

# AGENDA

## COUNCIL MEETING

Date: Wednesday, 5 April 2023

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT\*

Quorum = 16

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Pages

### Information about this meeting

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## 2. Apologies for Absence

## 3. Declarations of Interest

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The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPis) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

## 4. Minutes

To approve the [Minutes](#) of the meeting held on 22 February 2023 (Minute Nos. 685 - 702) as a correct record.

## 5. Mayor's Announcements

## 6. Leader's Statement

7. Questions submitted by the Public

To consider any questions submitted by the public. (The deadline for questions is 4.30 pm on the Wednesday before the meeting – please contact Democratic Services by e-mailing [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

8. Questions submitted by Members

To consider any questions submitted by Members. (The deadline for questions is 4.30 pm on the Monday the week before the meeting – please contact Democratic Services by e-mailing [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

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**Issued on Tuesday 28 March 2023**

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**Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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<b>Council Meeting</b>	
<b>Meeting Date</b>	5 April 2023
<b>Report Title</b>	Boughton and Dunkirk Neighbourhood Plan – Final stage
<b>EMT Lead</b>	Emma Wiggins – Director of Regeneration & Neighbourhoods
<b>Head of Service</b>	Flo Churchill – Interim Head of Planning Services
<b>Lead Officer</b>	Aaron Wilkinson, Senior Planning Officer
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. To agree that the Boughton and Dunkirk Neighbourhood Plan be made.

## 1 Purpose of Report and Executive Summary

1.1 The Boughton and Dunkirk Neighbourhood Plan was approved at referendum on Thursday 16 February 2023 with a majority of 90% (full results at Appendix I), and the Council is required to formally ‘make’ the Plan within 8 weeks of this date, except in the circumstances set out in Section 2. This report seeks agreement that no such circumstances apply and that the Plan be ‘made’ (referendum version of the Plan at Appendix II).

## 2 Background

2.1 Members will recall that the Boughton and Dunkirk Neighbourhood Plan Group have been progressing their Neighbourhood Plan, having been through examination last summer. The Independent Examiner considered that the Plan (subject to modifications which were accepted) met the Basic Conditions and other legal requirements and recommended that it proceed to referendum. This was agreed by the Policy & Resources Committee on 30 November 2022. The referendum took place on 16 February 2023, with 90% of votes cast in favour of the Plan being used by Swale Borough Council to help it decide planning applications in the neighbourhood area.

2.2 As a result, the Plan immediately came into force as part of the statutory Development Plan for Swale Borough. It holds full weight and must be used (in conjunction with the Local Plan) when determining planning applications in Boughton and Dunkirk Parishes. However, the Plan must still formally be ‘made’ by the Council within 8 weeks of the successful referendum, this date being 13 April 2023.

2.3 There are only narrow circumstances in which the Council is not required to ‘make’ the Plan. These are where it considers that the making of the Plan would breach, or be otherwise incompatible with, any EU or human rights obligations. Examples of these obligations include the Strategic Environmental Assessment Directive, the

Habitats and Wild Birds Directives, the European Convention of Human Rights, and the Human Rights Act 1998. Officers have worked with and advised the Group during the preparation of the Plan, particularly so over the last 2 years, and have always had these issues in mind. Furthermore, the Independent Examiner considered these issues, concluding that the Plan complied with the Basic Conditions and other legal requirements, and recommending that it proceed to referendum. As such, Officers are confident that no such obligations would be breached, and that Council should formally 'make' the Plan.

### **3 Proposals**

- 3.1 The proposal is to agree the Boughton and Dunkirk Neighbourhood Plan be made, which will complete the neighbourhood planning process.

### **4 Alternative Options Considered and Rejected**

- 4.1 There are only very narrow circumstances in which the Council could choose not to make the Plan as set out in Section 2. Officers are confident that no such circumstances apply and that there are no alternative options unless Members consider that there would be a breach of EU or human rights obligations.

### **5 Consultation Undertaken or Proposed**

- 5.1 The Plan has been through a number of stages of public consultation and independent examination between 2013 and 2022. It was also subject to a referendum as set out in Section 2. No consultation has been undertaken on this specific recommendation as this final stage of the process is for the Council to consider only.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	The Boughton and Dunkirk Neighbourhood Plan contributes to delivering Objectives 1, 2 and 3 of the Corporate Plan.
Financial, Resource and Property	The Council has applied for, and will shortly receive, grant funding to help cover the costs of the recent referendum.
Legal, Statutory and Procurement	The Council is satisfied that the Plan has been prepared in accordance with the requisite legal and statutory processes. There are no implications for the Council regarding procurement.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	The Plan contains a suite of relevant policies to specifically protect and enhance the environment and respond to the climate and ecological emergency.

Health and Wellbeing	The Plan contains a suite of relevant policies to meet the health and wellbeing needs of the community.
Safeguarding of Children, Young People and Vulnerable Adults	The Plan has been prepared with appropriate consideration to the needs of children, young people, and vulnerable adults. There are policies contained within the Plan to support their needs being met.
Risk Management and Health and Safety	N/A
Equality and Diversity	The Plan has been supported by an Equalities Impact Assessment.
Privacy and Data Protection	Consultation has been undertaken in line with privacy and data protection requirements.

## 7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Declaration of Results
  - Appendix II: Referendum version of the Boughton and Dunkirk Neighbourhood Plan

## 8 Background Papers

- 8.1 For further background reading, a more in depth discussion on the journey to this stage can found in the Policy & Resources Committee Meeting report from the 30 November 2022 meeting: [SBC report \(swale.gov.uk\)](https://www.swale.gov.uk/sbc-report).

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# DECLARATION OF RESULT OF POLL

## Referendum on the Boughton and Dunkirk Neighbourhood Plan

I, the undersigned, being the Counting Officer for Swale Borough Council at the referendum held on 16 February 2023, DO HEREBY GIVE NOTICE that the results of the votes cast is as follows.

<b>Question:</b>		
<b>Do you want Swale Borough Council to use the neighbourhood plan for Boughton and Dunkirk to help it decide planning applications in the neighbourhood area?"</b>		
	Votes recorded	Percentage
Number cast in favour of a 'Yes'	<b>528</b>	<b>90%</b>
Number cast in favour of a 'No'	<b>60</b>	<b>10%</b>

The number of ballot papers rejected was as follows:

(a) Want of official mark	
(b) Voting for both answers	
(c) Writing or mark by which voter could be identified	
(d) Being unmarked or wholly void for uncertainty	1
Total rejected	1

I do hereby declare that more than half of those voting have voted in **favour** of the Boughton and Dunkirk Neighbourhood Plan.

Electorate: 2536

Ballot Papers Issued: 589

Turnout: 23.22%

Dated: Friday 17 February 2023

Larissa Reed  
Counting Officer

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# **BOUGHTON AND DUNKIRK NEIGHBOURHOOD PLAN 2022 – 2031**



**PROVIDING A SUSTAINABLE FUTURE  
FOR BOTH PARISHES**



## Introduction

The task of a Neighbourhood Plan is to set out the development principles and allocation of sites for future building and land use in its area, reflecting the Government's determination to ensure that local communities are closely involved in the decisions that affect them. What this Neighbourhood Plan aims to achieve is delivery of development, balanced with protecting and enhancing particular character and unique assets.

This Neighbourhood Plan is submitted by the parish councils of Boughton under Blean and Dunkirk, in Kent, both being qualifying bodies as defined by the Localism Act 2011. The parishes were designated as a Neighbourhood Area under the Neighbourhood Planning Regulations 2012, Part 2, and Section 6 by Swale Borough Council on 19th September 2013.

The Plan has been developed to establish a vision for the two villages, and to help deliver the local communities' aspirations and needs for the life of the plan, up to 2031. The Plan intends to deliver sustainable forms of development and seeks to achieve the goals identified through engagement with the local community it serves; these goals reflect their needs, views and priorities, and a general planning framework and a resolve to protect the rural environment.

Key Objectives are set out with the Plan's Aim and Vision Statement and expanded in each section. The objectives are driven by the results of community public consultations and questionnaires, and statutory public consultation. All the policies have been devised from the objectives in each section and apply to the entire designated area; specific area policies also apply to certain sites.

The Plan will influence and reinforce Swale planning policies, making them more relevant and acceptable to Boughton and Dunkirk. It will also contain planning policies just for Boughton and Dunkirk and will allocate sites for particular uses such as recreation, employment or housing. If approved by a referendum, the Plan will be a statutory document which, once adopted, forms part of the Local Development Plan and will be used by Swale Borough Council to determine planning applications along with the Council's Local Plan.

The Boughton and Dunkirk Neighbourhood Plan has been prepared and delivered in the context of two particular uncertainties:

1. The nature of the work necessary to alleviate the traffic pressure at Junction 7 of the M2, at Brenley Corner, which lies within the parish of Boughton, will affect the development plans in this area, decisions that will not be taken nor even aired until 2028.
2. The proposal for 2,500 houses and industrial development by the Duchy of Cornwall on a site beside the A2 at Faversham; 35% of the land in this proposed development lies outside the Faversham boundaries (26% in Boughton parish; 9% in Selling parish). In particular, this intrusion into Boughton parish, if adopted in the Swale Local Plan, may well distort any housing figures and traffic flow forecasts in this Neighbourhood Plan. In addition, it would threaten the 'green' rural gap between the town of Faversham and the villages of Boughton, Selling, Sheldwich, Hernhill, Dunkirk and potentially Graveney. The NP team will work with Swale Borough Council to agree a locally important countryside gap through the local plan process.

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## Section 1.0 Aim, Vision Statement and Key Objectives

**1.1 The Aim of the Plan, produced in consultation with both communities, is to guide and manage the challenges of future development within the parishes.**

**1.1.1 The Plan covers the period from 2022 to 2031.**

**1.2 Vision Statement**

**That in 2031, Boughton and Dunkirk will be safe communities, where those who work or grow up here can afford to live, where families can raise children, where the elderly can remain in the small rural communities of which they have long been part, and where every person has access to necessary education, health and leisure facilities.**

**1.3 Key Objectives**

**1.3.1 Housing** – To preserve the villages’ architectural and historic heritage by protecting it from inappropriate development while providing a limited amount of sustainable housing to meet local needs, including affordable housing, sympathetic to the look and feel of the villages.

**1.3.2 Traffic and Transport** – To ensure any new developments will be limited by the capacity and nature of the road network to accommodate them, to restrict high volumes of vehicular through-traffic in order to reduce the adverse effects of traffic on our villages.

**1.3.3 Business and Employment** – To encourage the prospects for local businesses and employment in order to promote local economic growth and vitality.

**1.3.4 Community Wellbeing and Health** – To ensure maintenance of existing all footpaths and bridleways, and to encourage further provision of sports facilities to support healthy lifestyles and encourage exercise.

**1.3.5 Educational Provision** – To ensure that any future residential development takes full account of the impact upon school provision to ensure access to education, and to enhance local facilities for continuing study by all members of the community.

**1.3.6 Environment, Landscape Character, and Design** – To ensure the local landscape, character, design and environmental qualities of Boughton and Dunkirk parishes are protected from any inappropriate and unsustainable development; the villages of Boughton and Dunkirk to retain their sense of place within the surrounding countryside in order to maintain our identity as a community, separate from Faversham, Whitstable and Canterbury, with distinct rural green open spaces between the settlements.

## Section 2.0 About Us

### 2.1 Context



2.1.1 The villages of Boughton under Blean and Dunkirk lie on the edge of an Area of Outstanding Natural Beauty as part of the Kent Downs. They are situated in the heart of the fertile hop-growing and fruit-growing area of North East Kent between the North Downs and the coast. It is vital that this history and character is preserved for future generations.

*Hop fields in Boughton*

### 2.2 History of Boughton under Blean

2.2.1 Known locally as Boughton, Boughton under Blean is entered in the Domesday Book as 'Boltone'. Boughton Street is part of the old Roman road of Watling Street which runs from London to Dover. The road was used by the pilgrims made famous by Geoffrey Chaucer and is mentioned in the Canterbury Tales:

*'At Boghton under Blee us gan atake, a man, that clothed was in clothes blake, and undernethe he wered a white surplis'.*

2.2.2 Tens of thousands of pilgrims journeyed through Boughton and Dunkirk to visit Thomas Becket's shrine at Canterbury as well as sailors travelling from port to port, calling at the Dolphin Inn (now a private residence) built around 1766.



*Dolphin Inn*



*White Horse Inn*



*Wesleyan Chapel*

2.2.3 A few steps on, they came upon the thriving 15<sup>th</sup> century White Horse Inn, once a coaching inn, and the Wesleyan Chapel, built in 1844 of Gothic design, which has now been converted into apartments. At this end of Boughton there was also a medieval chapel, the Holy Trinity, the stones from which were later used to mend the road and build some houses. Further along is the

Queens Head public house built in 1590, and St. Barnabas Church, built in 1895/6, now a parish centre. The site was donated by a resident and at least half the fixtures and fittings provided by public subscription. On the cenotaph outside are forty names from the First World War and eleven from the Second. Many of the surnames are still found throughout both parishes today.



*Queens Head Public House*



*St. Barnabas Church and War Memorial*

## **2.3 South Street Hamlet**

2.3.1 Off Boughton Street lie ancient footpaths which branch off through hop fields and orchards, some leading to South Street, a hamlet which is to the south of both Boughton and Dunkirk, and is part of Boughton parish.

2.3.2 South Street is home to some of the most beautiful houses in the area and the parish church of St. Peter and St. Paul which was built in the 13th century and serves both parishes. The church is a Grade 1 listed building of local flint and was certainly a landmark for Chaucer's pilgrims travelling on their way from London to Canterbury.



*Church of St. Peter and St. Paul*



*Key Cottage*



*King's Arms (now a private residence)*



*The Lichen*

## 2.4 History of Dunkirk

2.4.1 Dunkirk was little more than a wasteland and was in fact once notoriously the wildest spot in Kent. Self-styled Sir William Courtenay chose the area of Bossenden Wood as the scene for his rebellion in May 1838, probably because it was so close to Canterbury. A road had been cut through the woods of Blean (Saxon word 'Blea' for 'rough ground') from Harbledown to Boughton. There was no church nor school; it was simply a small group of farms and woodmen's huts.

2.4.2 Once the Courtenay uprising in 1838 was put down, steps were quickly taken to reclaim the wasteland and create a parish. Dunkirk, *Ville de Dunkirk* until it became a parish, grew into a strong sister parish to Boughton and there is little doubt the name derived from Dunkerque in France, with a spot in the village being known as Petit France.



*All Saints / Christ Church*



*Dunkirk School*

2.4.3 The building of All Saints / Christ Church commenced, and it was consecrated by the Archbishop of Canterbury in June 1841. Dunkirk School opened in 1846 and served the community for 162 years until it was amalgamated in 2008 with Boughton School on the Boughton site, where school buildings had been opened in 1905. Dunkirk's church was also closed. It was deconsecrated in 1984 and converted into a private dwelling.



2.4.4 Further on towards Canterbury lies the Red Lion Inn, the former stable of which was the last resting place of Sir William Courtenay in 1838, before his burial.

*Red Lion Inn, a drawing from 1838.*



2.4.5 Dunkirk village is characterised by the imposing radar mast (Grade II listed) which looks over both villages, a reminder of the importance of the village to Britain’s air defences in World War II and the Cold War. Surrounding the mast is a large open area on which stand a number of World War II structures including an observation post. The area was subsequently designated a Scheduled Monument site for the arms, etc. that would have been dropped/buried; it is possible there are also some unknown buried bodies. The area was strafed and bombed a number of times. The lower, longer building behind it is thought to be an ammunitions store, much of it underground.



*WWII Radar Mast*



*WWII Observation Post and Ammunitions Store*



2.4.6 Blean Woods (*left and right*) is a Site of Special Scientific Interest (SSSI), one of the largest remaining areas of ancient woodland in the United Kingdom and designated as high landscape value. Blean Woods forms the Eastern boundary of the parish.





*Bofors Tower, Dunkirk before restoration (left), and now (right), a private dwelling*

2.4.7 In Clay Pits Woods within 'The Blean' stands a Bofors Tower now converted to a private dwelling. Originally built in early 1940 of concrete and brick construction, the tower was designed to raise a 40mm Bofors gun and its operational equipment above surrounding obstacles in order to achieve an all-round field of fire in defending the airfield from low flying enemy aircraft.

## **2.5 Historic parishes**

2.5.1 The historic parishes of Boughton and Dunkirk are set among some of the richest land in Kent. Boughton alone has more listed buildings than any other parish in the Faversham area. It boasts a wide variety of architecture ranging from medieval timbered and Georgian buildings, which remain largely unchanged, to contemporary bungalows (see also BD16). The lives of both villages are inextricably linked; one side of some roads lies in Boughton and the other in Dunkirk. The two communities enjoy and share each other's history, amenities, events and friendships.

See BD16 for a full list of Heritage Assets for both parishes.

## Section 3.0 Neighbourhood Plan Development

### 3.1 Neighbourhood Designation Area request

3.1.1 Following discussions about neighbourhood plans at both Boughton and Dunkirk Parish Councils, it was decided that a joint Neighbourhood Plan should be explored and, if viable, researched and proposed to both communities in a referendum.

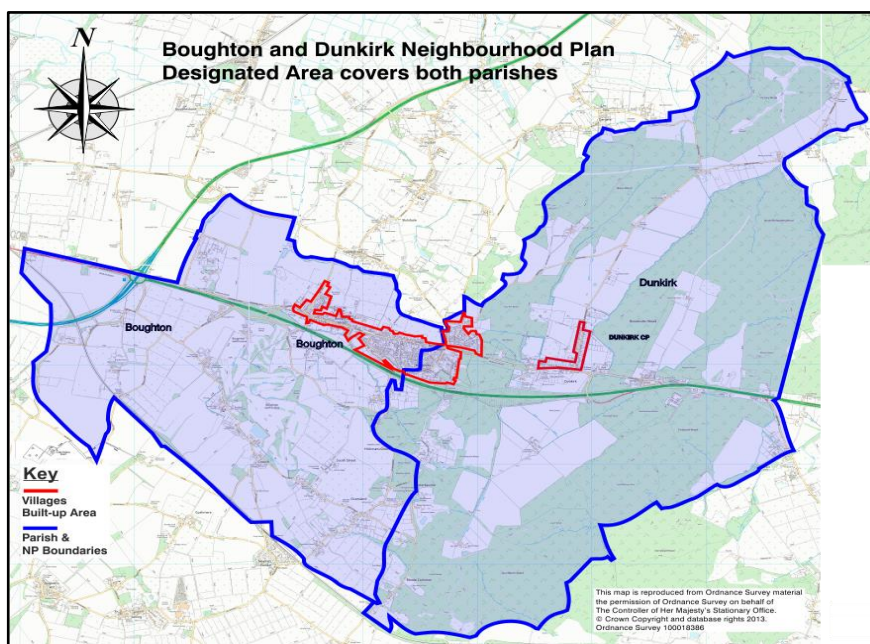
3.1.2 Boughton-Under-Blean and Dunkirk Parish Councils requested in May 2013 that the two communities form a Neighbourhood Plan. In order formally to make this request they wrote to Swale Borough Council outlining the area that they wish the Council to designate, i.e., the area which they would like the plan to cover. The area they sought to have designated is consistent with the long-established Parish boundaries of the two villages. See page 7, Map I.

### 3.2 Public consultation

3.2.1 Members of the Local Development Framework Panel agreed at the June 2013 LDF Panel meeting that a public consultation should take place. The consultation, which lasted for a period of six weeks from 5th July 2013 to 16th August 2013, outlined the reasons why the Parish Councils considered the area suitable to be designated as a neighbourhood area and showed a map of the area. The consultation was published on both Councils' websites and the Neighbourhood Plan website and site notices were placed at both Boughton under Blean and Dunkirk Parish halls and at other locations within the two villages. No comments were received.

### 3.3 Local Development Framework Panel

3.3.1 Officers considered the area proposed to be appropriate and recommended that the designation request be agreed. Members of the Swale LDF Panel agreed to the designation at their meeting of 19th September 2013.



Map I. Designated Area for Boughton and Dunkirk Neighbourhood Plan  
This map is also printed at A3 size in the compendium of Maps that follow page 68.

### **3.4 Bearing Fruits 2031**

3.4.1 The Boughton and Dunkirk Neighbourhood Plan will run concurrently with the adopted Swale Borough Local Plan “Bearing Fruits 2031”. This new type of planning document is to be prepared by local communities under the Localism Act 2011. It is part of the legal planning framework and must be used by Swale Borough Council, as part of the Local Plan, when it determines planning applications in Boughton and Dunkirk. The key is that the Neighbourhood Plan will help determine the future development and design of our village communities until 2031.

### **3.5 National Planning Policy Framework 2021**

3.5.1 Following on from The Localism Act, the National Planning Policy Framework (NPPF Rev 2021, paragraph 2), explains the mechanisms for determining planning applications.

*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.*

NPPF 2021, page 5 sets out the objectives of sustainable development:

*7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs...*

*8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural wellbeing; and*

*c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Although this Neighbourhood Plan was drafted before publication of NPPF 2021, our proposed policies have been reviewed in order to take these principles fully into account.

### **3.6 Ensuring Local Involvement**

3.6.1 Both Parish Councils discussed the merits of neighbourhood planning and agreed that a joint plan would be preferable for our communities in that they share many facilities. Discussions took place concerning funding because with a joint plan only a single grant would be received. Whilst it would have been useful to have double the grant, both Councils felt that the cohesion of the plan was more important as it would then provide for our joint needs. The team was grateful to receive some funding from our ward councillors. There has also been local fundraising to raise awareness.

3.6.2 The team has endeavoured to engage with as many groups and sections of our communities as possible as can be seen in document BD2 (Workshops and Community Engagement). This provides particulars and some details of the Questionnaire Survey (BD1), Housing evaluation and assessment of housing stock (BD5) Housing Need Survey (BD6), Character Area Assessments (BD8, BD9, BD10), Parking Surveys (BD4), Business Surveys (BD7) and other Community Engagement including timetabled interaction with years 4, 5 and 6 at the Boughton and Dunkirk primary school (BD3). The team were pleased with how engaged and involved our young people were; they were very perceptive and gave the team options and ideas, some of which have been incorporated into the Plan.

### **3.7 Source of the Plan's Vision and Objectives**

3.7.1 In 2013/14 the B&DNP team consulted the local community to ask what issues they were most concerned about, and what issues they would like the neighbourhood plan to address. Full consultation details are in Questionnaire and Results (BD1 and Plan BDs Additional Evidence).

3.7.2 A total of 21% of households responded. In summary, question 20 asked "What two issues should we concentrate on?" and the highest number of responses named were:

- Parking in the Street (40)
- Repair potholes/improve road maintenance (24)
- Reduce congestion/improve traffic flow in The Street (22)
- Cleaner pavements/reduce litter and dog fouling (17)
- Stop over-development of new housing (12)
- Provide more affordable housing (10)

In response to question 19, "What have we missed?" the highest number of responses mentioned improving traffic flow (13) and maintaining the village atmosphere by preventing over-development (9).

### **3.8 Community consultations**

3.8.1 Subsequently, the team undertook an extensive series of 29 community consultation events, as described in BD2 and BD3. Housing needs were then examined specifically through a Housing Needs Survey (BD6), carried out a targeted Business Survey (BD7), and surveyed Parking Needs for those living in The Street (BD4). These surveys informed the development of specific objectives and policies.

3.8.2 The initial consultations undertaken showed that although many residents feel privileged to live in as strong a community as Boughton and Dunkirk, they are generally concerned about the twin threats of inappropriate over-development and heavy traffic, which threaten the village atmosphere they hope to preserve. This finding led the team to propose the Aim, Vision Statement and the Key Objectives set out in Section 1, which were later endorsed by 90% of the respondents to the Regulation 14 community consultation in 2021.

