

Decision Statement

Introduction

Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans (and Orders) and to take plans through the processes of examination and referendum.

The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.

This Decision Statement confirms that the modifications proposed by the examiner, in his report dated 21 October 2022, have been accepted by both Swale Borough Council and the Boughton and Dunkirk Neighbourhood Planning Group. The draft Boughton and Dunkirk Neighbourhood Plan will be altered to reflect these changes and the Plan will proceed to referendum known as the 'referendum version'.

Background

The Boughton and Dunkirk Neighbourhood Plan covers the area designated by Swale Borough Council as the Neighbourhood Plan Area on 20 February 2014.

Following the submission of the Boughton and Dunkirk Neighbourhood Plan to the Council, the Plan was published, from 13 June to 25 July 2022, inviting representations, in accordance with The Neighbourhood Planning (General) Regulation 2012 - Regulation 16.

Derek Stebbing BA (Hons) DipEP MRTPI, was appointed by Swale Borough Council with the consent of the Boughton and Dunkirk Neighbourhood Planning Group, to independently examine the Boughton and Dunkirk Neighbourhood Plan and to prepare a report of the examination.

The Examiner's Report which was issued on 21 October 2022 concluded that subject to modifications recommended by the examiner being made, the Boughton and Dunkirk Neighbourhood Plan met the Basic Conditions set out in legislation and should proceed to a referendum.

Decision

Section 18 (1) c of the Neighbourhood Planning (General) Regulations 2012 requires the Local Planning Authority, in this case Swale Borough Council, to outline what action to take in response to the recommendations of the Examiner made in a report under paragraph 10 of

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Schedule 4a to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a Neighbourhood Plan.

Having considered each of the recommendations set out in the Examiner's Report and their reasoning, these have been accepted by Swale Borough Council and the Boughton and Dunkirk Neighbourhood Planning Group.

Swale Borough Council agrees with the Examiner that the Referendum Area should be applied to the Designated Neighbourhood Area.

Swale Borough Council accept that the changes are necessary to ensure that the draft Plan meets the Basic Conditions as set out in legislation.

The Examiner's Report outlines the recommendations of alterations to be made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act).

Conclusion

The Boughton and Dunkirk Neighbourhood Plan 2022 - 2031, with proposed revisions, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, and can therefore proceed to referendum.

A referendum will now be held which will ask the question: "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?". Further details regarding the referendum will be published in due course.

The Council agreed the recommendation that the Boughton and Dunkirk Neighbourhood Plan 2022 - 2031 should proceed to a referendum based on the Neighbourhood Plan Area agreed by Swale Borough Council on 20 February 2014.

The Council agreed with the advice set out in the Examiner's Report for the Boughton and Dunkirk Neighbourhood Plan under paragraph 10 of Schedule 4B to the 1990 Act (as applied by section 38a of the 2004 Act) in relation to the Neighbourhood Plan.

Date: December 2022