

Policy & Resources Committee Meeting	
Meeting Date	30 November 2022
Report Title	Boughton & Dunkirk Neighbourhood Plan: Examiners report and next steps
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	<ol style="list-style-type: none"> 1. Agree to accept the modifications to the Boughton & Dunkirk Neighbourhood Plan as set out in the Examiner's Report (Appendix I); 2. Agree that the Neighbourhood Plan meets the basic conditions and complies with the provision made by or under Sections 38A and 38B of the Planning and Compulsory Act 2004; 3. Agree to publicise the decision to accept the Examiner's recommendations; and 4. Approve the organisation of a local referendum to cover the areas of Boughton and Dunkirk parishes.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to endorse and accept the recommended modifications to the Boughton and Dunkirk Neighbourhood Plan contained in the Examiner's Report. The Boughton and Dunkirk Neighbourhood Plan (BDNP) was subject to an independent examination and the Borough Council has now received the Examiner's report that concludes the BDNP meets the basic conditions test subject to the amendments set out in that same report.
- 1.2 The Borough Council's role now is to ensure that the process and procedures have been followed and that the Neighbourhood Plan is in general conformity with the adopted Local Plan. The Borough Council is also responsible for undertaking the next steps which is to publicise the decision to accept the Examiner's recommendations and progress with the organisation of a local referendum. Subject to the results of the referendum, a report will be brought to Members in due course seeking to have the Neighbourhood Plan adopted or 'made'.

2 Background

- 2.1 The parish councils of Boughton and Dunkirk decided to work together and prepare a neighbourhood plan because of the close relationship between the two

villages and the wider parish areas. They formed a neighbourhood planning body (the Boughton and Dunkirk Neighbourhood Planning Group) which included some parish councillors and resident volunteers. The designation of the neighbourhood plan area was confirmed in February 2014. Since this time, the Group have gathered the necessary evidence and undertaken consultation on the issues the neighbourhood plan should address and then on the content of the plan itself at Regulation 14 in March to May 2021.

- 2.2 The Group then submitted their final plan to the council in May 2022 and the consultation ran in June and July 2022 under Regulation 16 of the Neighbourhood Planning Regulations.
- 2.3 The Council, in consultation with the Neighbourhood Planning Group, appointed Derek Stebbing as the independent examiner. Mr Stebbing is a planning consultant and retired planning inspector and member of the Royal Town Planning Institute. The examiner concluded that the examination could be dealt with via written representations and that a public hearing was not required.
- 2.4 Swale Borough Council received the examiners report on 21 October 2022. The report concluded that with some modifications, the Plan should proceed to referendum.
- 2.5 The examiner is responsible for deciding whether the plan complies with the provisions set out in the Act with regards to whether the correct process has been followed (Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004); and to make any recommendations as to whether the Plan should be submitted to referendum.
- 2.6 The examiner concluded “It is clear that the Boughton and Dunkirk Neighbourhood Plan is the product of much hard work undertaken since 2013 by the Parish Councils, its Neighbourhood Plan Steering Group and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Boughton-under-Blean and Dunkirk communities for the future planning of their Parishes up to 2031. The output is a Plan which should help guide the area’s development over that period, making a positive contribution to informing decision-making on planning applications by Swale Borough Council”.
- 2.7 There are 22 amendments proposed in the examiners report contained in appendix i. The view of the Neighbourhood Planning Group and the officers is that the amendments are reasonable.
- 2.8 Should the recommendations of this report be agreed, the next step is to progress with the referendum. The Counting Officer (Returning Officer) of Swale BC is responsible for making the arrangements for the referendum to take place. The referendum will be for residents only, and the Examiner confirmed that the area to be covered by the referendum will be the parishes of Boughton and Dunkirk only.

2.9 If more than half of the votes are in favour of the Neighbourhood Plan, Swale BC must bring the neighbourhood plan into force as soon as reasonably practical. Due to legislative requirements, the referendum could go ahead in late February 2023 at the earliest. If the referendum results are favourable, Members would then be asked to adopt the neighbourhood plan and it would become part of the overall development plan for the area. There is no minimum requirement for turnout

3 Proposals

3.1 The proposals are for Members to agree the amendments in the Examiners report contained in appendix i. Members are also asked to agree that the Neighbourhood Plan (with the amendments) meets the basic conditions and complies with the provision made by the legislation; that the decision to accept the Examiner's recommendations should be publicised and approve the organisation of a local referendum to cover the areas of Boughton and Dunkirk parishes.

4 Alternative Options

4.1 Members could decide to reject the proposed amendments in the Examiners report but then the document would not comply with the regulatory requirements and could not progress to next stages. This is not a realistic option.

5 Consultation Undertaken or Proposed

5.1 Whilst the examiners report is not subject to consultation, being a formal technical assessment of the neighbourhood plan, the plan itself has been consulted on at the various stages of preparation. Furthermore, the referendum provides an opportunity for the residents of Boughton and Dunkirk parishes to vote on whether or not they wish the neighbourhood plan to be a key document that will help shape future development in their area.

6 Implications

Issue	Implications
Corporate Plan	The neighbourhood plan contributes to delivering Objectives 1, 2 and 3 of the Corporate Plan.
Financial, Resource and Property	The Council will be able to apply for grant funding to cover the costs of running the 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 as part of the preparation process.
Privacy and Data Protection	The 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: Examiners Report of the Boughton and Dunkirk Neighbourhood Plan (
 - Appendix ii: Submission version of the Boughton and Dunkirk Neighbourhood Plan (May 2022)

8 Background Papers

None.