

Swanley Neighbourhood Plan Basic Conditions Statement

October 2023

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INTRODUCTION

This document sets out how the Swanley Neighbourhood Plan fulfils the “basic conditions” of Neighbourhood Planning in order to satisfy the requirements set out in legislation and pass the Independent Examination.

This statement should be read in conjunction with the Plan and the Consultation Statements which set out the consultation and engagement with residents and other consultees during its preparation.

Part of the Basic Conditions are that the proposed Neighbourhood Plan should “not breach or be otherwise incompatible with, EU obligations”. These EU obligations include environmental assessments. In order to support the qualifying body, to meet this requirement, Sevenoaks Council undertook a screening in July 2023 to determine whether the proposed Swanley Neighbourhood Plan (Regulation 14 version) should be subject to Strategic Environmental Assessment or Habitats Regulation Assessment (HRA). It concluded that the Swanley Neighbourhood plan does/does not need to be subject to an SEA or an HRA (see Appendix)

BASIC CONDITIONS AND TESTS TO BE MET

[Schedule 4b of the Town and Country Planning Act \(para 8\)](#) sets out the following conditions which a Neighbourhood Development Plan is required to meet.

8(1). The examiner must consider the following—

- (a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph)*
- (b) whether the draft order complies with the provision made by or under sections 61E (2), 61J and 61L,*
- (c) whether any period specified under section 61L(2)(b) or (5) is appropriate,*
- (d) whether the area for any referendum should extend beyond the Neighbourhood Area to which the draft order relates, and*
- (e) Such other matters as may be prescribed.*

(2) A draft order meets the basic conditions if—

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*

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(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

(c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

(d) the making of the order contributes to the achievement of sustainable development,

(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

(f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and

(g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

LEGAL REQUIREMENTS

The proposed Neighbourhood Plan is submitted by Swanley Town Council which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the Swanley Neighbourhood Plan Steering Group, which is led by Swanley Town Council with assistance from local residents.

The whole parish of Swanley has been formally designated as a Neighbourhood Area through an application made in November 2014 under the Neighbourhood Planning Regulations 2012 and approved by the Cabinet of Sevenoaks Council.

Although Swanley Town Council as qualifying body use the term Neighbourhood Plan, it is the same as a Neighbourhood Development Plan.

The proposed Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood Area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 (as amended in 2016).

The Plan will have effect until 2040. The period has been chosen to align with the dates of the Sevenoaks Council emerging Local “Plan 2040” as contained in the SDC 2022 Regulation 18 Consultation version.

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In order not to delay the production of the Neighbourhood Plan the current SDC Local Plans of 2011 and 2015 (Their evidence base can be found [here](#)) and the SDC 2022 Regulation 18 Consultation version of Plan 2040 have been used as current district wide policy for producing the Neighbourhood Plan. The SDC evidence base which supports these plans have also been used to support the Neighbourhood Plan's development. The full details of the SDC current evidence base for the SDC 2022 Regulation 18 Consultation can be found [here](#). Work is continuing on the Local Plan and according to the Sevenoaks Local Development scheme of November 2021 is proposed to be published in draft for Regulation 19 consultation in the Spring of 2024.

The draft Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The draft Plan relates only to the Swanley Town Council area. It does not relate to more than one Neighbourhood Area. There are no other neighbourhood development plans in place within the Neighbourhood Area.

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HAVING REGARD TO NATIONAL POLICIES		
Neighbourhood Plan Policies	NPPF (July 2021) Chapter heading	NPPF Paragraph
SUSTAINABLE DEVELOPMENT		
<p>SwSD1 The Neighbourhood Plan recognises that there are Green Belt sites in the Neighbourhood Plan area that are poorly performing against the purposes set out in the National Planning Policy Framework. Such sites may come forward for development, through allocation in the new Sevenoaks Local Plan. These may have potential to deliver benefits that should be secured through the design, layout, and use of each site. In these cases, they will be supported only where they meet all the policies in the Swanley Neighbourhood Plan and are supported by public transport infrastructure.</p> <p>“Development proposals on Green Belt sites other than those listed as poorly performing will not be supported”.</p>	<p>Chapter 5 Delivering a sufficient supply of homes.</p> <p>Chapter 13 Protecting Green Belt land.</p> <p>Chapter 11 Making Effective use of Land.</p>	<p>Para 60</p> <p>Para 137</p> <p>Para 138</p> <p>Para 140</p> <p>Para 120 (c)</p>
<p>SwSD2 Development proposals that result in a net loss of commercial, business and service use (use class E) on sites in Swanley Town Centre (see Swanley Town Centre MAP 4), other than those which are permitted development will not be supported.</p> <p>Proposed changes of use from Class E will need to be justified with evidence of their non-viability and demonstrate that every effort has been made to market them in their current use.</p>	<p>Chapter 7 Ensuring the Vitality of Town centres.</p>	<p>Para 86 (c) (d)</p>
<p>SwSD3 Development proposals which result in the physical or visual merging of Swanley Village with Swanley Town will not be supported.</p>	<p>Chapter 13 Protecting Green Belt land.</p>	<p>Para 138 (b)</p>

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HAVING REGARD TO NATIONAL POLICIES		
Neighbourhood Plan Policies	NPPF (July 2021) Chapter heading	NPPF Paragraph
COMMUNITY INFRASTRUCTURE		
<p>SwC1 Development proposals for health facilities in Swanley will be supported where they are:</p> <p>a) Located in the Swanley Town Centre (see MAP 4) b) Have adequate parking for visitors, patients, and staff.</p>	Chapter 8 Promoting healthy and safe communities.	Para 92 (c)
<p>SwC2 Development proposals that result in any loss of existing green spaces as shown on MAP 7, across all types within the Neighbourhood Plan area will be supported only where replacement green spaces are provided for public use which are suitably located and equal or superior in terms of size and quality.</p> <p>All development proposals must demonstrate a measurable biodiversity net gain in alignment with the Environment Act 2021.</p>	<p>Chapter 6 Building a Strong competitive Economy.</p> <p>Chapter 8 Promoting healthy and safe communities.</p> <p>Chapter 15 Conserving and Enhancing the natural environment</p>	<p>Para 84(d)</p> <p>Para 92 a) 93 c) 98 and 99</p> <p>Para 174 (b)</p>
<p>SwC3 Proposals that result in the loss of existing community buildings will not be supported unless there is clear evidence that the following two criteria have been met:</p> <p>a) There is no need for the facility (in terms of the current capacity of existing provision, its opening times, location, accessibility, and range of facilities available to local people and businesses) or suitable alternative facilities of a similar size and quality are re-provided as part of the proposal.</p>	Chapter 8 Promoting healthy and safe communities.	<p>Para 92 a), b), c)</p> <p>Para 93 c)</p>

