Planning Committee

10.00 a.m. Wednesday 9th September 2015
The Chilterns Conservation Board office,
90 Station Road, Chinnor, OX39 4HA

Agenda

1. Apologies 10.00 – 10.01
2. Declarations of Interest 10.01 – 10.02
3. Minutes of Previous Meeting 10.02 – 10.10
4. Matters Arising 10.10 – 10.15
5. Public Question Time 10.15 – 10.20
6. High Speed 2 - update 10.20 – 10.35
7. Great Western Mainline Rail electrification 10.35 – 11.10
8. Undergrounding of overhead electricity wires 11.10 – 11.30
10. Development Plans responses – update 11.50 – 12.00
11. Planning Applications – update 12.00 – 12.20
12. Any urgent business 12.20 – 12.25
13. Date of Next and Future Meetings 12.25 – 12.30
Item 3  **Minutes of Previous Meeting**

**Author:** Lucy Murfett  Planning Officer

**Lead Organisations:** Chilterns Conservation Board

**Resources:** Budget of £520 per year for minute-taker plus staff time

**Summary:** Minutes of the previous meeting are attached (at Appendix 1) and require approval.

**Purpose of report:** To approve the Minutes of the previous meeting.

**Background**

1. The draft minutes from the meeting on 30th July 2015 have been previously circulated and are attached (at Appendix 1) for approval.

**Recommendation**

1. That the Committee approves the minutes of its meeting which took place on 30th July 2015.
MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON Thursday 30th July 2015 at THE CHILTERNs CONSERVATION BOARD OFFICE, STATION ROAD, CHINNOR, COMMENCING AT 10.00 AM AND CONCLUDING AT 13.00 PM

BOARD MEMBERS PRESENT

<table>
<thead>
<tr>
<th>Member</th>
<th>Appointing Body</th>
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<tr>
<td>Appointed by Local Authorities</td>
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<tr>
<td>Cllr David Collins</td>
<td>Dacorum Borough Council</td>
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<tr>
<td>Cllr Lynn Lloyd</td>
<td>South Oxfordshire District Council from 11.02 am</td>
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<td>Cllr Nick Rose</td>
<td>Chiltern District Council</td>
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<td>Appointed by the Secretary of State</td>
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<td>Gill Gowing</td>
<td>Secretary of State, Chair</td>
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<td>Helen Tuffs</td>
<td>Secretary of State</td>
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<tr>
<td>Elizabeth Wilson</td>
<td>Secretary of State</td>
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<td>Elected by Parish Councils</td>
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<tr>
<td>Cllr Simon Deacon</td>
<td>Hertfordshire</td>
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<td>Cllr Tony Penn</td>
<td>Buckinghamshire</td>
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<td>Others present-</td>
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<td>Lucy Murfett</td>
<td>CCB Planning Officer</td>
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<td>Mike Stubbs</td>
<td>Planning Advisor for the CCB</td>
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<tr>
<td>Others</td>
<td></td>
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<tr>
<td>Deirdre Hansen</td>
<td>Minute taker</td>
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</table>

Helen Tuffs welcomed all to the meeting and welcomed Lucy Murfett as the new Planning Officer. Thanks were expressed to Mike Stubbs for helping in covering the Planning post in the interim.

196. Election of Chairman

Gill Gowing was nominated and unanimously elected as Chairman of the Planning Committee following the AGM in June 2015.
Gill Gowing took the Chair. She welcomed Cllrs Nick Rose and Simon Deacon to their first Planning Committee meeting of the Board.

197. Apologies for absence

Apologies were received from Cllr David Barnard (North Herts District Council)

198. Declarations of Interest

No declarations of interest were made.

199. Minutes of the previous meeting

The minutes of the meeting held 11th February 2015 were approved as a true record and signed by the Chairman.

200. Matters Arising from the minutes

- Re 189. The Planning Officer reported that Dacorum Borough Council and Chiltern District Council had endorsed the Management Plan, but that Wycombe District Council had decided only to acknowledge the Management Plan. The Conservation Board had tried strenuously to have the Management Plan endorsed as requested. The meeting discussed the matter and it was agreed to have an update on Local Planning Authority management plan endorsement at a future Planning Committee.

- Re 190. Events;
  i. The Planning Forum had not taken place. The Planning Officer is looking at rescheduling the event.
  ii. The Planning Conference: in view of the Management Review taking place, there will be no conference in 2015. Subject to the Management Review, it is intended to plan a conference for 2016.
  iii. The Building Design awards Ceremony had taken place on 17th June. The overall winners were:
    - The Greater Barn at Micklefield Hall, near Rickmansworth. For restoration.
    - Six flats, Warwick House, Hemel Hampstead. For new build
    - Crendon Cottage, Speen. For renovation and extension of cottage.
    - The remodelling and extension of School, ChilTERN Hills Academy, Chesham was highly commended.

