

# **Bovingdon Neighbourhood Development Plan 2022-2038**

**A report to Dacorum Borough Council on the  
Bovingdon Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by Dacorum Borough Council in January 2024 to carry out the independent examination of the Bovingdon Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 23 January 2024.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its character and appearance. It includes a package of policies on employment development and proposes the designation of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Bovingdon Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the neighbourhood area should be taken as the area in which the referendum takes place.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 March 2024**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Bovingdon Neighbourhood Development Plan 2022-2038 (the 'Plan').
- 1.2 The Plan has been submitted to Dacorum Borough Council (DBC) by Bovingdon Parish Council (BPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises indirectly from my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It has a clear focus on maintaining the character and appearance of the neighbourhood area and proposing the designation of a package of local green spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by DBC, with the consent of BPC, to conduct the examination of the Plan and to prepare this report. I am independent of both DBC and BPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. I have 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of examining neighbourhood plans. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 3 Procedural Matters

3.1 I have considered the following documents during the examination:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA/HRA Screening report (November 2022);
- the Design Guidance and Codes;
- the Housing Needs Survey
- the Housing Needs Assessment
- the representations made to the Plan;
- BPC's responses to the clarification note;
- the adopted Dacorum Core Strategy;
- the adopted Dacorum Site Allocations Development Plan Document
- the National Planning Policy Framework (December 2023);
- Planning Practice Guidance;

3.2 I visited the neighbourhood area on 23 January 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.17 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied the Plan could be examined without the need for a public hearing.

3.4 The NPPF was updated in both September and in December 2023 after the Plan had been submitted. Plainly this was outside BPC's control. For clarity, I have assessed the Plan against the December 2023 version of the NPPF for the way in which it has regard to national policy.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, BPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (January to February 2023). It captures the key issues in a proportionate way and is underpinned by more detailed appendices.
- 4.3 The Statement sets out details of the range of consultation events and activities that were carried out on the initial work on the Plan. They are described under the six distinct phases of consultation in its Section 5.
- 4.4 The Statement also provides details of the way in which BPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.5 Appendix 21 of the Statement provides details about the comments received during the consultation process from the statutory bodies and the wider community on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I am satisfied that BPC sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared.

### *Representations Received*

- 4.7 Consultation on the submitted plan was undertaken by DBC and ended on 12 November 2023. This exercise generated comments from the following organisations:
- Hertfordshire County Council
  - Taylor Wimpey/McCarthy Stone and Whiteacre Ltd
- 4.8 Representations were also received from several parishioners.

- 4.9 I have taken account of the various representations as part of the examination of the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Bovingdon. Bovingdon is a large village in the south of the Borough of Dacorum. It is approximately 25 miles north-west of London, 3 miles south-west of Hemel Hempstead and 3 miles north-east of Chesham. Its population in 2011 was 5287 persons living in 1983 houses. It was designated as a neighbourhood area on 24 December 2018. The village is defined by a village boundary. The bulk of the parish is in the Green Belt.
- 5.2 As the Plan describes, the parish covers an area of 3,800 acres and is situated on the southeast slopes of the Chiltern Hills. It is 500ft above sea level and 200 ft above Hemel Hempstead, on a hilltop plateau, known as the Bovingdon and Chipperfield Plateau. The landscape is gently undulating and supports a mixed farming pattern.
- 5.3 Bovingdon itself is an attractive and vibrant rural village. Its centre is focused on the High Street, which includes several local shops, and other commercial facilities and community facilities, including the primary school, library, and community hall. The historic core of the village is a conservation area, and is based around the older buildings at the southerly end of the High Street, which includes St Lawrence Church and properties along Chipperfield Road. HMP The Mount is located to the immediate north-west of the village. The former USAF base is located beyond the Prison. It is now the home to a range of commercial uses including the ITV Studios.

### *Development Plan Context*

- 5.4 The current development plan consists of the Dacorum Core Strategy and the Site Allocations Development Plan Document (DPD). The Core Strategy was adopted by DBC in September 2013. It includes a spatial strategy (Table 1 and Policy CS1 which shows the level of development that will be delivered in the Borough and how it will be distributed. Bovingdon is identified as one of three Larger Villages which are Areas of Limited Opportunity.
- 5.5 The Core Strategy includes a Place Strategy for Bovingdon. Key elements of that Strategy are as follows:

*‘The compact and built-up nature of the Bovingdon limits the opportunity for additional housing within the village. However, some additional housing is required to maintain its long-term population and to ensure the continued viability of local services and facilities. The village will accommodate around 130 new homes. This includes a local allocation for around 60 new homes on the edge of the village to the north of Chesham Road, east of Molyneaux Avenue. Development at this location will provide an element of affordable housing and an area of public open space. Other housing within the village boundary will be expected to contribute towards the local objectives. Consideration will be given to the most suitable location for the provision of a residential care home for the elderly and allotments to serve the village.*

*New development will maintain the distinctive character of the village and will respect the conservation area, other historic parts of the High Street and views from the Well at the southern end of the High Street. Bovingdon Green and outdoor leisure space will be protected because of the general under provision of this type of land in the village.*

