

Urgent Decisions Committee	
Meeting Date	22 nd May 2024
Report Title	Faversham Neighbourhood Plan – Receipt of Examiner’s Report
EMT Lead	Emma Wiggins, Director of Regeneration & Neighbourhoods
Head of Service	Joanne Johnson, Head of Place
Lead Officer	Natalie Earl, Interim Joint Planning Manager (Policy)
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Members note the Examiner’s Report into the Faversham Neighbourhood Plan; 2. Members note the proposed alterations to the Examiner’s proposed modifications as set out in Appendix I; and 3. Members agree that the Faversham Neighbourhood Plan can proceed to the referendum stage after a 6 week consultation on the Decision Statement.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to note the Examiner’s Report on the Faversham Neighbourhood Plan and agree which of his recommended modifications to accept.
- 1.2 It then asks members to agree that the Faversham Neighbourhood Plan can proceed to referendum.
- 1.3 This report has come to this committee rather than through the usual route of Planning and Transportation Policy Working Group, Policy and Resources Committee and Full Council, as the Council needs to make a decision within 5 weeks of receipt of the Examiner’s Report and with the committee cycles post the new electoral year, this is the most appropriate committee to bring this report to. As the Examiner’s Report was received on 25th April 2024 the Council will need to have made a decision by 30th May.

2 Background

- 2.1 A neighbourhood plan (NP) puts in place planning policy for a neighbourhood area to guide future development. An NP is about the use and development of land and may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development. It may deal with a wide range of social, economic and environmental issues (such as housing, employment, design, heritage and transport) or it may focus on one or two issues only.

2.2 In setting out planning policies for an area an NP can:

- Protect local green spaces;
- Encourage better designed places;
- Bring forward housing that meets local needs.

2.3 NPs are written by the local community and help get the right types of development, in the right place. It is for those producing the plan to decide on its scope and content as a planning document. If successful at referendum, a neighbourhood plan will become part of the statutory development plan for the area. This statutory status gives neighbourhood plans more weight than some other local documents, such as parish plans, community plans and village design statements.

Neighbourhood Plan Stages	Regulatory Stage
Neighbourhood Area Designation Application made by a Town or Parish Council	5, 5A and 7
Neighbourhood Forum application made by a qualifying body (e.g. Residents Association)	8, 9, 9A and 10
Evidence Gathering	N/A
Consultation on a pre-submission draft Neighbourhood Plan	14
Submission of a draft Neighbourhood Plan or Modification Proposal to SBC	15
Consultation on a Submission Draft Neighbourhood Plan	16
Submission of a draft Neighbourhood Plan or Modification Proposal for Examination	17
SBC Decision on the Examiner's Recommendation	17A
Publication of the Examiner's report and SBC's decision statement on whether to proceed to referendum	18
Prescribed dates for making a Neighbourhood Plan	18A
Referendum	Separate Regulations
Decision to make a Neighbourhood Plan	19
Publicising the making of a Neighbourhood Plan	20
Publishing a modification	30

2.4 A neighbourhood plan must meet certain specified 'basic conditions'. These ensure plans contribute to the achievement of sustainable development, have regard to national policy and guidance and are in general conformity with adopted strategic local planning policies.

2.5 The Faversham Neighbourhood Plan process started in Spring 2020 with the designation of the NP area. This is an area within which a neighbourhood plan can

be prepared, and a series of events undertaken by the Town Council including public exhibitions and resident, business and youth surveys and a call for sites.

- 2.6 The Plan has been prepared and submitted for examination by Faversham Town Council. An application to the Council for the designation of the proposed Neighbourhood Area was made by the Town Council in April 2020. The Council's Local Plan Panel considered the application at its meeting held on 9th July 2020, and recommended that the approval of the application be delegated to the Cabinet Member for Planning. The application was approved on 11th August 2020. Since this time, the steering group have gathered the necessary evidence and undertaken consultations on the issues the neighbourhood plan should address and then on the content of the plan itself at Regulation 14 stage (3rd January 2023 to 14th February 2023) and then Swale Borough Council ran the Regulation 16 consultation (4th September - 16th October 2023.)
- 2.7 The Borough Council, in consultation with the Town Council Steering Group, appointed Derek Stebbing as the independent examiner. The Examiner concluded that the examination could be dealt with via written representations and that a public hearing was not required. The independent examination has now concluded and the Borough Council received the Examiner's Report on 25th April 2024 (Appendix III). This concludes the FNP meets the basic conditions test and the legal conditions subject to the amendments set out in that same report and that the NP should proceed to referendum.
- 2.8 The executive summary of the main findings of the Examiner's Report states that:

Main Findings - Executive Summary

From my examination of the Faversham Neighbourhood Development Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Faversham Town Council (the Town Council);
- the Plan has been prepared for an area properly designated – the Faversham Neighbourhood Area, as identified on the map at page 7 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2023 to 2038; and,
- the policies relate to the development and use of land for a designated neighbourhood plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