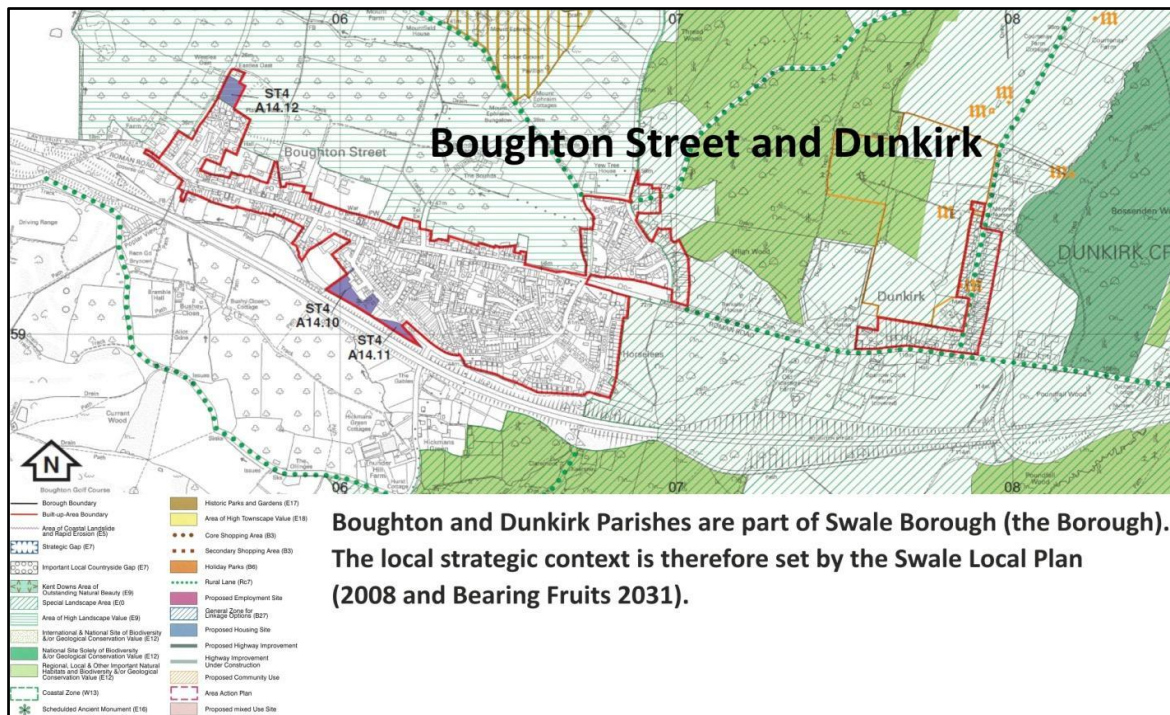
### **3.9 Statutory Consultations and Plan Evolution**

3.9.1 The evolution of the Plan into the current document has been an arduous process which has lasted eight years, with the last two years being significantly affected by the covid pandemic. The plan was discussed, researched and drafted with limited support from the local authority, and there were long delays whilst awaiting expert advice. Consultation with statutory organisations resulted in extensive redrafting. Following the amendments, the Plan was then examined independently and further revisions made. The B&DNP Team consider that the current document satisfies all regulatory requirements whilst remaining true to the objectives of our communities; it sets out a schedule of how the NP supports European, national, regional and local policies on planning and the environment (BD15 Basic Conditions Statement). For full community and statutory consultation details, see Consultation Statement (BD17, and Plan BDs Additional Evidence) which includes the Strategic Environmental Assessment and Natural England response (BD12).

### **3.10 Future Review**

3.10.1 The Plan will be monitored and reviewed at regular intervals during the period up to 2031 to ensure that it continues to be consistent with national policy and the strategic policies of the Swale Borough Local Plan. If necessary, the Plan will be formally reviewed and subject to statutory consultation and examination in accordance with the legislative requirements.

## Section 4.0 Planning Policy Context



Map II. Local Strategic Context (village envelopes outlined in red)

This map is also printed at A3 size in the compendium of Maps that follow page 68.

### 4.1 Our Villages in the 21<sup>st</sup> Century

4.1.1 Today, Boughton and Dunkirk are home to around 3000 people, including about 600 aged under 16. The local population is slightly older than the national average, with 18% of the population aged 65 or more, compared to 16.5% in England and Wales. There is a very low percentage of ethnic minority residents (1% compared to 14% nationally). There are fewer single-person households (25 % vs 30%) and a higher percentage of owner-occupied homes than nationally (73% vs 67%). The source for the data is the ONS 2011 Census.

### 4.2 Accommodation

4.2.1 The breakdown of accommodation types is shown below. The neighbourhood plan area has a higher percentage of households living in family homes, and very few in flats, compared to the national average.

Accommodation by Household: B&DNP vs National

DWELLING TYPE	B&DNP%	National%
Detached house	31.8	21.7
Semi-detached house	39.5	30.6
Terraced house	22.4	24.9
Flat	4.9	22.4
Caravan	1.4	0.4
<b>TOTAL</b>	<b>100</b>	<b>100</b>

### 4.3 Work

4.3.1 About 70% of the population aged 16-74 is economically active, in line with the national average. However, of those who are economically inactive, a higher percentage are retired (17% vs 14%), which reflects the age breakdown of the local area.

### 4.4 Travel

4.4.1 Over 90% of households own at least one car, compared to only 76% nationally. Car usage is an important part of daily life, as shown by the fact that 51% of the population aged 16 – 74 travels to work by private car or motorcycle.

Travel to work: B&DNP vs National

TRAVEL TYPE	B&DNP%	National%
Work from home	5.4	4
By public transport	5.8	11
By car / motorcycle	50.6	45
Walk / cycle	3.9	10
Economically inactive	29.9	30
<b>TOTAL</b>	<b>100</b>	<b>100</b>

4.4.2 Despite the fact that the main Faversham to Canterbury bus service runs directly through both parishes, and there is a regular rail service from Faversham or Selling to London, fewer than 6% of residents travel to work via public transport. The villages are not as well served by public transport as other villages of similar size on or close to the A2. There is no railway station within the village confines nor within suitable walking or cycling distance. The nearest station is at Selling, approximately 3 km south of Boughton but this can only be accessed by narrow busy rural lanes or footpaths.

### 4.5 Boughton parish planning context

4.5.1 Boughton is one of the larger villages in Swale. It is set around the old Roman road of Watling Street which runs west-east through the village, rising to and through the outer canopy of Blean Woods which looks over the eastern part of the village. The setting of the village adds significantly to its character. The oldest part of the village spreads out along the line of the old A2. It contains a wide variety of historic buildings. This variety of building styles, together with raised grassed banks and properties set back above the level of the road provide a strong character to this linear street. From the 1950s onwards, the village saw substantial expansion, particularly in the 1970s when suburban style estates were built, particularly in its eastern and southern parts.

4.5.2 In 1976, the main road, Boughton Street, was part of the A2 London to Dover. The building of the M2, and the A2 Boughton bypass has reduced some of the heavy traffic to Dover and to London through the villages, although the consequence of ongoing severe traffic problems at Brenley Corner and the resulting volume of traffic through the villages continue to plague the safety of our community and visitors. Traffic on the bypass produces an ever-present vehicle noise, particularly in southern parts of the village. Even within the village itself, local and through traffic detracts from the historic character of the street, a situation exacerbated by local parking



on the narrow main road. This situation can only worsen as large-scale housing developments threaten the integrity of this village community.

4.5.3 As well as Blean Woods, to the north-east of the village the lower pastures, stream and remnant orchards which separate the bypass from the village as it rises up to the Roman road, also add character, whilst to the north of the village the farmsteads, some of which are still served from the main street, provide a rural feel only a few metres away from the centre of the community.

4.5.4 Boughton has a range of facilities primarily located along the main street including a village shop, post office and shop, two public houses, two restaurants, two hairdressers, two hotels, two garages, two churches, an artists' studio and a multi-amenity village hall. The small family GP practice closed after many years in September 2016, due to the doctors' retirement.

4.5.5 St. Barnabas Church is now a well-used parish centre though still consecrated and licensed for baptisms, weddings and funerals. Through recent investment of £70,000, it has excellent access for the disabled. The parish of Boughton, with its youth and ex-service organisations, holds a Remembrance Service around the cenotaph every year. The churches are an important part of village life, and actively involved in the community.



*St Barnabas Church and War Memorial*

4.5.6 Both the parishes' village halls were built following funding by public donations and fund-raising. The large village hall in Boughton was built in 1976 and is used extensively by local organisations and hired out for both private and public functions as well as housing the local public library. It sits in six acres of parkland, which in recent years had play equipment for all ages installed after the successful fund-raising of over £100,00 by a local community group. In 2021, an outdoor family gym was added to the amenities.



*Boughton Village Hall and Play Area*



*Boughton and Dunkirk Methodist Primary School*

4.5.7 Boughton and Dunkirk Methodist Primary School is positioned centrally but set back from the main road. Local congestion occurs at school peak times and the school continues to grow and flourish; in recent years it has been extended, with improved dedicated teaching spaces and upgraded technology. It plays a vital and integral role in the life of both communities with several generations of families attending the school over the years. It is necessary to travel outside the village for secondary education, with the nearest schools in Faversham, between 5 and 6 km away.

4.5.8 Boughton has two open public spaces on the edge of the village. There are several wooded areas with public footpath access, while to the north adjoining the parish is Mount Ephraim stately home with its public gardens and tourist facilities.

4.5.9 Between them, Boughton and Dunkirk have a variety of sports clubs, including football, bowls, cricket, and an 18-hole 'Pay and Play' golf course. There are many other clubs and organisations catering for special interest groups in the communities. There are three thriving independent Play Groups as well as a popular Parent and Toddler Group. A Community Magazine produced over the past 35 years carries Church news as well as news from both parishes, their local organisations and clubs. It is funded by advertising, delivered by volunteers and has a circulation of around 500.

4.5.10 The adopted Swale Borough Local Plan *Bearing Fruits 2031* categorises Boughton as a Rural Local Service Centre and the planning context of the village thus:

***'There are some minor opportunities for development, but its setting and the valued habitats and landscapes around the village constrain its major expansion. Given its population, local services are not as extensive as other centres and could be enhanced.***

***Although not a service centre, the future and health of nearby Dunkirk is closely linked with that of its larger neighbour, and both will be considered through a Neighbourhood Plan.'***

*Bearing Fruits 2031 the Swale Local Plan, paragraph 4.3.20*

## **4.6 Dunkirk parish planning context**

4.6.1 Dunkirk is a much smaller settlement than Boughton and is based round the junction of the former A2 and Courtenay Road, some 1.8 km from the centre of its larger neighbour. It stands at the highest point of Boughton Hill surrounded by cultivated land and Blean Woods.

4.6.2 Many birds on the UK Red List (Birds of Conservation Concern 4) such as the *lesser spotted woodpecker* and *nightingale* make their home here. The parish of Dunkirk, which extends to the north east and south west of the village itself, is strongly rural and wooded in character.

4.6.3 Dunkirk's population centres are split between the top of Dunkirk Hill, where its oldest public buildings such as the former parish church and school are clustered beside the old A2, and the bottom of the hill, where there has been modern development on the border with Boughton. Aside from these, most of the development in the village is post-war ribbon development along Courtenay Road.

4.6.4 Dunkirk contains very limited facilities having lost its church, and the school having been amalgamated with the primary school 2.2 km away in Boughton. The village does however have some small industrial units and employment facilities. There has been a valued addition of a



village hall. Dunkirk Village Hall, now a centre for community life, was built in 2012 following a major fund-raising project to replace the small, pre-fabricated structure which had stood for many years.

*Dunkirk Village Hall (with Bees Knees Play Group)*

4.6.5 The adopted Swale Borough Local Plan *Bearing Fruits 2031* categorises Dunkirk as a village with a built-up boundary:

***'...which will provide development on minor infill and redevelopment sites within the built-up area boundaries where compatible with the settlement's character, amenity, heritage or biodiversity value.'***

*Bearing Fruits 2031 the Swale Local Plan, Policy ST3, 4.*

***'At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.'***

*Bearing Fruits 2031 the Swale Local Plan, Policy ST3, 5.*

## Section 5.0 Housing

### 5.1 Context

5.1.1 These are villages in which historic Tudor buildings sit alongside post-war and more recent housing. These are mostly privately owned or rented, with a limited number of social housing units. Affordability is a major issue, particularly for younger residents; there is a lack of suitable accommodation to meet the varying needs of our communities. The Neighbourhood Plan is a development-led plan that will seek to improve and enhance both parishes. It is important that any future development reflects the expressed wishes and aspirations of parishioners whilst ensuring a vibrant, robust community from now until 2031 and beyond.

5.1.2 All the sections of the NP interlock into a single context and the plan must be read as a whole but one of the most important relationships is between the Housing Needs and the Traffic and Transport sections. It will become evident that these two sections are interdependent. Government housing targets for Swale Borough Council will increase from 2022 by 34% to 1,048 dwellings per annum. This Neighbourhood Plan is produced in the context of Swale (SBC) striving to achieve these targets and is required to provide additional dwellings through this process.

### 5.2 Questionnaire and Housing Needs survey

5.2.1 The questionnaire results (BD1) and the housing needs surveys (BD6) are important background documents along with housing issues (BD5), KCC Strategic Commissioning Statistical Bulletins: Affordable Housing 2019-2020, Housing Stock 2019, Property prices and sales in Kent 2020, Earnings in Kent 2019, Disability in Kent 2020.

### 5.3 Issues arising from Questionnaire, Housing Needs Survey and Reg. 14 consultation

5.3.1 Affordability is the main problem for people in the parishes, as prices have risen by more than salaries. The ratio median of salary to afford the median home increased from 6.96 x salary to 8.96 x salary in 2020. Changes in the housing market have shown an increase in property prices far ahead of salary increases. This makes the opportunities for family members wishing to leave home and set up on their own or in a new family unit even more difficult. Local prices are at a higher level than many other parts of the Borough. During 2020 the average sold price of a property was £336,000. This includes a one-bedroom flat at £102,500 and a two-bedroom terraced house below £200,000, which lowers the average. From the calculations in BD6, it is clear that this would put property ownership completely out of reach for many local families. During November / December 2020, only three advertised three-bedroom rented properties were available in Boughton with an average monthly rental of £1,150. In nearby Hernhill and Faversham only three flats, with either one or two bedrooms were available between £650 and £995 per month.

5.3.2 The situation in 2022 has changed since our original research in 2015. Analysis of Land Registry data, March 2020 to January 2022 shows an increase in average sale prices of 17% in Swale, therefore property is even less affordable in the two parishes. The need for truly affordable homes is still our main priority and underscores our only suggested allocation for new homes.

5.3.3 The results of the questionnaire showed that some parishioners would like to move into smaller homes. It established a need for a small development, low rise and low density, and it was important that the properties would be available to local people or people with a local connection (see BD5).

5.3.4 It is crucial that ANY development within the parishes should not add unduly to the traffic problems that blight Boughton Street and other parts of the villages (see Traffic and Transport section, and BD4). Research shows a major problem to be traffic flow, particularly through The Street in Boughton, and any development must not be allowed to make this worse.

5.3.5 The water supply and sewage facilities in both parishes are already under strain. The NP recommends the need for mandatory housing standards for water and energy use. This would support water and energy efficiency for new buildings and promote the collaboration between the parishes of Boughton under Blean and Dunkirk, Swale Borough Council and developers.

#### **5.4 Local Plan Review new development concerns**

5.4.1 The relationship with developers, particularly on any larger sites being planned, is crucial. The NP sets out what priorities new development should seek to deliver through Section 106 agreements which must be monitored rigorously by Swale Borough Council. The government's New Homes bonus, awarded as an incentive for new housing development, should be shared equitably with both parishes. This bonus has never been distributed since its inception.

5.4.2 Some proposed developments in SBC's emerging Local Plan Review straddle parish council boundaries. For instance, the proposed Duchy development on London Road in Faversham is 26% in Boughton and 9% in Selling (see Maps III and IV below). The impact on these communities must be taken into account, and views reflected through public consultation.



*Map III. Duchy Land.*



*Map IV. Duchy Land by Parish: Faversham 65%; Boughton 26%; Selling 9%.*

*These maps are also printed at A3 size in the compendium of Maps that follow page 68.*

#### **5.5 Impact of housing demands on our parishes**

5.5.1 The adopted Local Plan 'Bearing Fruits 2031 (adopted July 2017) allocates enough land to deliver 14,124 dwellings. From 2022, the housing requirement figure increases from 776 per annum to 1,078 per annum. This means that the Borough Council is expected to allocate sites over the period covered by the current Local Plan and the Local Plan Review (2022 to 2038) for over 26,560 dwellings in the Borough. None of this is included in this Neighbourhood Plan. If

approved, the anticipated increase in population would only exacerbate strains on our public services such as education and health provision, and would increase the risk that Boughton and Dunkirk will become a suburb of Faversham.

5.5.2 The NP will aim to protect the rural gap of Grade 1 Agricultural Land separating these settlements and resist any attempt to encroach on existing parish boundaries but this issue will be dealt with through the Local Plan Review.

## **5.6 Liaison and consultation**

5.6.1 There is an urgent need for all stakeholders and decision-makers to:

- i liaise strategically over the important decisions facing them.
- ii give priority to recognising the impact of these decisions on small communities such as Boughton and Dunkirk. It is vital that the residents of Boughton and Dunkirk should be consulted over all matters which affect their everyday lives, and that their voices be heard.

## **5.7 Allocation**

5.7.1 It was established that a modest development of 10 to 12 properties as proposed in Policy H2 would be sufficient to address the need of the villages, provided there were sufficient safeguards over how these and the existing allocations were to be reserved for local need. As a bonus, these would provide additional houses to the Swale five-year supply.

### **5.7.2 Allocation process**

The Swale Local Plan 'Bearing Fruits 2031' assessed potential for housing development and allocated three sites within the Neighbourhood Plan area. These are already allocated meaning that planning permission will readily be considered. They are all in Boughton.

### **5.7.3 Bearing Fruits site allocation**

1. Bull Lane – approximately 0.5ha in size and allocated to deliver a minimum of 16 dwellings.
2. Land off Colonels Lane – approximately 0.8ha in size and allocated to deliver a minimum of 15 dwellings.
3. Land South of Colonels Lane – approximately 0.3ha in size and allocated to deliver a minimum of 6 dwellings.

These three sites were previously allocated by Swale Borough Council and the NP may only add to them. **Indeed, one could say that these properties alone would satisfy the housing demand of the area covered by the Neighbourhood Plan.**

## **5.8 Meeting local housing needs**

5.8.1 In order to meet local needs, the Neighbourhood Plan aims to ensure that these sites, as well as an additional area in Colonels Lane, are designed for and marketed to our parishioners. Dunkirk has gained consent for a S106 planning condition that ensures properties are offered to local people first and the Neighbourhood Plan wishes to ensure this continues. Another issue from the Housing Needs Survey was a need for 11 social rented or shared-ownership properties. This cannot be addressed through the NP as this could add 'hope value' to any land considered, making it too expensive for these properties. The land would need to be purchased at agricultural prices.

## 5.9 English Rural Housing

5.9.1 The NP team have met English Rural Housing and both Parish Councils will try to address this need outside of the Plan. This decision was taken after discussions with SBC and has the backing of both Parish Councils.

## 5.10 Site allocation by the Neighbourhood Plan

5.10.1 Since May 2016, the Neighbourhood Plan Team has been working on the understanding from Swale Borough Council that no further sites will be allocated by Swale Borough Council within the Boughton and Dunkirk area, and any further allocation will be determined by the Neighbourhood Plan. This is exclusive of any allocations through the Local Plan process.

**Consequently, it is understood that the Neighbourhood Plan would be the only plan to allocate land within its designated area.** This was a very positive confirmation. The Neighbourhood Plan Team had already started to assess the parishes for land for further development, but it was at a very early stage and would have had little weight in any planning decision.

**5.10.2 It is necessary to point out that this responsibility is relevant to the 26% of the land within the Boughton Parish boundary that is embraced in the Duchy proposal to build 2,550 houses, plus 20,000 square metres of business, commercial and retail space on London Road in Faversham. The impact on the villages would be huge.**

## 5.11 Call for sites

5.11.1 The Neighbourhood Plan Team carried out a call for sites (BD13) and 23 sites were submitted, which did not include the Duchy land. These were assessed with a process similar to that used by Swale Borough Council, to ensure they would be compliant with National Policies, The Swale Bearing Fruits 2031 (emerging at that time) and saved policies in Swale's local plan 2008, carried forward to Bearing Fruits 2031, and followed locality guidelines.

5.11.2 These were assessed thoroughly (BD14) in three ways:

1. By the Neighbourhood Plan team using protocols developed by Planning Aid England.
2. By a consultant (Town Planner Catherine Hughes) who worked with the team.
3. Finally, a shortlist\* was reviewed by Swale spatial planners, planning officers and conservation officer, under the SHLAA constraints.

\*These were the sites that had some merit, along with those that might be considered contentious, so that every site would be exposed to rigorous scrutiny. Some had already been assessed and rejected by Swale Borough Council.

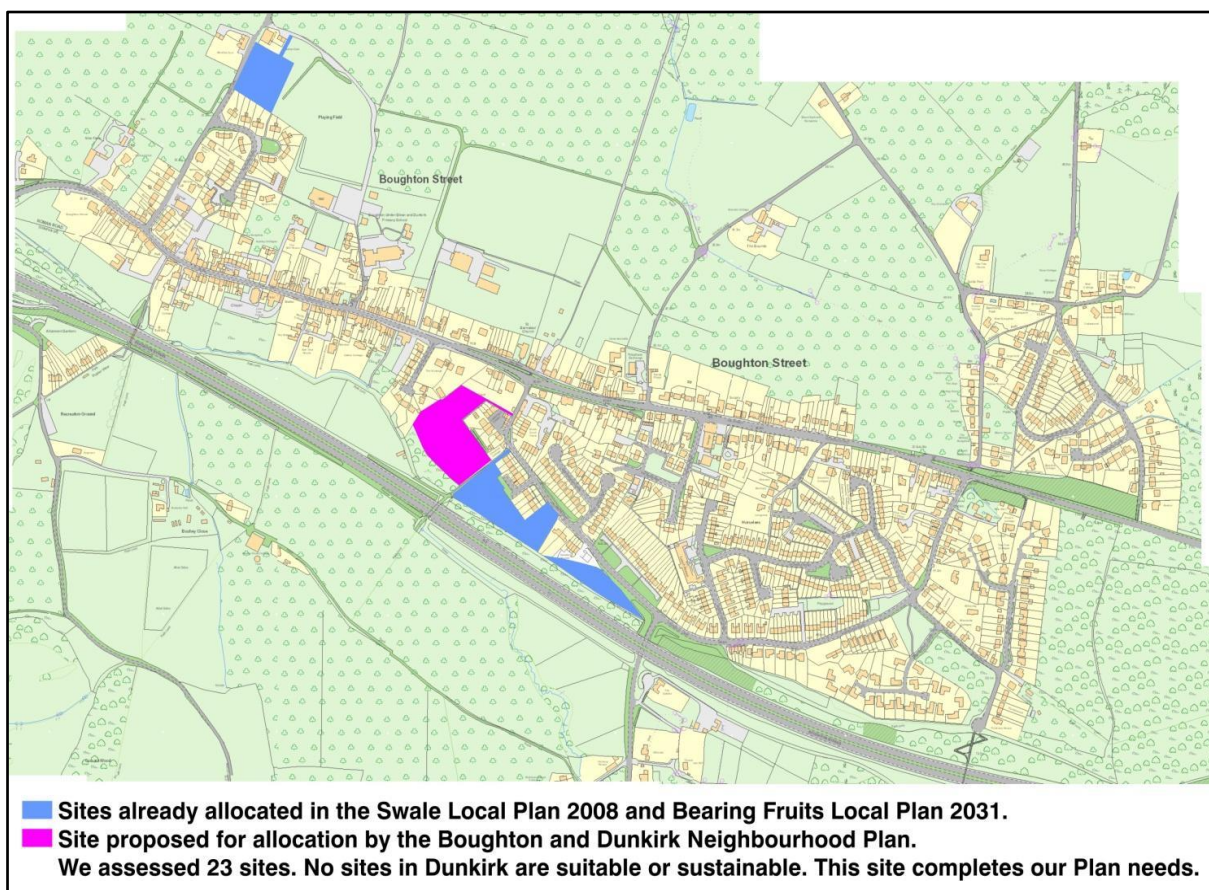
## 5.12 Plan site selection

5.12.1 The chosen site (land at rear of 89 The Street, sites 22 and 23 in BD13) has a number of constraints that can be mitigated by combining the site with the adjacent Local Plan allocations in Colonels Lane. Along with a suitable S106 condition, more homes would be available to people within our community.

5.12.2 A development brief / design code for the combined sites to include the local plan allocations will be required to address:

- i access to Colonels Lane via the adjacent site, allocated in the Swale Local Plan, with appropriate legal undertakings.
- ii safe pedestrian and cycling access and traffic management measures to cross a public footpath.
- iii noise screening, given the proximity to the A2.
- iv proximity to the Conservation Area.

