

Bovingdon Neighbourhood Development Plan

Examiner's Clarification Note

Points for Clarification

Policy BOV H1

The policy comments about a 'preference' for certain types of proposals. How would this be applied and implemented through the development management process which makes decisions on planning applications on their individual merits?

Schemes would be judged in accordance with the explanatory text above the policy which references the information we have on local housing need in Bovingdon. The word 'preference' is left over from a previous position where we were comparing different site options and were expecting multiple site allocations for Bovingdon in the emerging local plan. On reflection, it would now be better to start the sentence 'Scheme should provide genuinely affordable homes ...'. We would be grateful if this amendment could be made to the policy.

Policy BOV H2

Is the first part of the policy needed as the matter is already addressed in the Building Regulations?

The first part of the first sentence is a fact and does not need to be in the policy. It would be better placed in the text. The second part of the first sentence about a higher standard for socially rented homes is not set in Building Regs.

At the end of the first part of the policy the word "alternatively" should be deleted as it is superfluous.

Does the final sentence of the second part of the policy blur the distinction between a land use policy and the Building Regulations?

No, it does not blur the distinction, it requires a higher standard than in Building Regs. I believe M4(3) is optional where as we are asking for it as standard in this policy. Our Housing Needs Assessments support the gap in provision locally is for extra-care housing. Housing for older and disabled people - GOV.UK (www.gov.uk) Planning Policy Guidance paragraph 009 refers to 'optional technical housing standards. Policy BOV H2 uses this flexibility to require M4(3) Category 3: Wheelchair user dwellings to be required for 'extra-care' housing. This policy approach would appear to align with Government guidance.

Policy BOV H3

As submitted the policy is a statement rather than a policy. Is the Parish Council's intention that development proposals respond positively to the Design Code?

The first sentence of the first part of the policy could be moved to the explanatory text.

The second sentence should be the binding policy wording.

Yes, development proposals should respond positively to the Design Code. Our aim was to be stronger with the policy wording than just respond positively. Other Neighbourhood Plan policies use the words "applicants are required to demonstrate how proposals for development

have been informed by and respond to...” (Thame). Another alternative is “Development proposals should demonstrate how they have been designed to incorporate the recommended Design Code Elements for each character area...” (Colne).

We would be grateful for your guidance on how to strengthen this policy so that it meets the Basic Conditions. Our preference would be to “require proposal to demonstrate how they have been designed to incorporate the relevant Design Codes and character area specific requirements”.

Policy BOV COM1

What is the purpose of the second part of the policy?

The second part of this policy highlights the well-researched needs of the village for improvements to community facilities and indicates that the three items a., b., and c., are priorities for funding through development either via S106, if appropriate, or through CIL. It is important for the Neighbourhood Plan to include priority spend for new community/recreational facilities, to be able to transparently provide evidenced information to the Borough Council when considering legal agreements for development proposals in Bovingdon.

Policy BOV NE2

Is the first part of the policy intended to be applied on a proportionate basis?

We would prefer, if the Examiner thought it essential to qualify the first part of the policy, to use the word “appropriate” before “area of accessible natural greenspace”.

Is the second part of the policy necessary given the content of paragraphs 6.4.2/6.4.3?

Yes, creation of a SANG should not conflict with, for example, BOV NE4 re biodiversity. The second sentence was requested as an addition to the policy by the County Council, who like the parish council, wish to increase public rights of way wherever possible.

Policy BOV NE3

Is the first part of the policy intended to be applied on a proportionate basis?

It would be appropriate for the first part of this policy to be applied on a proportionate basis. The list of options is very specific to Bovingdon, hence its inclusion in the policy.

Should the second and third parts of the policy be supporting text?

The second part of the policy could be supporting text.

However, the third part of the policy should remain. Perhaps it is not worded strongly enough, and we would ask the Examiner to consider replacing “will be sought” with “will be achieved”.

Policy BOV NE5

Should the first, third and fourth parts of the policy be supporting text rather than policy?

The first part of the policy provides information and therefore should be supporting text.

The third part of the policy is an important point about climate resilience and should be retained in the policy.

The fourth part of the policy provides information in a similar way to the first part of the policy and therefore should be in supporting text.

Policy BOV HE1

Does this policy bring any added value beyond national and local planning policies?

