

**FAWKHAM NEIGHBOURHOOD PLAN 2023-2040, REGULATION 16
CONSULTATION – SEVENOAKS DISTRICT COUNCIL’S (SDC) REPRESENTATION**

Development and Conservation Advisory Committee – 11 July 2024

Report of: Chief Officer for Planning and Regulatory Services

Status: For Consideration

Also considered by:

- Cabinet – 18 July 2024

Key Decision: No

Executive Summary: This report briefly sets out the background to the Fawkham Neighbourhood Plan, prior to its submission to SDC. Following submission, the Plan has been checked against legal requirements and it is considered that the proposed Neighbourhood Plan can proceed to publication under Regulation 16, which is managed by SDC as the competent authority.

The Regulation 16 consultation will commence on Friday 7th June 2024, running for 6 weeks until Friday 19th July 2024.

This consultation provides SDC with an opportunity to formally comment on the Fawkham Neighbourhood Plan. Officers are in the process of drafting a proposed response which will include input from officers across the organisation, for consideration at DCAC and decision at Cabinet.

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: Emma Coffin, Ext. 7315

Recommendation to Development and Conservation Advisory Committee:

- (a) To note the Fawkham Neighbourhood Plan Regulation 16 consultation and to consider SDC’s proposed representation

Recommendation that Cabinet:

- (a) Approves the proposed representation to the Fawkham Neighbourhood Plan Regulation 16 consultation, subject to further amendments
- (b) Delegates authority to the Development and Conservation Portfolio Holder to sign off the final representation, including any amendments raised through DCAC and Cabinet.

Reason for recommendation: To inform DCAC of the consultation for the Fawkham Neighbourhood Plan and to enable members to consider and make recommendations, if necessary, to the proposed SDC response.

Introduction and Background

- 1 The Fawkham Neighbourhood Area was designated in May 2021, and comprises the whole parish area covered by Fawkham Parish Council (FPC), the qualifying body. Through the Neighbourhood Plan Steering Group they have since undertaken engagement with statutory consultees, local residents and businesses in order to develop their Neighbourhood Plan for Fawkham.
- 2 Furthermore, there has been ongoing contact between the SDC Strategic Planning Team and FPC, as an informal part of the plan-making process, to provide ongoing advice and assistance to the Parish Council and Neighbourhood Plan Steering Group.
- 3 In August 2023, a 'Pre-Submission' Consultation was run by Fawkham Parish Council, under Regulation 14 of The Neighbourhood Planning (General) Regulations 2012 (as amended) (hereinafter referred to as 'the Regulations'). An officer level response from SDC was submitted to this consultation (included within Appendix A). The Fawkham Neighbourhood Plan has since been amended to address comments raised at this consultation stage.
- 4 The Fawkham Neighbourhood Plan (Appendix B) was submitted to SDC on 10 April 2024 by Fawkham Parish Council. Regulation 15 of the Regulations sets out what this must include, and the submission has been checked against these, and other, legal requirements. It has been concluded that the submission of Fawkham Neighbourhood Plan meets these requirements. The submitted documents comprise the following:
 - Fawkham Neighbourhood Plan 2023-2040 (Regulation 15 Version) including a map of the Neighbourhood Planning Area
 - Basic Conditions Statement (April 2024)
 - Consultation Statement
 - SEA Screening Assessment (June 2023)
 - Various supporting evidence base documents
- 5 As such, under Regulation 16 of the Regulations, we are required to publicise the Neighbourhood Plan proposal for a minimum period of 6 weeks, in line with our Statement of Community Involvement. The consultation open on Friday 7 June 2024 and will run for 6 weeks, until Friday 19th July 2024.