201. Public Question time

No members of the public were present.

202. High Speed 2 update
The Planning Advisor updated the Committee about the latest developments in connection with a possible high speed rail route through the Chilterns.

1. Following the Boards representations to the House of Commons Select Committee (SC) on a Chilterns Long Tunnel (CLT), the SC had made a statement on the CLT proposals on 22nd July stating that the case for a CLT had not been made. The SC did pushback to HS2 to extend the bored tunnel. Southward extension of the Wendover green tunnel was also mentioned, but this has now been rejected. The SC will come back to that in September. The Board is very disappointed with this outcome.

2. The Board’s next step will be to engage with HS2 on more meaningful mitigation.

3. Chilterns submissions will continue to be heard by the SC following the summer recess.

4. It was noted that some of the mitigation sought is not in the gift of HS2 to offer.

The Committee discussed the above points and some of the wider HS2 issues, including the public’s engagement with the issues.

1. **The Committee NOTED the report.**

**203. Development Plan Responses**

The Planning Officer informed and sought approval from the Committee of the responses that have been sent in and made under delegated powers in connection with the public consultation exercises on the following development plan documents:

- a. Chiltern District Local Plan 2014-36, Initial Consultation (Regulation 18)
- c. Buckinghamshire County Council replacement Minerals and Waste Local Plan
- d. South Oxfordshire District Council Local Plan 2031 Refined Options
- e. South Buckinghamshire District Council Local Plan 2014-36 Initial Consultation (Regulation 18)
- f. Chinnor Neighbourhood Plan Area Designation
- g. Sonning Common Neighbourhood Plan pre-submission draft plan
- h. Pitstone Neighbourhood Plan pre-sub-mission draft plan and SEA

The Committee discussed the responses already made.
The Committee also discussed the volume of work and the profile of the Board. Prioritising of work is imperative.

1. **The Committee NOTED and APPROVED the responses already made on behalf of the Board in connection with the consultation exercise on the development plan documents as detailed above.**
204. Planning Applications Update

The Planning Advisor informed the Committee about and sought approval for, the responses that have been made under delegated powers in connection with planning applications, appeals and a number of previous cases that have been determined as detailed in the appendix to the agenda.

1. Since the last Planning Committee meeting 11th February 2015 the Board has made 10 formal representations on planning applications of which 9 were objections and 1 was a comment.

2. The Planning Advisor reported on the comments that the Board had submitted on the planning applications in the appendix. Planning application 14/06162/OUT for OS parcel 8747 Mill Lane, Monks Risborough is currently with the Planning Inspectorate (APP/K0425/W/15/3011900)

The Chair thanked the Planning Advisor for the comprehensive work done.

11.02 Cllr Lynn Lloyd joined the meeting

3. Undergrounding of electrical cabling in the Turville Valley was briefly discussed. This project had been initiated by the Board.

1. The Committee NOTED and APPROVED the responses made in connection with the applications as listed.

205. CCB’s Planning Function and Planning Committee working arrangements.

The change in Board and Planning Committee membership as well as a new Planning Officer following the resignation of the previous Planning Officer provides an opportunity to consider how best to fulfil the CCB’s planning function.

The Planning Officer gave a brief overview of the CCB’s planning function, its role and the workload. The planning function was established in the Board’s scheme of delegation in 2005.

The Committee briefly discussed the planning function, but considered it would be better to wait for the outcome of the Management Review before entering in detailed discussion.

1. The Committee AGREED to await the outcome of the Management Review before discussing the Planning function and the Planning Committee’s working arrangements.
206. Exercise on the Molins site at Saunderton

The Planning Advisor gave a presentation on the Molins site, Haw Lane, Saunderton, for which there is a planning application for comment (Planning ref 15/05250/OUTEA), to explore the key issues and to consider what approach the Board should take on this and similar sites. The case also provided suitable training for new Committee Members.

1. Molins is a large brownfield site wholly within the Chilterns AONB and the Metropolitan Green Belt. The Molins factory covered 35,458 sq m and was 12m at its highest point.

2. In 2009 planning consent was granted for redevelopment of the former factory buildings into 51,677 sq m of data storage facility. The Board did not raise ‘in principle objection’, but did object on the grounds that although the site was identified as a major development site it would constitute inappropriate development for which very special circumstances did not exist to justify permission. Wycombe DC granted permission taking the view that very special circumstances did exist and considered the development and the low traffic levels resulting from the use as a data centre, as a visual improvement in a rural area.

3. The permission granted for the data shelter was implemented on demolition of the factory, but construction was not progressed due to an inability to find a developer to take on the site.