These points will be further scrutinised with any planning application; the site is close to all facilities and is considered sustainable, suitable, available, achievable and deliverable.



Map V. Neighbourhood Plan site selection

This map is also printed at A3 size in the compendium of Maps that follow page 68.

**5.12.3 This will be the only site the Neighbourhood Plan Team are prepared to recommend to the community in the referendum. This site (see Map V above) met all selection criteria and is therefore suitable for allocation.**

See also BD14 Site Assessments and Allocations.



## **5.13 OBJECTIVES AND POLICIES**

5.13.1 Objective 1. To provide existing and future residents with the opportunity to live in a quality home whilst ensuring minimal impact on the traffic-sensitive areas exposed by the questionnaire.

### 5.13.2 Policies from Objective 1

- H1** The provision of new housing within the Plan area, particularly to meet local needs and including the provision of affordable housing, will be supported, where such proposals comply with all other relevant policies in this Plan and those in the adopted Swale Borough Local Plan.  
Proposals for new residential development will need to demonstrate that all aspects of the development comply with the objective of securing sustainable patterns of development within the Plan area, particularly in respect of seeking to minimise environmental impacts, such as traffic generation. All new dwellings should be designed and built to comply with Part M of the Building Regulations (see BD5).
- H2** Land to the rear of 89 The Street, Boughton, as shown on Map V on page 20, is allocated for the development of up to 12 new dwellings. Proposals for the development of the site will be required to:
1. include the appropriate proportion of Affordable Housing
  2. secure satisfactory vehicular and pedestrian access, including access for emergency and refuse collection vehicles, from land to the east of the site which is also allocated for residential development in the adopted Swale Borough Local Plan
  3. maintain the existing Public Right of Way along the south-eastern boundary of the site
  4. provide suitable access within the site to serve existing wastewater infrastructure in the area
  5. secure appropriate utility infrastructure connections in conjunction with the development of land to the east of the site
  6. be implemented in accordance with a Development Brief to be agreed with the Borough Council and the Parish Council, following public consultation.
- H3** Proposals for new residential development in the Plan area should include a mix of housing types, including smaller homes for people seeking their first home or for older people seeking to downsize from larger properties. Developments of 11 or more new dwellings must provide 40% affordable housing, in accordance with the Borough Council's policies and Housing Strategy.

**H4 At least 25% of all Affordable Housing units secured through developer contributions in the Plan area shall be offered for discounted sale as First Homes for a period of at least six months, in accordance with the national and local eligibility criteria. See BD5 for full details.**

5.13.3 Objective 2. To ensure that new development is of high-quality design, built to high sustainability standards (i.e., energy efficient and with vehicle electrical charging points), reinforces local distinctiveness, and minimises impact on the landscape. New and improved utility infrastructure including wastewater and water supply, will be encouraged and supported in order to meet the identified needs of the community subject to other policies in the plan.

5.13.4 Policies from Objective 2

**H5 Proposals for new residential development in the Plan area will be supported where they:**

- 1. demonstrate that they are of good design and locally distinctive style, respecting the principles of the current Kent Design Guide, and including suitable green spaces and children’s play areas. (See also Policies E1, E2 and E3); and**
- 2. demonstrate that they will be sympathetic to the street scene and their settings as set out in an agreed Design Code for the development and/or for the wider area; and**
- 3. include building design features to seek to achieve carbon neutrality and reductions in energy usage.**

**H6 The sites within the Plan area allocated for new residential development, including the three sites allocated in the adopted Swale Borough Local Plan and the site included at Policy H2 in this Plan, shall:**

- 1. be developed in accordance with an agreed Development Brief and/or a Design Code to be prepared by the applicant or developer, that is subject to local public consultation prior to agreement by the Parish Council and the Borough Council;**
- 2. be required to make the appropriate contribution towards the mitigation of recreational pressures on the designated Special Protection Areas (SPAs) in accordance with the Borough Council’s adopted Strategic Access Management and Monitoring Strategy (SAMMS).**

5.13.5 Objective 3. Preferential access to new affordable homes will be given to people with a proven local connection. Where a local need for affordable housing has been established, this will apply to those sites already allocated in the Swale Local Plan and to those allocated by this Plan; they must be placed in sustainable locations and support the environmental aims of the NP. This will be achieved with Section 106 agreements, monitored by Swale Borough Council.

5.13.6 Policy from Objective 3

**H7 Within new residential developments approved within the Plan area, preferential access to Affordable Homes provided as part of those developments, should be given to people with a proven local connection and subject to meeting the eligibility criteria of the Borough Council's Housing Allocation Policy.**

5.13.7 Objective 4. Traffic issues and parking are of the highest concern. Development will be expected to fully address the impacts on traffic and parking issues in the area.

5.13.8 Policy from Objective 4

**H8 Proposals for new residential development in the Plan area shall ensure that adequate on-site car parking provision is made in accordance with the Borough Council's approved Parking Standards SPD (adopted June 2020).**

**Development proposals which involve the loss or conversion of existing on-site car parking spaces, for example the conversion of a garage to living accommodation, will only be supported where adequate on-site parking provision, in accordance with the Parking Standards, remains available to support the completed development.**

## Section 6.0 Traffic and Transport

### 6.1 Context

6.1.1 Boughton and Dunkirk, twin villages on the ancient road from London to Canterbury taken by Chaucer's Pilgrims, are under siege. Road traffic is the bugbear in many ways. The M2/A2 corridor, running through the Neighbourhood Plan area, is also part of the "Trans European Transport Network" and the Brenley Corner junction is one of UK's biggest accident black spots.

6.1.2 As with educational provision, many of the decisions that apply to/govern our recommendations will be taken at Borough Council, County Council or national level. Our representations, the voices of the communities need to be taken into account when decisions are made.

### 6.2 Brenley Corner Junction

6.2.1 Brenley Corner junction is the only roundabout between Dover and the outskirts of London with traffic, particularly foreign traffic, sometimes unprepared for it. Accidents occur regularly. When this happens, the impact on the village is profound, as vehicles, including heavy lorries, attempt to get around the accident by using country lanes and Boughton Street. The danger to other local road users – cyclists, horse-riders, pedestrians – is obvious and worrying. The quality of the air that people in our communities breathe is also affected.

6.2.2 This major junction, the responsibility of National Highways, is severely in need of improvement, especially if it is to take an extra load of traffic from more development at Faversham and Canterbury and from a new Thames Crossing. This improvement needs to be sensitively handled, respecting its rural setting in what will become a precious green gap between Faversham and Boughton.

6.2.3 Some commuters who car share or board coaches, park in Brenley Lane and Homestall Lane; this has never been properly controlled, to the detriment of the environment, but this could be affected by future highway improvements at Brenley Corner.

### 6.3 Increase in traffic flow

6.3.1 The problem will be exacerbated by future major housing developments planned for Faversham and Canterbury which will further increase traffic flow along the bypass/A2/A299 roads.

6.3.2 There is also a proposal to build up 2,550 new homes on Duchy of Cornwall land between Brenley Corner and along the A2 to Tinbridge Oast, which lies in Boughton. The draft plan for this development shows no fewer than five new junctions onto the existing A2 roadway. Any suggestion of major development between Faversham and Boughton beside the A2 must be seen in the context of the February 2022 Strategic Transport Modelling Evidence report. This states 'it is highly unlikely that any highway schemes can fix all the congested points on the network', which will constrain development until at least 2038.

6.3.3 Canterbury City Council also plans to approve the building of 16,000 homes in Canterbury, Whitstable and Herne Bay by 2031.

#### **6.4 Congestion and parking**

6.4.1 Congestion in Boughton Street is already an ever-present problem. Parking is in some stretches restricted by double yellow lines but this road, the old A2 between London and Dover, is frequently blocked, a situation exacerbated by the necessary, welcome and regular journeys by double decker buses. The congestion has often reached crisis point. This, as the Neighbourhood Plan indicates, is a necessary constraint on further housing development in the two villages, including affordable housing. Some efforts have been made to reduce the effects of large vehicles entering the village, through a 7.5 tonne weight restriction on The Street, but the basic problem persists.

6.4.2 More cars mean more parking, particularly in residential areas where existing housing has access to no, or just one, off-road parking space. Many of the houses within the conservation area have no garage or parking spaces. The western part of The Street, which is most affected by congestion, was surveyed again in 2017 to see if residents would use off street parking if it was available. The responses indicated that it would be acceptable but used only if there were a number of such sites relatively close to the respondents' homes. This is not viable as there are no sites with suitable and safe access on to The Street. The obvious solution is a major extension of the existing yellow lines but this is not acceptable without providing adequate alternative parking spaces for residents.

See BD4 Additional Evidence for Parking Questionnaire and Results.

#### **6.5 A2 Lorry parking**

6.5.1 Overnight lorry parking is a major problem along the A2 and in surrounding roads, especially at Gate Services and at Nash Court. Neither the solution to Operation Stack nor the problems associated with Brexit and overnight lorry parking have been resolved. The dangerous situation at Gate Services, where Heavy Goods Vehicles were parking on the footway, forced pedestrians into the roadway and damaged the path. Years of pressure from Parish and County councillors, with the local MP, achieved action from National Highways, but the situation is not yet fully resolved. The lorry parking problem also occurs along the old A2 near Nash Court.

#### **6.6 OBJECTIVES AND POLICIES**

6.6.1 Objective 1. High priority in the policies and implementation of the Neighbourhood Plan must be given to dealing with the transport and environmental implications of changes to the A2/M2 corridor and to development at Faversham and Canterbury.

Boughton and Dunkirk Parish Councils will continue their pressure on Swale Borough Council, Kent County Council, National Highways and their Borough Councillors, County Councillors and MP to improve the traffic flow along the A2 and the junction at Brenley Corner, while restricting access to some of our lanes and Boughton Street by HGVs and other through traffic. The Parish Councils

will play an active role in the preparation and implementation of a design and development brief for the Duchy Land in respect of traffic and pedestrian routes.

6.6.2 Objective 2. All development will be expected to include proposals to mitigate congestion problems in the area, and the intrusive effects of traffic. The villages of Boughton and Dunkirk, and the surrounding countryside, are to be protected from the impacts of threatened increase in traffic. The NP requires all developments to provide off-road parking in accordance with the Parking Standards set out in BD4.

6.6.3 Policies from Objectives 1 and 2

- T1 To reduce the adverse effects of traffic on our villages, all developments will be limited by the capacity and nature of the road network necessary to accommodate them, and where possible should include off-road access via public rights of way.**
- T2 Further development in the countryside and surrounding villages is resisted beyond that which is allowed by the NPPF 2021 and LP Policy ST3, Bearing Fruits 2031, in order to avoid any increased negative impact on the current road system traffic, the Public Rights of Way (PRoW) network and the local environment.**

6.6.4 Objective 3. Development proposals will require measures to allow safe walking, cycling and use of public transport. The Neighbourhood Plan team and the Parish Councils will work with the Highway Authority and the bus companies to improve facilities and information at the bus stops.

6.6.5 Objective 4. The Neighbourhood Plan team and the Parish Councils will work with:

- i. Kent County Council as the Highway Authority to improve cycle and pedestrian routes.
- ii. The Highway Authority and landowners to promote the “Walking for Health” routes identified (see Maps VI, VII page 30, and BD11)

6.6.6 Objective 5. Any development must not add to parking problems in the area and should include measures to ensure adequate parking provision is included to serve the needs of the development.

6.6.7 Policies from Objectives 3, 4 and 5

- T3 Future residential and non-residential buildings shall have sufficient dedicated on-site parking spaces to avoid the need for parking on adjacent roads in accordance with the Parking Standards set out in BD4.**
- T4 Development proposals for creation of a properly surfaced and managed car parking area, for example at Brenley Lane, will be supported, in principle, to promote car sharing.**

## **Section 7.0 Business and Employment**

### **7.1 Context**

7.1.1 The Neighbourhood Plan area has incomplete broadband coverage, with access one-third slower than the national average. The proportion of companies which export is in line with the national average (11%.) Eleven companies (15.5%) have expansion plans, some with additional property requirements, and eighteen have additional staff requirements.

There is no Business Forum or support group for local businesses to network, discuss promotion or recruitment opportunities or to make representations, either nationally or locally. Local business attitudes, however, are mainly positive. The potential for further growth exists, at least in the medium term.

### **7.2 Consultation**

7.2.1 Local businesses were consulted regarding their requirements as part of the Neighbourhood Plan survey of community opinion. Eleven local companies said they were considering changing premises to expand and allow for growth. These opinions were expressed pre-Brexit and a further survey may be needed in order to gauge/check business confidence (see also BD7). The Neighbourhood Plan should remain flexible to accommodate expansion by small businesses, while at the same time, protecting the local environment.

### **7.3 Farming**

7.3.1 There are five major farming/agricultural businesses in the curtilage of the Neighbourhood Plan. Each is thriving, and the sympathetic development of agricultural buildings has been necessary for the growth of these businesses.

### **7.4 Suggestions for improvements**

7.4.1 Suggestions for improvements/criticisms by businesses covered ten different areas of which six most frequently mentioned were the need for:

1. Faster, improved broadband service
2. Reduced parking in The Street and increased off-street parking allocation (11)
3. Improved road upkeep and/or maintenance (6)
4. Additional housing and commercial land allocations (6)
5. A Business Networking forum (5)
6. Promotion of Local Businesses

### **7.5 OBJECTIVES AND POLICIES**

7.5.1 Objective 1. To ensure the continuing vibrancy of the villages, the Neighbourhood Plan seeks to maintain and encourage proportionate expansion of local enterprises and retail outlets to encourage community use as well as to provide opportunity for employment and training for local people. This includes prioritising development on brownfield sites.

#### 7.5.2. Policy from Objective 1

**BE1** Proposals for new or expanded businesses (falling within Use Class E), either on existing or other sites will be supported, where they reflect the overall development strategy of this Plan and conform with the relevant policies concerning location, building design and environmental impacts. In particular, support will be given for proposals for the redevelopment of previously developed sites and also for those that provide opportunities for local employment and training.

7.5.3 Objective 2. To support sustainable and economic growth which respects the character of the area and conserves its heritage while understanding the important elements of the local landscape. See Section 2, About Us.

See also BD10 and Policies from Section 10: E1, E3 (10.4.2); E9 (10.4.8); AS12, AS13 (10.13.2).

#### 7.5.4 Policy from Objective 2

**BE2** Proposals for new commercial development within the Plan area must be in keeping with the important landscape and heritage character of the area and take account of the relevant policies in Section 10 of this Plan.

7.5.5 Objective 3. To maintain the essentially rural nature and character of the two parishes, any commercial development should be measured, proportionate in size and type, and sustainable in the context of traffic and other infrastructural consideration.

#### 7.5.6 Policy from Objective 3

**BE3** Proposals for new or expanded commercial development in the Plan area should include adequate on-site vehicle parking spaces in accordance with the adopted Parking Standards and, where necessary, submit a Goods Movement Plan to minimise the use of HGVs. (See also BD4, Parking Standards).



## Section 8.0 Community Wellbeing and Health

### 8.1 Context

8.1.1 The community benefits from four designated recreation areas within two parishes, set within rural surroundings of picturesque fields, woodlands and orchards. These spaces provide play facilities for younger children as well as areas for football and bowls. There is also an 18-hole golf course with hotel facilities.

8.1.2 In recent years a community group, supported by the Parish Council, has enhanced the main recreation ground in Boughton by providing play facilities for the youngest children as well as adventure equipment for older children. An outdoor family gym was added in 2021.

8.1.3 With the closure of the Boughton GP surgery in 2016, our community now has no local primary medical, dental or social care facilities. Residents must travel to Faversham, Whitstable or further afield to meet their care needs. Whilst resolving this issue is not within the remit of a Neighbourhood Plan, our proposed housing policies have been designed with this constraint in mind (see BD11).

### 8.2 Questionnaire response

8.2.1 The main sources of evidence are the results of the Questionnaire and comments at subsequent meetings. These identified a strong concern for retention and promotion of the rural environment of the two villages (see also BD11). The Neighbourhood Plan has taken account of the need for additional facilities, particularly for younger adults, as indicated in responses to the initial Questionnaire.

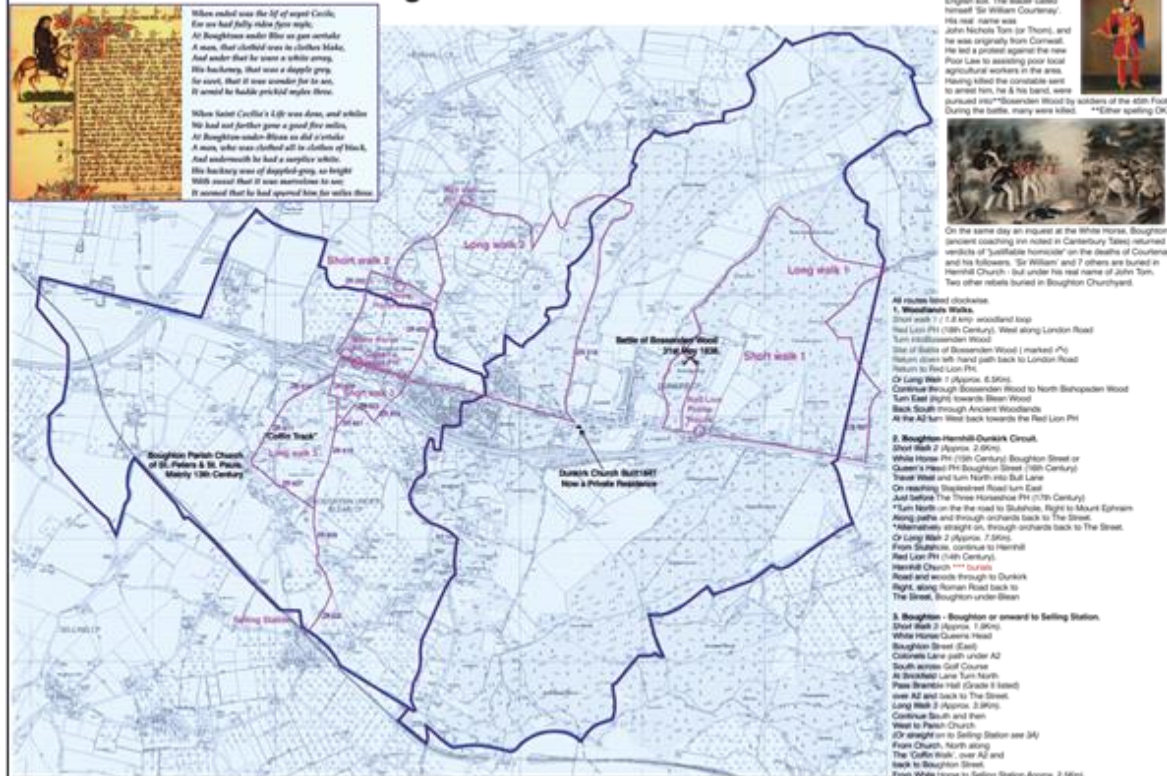
8.2.2 To meet the points identified by respondents, the Neighbourhood Plan contains a broad aim to extend sport and recreational opportunities for all members of the community by making best use of green spaces, village hall facilities and the Parochial Church Council-owned St. Barnabas Parish Centre. Responses to a Call for Sites also include suggestions suitable for recreational development.

### 8.3 Walks, trails, bridleways and footpaths

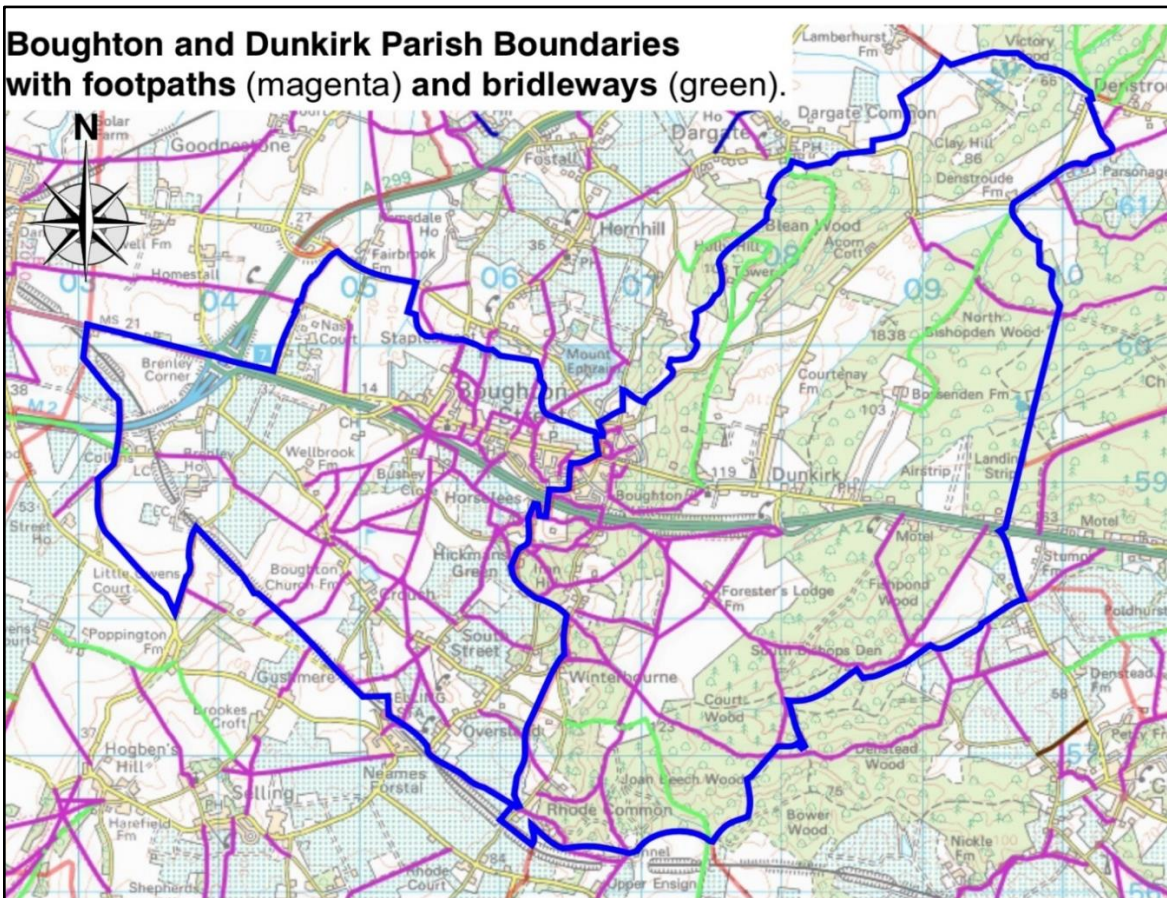
8.3.1 Maps VI and VII on page 30 identify footpath trails and bridleways across the two parishes, and specially designed walks entitled 'Walks for Heritage and Health' (see also BD11). The Neighbourhood Plan encompasses an area of landscape and historic interest. Situated close to the protected woodland of the Forest of Blean and surrounded by an iconic countryside of orchards and hop-gardens, it is the epitome of Kent 'The Garden of England'.

8.3.2 Local residents value this landscape for its intrinsic beauty, its historic importance and its recreational amenity value. It also acts as an important countryside buffer between the villages and the larger nearby towns of Faversham and Canterbury.

## Walks and trails for Heritage and Health.



Map VI. Walks and Trails for Heritage and Health



Map VII. Boughton and Dunkirk boundaries with footpaths and bridleways

These maps are also printed at A3 size in the compendium of Maps that follow page 68.

## 8.4 OBJECTIVES AND POLICIES

8.4.1 Objective 1. To enhance the use of all present recreational spaces and facilities, and to promote the health of the whole community by encouraging physical exercise.

8.4.2 Policies from Objective 1

- CWB1 The promotion and use of the green environment through new and existing designated trails which link throughout the parishes will be supported.**
- CWB2 The provision of new and/or enhanced suitable recreational open spaces and facilities at suitable and accessible sites within the Plan area, will be supported.**
- CWB3 Development proposals will be supported that will enhance the network of public bridleways and footpaths throughout the parishes.**

8.4.3 Objective 2. To broaden recreational opportunities and highlight the benefits of the outdoor environment for community members of all ages, not least for young adults, as well as for visitors to the parishes.

8.4.4 Policy from Objective 2

- CWB4 Development proposals will be supported that will enhance sports facilities within Boughton and Dunkirk villages.**

## Section 9.0 Educational Provision

### 9.1 Context

9.1.1 With the closure of the primary school in Dunkirk, pupils from both parishes within the Neighbourhood Plan area now attend the combined Boughton and Dunkirk Primary School in Boughton. Pupils continue to attend secondary schools in Faversham or Canterbury, either by bus or car.