- 2.9 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 and meets the 'basic conditions.' The Borough Council is also responsible for undertaking the next steps which is to publicise the decision to accept or reject the Examiner's proposed modifications and progress with the organisation of a local referendum. Subject to the results of the referendum, a report will be brought to Members seeking to have the Neighbourhood Plan adopted or 'made.'
- 2.10 Officers have met with the Faversham Neighbourhood Plan Steering Group to go through the Examiner's recommended modifications, as is suggested in the NP guidance. The combined view is that not all of the Examiner's recommended modifications are necessary to meet the basic conditions. The table in Appendix I sets out the Examiner's proposed modifications and suggested changes (which incorporate the Examiner's direction of travel, but with an alternative execution). It also sets out the reasons behind each decision. The actual wording change can be viewed in the 'Working draft tracked changes version of the Faversham Neighbourhood Plan' in Appendix II.

- 2.11 Faversham Town Council has commissioned independent advice to assist in deciding which of the Examiner's recommended modifications should be accepted as they are, and which require some minor amendments.
- 2.12 Should the recommendations of this report be agreed, the next step is to advertise the decision statement for 6 weeks and to start planning for the referendum with Democratic Services colleagues. The 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 for all households within the Neighbourhood Plan area.

3 Proposals

- 3.1 The proposal is that Members note the Examiner's Report (Appendix III) into the Faversham Neighbourhood Plan and note the proposed alterations to the Examiner's proposed modifications as set out in Appendix I.
- 3.2 Members are also asked to agree that the Faversham Neighbourhood Plan can proceed to Referendum after a 6 week consultation on the Decision Statement.

4 Alternative Options Considered and Rejected

- 4.1 Members could decide to accept all of the proposed modifications in the Examiner's Report without the recommended changes, but then it is felt that the document would not comply with the regulatory requirements and could not progress to the next stages. This option is not supported by the Faversham NP Steering Group.

5 Consultation Undertaken or Proposed

- 5.1 Whilst the Examiner's Report is not subject to consultation, being a formal technical assessment, the plan itself has been consulted on at the various stages of preparation. Furthermore, the referendum will provide an opportunity for the residents of Faversham 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.
- 5.2 The Faversham Town Council Neighbourhood Plan Steering Group met and agreed the changes set out in Appendix I on 7th May and they will also be considered at an Extraordinary Meeting of the Town Council on Monday 14th May.
- 5.3 If the recommendation to accept some of the Examiner's recommendations in full is agreed, Swale Borough Council must undertake a 6-week consultation on this decision in accordance with the provisions of Regulation 17A of The Neighbourhood Planning (General) Regulations 2012.

6 Implications

Issue	Implications
Corporate Plan	<p>The proposals in the report align with all of the strategic objectives of the corporate plan -</p> <p>Community – to enable Swale’s residents to live, work and enjoy their leisure time safely in the borough and to support community resilience.</p> <p>Economy – working with the council’s businesses and community organisations to work towards a sustainable economy which delivers for local people.</p> <p>Environment – to provide a cleaner, healthier and more sustainable and enjoyable environment and to prepare the borough for the challenges ahead.</p> <p>Health & housing – to aspire to be a borough where everyone has access to a decent home and improved health and wellbeing.</p> <p>Running the Council – working within the council's resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way.</p>
Financial, Resource and Property	<p>The Council will claim £20,000 from central Government from when they issue a decision statement detailing their intention to send the plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) to assist with the cost of the referendum.</p>
Legal, Statutory and Procurement	<p>Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended) state that once an Examiner’s Report is received, the Council must produce a Decision Statement within 5 weeks which is why this report is coming to this committee.</p> <p>The Neighbourhood Planning (General) Regulations 2012 (as amended) 17A set out that the Local Planning Authority must publicise the proposed amendments to the recommended modifications for a minimum 6 week period, the Local Planning Authority must again publicise the proposed amendments to the recommended modifications for a minimum 6 week period,</p>
Crime and Disorder	<p>No implications identified at this stage.</p>
Environment and Climate/Ecological Emergency	<p>No implications identified at this stage.</p>
Health and Wellbeing	<p>No implications identified at this stage.</p>
Safeguarding of Children, Young People and	<p>No implications identified at this stage.</p>

Vulnerable Adults	
Risk Management and Health and Safety	No implications identified at this stage.
Equality and Diversity	No implications identified at this stage.
Privacy and Data Protection	No implications 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: Draft List of Examiner’s Recommended Modifications and Responses

Appendix II: Working draft tracked changes version of the Faversham Neighbourhood Plan. (This included the proposed changes as set out in Appendix II.)

Appendix III: Report on the Faversham Neighbourhood Development Plan 2023 - 2038

8 Background Documents

8.1 All of the previous stages of the Neighbourhood Plan and activity undertaken by Faversham Town Council can be found at <https://favershamtowncouncil.gov.uk/neighbourhood-plan/>