

INDEPENDENT EXAMINATION OF THE SWANLEY NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Ryan Hayman
Chief Executive Officer
Swanley Town Council

Vivienne Riddle
Senior Planning Officer
Sevenoaks District Council

Examination Ref: 01/DH/SNP

Via email

8 February 2024

Dear Mr Hayman and Ms Riddle

THE SWANLEY NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Swanley Neighbourhood Plan (SNP) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Swanley Town Council (STC/the Town Council) as Qualifying Body and a smaller number for Sevenoaks District Council (SDC/the District Council). These are attached as an Annex to this letter, and I would like to receive the responses by **Friday 8 March 2024**.

1. Examination Documentation

I can confirm that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement (October 2023) which includes the Strategic Environmental Assessment (SEA) Screening (dated July 2023); the Consultation Statement (November 2022); and the Regulation 16 representations. I am satisfied that I have enough relevant evidence to enable me to commence the examination.

Subject to my detailed assessment of the SNP, I have not identified any very significant flaws that might lead me to advise that the examination should not proceed.

2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing 19 February 2024. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of initial questions seeking further information and clarification from both STC and SDC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided by **Friday 8 March 2024**.

5. Examination Timetable

As you will be aware, the intention is to examine the SNP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, I have raised a number of questions to which I must provide the opportunity for the preparation of a full and considered response. Consequently, the examination timetable may be extended but please be assured that I will seek to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent responses, are placed on the websites of the Town Council and Sevenoaks District Council.

Thank you in advance for your assistance.

Yours sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft of the Swanley Neighbourhood Plan (SNP) and the supporting evidence, I have 3 questions to which I require a joint response from both Councils; a further question for Sevenoaks District Council (SDC/the District Council); and 13 questions for Swanley Town Council (STC/the Town Council). I have requested the submission of responses by **Friday 8 March 2024**. All the points set out below flow from the requirement to satisfy the Basic Conditions.

Questions for both Sevenoaks District Council and Swanley Town Council (3)

I would prefer a joint response to these three questions but if that cannot be successfully achieved then independent responses should be submitted by the two Councils.

1. Paragraph Reference ID: 41-009-20190509 of the Planning Practice Guidance (PPG) on Neighbourhood Planning, advises that ‘where a neighbourhood plan is brought forward before an up-to-date local plan is in place (i.e. Local Plan for Sevenoaks District 2040), the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan. Could the two Councils confirm whether or not such discussions have taken place regarding the preparation of the Local Plan for Sevenoaks District 2040 (Local Plan 2040), summarise the conclusions that were drawn, and confirm that at this stage there are no issues of concern regarding the compatibility of the Swanley Neighbourhood Plan and the Local Plan 2040?
2. My understanding is that Local Plan 2040, which is scheduled for Examination in late 2024 (reference SDC’s Local Development Scheme, July 2022), will address the District’s housing and development needs, including consideration of allocating some land which is currently in the Green Belt. This consideration includes land at Pedham Place to the south-east of Swanley, which has been identified as a potential strategic development site. Could the Council’s confirm the current status of the land at Pedham Place and confirm whether or not the potential identification of this land for mixed development has any consequences for the submitted SNP?
3. In the Regulation 16 response from Claremont Planning, it is suggested in paragraph 5.8 that work on the SNP should be paused pending the outcome of the emerging Local Plan 2040. How do the two Councils respond to this suggestion?

Question for Sevenoaks District Council (1)

4. Paragraph 13 of the National Planning Policy Framework (NPPF) confirms that Neighbourhood Plans ‘should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies’. Is the District Council satisfied that this advice has been followed?

Questions for Swanley Town Council (13)

5. Where does the ‘recognition’ referred to in Policy SwSD1 (page 26), regarding Green Belt sites in the SNP area, manifest itself in the SNP?
6. Can the Town Council respond to the Regulation 16 comments of the SDC Development Manager Officer on the following policies:
 - (a) Policy SwSD1 (page 26): sixth bullet point;
 - (b) Policy SwSD2 (page 26): seventh bullet point;
 - (c) Policy SwSD3 (page 26): eighth bullet point;

- (d) Policy SwC4 (page 39): tenth bullet point;
 - (e) Policy SwCD&H1 (page 49): eleventh bullet. I would also like the Town Council's comments on the SDC Planning Policy Team's response with regard to this policy.
 - (f) Policy SwCD&H3 (page 50): twelfth bullet point;
 - (g) Policy SwH2 (page 64): thirteenth bullet point;
 - (h) Policy SwEE2 (page 75): fourteenth bullet point; and
 - (i) Policy SwT4 (page 93): fifteenth bullet point?
7. How does the Town Council respond to the Regulation 16 comments made by the SDS Planning Policy Team regarding:
 - (a) Policy SwH5 (page 64); and
 - (b) Policy SwEE1 (page 74)?
 8. Can the Town Council respond to the Regulation 16 comments of the SDC's Conservation and Design Team?
 9. Can the Town Council respond to the matters raised by in the Regulation 16 response from Crockenhill Parish Council, particularly points 1 to 5 inclusive?
 10. Can the Town Council briefly respond to the Regulation 16 comments submitted by Kent County Council?
 11. With reference to Policy SwSD2 (page 26), how will the 'net loss' of class E uses be monitored and assessed?
 12. What is the justification for the height of 'over 4 storeys' in Policy SwCD&H1 (page 49)?
 13. What is the definition of 'working space' in Policy SwH4 (page 64)?
 14. How is a 'smaller employment site' defined (see Policy SwEE3 on page 75)?
 15. In Policy SwT1 (page 92), how would a decision maker know what is meant by 'close to'? And how will the policy be delivered?
 16. Are there any issues raised in the Regulation 16 submissions from Icenii which the Town Council considers justify making modifications to the SNP?
 17. A number of Regulation 16 respondents raised concerns regarding infrastructure capacity, traffic levels and car parking. Is the Town Council satisfied that these issues are appropriately addressed, either within the SNP itself, or in other relevant planning policy documentation?