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# **Report on Swanley Neighbourhood Plan 2020 - 2040**

**An Examination undertaken for Sevenoaks District Council with the support of Swanley Town Council on the October 2023 submission version of the Plan.**

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Date of Report: 4 April 2024

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## Contents

|   |    |
|---|----|
| <b>Main Findings - Executive Summary</b> .....  | 5  |
| <b>1. Introduction and Background</b> .....   | 5  |
| Swanley and the Neighbourhood Plan 2020 - 2040.....                                       | 5  |
| The Independent Examiner .....  | 6  |
| The Scope of the Examination .....  | 6  |
| The Basic Conditions .....  | 7  |
| <b>2. Approach to the Examination</b> .....   | 8  |
| Planning Policy Context.....  | 8  |
| Submitted Documents .....   | 8  |
| Site Visit.....   | 9  |
| Written Representations with or without Public Hearing .....                              | 9  |
| Modifications .....   | 9  |
| <b>3. Procedural Compliance and Human Rights</b> .....                                    | 10 |
| Qualifying Body and Neighbourhood Plan Area.....  | 10 |
| Plan Period.....  | 10 |
| Neighbourhood Plan Preparation and Consultation.....                                      | 10 |
| Development and Use of Land .....   | 10 |
| Excluded Development .....  | 10 |
| Human Rights.....   | 11 |
| <b>4. Compliance with the Basic Conditions</b> .....                                      | 11 |
| EU Obligations.....   | 11 |
| Main Issues.....  | 11 |
| General Issues of Compliance of the Plan.....   | 11 |
| National Policy, Sustainable Development and the Development Plan .....                   | 11 |
| Specific Issues of Compliance of the Plan’s Policies.....                                 | 12 |
| Introduction (page 2) .....   | 12 |
| A Profile of Swanley (page 6).....  | 12 |
| Vision and Objectives (page 18).....  | 12 |
| Sustainable Development Strategy for Swanley (page 22).....                               | 13 |
| Policy SwSD1 – Green Belt (page 26) .....   | 13 |
| Policy SwSD2 – Swanley Town Centre (page 26).....   | 13 |
| Policy SwSD3 – Preventing the merging of Swanley Village and Swanley Town (page 26) ..... | 13 |
| Conclusions on Sustainable Development Policies .....                                     | 13 |

|  |    |
|--|----|
| Community Infrastructure Policies (page 27) .....  | 14 |
| Policy SwC1 – Health Facilities in Swanley (page 38) .....   | 14 |
| Policy SwC2 – Open Space and Biodiversity (page 38) .....  | 14 |
| Policy SwC3 – Community Buildings (page 39).....   | 14 |
| Policy SwC4 – Sustainable Urban Drainage (page 39) .....   | 14 |
| Conclusions on Community Infrastructure Policies .....   | 15 |
| Conservation, Design and Heritage Policies (page 40).....  | 15 |
| Policy SwCD&H1 – Tall Buildings (page 49).....   | 15 |
| Policy SwCD&H2 – Swanley Village Design Guide (page 50).....   | 15 |
| Policy SwCD&H3 – Heritage Protection (page 50) .....   | 15 |
| Conclusions on Conservation, Design and Heritage Policies .....  | 16 |
| Housing Policies (page 51) .....   | 16 |
| Policy SwH1 Energy Efficient and Healthy Homes (page 63).....  | 16 |
| Policy SwH2 - Housing Space standards (page 64) .....  | 16 |
| Policy SwH3 – Private Amenity Space for New Homes (page 64) .....  | 16 |
| Policy SwH4 – Homes for Work and study (page 64).....  | 16 |
| Policy SwH5 – Housing Density (page 64) .....  | 16 |
| Policy SwH6 - Public Amenity Space (page 64) and Policy SwH7 – Children<br>and Young People’s Play Space (page 64) ..... | 17 |
| Conclusions on Housing Policies .....  | 17 |
| Economy and Employment Policies (page 65) .....  | 17 |
| Policy SwEE1 – Improving and increasing employment on existing<br>employment sites (page 74) .....                       | 17 |
| Policy SwEE2 – Loss of sites in Employment Use (page 75).....  | 17 |
| Policy SwEE3 – Small employment sites (page 75) .....  | 18 |
| Policy SwEE4 – Hotel and Visitor Accommodation (page 75) .....   | 18 |
| Conclusions on Economy and Employment Policies .....   | 18 |
| Transport Policies (page 76) .....   | 18 |
| Policy SwT1 – Planting of trees (page 92).....   | 18 |
| Policy SwT2 – Cycling (page 92).....   | 18 |
| Policy SwT3 – Walking (page 92) .....  | 19 |
| Policy SwT4 – Car and Cycle Parking (page 93).....   | 19 |
| Policy SwT5 – Access for Vehicles, Pedestrians and Bicycles (page 94).....   | 20 |
| Conclusions on Transport Policies .....  | 20 |
| Proposals to Achieve the Swanley NP Vision and Objectives (page 95).....   | 20 |
| Monitoring Swanley Neighbourhood Plan (page 100) .....   | 20 |
| Other Matters .....  | 20 |

|   |           |
|---|-----------|
| NPPF Updates .....                        | 20        |
| Minor Amendments .....                    | 21        |
| <b>5. Conclusions .....</b>               | <b>21</b> |
| Summary .....                             | 21        |
| The Referendum and its Area .....         | 21        |
| Overview .....                            | 22        |
| <b>Appendix: Modifications (19) .....</b> | <b>23</b> |

