



Report for:	Cabinet
Title of report:	Bovingdon Neighbourhood Plan
Date:	18 th June 2024
Report on behalf of:	Councillor Sheron Wilkie, Portfolio Holder for Place
Part:	I
If Part II, reason:	N/A
Appendices:	Appendix A – Bovingdon Neighbourhood Plan (Referendum Version) Appendix B - Community Impact Assessment of Bovingdon Neighbourhood Plan 2022-2038
Background papers:	N/A
Glossary of acronyms and any other abbreviations used in this report:	AA: Appropriate Assessment CIA: Community Impact Assessment HRA: Habitats Regulation Assessment LPA: Local Planning Authority NDP: Neighbourhood Development Plan NPIERS: Neighbourhood Plan Independent Examiner Referral Service SEA: Strategic Environmental Assessment

Report Author / Responsible Officer

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Corporate Priorities	<p>A clean, safe and enjoyable environment</p> <p>Building strong and vibrant communities</p> <p>Ensuring economic growth and prosperity</p> <p>Providing good quality affordable homes, in particular for those most in need</p>
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	Climate and ecological emergency
Wards affected	Bovingdon Ward
Purpose of the report:	<ol style="list-style-type: none"> 1. A verbal update will be provided to Cabinet on the outcome of the Referendum decision of 13th June 2024 on the Bovingdon Neighbourhood Plan. 2. If the referendum has been successful, for Cabinet to note the 'YES' vote at the Referendum on 13th June 2024 and consider the recommendation to t Full Council that it formally adopts ('makes') the Bovingdon Neighbourhood Plan as a statutory planning document.
Recommendation (s) to the decision maker (s):	On the basis of a successful 'YES' vote, at the Referendum on 13 th June 2024, that Cabinet recommends that Full Council formally adopts ('makes') the Bovingdon Neighbourhood Plan as part of the Local Plan.
Period for post policy/project review:	N/A

1 Introduction/Background:

- 1.1 The Localism Act 2011 provides the foundation for neighbourhood planning. This aims to give local communities more control over housing and planning decisions. A neighbourhood plan sets a vision for the future and can be detailed, or general, depending on what local people want. A neighbourhood plan is prepared by the local community but is adopted ('made') by the local authority and becomes part of the Local Plan.
- 1.2 Neighbourhood planning can be taken forward by either town or parish councils or in unparished areas via 'Neighbourhood Forums'. These Forums are local community groups that are specifically designated to take a plan forward.
- 1.3 If the result is a 'Yes' vote in the Referendum, (i.e. that 50% or more vote in favour of the Bovingdon Neighbourhood Plan), it will be the third Neighbourhood Plan in the Borough to have successfully passed Examination and receive a positive outcome at Referendum. On this basis, it is the intention of Officers to progress the Neighbourhood Plan so that it can be brought into force by the Council, after which its policies can carry full weight in the determination of planning applications.

2 Summary of key stages:

Neighbourhood Plan Areas Designation - December 2018

- 2.1 In June 2018, the Council received an application from Bovingdon Parish Council to designate Bovingdon Parish as a Neighbourhood area. Bovingdon Parish Council is recognised as a relevant body under Section 61G of the Town and Country Planning Act 1990 (as amended by the Localism Act). This was done in accordance with Regulation 5 of The Neighbourhood Planning Regulations 2012, as amended).
- 2.2 The application for the Neighbourhood Area designation was for the whole of Bovingdon Parish only. The Council undertook public consultation on the application over the period 15th October 2018 to 2nd December 2018, although it was not strictly required (in accordance with the Neighbourhood Planning Regulations (2012, as amended) Regulation 5A).
- 2.3 On 24th December 2018, Dacorum Borough Council (via delegated authority) resolved to designate Bovingdon Parish as the Bovingdon Neighbourhood Area.

Submission of the Neighbourhood Plan

- 2.4 On 8 August 2023, Bovingdon Parish Council formally submitted the Bovingdon Neighbourhood Plan 2022-2038 (Appendix A) and further supporting documents to the Council, in accordance with the relevant legislation.

Conformity and acceptance of the Neighbourhood Plan by the Council

- 2.5 Following receipt of the Bovingdon Neighbourhood Plan and supporting documents¹ the Neighbourhood Plan was checked to ensure it met the 'basic conditions' test.
- 2.6 This test meant that the Neighbourhood Plan must:
 - *Meet the requirements of certain EU directives relating to human rights and habitat protection;*

¹ Supporting documents are available to view on our website at: <https://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/neighbourhood-planning/kings-langley-neighbourhood-plan>

