1:1000 at A4	Do not scale					
Drawing number: 22-EXT-SW-619-003		Rev: 0		15.4M ARTICULATED VEHICLE - NORTHBOUND			


Forbes Road, Faversham – Pantehnicon – Southbound Movements



This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.		0	24/11/22			
Rev	Revision Date	Purpose of revision		Drawn	Check'd	App'd
 Kent County Council Ashford Highway Depot Hemmels Industrial Estate Ashford TN24 8AD Tel: 01822 416 111		Project FORBES ROAD, FAVERSHAM				
Drawing status FOR INFORMATION		Drawing title PROPOSED PARKING BAYS (BOROUGH-LED) SWEEP PATHS				
Scale	1:1000 at A4	Do not scale				
Drawing number 22-EXT-SW-619-002		Rev	0 18M PANTECHNICON - SOUTHBOUND			

Forbes Road, Faversham – Pantechicon – Northbound Movements



This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.		0	24/11/22				
Rev	Revision Date	Purpose of revision		Drawn	Checked	App'd	
 Kent County Council Addict Highway Dept Hemsted Industrial Estate Ashford TQ20 1RQ Tel: 02020 418181		Project FORBES ROAD, FAVERSHAM					
Drawing status FOR INFORMATION		Drawing title PROPOSED PARKING BAYS (BOROUGH-LED) SWEEP PATHS					
Scale	1:1000 at A4	Do not scale					
Drawing number 22-EXT-SW-619-001		Rev	0				
		16M PANTECHICON - NORTHBOUND					

Proposed Parking Bays - Forbes Road, Faversham

Response	Support	Object	Comment	Comments
1	1			<p>I would like to register my SUPPORT for the proposal. I agree that the proposed bays will:</p> <p>A) provide additional daytime on street parking capacity for residents B) not impact on existing parking arrangements outside of the restricted hours - ie non permit holders and visitors in the evenings and Sundays C) aid the safe flow of traffic and further impede speeding and dangerous driving along this stretch of road.</p> <p>Additionally I would like to see improved road crossing facilities/arrangements at the junction of Forbes Road and The Mall, a route used by many pupils heading to The Abbey school from the station area. In particular, the effective narrowing of the road resulting from the introduction of new bays on Forbes Road outside 14 The Mall, potentially allows for a physical extension to the pavement or bollard (or hatched painting) to narrow the road at this point.</p>
2	1			<p>I've just received the consultation request through for the proposed parking bays on Forbes Road. I'd be broadly in favour of this. While we don't have a problem with finding a space (there is ample space on The Mall and in Aldred Road, albeit appreciate it this may be too far for elderly residents to park and walk), I'd support it potentially helping to reduce speeds with the following caveat that it would be great to have signs asking people not to leave their cars idling and potential enforcement for this. Currently, outside of the single yellow restriction periods (evenings after 6:30 and Sundays) there are often cars sitting directly outside idling, which means that we don't want to have our windows open due to noise and pollution, and can be frustrating even with the windows closed at times due to noise. Alternatively, a tunnel/bridge should be installed in The Mall to allow cars to pass under the train line connecting The Mall directly to Preston Street, which would reduce traffic down Forbes Road and mean parking could be placed on both sides of the roads, further helping to reduce speed, much like in St Mary's Road ;).</p>
3		1		<p>I live at ** Forbes Road. I cannot object strongly enough to the proposed parking bays in Forbes Road. Most days, 8.00-9.30 ish, and 3.30-5ish, there is a considerable build up of traffic (due to the recent introduction of traffic lights in the Mall) which leads to long tail backs along Forbes Road. If the parking bays were in place this would increase the congestion due to traffic having to negotiate the bays. A number of households have more than one car and so the bays would be in constant use, particularly as they are going to be open to non permit holders. I am a holder of a disabled badge due to ***** and so find it difficult at times to walk any distance particularly when carrying anything. When I have been unable to park in any parking bays near my house I have used the badge to park near my house. These parking bays would likely make that option impossible. I can only see these parking bays making the congestion worse.</p>