## **Main Findings - Executive Summary**

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

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body: Swanley Town Council;
- The Plan has been prepared for an area properly designated: the designated area as identified on Map 1 on page 3;
- The Plan specifies the period to which it is to take effect, which is 2020 to 2040; and
- The policies relate to the development and use of land for a designated neighbourhood 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.

## **1. Introduction and Background**

### **Swanley and the Neighbourhood Plan 2020 - 2040**

- 1.1 The town of Swanley lies in the north-west of Kent and became established with the coming of the railway in 1862. It is about 15 miles from central London and sits adjacent to junction 3 of the M25 (also a junction for the M20/A20). The population of the town in 2021 was 17,821 and, as I saw on my visit, there is a range of retail, employment and leisure provision.
- 1.2 Swanley Village is the second settlement in the Plan area, and it sits within the Green Belt. Much of the village is a designated Conservation Area. Facilities in the village are few but I noted that it does include a primary school.
- 1.3 Map 6 in the SNP (page 24) shows that land to the west and north of the Neighbourhood Plan Area (NPA), including Swanley Village, falls within the Green Belt.
- 1.4 Swanley includes a number of important heritage assets and open areas which I observed on my visit, and there are a number of listed buildings in the NPA.

- 1.5 The Consultation Statement (November 2022) confirms that the process of preparing this Neighbourhood Plan properly commenced in February 2018 with the holding of a public workshop. The Town Council (via the Steering Group) employed a number of initiatives, including detailed questionnaires, further workshops, meetings with the District Council planning officers, leaflet drops, the positioning of informative banners and the formation of Working Groups.

### The Independent Examiner

- 1.6 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Swanley Neighbourhood Plan by Sevenoaks District Council (SDC), with the agreement of Swanley Town Council (STC).
- 1.7 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation, examination and implementation of development plans and other planning policy documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

### The Scope of the Examination

- 1.8 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.9 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions;
  - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;

- it does not include provisions and policies for 'excluded development'; and
- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.10 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

1.11 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
- Meet prescribed conditions and comply with prescribed matters.

1.12 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').<sup>2</sup>

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 December 2023 (and updated on 20 December 2023), and it is this document to which I have had regard in determining whether the SNP meets the Basic Conditions, along with its accompanying PPG.
- 2.2 The Development Plan for Sevenoaks, not including documents relating to excluded minerals and waste development, is the adopted Core Strategy 2011-2026 and the Allocations and Development Management Plan 2015 – 2026. Work has commenced on an updated Local Plan (Plan 2040) but is at a very early stage, with adoption of the document not expected until late 2025/early 2026.
- 2.3 PPG Reference ID: 41-009-20190509 on neighbourhood planning, advises that 'where a neighbourhood plan is brought forward before an up-to-date local plan is in place (i.e. Plan 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'. In the answer to my Question 1 (dated 7 March 2024) both Councils confirm that such meetings between the two Councils have taken place.
- 2.4 In the Regulation 16 response from Claremont Planning it is suggested that work on the SNP be delayed, pending the adoption of the up-dated Plan 2040. However, it is clear to me that the relationship between the SNP and the adopted and the forthcoming Local Plans has been fully considered by the parties and that there is no reason for any delay. In these circumstances there is no substantive reason why the SNP cannot be brought forward before the up-to-date Local Plan is in place. Both Councils are aware of the potential need to review the policies of the SNP once the Plan 2040 has been adopted.

### Submitted Documents

- 2.5 I have considered all policy, guidance and other reference documents that are relevant to the examination, including those submitted which comprise:
  - the submission version of the Swanley Neighbourhood Plan (October 2023);
  - the Map on page 3 of the Neighbourhood Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statements (November 2022 and October 2023);



- the Basic Conditions Statement (October 2023), and the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment Screening which is appended ;
- the Swanley Neighbourhood Plan Open Space Study (2019/2020);
- the Swanley Site Options and Assessment (February 2021);
- the Swanley Village Design Guide (February 2021);
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the responses to my Questions dated 8 February 2024, from both Sevenoaks District Council and Swanley Town Council, received on 7 and 6 March 2024 respectively; and
- the late response from Kent County Council (KCC) Ecological Advice Service (received 20 February 2024) and the associated response from STC dated 6 March 2024.<sup>3</sup>

### Site Visit

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 18 February 2024, to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

### Written Representations with or without Public Hearing

- 2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

### Modifications

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

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<sup>3</sup> View at:

[https://www.sevenoaks.gov.uk/info/20069151/neighbourhood\\_planning/703/swanley\\_neighbourhood\\_plan](https://www.sevenoaks.gov.uk/info/20069151/neighbourhood_planning/703/swanley_neighbourhood_plan)

### 3. Procedural Compliance and Human Rights

#### Qualifying Body and Neighbourhood Plan Area

- 3.1 The SNP has been prepared and submitted for examination by STC as the qualifying body for an area that was originally designated by SDC in November 2014.
- 3.2 It is the only Neighbourhood Plan for the Parish and does not relate to land outside the designated Neighbourhood Plan Area.