9.1.2 With the primary school now close to capacity, a new housing development at Love Lane/Whitstable Road in Faversham as well as other proposed developments close to (and within) the boundary of the parish of Boughton-under-Blean may well have an impact upon school numbers. However, assurances have been given, following discussion with senior officers in East Kent Area Education Department, that pressure will be exerted upon developers to include the construction of a new primary education facilities in Faversham to meet the needs of these new residents.

### 9.2 Meeting the needs of our communities

9.2.1 The objectives of the Neighbourhood Plan relate both to ensuring adequate educational provision for all our primary school pupils and, where possible, to alleviating present and future pressures on parking and traffic flow linked to transportation of pupils to and from school.

9.2.2 At the same time, the Neighbourhood Plan supports local opportunities for continuing education and training for the wider community. Consequently, there is an obvious need for improved and consistent broadband throughout the NP area. Much of this section will depend on education and planning decisions, at District and County Council level, but the wishes of the community are summarised at the time of the writing of this Plan.

### 9.3 OBJECTIVES AND POLICIES

9.3.1 Objective 1. To ensure that any proposed new developments within or close to the boundaries of the two parishes must respect the constraints on the present primary school facilities. To improve parking provision and traffic flow at the beginning and end of the school day, as well as ensuring safe crossing places in The Street, following expressions of concern by pupils and parents. To support the suggestion produced by the questionnaire of a shuttle bus within the two Parishes in order to reduce the journeys of private vehicles travelling to and from the school.

9.3.2 Policy from Objective 1

**EP1 Development proposals must make the appropriate educational provision including safe walking routes to and from the school. This is to ensure traffic problems are not exacerbated and air quality standards are not compromised.**

9.3.3 Objective 2. To promote an ethos of Education for All by encouraging the use of local facilities to offer opportunities for study, personal development and expansion of vocational skills. To meet the needs of a world ever more reliant upon 'new technology', the Plan will focus on providing or encouraging opportunities for training in Information Technology (IT) for all members of the community by adapting or improving current facilities.

9.3.4 Policy from Objective 2

**EP2 To support proposals to enhance local facilities for continuing study, including the development of vocational and information technology skills, for all members of the community and to improve broadband access and speed.**

## Section 10.0 Environment, Landscape Character and Design

### 10.1 Context

10.1.1 The Neighbourhood Plan Area includes the historic villages of Boughton and Dunkirk, together with surrounding hamlets around Boughton Church and at South Street. They are all set within two areas of significantly valuable farming and natural landscape – parts of the North Kent Horticultural Belt, with its predominance of orchards and hop gardens, and the Forest of Blean, which includes both areas of woodland and fields formerly part of the forest. “The Blean” is an internationally designated Special Area of Conservation due to its ancient oak and *hornbeam* woodland and because it supports a good population of the rare *heath fritillary* butterfly. The villages have seen gradual growth over the years, with a mix of housing developments, and a sprinkling of commercial and community facilities.

### 10.2 Conservation and Landscape Character

10.2.1 The Swale Local Plan includes policies for the protection of significant landscape and habitat areas and the historic environment of this Neighbourhood Plan Area. The Boughton and Dunkirk Neighbourhood Plan confirms the evidence base for these policies through the Landscape Character Analysis (BD9) and the Boughton Street, Boughton Church and South Street Conservation Area Appraisals, adopted in 2019 (BD8). These documents identify the special qualities of each area, and suggest development and design guidelines; these are reflected in the site-specific policies on page 39, paragraph 10.5. In particular, they emphasise the need to protect from development the fruit belt areas north and south of Boughton, as well as the Blean Woods area that surrounds Dunkirk, and the character and setting of the three Conservation Areas and the landscape buffers between Faversham and Boughton, and between the village and the A2.

10.2.2 In the Swale Landscape Character Assessment (BD10), 42 landscape character areas were identified, described, and their key characteristics noted. An analysis was undertaken to identify the condition and sensitivity of the landscape to change. Methodology guidelines for each area were proposed. It was noted that changes in the natural landscape are often gradual, relating closely to changes in geology and soil type. It is therefore common to find some characteristics of one area overlapping into another.

10.2.3 Not all areas within a landscape character area exhibit all the characteristics of that area and it is usual to have some pockets with very few distinctive features. Often this is due to changes in land use that have resulted in the loss of landscape features, or the addition of features not typically associated with that area. The proximity of the built environment often affects the condition of the landscape, particularly on the boundaries where pressures are greatest.

10.2.4 Within the NP area ten different landscape areas have been identified (see para 10.5); each one is mapped, photographed and described in detail in terms of the landscape, views and built environment. Development / design guidelines are given for each separate area which are now reflected in the area-specific policies in paragraph 10.5. (Map X, page 37).

### 10.3 Maintaining Community Identity

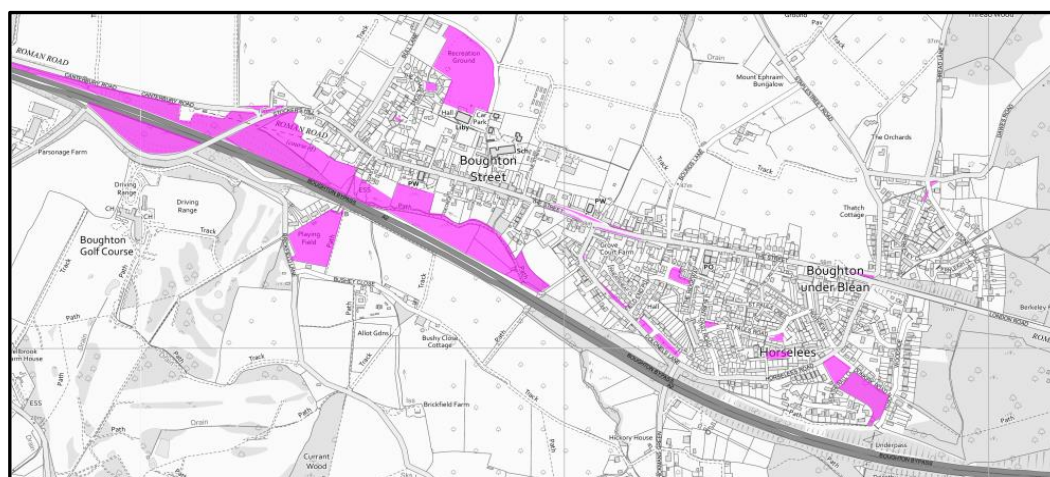
10.3.1 One of the most important principles of our Neighbourhood Plan is to maintain our identity as a community separate from Faversham, Canterbury and Whitstable with green space between us. This means that, in order to safeguard and enhance the local environment, as a matter of principle any new development should take place on sites within or, if required to meet recognised community needs, adjacent to the built-up boundaries of Boughton and Dunkirk, relating well to the existing settlements, respecting the character of the surrounding countryside and of the Conservation Areas.

### 10.4 OBJECTIVES AND POLICIES

10.4.1 Objective 1. To safeguard and enhance the distinctive identity and rural character of both Boughton and Dunkirk parishes and to maintain their separate identities and physical separation from the nearby communities of Faversham and Canterbury. To protect from development the countryside gaps between them, the open landscape between the A2 and the Boughton Street Conservation Area, and other heritage assets, and the significant views to and from The Blean and to the coast (see BDs 8, 9 and page 41, Map XII).

#### 10.4.2 Policies from Objective 1

- E1** Proposals for developments which respect and enhance the tranquillity, local landscape, character, environmental quality and amenity value of Boughton and Dunkirk parishes will be supported in principle.
- E2** Proposals for developments which actively seek opportunities for landscape, heritage, recreational and ecological gain will be supported in principle, as will the protection and enhancement of heritage assets and the management of the countryside.
- E3** Green spaces within the parishes will continue to be protected from development (see Map VIII below, Map IX on page 36 and Map XI on page 38, and BD11).



Map VIII. Boughton parish green spaces.

This map is also printed at A3 size in the compendium of Maps that follow page 68.



*Map IX. Dunkirk parish green spaces.  
This map is also printed at A3 size in the  
compendium of Maps that follow page 68.*

10.4.3 Objective 2. To continue to protect and enhance the Blean Woods area that surrounds Dunkirk, the fruit belt areas north and south of Boughton, as well as the settings of the Conservation Areas of the parishes. To give special protection to sites in or near to designated landscape areas, as included in the Swale Local Plan, and to designated wildlife sites, and to encourage their enhancement and proper management.

10.4.4 Policies from Objective 2

- E4 Any development that conflicts with the protection of the natural landscape and sensitive sites and wildlife in 'The Blean' and the surrounding fruit belt will not be supported.**
- E5 All proposals for new or extended development having a landscape impact must demonstrate that they have had regard to and reflect the Landscape Character Area in which the application site falls and must follow the policy guidelines of the Local Plan as well as the policies in this Plan.**

10.4.5 Objective 3. To minimise the environmental impact of new development, including surface water drainage, water supply and quality; to ensure that all development is sympathetic to its setting and that it enhances the high-quality landscape and improves local biodiversity; to ensure that any development is compatible with its built and natural context and to locate new development within easy walking distance of existing village facilities. It will encourage access to bus stops, thus minimising traffic congestion, the related emissions and pedestrian safety concerns.

10.4.6 Policies from Objective 3

- E6 Development proposals within the Plan area which minimise the adverse environmental impacts of new development, for example in respect of surface water drainage, ecology and biodiversity, air quality and water quality, and which promote sustainable forms of development will be supported in principle.**

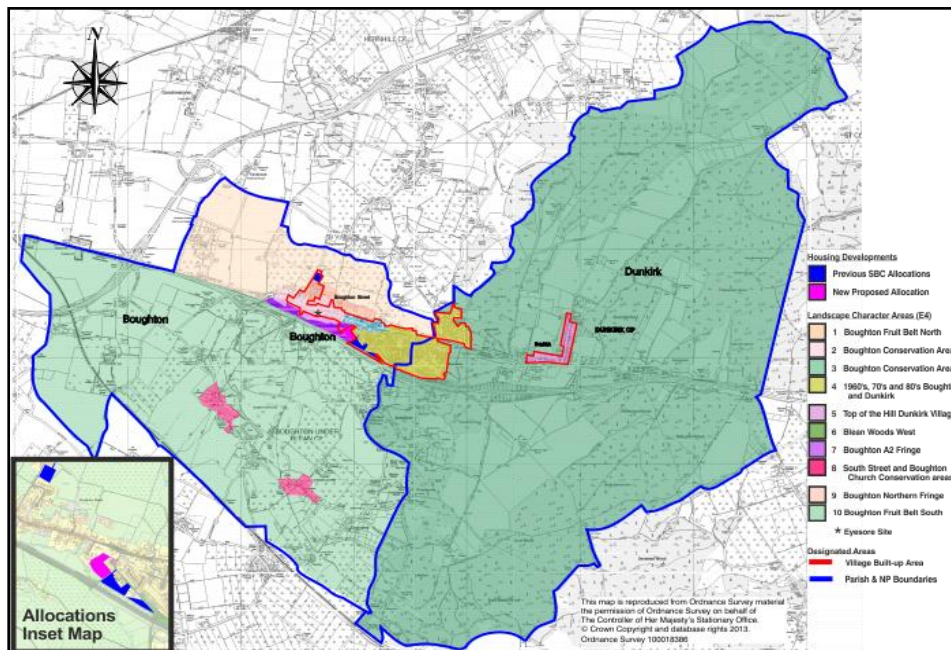


- E7 Development within the village envelope will be supported in principle providing it promotes the re-use, recovery and restoration of previously developed sites.**
- E8 A minimum level of at least 10% Biodiversity Net Gain is required for proposed new developments in the Plan area against baseline conditions for the development sites concerned.**

10.4.7 Objective 4. All proposals for development must contain sufficient detail to demonstrate that the proposal is of high-quality design appropriate to its surroundings, with suitable layout and access arrangements. Proposals for development within or visible from the Conservation Areas must have regard to the principles set out in the Boughton Conservation Area Appraisals (BD8) and Landscape Character Areas (BD10). The traditional pattern of growth which characterises the parishes of Boughton and Dunkirk is one of small scale and gradual change. This must be reflected in the scale of any development permitted in the Neighbourhood Plan area during the plan period. Any external lighting proposed must not cause visual intrusion or light pollution.

10.4.8 Policies from Objective 4

- E9 Variety in density, layout, building orientation and sizes will be sought to reflect the local context. Building styles and materials must also respect and positively contribute to local distinctiveness.**
- E10 Schemes must produce a cohesive and high-quality design approach for car parking, charging points, boundary treatments, bin stores, utility storage boxes, lighting and street furniture. All landscaping and boundary planting should be of native species.**



Map X. Landscape Character Areas.

This map is also printed at A3 size in the compendium of Maps that follow page 68.

## 10.5 LANDSCAPE CHARACTER AREAS AND AREA-SPECIFIC OBJECTIVES AND POLICIES

The policies that follow provide detailed guidance for the proposals in Map X, page 37. These policies should be considered alongside all other relevant policies and guidance in this Plan and the adopted Swale Borough Local Plan that may also apply to proposals affecting these areas.

### 10.5.1 Area 1 - BOUGHTON FRUIT BELT NORTH

10.5.2 Objective 1. To conserve the area and its characteristic agricultural activity, retaining its open nature and emphasising its role in the countryside gap that exists between Faversham and the villages including key views.

10.5.3 Policy from Objective 1

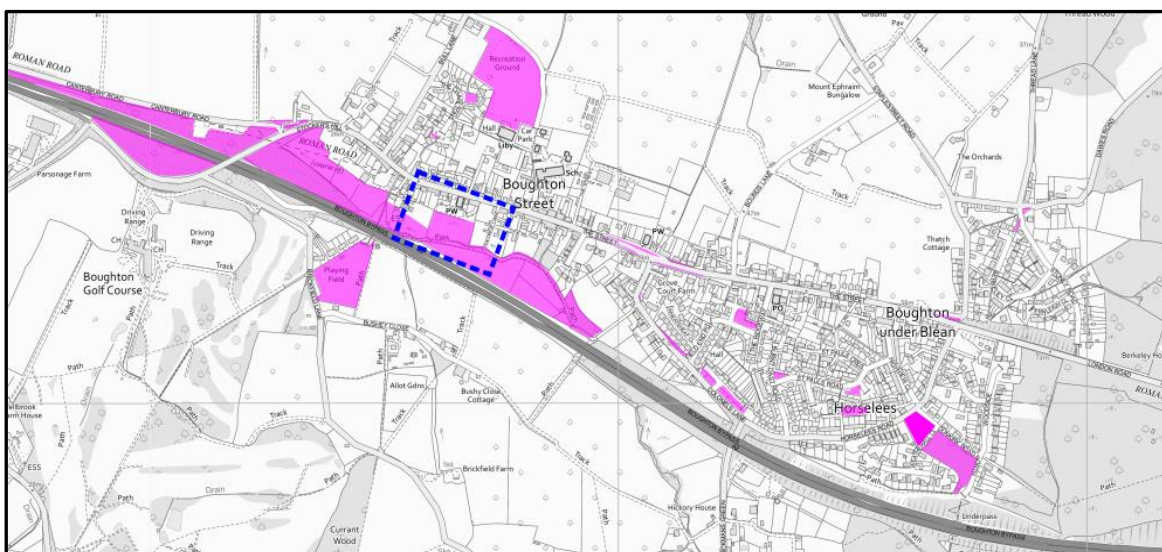
**AS1 To support landscaping around the A2 to reduce the impact of the road and associated development. All landscaping and boundary planting should be of native species.**

### 10.6. Areas 2 and 3 - BOUGHTON STREET CONSERVATION AREA

10.6.1 Objective 2. To preserve and enhance the area's special interest and its setting, including the open and wooded landscape between the rear of properties and the A2.

10.6.2 Policy from Objective 2

**AS2 To support the improvement of the old Garden Hotel, in a manner which secures the viable future of the listed building and is sympathetic to the objectives of this Plan, including protection of the lower area of this site as part of a wider designation as a local green space in accordance with policy AS6 on page 39. See Map XI below.**



Map XI. Boughton parish green spaces showing the Garden Hotel (within blue dotted line). This map is also printed at A3 size in the compendium of Maps that follow page 68.

## **10.7 Area 4 - 1960s / 70s / 80s BOUGHTON AND DUNKIRK**

10.7.1 Objective 3. To protect and enhance incidental open spaces.

10.7.2 Policy from Objective 3

**AS3 Development proposals that would compromise the character or access to open spaces in Area 4 will not be supported.**

## **10.8 Area 5 - "TOP OF THE HILL" DUNKIRK**

10.8.1 Objective 4. To conserve the relationship of "top the hill Dunkirk" with the wider Blean Woods (SSSI).

10.8.2 Policy from Objective 4

**AS4 Development will be permitted where it is limited in scale, in accordance with the Swale Local Plan, to "minor infill and redevelopment sites within the built-up area.**

## **10.9 Area 6 - BLEAN WOODS WEST**

10.9.1 Objective 5. To conserve the distinct and tranquil landscape character of the ancient and semi-ancient woodland.

10.9.2 Policy from Objective 5

**AS5 Development proposals must conserve and enhance Area 6, including ditches, streams and ponds, scrub, dry and wet heath, together with its setting of wood pasture, open slopes (including views) and the rural character of the area's network of narrow winding lanes, enclosed by mature hedgerows.**

## **10.10 Area 7 - BOUGHTON A2 FRINGE**

10.10.1 Objective 6. To restrict development south of the built-up area to the two areas on Colonels Lane already allocated for residential use and an additional area immediately to the west, detailed in Policy AS7.

10.10.2 Policy from Objective 6

**AS6 Any further development to the two areas immediately alongside the A2 in Area 7 other than already allocated will not be supported.**

10.10.3 Objective 7. To consider development on the area of relatively level land next to the larger site, and adjoining the built-up area.

10.10.4 Policies from Objective 7

**AS7 Residential development is proposed on the area west of the two sites already allocated in the adopted Swale Borough Local Plan, as shown on Map V on page 20 and defined at Policy H2 on page 21, provided that a development brief taking account of the policies in this Plan and the views of the local community is prepared by the developer and approved by the Borough Council. The development brief should address the matters set out at paragraph 5.12.2 on page 20.**

**AS8 The remainder of Area 7 is to be protected as an area of green space, the public footpath enhanced, and maintenance improved through S106 contributions.**

#### **10.11 Area 8 - SOUTH STREET AND BOUGHTON CHURCH CONSERVATION AREAS**

10.11.1 Objective 8. To ensure both Conservation Areas are protected and enhanced. The management and safeguarding of the churchyard, the memorial garden and burial ground is of key importance to the heritage assets and biodiversity.

10.11.2 Policy from Objective 8

**AS9 Any proposals that impact the conservation areas in area 8 must be in accordance with the Conservation Area Appraisals (BD8).**

#### **10.12 Area 9 - BOUGHTON NORTH FRINGE**

10.12.1 Objective 9. To maintain the rural character of the Bull Lane area and improve the Village Hall and school surroundings.

10.12.2 Policies from Objective 9

**AS10 To ensure the control of the allocated development of the Bull Lane site by a Development Brief that maintains the rural character of Bull Lane, and creates an attractive frontage to the adjoining playing fields through an integrated landscape strategy, (see 'Bearing Fruits 2031', paragraph 6.5.11).**

**AS11 To support improvement of the Village Hall and surroundings to enhance the community facilities and green open space.**

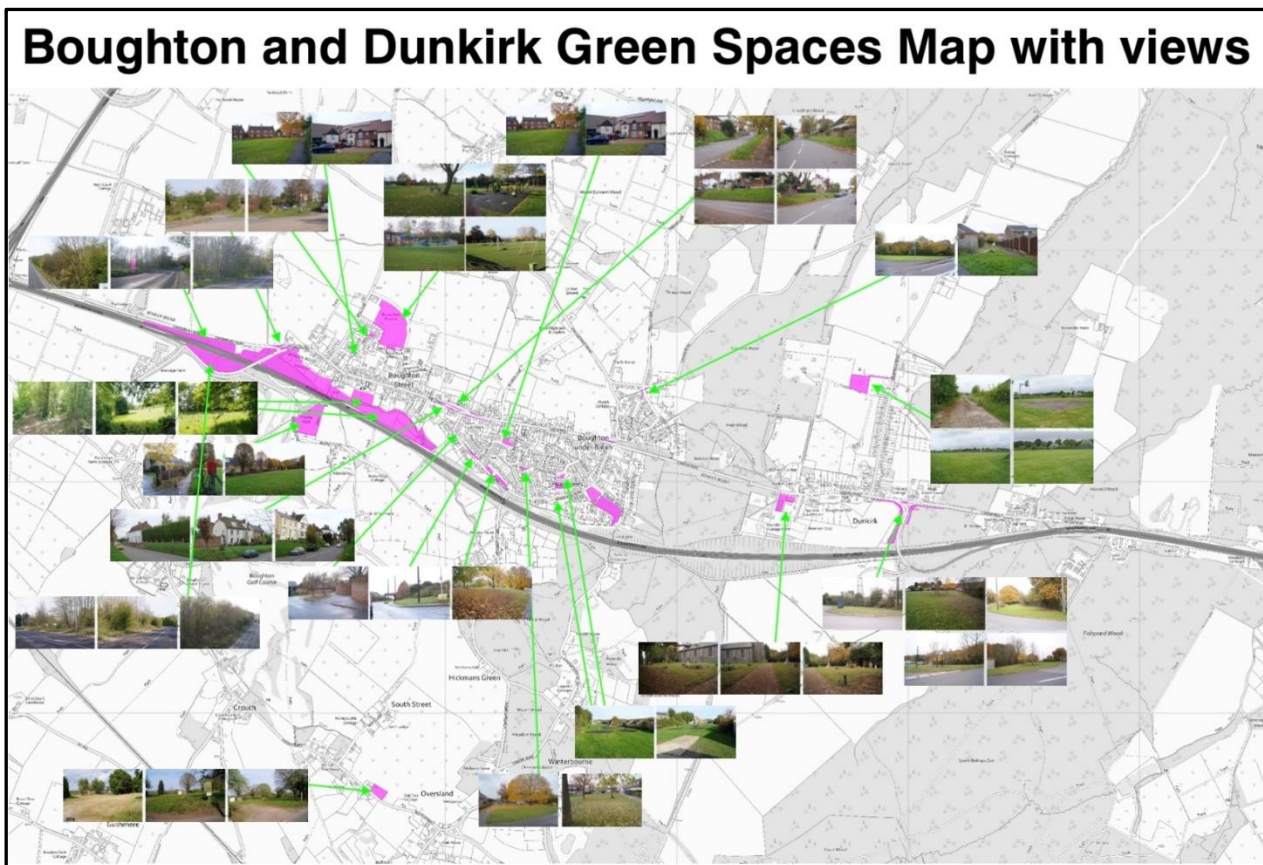
## 10.13 Area 10 - BOUGHTON FRUIT BELT SOUTH

10.13.1 Objective 10. To maintain the open character of the area and in particular its role as part of the countryside gap between Faversham and the villages.

10.13.2 Policies from Objective 10

**AS12** Proposals will be supported for an improved layout for Brenley Corner where they are developed to respect and respond to its countryside setting, incorporating a landscape strategy that minimises the impact of the development on the surrounding areas.

**AS13** Development proposals will be supported which contribute to protecting and where possible, enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.



*Map XII. Boughton and Dunkirk Green Spaces map with views*

*This map is also printed at A3 size in the compendium of Maps that follow page 68.*

# Boughton and Dunkirk Neighbourhood Plan

## DESIGNATION OF NEIGHBOURHOOD AREA

Local Development Framework Panel  
Thursday, 19th September, 2013

### Local Development Framework Panel

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne on Thursday 19 September 2013 from 7:00 pm to 8.20 pm.

**Present:** Councillor Gerry Lewin (Chairman), Councillor Bryan Mulhern (Vice-Chairman), Councillors Andy Booth, Derek Conway, Mike Haywood, Prescott, Adam Tolhurst, Roger Truelove and John Wright.

