

DACORUM BOROUGH COUNCIL BOVINGDON NEIGHBOURHOOD PLAN

POST- EXAMINATION DECISION STATEMENT

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations contained within the report to Dacorum Borough Council of the independent examination of the Bovingdon Neighbourhood Plan ("the Plan") by Independent Examiner Andrew Ashcroft BA (Hons) MA DMS, which was submitted to the Council on 21 March 2024.

This decision statement, the Independent Examiner's Report and the submission version of the Bovingdon Neighbourhood Plan and supporting documents can be viewed on the Council's website: [Bovingdon Neighbourhood Plan \(dacorum.gov.uk\)](https://www.dacorum.gov.uk/bovingdon-neighbourhood-plan)

Paper copies of this decision statement and the Independent Examiner's Report can be viewed during normal opening times at the following location:

Dacorum Borough Council
The Forum
Hemel Hempstead
Herts
HP1 1DN



Sara Whelan
Assistant Director for Planning

Dated 16 April 2024

1. BACKGROUND

- 1.1. Under the Town and Country Planning Act 1990 (as amended), Dacorum Borough Council (“the Council”) has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority’s responsibilities under neighbourhood planning.
- 1.2. This statement confirms that the modifications proposed by the Examiner’s Report have been considered and accepted and that subject to making the recommended modifications (and other minor modifications) the Plan may now be submitted to referendum.
- 1.3. The Bovingdon Neighbourhood Plan relates to the area defined as Bovingdon parish and was designated by the Council as a Neighbourhood Area on 24 December 2018.
- 1.4. Bovingdon Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 5 January and 20 February 2023.
- 1.5. Following the submission of the Bovingdon Neighbourhood Plan to the Council on 8 August 2023, the Council publicised the draft Plan for a six-week period between 29 September 2023 and 12 November 2023. Representations were invited in accordance with Regulation 16.

2. INDEPENDENT EXAMINATION

- 2.1. The Council appointed Andrew Ashcroft BA (Hons) MA DMS, with the consent of Bovingdon Parish Council, to undertake the independent examination of the Bovingdon Neighbourhood Plan and to prepare a report of the independent examination.
- 2.2. The Examiner examined the Plan by way of written representations supported by an unaccompanied site visit of the Neighbourhood Plan Area.
- 2.3. The Examiner’s Report was formally submitted to the Council on 21 March 2024. The Report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to referendum. The Examiner also recommends that the referendum area should be the same as the designated Neighbourhood Area.
- 2.4. Following receipt of the Examiner’s Report, legislation requires that the Council consider each of the modifications recommended, the reasons for them, and decide what action to take. The Council is also required to consider whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

- 3.1. Having considered each of the recommendations made in the Examiner’s Report and the reasons for them, the Council, with the agreement of Bovingdon Parish Council, has decided to accept all of the Examiner’s recommended modifications to the draft Plan.

- 3.2. The Council considers that, subject to the modifications being made to the Plan as set out in 'Table 1: Examiner's Recommended Modifications' (see below), the Bovingdon Neighbourhood Plan:
- meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended);
 - is compatible with the Convention rights Annex B; and
 - meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 3.3. The Examiner recognises that some of the recommended modifications could give rise to consequential amendments elsewhere in the Neighbourhood Plan, such as renumbering paragraphs and ensuring supporting appendices and other document align with the final version of the Plan. The Examiner does not specify such minor amendments within their report, and requests that a 'common sense approach' is taken to any such changes as part of work on the final presentation.
- 3.4. As a consequence of the required modifications, Bovingdon Parish Council will modify the Neighbourhood Plan accordingly, for it then to proceed to referendum.
- 3.5. The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the designated Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it. The referendum area for the final Bovingdon Neighbourhood Plan will therefore be based on the defined extent of Bovingdon parish.
- 3.6. This decision statement is dated 16 April 2024.
- 3.7. It is a requirement of the Council to hold a referendum within 56 working days of publishing the decision statement unless a different date is agreed with the Qualifying body (Bovingdon Parish Council).

Other information:

The Neighbourhood Plan document has been updated to incorporate all the modifications required. The date for the referendum has been set for 13 June 2024 and further details will be publicised on the Council's website, as appropriate.