*The local shopping and service role of the village centre will be maintained. Developments that promote the vitality and vibrancy of the local centre will be encouraged and a minimum level of shops retained. Bovingdon Brickworks and HMP The Mount will be safeguarded as important sources of local employment.*

*The village suffers from congestion compounded by on-street parking. A long-term solution will continue to be discussed with Hertfordshire County Council. In the meantime, the focus will continue to be upon traffic management and encouraging a higher level of trips by non-car modes.*

5.6 The following other policies in the Core Strategy are relevant to the submitted Plan:

- Policy CS4 The Towns and Large Villages
- Policy CS5 Green Belt
- Policy CS7 Rural Area
- Policy CS14 Economic Development
- Policy CS16 Shops and Commerce
- Policy CS19 Affordable Housing
- Policy CS23 Social Infrastructure
- Policy CS27 Quality of the Historic Environment

5.7 The Site Allocations DPD was adopted in July 2017. It supplements the Core Strategy and allocates additional sites for housing in parts of the Borough. It also reviews the boundaries of the Green Belt.

5.8 DBC is working on an emerging Local Plan. The Basic Conditions Statement relates the policies in the submitted Plan to those in the emerging Local Plan. Plainly the development plan is being refined. Nevertheless, the submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned previous and existing planning policy documents in the Borough. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

#### *Unaccompanied Visit*

5.9 I visited the neighbourhood area on 23 January 2024. I approached along the B4505 from Chesham. This allowed me to understand the neighbourhood area's setting in the wider landscape and its connection with the strategic highway network.

5.10 I looked initially at the commercial area off Leyhill Road. I also looked at the proposed local green spaces surrounding this commercial area from both Green Lane and Shantock Hall Lane.

- 5.11 I then looked at the village centre. I saw the extensive range of commercial, retail and community facilities (including the Primary School and the Library). I saw the significance of the designated conservation area during this part of the village.
- 5.12 I then walked along Church Lane and looked at the Church and the church yard. The information plaques were very helpful.
- 5.13 I then looked at the proposed King George V Playing Field. I saw its significance in the wider environment of the village and its close relationship with the School.
- 5.14 I looked at the other proposed local green spaces in the village.
- 5.15 I then looked at the part of the village to the north and west of Chesham Road. I saw that it had a different character to the rest of the village and had a close relationship with HMP The Mount.
- 5.16 As best I could I then looked at the former airfield and the various uses which were making use of its size and scale.
- 5.17 I left the neighbourhood area on the B4505 and headed towards Hemel Hempstead and the A41. As with the earlier part of the visit, this allowed me to understand the neighbourhood area's setting in the wider landscape and its connection with the strategic highway network.

## 6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process, I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in December 2023.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Bovingdon Neighbourhood Plan:

- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Dacorum Core Strategy and the Site Allocations DPD;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and relevant ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area with a focus on safeguarding the character and appearance of the neighbourhood area and proposing the designation of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This matter is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan has regard to national policy.

*Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the way in which the submitted Plan contributes towards sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes various policies employment development (Policies EE1-4). In the social dimension, it includes policies on community/recreation facilities (Policy COM1), and on local green spaces (Policy NE1). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy H3), wildlife matters (Policies NE4 and NE5), and built heritage issues (Policies HE1 and HE2). BPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in Dacorum Borough in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the

development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

#### *Strategic Environmental Assessment*

- 6.14 The Neighbourhood Planning (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons explaining why an environmental report is not required.
- 6.15 In order to comply with this requirement DBC prepared a Strategic Environmental Assessment (SEA) screening report on the Plan (November 2022). It is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.

#### *Habitat Regulations Assessment*

- 6.16 DBC also commissioned work on the need for a Habitats Regulations Assessment (HRA) of the Plan. The HRA screening report is both thorough and comprehensive.
- 6.17 The Assessment comments that the HRA of the emerging Dacorum Borough Council Local Plan 2038 used a screening distance of 15km to identify European sites which could be affected by development from the plan. It also advises that this distance has been subject to consultation with Natural England and reflects the average travel to work distance in the district. The same distance was applied in this exercise. As such the screening report assesses the impact of the policies of the Plan on the Chilterns Beechwood SAC (3.9km from Bovington parish boundary). The work concludes that the Bovington Plan is unlikely to have significant effects on Natura 2000 sites, either alone or in combination with other plans or projects, therefore, an Appropriate Assessment is not required.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a very detailed assessment has been undertaken in accordance with the various regulations. The HRA provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

#### *Human Rights*

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

- 6.20 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 The modifications focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended modifications to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and BPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing modifications to the text of the Plan are set out in italic print.

### *The initial section of the Plan (Sections 1-4)*

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in an effective fashion. It makes good use of well-selected maps. A clear distinction is made between the policies and the supporting text.
- 7.9 The Introduction comments about the background to neighbourhood planning. It advises about the way in which the Plan was prepared and how it will be used. It defines the Plan period (in paragraph 1.1.1) and the neighbourhood area (in Figure 1). It also explains the national and local planning policy contexts within which the Plan has been prepared. In the round it is a very effective introduction to a neighbourhood plan. There are some inconsistencies in the Plan on the Plan period (2022 to 2038). I recommend that any incorrect references to the Plan period are corrected.