#### Plan Period

- 3.3 The Plan specifies the period to which it is to take effect, which is 2020 – 2040.

#### Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statements (November 2022 and October 2023) summarise the approach to consultation undertaken by the Town Council. Further detail is included in the Consultation Statement Evidence Base, which includes Minutes of all the Steering Group Meetings.<sup>4</sup>
- 3.5 It is evident that opportunities to contribute towards the preparation of the SNP have been available to all interested parties at the relevant stages, including at both the Regulation 14 stage (9 January 2023 to 20 February 2023) and, following submission to SDC, at the Regulation 16 stage (30 November 2023 to 11 January 2024). I consider that, overall, the approach towards the preparation of the SNP has been conducted in a thorough, fair and inclusive manner, which I cannot fault based on the evidence presented. It is particularly pleasing to note that efforts were made to involve younger people attending the Orchard Academy.
- 3.6 Therefore, I am satisfied sufficient regard has been had to advice in the PPG on plan preparation and engagement and the process has been procedurally compliant in accordance with the legal requirements.

#### Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.<sup>5</sup>

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<sup>4</sup> See [www.swanleytowncouncil.gov.uk/neighbourhood-plan](http://www.swanleytowncouncil.gov.uk/neighbourhood-plan)

<sup>5</sup> See section 61K of the 1990 Act.

## Human Rights

- 3.9 I have seen no evidence that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and it is not a matter that has been raised by any of the respondents. From my own independent assessment, I have no reason to conclude that the Plan is not compliant in this regard.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 A SEA screening (July 2023) was undertaken by Sevenoaks District Council (attached to the Basic Conditions Statement). The conclusion reached is that the SNP does not require an SEA to be undertaken because the Plan would not have any significant adverse environmental effects. Similarly, the screening considers (on page 9) whether the SNP would require an assessment for future development under Articles 6 or 7 of the Habitats Directive (transposed into UK law by the 2017 Regulations, as retained). It concludes that Appropriate Assessment is not required as there are no likely significant effects resulting from the Plan, there being no protected sites in proximity to the NPA. I note there were no specific objections raised in relation to the screening findings by the Environment Agency, Historic England and Natural England. Based on my own independent assessment, and having read the documentation, I support the conclusions.

### Main Issues

- 4.2 I have approached the assessment of compliance with the Basic Conditions of the SNP as two main matters:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan policies.

### General Issues of Compliance of the Plan

#### [National Policy, Sustainable Development and the Development Plan](#)

- 4.3 There are twelve chapters in the SNP, which are the Introduction; a Profile of Swanley; Vision and Objectives; Summary of Neighbourhood Plan Policies; Sustainable Development Strategy for Swanley; Community Infrastructure; Conservation, Design and Heritage; Housing; the Economy and Employment; Transport; Proposals to Achieve the SNP Vision and Objectives; and Monitoring. The Swanley Village Design Guide is published as a separate document.

4.4 It is clear to me that SDC and STC have co-operated in the preparation of the SNP<sup>6</sup> and, subject to the detailed comments and necessary modifications that I set out below, I conclude that the SNP has had proper regard to national policy and guidance. I also conclude that subject to the recommendations that I make:

- the SNP is in general conformity with the strategic policies of the adopted Development Plan for the area, and that overall, the document provides an appropriate framework that will enable the Parish of Swanley to continue to evolve as a community whilst ensuring that the quality of life, particularly for residents, will be retained and enhanced; and
- that the policies, as modified, are supported by appropriate evidence, are sufficiently clear and unambiguous and that they can be applied with confidence.<sup>7</sup>

## Specific Issues of Compliance of the Plan's Policies

### [Introduction \(page 2\)](#)

4.5 The Introduction summarises how the Neighbourhood Plan has been prepared and how it will fit into the existing planning policy framework (and the forthcoming framework as to be provided by the emerging Local Plan Review<sup>8</sup>).

### [A Profile of Swanley \(page 6\)](#)

4.6 The character and history of the Parish is described in chapter 2, together with background information regarding, for example, the town centre, the Green Belt, and the characteristics of the local population.

### [Vision and Objectives \(page 18\)](#)

4.7 The process of formulating the Vision and the Objectives is summarised on page 18 and it is clear that this has involved local residents. There are 11 Objectives identified on pages 19 and 20 and these, if achieved, will contribute significantly to meeting the Vision. In the interests of reflecting national advice<sup>9</sup>, I recommend a modification to objective 7 so that it refers to a *net gain* of trees and biodiversity (**PM1**).