Table 1: Examiner’s Recommended Modifications

Section / Policy	Recommended Modification
The initial section of the Plan (Sections 1-4)	
Plan period	<i>Throughout the Plan use 2022 to 2038 as the Plan period.</i>
Section 5: Shaping housing growth	
BOV H1 Affordable Housing	<p>Replace the policy with:</p> <p>‘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.</p> <p>The delivery of affordable housing should provide a mix of house sizes including, where appropriate, extra care schemes.’</p> <p><i>In paragraph 5.4.7:</i></p> <ul style="list-style-type: none"> • <i>add (in Policy CS19 of the Core Strategy) after ‘current housing policy’;</i> • <i>add ‘Planning Practice guidance ID: 70-001-20210524’ after ‘Government policy’; and</i> • <i>delete the final sentence.</i>
BOV H2 Accessible Housing	<p>Replace the policy with:</p> <p>‘Subject to commercial viability, socially rented homes should be built to at least Building Regulations standard M4(2): Accessible and Adaptable Dwellings.</p> <p>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).’</p>
BOV H3 Design Code	<p>Replace the policy with:</p> <p>‘Development proposals should deliver high-quality, locally-distinctive designs.</p> <p>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.’</p>
Section 6: Community, Natural Environment and Heritage	

Section / Policy	Recommended Modification
BOV COM1 Community and Recreation Facilities	<p>Delete the second part of the policy.</p> <p>Replace the third part of the policy with:</p> <p>‘Existing community facilities at the Memorial Hall and the recreational facility at the King George V Playing Field should be retained and protected.</p> <p>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.’</p> <p><i>At the end of Section 6.2 add a new paragraph which reproduces the deleted second paragraph of the policy.</i></p>
BOV NE1 Designated Local Green Spaces	<p>Replace the opening element of the policy with: ‘The Plan designates the following sites as Local Green Space:’</p> <p>Replace the second part of the policy with: ‘Development proposals within a designated Local Green Space will only be supported in very special circumstances.’</p>
BOV NE2 New Area of Natural Greenspace	<p>Replace the policy with:</p> <p>‘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.</p> <p>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.’</p>
BOV NE3 Footpaths and Access to the Countryside	<p>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.’</p> <p>Delete the first of the four bullet points.</p> <p>Delete the second and third parts of the policy.</p>
BOV NE4 Wildlife Corridors and Biodiversity	<p>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.’</p>

Section / Policy	Recommended Modification
	<p>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:’</p> <p>In parts 3 and 5 of the policy replace the various uses of ‘must’ with ‘should’</p>
<p>BOV NE5 Hedges, Woodland, and Significant Trees</p>	<p>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.’</p> <p><i>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.’</i></p> <p><i>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.’</i></p>
<p>BOV NE6 Important Views</p>	<p>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.’</p> <p>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.’</p>
<p>BOV HE1 Conservation Areas in Bovingdon</p>	<p>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.’</p>
<p>Section 7: Economy and Employment</p>	
<p>BOV EE1 Safeguarding Existing Employment</p>	<p>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’</p>

Section / Policy	Recommended Modification
BOV EE2 High Street Commercial Zone	<p>In the second part of the policy delete ‘and modernisation’</p> <p>In the first part of the policy replace ‘Measures to’ with ‘Development proposals which would’</p> <p>In the second part of the policy replace ‘development’ with ‘development proposals’</p> <p>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.’</p> <p>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.’</p>
BOV EE3 Encouraging New Employment	<p>Replace the policy with:</p> <p>‘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:</p> <ul style="list-style-type: none"> • 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.’ <p><i>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.’</i></p>

Section / Policy	Recommended Modification
BOV EE4 Support Home-based and Micro Businesses	<p>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.'</p>
BOV EE5 Ensuring High-quality Digital Communications	<p>Delete the first and second parts of the policy.</p> <p>Replace the third part of the policy with:</p> <p>'Proposals for new infrastructure providing ultrafast fibre broadband and modern mobile telecommunication services will be supported where they meet the following criteria:</p> <p>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;</p> <p>b. Equipment installed on existing buildings and structures is sympathetically designed; and</p> <p>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.'</p> <p><i>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.'</i></p>
Section 8: Travel, Transport and Parking	
BOV T1 Safer Roads	<p>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.'</p>
BOV T2 Public Transport Infrastructure	<p>Delete the policy</p> <p><i>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</i></p>

Section / Policy	Recommended Modification
	<i>public transport modes. Possible options are set out in the Action Plan in Appendix D of this Plan.'</i>
BOV T3 Parking in High Street Commercial Zone	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.'
BOV T4 Encouraging Walking and Cycling	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.'
Section 8.4 and 8.5: Implementation and Monitoring	
BOV IM1 Funding Priorities	Delete the policy <i>Reposition the deleted policy at the end of paragraph 8.5.2</i>
Monitoring and Review of the Plan	<i>At the end of paragraph 8.5.1 add:</i> <i>'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.'</i>
Other Matters	
General	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>
Updates to the Plan	<i>Update the Plan to refer to the December 2023 version of the NPPF.</i>