- *Be in keeping with policies that determine how UK planning decisions should be made which are set out in the National Planning Policy Framework and National Planning Practice Guidance;*
 - *Be in compliance with the most important strategic policies prepared by the local planning authority; and*
 - *Explain how the community and organisations have helped to prepare the Neighbourhood Plan.*
- 2.7 The Council, as part of its duties to ensure that the Neighbourhood Plan meets the environmental requirements as set out above, undertook a Strategic Environmental Assessment (SEA) screening to determine whether or not the contents of the Neighbourhood Plan would require an SEA or Appropriate Assessment (AA) in accordance with the EU directives. This concluded that neither an AA nor an SEA was required.
- 2.8 The LPA must consider:
1. Whether the parish council or neighbourhood forum is authorised to act (see 'determining the application criteria for a neighbourhood forum');
 2. Whether the proposal and accompanying documents:
 - a. Comply with the rules for submission to the LPA (see 'receipt of an NDP by the LPA'), and
 - b. Meet the 'definition of an NDP'; and
 - c. Meet the 'scope of NDP provisions', and
 3. Whether the parish council or neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity (see 'pre submission consultation by the parish council or neighbourhood forum').
- 2.9 As the Bovingdon Neighbourhood Plan met all of the requirements as set out by legislation, the Council formally submitted the Bovingdon Neighbourhood Plan for Independent Examination.
- 2.10 The Council carried out public consultation on the submitted (Regulation 16) Plan over a six-week period between 29 September 2023 and 12 November 2023.
- 2.11 Upon receipt of representations, the Council considered that there were no critical objections to the Neighbourhood Plan and moved to formally submit to Independent inspection in January 2024.

Independent Examination of the Neighbourhood Plan

- 2.12 In order to progress to inspection, the Council was required to choose a suitable 'Independent Examiner' and obtain the agreement of the Qualifying Body prior to their appointment and subsequent inspection.
- 2.13 The Council considered three potential examiners, through the NPIERS (the Neighbourhood Planning Examination Independent Referral Service). These were put to the Bovingdon Parish Council, which subsequently determined that Andrew Ashcroft BA (Hons) MA DMS would be appointed as the Independent Examiner.
- 2.14 The Council formally submitted the Bovingdon Neighbourhood Plan to the Independent Examiner along with all representations and supporting documents submitted with the plan.
- 2.15 The examination took place between January and March 2024.

3. Recommendations from the Examiner

- 3.1 The Council was aware that the Inspection would provide either:
- Approval to proceed to referendum;
 - Approval to proceed to referendum, subject to minor amendments to the Neighbourhood Plan; or
 - Rejection of the Neighbourhood Plan.
- 3.2 If the examiner had rejected the Neighbourhood Plan, the Council would have no further legal obligations regarding the Neighbourhood Plan. Where the recommendation from the examiner is 'approved to proceed to referendum without amendment', the Council could seek to undertake a referendum as soon as practicable.
- 3.3 Should the examiner's report seek to make amendments, the qualifying body would be responsible for making these amendments and would not be required to seek approval from Dacorum Borough Council for the neighbourhood plan to proceed to referendum.
- 3.4 Having received the examiner's recommendations and determined its response the Qualifying Body can:
- Make modifications** to correct errors, or to make the plan:
 - Meet the basic conditions (note 2 and 2b)
 - Compatible with the Convention rights
 - Comply with the definition of an NDP and the provisions that can be made by a NDP
 - Comply with suitable periods for making applications and starting development.
 - Extend the area** to which the **referendum(s)** are to take place. If the authority decides to extend the area for referendum it must publish a map for that area.
 - Decide that they are not satisfied** with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified.
- 3.5 It is important to note that the legislation and guidance is clear that, while neighbourhood plans are prepared by the community, with recommended modification from the examiner, the local authority has the final decision on whether the neighbourhood plan meets the basic conditions and can then proceed to a referendum.
- 3.6 The Examiner's report on 21st March 2024 recommended that the Neighbourhood Plan could proceed to Referendum with amendments.
- 3.7 These changes were accepted and Bovingdon Parish Council has made the necessary amendments to the Neighbourhood Plan.

Referendum

- 3.8 The Council published a 'Decision Statement' of the Examiner's approval and schedule of changes on its website. This notice acknowledged the Council's intention to hold a Referendum on 13th June 2024. This date was identified as being the most suitable, (by the Council's Electoral Services team), taking into account other elections taking place and for the necessary notices of poll, etc.
- 3.9 For a neighbourhood plan to pass the Referendum, it requires the majority of the votes received to be in favour of making the Neighbourhood Plan a formal part of the Local Plan. If this is the case, then the Council is required to adopt the neighbourhood plan as soon as possible.

- 3.10 On Thursday 13th June 2024, a Referendum was held (overseen by the Council's Electoral Services team). The results were not known at the time of Officers drafting this report. However, Officers will verbally update Cabinet of the results at the Cabinet meeting.
- 3.11 Should the majority of the public vote in favour of a 'Yes' decision following the referendum, it will now be the duty of the Council to progress the Bovingdon Neighbourhood Plan through the formal sign-off processes of Cabinet and Full Council, and for it then to be adopted ('made') as part of the Development Plan for the Borough.