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HAVING REGARD TO NATIONAL POLICIES		
Neighbourhood Plan Policies	NPPF (July 2021) Chapter heading	NPPF Paragraph
b) Proposals offer alternative benefits to the community in terms of access to space to assemble, worship, participate in educational activities and personal or civic celebrations.		
SwC4 The surface water discharge rate for new development proposals (including hard landscaping) in the Neighbourhood Plan area should match or be less than the Existing Greenfield run off rate.	Chapter 14 Meeting the challenge of Climate Change, flooding, and coastal change	Para 154 (a) Para 159 Para 167 (c) Para 169 a) to d)
CONSERVATION, DESIGN AND HERITAGE		
<p>SwCD&H1 Development proposals for tall buildings (A tall building for the Swanley Neighbourhood Plan area is defined as a building that is over 4 storeys or 12 metres in height) should take account of the definitions provided in the Neighbourhood Plan for the different character areas of Swanley (See Table 7 and MAP 8). Such proposals should:</p> <ul style="list-style-type: none"> • Have good access to public transport. • Contribute to improving the permeability of the site and wider area, wherever possible • Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level. • Incorporate publicly accessible amenity space and local play areas within the site area. • Where appropriate, provide additional green spaces in the form of roof gardens for residents of the development. 	Chapter 12 Achieving well-designed places.	Para 130 a) to f)

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HAVING REGARD TO NATIONAL POLICIES		
Neighbourhood Plan Policies	NPPF (July 2021) Chapter heading	NPPF Paragraph
<ul style="list-style-type: none"> • Have ground floor activities that provide a positive relationship to the surrounding streets. • Incorporate the highest standards of architecture and materials, including sustainable design and construction practices. • Should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference. <p>The impact of tall buildings proposed should be given specific consideration in relation to their impact on local or strategic views both from the designated Green Belt land which surrounds Swanley and from Swanley to designated Green Belt land.</p>		
<p>SWCD&H2 Development proposals for Swanley Village, should demonstrate how the overarching design and architectural design principles in the Design Guide have been applied to proposals within the areas defined in the Guide of both the New Swanley Village area and the Conservation area.</p>	Chapter 12 Achieving well-designed places.	Para 129, 130(b)
<p>SWCD&H3 It is proposed that the following heritage assets are allocated as non-designated heritage assets to ensure their protection into the future:</p> <ul style="list-style-type: none"> • The gates to the former White Oak Hospital • The Keston – detached house of character in Swanley Lane • The William Mitchell exterior panels • St Mary’s the Virgin Church 	Chapter 16 Conserving and Enhancing the Historic Environment	Para 189
HOUSING		

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HAVING REGARD TO NATIONAL POLICIES		
Neighbourhood Plan Policies	NPPF (July 2021) Chapter heading	NPPF Paragraph
SwH1 All new homes should, as far as possible, be designed to meet an Energy Performance Certificate rating of B to reduce costs in use and contribute to reducing climate change impacts associated with the use of energy.	Chapter 12 Achieving well designed places	Para 130 a) to f)
<p>SwH2 Homes should meet the Governments nationally described guidelines space standards (NDSS) as a minimum.</p> <p>Designs should be inclusive for all members of society and cater for those with disabilities and the infirm wherever feasible.</p> <p>Housing layouts must demonstrate how homes meet the storage requirements in the NDSS without being impacted by plant for mechanical ventilation and heating kit.</p>	<p>Chapter 12 Achieving well designed places.</p> <p>Chapter 14 Meeting the challenge of climate change, flooding, and coastal change</p>	<p>Para 130 a) to f)</p> <p>Para 154 b)</p>
SwH3 All new homes where feasible should have access to outdoor space in the form of a private garden, balcony, or patio. These should be additional to the Gross Internal Floor Area minimum spaces sizes provided in the NDSS.	Chapter 12 Achieving well designed places	Para 130 a) to f)
SwH4 All homes should, where feasible, have dedicated working space with natural light.	Chapter 12 Achieving well designed places	Para 130 a) to f)
SwH5 Housing developments in the Neighbourhood Plan area are expected to deliver the following densities where feasible subject to meeting the other policies in the Neighbourhood Plan.	Chapter 11 Making Effective use of Land	Para 120 (c) Para 124 c), d)
Location		

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Neighbourhood Plan Policies		NPPF (July 2021) Chapter heading	NPPF Paragraph
Swanley Town Centre (see MAP 4)	100 DPH		
Rest of Swanley	50 DPH		
Edge of Swanley (sites adjacent to the Green Belt Boundary) and Swanley Village	30 DPH		
<p>SwH6 New housing developments of ten dwellings or more should, wherever feasible include Amenity Green Spaces based on 0.60 Ha of area per 1000 new residents to be accommodated within the development. Amenity green spaces/roofs shall be provided for all commercial and community infrastructure developments. There is a deficit of AGS in Swanley and therefore further developments on AGS land is not supported.</p>		Chapter 8 Promoting healthy and safe communities.	Para 92 a) and c)
<p>SwH7 All new developments of ten dwellings or more which are not within 400m of an existing play space should, where feasible, include a play area of at least 100 sq. m within the site.</p>		Chapter 8 Promoting healthy and safe communities.	Para 92 a) and c)
ECONOMY AND EMPLOYMENT		Chapter 6 Building a strong competitive economy.	Para 82 d)
<p>SwEE1 Proposals to upgrade, intensify or extend the employment sites on MAP 11 are supported.</p>			
<p>SwEE2 Proposals for the redevelopment or change of use of land or buildings in employment use shown on Map 11s 11 and 12 to non-employment uses, other than those which are permitted development, will only be permitted when sites have been:</p>		Chapter 6 Building a strong competitive economy.	Para 81 Para 82 b)
<p>a) Registered with an agent, including notices on site.</p>			

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Neighbourhood Plan Policies	NPPF (July 2021) Chapter heading	NPPF Paragraph
<ul style="list-style-type: none"> b) Marketed over a period of a minimum of 12 month to demonstrate that there is no realistic prospect of the use of the site for employment purposes; or c) The strategic need for the proposed use clearly exceeds the need for continued use for employment purposes. 		
<p>SwEE3 Proposals for other smaller employment sites will be permitted where they do not conflict with other policies in this Plan and provided that all the following criteria are met so that proposals:</p> <ul style="list-style-type: none"> a) Do not involve the loss of dwellings. b) Contribute to the character and vitality of the local area. c) Are well integrated into and complement existing clusters of activity. d) Protect any neighbouring residential amenity. e) Do not adversely impact upon road safety. f) Enhance the overall development and provision of employment and self-employment space. g) Do not adversely affect the attractiveness of the local countryside. 	Chapter 6 Building a strong competitive economy.	Para 82 b) Para 83
<p>SwEE4 Proposals for hotel accommodation and visitor facilities within the Neighbourhood Plan area will be supported where they do not conflict with other policies in this Plan and provided that all the following criteria are met so that proposals:</p> <ul style="list-style-type: none"> a) Do not involve the loss of dwellings. b) Contribute to the character and vitality of the local area. c) Are well integrated into and complement existing clusters of business activity. d) Are well provided with parking and located close to public transport connections. e) Protect any neighbouring residential amenity. f) Do not adversely impact upon road safety. g) Enhance the development and provision of employment and self-employment. h) Do not adversely affect the attractiveness of the local countryside. 	Chapter 6 Building a strong competitive economy.	Para 82 b)