**Officers Present:** Alan Best, James Freeman and Kellie Mackenzie.

**Also In Attendance:** Councillor David Simmons (Cabinet Member for Environment and Rural Affairs).

273	<p><b>Minutes</b></p> <p>The Minutes of the Meeting held on 27 June 2013 (Minutes Nos. 106 - 111) were taken as read, approved and signed by the Chairman as a correct record subject to an amendment to Minute No. 107 to reflect that Councillor Bryan Mulhern was elected as Vice-Chairman.</p>
274	<p><b>Declarations Of Interest</b></p> <p>No interests were declared.</p>
<p><b>Part A Minutes For Recommendation To Cabinet</b></p>	
275	<p><b>Draft Kent Downs Area Of Outstanding Natural Beauty Management Plan 2015-2020</b></p> <p>The Chairman welcomed Councillor David Simmons, Cabinet Member for Environmental and Rural Affairs to the meeting.</p> <p>Councillor Simmons thanked the Principal Planner for the report which set out minor observations, as set out in Table One of the report, on the management plan for the Kent Downs Area of Outstanding Natural Beauty (AONB) which was currently out for consultation.</p> <p>Councillor Simmons spoke about the importance of the document and the need to enhance and strengthen controls to protect AONBs and the countryside for their own sake. Councillor Simmons explained that he would have liked the document to have explored amendments to boundaries, but hopefully this was something for the future.</p> <p>Councillor Simmons also considered that on page three of the report paragraph 2.6 the wording 'decline in woodland management' should be replaced with 'changes in woodland management'.</p> <p>In response to queries from Members, the Principal Planner stated that with regard to Policy VC7 and to green accreditation, there was currently no mechanism to require landowners to support the scheme. He felt that some strengthening of the statement may give added encouragement. Some Members felt that this was best left to businesses to decide whether to join such a scheme. The Principal Planner explained that with regard to the 'byways Open to all traffic' statement in Section 3.10.4, the review would include those areas where it was already legal for off-road vehicles to access.</p> <p>The Chairman thanked the Officer and Cabinet Member for their work on the document.</p> <p><b>RECOMMENDED:</b> (1) That, subject to the amendments suggested by the Panel, the minor observations set out in Table One be provided to the Area of Outstanding Natural Beauty (AONB) unit for consideration in preparing the final draft adoption version of the management plan.</p>
276	<p><b>Boughton-under-blean &amp; Dunkirk Neighbourhood Plan - Designation Of Neighbourhood Area</b></p> <p>The Chairman introduced the report which informed Members of the outcome of a recent public consultation outlining a request by Boughton-under-Blean and Dunkirk Parish Councils to have an area designated as a neighbourhood area for the purposes of developing a Neighbourhood Plan.</p> <p><b>RECOMMENDED:</b> (1) That the Boughton-Under-Blean and Dunkirk neighbourhood area be designated for the purposes of a Neighbourhood Plan following a six-week public consultation.</p>

# **Boughton and Dunkirk Neighbourhood Plan**

## **Glossary**

### **Affordable housing**

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.

### **AONB – Area of Outstanding Natural Beauty**

Land protected by the Countryside and Rights of Way Act 2000. It protects the land to conserve and enhance its natural beauty.

### **BD – Background Documents**

Working documents which, together with Plan Additional Evidence, provide further information about how the plan was researched and developed.

### **B&DNP – Boughton and Dunkirk Neighbourhood Plan**

### **Bearing Fruits 2031 – also known as the Local Plan and Local Development Plan**

The Swale Borough Council Local Plan identifies where development will take place and how the natural environment and built heritage of the borough will be protected and enhanced.

Comprises one or more documents prepared in accordance with legal requirements, independently examined and adopted in 2017 by the Council. It is also used by the Council to help determine planning applications.

### **Biodiversity value**

The variety and variability among living organisms and the ecological complexes in which they occur.

### **Conservation Area Appraisal**

Defines the special interest of the conservation area that merits its designation and describes and evaluates the contribution made by the different features of its character and appearance.

### **Disability in Kent**

Outlines the data sets that Kent County Council uses to estimate the number of people with a disability or disabling condition.

### **Earnings in Kent**

Average weekly earnings data for the districts in Kent.

### **Economically active**

Those people in employment plus those who are unemployed (includes students)

### **Economically inactive**

Those people (aged 16-64) not involved in the labour market, neither working or actively seeking employment.

**English Rural Housing**

Non-profit organisation working with rural communities to build and manage affordable homes.

**Goods Movement Plan**

Evaluates existing conditions and key trends, issues and opportunities. Recommends projects, programs and policies to improve the efficiency of goods movement while reducing impacts on communities.

**Grade II listed**

A building or structure of special architectural or historic interest considered to be of national importance and therefore worth protecting.

**Housing stock in Kent**

The total number of houses and apartments in an area.

**KCC – Kent County Council****Land registry data**

House price information consisting of more than 24m definitive records dating back to 1995.

**Landscape Character Assessment**

The process of identifying and describing variation in character of the landscape. It identifies and explains the unique combination of elements and features that make landscapes distinctive by mapping and describing character types and areas.

**Light pollution**

Excessive or poor use of artificial outdoor light at night which disrupts the natural patterns of wildlife, contributes to the increase in carbon dioxide in the atmosphere, disrupts human sleep and obscures stars in the night sky.

**LDF – Local Development Framework**

A collection of planning documents that deliver the spatial planning strategy and policies for the local area.

**LPR – Local Plan Review**

Local Plan is reviewed every 5 years and will set out the planning framework for the borough for the period to 2038 and will cover issues such as: housing provision, the economy, retail and town centres; infrastructure provision and the environment. It will also set out policies by which planning applications will be determined, in addition to allocation land for housing.

**Localism Act 2011**

An Act of Parliament that changes the powers of local government in England. The aim of the act is to facilitate the devolution of decision-making powers from central government to individuals and communities.



**Locality**

National network charged with supporting the delivery of Neighbourhood Plans.

**NP – Neighbourhood Plan (also known as Neighbourhood Development Plan)**

A made plan gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area.

**NPPF – National Planning Policy Framework**

Sets out government's planning policies for England and how these are expected to be applied.

**Native species**

A species that originated and developed in its surrounding habitat and has adapted to living in that particular environment.

**ONS – Office for National Statistics**

Produces statistics which are relied on by central and local government, businesses and individuals to make decisions and plan for the future. The data used by this document is from the 2011 Census.

**Parking Standards**

Considers parking for all types of vehicles and seeks to balance the need to provide an appropriate parking provision for new developments.

**PAE – Planning Aid England**

Provides planning advice and support to help individuals and communities engage with the planning system and get involved in planning their local area.

**Property prices and sales in Kent**

Presents the annual house prices and sales for local authorities in Kent as published by the Land Registry.

**PRoW – Public Rights of Way**

Rights across land exercisable by the public, and which allow them to pass along them, at any time they choose. Some rights of way also allow travel by other means, e.g. by horse, bicycle or car.

**Reg 14 – Regulation 14 Consultation**

Details of the proposals for a neighbourhood development plan, details of where and when the proposals for a neighbourhood development plan may be inspected, details of how to make representations and the date by which those representations must be received.

**Rural Local Service Centre**

Growth points or settlements with relatively high intensity of functional magnitude and distinctiveness; serves its surrounding territory in terms of cultural, commercial, administrative and other requirements.

**SAMM area – Strategic Access Management and Monitoring area**

Working with Natural England, strategies are created for protected sites, these are known as:

**SAMMS – Strategic Access Management and Monitoring Strategies.****SBC – Swale Borough Council****S106 – Section 106 agreement**

Planning obligations under Section 106 of the Town and Country Planning Act 1990, are a mechanism which makes a development proposal acceptable in planning terms that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development on the community and infrastructure.

**SHLAA – Strategic Housing Land Availability Assessment**

A technical exercise to determine the quantity and suitability of land potentially available for housing development.

**SPAS – Special Protection Areas**

Protected areas for birds in the UK and together with Special Areas of Conservation (SACs), form the UK's national site network.

**SSSI – Site of Special Scientific Interest**

A formal conservation designation. Usually, it describes an area that is of particular interest to science due to the rare species of fauna or flora it contains, or even important geological or physiological features that may lie in its boundaries.

**Special Area of Conservation**

Protects one or more special habitats and/or species, terrestrial or marine, listed in the Habitats Directive.

**Sustainable development**

Development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.

**Thames Crossing**

A proposed road crossing of the Thames estuary close to the Dartford Crossing that links the counties of Kent and Essex and its proposed approaches.

**Trans European Transport Network**

A planned network of roads, railways, airports and water infrastructure in the European Union.

**UK Red List**

A globally recognised way of identifying the threat of extinction to species using the internationally accepted Red List guidelines developed by the International Union for Conservation of Nature, based on scientific information and ongoing research.

# Boughton and Dunkirk Neighbourhood Plan

## EVIDENCE BASE

Reference	Content
<b>Section 1</b>	<b>Aim, Vision Statement and Key Objectives</b>
BD1 + Additional Evidence	Questionnaire and results: The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.
BD2	Workshops and community engagement: Overview of 2 workshops, 7 public meetings/surgeries, 25 community group visits, and four surveys undertaken during the period 2013-2015, in order to ensure residents' views were fully taken into account, and as many volunteers as possible were given an opportunity to participate.
BD3	School documentation and engagement with young people: Summarises the lessons delivered at the local primary school in 2015, and views collected from schoolchildren about amenities in their community.
BD17 Appendix 3	Community consultation responses and B&DNP Team decisions.
<b>Section 2</b>	<b>About Us</b>
	'Canterbury Tales' by Geoffrey Chaucer
	'Battle in Bossenden Wood' by P. G. Rogers
	'The Courtenay Affair, 1838', A Nutshell Guide by Wendy Safe
	Local history researched by the NP Team
	Photos researched and supplied by the NP Team and members of the local community
BD16	Our Community: History and development of Boughton under Blean and Dunkirk Heritage Asset list for both parishes
<b>Section 3</b>	<b>Neighbourhood Plan Development</b>
BD1 + Additional Evidence	Questionnaire and results: The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.

BD2	Workshops and community engagement: Overview of 2 workshops, 7 public meetings/surgeries, 25 community group visits, and four surveys undertaken during the period 2013-2015, in order to ensure residents' views were fully taken into account, and as many volunteers as possible were given an opportunity to participate.
BD3	School documentation and engagement with young people: Summarises the lessons delivered at the local primary school in 2015, and views collected from schoolchildren about amenities in their community.
BD17 Appendix 3 + Additional Evidence	Community consultation responses and B&DNP Team decisions.
BD12	Strategic Environment Assessment with Natural England's response
BD17 Appendix 5	Statutory consultation responses and B&DNP Team decisions.
BD17 Appendix 7	Swale Borough Council Consultation response and B&DNP Team decisions.
	National Policy Planning Framework 2021: <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a>
<b>Section 4</b>	<b>Planning Policy Context</b>
	KCC Labour Force Bulletin 2020.
	ONS 2011 Census – Accommodation figures.
	ONS 2011 Census – Travel figures.
	ONS 2011 Census – Public transport figures.
<b>Section 5</b>	<b>Housing</b>
BD1 + Additional Evidence	Questionnaire and results: The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.
BD4 + Additional Evidence	Traffic and Transport: Describes the road and footpath network and current public transport services, and discusses problems with traffic levels, car and lorry parking, lighting, and signage. NP photographs 2015. NP Parking Standards

BD5	<p><b>Housing:</b>  Extracts the housing issues raised through community engagement, particularly the implications for provision of new privately-owned affordable homes.  Includes details on First Homes.</p>
BD6	<p><b>Local Needs Housing Survey (inc. survey work and work on current housing in the Parishes):</b>  Sets out results of October 2014 survey of existing housing stock as reported by 353 residents, and housing needs for 29 households seeking new housing at that time. Also shows costs of houses sold, for sale or for rent in 2020.</p>
BD7 + Additional Evidence	<p><b>Business and Employment:</b>  Shows results of a Business Monitor survey of 170 local companies carried out in 2015, with a response rate of 40%, including suggestions for improvements.</p>
BD11	<p><b>Open Spaces and Community Wellbeing:</b>  Reviews the large number of diverse green spaces within the NP area which are available for the public to use and enjoy.  Includes Health and Welfare report.</p>
BD12	<p><b>Strategic Environmental Assessment and Habitats Regulations Assessment screening report from Natural England, May2021.</b></p>
BD13	<p><b>Call for sites - Consultation with landowners:</b>  Shows correspondence with landowners who responded to the call for sites.</p>
BD14 + Additional Evidence	<p><b>Site assessments and allocations:</b>  Sets out individual site assessments for 23 potential new housing sites.  Includes a Strategic Housing Land Availability Assessment.</p>
	<p>ACRK Boughton and Dunkirk Housing Needs Survey report.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Affordable Housing 2019-2020.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Housing Stock 2019.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Property prices and sales in Kent: 2020.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Earnings in Kent 2019.</p>
	<p>KCC Strategic Commissioning Statistical Bulletin: Disability in Kent 2020.</p>
	<p>Strategic Housing Market Assessment Part 1: Objectively Assessed Housing Need Final Report Peter Brett Associates September 2015.</p>

	Future Housing Need in Swale: Peter Brett (now part of Stantec) February 2019
	Swale LPR Housing Trajectory 2022-2038
	Bearing Fruits 2031: The Swale Borough Local Plan.
	Swale Technical Paper No. 4. Influences on development strategy December 2014.
	Homes England 'Building for a Healthy Life' July 2020.
	HM Government Building Regulations 2010 'M: Access to and use of buildings, Volume 1: Dwellings'.
	Office for National Statistics March 2020: House price to workplace-based earnings ratio.
	Land Registry data, 2022
<b>Section 6</b>	<b>Traffic and Transport</b>
BD1 + Additional Evidence	Questionnaire and results: The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.
BD4 + Additional Evidence	Traffic and Transport: Describes the road and footpath network and current public transport services, and discusses problems with traffic levels, car and lorry parking, lighting, and signage. NP photographs 2015. NP Parking Standards
	Strategic Transport Modelling Evidence report, February 2022.
	KCC Local Transport Plan 4-Delivering Growth Without Gridlock 2016-31.
	Swale BC 'Looking Ahead' Consultation April 2018.
	Swale BC 'Freight Management' Consultation Draft 2016.
BD6	Local Needs Housing Survey, responses to Q7 and Q8 on travel.
	UK Government Bus Services Bill 2016.
	KCC The Big Conversation Rural bus consultation 2018.
	Appendix 4 SBC Parking Standards.

	UK Government Traffic Management Act 2004.
	KCC Freight Action Plan for Kent 2012-16.
	National Policy Planning Framework 2021: <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a>
<b>Section 7</b>	<b>Business and Employment</b>
BD7 + Additional Evidence	<p>A Business Survey was carried out in the two villages.</p> <p>Like much of the UK, Boughton and Dunkirk thrive, in the main, on small business. Companies were invited to submit their views either on-line, via a website or on paper. Seventy-one companies responded (44%), well above the average business survey response rates (10-15%).</p> <p>The Neighbourhood Plan area has fewer companies than the average for communities of this size across the south east of England. Largely, they involve part-time working and the self-employed.</p>
<b>Section 8</b>	<b>Community Wellbeing and Health</b>
BD1 + Additional Evidence	<p>Questionnaire and results:</p> <p>The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions. There was a 21% response rate.</p> <p>The main sources of evidence are the results of the NP Questionnaire and comments at subsequent meetings. These identified a fundamental wish to preserve and extend green spaces, paths and bridleways and to provide additional sports opportunities (see Q2, Q10 and Q14)</p>
BD11	<p>Open Spaces and Community Wellbeing:</p> <p>Reviews the large number of diverse green spaces within the NP area which are available for the public to use and enjoy.</p> <p>Includes Health and Welfare report.</p>
<b>Section 9</b>	<b>Educational Provision</b>
	Meeting with East Kent Education Officers in July 2015. Officers are well aware of the increasing pressure on school places at both primary and secondary level within the immediate area, particularly with the present and planned new residential developments in Faversham, close to the Boughton Parish boundary.
BD1 + Additional Evidence	<p>Questionnaire and results:</p> <p>The questionnaire was delivered to all 1200 households and BD1 summarises the results for each of the 20 questions.</p> <p>There was a 21% response rate. Responses in particular to Q9 and Q17.</p>

BD3	Visits to school and lesson plans for pupils in Years 4 and 5. Pupils' responses identify concerns and wishes for a child-friendly community.
BD4 + Additional Evidence	NP Parking Survey results and photographs 2015. Responses to Parking Survey from residents in The Street, Boughton. The particular pressures of parking needed close to the school and sited in the centre of Boughton village.  Results of the Traffic Flow Survey have shown a marked increase in traffic at the start and end of the school day both between Boughton and Dunkirk as well as in the main street of Boughton and in surrounding side roads.
<b>Section 10</b>	<b>Environment, Landscape Character and Design</b>
BD8	Conservation Area Assessments: Includes published Consultation Drafts of Character Appraisal and Management Strategies for 3 Conservation Areas within the NP area: Boughton Street CA (2015), Boughton Church CA (2016) and South Street CA (2016.)
BD9	Rural Landscape Area Assessments: Summarises the Swale Borough Council Landscape Character Assessments of the 3 rural landscape types within the NP area: Faversham and Ospringe Fruit Belt, Hernhill and Boughton Fruit Belt, and Blean Woods West. Guidelines for each area are proposed, which are taken into account in the NP.
BD10	Landscape Character Assessments: Details the 10 different landscape areas identified within the NP area; each one is mapped, photographed and described in detail in terms of the landscape, views and built environment. Development/design guidelines are given for each separate area.
BD11	Open Spaces and Community Wellbeing: Reviews the large number of diverse green spaces within the NP area which are available for the public to use and enjoy. Includes Health and Welfare report.
BD12	Strategic Environmental Assessment and Habitats Regulations Assessment screening report from Natural England. May 2021.
BD15	Basic Conditions Statement: 1. A schedule of how the NP supports European, national, regional and local policies on planning and the environment. 2. Statement of Common Ground. 3. Equality Assessment Impact form.
BD17 + Additional	Consultation Statement: The process of consultation on the Neighbourhood Plan



Evidence	<ol style="list-style-type: none"><li>1. Community leaflet delivered to all households and businesses in Boughton and Dunkirk.</li><li>2. Community consultation online response form.</li><li>3. Summary of Community consultation responses with B&amp;DNP comments (see also Plan Additional Evidence, BD17, B&amp;DNP website for full consultation details).</li><li>4. Statutory Consultation letter</li><li>5. Statutory Consultation responses with B&amp;DNP comments</li><li>6. SEA Consultation Report and Comments from Natural England</li><li>7. Reg 14 Responses from Swale Borough Council, with B&amp;DNP comments</li></ol>
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# Boughton and Dunkirk Neighbourhood Plan

## Acknowledgements

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The Plan has been produced by the Boughton and Dunkirk Neighbourhood Plan Team, a working group set up in 2013, and comprising Jeff Tutt from Dunkirk Parish Council, Terry Fitchett from Boughton Parish Council, and residents from both communities, including Deborah Evans, Frances Holliday, Julian Owen, Peter Williams and the late John Peto.

The team would like to thank all who have supported the production of this important document, the community volunteers who gave of their time and the many residents and business owners who participated in the response to surveys and questionnaires.



Digital copies of the Boughton and Dunkirk Neighbourhood Plan and all supporting documents can be viewed on the website: [www.boughtonanddunkirkneighbourhoodplan.org.uk](http://www.boughtonanddunkirkneighbourhoodplan.org.uk)

**Referendum date:**

**Made Plan date:**

# Boughton and Dunkirk Neighbourhood Plan

## IMPLEMENTATION PLAN AND REVIEW

Policy	Policy Objective	Indicators
<b>HOUSING</b>		
H1 H2 H3 H4	To provide existing and future residents with the opportunity to live in a quality home whilst ensuring minimal impact on the traffic-sensitive areas exposed by the questionnaire.	
H5 H6	To ensure that new development is of high-quality design, built to high sustainability standards (i.e. energy efficiency and vehicle electrical charging points), reinforces local distinctiveness, and minimises impact on the landscape. New and improved utility infrastructure Including wastewater and water supply, will be encouraged and supported in order to meet the identified needs of the community subject to other policies in the plan.	
H7	Preferential access to new affordable homes will be given to people with a proven local connection. Where a local need for affordable housing has been established, this will apply to those sites already allocated in the Swale Local Plan and to those allocated by this Plan; they must be placed in sustainable locations and support the environmental aims of the NP. This will be achieved with Section 106 agreements, monitored by Swale Borough Council.	
H8	Traffic issues and parking are of the highest concern. Development will be expected to fully address the impacts on traffic and parking issues in the area.	
<b>TRAFFIC AND TRANSPORT</b>		
T1 T2	High priority in the policies and implementation of the Neighbourhood Plan must be given to dealing with the transport and environmental implications of changes to the A2/M2 corridor and to development at Faversham and Canterbury.  Boughton and Dunkirk Parish Councils will continue their pressure on Swale Borough Council, Kent County Council, National Highways and their Borough Councillors, County Councillors and MP to improve the traffic flow along the A2	

	<p>and the junction at Brenley Corner, while restricting access to some of our lanes and Boughton Street by HGVs and other through traffic. The Parish Councils will play an active role in the preparation and implementation of a design and development brief for the Duchy Land in respect of traffic and pedestrian routes.</p> <p>All development will be expected to include proposals to mitigate congestion problems in the area, and the intrusive effects of traffic. The villages of Boughton and Dunkirk, and the surrounding countryside, are to be protected from the impacts of threatened increase in traffic. The NP requires all developments to provide off-road parking in accordance with the Parking Standards set out in BD4.</p>	
<b>T3</b> <b>T4</b>	<p>Development proposals will require measures to allow safe walking, cycling and use of public transport. The Neighbourhood Plan team and the Parish Councils will work with the Highway Authority and the bus companies to improve facilities and information at the bus stops.</p> <p>The Neighbourhood Plan team and the Parish Councils will work with:</p> <ul style="list-style-type: none"> <li>i. Kent County Council as the Highway Authority to improve cycle and pedestrian routes.</li> <li>ii. The Highway Authority and landowners to promote the “Walking for Health” routes identified (see Maps VI, VII page 30, and BD11)</li> </ul> <p>Any development must not add to parking problems in the area and should include measures to ensure adequate parking provision is included to serve the needs of the development.</p>	
<b>BUSINESS AND EMPLOYMENT</b>		
<b>BE1</b>	<p>To ensure the continuing vibrancy of the villages, the Neighbourhood Plan seeks to maintain and encourage proportionate expansion of local enterprises and retail outlets to encourage community use as well as to provide opportunity for employment and training for local people. This includes prioritising development on brownfield sites.</p>	
<b>BE2</b>	<p>To support sustainable and economic growth which respects the character of the area, reflecting the results of our community consultation.</p>	

<b>BE3</b>	To maintain the essentially rural nature and character of the two parishes, any commercial development should be measured, proportionate in size and type, and sustainable in the context of traffic and other infrastructural consideration.	
<b>COMMUNITY WELLBEING AND HEALTH</b>		
<b>CWB1 CWB2 CWB3</b>	To enhance the use of all present recreational spaces and facilities, and to promote the health of the whole community by encouraging physical exercise.	
<b>CWB4</b>	To broaden recreational opportunities and highlight the benefits of the outdoor environment for community members of all ages, not least for young adults, as well as for visitors to the parishes.	
<b>EDUCATIONAL PROVISION</b>		
<b>EP1</b>	To ensure that any proposed new developments within or close to the boundaries of the two parishes must respect the constraints on the present primary school facilities. To improve parking provision and traffic flow at the beginning and end of the school day, as well as ensuring safe crossing places in The Street, following expressions of concern by pupils and parents. To support the suggestion produced by the questionnaire of a shuttle bus within the two Parishes in order to reduce the journeys of private vehicles travelling to and from the school.	
<b>EP2</b>	To promote an ethos of Education for All by encouraging the use of local facilities to offer opportunities for study, personal development and expansion of vocational skills. To meet the needs of a world ever more reliant upon 'new technology', the Plan will focus on providing or encouraging opportunities for training in Information Technology (IT) for all members of the community by adapting or improving current facilities.	
<b>ENVIRONMENT, LANDSCAPE CHARACTER AND DESIGN</b>		
<b>E1 E2 E3</b>	To safeguard and enhance the distinctive identity and rural character of both Boughton and Dunkirk parishes and to maintain their separate identities and physical separation from the nearby communities of Faversham and Canterbury. To protect from development the countryside gaps between them, the open landscape between the A2 and the Boughton Street Conservation Area, and other	

	heritage assets, and the significant views to and from The Blean and to the coast (see BDs 8, 9 and page 41, Map XII).	
<b>E4 E5</b>	To continue to protect and enhance the Blean Woods area that surrounds Dunkirk, the fruit belt areas north and south of Boughton, as well as the settings of the Conservation Areas of the parishes. To give special protection to sites in or near to designated landscape areas, as included in the Swale Local Plan, and to designated wildlife sites, and to encourage their enhancement and proper management.	
<b>E6 E7 E8</b>	To minimise the environmental impact of new development, including surface water drainage and the water supply and quality; to ensure that all development is sympathetic to its setting and that it enhances the high-quality landscape and improves local biodiversity; to ensure that any development is compatible with its built and natural context and to locate new development within easy walking distance of existing village facilities. It will encourage access to bus stops, thus minimising traffic congestion, the related emissions and pedestrian safety concerns.	
<b>E9 E10</b>	All proposals for development must contain sufficient detail to demonstrate that the proposal is of high-quality design appropriate to its surroundings, with suitable layout and access arrangements. Proposals for development within or visible from the Conservation Areas must have regard to the principles set out in the Boughton Conservation Area Appraisals (BD8) and Landscape Character Areas (BD10). The traditional pattern of growth which characterises the parishes of Boughton and Dunkirk is one of small scale and gradual change. This must be reflected in the scale of any development permitted in the Neighbourhood Plan area during the plan period. Any external lighting proposed must not cause visual intrusion or light pollution.	
<b>LANDSCAPE CHARACTER AREA-SPECIFIC</b>		
<b>AS1</b>	To conserve the area and its characteristic agricultural activity, retaining its open nature and emphasising its role in the countryside gap that exists between Faversham and the villages, including key views.	