### *Throughout the Plan use 2022 to 2038 as the Plan period.*

- 7.10 Section 2 provides a range of information about the neighbourhood area. Key elements of this analysis have underpinned the production of the Plan. It also describes the local planning policy context.
- 7.11 Section 3 complements Section 2. In this case, it sets out comprehensive details on the character of the Conservation Area.

7.12 Section 4 sets out a comprehensive Vision for the Plan which is as follows:

*‘Bovingdon’s vision to 2038 is to be a village in which residents enjoy an excellent quality of life, where they feel valued, safe, and connected. Bovingdon will preserve its historic legacy and welcoming character, while ensuring that nature and green spaces are protected, and any planned development is sustainable. There will be a flourishing local economy, and the infrastructure will be enhanced to benefit all residents, visitors, and businesses. Development in Bovingdon will strengthen the community, enrich the rural identity, and enhance the safe and inclusive essence of the village.’*

7.13 This part of the Plan also sets out its objectives. They form the structure for the policies in the main part of the Plan.

7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### BOVH1 Affordable Housing

7.15 The context to the policy is that the neighbourhood plan survey identified local need for a range of homes of mixed tenure to accommodate those moving within Bovingdon as well as those who may move into the village. The work is underpinned by the 2019 Community Development Action (CDA) Hertfordshire Housing Needs Assessment and the 2021 Housing Needs Assessment.

7.16 This policy comments specifically about affordable housing. The first part indicates that preference will be given to schemes that provide genuinely affordable homes that demonstrably meet the need for affordable housing in Bovingdon. It advises that First Homes will make up 25% of affordable homes at a discount of at least 30%, with a recommended mix of affordable housing for rent comprising 60 social rent/40 affordable rent. It also advises that this 60/40 split will be strictly adhered to on Green Belt sites unless an alternative method of providing genuinely affordable homes is proposed. The second part advises that schemes should provide a mix of house sizes, including extra care schemes, that support housing need in Bovingdon.

7.17 As submitted, the policy has a confusing format. Its wording comments about a ‘preference’ for certain types of affordable housing. In addition, the approach taken fails to address the way in which affordable housing is frequently delivered as part of broader residential proposals and as directed by Policy CS19 of the Dacorum Core Strategy. As such I recommend that the policy is modified so that it corresponds with this broader context. I also recommend that the supporting text more directly comments about national and local policies on this important matter.

7.18 The recommended modifications do not include any reference to the approach towards affordable housing in the Green Belt as included in the submitted policy. I have taken this approach as there is no supporting text or other information on this matter in the Plan. In addition, any such proposals would be likely to come forward as rural exception schemes rather than as part of a wider private sector residential development.

- 7.19 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the policy with:**

**‘Where a development proposal is required to deliver affordable housing, individual proposals should provide homes that demonstrably meet the need for affordable housing in Bovingdon. First Homes should make up 25% of affordable homes at a discount of at least 30%. The mix of affordable housing for rent should consist of 60% social rent and 40% affordable rent.**

**The delivery of affordable housing should provide a mix of house sizes including, where appropriate, extra care schemes.’**

*In paragraph 5.4.7:*

- *add (in Policy CS19 of the Core Strategy) after ‘current housing policy’;*
- *add ‘Planning Practice guidance ID: 70-001-20210524’ after ‘Government policy’; and*
- *delete the final sentence.*

**BOVH2 Accessible Housing**

- 7.20 This policy addresses accessible housing. It has two related parts. The first advises that all new homes must comply with Part M of the Building Regulations and that socially rented homes should be built to at least Building Regulations standard M4(2): Accessible and Adaptable Dwellings. The second part advises that developments of specialist housing for older and vulnerable people (whether new or conversions from other uses), including an extra care development, must be within walking distance, on a safe and level route or within easy reach by passenger transport, to village shops and services and built to Building Regulations Standard M4(3).
- 7.21 I recommend the deletion of the initial element of the first part of the policy as it simply repeats the requirements of the Building Regulations.
- 7.22 In the second and third parts of the policy I recommend that the requirements for developments to meet the higher elements of Part M4 of the Building Regulations should be subject to the development remaining viable with the inclusion of such works and standards. As submitted, there is no information in the Plan which provides definitive information on this matter.
- 7.23 Finally, I recommend detailed modifications to the wording of the third part of the policy so that it has the clarity required by the NPPF and can be applied consistently by DBC through the development management process. The modifications acknowledge that the locational requirements in the policy may not always be practicable and their rigid application may prevent otherwise acceptable proposals coming forward.
- 7.24 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

**‘Subject to commercial viability, socially rented homes should be built to at least Building Regulations standard M4(2): Accessible and Adaptable Dwellings.**

**Wherever practicable, the delivery of specialist housing for older and vulnerable people (whether new or conversions from other uses), including an extra care development, should be within walking distance on a safe and level route or within easy reach by passenger transport, to village shops and services. Subject to commercial viability, the development of specialist housing for older and vulnerable people should be delivered to Building Regulations Standard M4(3).’**