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Neighbourhood Plan Policies	NPPF (July 2021) Chapter heading	NPPF Paragraph
TRANSPORT	Chapter 12 Achieving well designed places.	Para 131
SwT1 All new developments close to the A20 and M25 corridors, and associated routes connected to them (Beechenlea Lane, Swanley Lane, B2173, B258) should provide tree planting to act as noise buffers and provide pollution mitigation and visual amenity.	Chapter 14 Meeting the challenge of climate change flooding and coastal change.	Para 154 a)
SwT2 Cycling is encouraged as an alternative mode of transport to the motor car on safe, designated cycle routes whenever possible to reduce pollution and traffic congestion. All new developments <i>should</i> incorporate <i>segregated</i> cycle access ways and adequate storage for bicycles in accordance with Policy SwT4 .	Chapter 9 Promoting Sustainable Transport.	Para 104
SwT3 Development proposals should incorporate safe pedestrian footpaths throughout the development and link with other existing pedestrian routes where appropriate and relevant.	Chapter 9 Promoting Sustainable Transport.	Para 104
SwT4 Development proposals for new residential development that require their parking needs to be met on street are not appropriate in Swanley. Car and cycle parking for residential development in Swanley should as far as possible provide: a) Off street vehicle parking to be contiguous with and part of each property rather than as part of a shared arrangement.	Chapter 9 Promoting Sustainable Transport.	Para 107 a) – e)

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Neighbourhood Plan Policies	NPPF (July 2021) Chapter heading	NPPF Paragraph															
<p>b) Shared parking areas are to be designed to Secure by Design standards and each space clearly visible from the property is serves wherever possible.</p> <p>c) Parking provision will be required to meet the standards set out below unless there is a clear justification for the application of a lower standard to achieve sustainable development:</p> <table style="margin-left: 40px; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Car Spaces *</th> <th style="text-align: center;">Cycle Spaces *</th> </tr> </thead> <tbody> <tr> <td>• 1 bed house/apartment</td> <td style="text-align: center;">1.5 +</td> <td style="text-align: center;">1</td> </tr> <tr> <td>• 2 bed house/apartment</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> </tr> <tr> <td>• 3 bed house/apartment</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> </tr> <tr> <td>• 4 + bed house/apartment</td> <td style="text-align: center;">3</td> <td style="text-align: center;">2</td> </tr> </tbody> </table> <p>d) Car and Cycle spaces should be provided for visitors at a rate of 1 space per 8 homes.</p> <p>e) All car parking spaces should have access to electric vehicle charging points.</p> <p>f) A garage will be acceptable as a parking space provided that its internal dimensions are at least 3 m wide x 6 metres long. Tandem Parking should only be permitted where there is no suitable alternative.</p> <p>Space dimensions should be 4.8 m x 2.4 m for cars, and 2 m x 0.75 m for cycles.</p> <p>* Off road + Rounded down.</p>		Car Spaces *	Cycle Spaces *	• 1 bed house/apartment	1.5 +	1	• 2 bed house/apartment	2	2	• 3 bed house/apartment	2	2	• 4 + bed house/apartment	3	2		
	Car Spaces *	Cycle Spaces *															
• 1 bed house/apartment	1.5 +	1															
• 2 bed house/apartment	2	2															
• 3 bed house/apartment	2	2															
• 4 + bed house/apartment	3	2															
<p>SwT5 Development proposals should provide adequate width roadways to cater for domestic traffic as well as emergency vehicles such as ambulances, fire engines and refuse collection vehicles.</p> <p>a) Residential premises with more than 50 dwellings shall have minimum of two access roads onto the main carriageways.</p> <p>b) All developments shall have well-lit artificial lighting to roads and footpaths using energy efficient LED lighting.</p>	Chapter 9 Promoting Sustainable Transport.	Paras 110 and 111															

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Neighbourhood Plan Policies	NPPF (July 2021) Chapter heading	NPPF Paragraph
c) Combined road and footpaths are only acceptable in smaller developments of not more than 10 dwellings. d) All developments should have dedicated cycle ways.		

HOW THE PLAN CONTRIBUTES TO SUSTAINABLE DEVELOPMENT

The NPPF July 2021 states that for sustainable development to be achieved the planning system has three overarching objectives - economic, social and environmental - that should be pursued in mutually supportive ways.

To achieve this the Swanley Neighbourhood Plan does not designate sites for any form of development but seeks to ensure that its current settlements are sustainable into the future. It seeks to guide development so that proposals that do come forward in the Neighbourhood Plan Area enable it to continue to have an economic base and a residential population that can be sustained in a way that enhances the lives of existing residents and does not worsen lives for future generations. The NP seeks to ensure that the assets of Swanley Town and its Green Belt setting can continue to be enjoyed into the future and used to nurture local employment, learning and good health.

In Swanley sustainable development means protection of its distinctive suburban character. Its rural setting, its town centre facilities, and the separate settlement of Swanley Village (a small village within the Neighbourhood Plan area which contains most of the Neighbourhood Plan Area's heritage assets). The Neighbourhood Plan proposals include proposals for transport and other community infrastructure which is needed to ensure that development within it is sustainable and protects the Green Belt that forms such an important part of its character and the value placed on it by existing residents and those who may wish to live work and visit the Neighbourhood Plan area in the future.

This is why policies are not prescriptive about new development but try to ensure that infrastructure is protected and developed to support it - that new uses are included in proposals that come forward so that they are not dominated by housing provision and that the areas principal assets – its rural setting and suburban character are not eroded.

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Swanley NP policies discourage settlement coalescence to prevent the fragmentation of existing settlements and dispersed new development which may lead to isolation and greater car use to access services and infrastructure that support residents in the Neighbourhood Plan Area.

In addition, policies provide specific proposals for improvements to infrastructure that can support bringing infrastructure up to date to support new forms of employment in a digital world and better transport connectedness across all modes.

HOW THE PLAN CONTRIBUTES TO ECONOMIC SUSTAINABILITY

“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 (NPPF July 2021)”

HOW THE PLAN CONTRIBUTES TO SOCIAL SUSTAINABILITY

“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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being (NPPF July 2021)”

HOW THE PLAN CONTRIBUTES TO THE ENVIRONMENT

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (NPPF July 2021)

GENERAL CONFORMITY WITH SEVENOAKS COUNCILS LOCAL PLAN

Sevenoaks current Local Plan comprises a Core Strategy adopted in February 2011 and an Allocations and Development Management Plan adopted in 2015.