<b>AS2</b>	To preserve and enhance the area's special interest and its setting, including the open and wooded landscape between the rear of properties and the A2.	
<b>AS3</b>	To protect and enhance incidental open spaces.	
<b>AS4</b>	To conserve the relationship of "top the hill Dunkirk" with the wider Blean Woods (SSSI).	
<b>AS5</b>	To conserve the distinct and tranquil landscape character of the ancient and semi-ancient woodland.	
<b>AS6</b>	To restrict development south of the built-up area to the two areas on Colonels Lane already allocated for residential use and an additional area immediately to the west, detailed in Policy AS7.	
<b>AS7</b> <b>AS8</b>	To consider development on the area of relatively level land next to the larger site, and adjoining the built-up area.	
<b>AS9</b>	To ensure both Conservation Areas are protected and enhanced. The management and safeguarding of the churchyard, the memorial garden and burial ground is of key importance to the heritage assets and biodiversity.	
<b>AS10</b> <b>AS11</b>	To maintain the rural character of the Bull Lane area and improve the Village Hall and school surroundings.	
<b>AS12</b> <b>AS13</b>	To maintain the open character of the area and in particular its role as part of the countryside gap between Faversham and the villages.	

# Boughton and Dunkirk Neighbourhood Plan

## MONITORING FORM

Policy	Usage	Issues addressed	Issues addressed unsatisfactorily	Comments	
<b>HOUSING</b>					
<b>H1</b>	<p>The provision of new housing within the Plan area, particularly to meet local needs and including the provision of affordable housing, will be supported, where such proposals comply with all other relevant policies in this Plan and those in the adopted Swale Borough Local Plan.</p> <p>Proposals for new residential development will need to demonstrate that all aspects of the development comply with the objective of securing sustainable patterns of development within the Plan area, particularly in respect of seeking to minimise environmental impacts, such as traffic generation. All new dwellings should be designed and built to comply with Part M of the Building Regulations (see BD5).</p>				
<b>H2</b>	<p>Land to the rear of 89 The Street, Boughton, as shown on Map V, is allocated for the development of up to 12 new dwellings. Proposals for the development of the site will be required to:</p> <ol style="list-style-type: none"> <li>1. include the appropriate proportion of Affordable Housing</li> <li>2. secure satisfactory vehicular and pedestrian access, including access for emergency and refuse collection vehicles, from land to the east of site which is also allocated for residential development in the adopted Swale Borough Local Plan</li> <li>3. maintain the existing Public Right of Way along the south-eastern boundary of the site</li> </ol>				



	<p>4. provide suitable access within the site to serve existing wastewater infrastructure in the area</p> <p>5. secure appropriate utility infrastructure connections in conjunction with the development of land to the east of the site</p> <p>6. be implemented in accordance with a Development Brief to be agreed with the Borough Council and the Parish Council, following public consultation.</p>				
<b>H3</b>	<p>Proposals for new residential development in the Plan area should include a mix of housing types, including smaller homes for people seeking their first home or for older people seeking to downsize from larger properties. Developments of 11 or more new dwellings must provide 40% affordable housing, in accordance with the Borough Council’s policies and Housing Strategy.</p>				
<b>H4</b>	<p>At least 25% of all Affordable Housing units secured through developer contributions in the Plan area shall be offered for discounted sale as First Homes for a period of at least six months, in accordance with the national and local eligibility criteria. See BD5 for full details.</p>				
<b>H5</b>	<p>Proposals for new residential development in the Plan area will be supported where they:</p> <p>1. demonstrate that they are of good design and locally distinctive style, respecting the principles of the current Kent Design Guide, and including suitable green spaces and children’s play areas. (See also Policies E1, E2 and E3); and</p> <p>2. demonstrate that they will be sympathetic to the street scene and their settings as set out in an agreed Design Code for the development and/or for the wider area; and</p>				

	<p>3. include building design features to seek to achieve carbon neutrality and reductions in energy usage.</p>				
<b>H6</b>	<p>The sites within the Plan area allocated for new residential development, including the three sites allocated in the adopted Swale Borough Local Plan and the site included at Policy H2 in this Plan, shall:</p> <p>1. be developed in accordance with an agreed Development Brief and/or a Design Code to be prepared by the applicant or developer, that is subject to local public consultation prior to agreement by the Parish Council and the Borough Council;</p> <p>2. be required to make the appropriate contribution towards the mitigation of recreational pressures on the designated Special Protection Areas (SPAs) in accordance with the Borough Council's adopted Strategic Access Management and Monitoring Strategy (SAMMS).</p>				
<b>H7</b>	<p>Within new residential developments approved within the Plan area, preferential access to Affordable Homes provided as part of those developments, should be given to people with a proven local connection and subject to meeting the eligibility criteria of the Borough Council's Housing Allocation Policy.</p>				
<b>H8</b>	<p>Proposals for new residential development in the Plan area shall ensure that adequate on-site car parking provision is made in accordance with the Borough Council's approved Parking Standards SPD (adopted June 2020). Development proposals which involve the loss or conversion of existing on-site car parking spaces, for example the conversion of a garage to living accommodation, will only be supported where adequate on-site parking provision, in accordance with</p>				

	the Parking Standards, remains available to support the completed development.				
<b>TRAFFIC AND TRANSPORTATION</b>					
<b>T1</b>	To reduce the adverse effects of traffic on our villages, all developments will be limited by the capacity and nature of the road network necessary to accommodate them, and where possible should include off-road access via public rights of way.				
<b>T2</b>	Further development in the countryside and surrounding villages is resisted beyond that which is allowed by the NPPF 2021 and LP Policy ST3, Bearing Fruits 2031, in order to avoid any increased negative impact on the current road system traffic, the Public Rights of Way (PRoW) network and the local environment.				
<b>T3</b>	Future residential and non-residential buildings shall have sufficient dedicated on-site parking spaces to avoid the need for parking on adjacent roads in accordance with the Parking Standards set out in BD4.				
<b>T4</b>	Development proposals for creation of a properly surfaced and managed car parking area, for example at Brenley Lane, will be supported, in principle, to promote car sharing.				
<b>BUSINESS AND EMPLOYMENT</b>					
<b>BE1</b>	Proposals for new or expanded businesses (falling within Use Class E), either on existing or other sites will be supported, where they reflect the overall development strategy of this Plan and conform with the relevant policies concerning location, building design and environmental impacts. In particular, support will be given for proposals for the redevelopment of previously developed sites and also for those that provide opportunities for local employment and training.				

<b>BE2</b>	Proposals for new commercial development within the Plan area must be in keeping with the important landscape and heritage character of the area and take account of the relevant policies in Section 10 of this Plan.				
<b>BE3</b>	Proposals for new or expanded commercial development in the Plan area should include adequate on-site vehicle parking spaces in accordance with the adopted Parking Standards and, where necessary, submit a Goods Movement Plan to minimise the use of HGVs. (See also BD4, Parking Standards).				
<b>COMMUNITY WELLBEING AND HEALTH</b>					
<b>CWB1</b>	The promotion and use of the green environment through new and existing designated trails which link throughout the parishes will be supported.				
<b>CWB2</b>	The provision of new and / or enhanced suitable recreational open spaces and facilities at suitable and accessible sites within the Plan area, will be supported.				
<b>CWB3</b>	Development proposals will be supported that will enhance the network of public bridleways and footpaths throughout the parishes.				
<b>CWB4</b>	Development proposals will be supported that will enhance sports facilities within Boughton and Dunkirk villages.				
<b>EDUCATIONAL PROVISION</b>					
<b>EP1</b>	Development proposals must make the appropriate educational provision including safe walking routes to and from the school. This is to ensure traffic problems are not exacerbated and air quality standards are not compromised.				
<b>EP2</b>	To support proposals to enhance local facilities for continuing study, including the development of vocational and information				

	technology skills, for all members of the community and to improve broadband access and speed.				
<b>ENVIRONMENT, LANDSCAPE CHARACTER AND DESIGN</b>					
<b>E1</b>	Proposals for developments which respect and enhance the tranquillity, local landscape, character, environmental quality and amenity value of Boughton and Dunkirk parishes will be supported in principle.				
<b>E2</b>	Proposals for developments which actively seek opportunities for landscape, heritage, recreational and ecological gain will be supported in principle, as will the protection and enhancement of heritage assets and the management of the countryside.				
<b>E3</b>	Green spaces within the parishes will continue to be protected from development.				
<b>E4</b>	Any development that conflicts with the protection of the natural landscape and sensitive sites, wildlife in 'The Blean' and the surrounding fruit belt will not be supported.				
<b>E5</b>	All proposals for new or extended development having a landscape impact must demonstrate that they have had regard to and reflected the Landscape Character Area in which the application site falls and follow the policy guidelines of the Local Plan as well as the policies in the Plan.				
<b>E6</b>	Development proposals within the Plan area which minimise the adverse environmental impacts of new development, for example in respect of surface water drainage, ecology and biodiversity, air quality and water quality, and which promote sustainable forms of development will be supported in principle.				
<b>E7</b>	Development within the village envelope will be supported in principle providing it promotes the re-				

	use, recovery and restoration of previously developed sites.				
<b>E8</b>	A minimum level of at least 10% Biodiversity Net Gain is required for proposed new developments in the Plan area against baseline conditions for the development sites concerned.				
<b>E9</b>	Variety in density, layout, building orientation and sizes will be sought to reflect the local context. Building styles and materials must also respect and positively contribute to local distinctiveness.				
<b>E10</b>	Schemes must produce a cohesive and high-quality design approach for car parking, charging points, boundary treatments, bin stores, utility storage boxes, lighting and street furniture. All landscaping and boundary planting should be of native species.				
<b>LANDSCAPE CHARACTER AREAS SITE-SPECIFIC</b>					
<b>AS1</b>	To support landscaping around the A2 to reduce the impact of the road and associated development. All landscaping and boundary planting should be of native species.				
<b>AS2</b>	To support the improvement of the old Garden Hotel, in a manner which secures the viable future of the listed building and is sympathetic to the objectives of this Plan, including protection of the lower area of this site as part of a wider designation as a local green space in accordance with policy AS6.				
<b>AS3</b>	Development proposals that would compromise the character or access to open spaces in Area 4 will not be supported.				
<b>AS4</b>	Development will be limited, in accordance with the Swale Local Plan, to “minor infill and redevelopment sites within the built-up area”.				
<b>AS5</b>	Development proposals must conserve and enhance Area 6,				

	including ditches, streams and ponds, scrub, dry and wet heath together with its setting of wood pasture, open slopes (including views) and the rural character of the area's network of narrow winding lanes, enclosed by mature hedgerows.				
<b>AS6</b>	Any further development to the two areas immediately alongside the A2 in Area 7 other than already allocated will not be supported.				
<b>AS7</b>	Residential development is proposed on the area west of the two sites already allocated in the adopted Swale Borough Local Plan, as shown on Map V on page 20 and defined at Policy H2 on page 21, provided that a development brief taking account of the policies in this Plan and the views of the local community is prepared by the developer and approved by the Borough Council. The development brief should address the matters set out at paragraph 5.12.2 on page 20.				
<b>AS8</b>	The remainder of Area 7 is to be protected as an area of Local Green Space, the public footpath enhanced, and maintenance improved through S106 contributions.				
<b>AS9</b>	Any proposals that impact the conservation areas in area 8 must be in accordance with the Conservation Area Appraisals (BD8).				
<b>AS10</b>	To ensure the control of the allocated development of the Bull Lane site by a Development Brief that maintains the rural character of Bull Lane, and creates an attractive frontage to the adjoining playing fields through an integrated landscape strategy, (see 'Bearing Fruits 2031', paragraph 6.5.11).				
<b>AS11</b>	To support improvement of the Village Hall and surroundings to enhance the community facilities and green open space.				

<b>AS12</b>	Proposals will be supported for an improved layout for Brenley Corner where they are developed to respect and respond to its countryside setting, incorporating a landscape strategy that minimises the impact of the development on the surrounding areas.				
<b>AS13</b>	Development proposals will be supported which contribute to protecting and where possible, enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.				



<b>Council</b>	
<b>Meeting Date</b>	5 <sup>th</sup> April 2023
<b>Report Title</b>	Amendments to the current Swale Street Trading Policy
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Charlotte Hudson, Head of Housing and Community Services
<b>Lead Officer</b>	Christina Hills, Licensing Team Leader
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. Council is asked, following a recent consultation and consideration by the Licensing Committee, to adopt amendments to the Swale Street Trading Policy 2021 – 2024 as attached as Appendix I in order that it can be published and come into effect from 17 <sup>th</sup> April 2023

## 1 Purpose of Report and Executive Summary

- 1.1 To apprise Members of the steps taken in reviewing the current Swale Street Trading Policy 2021 -2024.
- 1.2 A review of the existing Swale Street Trading Policy 2021 – 2024 and proposed amendments to the policy was presented to Licensing Committee at its meeting of 15<sup>th</sup> February 2022 where it was approved for public consultation.
- 1.3 Council is requested to approve the revised draft Street Trading Policy under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) attached as **Appendix I**.

## 2 Background

- 2.1 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, a local authority may regulate street trading in their area. Swale BC has adopted these provisions for the whole of its area and on 23<sup>rd</sup> July 2010 designated all streets in the area as ‘consent streets’.
- 2.2 The effect of this designation is that any street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.

- 2.3 The Street Trading Policy outlines how the Council will execute its decision-making functions when dealing with applications for Street Trading Consents.
- 2.4 There is no statutory requirement for a local authority to have a formal Street Trading policy; however, a Council can choose to adopt such a policy.
- 2.5 The adoption of a Policy benefits customers as well as reassuring the general public and other public bodies. It also reinforces effective practices and ensures proportionate, consistent and targeted regulator activity, whilst also developing a transparent and effective dialogue and understanding between regulators and those we regulate.
- 2.6 A draft revised policy was approved by General Licensing Committee on 2<sup>nd</sup> February 2020 for full public consultation which took place between 30<sup>th</sup> March 2020 and 30 June 2020. After this consultation the final policy was presented to General Licensing Committee on 21 January 2021 and was then formally adopted by full council on 31<sup>st</sup> March 2021. The current edition of the Swale BC Street Trading Policy 2021 – 2024 is available to view at <https://swale.gov.uk/news-and-your-council/strategies-and-policies/street-trading-policy>
- 2.7 Whilst the current provisions contained within the policy have worked well for those traders who have either six month or yearly trading consents, the situation for those individuals requiring one-off consents in order for them to trade at events held within the borough has not been so straightforward. This is mostly due to unclear wording within the policy and how the licensing team have administered applications as a result.
- 2.8 The 2 main areas where problems have arisen are the requirement for there to be an 8-week consultation for events at which there will be street trading, and the requirement within the policy for applicants to obtain a basic Disclosure and Barring Service check (DBS).
- 2.9 These 2 issues were brought sharply into focus regarding an application for a Street Trading Consent for Faversham Hop Festival in 2022 which was submitted too late for any of the current requirements contained within the policy to be complied with. As a result, an extraordinary meeting of the Licensing Committee was held on 22<sup>nd</sup> August 2022 to waive the requirements contained in the current policy for 1 year  
<https://ws.swale.gov.uk/meetings/ieListDocuments.aspx?CId=215&MId=3880>
- 2.8 It was at this meeting that Members discussed ambiguities within the current policy that had not been picked up and the Licensing Team Leader acknowledged that greater clarity on the Street Trading policy was needed for event organisers and a report to address this would be considered at a future Licensing Committee
- 2.9 Proposed amendments to the current policy were presented to Licensing Committee on 15<sup>th</sup> February 2023.

<https://services.swale.gov.uk/meetings/documents/s25130/Street%20Trading%20Report.pdf>

It was resolved that:

**Resolved:**

**(1) The amendments as set out in the minutes be included in the Swale Borough Council Street Trading Policy 2021 – 2024.**

**(2) That the policy consultation process to include the additional consultees as set out in the minutes be noted.**

### **3 Proposals**

- 3.1 Details of the proposed changes to the current Street Trading Policy are attached as **Appendix II.**
- 3.2 As mentioned at paragraph 2.8 there are two particular changes proposed to bring to Members attention which relate to:
  - a) The requirement for an 8- week consultation period for street consent applications
  - b) The requirement for DBS checks for one-off consents ‘where necessary’
- 3.3 With regards to the 8-week consultation for applications involving events, officers now consider this to be unnecessary as all event organisers submit an Event Management Plan to the Safety Advisory Group which involves the same agencies as those which are consulted for Street Trading Consents, and this is therefore unnecessary duplication.
- 3.4 With regards to the requirement within the current policy for applicants to obtain a basic Disclosure and Barring Service check (DBS) the policy states that these checks are mandatory for six month or yearly consents and also that DBS checks for ‘one-off’ consents are required ‘where necessary’ without defining what circumstances would require a DBS check to be obtained and what would not.
- 3.5 This has met with resistance from proposed “one-off” traders as they feel it adds an unnecessary cost of £23 for the DBS on top of the £10 they pay for the consent.
- 3.6 The reason that DBS checks were introduced was to ensure that no applicants for consents had a history of selling stolen or counterfeit goods and for safeguarding purposes. The Authority has identified a lawful basis for processing personal data and the policy is intended to ensure use of that data is fair, transparent and lawful.

3.7 It is still appropriate to require DBS checks for 6 month or yearly consents  
 However, since the policy was introduced the risk in respect of one-off consents does not support mandatory DBS checks. Additionally, there is a lack of clarity in the policy concerning when such checks would be “necessary” and accordingly the proposal is to remove the requirement for DBS checks for one-off consents.

## 4 Alternative Options Considered and Rejected

4.1 The Council could choose not to introduce an updated policy on Street Trading, however, to do so would be contrary to best practice and may lead to a lack of clarity on the application of legislation. This is also likely to lead to traders deciding not attend events held within the borough which will have a negative impact both in terms of the events themselves and any publicity surrounding them.

## 5 Consultation Undertaken or Proposed

5.1 In line with Members wishes, a consultation of 4 weeks ran between 27<sup>th</sup> February 2023 until 24<sup>th</sup> March 2023. The consultees were those as instructed by the Licensing Committee of 15<sup>th</sup> February 2023.

5.2 A total of 4 responses were received.

5.3 Licensing Officers, in consultation with the Community Safety Manager have conducted an evaluation of each response and have given comments and recommendations as to whether or not to amend the policy statement, and if so, in what way and to what extent.

4.6 The grid is attached as **Appendix III**.

## 6 Implications

Issue	Implications
Corporate Plan	<p>The service is an important regulatory function undertaken to ensure the safety of the public consumers</p> <p>There are indirect links to:</p> <p>Priority 3:</p> <p>3.4 Ensure that the council plays a proactive role in reducing crime and antisocial behaviour.....</p> <p>3.5 Promote wellbeing and enjoyment of life by signposting and encouraging a wide range of sporting, cultural, leisure and</p>

	development activities appropriate and accessible to each age group.
Financial, Resource and Property	There are no direct financial implications for Swale Borough Council concerning this draft Policy as the consultation is being carried out by officers. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process.
Legal ,Statutory and Procurement	The relevant legislation in relation to street trading is contained within Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
Crime and Disorder	It is a criminal offence to trade in the street without an appropriate consent. The policy provides a framework for consistent decision-making.
Environment and Climate/Ecological Emergency	No implications.
Health and Wellbeing	No implications.
Safeguarding of Children, Young People and Vulnerable Adults	Licensing regimes are largely designed to protect public safety. DBS checks for Street Trading Consents are deemed to be necessary in some circumstances but not all to check that applicants are suitable to trade
Risk Management and Health and Safety	It is important that Swale BC has a robust and accountable regulatory regime in relation to street trading in order to ensure fair trading, prevent crime and to protect consumers.
Equality and Diversity	<p>The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.</p> <p>When considering street trading consent applications, only issues provided for in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and provided for in the Street Trading policy for Swale BC will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.</p>
Privacy and Data Protection	Normal data protection and privacy rules apply.

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft revision of the current Swale BC Street Trading Policy 2021 – 2024
- Appendix II: Summary of proposed changes to the policy
- Appendix III: Consultation and Evaluation Grid

## **8 Background Papers**

None

# Swale Borough Council



## Street Trading Policy

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

**Version 1.0**

**1 April 2021**

**Next Scheduled Review: 1 April 2024**

All enquiries relating to this document should be sent to:

Licensing  
Swale Borough Council  
Swale House  
East Street  
Sittingbourne  
Kent  
ME10 3HT

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## Issue & Review Register

<b>Summary of Changes</b>	<b>Issue Number &amp; Date</b>	<b>Approved by</b>
See General Licensing Committee report dated 21 January 2021	V0.1	General Licensing Committee and Full Council
See Licensing Committee report dated 15 February 2023	V1.0	

All changes to this document are tracked using a different colour and/or marked with a vertical line at the side of the page.

If amendments have been made, this will be redistributed to all named on the distribution list.

Compiled by: Christina Hills

Date: 21 January 2021

Approved by: General Licensing Committee

Date: 21 January 2021

### **Changes and Corrections**

Any changes or corrections required should be notified in writing to:

Licensing  
Swale Borough Council  
Swale House  
East Street  
Sittingbourne  
Kent  
ME10 3HT

Or

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## Street Trading Policy 2021-2024

### Local Government (Miscellaneous Provisions) Act 1982 Street Trading Local Policy Document

#### 1. Legislation & Policy

- 1.1 Local Authorities have a legal discretion to regulate street trading in their area. Street trading is covered by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 – Street Trading, which Swale Borough Council adopted in 1993 and resolved to control within its boundaries.

On 23<sup>rd</sup> July 2010 the Council formally designated all streets within its boundaries as ‘Consent Streets’.

The effect of this designation is that if you want to sell goods on the street (see para 3.2. for definition), you are street trading (see para 3.1 for definition) and you will need to have the appropriate consent from the Council unless you are legally exempt (see para 3.5).

Trading without the required consent is a criminal offence.

- 1.2 Swale Borough Council adopted this policy on 31<sup>st</sup> March 2021 to become effective on 1<sup>st</sup> April 2021.

Every three years the Policy will undergo a full review involving widespread consultation with the existing traders, relevant authorities and the general public, any consultation will be in line with Government guidelines.

#### 2. Purpose & Objectives

- 2.1 Street trading can add variety and vibrancy to the character of this Borough as well as diversity of shopping opportunities. The aim of the Council is to give consent to traders who will help to create a vibrant street scene which complements retail activity, community events and activities.
- 2.2 The purpose of this policy is to provide a framework setting out the Council’s procedures which will be used to inform the various decision making processes to ensure a consistent approach and expectations of those engaged in street trading either from an individual pitch as a mobile trader or as part of a large scale event/festival
- 2.3. This policy aims to give clarity and transparency to potential and existing traders, explaining how the Council will promote its objectives and deliver compliance with imposed conditions.