BOVH3 Design Code

- 7.25 This policy highlights the importance of new developments securing good design. It is underpinned by the Bovingdon Design Guidance and Code. The policy advises that the Code should be used when preparing proposals to secure high-quality design that contributes to its character area, or comment on or assess applications for planning permission.
- 7.26 In the round the policy takes a positive approach to design and provides a local interpretation of Section 12 of the NPPF. The Design Guidance and Code is an excellent document which effectively captures the character of the parish.
- 7.27 In this context, I recommend that the policy is recast so that it has a policy format rather than the factual statement as included in the submitted Plan. In recommending the modification I have taken account of BPC’s response to the clarification note. The recommended modification will also allow DBC to apply the policy in a proportionate way.
- 7.28 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

**‘Development proposals should deliver high-quality, locally-distinctive designs.**

**As appropriate to their scale, nature and location, development proposals should demonstrate how they have been designed to incorporate the relevant Design Codes and character area specific requirements.’**

BOVCOM1 Community and Recreation Facilities

- 7.29 This is a wide-ranging policy on community facilities. It is underpinned by extensive supporting text which includes an analysis of the importance of the facilities.
- 7.30 I am satisfied that the first part of the policy meets the basic conditions.
- 7.31 I recommend that the second part of the policy is deleted. It is a statement about how BPC will use community infrastructure levy and section106 funding to enhance existing

facilities rather than a land use policy. In reaching this conclusion I have taken account of BPC's response to the clarification note. However given the importance of the issue to the community, I recommend that the proposed priorities are captured in the supporting text.

- 7.32 The third part of the policy takes an appropriate approach towards safeguarding important community facilities. I recommend a modification to the policy which reflects the recommended modification to delete the second part of the policy.
- 7.33 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Delete the second part of the policy.**

**Replace the third part of the policy with:**

**'Existing community facilities at the Memorial Hall and the recreational facility at the King George V Playing Field should be retained and protected.**

**Development proposals which would result in the loss of these facilities will only be supported where alternative provision is made for the facility concerned which is of a scale and standard equivalent to, or superior to, the existing facility. The alternative provision should be within walking or cycling distance for the village community, on safe access routes.'**

*At the end of Section 6.2 add a new paragraph which reproduces the deleted second paragraph of the policy.*

BOVNE1 Designated Local Green Spaces

- 7.34 This policy proposes the designation of eleven local green spaces (LGSs). The proposed designations are supported by the details in Appendix C.
- 7.35 I looked carefully at the proposed LGSs during the visit. I saw that they varied in their sizes and characters.
- 7.36 On the basis of the available evidence and my own observations I am satisfied that the proposed LGSs meet the criteria in paragraph 106 of the NPPF. The St Laurence Churchyard, the King George V Playing Field and Bovingdon Green are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national guidance on this matter.
- 7.37 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the

examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

- 7.38 I recommend that the opening element of the first part of the policy is modified to remove the unnecessary commentary about the details about the sites which are included in Appendix C (and as referenced in paragraph 6.3.11 of the Plan).
- 7.39 The policy comments that development will only be allowed within a designated Local Green Space where it does not conflict with the purpose of its LGS designation. In general terms the policy seeks to be consistent with the national approach towards the designation of LGSs in Section 8 of the NPPF. However, I recommend that it is modified so that it follows the matter-of-fact wording in paragraph 107 of the NPPF.
- 7.40 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the opening element of the policy with: ‘The Plan designates the following sites as Local Green Space:’**

**Replace the second part of the policy with: ‘Development proposals within a designated Local Green Space will only be supported in very special circumstances.’**

BOVNE2 New Area of Natural Greenspace

- 7.41 This policy comments about the provision of natural greenspaces within new developments. It has two parts. The first comments that major developments must include an area of accessible natural greenspace with a maintenance plan to ensure its sustainability. It also advises that natural greenspace can incorporate appropriate children’s play space.
- 7.42 The second part comments that proposals for the creation of a Suitable Alternative Natural Greenspace will be welcomed where they do not conflict with other policies in this Plan. It also advises that the inclusion of new or enhancement of existing rights of way should be included where possible.
- 7.43 In general terms, the policy takes a positive approach to these matters. Nevertheless, I recommend two modifications to bring the clarity required by the NPPF. The first will ensure that the first part of the policy can be applied by DBC in a proportionate way. The second revises the wording in the second part of the policy so that it is more appropriate to a land use policy. As submitted the use of ‘encouraged’ has little effectiveness in a planning policy.
- 7.44 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the policy with:**

**‘As appropriate to their scale, nature and location, major developments should include an area of accessible natural greenspace with a maintenance plan.’**

**Where appropriate natural greenspace can incorporate appropriate children's play space.**

**Proposals for the creation of a Suitable Alternative Natural Greenspace will be supported. New or enhanced rights of way should be incorporated into any new greenspaces wherever practicable.'**