4	1			I am writing to confirm we support the proposed bays on Forbes Road, Faversham.
5		1		I object to these proposals. The reduced speed limit in town is a joke, as not many motorists (Forbes Road in particular) adhere to it and placing parking bays there is to cause accidents waiting to happen. The proposed bay on the north west, adjacent to Athelstan Road is particularly dangerous on the approach to the pedestrian crossing- been several near misses there. Very often there is a build up of traffic here from the A2, down The Mall onto Forbes Road, and these bays will cause bottlenecks particularly with buses and HGV's which have to use this major route into and out of town.
6	1			As residents and owners of ** Forbes Road, Faversham we would like to express our support for the proposed scheme of parking bays and double yellow lines in Forbes Road.
7		1		I object to the proposals communicated to me for Forbes Road for the following reason: I have a drive on the front of my property, for which I had planning permission. To enable safe access and exit my family reverse onto the drive to avoid reversing into traffic. The planned bays opposite would make this a hazardous and dangerous exercise and likely lead to us having to reverse into busy traffic to exit our drive. I also believe the bays would be situated too close to the Athelstan Road entrance and the bend of Forbes Road, thus push passing cars into oncoming traffic. This is already a problem on the Forbes Road corner and so I am concerned this would worsen an issue that already exists.
8		1		We are residents at ** Forbes Road Faversham Kent ME13 (for the last 50+ years). We strongly object to the proposed parking bays for the following reasons: 1.The road is main entrance to the town and has a large number of articulated lorries. There is more commercial traffic than private. Large lorries will find the bays treacherous and will have to move into oncoming traffic in order to negotiate Forbes Road. 2.A number of houses no 26-30 have off road parking (some have not gained planning permission) this poses a danger to traffic flow and visibility. 3.The blind corner of Forbes Road is already dangerous, this proposal would increase this danger. The junction at Athelstan Road in to Forbes Road is a huge problem; daily 'near misses' are observable from our front window. More complex road layout in Forbes Rd would add to the already dangerous junction. 4.A pedestrian crossing is situated too close to the proposed bays. We have witnessed numerous accidents on the crossing and one recent fatality on the pedestrian crossing. There are already enough distractions in the road to add more confusion. 5.20MPH signs are ignored. This would make a weaving road with more bays more of a 'challenge' for the drivers who frequently exceed 50MPH.
9	1			We recently received a letter asking us for our opinion on the proposed parking bays in Forbes Road. I want to hereby notify you we are supporting the idea. and hope this will be implemented soon. As you are looking at Forbes Road, there have been multiple discussions in the last 18 months about a pedestrian crossing near the Elephant pub, helping the School children across the road from the station into the Mall towards the Abbey School. Is this something that is looked at separately? or can you do this at the same time?
10		1		I am a disabled blue badge person - I have to get out of my car in front of my house, there needs to be a space for me to do that.

11	1			I support the proposed parking bays at Forbes Road. I would also request that the side road from Forbes Road into Belmont Road (side of No 1 Forbes Road) also be made into Parking bays. This is always full of inconsiderate and bad parking by commuters rushing to catch their train.
12		1		We're objecting to certain parts of your current proposal, as we are more concerned about speeding in this stretch of road rather than trying to park, which I've currently been in contact with the council about, (case ref; 31099591 response from Jamie Watson,) which mentioned about changing the current layout, with the road junction from Forbes road to Athelstan road and installing anti slip surfaces either side of zebra crossing,(apparently due to start early next year 2023) I do believe there needs to be more accessible parking for residents in our road, the parking bay along Forbes road just off the mall looks ok, and then just around the corner between no35 and no40 Forbes road also look ok, but the suggestion of a parking bay between 1&15 Forbes road and double yellow lines our side, is the one we totally object with, for a couple of reasons it would blindside drivers approaching currently dangerous Forbes road level crossing and we have to young children and a disabled mother in law which would be inconvenient for us not being able too park directly outside our house, there is also other family members with young children our side also, I believe it also would be totally inconvenient for the traffic flow as the road wouldn't flow smoothly, I would quite happily have accepted a parking bay proposal our side of the road from 25to32 Forbes road as it would make traffic run more smoothly, but it would be inconvenient for you to push forward, as you know residents are parking on there fronts with no drop kerbs as for some reason they keep getting rejected from there drop kerb applications, which I believe would help slow traffic and reduce car parking space's required.
13	1			I fully support the proposed parking bays. I believe this will have a sufficient effort in reducing the traffic speed in the local area, as my house was almost damaged by some reckless driving and breaking the speed limit and resulted in them crashing into our neighbours garage. The parking will be greatly warranted. The surrounding roads are consistently occupied by commuters and has been even more evident since the new estates have been occupied. In addition, I'm not sure if this possible but the parking area adjacent to my house (** Forbes Road) could this possibly be permit as well? We are constantly having issues with commuters that leave their cars for long periods of time and park inconsiderately.
14		1		I object to the proposals - too dangerous. All this road needs is the parking restrictions altered to 5.30pm (not 6.30pm) to 8.30am. 20mph is a joke. People (well most) ignore it, except lorries.
15		1		As at ** The Mall sightlines to cross the road could be obscured. Existing [lining at side of 12 The Mall] is a single yellow line not double Was wrongly painted many moons ago. Maybe best to put [bays proposed at side of 14 The Mall] on other side [of Forbes Road]. Reduce bays [side of 14 The Mall] so as not to obscure vision for pedestrians, especially children crossing road (accident waiting to happen). Could be a high topped van parked here [side of 14 The Mall].
16	1			