The Council's key objectives are:

- 2.3.1 To protect the public through the control of street trading within Swale by improving standards of food safety, health and safety and environmental management to enhance the image of the area
- 2.3.2 To ensure that permitted street trading is properly regulated as to where, when and how it takes place.
- 2.3.3 To prevent public nuisance by the use of conditions designed to reduce the risk of nuisance from obstruction, noise, refuse, vermin, fumes and smells.
- 2.3.4 To ensure the suitability of the structures used for the sale of goods.
- 2.3.5 To ensure that traders and the people that they employ are 'fit and proper' in accordance with the Act. This will include a requirement for a basic Disclosure and Barring Service Criminal Records check.

### **3. Street Trading Definition and Exemptions**

- 3.1 Street Trading is defined under the Act as 'selling, exposing or offering for sale any article (including a living thing) in a street'.
- 3.2 A 'street' is broadly defined to include any road, footway, beach or other area to which the public have access without payment and a service area as defined in s.329 of the Highways Act 1980.
- 3.3. This can include areas adjacent to a street, car parks and privately owned land where the public have access, without payment, as a matter of fact.
- 3.4 Street trading includes the sale of food and beverages. It does not include the provision of services (such as face painting or hair braiding) even if payment is made.
- 3.5 The following activities are **exempt** from the need to obtain a street trading consent under the Act:
  - 3.5.1 Trading by a person acting as a pedlar under the grant of a Pedlar's Certificate granted under the Pedlars Act 1871 and issued by the police – see 3.7 below
  - 3.5.2 Anything done in a market or fair, the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order. This means markets that have a 'charter' or are permitted by other legislation e.g. The Food Act 1984. All other so called 'markets' will require a Street Trading Consent and for the purposes of this policy will be referred to as 'events' to avoid confusion.

- 3.5.3 Trading in a trunk road picnic area as defined in Section 112 of the Highways Act 1980.
- 3.5.4 Trading carried out as a news vendor selling newspapers or periodicals (only without a stall/receptacle) or one which is not over 1m long or wide or over 2m high.
- 3.5.5 Trading carried out at a petrol filling station.
- 3.5.6 Trading which is carried out at a premises used as a shop or in a street adjoining premises so used and as part of the business of the shop
- 3.5.7 Trading carried out by a 'roundsman' e.g. milk deliveries. However, this does not include ice cream sellers and mobile catering vehicles
- 3.5.8 Use for trading from an object or structure placed on, in or over the highway under Part VIIA of the Highways Act 1980
- 3.5.9 The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- 3.5.10 Doing anything authorised as a public charitable collection made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 – see 11.4 below
- 3.6 Trading at the following events requires a Street Trading Consent but no fee will be charged:
- 3.6.1 Street Trading at Fetes and Carnivals – outdoor events for which no entry fee is charged staged mainly for public entertainment and benefiting charitable concerns. It is expected that at least some of the monies raised will be contributed to the beneficiary individual, organisation or charity.
- 3.6.2 Street Trading at non-commercial or charitable events for which no entry fee is charged organised by not-for-profit organisations and charitable trusts.
- 3.7 As detailed in 3.5 above pedlars acting under a certificate are exempt. However, a pedlars' certificate is not required to sell food, and such sales are not exempt, although some traders do have certificates. If the sale is in a street, then it will be street trading and require the appropriate consent.
- 4. Consideration of an application for a Street Trading Consent - location**
- 4.1 The Council does not designate pitches and applicants must therefore propose trading which is compatible with the location being applied for. When considering the proposal, the Council will have regard to other trading taking place in the immediate vicinity.

The aim of this policy is not to discourage competition, rather to ensure an appropriate mix of trading so as to avoid over saturation of any given area. Every application will be considered on its own merits.

Consent will not usually be given for any fixed locations where:

- 4.1.1. Road safety would be compromised either from the siting of the trading activity itself, or from customers visiting or leaving the site.
  - 4.1.2. There would be a significant loss of amenity to those in the area caused by additional traffic, or disturbance (e.g. noise, odour or fumes, etc.)
  - 4.1.3. There is already significant provision of similar goods in the immediate vicinity of the site to be used for street trading purposes.
  - 4.1.4. There is a conflict with Traffic Management Orders such as waiting restrictions.
  - 4.1.5. The trading obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger.
  - 4.1.6. The Consent Holder, staff and customers have no appropriate place to park in a safe manner, if required
  - 4.1.7. The pitch would be sited on the A249 or M2 as these locations are prohibited by Highways England. Layby's on any other road will be considered on a case by case basis.
  - 4.1.8. The pitch would be on a council owned carpark
- 4.2 The consent holder must be granted permission for the use of any land adjacent to the highway from the landowner and adjoining landowners where appropriate. The granting of a consent does not imply that landowners permission has been granted;

Consent to trade does not imply the grant of planning permission and applicants are strongly recommended to consult the Planning Department to check if permission is required prior to commencement of trading

## **5. Application Procedure**

- 5.1 Only persons aged eighteen or over may apply for consent. However, a person under eighteen may be employed as an assistant.
- 5.2 New applications for sole traders will be determined following a 28 consecutive day consultation period.
- 5.3 One - Off Consents. The Council will grant one-off consents up to a maximum of 12 times per calendar year. These types of consents include events that are not exempt from street trading requirements under separate legislation.

- 5.3.1 One-off consents can last for up to 4 days.
- 5.3.2 Each individual trader at an event must obtain their own consent. However, event organisers can co-ordinate the applications.
- 5.3.3 Applications for one-off consents should be submitted no later than 7 days before the event.
- 5.4 All applicants for the consents above will be required to provide documents as shown at Appendix I.
- 5.5 Renewal applications - For sole traders
- 5.5.1 Applicants should submit their renewal application at least 28 days prior to the expiry of their consent if they wish to continue to trade. The Council will normally send reminders of the expiry of consents three months before expiry. It does however, remain the responsibility of the trader to ensure that an application is submitted in time for the consent to be renewed.
- 5.5.2 At renewal, the Council will only consult if there are any concerns regarding the street trader or if there have been any complaints.
- 5.5.3 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues and all fees have been paid on time, the consent will normally be renewed.
- 5.5.4 Where a renewal application has been made and there have been complaints or enforcement issues which did not result in revocation then the application may be rejected. The council may choose to consult with such agencies and interested parties it considers relevant in this regard before making a decision.
- 5.5.5 Applicants will need to submit documents as shown in Appendix I.

## **6. Consent Fees**

- 6.1 The Council can charge such fees as it considers reasonable and will recover the cost of administration and compliance.

Payment will be required for the following street trading applications:

- a) An annual consent for a fixed location or non-fixed location (mobile traders)
- b) A six month consent for a fixed location or non-fixed location (mobile traders)

- c) A One-off consent for individual traders where there is no exemption applicable (an event)

The Council's adopted fees, for the above-mentioned applications, are shown in Appendix III of this Policy.

## **7. How the Council makes its decisions**

- 7.1. The Council is bound to act reasonably and consistently with its general obligations (e.g. those under the Human Rights Act and Equalities Act) but has a wide discretion when making a decision to give consent for Street Trading. The Council does not have to rely upon specific statutory grounds in order to refuse an application for Street Trading consent or whether or not to renew that consent.
- 7.2. The Licensing section will assess the proposed location, taking into consideration the concerns raised in Section 4 of this policy. The application will then be consulted with various public serving authorities and Council services. The consultees who will be consulted on all applications are:
  - a) Kent Police
  - b) Kent Fire and Rescue Service
  - c) KCC Highways
  - d) Swale BC Environmental Health
  - e) Swale BC Environmental Response Team
  - f) Swale BC Planning
  - g) Swale BC Property Services
  - h) Swale BC Economy and Community Services
  - i) Swale BC Green Spaces team
  - j) Ward Councillors
  - k) Parish and Town Councils
  - l) KCC Safeguarding Unit

And in some cases:

- m) Other businesses/organisations if it is considered that they are likely to be affected by a successful application

The consultation will run for 28 consecutive days.

- 7.3. A representation will be considered to be relevant if it is made by a person, business or body that is likely to be directly affected by a successful application.
- 7.4. If the Licensing section receives a representation then it will be forwarded to the applicant for their comment. The name and address of the objector will

be published unless the Council receive a request for this not to be done for a good reason. The Council will not accept anonymous representations.

- 7.5 Any comments that the applicant may wish to make should be received by the Licensing section within 10 working days of the applicant being notified of the representation.
- 7.6 If the representations cannot be mediated and remain unresolved the application will be referred to the Licensing Sub-Committee. The hearing will normally take place within 20 days from the end of the consultation period.
- 7.7 A Licensing Officer will be responsible for preparing a report for Licensing Sub-Committee, which will be made available to the applicant at least five working days before the date of the meeting. The applicant and the persons making representations will be invited to attend and will be advised in writing of the date, time and place when the application will be heard. Any party can be represented by a lawyer or supported by a representative of their choice.
- 7.8 The Committee may grant the consent as applied for or impose additional restrictions limiting the days and/or times when street trading is permitted. In some circumstances the Committee may restrict the goods which may be sold, the size of the trading pitch or any other relevant detail, depending on the specifics of the application. The Committee could also refuse the application.
- 7.9 If an application for consent is refused following a decision by a Licensing Officer, an applicant can make a written appeal to the Community Safety Manager, who will reconsider the case based on any new evidence given.
- 7.10 If an applicant's appeal is rejected, they will be made aware of the reasons for refusal and advised the only right of appeal against the Council's decision is by way of Judicial Review.
- 7.11 A Judicial Review is where a decision is made by a High Court Judge who will look at all aspects of the application and decide whether or not the Council has acted lawfully
- 7.12 The Council can revoke any street trading consent after it has been given.
- 7.13 In these circumstances, the Council will give notice of any intent to revoke a street trading consent, which will provide a detailed explanation as to why the consent has been revoked. The Council reserves the right to put any contentious matters before the General Licensing Sub-Committee.
- 7.14 If an application is refused or renewal is refused or consent is revoked, following a decision made by the Licensing Sub-Committee applicants will be

advised the only right of appeal against the Council's decision is by way of Judicial Review..

- 7.15 Applicants can also make a formal complaint to the Council at [www.swale.gov.uk/compliments-and-complaints](http://www.swale.gov.uk/compliments-and-complaints)
- 7.16 Where a consent is refused the Council may refund the fee, or a part of it as it considers appropriate. Refunds will be considered on a case by case basis.

## **8. Surrendering a Street Trading Consent**

- 8.1 The consent holder may at any time surrender in writing the consent issued to them. Where a consent is surrendered, the Council is under a duty to remit or refund the whole or part of the fee paid for the Consent as they consider appropriate as shown at para 9(5) of the Local Government (Miscellaneous Provisions) Act 1982.

## **9. Conditions**

- 9.1 The Council has adopted standard conditions, as shown in Appendix II, based on the objectives and expectations set out in this policy document as well as the responsibilities of each trader, which will be attached to each Street Trading Consent. Additional conditions may be imposed, or amendments made to the standard conditions, should specific circumstances make this reasonably necessary. Breach of conditions could ultimately lead to enforcement action, which may include, but is not limited to the revocation of a Consent.
- 9.2 The Council may amend the consent conditions at any time. Any substantial amendment to the standard conditions would involve consultation with all affected parties and the responses being presented before the Licensing Committee for formal adoption. Once adopted the amended conditions will be imposed on all existing consent holders immediately thereafter or as decided by Committee.
- 9.3 Failure to comply with our standard conditions may lead to enforcement action, which may include, but is not limited to consent being revoked by the Council. This may affect any future applications.

## **10. Enforcement**

- 10.1 A person engaging in street trading without consent, trading from a stationary van, barrow, other vehicle or portable stall without specific permission for that trading or who fails to comply with conditions at time of trading or location, will be guilty of an offence and may be liable to prosecution under paragraph 10 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.



- 10.1.1 It is also an offence to make a false statement which you know to be false in any material respect or which you do not believe to be true in connection with an application for consent.
- 10.1.2 These offences are punishable on conviction with a fine up to £1,000.
- 10.2 The aim of enforcement within the borough of Swale, is to protect the health and safety and welfare of the public who may be exposed to risks from unauthorised or poorly run street trading. We aim to:
- a) Ensure that all street traders are fit and proper to trade
  - b) Promote compliance with the law
  - c) Ensure those who fail to abide by the Standard Conditions or relevant legislation (depending on the nature of the business) are held accountable, which may result in prosecution or revocation of their consent
  - d) Be proportionate and consistent in our dealings with applicants and consent holders
  - e) Be transparent, open and honest
- 10.3 Decisions regarding enforcement action will be made in accordance with this policy, the Swale BC Enforcement Policy, Licensing Enforcement Policy and on a case-by-case basis. The enforcement function for any breaches in legislation is currently delegated to the Community Safety Manager, supported by Licensing Officers.
- 10.4 In regard to ice cream traders, a 'Code of Conduct', issued by the Department for Environment Food and Rural Affairs ([www.defra.gov.uk](http://www.defra.gov.uk)) provides guidance to traders and Local Authorities on aspects of the trade such as the sounding of chimes. The Local Authority's Environmental Department may refer to this guidance when investigating allegations of noise nuisance.
- 10.5 The licensing team will only carry out enforcement on Ice Cream Sellers in the following circumstances:
- a) Trading without a consent
  - b) Trading in an area not specified on the Street Trading Consent
  - c) Trading outside of the permitted hours
- 10.6 Enforcement of the following will be carried out by other departments of the Council:
- a) Incorrect disposal of waste
  - b) Health and Safety/ Food Hygiene and Environmental Issues
- 11. Other Legislative Requirements – This is not intended as an exhaustive list**

- 11.1 Any food traders would need to be compliant with food hygiene regulations. All food businesses that prepare, sell, store or cook foods and drinks need to register as a food business with Environmental Health.
- 11.2 Where food is sold the consent holder must comply at all times with ALL current hygiene legislation.
- 11.3 Exposing vehicles for sale on a road is regulated under Section 3 of the Clean Neighbourhoods and Environment Act 2005. Complaints relating to commercial sales, of two or more vehicles within 500 metres of each other should be reported to Swale BC Environmental Response Team.
- 11.4 Persons collecting money under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 require a Street Collection Permit from the Council but not a Street Trading Consent.
- 11.5 Some charities employ collectors who canvass the public in order to obtain a direct debit mandate to contribute to the charity (these collectors are sometimes known as 'chuggers'). This type of collection requires neither a Street Collection Permit nor a Street Trading Consent. However, Swale Borough Council does have an expectation that all proposed collectors of this type will contact the relevant market manager or the licensing team to liaise over the location, days and times that this type of activity will take place, especially to ensure that they do not interfere with any markets or events taking place. It is expected that there will be no tables or structures such as gazebos erected by the collectors. Most important is the expectation that direct debit collectors will behave in a respectful and courteous manner toward members of the public and not harass them in any way.
- 11.6 Promotional stands are not covered under this legislation as no sale takes place. However, there is an expectation that anyone wishing to erect such a stand should, in the first instance contact the relevant market manager or licensing team to check suitable locations so as not to interfere with any events or markets that may be taking place.
- 11.7 Any sale of alcohol will also require a Temporary Events Notice (TEN) under the Licensing Act 2003. The notice period for giving a standard TEN is statutory and is 10 clear working days between and not including serving the notice and the date of the event. A late TEN requires at least 5 clear working days' notice between and not including serving the notice and the date of the event.
- 11.8 There are limits on the number of standard TEN's and late TEN's that can be applied for within a year.

11.9 In respect of a consent issued to an Event Organiser, it is the responsibility of the organiser to ensure that any stall wishing to sell alcohol is aware of the requirement for a TEN.

## **12. Data Retention**

12.1 Under the General Data Protection Regulations the Council has set out the period of time that personal information shall be retained.

12.2 All personal information provided on an unsuccessful application, will be retained for a period of six months before being destroyed.

12.3 All personal information relating to the consent holder, irrespective of its level of sensitivity, will be retained for the period of consent; once the consent has expired or been revoked or the trader notifies the Council they no longer wish to have consent; the information shall be retained for a period of 24 months before being destroyed. DBS checks will not be retained by the Council

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## Appendix 1 – Documents to provide on application

New Applications and Renewal Applications	One off consents
<p>A completed and signed street trading consent application form. Applications forms are available online at <a href="https://www.swale.gov.uk/street-trading-consent">https://www.swale.gov.uk/street-trading-consent</a> by email at <a href="mailto:licensing@swale.gov.uk">licensing@swale.gov.uk</a> or they can be sent by post on request from the licensing team</p>	<p>A completed and signed street trading consent application form. Applications forms are available online at <a href="https://www.swale.gov.uk/street-trading-consent">https://www.swale.gov.uk/street-trading-consent</a> by email at <a href="mailto:licensing@swale.gov.uk">licensing@swale.gov.uk</a> or they can be sent by post on request from the licensing team</p>
<p>The application form must be accompanied by the full fee (unless para 3.6 applies and no fee is due). Details of fees are shown at Appendix III</p>	<p>The application form must be accompanied by the full fee (unless para 3.6 applies and no fee is due). Details of fees are shown at Appendix III</p>
<p>Where the proposed street trading activity is from a fixed position, a plan showing the precise trading position and its proximity to other similar retail outlets within a 100 metre radius. The proposed position and orientation of the stall, van, barrow, cart etc. is to be shown on the plan. The plan shall also include any additional vehicles that will be parked on the site</p>	
<p>Ice Cream Vans and Mobile Food Vans are exempt from providing location plans unless the van is stationary. However, details should be given of the proposed route/streets/stopping places where it is intended street trading will take place as well as the proposed trading hours. This may vary from day to day.</p>	
<p>One colour photograph of the stall, van, barrow, cart that will be used for street trading activity. The photograph shall show any proposed awnings fully extended, whether integral or not.</p>	<p>One colour photograph of the stall, van, barrow, cart that will be used for street trading activity. The photograph shall show any proposed awnings fully extended, whether integral or not. This does not apply to</p> <p>Event organisers do not need to provide photographs of the individual pitches but must provide a numbered site plan of pitches together with a list giving the name of each individual trader</p>
<p>One passport size colour photograph of the applicant. If there are assistants, then they too must supply a photograph of themselves</p>	

<p>If the land is privately owned, written permission from the land owner, this includes Kent County Council Highways.</p>	<p>If the land is privately owned, written permission from the land owner this includes Kent County Council Highways.</p>
<p>Applicants and where applicable their assistants, must submit a Standard Disclosure and Barring Service criminal records check. This can be obtained as shown below:  Email:  <a href="mailto:customerservices@db.s.gsi.gov.uk">customerservices@db.s.gsi.gov.uk</a>  Phone: 03000 200 190  Address: PO Box 165. Liverpool L69 3JD</p> <p>The original certificate must accompany the application form and must be submitted within one month of issue. .</p>	
<p>Evidence of the right to work in the UK. Documents that demonstrate this are attached as Appendix IV.</p>	<p>Evidence of the right to work in the UK. Documents that demonstrate this are attached as Appendix IV.</p>

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## Appendix II: General Consent Conditions

1. When consent is granted the consent holder will be issued with formal written consent which shall be available for inspection by authorised officers of the Council or the Police at any time that trading is taking place.
2. When consent is granted the Consent Holder and any assistants will be issued with a badge, which must be worn at all times while street trading.
3. The consent holder shall ensure their street trading activities subject to consent do not create any obstruction to the flow of pedestrians or other traffic using the street or part of the street to which their consent relates or create any danger to persons using it.
4. The consent holder shall ensure that their street trading activities subject to consent do not cause a nuisance or annoyance, to person(s) or residents using the street or part of the street or running a business within the vicinity of where their consent applies.
5. No signs advertising the trading shall be placed where it can cause an obstruction to vehicles or pedestrians using the street.
6. Where food is sold the consent holder must comply at all times with ALL current hygiene legislation.
7. No street trading will take place within 400 metres of a school.
8. Consent holders must identify their preferred method of waste disposal at the time of making their application, and keep records of their waste management, which must be available, upon request by Swale Borough Council's Licensing or Environmental Department or from the Environment Agency.
9. The consent holder shall not deposit trade refuse or litter of any kind on the street or part of the street to which their consent relates; (Note under the Environmental Protection Act 1990 everyone has a duty of care to dispose of any refuse in a correct manner.)
10. The consent holder shall at the end of each trading day or session, whichever is the shortest, clear around their permitted site.
11. It is recommended that a licence holder has a waste management plan in place, to ensure that:

- a) Suitable waste containers will be made available to customers, where it is appropriate, for any potential waste products generated by the sale of goods.
- b) No waste liquids shall be disposed of into any highway channel, gully or manhole or in any other manner which is likely to cause pollution of any surface water channel.
- c) All refuse generated by the business must be taken to a licensed waste disposal site.

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### Appendix III: Current Fees and Charges

Annual Consent	£130.00
6 Month Consent	£65.00
One-Off Consent	£10.00

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## Appendix IV:

### Documents which demonstrate entitlement to work in the UK

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the UKVI to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the UKVI to the family member of a national of a European Economic Area country or Switzerland
5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the UKVI to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A **current** Immigration Status Document issued by the UKVI to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or previous employer.
7. A birth (short or long) or adoption certificate issued by the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
9. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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## TABLE OF AMENDMENTS MADE TO SWALE BC STREET TRADING POLICY 2021 – 2024

Policy Section No. and Title	Policy Paragraph and Existing Wording	Amended Wording	Reasons for Amendment
5. Application Procedure	5.1 Only persons aged seventeen or over may apply for consent. However, a person under eighteen may be employed as an assistant.	Amended to: 5.1 Only persons aged eighteen or over may apply for consent. However, a person under eighteen may be employed as an assistant.	Only a person over the age of eighteen is able to apply for a Disclosure and Barring Service Check (DBS)
	5.2 New application for sole traders and multiple trader event organisers will be determined following a 28 consecutive day consultation period	Removal of this requirement for multiple trader event organisers Amended to: 5.2 New application for sole traders will be determined following a 28 consecutive day consultation period	Event organisers engage with the Safety Advisory Group which consists of many of the same agencies that are consulted for Street Trading Consents and it is therefore unnecessary duplication to consult again
	5.3.3 An application for a one-off consent must be submitted at least 8 weeks before the intended trading and will be determined following a 28 consecutive day consultation period	Replaced with: 5.3.3 Applications for one-off consents should be submitted no later than 7 days before the event.	Applications for one-off consents should be 'light-touch' and this requirement is too onerous on applicants as it stands. It is not deemed necessary to consult on individual one-off consents as the event organisers work with the Safety Advisory Group as previously stated
	5.5 Renewal applications – for sole traders and event organisers	Amended to: 5.5 Renewal applications for sole traders	Event organisers do not renew applications they apply for a new one-off consent

	<p>5.5.2 A renewal application will be determined following a 28 consecutive day consultation period</p> <p>And;</p> <p>5.5.3 At renewal, the Council will consult to determine if there are any concerns regarding the street trader or if there have been any complaints</p>	<p>Removed and replaced with:</p> <p>5.5.2 At renewal, the Council will only consult if there are any concerns regarding the street trader or if there have been any complaints.</p>	<p>It is considered unnecessary to consult upon renewal as the original application has been fully consulted upon and this is unnecessary bureaucracy</p>
	<p>7.6 If the representations cannot be mediated and remain unresolved the application will be referred to the General Licensing Sub-Committee....</p>	<p>Amended to:</p> <p>7.6 If the representations cannot be mediated and remain unresolved the application will be referred to the Licensing Sub-Committee....</p>	<p>For clarity – the General Licensing Committee was decommissioned on 18 May 2022</p>
	<p>7.7 A Licensing Officer will be responsible for preparing a report for the General Licensing Committee (who can then delegate this to a Sub-Committee) .....</p>	<p>Amended to:</p> <p>7.7 A Licensing Officer will be responsible for preparing a report for the Licensing Sub-Committee .....</p>	<p>For clarity – the General Licensing Committee was decommissioned on 18 May 2022</p>
	<p>7.9 If an application for consent is refused following a decision by a Licensing Officer, an applicant can make a written appeal to the Resilience and Licensing Manager, who will reconsider the case based on any new evidence given.</p>	<p>Amended to:</p> <p>7.9 If an application for consent is refused following a decision by a Licensing Officer, an applicant can make a written appeal to the Community Safety Manager, who will reconsider the case based on any new evidence given.</p>	<p>For clarity – the licensing team now sits within the Community Safety Unit and reports to the Community Safety Manager</p>
	<p>7.14 If an application is refused or renewal is refused or consent is revoked, following a decision made by the General Licensing Sub-Committee applicants will be advised the only right of appeal against the Council’s decision is by way of Judicial Review..</p>	<p>Amended to:</p> <p>7.14 If an application is refused or renewal is refused or consent is revoked, following a decision made by the Licensing Sub-Committee applicants will be advised the only right of appeal against the Council’s decision is by way of Judicial Review..</p>	<p>For clarity – the General Licensing Committee was decommissioned on 18 May 2022</p>

