

Delegated Portfolio Holder Decision: TWBC Representations to the Regulation 16 consultation on the Sevenoaks Town Neighbourhood Development Plan

For Councillor Hugo Pound on 20 September 2022

Summary

Lead Member: Councillor Hugo Pound

Lead Director: Lee Colyer

Head of Service: Carlos Hone

Report Author: Gwenda Bradley, Senior Planning Officer

Classification: Public document (non-exempt)

Wards Affected: Sevenoaks Town (outside Tunbridge Wells Borough)

Approval Timetable	Date
Portfolio Holder	Approved 21 September 2022
Report Published	26 September 2022
Decision due not before	4 October 2022

Recommendations

Officer recommendations as supported by the Portfolio Holder:

1. That the comments presented in **Appendix A** be submitted, on or before the 22 September 2022, as the Borough Council's representations to the Regulation 16 consultation on the Sevenoaks Town Neighbourhood Development Plan.

1. Introduction and Background

- 1.1 This report refers to the Sevenoaks Town Neighbourhood Development Plan (HNDP) Regulation 16 draft for consultation, that can be accessed on-line at <https://engagement.sevenoaks.gov.uk/mwg-internal/de5fs23hu73ds/progress?id=Kfmji67nExbQMrKgRn-HhyNpwdmitzGPnIr0P9VENNE,&dl>
- 1.2 The production of a neighbourhood development plan (or neighbourhood plan, as they are more commonly known) is the means by which a local community can take responsibility for land use planning in their area, potentially covering matters such as the location of houses, shops and community facilities, the setting of design standards for new development, or the identification and conservation of local heritage assets and green spaces.
- 1.3 The legal context for preparation of neighbourhood plans is provided by the Localism Act 2011 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf, the Neighbourhood Planning Regulations 2012 https://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf, and The Neighbourhood Planning Act 2017 <https://www.legislation.gov.uk/ukpga/2017/20/part/1/crossheading/neighbourhood-planning/enacted>, as amended.
- 1.4 Policies in neighbourhood plans need to be in general conformity with the strategic policies of the borough council, as well as having regard to the National Planning Policy Framework (NPPF) and any other relevant legislation.

Preparation of a Neighbourhood Plan

- 1.5 The preparation of a neighbourhood plan broadly follows that of a Local Plan. The Sevenoaks Town Neighbourhood Plan identifies the key issues to be addressed within its neighbourhood plan, and the Vision Statement and Strategic Objectives set out the main aims and objectives that the Plan seeks to deliver through policies in the neighbourhood plan.
- 1.6 It should be noted that as a neighbouring Local Authority, Tunbridge Wells Borough Council has not been involved in the preparation and consultation process of the Sevenoaks Town Neighbourhood Plan. This falls under the

jurisdiction of Sevenoaks District Council. Tunbridge Wells Borough Council has been consulted as a non-statutory consultee in this case.

- 1.7 A 'pre-submission' version of the neighbourhood plan (the Regulation 14 stage) was prepared and a Regulation 14 public consultation on this document carried out by Sevenoaks Town Council from 31 January to 31 March 2020. However, Tunbridge Wells Borough Council was not consulted at the Regulation 14 stage, only at the Regulation 16 stage.
- 1.8 Full details of the consultations and engagement with the public that were carried out in the preparation of the Sevenoaks Town Neighbourhood Plan are provided by the Consultation Statement prepared to support the neighbourhood plan

https://engagement.sevenoaks.gov.uk/strategic-planning/sevenoakstownndp/user_uploads/4166_20220610-sevenoaks-town-neighbourhood-plan-consultation-statement-june-2022-compressed.pdf
- 1.9 Following consideration of the Regulation 14 consultation responses, taking account of the issues raised and making any appropriate amendments in the light of the responses, a final draft 'submission' version of the plan was prepared and submitted, along with other necessary documentation, to Sevenoaks District Council on 20th June 2022.
- 1.10 A formal Regulation 16 consultation on the Sevenoaks Town Neighbourhood Development Plan is currently being carried out by Sevenoaks District Council, running from Thursday 4th August until Thursday 22nd September 2022, upon which Tunbridge Wells borough Council has been consulted.
- 1.11 Full details of the consultation are available at

<https://engagement.sevenoaks.gov.uk/strategic-planning/sevenoakstownndp/>
- 1.12 Neighbourhood plans, when finally approved (and then referred to as a 'made' neighbourhood plan), become part of the development plan for the borough, which means that they are a key document in the determination of planning applications in that area (that is, in this instance, Sevenoaks Town under the jurisdiction of Sevenoaks District Council).