17		1	<p>Further to the letter regarding the Proposed Parking Bays Forbes Road, Faversham I hereby <u>object to the proposals</u>. The parking bay outlined in the north would block my driveway parking access. Please see photo 'Photo 1' attached for your reference. This access was granted on 12 June 1962 under reference NK/2/62/42. Please find also attached your proposed plan <i>marked up</i> 'Parking Proposal 07 Oct 2022'. I have detailed a proposed adjustment to allow access to my property ** Forbes Road, Faversham ME13 8QF. If the parking bay is moved south it will allow access to my drive. Also moving the bay south will allow for a safer splay distance. The new bay will compromise the existing splay distance turning south out of the busy Athelstan Road junction onto Forbes Road. As an improvement I would suggest extending the double yellow lines on the west side of Forbes Road south of the Athelstan Road Junction so that a safe splay distance can be maintained (note – I have never observed a car parked on the single yellow in this area and this has probably never been an issue in the past but would be if made a parking bay). I would expect the splay distance for the busy Athelstan and Forbes junction to be demonstrated as safe using real life road speeds especially at busy times ie rush hour and school drop offs with a speed of at least 25mph, or greater. In summary I object to the current proposals for the reasons stated above.</p>
18		1	<p>I object to the proposals for parking bays in Forbes Road. For the following reasons: (1) Forbes Road has a reduced speed of 20mph. (2) If there is concern about the speed on Forbes Road. Has a speed survey been carried out? Where is the evidence of speeding? (3) If speed is of a concern for the council. Have they considered speed cameras? (4) If safety is a concern, surely having cars stopping in the middle of one of the main roads into Faversham and reversing into a space is a hazard. Also, cars pulling out into the traffic is a hazard on a main 'B' road. (5) The planned parking bays will result in unacceptable harm to highway safety and convenience. Two of the proposed parking bays are on sharp corners and will cause significant bottle necks with rush hour traffic. (6) These bottle necks will include idling traffic and raised carbon monoxide levels in the vicinity. (7) During morning and evening rush hour, the traffic queue is from the A2, down The Mall and along Forbes Road, almost to Aldred Road. The Parking bays will only increase this congestion as traffic stop to wait for a gap in traffic to pull out. (8) In several planning applications for Forbes Road, Faversham's own Planning officers have referred to Forbes Road as a busy road with two sharp bends and have raised concerns regarding vehicles reversing on the road. Parallel parking requires reversing into a space. Planning officers have stated that any reversing on this road would be a "hazard to safety". This has been stated by the Head of Planning Services at Swale Borough Council. As such, any application that will likely lead to a reduction in safety is not to be encouraged. (9) As a resident of Forbes Road we able to park from 18:30 to 08:30 Monday to Saturday and all-day Sunday. This is the peak difficult time to find a parking space in road with permit parking. I am always able to park on Forbes Road during these times. (10) The single yellow line allows for unloading and loading of a vehicle of shopping. Also dropping off family or friends. This is adequate during the day. If a double yellow line is</p>

19		1		I object to the proposals. Comments: Whilst I would appreciate some parking being available on Forbes Road, I feel that the proposed bays are not right for the following reasons. Additional traffic calming measures need to be put in place to slow traffic down. Hardly any vehicles adhere to the 20mph speed limit that was put in place. Without these additional measures, people will still speed up and down the road making the parking bays dangerous. The bays as proposed will reduce visibility of the zebra crossing and on the sharp right angle bend. Wide/large vehicles will not be able to navigate the bays easily without driving onto the opposite side of the road, this will cause standing traffic and increased pollution. Traffic regularly backs up from the junction at the top of The Mall, this would make navigating the parking bays impossible and disrupt traffic flow on the other side of the road. In addition to this, the extension of double yellow lines would make it very difficult for deliveries and loading to take place directly outside my property which is already tricky.
20	1			I support the proposed parking bays.
Total	9	11	0	

		35	Properties Consulted
% Returned	57	20	No. Returned
% Support	45	9	No. Support
% Object	55	11	No. Object
% Comments Only	0	0	No. Comments Only

Response	Support	Object	Comments
A1		1	Looking at these proposed parking bay implementations, this is something [Bus Operator} do not support. Negotiating this stretch of road can be bad at times without the need to also have to negotiate 3 stretches of parked cars. Please feel free to reply if you have any further questions. This will turn the whole part of the road into a parked car chicane that will result in a 'me first' mentality. Operating out from Faversham under the bridge passing a line of parked cars, you would then need to negotiate the parked cars on your carriageway by operating on the opposite side of the road whilst going round a blind bend, if there were to something coming in the opposite direction, you would be in dead lock as they themselves have just negotiated a line of parked cars in the same manner whilst travelling in the opposite direction.I can not see the logic of safe thinking behind this.
Total	0	1	

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