4.8 I am satisfied that the 'foundations' of the Plan, as set out in chapter 3, are based on a thorough analysis of the situation and the engagement of local residents.

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<sup>6</sup> Reflecting, for example, the advice in PPG Reference IDs 41-040-20160211 and 41-009-20190509.

<sup>7</sup> PPG Reference ID: 41-041020140306.

<sup>8</sup> Scheduled for examination in Autumn 2024 according to the Sevenoaks Local Development Scheme (July 2022).

<sup>9</sup> See 'Understanding biodiversity net gain' at [www.uk/guidance/understanding-biodiversity-net-gain](http://www.uk/guidance/understanding-biodiversity-net-gain)

## [Sustainable Development Strategy for Swanley \(page 22\)](#)

- 4.9 It is acknowledged that there is little developable land that does not fall within the Green Belt, but it is confirmed that where development is achievable it must meet sustainability objectives. In summary, the strategy should result in an improved town centre; the protection of the character of Swanley; the retention of Swanley Village as a separate settlement; and only minimal development occurring on Green Belt land. I am satisfied that this is an appropriate approach which reflects the value placed by local residents on the retention and improvement of the local environment.

### *Policy SwSD1 – Green Belt (page 26)*

- 4.10 This policy acknowledges that there are 'poorly performing' Green Belt sites, which may come forward for development through allocation in the revised Local Plan. Policy SwSD1 seeks to ensure that any proposals on such sites comply with the policies of the SNP and also that they are supported by public transport infrastructure. I consider this to be a pragmatic approach to the issue. However, I agree with SDC<sup>10</sup> that further clarification regarding the Green Belt is necessary and I note that STC (in response to my Questions) accepts that there is a need to review the policy. I therefore recommend that the policy be modified to more accurately reflect the current position regarding the Green Belt (**PM2**).

### *Policy SwSD2 – Swanley Town Centre (page 26)*

- 4.11 It is important, particularly in terms of sustainability, that the town of Swanley retains (and if possible, strengthens) its role as an employment provider. This policy seeks to prevent the loss of commercial, business and service uses and thus will contribute to meeting the STC sustainability requirements.

### *Policy SwSD3 – Preventing the merging of Swanley Village and Swanley Town (page 26)*

- 4.12 I saw on my visit that Swanley Village and Swanley Town display totally different characteristics. The gap between the two settlements could not accurately be described as substantive and I consider that policy SwSD3 is justified in order to ensure that the character of the two independent communities is not threatened. There is no reason to repeat in the policy what the function of the Green Belt is.

### *Conclusions on Sustainable Development Policies*

- 4.13 The policies, as modified, will contribute to achieving sustainable development and will meet the economic, social and environmental

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<sup>10</sup> SDC's Development Manager's Regulation 16 response.

objectives as set out in paragraph 8 of the NPPF (December 2023). The Basic Conditions have all been met.

#### [Community Infrastructure Policies \(page 27\)](#)

- 4.14 This chapter addresses a wide range of community facilities in the town, including health facilities, open spaces, parks and gardens, amenity green space, natural and semi-natural space, sport and recreation facilities, and education facilities. The supporting text summarises the situation with regard to each land use and explains the Town Council's approach.

#### *Policy SwC1 – Health Facilities in Swanley (page 38)*

- 4.15 This policy provides support for appropriate new health facilities in the town and is justified.

#### *Policy SwC2 – Open Space and Biodiversity (page 38)*

- 4.16 The retention of open space and the provision of a biodiversity net gain in circumstances where development is permitted are both key objectives that will contribute towards achieving sustainable development.
- 4.17 The Town Council has suggested modifications to the policy<sup>11</sup> to ensure it aligns with current national advice in relation to the provision of ecological impact assessment to accompany relevant planning applications, and the further provision of statements for the protection/enhancement of protected/priority species and habitats. I agree that they are necessary and recommend accordingly in **PM3**.

#### *Policy SwC3 – Community Buildings (page 39)*

- 4.18 The policy would only allow the loss of a community building if there is demonstrably no need for the facility or if there would be alternative benefits to the community. I consider that sub-section (b) of the policy should be strengthened by making it clear that any 'alternative benefits' would have to be feasible, viable and justified. I recommend accordingly in **PM4**.

#### *Policy SwC4 – Sustainable Urban Drainage (page 39)*

- 4.19 The fourth paragraph on page 29 makes reference to sustainable urban drainage and confirms the need to manage such drainage, particularly with regard to preventing the waterlogging of outdoor facilities and open spaces. The policy does not support development that would increase the

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<sup>11</sup> See email from STC (6 March 2024) in response to the submission from KCC Ecological Advice Service (received 20 February 2024).

surface water discharge rate. This will contribute to meeting the Town Council's environmental objectives.

- 4.20 SDC voice concerns regarding the implementation of this policy but I am told by STC<sup>12</sup> that it accords with advice from Kent County Council and is in accordance with the County Council's 'Drainage and Planning Policy' document. I consider that the policy is justified, in the interests of sustainability, but should the monitoring of the policy over time raise any issues of concern, then STC can react appropriately.