2. Representations to be made by TWBC to the Regulation 16 consultation being carried out on the Sevenoaks Town Neighbourhood Plan

- 2.1 It is a requirement of the Neighbourhood Planning Regulations that a neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority. This will need to be considered and addressed by Sevenoaks District Council as the lead authority.
- 2.2 The representations to be made by TWBC to the Regulation 16 consultation (presented in **Appendix A**) are made as a non-statutory consultee. Although the policies included in the Neighbourhood Plan are focused at the local level and are likely to have more impact on neighbouring parishes in Sevenoaks District than Tunbridge Wells Borough, Tunbridge Wells Borough Council officers consider that it would be useful to provide the comments as presented at **Appendix A**.
- 2.3 These representations from TWBC, once approved by the Borough Council through this Delegated Portfolio-holder Decision will then be submitted to the Regulation 16 consultation for the Sevenoaks Town Neighbourhood Plan.

3. The next stage in the preparation of the Sevenoaks Town Neighbourhood Plan following the Regulation 16 consultation

- 3.1 Neighbourhood plans are subject to an Independent Examination. Sevenoaks District Council will appoint an independent examiner (with the agreement of Sevenoaks Town Council) to undertake this.
- 3.2 Normally, the independent examination will be conducted by written representations. However, if necessary, the examiner may invite interested parties to a public hearing to present their comments.
- 3.3 The independent examiner will consider whether the proposed neighbourhood plan meets the basic conditions and other requirements set out by law and will send a report to both Sevenoaks District Council and Sevenoaks Town Council (the 'qualifying body'). If the report is accepted, a local referendum will be held to ensure that the community has the final say on whether the neighbourhood plan comes into force or not.
- 3.4 If more than 50% of those voting in the referendum vote 'yes', then the neighbourhood plan will become part of the development plan for Sevenoaks Town.

Recommendation from Cabinet Advisory Board

N/A

4. Implementation

4.1 The TWBC representations to the Regulation 16 consultation on the Sevenoaks Town Neighbourhood Plan, set out in **Appendix A**, will be submitted using the on-line response form on the Sevenoaks District Council consultation webpages.

5. Appendices and Background Documents

Appendices:

- Appendix A: TWBC Representations to the Regulation 16 consultation on the Sevenoaks Town Neighbourhood Plan

Exempt appendices (if any): N/A

Background Papers:

- Sevenoaks Town Neighbourhood Development Plan Regulation 16 for consultation

<https://engagement.sevenoaks.gov.uk/mwg-internal/de5fs23hu73ds/progress?id=Kfmji67nExbQMrKgRn-HhyNpwdmitzGPnlr0P9VENNE,&d>

6. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Accepting the recommendations in this report will fulfil the Council's duties under the Town and Country Planning Act 1990, as amended by the Localism Act 2011, the Housing and Planning Act 2016, and the Neighbourhood Planning Act 2017. The recommendations also comply with the Neighbourhood Planning (General) Regulations 2012 as amended.

Robin Harris, Mid Kent Legal 21 September 2022

B. Finance and Other Resources

There is no associated cost beyond those factored into the budget of Planning Services in providing this report and Tunbridge Wells Borough Council's response to the Sevenoaks Town Neighbourhood Local Plan Regulation 16 consultation.

Jane Fineman, Head of Finance, Procurement and Parking 22 September 2022

C. Staffing

There are no staffing implications.

Carlos Hone, Head of Planning 21 September 2022

D. Risk Management

All risks associated with this report are within the Council's current risk appetite and managed in accordance with its risk management strategy.

Carlos Hone, Head of Planning 21 September 2022

E. Environment and Sustainability

No environmental and sustainability implications are identified. Section 3.2 of the Basic Conditions Statement submitted with the Submission Sevenoaks Town Neighbourhood Plan provides information to demonstrate how the Sevenoaks Town Neighbourhood Plan is in Conformity with Sustainable Development,

https://engagement.sevenoaks.gov.uk/strategic-planning/sevenoakstownndp/user_uploads/4166_20220610-sevenoaks-town-neighbourhood-plan-basic-conditions-statement-june-2022.pdf

and one of the roles of the independent examiner has been to consider whether the plan contributes to the achievement of sustainable development. The Neighbourhood Development Plan (when 'made') will form part of the borough's development plan, to be read alongside the Local Plan for Sevenoaks District.

Carlos Hone, Head of Planning 21 September 2022

F. Community Safety

No community safety issues arise as a result of this report

Section 17, Crime and Disorder Act 1998

Carlos Hone, Head of Planning 21 September 2022

G. Equalities

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users. Furthermore the Public Sector Equality Duty applies to Parish Councils: Sevenoaks Town Council will be responsible for demonstrating due regard to this in the production of a NDP.

Carlos Hone, Head of Planning 21 September 2022

H. Data Protection

There is no identified risk to individuals' interests under Article 5, the General Data Protection Regulation 2016.

Carlos Hone, Head of Planning 21 September 2022

I. Health and Safety

No implications for Health and Safety.

Carlos Hone, Head of Planning 21 September 2022

J. Health and Wellbeing

No implications on any social, economic and environmental factors which impact on people's health and wellbeing.

Rebecca Bowers, Health Improvement Team Leader 22 September 2022