

Baldock, Bygrave and Clothall Neighbourhood Plan: schedule of decisions which the local planning authority propose to make which differ from the recommendations of the independent examiner

The report of the independent examiner into the Baldock, Bygrave and Clothall Neighbourhood Plan was submitted to North Hertfordshire District Council on 21 August 2020. The District Council proposes to accept the findings of the examiner, other than the following recommendations for the reasons set out below.

Neighbourhood plan policy	Paragraph in examiner's report	Examiner's recommendation and reason	Different decision proposed by the District Council	Reason for the different decision
G3 Creating well-designed places	5.9	Delete all words after "design review process", to meet the Basic Conditions.	Retain the words "with community input" following "design review process" (but delete final sentence as recommended by the examiner).	Deleting these words would be contrary to national planning guidance (paragraph 017 of <i>Design: process and tools</i>), which states that "An effective design review... includes mechanisms to represent the views of local communities and other stakeholders".
G6 Local heritage assets	5.13	Change the policy title to "Archaeological remains and local heritage assets", and amend the policy text by adding "assets of archaeological interest or" after "that would affect..." in the first line of the policy. Recommended to meet the requirements of the National Planning Policy Framework and so satisfy the basic conditions.	No change to the title or policy text.	The change is not necessary to meet the basic conditions. The National Planning Policy Framework does not require neighbourhood plans to set out policies on archaeology. The change would also make the policy unclear, by implying that it applies to <u>all</u> archaeological assets (including those of national importance), when the policy only deals with assets of local value. The change would also require additions to the supporting text to explain it, but the examiner has not made any such recommendations.

E2 Green infrastructure and outdoor recreation	6.10 (first bullet)	Replace the last word of the first paragraph – “should” – with “the following”, to comply with the National Planning Policy Framework.	Replace “should” with “address the following principles”.	The examiner’s recommendation would make the policy unclear, due to the lack of a verb at the end of the sentence. As such the recommended change would not address the basic conditions, as the National Planning Policy Framework states that policies should be “clearly written and unambiguous”.
E5 Development north of the railway	6.17 (first bullet)	Add “where possible” after “retain and incorporate” in paragraph (e) of the policy, to be consistent with paragraph (f) and satisfy the basic conditions.	No change to the policy text.	The change is not necessary to meet the basic conditions, as the National Planning Policy Framework states that policies should be “clearly written and unambiguous”. Nor would it make paragraph (e) consistent with (f), as the latter is using the word ‘possible’ in a different way. If, in practice, the policy needs to be departed from (e.g. because it is not possible to retain an existing landscape feature), then reliance can be placed on other material considerations at the point of decision.