#### *Conclusions on Community Infrastructure Policies*

- 4.21 The modified Community Infrastructure policies will contribute towards the achievement of the Town Council's sustainability objectives, and they all have regard to national policies and advice and meet all the other Basic Conditions.

#### *Conservation, Design and Heritage Policies (page 40)*

- 4.22 The background to issues of Conservation, Design and Heritage is clearly set out on pages 40–49. Six character areas in Swanley are identified and shown on Map 8 (page 45).

#### *Policy SwCD&H1 – Tall Buildings (page 49)*

- 4.23 It is clear that local residents have concerns regarding the visual impact of tall buildings (defined as being over four storeys or 12 metres in height). Consequently, the Town Council is proposing, in the policy, a list of 9 requirements. I have assessed those requirements and conclude that they are all justified in the interests of, for example, sustainable design, appropriate accessibility, and relationship with the existing urban fabric.
- 4.24 In response to my Question 2, STC propose to modify bullet point 4 of the policy in order to introduce some flexibility and I agree that this will provide appropriate clarification and therefore I recommend **PM5**.

#### *Policy SwCD&H2 – Swanley Village Design Guide (page 50)*

- 4.25 Swanley Village Design Guide (February 2021) has been published as a separate document but is included as chapter 13 of the SNP (as set out in the list on page 1). It is a comprehensive and well-presented document and the policy requires that the principles embodied in the Design Guide are taken into account where relevant. In the interests of clarity, I am recommending a modification to the first sentence (**PM6**).

#### *Policy SwCD&H3 – Heritage Protection (page 50)*

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<sup>12</sup> See response to my Question 2.



- 4.26 In relation to non-designated heritage assets, it is not possible to guarantee their 'protection into the future'. Accordingly, in SDC's Regulation 16 response the District Council's Conservation and Design Team suggests replacing that phrase with an addition to the policy to provide the necessary clarity. I agree and, therefore, recommend **PM7**.

*Conclusions on Conservation, Design and Heritage Policies*

- 4.27 The Conservation, Design and Heritage policies, as modified, are all in general conformity with the strategic policies of the Development Plan for the area and meet all the other Basic Conditions.

Housing Policies (page 51)

- 4.28 The Introduction to this chapter succinctly sets out the background to the issue of housing in Swanley. The type of housing; housing need; housing tenure; affordability; density; and quality, are all addressed.

*Policy SwH1 Energy Efficient and Healthy Homes (page 63)*

- 4.29 This policy establishes the requirement for all new homes to be energy efficient. Such an approach is in accordance with the presumption in favour of sustainable development and is to be supported.

*Policy SwH2 - Housing Space standards (page 64)*

- 4.30 This policy establishes the need to meet storage space standards. I agree with SDC that it would benefit from added clarity, and I recommend accordingly in **PM8**.

*Policy SwH3 – Private Amenity Space for New Homes (page 64)*

- 4.31 In order to support and encourage healthy communities<sup>13</sup> it is important that, where feasible, new homes are provided with some form of outdoor space, and this will be achieved through the implementation of policy SwH3.

*Policy SwH4 – Homes for Work and study (page 64)*

- 4.32 This policy establishes the need to provide dedicated working space within a property, where feasible. In the interests of sustainability such an approach may be justified.

*Policy SwH5 – Housing Density (page 64)*

- 4.33 The supporting text on page 60 summarises the types of housing densities that have recently been achieved and, in particular, I note that in the

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<sup>13</sup> NPPF, paragraph 8.



town centre the current Local Plan policy target has been exceeded. However, I am aware that the density figures being proposed in the SNP are lower than those currently being suggested for inclusion in the Plan 2040, but STC confirms (in response to my Question 7) that a number of developments in Swanley have not achieved the proposed Local Plan density target.

- 4.34 At the current time, I am not convinced that there is sufficient substantive evidence to enable me to recommend that the proposed densities as set out in Policy SwH5 are modified. This is an issue that may require further consideration as part of the Local Plan preparation process. I note STC are committed to collecting data to help improve neighbourhood plan policies on a twice yearly basis (see page 100 of the SNP), so the opportunity will be available to reconsider this matter once there is greater clarity provided by the District Council Plan 2040. As it stands, I am satisfied that the densities currently being proposed will contribute to ensuring that optimum use of land is achieved without detriment to the character of the town and its surrounding area.

*Policy SwH6 - Public Amenity Space (page 64) and Policy SwH7 - Children and Young People's Play Space (page 64)*

- 4.35 The provision of amenity space and play space will contribute to improving community infrastructure (Objective 11 on page 20) and I am not aware of any objections to the approach of STC on these matters.

*Conclusions on Housing Policies*

- 4.36 The modified housing policies contribute to the achievement of sustainable development and meet all the other Basic Conditions.

[Economy and Employment Policies \(page 65\)](#)

*Policy SwEE1 - Improving and increasing employment on existing employment sites (page 74)*

- 4.37 Policy SwEE1 provides support for fulfilling the potential of existing employment sites. However, it could be interpreted as meaning that extensions to such sites would be supported (i.e. incorporating additional land). This is not the case and therefore I recommend a modification in **PM9**, which will clarify the situation.