BOVNE3 Footpaths and Access to the Countryside

- 7.45 This policy sets out to celebrate the importance of the access routes between the village and the countryside. The first part comments that development proposals must consider how they can provide access to the countryside and access across the village. It sets out examples of how this can be achieved.
- 7.46 I recommend modifications to this part of the policy so that it has the clarity required by the NPPF and can be applied in a proportionate way.
- 7.47 Both the second and third parts of the policy are a combination of a factual statement and a community aspiration. As such, I recommend that they are deleted. The issues concerned are addressed generally in the supporting text and, in most cases, the works anticipated would not need planning permission. In reaching this conclusion I have taken account of BPC's responses to the clarification note.
- 7.48 I also recommend the deletion of the first of the four bullet points in the first part of the policy. It is inappropriate for a developer to be expected to contribute generally to the maintenance of existing footpaths. Such an approach would conflict with the provision of the Community Infrastructure Levy regulations.
- 7.49 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**In the first part of the policy replace the first two sentences with: 'As appropriate to their scale, nature and location, development proposals should respond positively to opportunities where they can provide access to the countryside and access across the village.'**

**Delete the first of the four bullet points.**

**Delete the second and third parts of the policy**

BOVNE4 Wildlife Corridors and Biodiversity

- 7.50 This is an extensive policy on wildlife corridors and biodiversity. It comments on the following matters:
- existing wildlife corridors should be retained in all development proposals and the opportunity to improve existing wildlife corridors or create new ones should be taken wherever possible;
  - wildlife corridors should be focussed on the existing hedgerow network and priority habitats. Minimum 12m buffers of complimentary habitat will be required for all priority habitats affected by or adjoining development proposals;

- the habitat value of four ancient lanes should be protected and enhanced;
- the need to conserve and enhance biodiversity by applying the mitigation hierarchy and deliver net biodiversity gains of at least 10% (in accordance with the current best practice DEFRA Biodiversity Metric); and
- all buildings bordering open space must include integrated boxes for swifts and bats.

7.51 In general terms the policy takes a positive approach to the various matters and has regard to Section 15 of the NPPF. Nevertheless, I recommend the following modifications to bring the clarity required by the NPPF:

- clarifying the wording of the first part of the policy;
- clarifying the wording of the second part of the policy, including wording which will allow DBC to apply it on a proportionate basis; and
- specific modifications to the wording used in the third and fifth parts of the Plan to ensure that they relate to the role and purpose of a neighbourhood plan.

7.52 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the first part of the policy with: ‘Wherever practicable, development proposals should retain existing wildlife corridors (as shown on the Policies Map) and incorporate opportunities to improve existing wildlife corridors or create new corridors.’**

**Replace the opening element of the second part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should protect and, where practicable, enhance the habitat value of the following ancient lanes:’**

**In parts 3 and 5 of the policy replace the various uses of ‘must’ with ‘should’**

BOVNE5 Hedges, Woodland, and Significant Trees

7.53 This policy comments about hedges, woodlands, and significant trees. At its heart is an approach whereby development proposals should be designed to retain all ancient trees and those with recognisable amenity value. It also advises that development proposals that would impact on these features should provide an assessment of that impact and how it can be mitigated. I recommend modifications to this part of the policy to bring the clarity required by the NPPF.

7.54 I recommend that the other elements of the policy are deleted and repositioned into the supporting text. They are either factual matters, or an encouragement for developers to plant trees (which may not need planning permission). In coming to this conclusion, I have taken account of BPC’s responses to the clarification note.

7.55 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the policy with: ‘Development proposals should be designed and arranged to retain ancient trees and other trees with recognisable amenity value. Development proposals that would affect these features should provide an assessment of the scale and significance of the impact and how it can be mitigated.’**

*At the end of paragraph 6.7.1 add: ‘The hedges and significant trees identified in the Evidence Base are important to the character of the area and to biodiversity. Hedges coincide with Wildlife Corridors (WC5, WC6, WC8 and WC9 on the Policies Map). Ancient Woodland is mapped in Appendix J.’*

*At the end of paragraph 6.7.7 add: ‘Developers and local landowners will be encouraged to plant trees, preferably native, able to withstand climate change at every opportunity.’*

#### BOVNE6 Important Views

- 7.56 The supporting text advises that the Bovingdon Conservation area is tightly defined as the historic core of the village. The topography and settlement evolution in which the conservation area sits unobtrusively, lies either in the dip of the plateau or hidden behind the High Street. There are consequently no encompassing views, and the best views are from outside the village looking in – for example, the footpath that leads into fields opposite the eastern corner of the churchyard.
- 7.57 The policy identifies six important views. The selection of the views is underpinned by the information in Appendix G of the Plan. I looked carefully at several of the views. It was clear that they help to capture the relationship between the village and the surrounding countryside.
- 7.58 In the round the policy takes a positive approach to this matter. In addition, it has a non-prescriptive approach. Within this broader context I recommend that the first part of the policy is modified so that it sets a positive tone for the policy in setting out the Plan’s expectations for new development. I also recommend modifications to the third part of the policy to bring the clarity required by the NPPF and to allow DBC to be able to apply it through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the first part of the policy with: ‘Development proposals should be designed and arranged to contain and mitigate the visual impacts of development on the open character of the landscape setting of Bovingdon village.’**