	10.3 Decisions regarding enforcement action will be made in accordance with this policy, the Swale BC Enforcement Policy, Licensing Enforcement Policy and on a case-by-case basis. The enforcement function for any breaches in legislation is currently delegated to the Resilience and Licensing manager, supported by Licensing Officers.	10.3 Decisions regarding enforcement action will be made in accordance with this policy, the Swale BC Enforcement Policy, Licensing Enforcement Policy and on a case-by-case basis. The enforcement function for any breaches in legislation is currently delegated to the Community Manager, supported by Licensing Officers.	For clarity – the licensing team now sits within the Community Safety Unit and reports to the Community Safety Manager
	11.5 Some charities employ collectors who canvass the public in order to obtain a direct debit mandate to contribute to the charity (these collectors are sometimes known as ‘chuggers’). This type of collection requires neither a Street Collection Permit nor a Street Trading Consent. However, Swale Borough Council does have an expectation that all proposed collectors of this type will contact the Regeneration Officer (Town Centres) to liaise over the location, days and times that this type of activity will take place.....	Amended to: 11.5 Some charities employ collectors who canvass the public in order to obtain a direct debit mandate to contribute to the charity (these collectors are sometimes known as ‘chuggers’). This type of collection requires neither a Street Collection Permit nor a Street Trading Consent. However, Swale Borough Council does have an expectation that all proposed collectors of this type will contact the relevant market manager or the licensing team to liaise over the location, days and times that this type of activity will take place.....	For clarity – the post of Regeneration Officer (Town Centres) no longer exists
	11.6 Promotional stands are not covered under this legislation as no sale takes place. However, there is an expectation that anyone wishing to erect such a stand should, in the first instance contact the Regeneration Officer (Town Centre) to check suitable locations so as not to	Amended to: 11.6 Promotional stands are not covered under this legislation as no sale takes place. However, there is an expectation that anyone wishing to erect such a stand should, in the first instance contact the relevant market manager or licensing	For clarity – the post of Regeneration Officer (Town Centres) no longer exists

	interfere with any events or markets that may be taking place.	team to check suitable locations so as not to interfere with any events or markets that may be taking place.	
	<p>Appendix 1 – Documents to provide on application</p> <p><u>One-off consents</u></p> <ul style="list-style-type: none"> <li>• A location plan showing the exact position of any cart, van, barrow etc</li> <li>• Where considered necessary, applicants must submit a Standard Disclosure and Barring Service criminal records check. This can be obtained as shown below: Email: <a href="mailto:customerservices@dbs.gsi.gov.uk">customerservices@dbs.gsi.gov.uk</a> Phone: 03000 200 190 Address: PO Box 165. Liverpool L69 3JD The original certificate must accompany the application form and must be submitted within one month of issue. The requirement for a DBS does not apply or event organisers.</li> <li>• One passport size colour photograph of the applicant. If</li> </ul>	<p>Amended as shown below</p> <ul style="list-style-type: none"> <li>• Remove the requirement for a location plan for one-off consent</li> <li>• Removed</li> <li>• Removed as unnecessary</li> </ul>	<p>Event organisers often have to change the location of stalls multiple times so this removes unnecessary bureaucracy</p> <p>Reasons for doing so are described at paragraph 3.7 of the report to Licensing Committee dated 15<sup>th</sup> February 2023</p> <p>Photos are required to make ID badges. This is not considered necessary for one-off consents and</p>

	<p>there are assistants, then they too must supply a photograph of themselves</p> <p><u>New applications and Renewal applications</u></p> <ul style="list-style-type: none"> <li>Multiple traders and event organisers do not need to provide photographs of the individual pitches but must provide a numbered site plan of pitches together with a list giving the name of each individual trader and the nature of their business that from time to time trade from those pitches. This list should be kept updated and amendments submitted to the licensing team throughout the lifetime of the consent</li> </ul>	<ul style="list-style-type: none"> <li>Removed as unnecessary</li> </ul>	<p>would increase the overall cost to an applicant for a one-off consent if required</p> <p>This is included as a requirement for one-off consents and this is unnecessary duplication</p>
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Status of Consultee	Comments	Section of Policy	Officer Comments and Recommendations
Parish Council	Having looked through the documents and amendments our Members commented the amendments seem sensible and simplify the process	Whole Policy	Comments noted
Sheerness Town Councillor	<p>Street trading can add variety and vibrancy to the character of this Borough as well as diversity of shopping opportunities. The aim of the Council is to give consent to traders who will help to create a vibrant street scene which complements retail activity, community events and activities."</p> <p>I was very pleased to see this aim at the beginning of your new regulations - It is vital that community organisations are able to invite one off traders Cheaply/ freely with a minimum of hurdles so that we can hold exciting events in our high streets &amp; town centres - Unfortunately I did not manage to read the whole of the document!! Perhaps you could briefly Explain that it will now be possible to have Craft and similar stalls as it was in the past when we could apply for a single licence for a number of stalls at our events. It would really help us to be able to be able to organise our events with a minimum of bureaucracy, as you can imagine most of us are volunteers and there is enough work to do organising the event without additional obstacles. This will make it possible for us ( Small organisations) to "create a vibrant street scene" and put on exciting Community events in</p>	Whole Policy	<p>The reason for requiring individual traders to obtain their own street trading consent is to protect event organisers from being legally accountable and the only person(s) that the Council could take enforcement action against, should enforcement action be necessary.</p> <p>Fees for 'one-off' street trading consent were deliberately set very low at £10 for up to 4 days trading at a maximum of 12 times per year.</p> <p>Additionally, application forms for 'one-off' traders have been simplified to make the application process as streamlined as possible.</p> <p>Event organisers merely have to inform prospective traders of the need to apply individually to the Council for a Street Trading Consent and then confirm that such a consent has been obtained so we think that the 'bureaucracy' has been kept to a minimum.</p>

	our towns as I have been doing for the past 20 years & I assume Swale BC wishes us to do in the future.		
One-Off Event Organiser	Just to confirm Community Heritage Events welcomes the opportunity to comment, and supports the amendments introduced to facilitate the staging of the Faversham Hop Festival.		Comments Noted
One-Off Event Organiser	<p>We would like to disagree with this change because we believe the requirement to have DBS checks is completely excessive for street traders, and has put off several people from attending our Switch On Day Christmas market.</p> <p>DBS checks are meant to be for people who will have unsupervised access to children or vulnerable adults. It is practically impossible for someone at a market stall in broad daylight to have unsupervised access to children who in all probability are standing there next to their parents.</p> <p>Even staff working in shops frequented by young school children do not need DBS checks, despite far greater opportunities for unsupervised access. The DBS requirement for market traders should not exceed that of ordinary shops, which is that it is not required.</p> <p>So, in terms of this proposed amendment, instead of penalising those under eighteen years of age because of an unnecessary check, it is the</p>	Section 5.1.	<p>The requirement for a DBS check is now intended to be for those applicants who want 6-monthly or annual consents only. Applicants for one-off street trading consents will no longer require a DBS check.</p> <p>With regards to the minimum age of applicants being 18 years or over this is because a DBS check cannot be obtained for a minor and therefore does not apply for one-off event applications where applicants who are 17 years of age would be accepted.</p>

	<p>unnecessary check that should give way.</p> <p>We agree with the sentiment that applications should be "light touch"</p>	<p>Section 5.3.3</p>	<p>Comments Noted</p>

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<b>Council Meeting</b>	
<b>Meeting Date</b>	5 April 2023
<b>Report Title</b>	Adoption of Social Media Policy
<b>EMT Lead</b>	Larissa Reed - Chief Executive
<b>Head of Service</b>	David Clifford – Head of Policy. Governance and Customer Services
<b>Lead Officer</b>	Larissa Reed – Chief Executive
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That Full Council adopt the social media policy</li> <li>2. That Full Council agree to all members receiving training on the policy as part of the induction for members following the election in May 2023</li> </ol>

## 1 Purpose of Report and Executive Summary

- 1.1 Social media is a term used for online tools, websites and interactive media that enables users to interact with each other by sharing information, opinions, knowledge, and interests.
- 1.2 The use of social media has grown exponentially over the past five years and is now widely used across the Borough.
- 1.3 Social Media can be a positive tool for seeking views of residents, disseminating information and connecting with groups who would not normally engage with council activities.
- 1.4 Social Media can also cause significant alarm and distress if used inappropriately and can cause reputational damage to the council.
- 1.5 The policy (Appendix I) covers the issues over using social media and Councillor's responsibilities to protect themselves and others where possible. This policy links to the Councillor Code of Conduct and should be read alongside it.

## 2 Background

- 2.1 Social media can be useful as it increases access to audiences and improves the accessibility of communication. It enables an active relationship with residents, partners and stakeholders whilst encouraging people to be involved in local

decision making and enabling better engagement and feedback. This ultimately helps to improve the services we provide. Social media can be very useful in Councillors getting feedback on proposals and communicating information about what we are doing. However, it is important to remain aware that not everybody is on social media and so opinions expressed may not be representative of a specific cohort of people.

- 2.2 An increasing number of Councillors use social media and unfortunately there are an increasing number of incidents of abuse against councillors.
- 2.3 A cross party group of councillors held two workshops to consider the issues around the use of social media. The policy at Appendix I was written using the outcome of these workshops.
- 2.4 The completed policy was considered by Standards Committee on 1 February 2023. The report was sent out for consultation to all members on 1 March 2023.

### **3 Proposals**

- 3.1 That Full Council adopt the social media policy
- 3.2 That Full Council agree to all members receiving training on the policy as part of the induction for members following the election in May 2023

### **4 Alternative Options Considered and Rejected**

- 4.1 Not to have a policy – this was rejected as councillors had expressed a wish to have a policy. The work undertaken by the cross-party working group demonstrated the need for advice and guidance on how to use social media

### **5 Consultation Undertaken or Proposed**

- 5.1 All members were consulted on the policy between 1 February and 15 March. Three responses were received. One asking a question about the use of social media, one showing support for the policy and one advising of some grammatical errors within the policy. The draft policy was considered and endorsed by the Standards Committee on 1 February 2023.

### **6 Implications**

Issue	Implications
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Corporate Plan	The policy supports the council’s fourth corporate plan priority, to renew local democracy and make the council fit for the future.
Financial, Resource and Property	There are no financial implications, however there has been resource implications of the Monitoring Officer dealing with complaints about social media use. This policy should assist members with understanding of what appropriate social media is.
Legal, Statutory and Procurement	<p>Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a helpful tool for public debate.</p> <p>In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:</p> <ol style="list-style-type: none"> <li>a. <b>Copyright:</b> publishing information that is not yours, without permission, may also result in an award of damages against you.</li> <li>b. <b>Defamation:</b> if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages.</li> <li>c. <b>Harassment:</b> it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment, or distress.</li> <li>d. <b>Data protection:</b> you are unlikely to have a lawful basis for publishing personal data of other people, including photographs, without their express permission to do so.</li> <li>e. <b>Incitement:</b> it is an offence to incite any criminal act.</li> <li>f. <b>Discrimination and ‘protected characteristics’:</b> The public sector equality duty (as defined in the Equality Act 2010) prohibits discrimination against anyone based on protected characteristics;</li> <li>g. <b>Malicious and obscene communications:</b> it is an offence to send malicious or obscene communications.</li> </ol>
Crime and Disorder	Inappropriate use of social media may lead to prosecution if one of the above laws are broken.
Environment and Climate/Ecological Emergency	There are no climate or ecological impacts

Health and Wellbeing	Health and well being of councillors can be severely affected if they are victims of online hate. The Council has a duty of care to protect councillors and this policy sets out steps to support councillors who may be experiencing on line abuse.
Safeguarding of Children, Young People and Vulnerable Adults	Councillors must be mindful of the impact of any social media posts on vulnerable people.
Risk Management and Health and Safety	The use of social media can have a negative impact on Health and Safety. This policy sets out ways councillors can protect their health and safety when using social media
Equality and Diversity	Swale Borough Council is a public authority required to comply with the Equality Act 2010. The Act prohibits discrimination against anyone based on their protected characteristics. The Council (and Councillors) must also have 'due regard' to the Public Sector Equality Duty, which obliges public decision-makers to have regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.
Privacy and Data Protection	The UK General Data Protection Regulation and the Data Protection Act 2018 establish the only lawful bases data controllers may rely on in working with any data which relates to identifiable living individuals, as well as setting out the rights such individuals have in relation to those data controllers. In some cases, councillors working with personal data could be regarded as data controllers, with all the legal implications that entails. In addition, Article 8 of the European Convention sets out that public authorities (Swale Borough Council is a public authority) should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights). This can apply to Councillors when working in a professional capacity.

## 7 Appendices

Appendix 1 – Social Media Policy (attached)

## 8 Background Papers



## **Social Media Policy for Councillors**

### **Section 1 – Introduction**

1. Social media is a term used for online tools, websites and interactive media that enables users to interact with each other by sharing information, opinions, knowledge, and interests. This policy covers what is social media, the issues over using social media and Councillors' responsibilities to protect themselves and others where possible. This policy links to the Councillor Code of Conduct.
2. Social media can be useful as it increases access to audiences and improves the accessibility of communication. It enables an active relationship with residents, partners and stakeholders whilst encouraging people to be involved in local decision making and enabling better engagement and feedback. This ultimately helps to improve the services we provide. Social media can be very useful in the Council getting feedback on proposals and communicating information about what we are doing. However, it is important to remain aware that not everybody is on social media and so opinions expressed may not be representative of a specific cohort of people.
3. For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, Instagram, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis, Tiktok and any sites which may emerge after the creation of this policy where Swale Borough Council could be represented via online participation.
4. This policy applies to Councillors. It gives guidelines on how to use social media, sets out how to effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated by users. The following risks can be identified with social media usage (this list is not exhaustive):
  - Virus or other malware infection from infected sites.
  - Disclosure of confidential information.
  - Damage to the Council's reputation.
  - Social engineering attacks (known as 'phishing').
  - Bullying or "trolling"
  - Civil or criminal action relating to breaches of legislation.

- Breach of safeguarding using images or personal detail leading to the exploitation of vulnerable individuals.
- Breach of the code of conduct for members through inappropriate use.

Considering the risks, the use of social media sites should be regulated to ensure that such use does not damage the Council, its employees, Councillors, partners or residents.

As such this policy aims to ensure:

- Users operate within existing policies, guidelines, and relevant legislation.
- A consistent and corporate approach is adopted
- Council information remains secure and not compromised
- The Council's reputation is not damaged or adversely affected.

5. The Council welcomes and wishes to encourage Councillors' use of new technology, including social media. It is not a requirement for Councillors to have a Facebook or Twitter account or use other forms of social media. If Councillors are already using or planning to use social media in connection with their work as a Councillor, they should ensure that they are familiar with this policy. Councillors must ensure their use of social media does not involve the use of Council resources for party political purposes or put the organisation's information and security systems at risk.
6. Most people are familiar with doing things online and residents will increasingly expect the Council to provide its services online, with the same level of interactivity that they find everywhere else. However, there are challenges that may discourage Councillors and the Council from using social media. For example, inappropriate use (which may occur inadvertently) can cause significant damage to a Councillor's (or the Council's) reputation and can lead to legal claims. In addition, technology is changing fast. This can mean that it is hard to keep up and maintain useful interaction with residents.

## Section 2 – Legal Considerations

7. Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a helpful tool for public debate.
8. In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:
  - a. **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you;
  - b. **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages;
  - c. **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
  - d. **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so;
  - e. **Incitement:** it is an offence to incite any criminal act;
  - f. **Discrimination and ‘protected characteristics’:** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
  - g. **Malicious and obscene communications:** it is an offence to send malicious or obscene communications.
9. Likewise, inappropriate and offensive material should not be published. This includes revealing confidential or commercially sensitive information belonging to the Council, personal or confidential information about an individual, publishing something that could reasonably be considered insulting or threatening and something that promotes illegal activity or is intended to deceive.
10. Additional considerations apply to Councillors.

### **Bias and pre-determination**

11. Members sitting on regulatory committees such as planning or licensing should be

aware that they are allowed to have a view but must not have gone so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated.

### **Equality and discrimination**

12. Swale Borough Council is a public authority required to comply with the Equalities Act 2010. It is an offence to discriminate against anyone based on their protected characteristics. The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

### **Electioneering**

13. Council resources, including the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre- election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

### **Human Rights**

14. Article 8 of the European Convention sets out that public authorities (Swale Borough Council is a public authority) should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights).

### **Code of Conduct**

15. Councillors may use social media in both an official and personal capacity, but they must be aware that the public may perceive them as acting in either capacity when that is not their intention. Any social media account which could be potentially linked to a Councillor would need to meet the standards of the code of conduct. Any social media use on a Council device (irrespective of whether it is used for a personal account, will be deemed to have been used in an official capacity).

### **Section 3 – Responsibilities of Councillors**

16. Whilst Councillors cannot be held responsible for what other people say on their site, Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others. Allowing defamatory, untrue or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material and could also give rise to Code of conduct issues where allowing comments to remain could be seen as condoning or endorsing them.

17. Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code of conduct considerations may apply.

18. Councillors have the right to freedom of speech, and it is entirely reasonable for Councillors to allow disagreement rather than to seek to censor it. However, Councillors do not need to respond to everything, and unhelpful online arguments should be avoided. Councillors posting in an official capacity should be professional, respectful, and polite.

19. Careful use of language is required. When using sarcasm, irony and ambiguous comments, Councillors should consider how the reader may take them and whether this brings the Councillor or Council into disrepute.

20. It is accepted that mistakes happen, however when working in a professional (Councillor) capacity, Councillors should always promptly admit to mistakes, and where they have been shared or liked – ensure that it is clear there was an error.

21. Councillors have a responsibility to think carefully about who to 'follow' or 'befriend' online. Online 'friendships' with Council officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason – some constituents may find it uncomfortable (and see the Human Rights comments above). Many Councillors wait to be 'followed' before returning the compliment.

22. Councillors must always ensure the security of their devices to prevent unauthorised access by third parties who may make inappropriate use of the device.

#### **Section 4 – Principles for using Social Media**

Councillors should follow these five guiding principles for any social media activities when acting in a professional capacity:

23. **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people’s confidentiality – do not disclose non-public information or the personal information of others.

24. **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.

25. **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Councillors must be clear about their own personal role, in particular a clear distinction should be drawn between use of an account in a personal capacity and use in a capacity as a Councillor. Merely stating a Councillor is acting in a private capacity may not be sufficient.

26. **Think twice** – Councillors should think carefully about all social media posts. Once published it will be too late to change.

27. **Safety First** – Councillors should consider their safety when posting messages on Social Media. Councillors should take care if they are posting details of where they may be at a specific time or advising the public when their house will be empty. More information and personal safety advice can be found at <https://www.suzylamplugh.org/Pages/Category/personal-safety-advice>

#### **Section 5 – Use of Social Media during Committee Meetings**

28. Social Media can be used during meetings, however Councillors should be aware of the impression they are giving to others. Councillors should be mindful that regulatory

committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received and if this arrives during a meeting and the Councillor reads it, they must declare it.

29. Mobile devices enable Councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes) however it is important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

### **Section 6- Inappropriate use of Social Media by Others**

30. Anyone receiving threats, abuse or harassment via their use of social media should report it to the police.

31. Other inappropriate content can be reported to the social media site directly to ask for it to be removed. You may wish to save a screenshot in the circumstances.

32. The Council has a duty of care to all Councillors and will work with the appropriate authorities to ensure the safety of all Councillors.

33. If Councillors are worried about postings on their Social Media, they should contact the Monitoring Officer or the Chief Executive as soon as it is safe to do so.

### **Section 7 – Complaints**

34. This policy does not form part of the Code of Conduct for Members but should be read alongside it. There may be instances where Councillors' use of social media amounts to a breach of the Code of Conduct and the Monitoring Officer may take this policy into account when considering whether such a breach has taken place.

35. The Standards Regime is not sophisticated enough to deal with many of the complaints arising from social media use, however the Council will provide

independent mediation where the complaint arises as result of complaints being made by a Councillor about a Councillor. It will be essential that both Councillors agree to the process.



<b>Council</b>	
<b>Meeting Date</b>	5 April 2023
<b>Report Title</b>	<b>Appointment of Monitoring Officer</b>
<b>EMT Lead</b>	Larissa Reed – Chief Executive
<b>Head of Service</b>	Claudette Valmond – Head of Legal Partnership
<b>Lead Officer</b>	Claudette Valmond – Head of Legal Partnership
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	Council is recommended to: 1. Appoint Robin Harris as the Monitoring Officer for Swale Borough Council with effect from 25 <sup>th</sup> April 2023.

## 1 Purpose of Report and Executive Summary

- 1.1 David Clifford, the Council’s Monitoring Officer will leave the Council on 24 April 2023. As a matter of Law, the Council is required to appoint a Monitoring Officer.
- 1.2 This report recommends the appointment of Robin Harris, the current Deputy Monitoring Officer as the Monitoring Officer for Swale Borough Council.

## 2 Background

- 2.1 Mr Clifford is the Head of Policy, Governance and Customer Services and the Council’s statutory Monitoring Officer. Mr Clifford will leave this post on 24 April 2023.
- 2.2 The Council is required by law to appoint a Monitoring Officer and under the Council’s Constitution, the decision must be taken by Full Council.
- 2.3 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council’s Constitution and the arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer’s responsibilities and delegated powers is included within the Council’s Constitution.
- 2.4 The Local Government and Housing Act 1989, section 5 requires an Authority to designate one of their Officers to perform the Monitoring Officer duties which includes:

- (a) the duty to consider proposals and prepare a report for consideration by the Authority if a proposal is likely to give rise to a contravention of any enactment, rule of law or any code of practice; or
- (b) likely to lead to any maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners).

- 2.5 Robin Harris Interim Team Leader (Contentious and Corporate Governance) and Deputy Monitoring Officer for the Council has accepted a conditional offer to become the Council's Monitoring Officer subject to the approval of Full Council.
- 2.6 It is proposed that Robin Harris is appointed as the Council's Monitoring Officer with effect from 25 April 2023. Robin Harris was called to the Bar in 2006 and converted to being a Fellow of the Chartered Institute of Legal Executives in 2019. He has over 12 years' experience working in local government legal services and over 7 years' experience as a Deputy Monitoring Officer across Tunbridge Wells, Swale and Maidstone Borough Councils and 6 months experience as Maidstone Borough Council's Monitoring Officer.
- 2.7 If the recommendation is accepted, Robin Harris will appoint a Deputy Monitoring Officers to assist him.

### **3 Proposals**

- 3.1 The Council is required by law to appoint a Monitoring Officer. As the current Deputy Monitoring Officer, Robin Harris is held to be the best qualified officer to undertake the role.

### **4 Alternative Options Considered and Rejected**

- 4.1 The Council could advertise and appoint another Officer to undertake the function, but this is not recommended. The Mid Kent Legal Partnership, like all Councils has struggled to appoint lawyers. Recent recruitment exercises have resulted in no candidates applying. Other councils are struggling to recruit experienced Monitoring Officers. Robin Harris is a competent, experienced Monitoring Officer who understands Swale (having been the Deputy Monitoring Officer for a number of years)

### **5 Consultation Undertaken or Proposed**

- 5.1 Given that this report concerns the appointment of one of the Council's statutory officers, the recommendation is being made directly to Full Council.

- 5.2 The proposed appointment has been discussed and is supported by the Chief Executive and partner authorities.

## 6 Implications

Issue	Implications
Corporate Plan	No implications identified at this stage.
Financial, Resource and Property	No implications identified at this stage.
Legal, Statutory and Procurement	The Local Government and Housing Act 1989, section 5 requires an Authority to designate one of their Officers to perform the Monitoring Officer duties.
Crime and Disorder	No implications identified at this stage.
Environment and Climate/Ecological Emergency	No implications identified at this stage.
Health and Wellbeing	No implications identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified at this stage.
Risk Management and Health and Safety	No implications identified at this stage.
Equality and Diversity	No implications identified at this stage.
Privacy and Data Protection	No implications identified at this stage.

## 7 Appendices

- 7.1 There are no appendices.

## 8 Background Papers

8.1 There are no background papers.