Sevenoaks has been preparing a new Local Plan since 2017.

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Sevenoaks undertook two rounds of consultation under the provisions of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the first in relation to issues and options in August 2017, and then a further consultation on a draft Local Plan from July through to September 2018.

Between 8 December 2018 and 3 February 2019 SDC undertook the consultation required by Regulation 19 of the 2012 Regulations on the SDLP on its proposed submission version.

In June 2019 an Examination into the Local Plan began and in March 2020 the inspector of the Plan rejected it based on the view that SDC had failed to cooperate with neighbouring planning authorities to meet housing need in the District. SDC pursued a judicial review of the Inspectors Decision. In November 2020 SDCs challenge to the decision was dismissed in the High Court.

Since then, SDC has withdrawn its previous 2018 emerging Local Plan but has continued to work on producing up to date evidence for a further version. This has included adding character assessments for key parts of the district, a Town centres strategy a refreshed housing need assessment and further calls for sites to be added to its Strategic Housing and Economic Land Availability Assessment (SHELAA). In November 2022 SDC produced a Regulation 18 Consultation version of Plan 2040. In order for the Swanley Neighbourhood Plan to reflect the latest evidence and policy position of SDC, the evidence base to support its 2022 Regulation 18 Consultation version of Plan 2040 has been used to inform the Neighbourhood Plan and its policies. Some of this evidence based had also been used to support the 2018 version of the SDC Local Plan which was in the end withdrawn.

However current SDC Local Plan policy is contained in its Core strategy of 2011 and the Allocations and Development Management Plan of 2015. The tables below show how the policies in the Neighbourhood Plan are in conformity with current Local Plan policy. SDC advised that in addition to its Strategic Policies the Basic Condition Statement for Swanley Neighbourhood Plan should also address the Swanley specific policies included in its current Core Strategy and Allocations and Development Management Plan.

Sevenoaks District Council Strategic Policies: Core Strategy 2011	
SDC Policy	NP Policies
<p>SP1 Design of New Development and Conservation</p> <p>Summary of policy aims: All new development should be of high design quality and respond to local character. Protect and enhance the District’s heritage assets, landscapes, and views.</p>	<p>Policy SwCD&H1 sets out policy related to tall buildings. Policy SwCD&H2 sets out requirements to follow Design Guide for Swanley Village Policy SwCD&H3 sets out policy towards heritage asset protection</p>

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Sevenoaks District Council Strategic Policies: Core Strategy 2011	
SDC Policy	NP Policies
<p>SP2 Sustainable Development</p> <p>Summary of policy aims:</p> <p>New homes must achieve high sustainability standards and incorporate sustainable Urban Draining Systems (SUDS). Reduce reliance on travel by car. Improve air quality.</p>	<p>Policy SwC4 sets out SUDS requirement re surface discharge rate. Policy SwH1 sets out requirements for energy performance for residential development</p>
<p>SP3 Provision of Affordable Housing</p> <p>Summary of policy aims: The provision of affordable housing with new residential development.</p>	<p>No specific NP policy but assumption that Local Plan policy will include these provisions</p>
<p>SP4 Affordable Housing in Rural Areas</p> <p>Summary of policy aims: The provision of affordable housing with new residential development.</p>	<p>No specific NP policy but assumption that Local Plan policy will include these provisions</p>
<p>SP5 Housing Size and Type</p> <p>Summary of policy aims: New development to deliver a mix of different housing types, including small units and those designed to lifetime homes standards.</p>	<p>Policies SwH2 sets out minimum spaces standards and expectation of inclusive design</p>
<p>SP6 Provision for Gypsies and Travellers and Travelling Showpeople</p>	<p>No specific policy in the Neighbourhood Plan but assumption that newly allocated sites will be provided.</p>
<p>SP7 Density of Housing Development Summary of policy aims:</p> <ul style="list-style-type: none"> • New housing developments should achieve a density consistent with good design and the character of the District. • Housing development within Sevenoaks to achieve 40 dwellings per hectare. • Housing development within Sevenoaks town Centre to achieve 75 dwellings per hectare 	<p>Policy SwH5 increases current SDC density in Swanley Town Centre as a sustainable location for denser development</p>
<p>SP8 Economic Development and Land for Business</p> <p>Summary of policy aims:</p>	<p>Policy SwEE1 intends upgrades and intensification of existing employment uses. Policy SwEE2 sets criteria for proposed loss of business spaces.</p>

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Sevenoaks District Council Strategic Policies: Core Strategy 2011	
SDC Policy	NP Policies
<ul style="list-style-type: none"> The retention and regeneration of existing business areas. The provision of new office space, space for start-up businesses and hotels. 	<p>Policy SwEE3 encourages new business space provision.</p> <p>Policy SwEE4 supports hotel and visitor attraction proposals.</p>
<p>SP9 Infrastructure Provision Summary of policy aims:</p> <ul style="list-style-type: none"> Development that creates a requirement for new physical, social and green infrastructure will be expected to provide or contribute to this provision. Support development required to resolve infrastructure deficiencies. 	<p>There is a chapter in the Neighbourhood Plan which specifically sets out infrastructure provision that will help to achieve the NP Vision and Objectives. These are focused on sustainable transport proposals and improvements which will help secure a transition to more sustainable active travel for all residents and businesses in Swanley and improve air quality.</p>
<p>SP10 Green Infrastructure, Open Space, Sport and Recreational Provision Summary of policy aims:</p> <ul style="list-style-type: none"> Develop a green infrastructure network. Retain open space, sport and recreational facilities. Residential developments to provide open space or financial contribution where there is a shortage. 	<p>Policies SwH2, SwH3, SwH4, SwH6 and SwH7 set out specific requirements for play and amenity space for new homes</p>
<p>Policy SP11 Biodiversity Summary of policy aims:</p> <ul style="list-style-type: none"> Conserve and enhance the biodiversity of the District. Protect nationally and locally designated sites of biodiversity importance while providing for appropriate levels of public access. 	<p>Policy SwC2 sets out specific requirements in relation to biodiversity net gain which updates current SDC Local Plan policy</p>
<p>Policy LO 1 Distribution of Development Development will be focused within the built confines of existing settlements. The Sevenoaks urban area, which includes Sevenoaks town, Riverhead, Dunton Green, Chipstead and Bessels Green, will be the principal focus for development in the District in accordance with Policies LO2 and LO3. Swanley will be the secondary focus for development with the emphasis on maintaining and enhancing its role and promoting</p>	<p>No specific policies on location except in relation to densities where Policy SwH5 proposed an increase on defined Town Centre densities compared to current SDC policy</p>

