

Council Meeting	
Meeting Date	5 April 2023
Report Title	Boughton and Dunkirk Neighbourhood Plan – Final stage
EMT Lead	Emma Wiggins – Director of Regeneration & Neighbourhoods
Head of Service	Flo Churchill – Interim Head of Planning Services
Lead Officer	Aaron Wilkinson, Senior Planning Officer
Classification	Open
Recommendations	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

Issue	Implications
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-reports).