4 Options and alternatives considered

There are no options and alternatives at this advanced stage. The neighbourhood planning process is subject to legal requirements that must be followed in order for a plan to be made.

5 Consultation

The Bovingdon Neighbourhood Plan has been subject to several rounds of consultation at key stages in its preparation, as set out in Section 2 above.

6 Financial and value for money implications:

There are no direct financial implications arising from the report.

7 Legal Implications

If there has been a positive outcome to the referendum, then it is now the legal duty of the Council to progress the Bovingdon Neighbourhood Plan through the committee processes of Cabinet and Full Council to allow for it to be adopted as part of the Development Plan for the Borough.

8 Risk implications:

On the basis of a successful outcome to the referendum, if the Council did not progress the Bovingdon Neighbourhood Plan to adoption it would likely result in reputational damage for its failure to enact its legal duties with regard to the next steps for the neighbourhood plan. Furthermore, if Cabinet decided not to recommend its adoption, then the status of the Neighbourhood Plan could be undermined.

9. Equalities, Community Impact and Human Rights:

- 9.1 In consultation with the statutory bodies of Natural England, Historic England and the Environment Agency, the Council consulted on whether a Strategic Environmental Assessment (SEA) was needed. The Council concluded that no such assessment was required as set out in the determination statement.
- 9.2 The Council has also undertaken a Community Impact Assessment (CIA) which is appended to this report (Appendix B)
- 9.3 The Council does not believe there will be any Human Rights or health and safety implications from this report.

10 Sustainability implications (including climate change, health and wellbeing, community safety)

- 10.1 The Council does not consider that there will be any sustainability implications as a result of the adoption of the Bovingdon Neighbourhood Plan.

10.2 One of the basic conditions is that the plan must contribute towards sustainable development. The examiner has determined in his report that the policies in the Neighbourhood Plan contribute to sustainable development.

11 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

The Council does not consider that there will be any Council infrastructure or resourcing issues as a result of the adoption of the Bovingdon Neighbourhood Plan.

12 Statutory Comments

Monitoring Officer:

Subject to the referendum producing a vote in favour of agreeing the Neighbourhood Plan the Council will need to formally confirm the Plan as adopted at the next available Full Council.

S151:

There are no direct financial implications from this proposal.

13. Conclusions:

Should a clear majority of the public vote 'Yes' at the referendum in favour of the adoption of the Bovingdon Neighbourhood Plan, the Local Planning Authority must adopt the Neighbourhood Plan as soon as reasonably practical unless: it considers that this would breach, or be incompatible with any EU obligation or any of the Convention Rights. It had already been determined through the basic conditions statement that this is not the case and therefore the Bovingdon Neighbourhood Plan should proceed to Full Council with the recommendation that it be made.

Appendix A: Bovingdon Neighbourhood Plan 2022 – 2038 (Referendum Version)

Attached separately

Appendix B: Community Impact Assessment of the Bovingdon Neighbourhood Plan 2022-2038

Dacorum BC Community Impact Assessment (CIA)	
Policy / service / decision	Bovingdon Neighbourhood Plan 2022-2038
Description of what is being impact assessed	<p><i>What are the aims of the service, proposal, project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?</i></p> <p><i>Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Member, etc</i></p> <p><i>It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact</i></p>
	<p>The Examiner has concluded that the Bovingdon Neighbourhood Plan will contribute towards sustainable development in the parish area and that it is compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR).</p> <p>It aims to deliver a number of planning objectives in the Parish, including but not limited to housing growth, improved design, securing more employment, protecting local heritage, improving transport / parking, and safeguarding green infrastructure and open spaces.</p> <p>The policies are wide-ranging and seek to secure many benefits for both existing and new residents in the parish, particularly from opportunities arising from new development. These policies will impact on everyone who lives, works, plays, visits or travels in the parish area. However, it does not specifically allocate any sites for development.</p> <p>In terms of housing, the Plan has a strong emphasis on addressing identified shortfalls in the housing mix, such as delivering more affordable rented homes and shared ownership units, meeting the needs of the ageing population, and encouraging greater accessibility of properties for those with health and mobility issues.</p> <p>The Plan places a strong emphasis on conserving the character and appearance of the area. It is underpinned by technical work that supports the delivery of high quality and locally distinct design, taking into account local heritage and character, and that ensures key views are protected. A number of new Local Green Spaces are also proposed and will be afforded the same level of protection as Green Belt land.</p> <p>There are a number of environmental policies that seek to combat and mitigate against the effects of climate change, safeguard wildlife corridors and existing green infrastructure, and deliver improvements in local biodiversity.</p> <p>Other policies promote better connectivity and opportunities for sustainable transport, including the delivery of new and enhanced footpaths, better public transport, and improved access to the countryside. The Plan also supports the retention and provision of new community facilities in the parish.</p>
Evidence	<p>What data/information have you uses to assess how this policy/service/decision might impact on protected groups? <i>(include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.</i></p>
	<p>The Neighbourhood Plan is required to meet a set of basic conditions and has been considered against CIAs from other local authorities prior to this assessment. This involved identifying the likely positive, negative or neutral impacts arising from the policies set out in the neighbourhood plan.</p>
Who have you consulted with to assess possible impact on protect groups?	<p><i>If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.</i></p>
	<p>The plan has been subject to a number of consultations as it has progressed through its statutory stages. by The Council and the Parish Council have undertaken these separately which has involved engaging with members of the public, local businesses, and statutory bodies. Therefore it was not deemed necessary to consult further with specific parties.</p>
Analysis of impact on protected groups (and others)	