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Sevenoaks District Council Strategic Policies: Core Strategy 2011	
SDC Policy	NP Policies
<p>regeneration to meet the needs of the local community in accordance with Policies LO4 and LO5. Edenbridge will be a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area it serves in accordance with Policy LO6. New Ash Green, Otford and Westerham will be locations for limited development in accordance with Policy LO7</p>	
<p>Policy LO 4 Development in Swanley In Swanley provision will be made for approximately 660 dwellings (2006-2026) throughout the town on a range of sites suitable for residential use within the urban area. The local economy will be sustained through the regeneration and redevelopment of existing suitable employment sites to better meet the needs of business and through the allocation of additional land not in the Green Belt for employment purposes adjoining the M25. Developments in Swanley will be accompanied by measures to increase the attractiveness of sustainable transport modes. In allocating sites for development in the Allocations and Development Management DPD, the emphasis in this area will be on:</p> <ul style="list-style-type: none"> • the town centre and adjoining areas • for employment development, existing employment areas and land adjoining Junction 3 of the M25. • providing additional public open space where opportunities arise and • protecting the setting of the town and the physical and community identity of the adjoining settlements, and prevention of coalescence. 	<p>No specific policies on numbers of dwellings though it is assumed that these will come forward in the new Sevenoaks District Local Plan.</p> <p>The Neighbourhood Plan has assumed for the purpose of other policies included within it, that all sites in the Neighbourhood Plan area analysed by SDC in versions of the SHELAA since 2015 as suitable for inclusion in the Local Plan will be allocated.</p> <p>Policy SwSDS3 specifically relates to Coalescence.</p>
<p>Policy LO 5 Swanley Town Centre</p>	<p>Policy SwH5 increases current SDC density in Swanley Town Centre as a sustainable location for denser development</p>

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Sevenoaks District Council Strategic Policies: Core Strategy 2011	
SDC Policy	NP Policies
<p>Swanley town centre will be regenerated so that it better meets the needs of the population it serves. The regeneration scheme will contain a mix of uses including retail, offices, residential and community facilities (including replacement of existing medical facilities) and will bring about a substantial improvement in the environment of the town centre. The provision of a hotel will be supported. Links between the town centre and the station will be improved.</p>	

Sevenoaks District Council Strategic Policies: ADMP 2015	
SDC Policy	NP Policies
<p>Policy EMP1 - Land for Business In accordance with Policy SP8 of the Core Strategy the existing employment sites, as defined in Appendix 4, will be retained, intensified, and regenerated for B1 B8 uses. The provision of sites for small and medium size businesses and "start-up" facilities, will be supported.</p>	<p>Policy SwEE3 specifically supports small employment sites with specific requirements, for clustering where feasible, and accommodation self-employment since many employment sites are now provided via desk spaces in shared facilities.</p>
<p>Policy EMP4 - Business Allocation at Broom Hill, Swanley A comprehensively planned employment development at Broom Hill, Swanley, as defined in Appendix 4, will be supported by the Council, subject to confirmation through a Transport Assessment that the transport impacts of development will be acceptable. Proposals should include:</p> <ul style="list-style-type: none"> • Development of 4.1 ha of employment land. • Improved public access to open space through on site provision and • improvements in the quality and connectivity of open space on Green Belt land to the north • The proposed layout of development should take account of the noise and air quality constraints that exist on the site and should be 	<p>This site has now been approved for development in employment and some mixed uses.</p>

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Sevenoaks District Council Strategic Policies: ADMP 2015	
SDC Policy	NP Policies
<p>sensitive to the existing topography, green infrastructure features of the site and its surroundings and the amenity of nearby properties.</p>	
<p>Policy TLC2 - Swanley Town Centre</p> <p>a) within Swanley Town Centre, residential, business, leisure, entertainment, arts, culture, tourism, or community facility uses will be permitted where consistent with criteria b), and c): outside the Primary Retail Frontages, and on the upper floors of units within Swanley Primary Retail Frontages where there will be no adverse impact on the functioning of the ground floor use.</p> <p>b) within the Swanley Primary Retail Frontage, at least 70% of the ground floor frontage will be maintained in A1 use. Where proposals would not lead to the percentage of A1 frontage falling below this level, A Class uses will be permitted where they would complement the predominant retail function and not lead to a dead town centre frontage during regular shopping hours. Proposals resulting in the change of use of existing non-A1 uses within the Primary Frontage to retail and other A class uses will be permitted where this would be complementary to the predominant retail function.</p> <p>c) within the Swanley Secondary Retail Frontage, proposals for the use of ground floor premises for retail and other A Class uses will be permitted where they would not lead to a dead town centre frontage. Ground floor A Class uses will be maintained except where evidence is provided by the applicant to show that these uses are no longer financially viable units in these uses. In such circumstances, non-residential town centre uses at ground floor level would be permitted.</p>	<p>Policy SwH5 increases current SDC density in Swanley Town Centre as a sustainable location for denser development.</p> <p>Policy SwEE2 supports retention of existing employment spaces with specific requirements regarding demonstration of their non viability if proposed to be lost.</p> <p>Policy SWEE4 supports Hotel accommodation across the whole Neighbourhood Plan area not just the Town Centre when not in conflict with other policies and provides criteria to be met by proposals</p>

Neighbourhood Plan SEA Screening Assessment

Swanley Neighbourhood Plan
July 2023



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1. Introduction

- 1.1. A neighbourhood plan must meet certain Basic Conditions, as set out in legislation. These include Directive 2001/42/EC or SEA Directive that has been transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations (SEA Regulations) and it is these regulations that the neighbourhood plan will need to be compatible with.
- 1.2. A Strategic Environmental Assessment (SEA) is required for all neighbourhood plans which may result in likely significant environmental effects. Any neighbourhood plan submitted to the Council must be accompanied by either a statement of reasons as to why SEA was not required, or an environmental report as part of the SEA process.

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- 1.3. A Screening Report is necessary to assess whether any neighbourhood plan is likely to require a SEA. The SEA Regulations require the ‘responsible authority’ to ‘determine’ whether or not a plan is likely to have significant effects, and therefore whether an SEA is needed.
- 1.4. This report has been prepared by Sevenoaks District Council as the responsible authority.
- 1.5. The assessment has been considered by the Environment Agency, Natural England and Historic England.

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2. The Swanley Neighbourhood Plan

- 2.1. The Swanley Neighbourhood Plan (SNP) has been produced by Swanley Town Council and the Neighbourhood Plan Steering Group for the Parish Council area.
- 2.2. The neighbourhood plan has a clear vision which sets out what the town will be like in 2040:

“Swanley will accommodate change up to 2040 that retains and improves its environment and semi-rural setting and benefits and sustains its community - its people, its facilities and heritage.”