*Policy SwEE2 - Loss of sites in Employment Use (page 75)*

- 4.38 In the interests of a sustainable community, STC is justified in seeking 'protection' for land which is currently in employment use. However, I consider that the requirement for marketing over a minimum period of 12 months is unreasonably excessive, primarily because of the potential costs and viability issues involved. I therefore recommend, in **PM10**, that the marketing period be reduced to 6 months.

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*Policy SwEE3 – Small employment sites (page 75)*

- 4.39 In the interests of sustainability, the presumption in favour of small employment sites is to be welcomed. However, there is no definition of what constitutes a 'smaller site'. I therefore recommend a modification to the policy that establishes what is meant (**PM11**).

*Policy SwEE4 – Hotel and Visitor Accommodation (page 75)*

- 4.40 The support for new hotel and visitor accommodation in principle is to be welcomed, particularly in the interests of the local economy.

*Conclusions on Economy and Employment Policies*

- 4.41 The Economy and Employment policies, as modified, have regard to national policies and advice and meet all the other Basic conditions.

Transport Policies (page 76)

- 4.42 It is clear to me that the issue of transport is of concern to many local residents and businesses. The proximity of the town to the M25 and M20 contributes to poor air quality and there are issues of congestion and limited public transport provision (only two main bus routes serve the town). Table 18 (page 84) confirms the high proportion of people who travel to work by car or van.
- 4.43 The promotion of cycling and walking, as a means of travel, is to be supported and therefore I agree with the County Council that in the interests of consistency reference should be made to the forthcoming Cycling and Walking Improvement Plan and recommend accordingly in **PM12**.

*Policy SwT1 – Planting of trees (page 92)*

- 4.44 The planting of trees can contribute to the improvement of air quality and although it is not clear to me how such a policy will be monitored, it nevertheless embodies the principles as set out in the NPPF, for example with regard to the achievement of sustainable development and meeting the challenge of climate change.<sup>14</sup> In the interests of accuracy and clarity I recommend, in **PM13**, that the words 'close to' are changed to 'abutting'.

*Policy SwT2 – Cycling (page 92)*

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<sup>14</sup> Chapters 2 and 14 of the NPPF.

- 4.45 Chapter 9 of the NPPF seeks to ensure that sustainable transport is promoted. This policy seeks to secure segregated cycle access ways with all new developments (my underlining) and the provision of storage for bicycles. Whilst such an approach has merit, there may be circumstances where such segregated access cannot reasonably be achieved. I therefore recommend in **PM14**, the introduction of more flexibility in the policy.

*Policy SwT3 – Walking (page 92)*

- 4.46 The promotion of walking, as a means of travel, is to be supported and policy SwT3 seeks to secure improvements to the footway network. KCC suggests the inclusion of additional supporting text with regard to Public Rights of Way (PROW) to clarify KCC's statutory PROW duty and highlight the relevant Improvement Plans (both in place and emerging). This has the support of the Town Council and I agree that it would be a valuable addition to the Transport chapter. I recommend accordingly in **PM15**.

*Policy SwT4 – Car and Cycle Parking (page 93)*

- 4.47 SDC voice concerns regarding the parking policy SWT4, which I share. Existing 'approved' parking standards are set out in Table 1 of the Local Plan (page 19) and in Appendix 2 of the Kent Design Guide<sup>15</sup>. These standards are compatible with each other and are set out for four types of location – City/Town Centre; Edge of Centre; Suburban; and Suburban Edge/Village/Rural.
- 4.48 The standards set out in the SNP policy are different to those in the existing adopted documents referred to above. Whilst I acknowledge that there is, in clause c, the potential to apply lower standards, I consider that the situation will not be sufficiently clear to the decision maker – inevitably it will be asked which standards should be applied? I could find nothing in the supporting text on page 87, which provides the necessary clarity.
- 4.49 Consequently I am not satisfied that the policy is in general conformity with the strategic policies of the Development Plan for the area or that they have regard to national policies (for example, paragraph 16 of the NPPF which states that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals). Although I do not doubt that parking 'is a serious problem for residents and businesses in Swanley' (as stated in the second paragraph on page 87), the evidence (or lack of it) leads me to conclude that the policy should be deleted (**PM16**). Whilst I understand that this will be a disappointment to the Town Council, I do not consider it will have disproportionate consequences because appropriate parking standards exist elsewhere.

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<sup>15</sup> Interim Guidance Note 3.

- 4.50 If considered necessary, the Town Council, in conjunction with the District Council, could include a sentence within the text confirming that the Local Plan car parking standards will be applied. This would be considered to be a minor amendment (see paragraph 4.57).

*Policy SwT5 – Access for Vehicles, Pedestrians and Bicycles (page 94)*

- 4.51 Policy SwT5 establishes access requirements. In the interests of clarity, I recommend the use of the same tense in each requirement and the introduction of greater flexibility in clause d) (**PM17**).