We believe the policy does add local added value by identifying specific local guidance in the Conservation Area Appraisal. It also notes where to find the specific conservation area enhancements that have been identified where a development offers the opportunity of creating enhancements.

Policy BOV EE3

The initial part of the policy pulls in different directions. The effectiveness of the opening element is significantly diluted by the two criteria. It would be helpful if the Parish Council explained its approach to this issue.

We feel very strongly about the purpose of this policy. The policy is positive in that it encourages new employment opportunities within the parish, whilst also protecting the Green Belt. We are directing development offering new employment opportunities to existing brownfield sites where employment is already established i.e. to the Brick Works employment area which the Neighbourhood Plan defines as Pudds Cross Business Zone or to the Bovingdon Airfield Studios (BAS) or to former farm or agricultural buildings.

The key existing employment areas are already established in the Green Belt, outside the village boundary. This is the reality of the situation. New opportunities are going to be limited. So, although we are supporting new employment development in the appropriate locations, considering the constraints of the tightly drawn village boundary with the remainder of the Neighbourhood Plan area being in the Green Belt.

Directing employment growth to where employment uses are already established means they can take advantage of the associated infrastructure on these existing sites. We want opportunities for growth/expansion in these employment areas in the Green Belt to be controlled, by specifically limiting opportunities because of the need to protect the openness of the Green Belt, the quality of the countryside and the amenities enjoyed by residents. Poorly located employment could have an adverse effect on the character and amenities of the countryside surrounding the village.

Similarly, new employment that is directed to existing developed sites as part of farm diversification and/or utilising former agricultural buildings, will also achieve protections for the openness of the Green Belt and the enjoyment of the countryside.

Would the proposed sequential test (the first criterion) be practicable or realistic?

See the above arguments. In addition, the first criterion has a similar purpose to the protection of flood zones, where a sequential test deters development which could more suitably located elsewhere. This criterion in BOV EE3, directs development towards identifiable employment areas first and where no land within these areas is available then the second criterion would apply.

Would the proposed 5-year restriction (the second criterion) be reasonable?

The second criterion includes a negative condition to prevent the loss of the employment use for a minimal period of 5 years. It is reasonable because there is very little employment land in Bovingdon and anything outside the village is in the Green Belt. This criterion aims to deter loss of employment premises.

Policy BOV EE5

The potential effectiveness of the first two parts of the policy (on Broadband) has now been overtaken by Part R of the Building Regulations. As such I am minded to recommend their deletion and replacement with an appropriate explanation in the supporting text.

Does the Parish Council have any comments on this proposition?

If the first two parts of the policy are effectively provided for in Part R of the Building Regulations, then they could be removed to the supporting text.

Policy BOV T2

AS submitted the wording used is a statement rather than policy. Please can the Parish Council explain its thinking on this matter.

The policy sets out the priorities for funding public transport infrastructure through development via S106 or CIL. It is important for the Neighbourhood Plan to include priority spend for public transport infrastructure through development due to the traffic problems experience through the village, in the High Street and on the B4505, to be able to transparently provide evidenced information to the Borough Council when considering legal agreements for development proposals in Bovingdon.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

It would be helpful if the Parish Council commented on the representation received from Taylor Wimpey/McCarthy Stone and Whiteacre Limited.

The Parish Council response to the Taylor Wimpey/McCarthy Stone and Whiteacre Limited comments are as follows:

Bovingdon Parish Council welcome support for its Neighbourhood Plan from DLP, Taylor Wimpey, Macarthy Stone and Whiteacre. Notably, we welcome the commitment at their proposed Grange Farm site to deliver affordable housing and extra care housing for older people, promoting sustainable pedestrian and cycling routes, and enhancing biodiversity. These commitments all align with the Neighbourhood Plan. While the Neighbourhood Plan does not allocate any sites for housing or specifically support any sites, its policies seek to guide and influence the design of emerging sites such as Grange Farm.

We consider the policies within the plan to be well balanced and in the best interest of the people of Bovingdon Parish. We have refined the policies based on wide ranging consultation and do not now intend to introduce further flexibility into these policies. This is because we have designed them to meet both the requirements of the community and wider stakeholders, whilst contributing to sustainable development.

Protocol for responses

I would be grateful for responses to the questions raised by 16 February 2024. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.