- 2.3. The neighbourhood plan also includes 11 objectives and it sets out the following themes:
 - Sustainable Development Strategy for Swanley
 - Community Infrastructure
 - Conservation Design and Heritage
 - Housing
 - The Economy and Employment
 - Transport
- 2.4. The neighbourhood plan includes policies to promote sustainable development within Swanley Parish, as well as more aspirational non-planning aims.
- 2.5. The SNP does not allocate sites for development.
- 2.6. The SNP is in general conformity with the Sevenoaks District adopted Core Strategy, Allocations and Development Management Plan (ADMP) and with national policy.

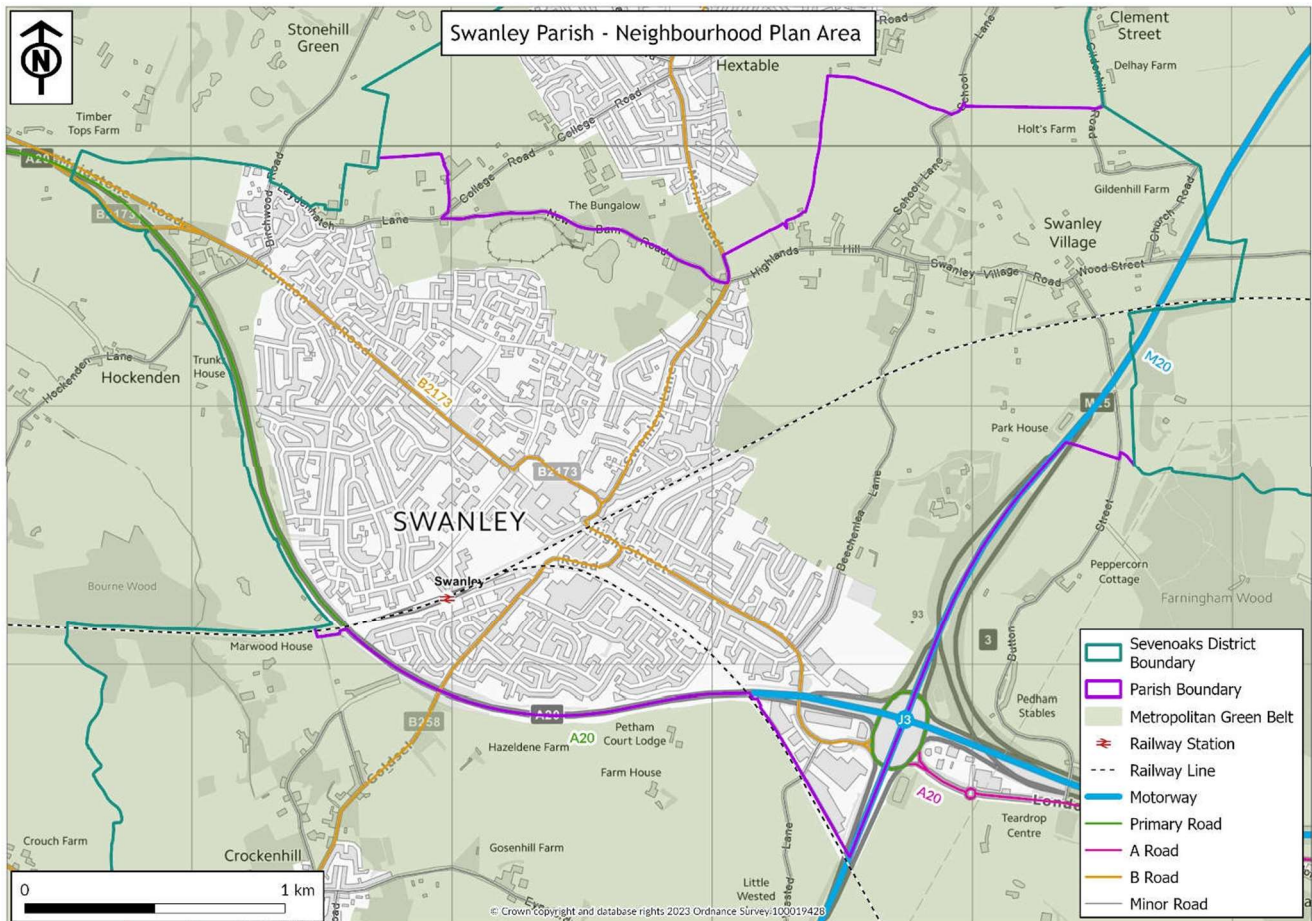
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3. Characteristics of Swanley Parish Area

Swanley Neighbourhood Plan October 2023 Basic Conditions Statement

- 3.1. The neighbourhood area corresponds to the Swanley Town Council boundary of Swanley parish, as shown in Map 1.

Map 1: Swanley Parish Neighbourhood Area



- 3.2. Swanley Parish is located within the district of Sevenoaks and within north-west Kent. It abuts the District boundary (in part) to the west, north and east, where Sevenoaks meets Bromley, Bexley and Dartford. It contains the town of Swanley and the hamlet of Swanley Village, as defined in the Settlement Hierarchy 2022.