*Conclusions on Transport Policies*

- 4.52 The Transport policies (as modified) contribute to the achievement of sustainable development and meet all the other Basic Conditions.

*Proposals to Achieve the Swanley NP Vision and Objectives (page 95)*

- 4.53 This chapter of the SNP lists a number of aspirations for Swanley which cannot be achieved through the auspices of the SNP because, for example, they are not funded, or they are not related to land use policies. These include the provision of indoor dry sports facilities, road improvements and the provision of new cycle links. These proposals may be further assessed should the opportunity arise.

- 4.54 I consider that referring to these aspirations as 'proposals' could be misleading to the decision maker because the word 'proposal' indicates to me that there is some tangible and specific agreed commitment to their achievement. As I understand it, whilst they may have support in principle, they could not accurately be described as firm commitments. Therefore, in the interests of clarity, I recommend that the title of the chapter be modified accordingly (**PM18**).

*Monitoring Swanley Neighbourhood Plan (page 100)*

- 4.55 Monitoring is an important component in the Plan-making process, in order to ascertain whether or not the policies of the SNP are being successfully implemented. As noted in paragraph 4.34 above, the Town Council is committed to collecting data twice a year on, for example policy compliance and the effectiveness of the policies. Such data will form the basis of discussions with the District Council. This approach is to be applauded.

*Other Matters*

*NPPF Updates*

- 4.46 There are a number of references in the SNP to the 2021 NPPF and its paragraphs, for example on pages 18, 22, 27, 40 and 87 of the Plan.

Although changes to the NPPF (as they relate to the SNP) are minimal, it is nevertheless important that NPPF references reflect the contents of the most recent December 2023 edition. I therefore recommend that the SNP be amended to refer to the December 2023 NPPF and that the relevant paragraph references are updated (where they have changed) (**PM19**).

### Minor Amendments

4.57 Amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes<sup>16</sup>, factual up-dates, or corrections in agreement between the Parish and District Councils.<sup>17</sup> I note that a number of respondents, including the District Council, Kent County Council and Crockenhill Parish Council make several suggestions with regard to minor amendments. These would not be material changes but would add further polish to the document.

## 5. Conclusions

### Summary

5.1 The Swanley Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether or not the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Plan, and the evidence documents submitted with it.

5.2 I have made recommendations to modify a number of policies (and delete one policy), thus ensuring that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Swanley Neighbourhood Plan, once modified, proceeds to referendum.

### The Referendum and its Area

5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I conclude that the Swanley Neighbourhood Plan (as modified) has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond that boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

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<sup>16</sup> PPG Reference ID:41-106-20190509.

<sup>17</sup> See, for example, Representation Ref: SNPS:6 and SNPS:18.

## Overview

- 5.4 The town of Swanley enjoys an attractive setting and displays a range of valued features. There is a reasonable number of community facilities and services, either within the Parish or very close by and I am confident that the local community will continue to support appropriate local initiatives to improve the quality of life.
- 5.5 Among the objectives of the Town Council is the desire to enable development that is appropriate to its location; to provide support for employment; to improve the attractiveness of the town centre; and to protect heritage and wildlife. I consider that the implementation of the policies within the SNP (when 'made'), will ensure that these objectives are successfully achieved.

*David Hogger*

Examiner

## Appendix: Modifications (19)

### Notes:

- Additions are shown in **bold** and deletions denoted with ~~strikethrough~~.
- Page references are those in the submission version of the Swanley Neighbourhood Plan.
- In the interests of brevity, where whole paragraphs/policies have been deleted, the modification refers to the deletion of all the text.

| <b>Proposed modification number (PM)</b> | <b>Page no./ other reference</b> | <b>Modification</b>  |
|--|----------------------------------|--|
| PM1                                      | Page 19<br>Objective 7           | Modify objective to read:<br><br>To enable improvements to the Town Centre, public realm, and open spaces of Swanley that respect and reinforce their character and <del>prevent the loss</del> <b>results in the net gain</b> of trees and biodiversity.  |
| PM2                                      | Page 26<br>Policy SwSD1          | Modify the policy to read:<br><br>The Neighbourhood Plan recognises that there are Green Belt sites in the Neighbourhood Plan area <b>which may be removed from the designation by Sevenoaks District Council in order to meet its development needs. The NPPF requires these new boundaries to be permanent and therefore any further removal of strongly performing Green Belt land during the Local Plan period is not supported. The Neighbourhood Plan supports developments on brownfield sites within the Green Belt.</b> <del>that are poorly performing against the purposes set out in the NPPF. Such sites may come forward for development through allocation in the new Sevenoaks Local Plan. These may have potential to deliver benefits that should be secured through the design,</del> |