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, **before** you have implemented any mitigation.

- *The PCs of Marriage and Civil Partnership and Pregnancy and Maternity should be added if their inclusion is relevant for impact assessment.*

Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).

Protected group	Summary of impact <i>What do you know? What do people tell you?</i> <i>Summary of data and feedback about service users and the wider community/ public. Who uses / will use the service?</i> <i>Who doesn't / can't and why?</i> <i>Feedback/complaints?</i>	Negative impact / outcome	Neutral impact / outcome	Positive impact / outcome
Age	<p>Policy BOV COM1 Community and Recreation Facilities supports new community facilities that increase opportunities for social inclusivity.</p> <p>Policy BOV H1 Affordable Housing ensures that new homes meet the needs of local people and achieve a balanced mix of development.</p> <p>Policies BOV NE1 Designated Local Green Spaces and BOV NE2 New Areas of Natural Greenspace seek to maintain existing and secure new open spaces. Studies have demonstrated the benefits of access to open spaces has on physical and mental health and overall wellbeing for all age groups.</p>	□	□	☒
Disability (physical, intellectual, mental) <i>Refer to CIA Guidance Notes and Mental Illness & Learning Disability Guide</i>	<p>Policy BOV COM1 Community and Recreation Facilities supports new community facilities that increase opportunities for social inclusivity.</p> <p>Policy BOV H2 Accessible Housing seeks to secure a higher level of accessible and adaptable homes for residents with disabilities.</p> <p>Policies BOV NE1 Designated Local Green Spaces and BOV NE2 New Areas of Natural Greenspace seek to maintain existing and secure new open spaces. Studies have demonstrated the benefits of access</p>	□	□	☒

	<p>to open spaces has on physical and mental health and overall wellbeing.</p> <p>Policy BOV H3 Design Code ensures good quality design is incorporated into new developments.</p> <p>Policy BOV EE5 Ensuring High-quality Digital Communications aims to promote the provision of ultrafast fibre broadband into all residential, commercial and community developments. Good quality and reliable broadband can encourage social interaction/contact and thus relieve symptoms of loneliness and isolation.</p> <p>Policy BOV T2 Parking in High Street Commercial Zone encourages additional off-street parking in the village local centre. This could help relieve problems with on-street parking making it safer for all users to access the centre, particularly those with mobility issues.</p>			
Gender reassignment	The Bovingdon Neighbourhood Plan is neutral with regards to gender-reassignment or gender identity.	☐	⊗	☐
Race and ethnicity	The Bovingdon Neighbourhood Plan is neutral with regards to race and ethnicity.	☐	⊗	☐
Religion or belief	The Bovingdon Neighbourhood Plan is neutral with regards to religion or belief.	☐	⊗	☐
Sex	The Bovingdon Neighbourhood Plan is neutral with regards to sex.	☐	⊗	☐
Sexual orientation	The Bovingdon Neighbourhood Plan is neutral with regards to sexual orientation.	☐	⊗	☐
Not protected characteristics but consider other factors, e.g. carers, veterans, homeless, low income, loneliness, rurality etc.	The impact is parish wide and affect everyone who lives, works, plays, visits or travels in the District. This includes businesses, local services, land owners and developers.	☐	☐	⊗

Negative impacts / outcomes action plan

Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken <i>(copy & paste the negative impact / outcome then detail action)</i>	Date	Person responsible	Action complete
n/a			

If negative impacts / outcomes remain, please provide an explanation below.

n/a

Completed by (all involved in CIA)	Ronan Leydon, Francis Whittaker
Date	28.05.2024
Signed off by <i>(AD from different Directorate if being presented to CMT / Cabinet)</i>	Sara Whelan – Assistant Director for Planning
Date Entered onto CIA database – date	
To be reviewed by (officer name)	n/a
Review date	n/a