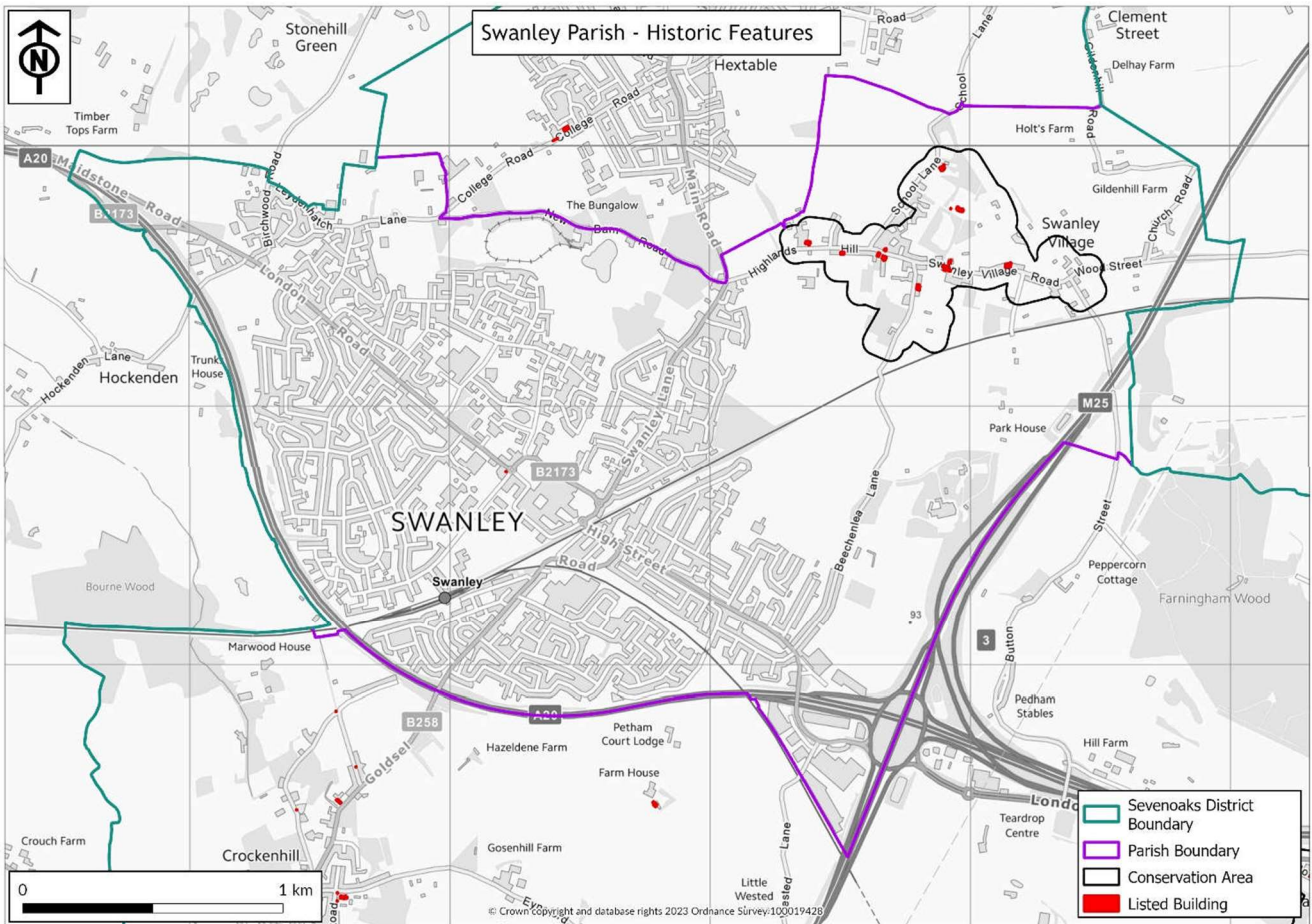
- 3.3. Swanley Parish includes a significant area of Metropolitan Green Belt, with the town of Swanley inset from the Green Belt but with Swanley Village washed over by the Green Belt.

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- 3.4. Swanley Village is the historic part of the parish, with 15 listed buildings & structures and a conservation area (Swanley Village Conservation Area), encompassing a significant extent of the village. Whilst Swanley town has 3 listed buildings, including the Grade II listed Swanley War Memorial.

Map 2: Swanley Parish - Historic Features

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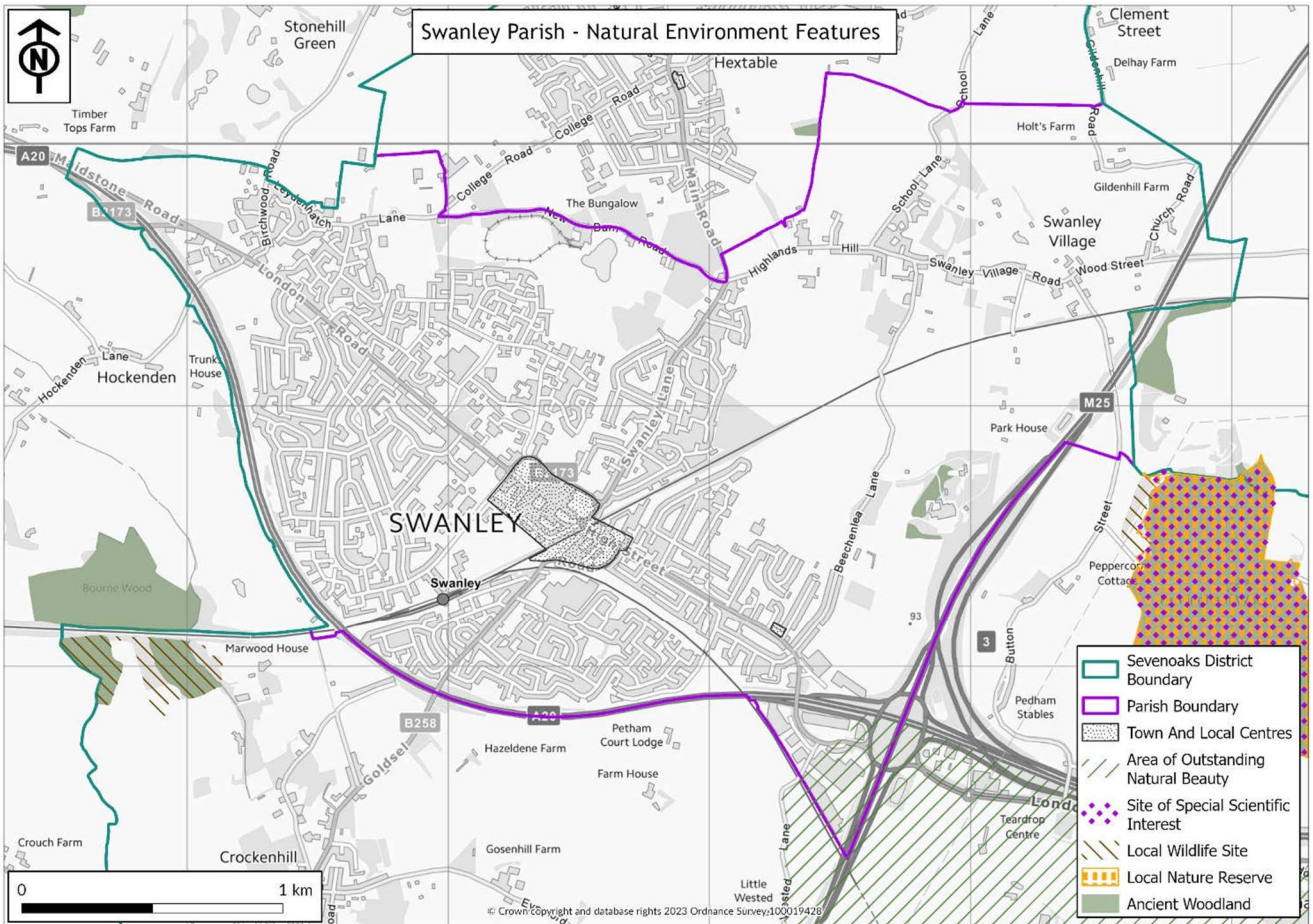


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3.5. Ancient Woodland covers 0.22% of Swanley Parish and overall, the parish is covered by 7.37% woodland. In the south-east of the parish, 1.52% of the parish falls within the Kent Downs Area of Outstanding Natural Beauty.

