

Cabinet Meeting

Meeting Date	5 th November 2014
Report Title	Faversham Creek Neighbourhood Plan - Submission Consultation
Cabinet Member	Cllr Lewin, Cabinet Member for Planning
SMT Lead	Pete Raine
Head of Service	James Freeman
Lead Officer	James Freeman
Key Decision	Yes, as it covers more than two wards
Classification	Open
Recommendations	1. To agree that the submitted Neighbourhood Plan meets the requirements in the legislation and that it can therefore go out to a 6 week consultation.

1 Purpose of Report and Executive Summary

- 1.1 This report has been drafted to respond to the timing issues required for the Borough Council, as the Local Planning Authority, to comply with its roles and responsibilities for progressing the Faversham Creek Neighbourhood Plan, whilst meeting Faversham Town Council's wish to proceed with the Plan expediently. This will mean that the LDF Panel will not be given the opportunity to review progress in advance of the Cabinet meeting on 5th November 2014.
- 1.2 Therefore, the purpose of this report is to update the Cabinet on the stage reached by the Faversham Creek Neighbourhood Plan, to outline the next steps and to agree for the Neighbourhood Plan to go out for its 6 week consultation.
- 1.3 The Neighbourhood Plan was agreed by Faversham Town Council on 13th October, 2014. Having worked closely with Faversham Town Council and their consultant, and having reviewed the submitted documents, it is considered that they meet the requirements of the legislation.

2 Background

- 2.1 As you will be aware Faversham Town Council have been undertaking a Neighbourhood Plan for the creek area since October 2011 under the new powers which were granted by the Government through the Localism Act 2011. The Government encouraged the development of a number of neighbourhood plans ahead of the enactment of legislation through the Neighbourhood Planning Vanguard Scheme and Swale Borough Council was awarded £20k to assist with the development of the Faversham Creek Neighbourhood Plan.

- 2.2 Following amendments resulting from the pre-submission consultation stage, Faversham Town Council has amended the Neighbourhood Plan and have now submitted the Neighbourhood Plan, the basic conditions statement, the statement of consultation and a map of the area to the Borough Council.
- 2.3 The submission to the local planning authority was required to include the following:
- a map or statement which identifies the area to which the plan relates;
 - consultation statement outlining consultation undertaken in preparing the plan;
 - the proposed Neighbourhood Plan; and
 - a statement on Meeting Legal Requirements and on how the plan fulfils the basic conditions.
- 2.4 On receiving the submitted plan proposal and supporting documents, the Borough Council was responsible for checking that the submitted Neighbourhood Plan had followed the proper legal process, such as the neighbourhood area being designated and that the Plan has met the legal requirements for consultation and publicity. It is considered that the draft Neighbourhood Plan submitted for independent examination complies with all the relevant statutory requirements. The statutory requirements are set out in paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). The Borough Council had to be satisfied that a basic condition statement was submitted, but it was not required to consider whether the draft plan or order met the basic conditions. It is only after the independent examination has taken place and after the examiner's report has been received that the Borough Council comes to its formal view on whether the Neighbourhood Plan meets the basic conditions.
- 2.5 As it is considered that the submitted Neighbourhood Plan meets the requirements of the legislation, the Borough Council must now publicise the Neighbourhood Plan for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft Neighbourhood Plan to independent examination (see regulations 16, 17, 23 and 24 of the Neighbourhood Planning (General) Regulations 2012 (as amended)).
- 2.6 After submission the next steps for the Neighbourhood Plan are as follows:
- Public Consultation on the Neighbourhood Plan: 7th November and 19th December.
 - Examination: March 2015
 - Referendum: August 2015
 - Adoption: September 2015
- 2.7 All of the above steps are to be undertaken by the Borough Council.

3 Proposal

- 3.1 The Borough Council cannot comment on the content of the Neighbourhood Plan, only on whether it meets the requirements set out in section 2 above. It is therefore a process, rather than a content driven decision. The proposal is for Cabinet to agree that the Neighbourhood Plan meets the requirements in the legislation and for the Neighbourhood Plan to go out for a 6 week consultation.

4 Alternative Options

- 4.1 Under the legislation the Borough Council has no alternative option.

5 Consultation Undertaken or Proposed

- 5.1 A considerable amount of consultation, using a wide variety of consultation methods, has been undertaken by Faversham Town Council throughout the process of drafting the Neighbourhood Plan. The latest stage of consultation was the Pre-Submission Draft Consultation which took place between 19th May and 30th June 2014. The Town Council undertook drop in events, a market stall, public exhibitions and maintained a dedicated website.
- 5.2 If Cabinet agree that the Neighbourhood Plan meets the legislative requirements, the Borough Council will need to undertake a statutory 6 week consultation on the plan. It is currently envisaged that this will take place between 7th November and 19th December.

6 Implications

Issue	Implications
Corporate Plan	<ul style="list-style-type: none">• Embracing Localism• Open for Business• Healthy Environment
Financial, Resource and Property	The costs of undertaking consultation can be met from existing budgets.
Legal and Statutory	The process will follow the statutory planning regulations and the Localism Act 2011.
Crime and Disorder	None identified at this stage.
Sustainability	The Neighbourhood Plan pursues sustainable development across all elements of the plan.

Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	Consultation will be undertaken in accordance with the Statement of Community Involvement (SCI) which includes provisions for hard to reach groups.

7 Appendices

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

Appendix I - Faversham Creek Neighbourhood Plan

Appendix II - Faversham Creek Neighbourhood Plan Consultation Statement

Appendix III - Faversham Creek Neighbourhood Plan Basic Conditions Statement

Please Note: The appendices will not be printed as part of the agenda but a printed copy will be placed in the Members Room and in each of the 4 Group Rooms.

8 Background Papers

None