**Replace the final part of the policy with: ‘New development within the identified views should ensure that key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the juxtaposition of village edges and countryside. Development proposals which would detract from any of the identified views will only be supported where effective mitigation measures can be delivered as part of the overall proposal.’**

### BOVHE1 Conservation Areas in Bovingdon

- 7.59 The policy advises that in accordance with the Bovingdon Conservation Area Appraisal or any updated document, the character or appearance of Bovingdon Conservation Area and its setting will be preserved and, where possible enhanced. It advises that specific enhancements have been identified and can be found in the Action Plan in Appendix D.
- 7.60 I saw the importance of the conservation area during the visit. On the balance of the evidence, I am satisfied that the policy brings added value beyond existing national and local policies on conservation areas. As BPC commented in its response to the clarification note it brings 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.
- 7.61 I recommend that the policy is modified so that it more closely relates to the development management process. As submitted, it reads as a statement of intent rather than as a land use policy. Its purpose remains unchanged.
- 7.62 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the policy with: ‘In accordance with the Bovingdon Conservation Area Appraisal or any updated document, development proposals should preserve, and where practicable enhance, the character or appearance of Bovingdon Conservation Area and its setting. Specific enhancements have been identified in the Action Plan in Appendix D.’**

### BOVHE2 Non-designated Heritage Assets

- 7.63 The policy identifies a series of proposed non-designated heritage assets. The policy itself advises that development proposals which affect these heritage assets, or are within their setting, should avoid or minimise any harm to their significance. It also requires that a proportionate description of their significance and the impact of the proposals on it should be provided by applicants, to enable a balanced judgement to be made, having regard to the scale of any harm or loss and the significance of the asset.
- 7.64 I am satisfied that the proposed non-designated heritage assets have been carefully selected. I looked at some of the assets during the visit. The reasoning for their selection was self-evident. I am also satisfied that the policy itself has regard to Section 16 of the NPPF in general, and to the details in paragraph 209.
- 7.65 In the round I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

### POLICY BOV EE1 Safeguarding Existing Employment

- 7.66 This policy seeks to safeguard existing employment uses. It has two related parts. The first comments that the loss of existing employment land or buildings will not be

supported unless evidence has been submitted documenting the property has been actively marketed for at least twelve months at realistic market terms and a new business occupier could not be found. The second comments that the expansion of existing businesses will be supported subject to a series of criteria.

- 7.67 In general terms the policy takes a positive approach to employment activity and has regard to Section 6 of the NPPF. However, I recommend that the first part of the policy is modified so that it more closely relates to the development management process. In the second part of the policy, I recommend the deletion of the modernisation element. In some cases, the modernisation of premises may not need planning permission.
- 7.68 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**In the first part of the policy replace ‘Loss of existing employment land or buildings’ with ‘Development proposals which would result in the loss of existing employment land or buildings’**

**In the second part of the policy delete ‘and modernisation’**

BOVEE2 High Street Commercial Zone

- 7.69 This is a wide-ranging policy on the High Street. It acknowledges its clear importance to the local community. I looked carefully at the High Street carefully during the visit. Its contribution to the well-being of the community was very clear. The scale of the commercial properties was very distinctive, and the commercial uses sat comfortably with the community uses in this part of the village.
- 7.70 I recommend modifications to the wording of the first and second parts of the policy to bring the clarity required by the NPPF.
- 7.71 I recommend that the third and fourth parts of the policy are recast for the same reason and to ensure that they more closely relate to the development management process. In the case of the third part of the policy the recommended modification acknowledges that the anticipated mix of uses may not always be practicable.
- 7.72 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**In the first part of the policy replace ‘Measures to’ with ‘Development proposals which would’**

**In the second part of the policy replace ‘development’ with ‘development proposals’**

**Replace the third part of the policy with: ‘Wherever practicable, redevelopment proposal on the High Street should incorporate mixed uses on the ground floors with residential units on the upper floors.’**

**Replace the fourth part of the policy with: ‘Development proposals on the High Street (including shop upgrades and expansions) should be designed to**

**respond positively to the character and scale of existing development and to avoid any unacceptable impacts on the amenity of neighbouring businesses and/or residents.'**

BOVEE3 Encouraging New Employment

- 7.73 This policy offers support for the development of brownfield land for employment use, redevelopment of existing employment sites, and expansion of the film industry and supporting businesses subject to a series of criteria.
- 7.74 In general terms the policy takes a positive approach to the development of new employment uses. As BPC comments in its response to the clarification note:
- '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.'*
- 7.75 The approach taken corresponds in part with the identification of Bovingdon Brickworks (MDS/5) as important employment sites in the Site Allocations Plan. The submitted Plan now refers to this site as the Pudds Cross Business Zone.
- 7.76 Nevertheless, as submitted, the policy has a confusing format and its suggested sequential approach will be impracticable to implement. Plainly developers and landowners will have separate land interests and are unlikely to be able to address the proposed sequential approach. In addition, the policy does not properly have regard to the content of Section 13 of the NPPF on Green Belts.
- 7.77 In order to remedy these issues, I recommend that the policy is recast so that it is based on the two identified employment areas in the Plan (the High Street Commercial Zone and the Pudds Cross Business Zone as shown on Figure 42 of the Plan) and to the airfield. Within this context, the detailed matters in the second part of the submitted policy act as criteria to the modified policy. I also recommend that an additional criterion is included to address the openness of the Green Belt. It follows the format of paragraph 154(g) of the NPPF and will ensure that the local policy approach has regard to national policy on this important matter.
- 7.78 I also recommend that the first sentence of paragraph 7.4.4 is modified so that it has a more general format. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

