

Statement setting out general information as to town and country planning (including neighbourhood planning) and the referendum

The Planning System

The UK has a plan-led system of town and country planning. Local planning authorities (borough, district and unitary councils) and other decision makers, such as planning inspectors, make planning decisions in accordance with policies in their development plan, unless material considerations indicate otherwise. Material considerations include national policy, which is primarily contained in the National Planning Policy Framework. As such the development plan is the starting point for determining any planning application. Its policies help to decide how much, where and what type of development happens. The development plan in Sevenoaks comprises:

- Core Strategy 2011
- Allocations and Development Management Plan 2015
- Waste and minerals plans produced by Kent County Council; and
- Any neighbourhood plans that have been made following a successful referendum.

Neighbourhood Development Plans

A neighbourhood development plan (also known as neighbourhood plan) sets out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area. Neighbourhood plans are produced in consultation with local communities by parish or town councils or, in areas without a parish, by forums of residents and businesses. These are known as the qualifying body.

There is a statutory process which must be followed when producing them. This includes:

- Designation of the neighbourhood area.
- A 6 week consultation undertaken by the qualifying body, followed by a 6 week consultation undertaken by the local planning authority.
- Independent examination.
- Referendum.

A referendum is required to be held if the local planning authority is satisfied that the neighbourhood plan meets, or would meet if modifications were made, the basic conditions, is compatible with Convention rights and complies with the relevant provisions. The referendum relates to the area which is covered by the proposed neighbourhood plan. Those who live in the referendum area and who meet the eligibility criteria to vote in a local election for the area are entitled to vote. The question that is asked is as follows:

Do you want (insert name of local planning authority) to use the neighbourhood plan for (insert name of neighbourhood area) to help it decide planning applications in the neighbourhood area?

The referendum will ask voters to vote 'yes' or 'no' to this question.

If more than half of those voting, vote in favour of the neighbourhood plan it becomes part of the development plan, and will be used when determining planning applications in that neighbourhood area. Where the vote is in favour the local planning authority must make (adopt) the neighbourhood plan as soon as reasonably practicable after the referendum.

Swanley Neighbourhood Plan

The Swanley Neighbourhood Area was designated in November 2014. The neighbourhood area comprises the whole of the parish covered by Swanley Town Council. Swanley Town Council, as the qualifying body, has produced the Swanley Neighbourhood Plan in consultation with Swanley residents and other stakeholders.

The Town Council held a consultation on the draft neighbourhood plan in early 2023, before submitting it to Sevenoaks District Council later that year. The District Council held a further consultation between November 2023 and January 2024, before submitting the Plan, with the representations received in response to its consultation, to an independent examiner at the end of January.

The examination took place in the form of written representations, with the examiner issuing his final report on 04 April 2024. The examiner recommended modifications to a number of policies to ensure it complies with the basic conditions and other legislative requirements and that the Swanley Neighbourhood Plan, once modified, proceed to referendum. The District Council, in conjunction with Swanley Town Council, has accepted the examiner's modifications and decided to proceed to a referendum, to be held in the designated neighbourhood area. A decision statement has been published in accordance with regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012, setting a date of 04 July 2024 for the referendum. The referendum version of the plan, including the examiner's modifications and other minor modifications, is the final version. Should it be successful at referendum, the Swanley Neighbourhood Plan will become part of the development plan for Sevenoaks and will be formally 'made' (adopted) at the earliest opportunity.