

Bovingdon Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear and concise vision for the neighbourhood area. The Vision and the Objectives are very clear.

The presentation of the Plan is good. The difference between the policies and the supporting text is very clear. The Plan makes excellent use of various high-quality maps and photographs. Sections 2 and 3 provide a comprehensive context for the resulting policies.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Policy BOV H1

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

Policy BOV H2

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

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

Policy BOV H3

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

Policy BOV COM1

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

Policy BOV NE1

This is a good policy which is underpinned by the details in Appendix C.

Policy BOV NE2

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

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

Policy BOV NE3

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

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

Policy BOV NE5

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

Policy BOV NE6

This is a good policy. It takes a non-prescriptive approach.

Policy BOV HE1

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

Policy BOV HE2

This is a good policy with an appropriate range of non-designated heritage assets. The approach taken has regard to the contents of paragraph 209 of NPPF.

Policy BOV EE2

This is a good policy which is distinctive to the neighbourhood area. It recognises the importance of the High Street to the overall well-being of the parish. In addition, it sets out a comprehensive package of measures to shape the future vitality and viability of the High Street commercial zone. In doing so it balances the promotion of economic growth with a sensitive approach to the wider environment and the amenity of nearby residential properties.

Policy BOV EE3

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

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

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

Policy BOV EE5

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

Does the Parish Council have any comments on this proposition?

Policy BOV T2

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

Representations

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

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

Protocol for responses

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

If certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the Borough Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

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Independent Examiner

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24 January 2024