**‘Development proposals for employment uses at the two commercial and business areas as shown on Figure 42, and/or the use of existing buildings at the airfield (including the expansion of the film industry and supporting businesses) will be supported where they meet the following criteria:**

- **they are limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development;**
- **they are in keeping with the scale, form, and character of their surroundings;**
- **they would not have an unacceptable impact on the operation of neighbouring businesses or the amenity of any residential properties in the immediate locality;**
- **they have a safe highway access and sufficient off-street business parking; and**
- **where practicable, they provide safe pedestrian/cycle routes to support sustainable travel options for employees and visitors.’**

*Replace the first sentence of paragraph 7.4.4 with: ‘It is anticipated that the employment opportunities in the film and TV production industry at Bovingdon Airfield will significantly boost the local economy.’*

BOVEE4 Support Home-based and Micro Businesses

- 7.79 This policy comments about proposals for working from home. It supplements Policy BOVEE3. The policy advises that proposals for a change of use of part of a dwelling, ancillary extensions, conversion of outbuildings or small free-standing buildings, to accommodate a home-based or micro business will be supported provided they comply with the criteria in Policy EE3.
- 7.80 I recommend that the policy is modified so that it more closely relates to the development management process and clearly describes the works addressed by the policy. Otherwise, it meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**Replace the policy with: ‘Proposals for the change of use of part of a dwelling, the construction of ancillary extensions, the conversion of outbuildings, or the construction of small free-standing buildings to accommodate home-based or micro businesses will be supported where they comply with the criteria in Policy EE3.’**

BOVEE5 Ensuring High-quality Digital Communications

- 7.81 This is a wide-ranging policy on digital communications. The first and second parts relate to individual connections to new properties. The third part addresses the development of wider infrastructure.

- 7.82 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 recommend their deletion and replacement with an appropriate explanation in the supporting text. BPC responded positively to such an approach in its response to the clarification note.
- 7.83 I recommend that the third part of the policy is modified so that it has the clarity required by the NPPF and so that DBC can implement it effectively through the development management process.
- 7.84 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Delete the first and second parts of the policy.**

**Replace the third part of the policy with:**

**‘Proposals for new infrastructure providing ultrafast fibre broadband and modern mobile telecommunication services will be supported where they meet the following criteria:**

- a. The siting and appearance of equipment does not have an unacceptable impact on the character and appearance of the surrounding area or on the amenity of nearby residents and businesses;**
- b. Equipment installed on existing buildings and structures is sympathetically designed; and**
- c. Proposals for new freestanding masts should demonstrate that it is not practicable to site the equipment on or in an existing building or structure.’**

*At the end of paragraph 7.6.3 add: ‘The provision of broadband to new properties is now controlled by Part R of the Building Regulations. As such the focus of Policy BOV EE5 is on the overall provision of broadband infrastructure.’*

**BOVT1 Safer Roads**

- 7.85 This policy comments that development proposals must demonstrate how they will encourage sustainable travel, reduce the impacts of the development on the already high volumes of traffic passing through the village, and mitigate the cumulative impacts on the accessibility of the village. It also advises that sustainable travel options can be encouraged in developments of any size from cycle storage at a single home to safe pedestrian access in street design.
- 7.86 In general terms the policy takes a positive approach to these matters. However, I recommend a modification so that DBC can implement its contents on a proportionate basis.
- 7.87 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the policy with: ‘As appropriate to their scale, nature and location, development proposals should demonstrate how they will encourage sustainable travel, and the way in which they can be safely accommodated within the local highway network.’**

#### BOV T2 Public Transport Infrastructure

- 7.88 The policy seeks to enhance public transport infrastructure. It comments that to encourage greater use of passenger transport, public transport infrastructure should be enhanced through Section106 contributions/community infrastructure funding or other funding mechanisms.
- 7.89 As submitted the wording used is a statement rather than policy. In its response to the clarification note BPC advised that:
- ‘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.’*
- 7.90 I have considered this matter very carefully. Whilst I agree with BPC that it is important for the Plan to establish priorities for spending, the submitted policy is neither a land use policy nor can it be readily be modified to fulfil such a purpose. On this basis I recommend that it is deleted and repositioned into the supporting text.
- 7.91 The recommended modification also refines the wording to advise that these matters will be implemented by BPC and other organisations involved in public transport initiatives.