SDC Draft Response to Regulation 16 Consultation

- 6 The Regulation 16 consultation provides our opportunity to formally comment on the proposed Fawkham Neighbourhood Plan 2023-2040.
- 7 The Neighbourhood Plan sets out policies for the development and use of land within Fawkham Parish, and is set around 5 themes/topics:
 - Natural and Built Environment
 - Housing
 - Local Economy
 - Leisure and Wellbeing
 - Local Infrastructure
- 8 The Neighbourhood Plan is required to be in general conformity with our current adopted Local Plan, comprising the Core Strategy (2011) and the Allocations and Development Management Plan (2015). We are only required to consider whether the Neighbourhood Plan meets the basic conditions, including its general conformity, after the Examination. However, it is noted that the Parish Council recognises the relationship between the National Planning Policy Framework (NPPF), Local Development Plan and Neighbourhood Plans.
- 9 Furthermore, it has been recommended by Officers that emerging Neighbourhood Plans acknowledge and address the emerging Local Plan (Plan 2040) for Sevenoaks District, to avoid 'made' Neighbourhood Plans becoming quickly outdated. Fawkham Parish Council have engaged with the Plan 2040 process and responded to the recent Regulation 18 Part 2 consultation, which ran from November 2023 – January 2024.
- 10 Officers have drafted a response to the Fawkham Neighbourhood Plan Regulation 16 consultation (included at Appendix A), which includes input from officers across the organisation, where necessary, for consideration by Members through DCAC and Cabinet.
- 11 The response includes an update on the position with respect to our emerging Local Plan, an assessment of Neighbourhood Plan policies, to ensure they 'do not undermine strategic policies' and consideration of whether or not the Neighbourhood Plan broadly conforms with strategic aims and policies of the District's existing policy framework. The response also revisits comments made at Regulation 14 consultation (included within Appendix A) to ascertain whether these have been addressed.
- 12 One particular issue that SDC's response addresses is the proposed allocation for parking provision at Small Grains (included at draft Policy FNP15). The Neighbourhood Plan does not currently undertake a formal site assessment, to consider site suitability and availability, and in requesting this work, throughout the process, we have been made aware that this is SDC owned land. There is

therefore an issue with availability of this site and the Property team have confirmed that this allocation, and car parking provision on the site, are not supported. Comments from the property team have been incorporated into our formal response to reflect this.

Next Steps

- 13 SDC will be running the Fawkham Neighbourhood Plan Regulation 16 consultation through its engagement portal, Citizen Space. SDC have also been in communication with Independent Plans & Examinations (IPE) who have previously undertaken the Examinations of both the Sevenoaks and Swanley Neighbourhood Plans, and will be engaging an Independent Examiner, in agreement with the Parish Council.
- 14 Following the end of the Regulation 16 consultation, all representations received, including our own, will be sent to the Independent Examiner. Following examination, the next step will be to hold a Referendum within the Parish.

Other options Considered and/or rejected

- 15 An alternative is to revert to Portfolio Holder Decision. Whilst this allows greater flexibility, it limits wider Member engagement and input into our representations. SDC's Neighbourhood Plan Process Guidance (included at Appendix C) also states that Regulation 16 responses will be taken through the Committee and Cabinet process.

Key Implications

Financial

- 16 There are no additional financial implications for the approach to dealing with our representations at the Regulation 16 consultation stage, and the consultation will be funded from existing budgets

Legal Implications and Risk Assessment Statement

- 17 A Neighbourhood Plan allows local communities to help shape future development in the local area. Without a Neighbourhood Plan, planning decisions would be based upon adopted policies at a District level, and the local community for Fawkham would not have the opportunity to shape development in the Parish.
- 18 There are no legal implications for the proposed approach to dealing with our representations at the Regulation 16 consultation stage.

Equality Assessment

- 19 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Climate Change Implications

- 20 The Neighbourhood Plan itself contains policies regarding the natural environment and promotes a positive approach to climate change in the parish.
- 21 The decisions recommended through this paper have a remote or low relevance to the council's ambition to tackle the challenge of climate change. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Appendices

Appendix A – SDC Draft Response to the Fawkham Regulation 16 Consultation (including SDC's Response to Regulation 14 Consultation in 2023)

Appendix B – Fawkham Neighbourhood Plan Regulation 16 document

Appendix C – SDC Neighbourhood Planning Process Guidance

Background Papers

The Fawkham Neighbourhood Plan Regulation 16 Consultation and supporting documentation are available on the SDC website at:

www.sevenoaks.gov.uk/fawkhamnp

Richard Morris

Deputy Chief Executive and Chief Officer – Planning & Regulatory Services