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|     |  | <p>layout and use of each site. In these cases, they will only be supported only where they meet all the policies in the Swanley Neighbourhood Plan and are supported by public transport infrastructure.</p> <p>Development proposals on Green Belt sites other than those identified as poorly performing will not be supported.</p>   |
| PM3 | <p>Page 38</p> <p>Policy SwC2</p>        | <p>Modify policy to read:</p> <p>Development proposals that result in any loss of green spaces as shown on Map 7, across all types of green space within the Neighbourhood Plan area, will be supported only where replacement green spaces are provided for public use which are suitably located and equal or superior in terms of size and quality.</p> <p>All development must demonstrate a measurable biodiversity net gain in alignment with the Environment Act 2021.</p> <p><b>Ecological impact assessment must accompany relevant planning applications; and Statements for the protection/enhancement of protected/priority species and habitats must be submitted where relevant.</b></p> |
| PM4 | <p>Page 39</p> <p>Policy SwC3</p>        | <p>Modify clause b) to read:</p> <p>b) Proposals offer <b>feasible, viable and justified</b> alternative benefits to the community in terms of access to space to assemble, worship, participate in educational activities and personal or civic celebrations.</p>   |
| PM5 | <p>Page 50</p> <p>Policy SwCD&amp;H1</p> | <p>Modify bullet point four to read:</p> <ul style="list-style-type: none"> <li>• Incorporate publicly accessible amenity and play space within</li> </ul>   |



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|      |                         | the site area <b>wherever possible.</b>  |
| PM6  | Page 50<br>SwCD&H2      | Modify the start of the first sentence to read:<br><br>Development proposals for <b>in</b> Swanley Village, should ...   |
| PM7  | Page 50<br>SwCD&H3      | Modify the introductory sentence to read:<br><br>The following have been identified as non-designated heritage assets <b>and should be assessed against relevant local and national policies in planning applications that affect their significance.</b> <del>to ensure their protection into the future.</del>   |
| PM8  | Page 64<br>Policy SwH2  | Modify the second clause to read:<br><br>Housing layouts must demonstrate how homes meet the storage requirements in the NDSS. <b>Proposals that would result in a reduction in the overall storage space caused by the need to accommodate</b> <del>without being impacted by</del> plant for mechanical ventilation and heating kit, <b>will not be supported.</b> |
| PM9  | Page 74<br>Policy SwEE1 | Modify the wording to read:<br><br>Proposals to upgrade <b>or</b> intensify <del>or extend</del> the employment sites on MAP11 are <b>will be supported in principle.</b>  |
| PM10 | Page 75<br>Policy SwEE2 | Modify clause b) to read:<br><br>Marketing of the site over a period of a minimum of <b>6</b> <del>12</del> months demonstrates that there is no realistic prospect of the use of the site for employment purposes,  |
| PM11 | Page 75<br>Policy SwEE3 | In the introductory sentence of the policy insert after 'smaller employment sites': <b>(sites of less than 1ha in</b>  |

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|      |   | <b>area or less than 1,000 sqm of employment space).</b>   |
| PM12 | Page 81<br>Under the Cycling section                      | Add the following sentence:<br><b>Attention is drawn to the emerging Sevenoaks District Council's Local Cycling and Walking Improvement Plan.</b>  |
| PM13 | Page 92<br>Policy SwT1                                    | Modify the first clause of the policy to read:<br>All new developments close to <b>abutting</b> the A20 and M25 corridors,   |
| PM14 | Page 92<br>Policy SwT2                                    | Modify the second sentence of the policy to read:<br>All new developments should, <b>where feasible, viable and justified</b> , incorporate segregated cycle access ways and adequate storage for bicycles in accordance with policy SwT4.   |
| PM15 | Page 92<br>Under the 'Walking' section of supporting text | Add the following to the supporting text:<br>Public Rights of Way (PRoW)<br><b>Kent County Council (KCC) has a statutory duty to protect and improve public rights of way in the County. Swanley Town Council will work with the County Council to improve PRoW. Attention is drawn to KCC's Rights of Way Improvement Plan (2018-2026); the emerging Kent Cycling and Walking Improvement Plan; and the emerging Sevenoaks District Council Local Cycling and Walking Improvement Plan.</b> |
| PM16 | Page 93<br>Policy SwT4                                    | Delete <u>all</u> of policy SwT4.  |

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| PM17 | Page 94<br>Policy SwT5  | <p>Modify clauses a), b) and d) of policy SwT5 to read:</p> <p>a) Residential developments of 50 or more dwellings <b>should</b> <del>shall</del> have a minimum of two access roads onto the main carriageways.</p> <p>b) All developments <b>should</b> <del>shall</del> be well lit with artificial lighting to roads and footpaths using energy efficient LED lighting.</p> <p>d) all developments should have dedicated cycle ways <b>where feasible, viable and justified.</b></p> |
| PM18 | Page 96                 | <p>Modify the title of this chapter to read:</p> <p><b>ASPIRATIONAL PROPOSALS THAT MAY CONTRIBUTE TO ACHIEVING TO ACHIEVE THE SWANLEY NEIGHBOURHOOD PLAN VISION AND OBJECTIVES.</b></p>  |
| PM19 | Throughout the document | <p>Refer to the December 2023 version of the NPPF and update paragraph references where they have changed.</p>   |