#### **Delete the policy**

*At the end of 8.3.3 add: ‘To encourage greater use of passenger transport, the Parish Council will work with other organisations to enhance public transport infrastructure through S106 contributions/community infrastructure levy (CIL) funding or other funding mechanisms. It will also look to use elements of its enhanced local CIL funding once the Plan is made on such works. Infrastructure provision can include bus services, taxis, and other publicly available community/charitable passenger services, along with public transport infrastructure improvements that include high-quality waiting areas, enhanced accessibility to public transport and prioritisation of public transport modes. Possible options are set out in the Action Plan in Appendix D of this Plan.’*

#### BOVT3 Parking in High Street Commercial Zone

- 7.92 This policy comments that commercial or residential development proposal in the High Street Commercial Zone, should consider the inclusion of an improvement to the quality and quantity of off-street parking provision, and the reduction in on-street

parking, to improve the pedestrian environment and reduce congestion. It also requires new development to meet parking standards in the DBC Parking Standards SPD.

- 7.93 Paragraphs 8.3.4/8.3.5 of the Plan provide the context to the approach in the policy which is to address the current levels of on street parking and associated congestion in High Street.
- 7.94 As submitted, the first part of the policy reads in an aspirational way. I recommend a modification to ensure that it brings the clarity required by the NPPF and can be applied by DBC in a proportionate way. The recommended modification does not include any direct reference to on-street parking and congestion as such matters do not necessarily relate to new development proposals and are highways rather than land use planning matters.
- 7.95 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the first part of the policy with: ‘As appropriate to their scale, nature, and location in the High Street Commercial Zone, proposals for commercial or residential development should respond positively to opportunities to improve the quality and quantity of off-street parking provision and to improve the pedestrian environment.’**

#### BOVT4 Encouraging Walking and Cycling

- 7.96 This is a wide-ranging policy on walking and cycling. It comments that all development proposals will require high quality sustainable access to local destinations, specifically the village centre and from the village centre towards Hemel Hempstead Railway Station. It advises that this will require the delivery and/or improvement to pedestrian and cycle routes (including bridleways) where they do not exist or are not of a high standard. In addition, major developments should provide orbital and cross routes within their developments, which join up with existing routes.
- 7.97 As submitted the policy is well-intentioned. However, it takes no account of the practicability of the approach taken or the relationship between the scale of development proposed and the ambitions of the policy. I recommend that the policy is recast so that it can be applied on a proportionate basis and where it is practicable to do so. The recommended modification does not incorporate any reference to access to Hemel Hempstead station. This acknowledges that Hemel Hempstead station is not in the parish, and that it would be unlikely that a development proposal in the parish would present the type of functional relationship with the railway station as identified in the submitted policy.
- 7.98 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace the policy with:**

**‘As appropriate to their scale, nature and location, development proposals should respond positively to opportunities to deliver high quality sustainable**

**access (including the delivery and/or improvement to pedestrian and cycle routes) to local destinations, and with a specific focus to the village centre. Wherever practicable, major development proposals should provide routes within their developments which join up with existing routes. Options for improving walking and cycling are set out in Appendix D.'**

#### BOVIM1 Funding Priorities

- 7.99 This policy sits within the section in the Plan on Implementation and Monitoring. It advises that BPC will maintain, update, and publish the Action Plan annually as a schedule of priorities to receive the benefit of funding from S106 agreements and any other funding streams such as a Community Infrastructure Levy.
- 7.100 Such an approach is best practice. However, it is a monitoring issue rather than a land use planning policy. As such I recommend that it is deleted and repositioned into the supporting text.

#### **Delete the policy**

*Reposition the deleted policy at the end of paragraph 8.5.2.*

#### Monitoring and Review of the Plan

- 7.101 Section 8.5 of the Plan comments about how the Plan will be monitored. It identifies the potential for its review in due course. Plainly these overlaps with the emerging local plan context.
- 7.102 In the same way that there is no need for a parish council to prepare a neighbourhood plan, there is no need for a parish council to review a made Plan. However, in the circumstances presented in terms of the timing relationship between the submitted Plan and the emerging Local Plan the emerging Plan may affect the wider development plan either generally or in relation to the parish. In these circumstances I recommend that the matter is captured in the monitoring and review arrangements of the Plan in a more explicit way. This will provide assurance both to DBC and the development industry.

*At the end of paragraph 8.5.1 add:*

*'The Parish Council will monitor the ongoing progress of the emerging Dacorum Local Plan. The Parish Council will assess the need or otherwise for a full or a partial review of a made Plan within six months of the adoption of the Local Plan.'*

#### Other matters - General

- 7.103 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. It will be appropriate for DBC and BPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

Other Matters – Updates to the Plan

- 7.104 The NPPF has been updated since the Plan was submitted. I recommend that the Plan is updated accordingly to reflect the contents (and paragraph numbers) of the December 2023 version. This will provide the necessary integrity for a development plan document.

*Update the Plan to refer to the December 2023 version of the NPPF.*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2038. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Bovingdon Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to Dacorum Borough Council that subject to the incorporation of the modifications set out in this report the Bovingdon Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the designated neighbourhood area. In my view, that area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Dacorum Borough Council on 24 December 2018.
- 8.5 I am grateful to everyone who has contributed in any way to ensure that this examination has run in a smooth and efficient manner. The Parish Council's responses to the clarification note were very helpful.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 March 2024**