Map 3: Swanley Parish - Natural Environment Features

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4. SEA Screening Assessment

SEA Screening Assessment Part 1: Is SEA Required?

4.1. Table 1 sets out how the guidance provided in Paragraph 2.18 of the Government’s ‘Practical Guide to the Strategic Environmental Assessment Directive’ has been applied. This suggests a flowchart of questions to determine whether SEA is required.

Table 1: Is SEA Required?

Assessment Question	Commentary	Conclusion
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Swanley Neighbourhood Plan October 2023 Basic Conditions Statement

1	<p>Is the NP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))</p>	<p>The preparation and adoption of the SNP is allowed under The Town and Country Planning Act 1990 as amended by the Localism Act.</p> <p>The SNP has been prepared by Swanley Town Council (as the ‘relevant body’) and will be ‘made’ by Sevenoaks District Council (as the Local Authority), if successful at referendum.</p> <p>The preparation of neighbourhood plans is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012.</p>	<p>Yes - go to Q2</p>
2	<p>Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>Whilst the neighbourhood plan is not a requirement and is optional under the provisions of The Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if ‘made’, form part of the Development Plan for the District.</p> <p>It is therefore important that the screening process considers</p>	<p>Yes - go to Q3</p>

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Assessment Question	Commentary	Conclusion
	<p>whether the SNP is likely to have significant environmental effects and hence whether a full SEA is required under the Directive.</p>	

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3	Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II (see Appendix 2) to the EIA Directive? (Art 3.2(a))	Whilst the SNP covers a range of land use matters, it does not set the framework for future development consent of projects in Annexes I and II of the EIA Directive.	No - go to Q4
4	Will the NP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	An assessment is not required as there is no SPA, SAC or Ramsar site that will be impacted by the neighbourhood plan.	No - go to Q6
5	Does the NP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	N/A	N/A
6	Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes, once made the SNP will form part of the Development Plan for the area and will be used to determine planning applications.	Yes - go to Q8

Assessment Question	Commentary	Conclusion
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Swanley Neighbourhood Plan October 2023 Basic Conditions Statement

7	Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAFF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	N/A
8	Is it likely to have a significant effect on the environment? (Art. 3.5)	<p>Please see Table 2 below. Overall conclusion:</p> <p>The SNP does not propose to allocate specific sites for future development.</p> <p>The SNP promotes policies that seek to shape future development proposals in a way that supports sustainable development and conserves and enhances the parish's natural environment.</p> <p>Specific policies are included that seek to enhance and protect the environment.</p> <p>The content and broad approach of the plan has to be in general conformity with the Sevenoaks District Core Strategy (2011) and ADMP (2015), which has already had regard to European Directives and National Regulations on Environmental Impact.</p> <p>Overall, the plan is therefore considered to have no significant effect on the environment, or on designated sites. Therefore, SEA is not required.</p>	SEA not required.

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- 4.2. Table 2 sets out the assessment undertaken to determine whether the neighbourhood plan is likely to have any significant effects on the environment, using criteria set out in Annex II of the SEA Directive and Schedule 1 of the UK Environmental Assessment of Plans and Programmes Regulations 2004.

Table 2: Effect on the Environment

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Assessment	Likely Significant Environmental Effect?
The characteristics of the Swanley Neighbourhood Plan (SNP)		
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size, and operating conditions or by allocating resources	<p>Once made, the Swanley Neighbourhood Plan will form the framework for decision making for development proposals in the area.</p> <p>The plan does not make any development allocations or site designations.</p> <p>The plan is in general conformity with the adopted plans for Sevenoaks District and as such, the SA/SEA carried out for the Core Strategy and the ADMP is considered sufficient.</p>	No
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy	<p>The influence of the SNP on other plans and/or programmes is limited.</p> <p>The SNP will sit below the Development Plan for the District in the hierarchy of plans and must be in conformity with adopted documents and national planning policy.</p>	No

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Assessment	Likely Significant Environmental Effect?
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Swanley Neighbourhood Plan October 2023 Basic Conditions Statement

<p>The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.</p>	<p>The SNP has a focus on sustainable development, including policies which contribute towards conserving and enhancing the natural environment, and with policies throughout the neighbourhood plan designed to help achieve this.</p> <p>The plan does not allocate any land for development.</p>	<p>No</p>
<p>Environmental problems relevant to the plan</p>	<p>Any environmental problems relevant to the plan are localised and small scale and therefore not considered significant in the context of the SEA.</p>	<p>No</p>
<p>The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g., plans and programmes linked to waste management or water protection).</p>	<p>The SNP is in general conformity with the Development Plan for the District and national planning policy. The Core Strategy and ADMP has had regard to National and European legislation on the environment.</p>	<p>No</p>

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Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Assessment	Likely Significant Environmental Effect?
The characteristics of the effects and of the area likely to be affected		
<p>The probability, duration, frequency and reversibility of the effects</p>	<p>An element of environmental change is likely to occur, as the plan does not seek to prevent change. The impact of this change will depend upon individual proposals and will be assessed at the development management stage.</p> <p>The SNP seeks to promote sustainable development, including policies that will contribute towards conserving and enhancing the environment.</p>	<p>No</p>

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The cumulative nature of the effects	As above	No
The transboundary nature of the effects	Effects will be localised with limited impact on neighbouring areas, therefore little transboundary effects are expected.	No
The risks to human health or the environment (e.g. due to accidents)	<p>There is limited risk to human health or the environment as a result of the Swanley Neighbourhood Plan.</p> <p>The plan seeks to encourage and support use of alternative/non-motorised forms of travel and other measures to help address air pollution. Furthermore, it seeks to promote well-being and health by protecting and enhancing open spaces, protecting community buildings and by securing amenity space (private and public) and play space for children and young people.</p>	No

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Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Assessment	Likely Significant Environmental Effect?
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SNP covers only the Swanley Parish area and therefore it is likely that any effects will be primarily limited to the parish.	No

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<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage • Exceeded environmental quality standards or limit values. • Intensive Land-use • The effects on areas or landscapes which have a recognised National, Community or International protection status. 	<p>The SNP extent includes some areas that are environmentally or culturally sensitive including Ancient Woodland, a conservation area and a section of the Kent Downs AONB.</p> <p>The Ancient Woodland and conservation area are located outside of the built-up confines of the main settlement, which is inset from the Green Belt. Whilst a small percentage of the parish is designated as AONB. This covers two employment sites located within the built-up area of Swanley town, both of which are allocated through the current local plan. These factors are considered and addressed by the Core Strategy and ADMP, which the SNP is in conformity with.</p> <p>The SNP is unlikely to adversely affect the value or vulnerability of these designated areas.</p>	<p>No</p>
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5. Conclusion

- 5.1. The results of the above assessment conclude that the Swanley Neighbourhood Plan is unlikely to have any significant environmental effects and therefore SEA is not required.