4. The planning application currently under consideration (15/05250/OUTEA) is demolition and redevelopment of the site to provide up to 212 houses, open space and access to Haw Lane. Approval is sought in outline for the scale and layout of the development.

5. An illustrative master-plan (3140792) has now been submitted with this application.

6. Consideration of the application has been deferred to 31st July 2015.

7. In March 2015 WDC Cabinet amended their Local Development Scheme to agree to prepare an Area Action Plan (AAP) for Saunderton.

8. Bledlow cum Saunderton Parish Council has submitted an application to prepare a neighbourhood plan.

9. WDC have yet to consult on the neighbourhood area, but the plan to prepare an Area Action plan has been put on hold whilst the Council reconsiders the idea for an AAP.

10. The Local Plan Task and Finish Group, which reports to the Council’s Improvement and Review Commission is reconsidering the idea for an AAP and will report to the Council’s Cabinet for their consideration and final decision on whether to proceed with the plan or not.

11. The Planning Advisor raised a number of discussion points considering this application, which were discussed. The Planning Advisor would draft the
Boards submission to WDC and circulate it to the Committee for comment before submission.

12. The Committee would support and contribute to the future of Saunderton being addressed through a development plan.

11.55 Cllr David Collins and Mike Stubbs left the meeting.

1. The Committee NOTED the report and provided feedback through the exercise.

207. Pre-application presentation on the Newnham Manor site- Crowmarsh Gifford

The Planning Officer informed the Committee that the Board had been approached by the developers for pre-planning advice.

Cllr Lynn Lloyd gave an introduction to Crowmarsh Gifford and welcomed for the Crowmarsh Gifford developers:
Aaron Twamley,
Simon Brooks,
Andrew Smith,
Simon Williams Tinkler and
Steve Salston.

1. South Oxfordshire DC has shortlisted two sites in Crowmarsh Gifford as being appropriate for the allocation of housing (SO Local Plan 2031, Refined Options). The developer had approached the CCB for pre-planning advice on these two sites.

2. The developer gave a detailed presentation on the proposed development for the two short listed sites.

The Chair thanked them for their presentation and the opportunity to ask questions.

They left the meeting.

3. The Board had not supported either of the short listed sites in their response to the consultation to the SODC Local Plan 2031 Refined Options.

4. The new Planning Officer sought a steer from the Committee in considering the site and how best to respond to the developer and later to SODC should a planning application be submitted. The following was considered:

i. Recap on the primary purpose of the CCB and to what extent this differs from the role of the Local Planning Authority in weighing up considerations;
ii. The NPPF advice in paragraphs 115 and 116 on giving ‘great weight’ to the AONB and refusing major development unless tests are passed;

iii. To what extent if any the preference of the local community should influence CCB’s position.

5. The Committee discussed the presentation. Although the CCB as a matter of principle would prefer development outside the AONB, following the detailed presentation and confirmation from the Planning Officer that the two sites are the preferred choice of the local community and the District Council, the CCB could support some development on a reduced area, subject to a substantial southern landscaped edge to the site. The Planning Officer will draft a letter of comment for the Chair to review.

1. The Committee NOTED the report and the presentation from the developer, and provided a steer at the meeting for the Planning Officer.

208. Any Urgent Business

- Cllr Tony Penn asked the Planning Officer to keep a watch on any changes in flight paths at Luton airport.

The Planning Officer thanked Helen Tuffs for chairing the Planning Committee these last few years.

209. Date of the next meeting Wednesday 9th September 2015 at the Lodge, 90 Station Road, Chinnor OX39 4HA.
Item 6  **HS2 Update**

**Author:** Kath Daly  Countryside Officer  Neil Jackson  Landscape and Conservation Officer

**Purpose:** To update members on recent developments regarding HS2 and the Select Committee hearings.

**Background:**

1. The four statutory partners (CCB, Bucks CC, CDC, AVDC) gave evidence to the HS2 Select Committee in support of the case for a long tunnel through the Chilterns AONB on 14th and 15th July.

2. Witnesses were as follows:

   Ray Payne  Introduction  
   Bruce Blaine  Engineering and Environmental aspects of a long tunnel  
   Paul McCartney  Socio-economic costs of HS2 proposal  
   Bettina Kirkham  Landscape case for a long tunnel  
   Catherine Murray  Avoiding harm to the heritage of the AONB  
   Kath Daly  Summing up – importance of the case for the AONB

   Note - Tim Mould QC (DfT) declined to cross-examine Bettina and Catherine’s evidence, and in his summing up on 21st July made statements which seem in clear contradiction of their evidence.

3. Other main petitioners for the case for a long tunnel through the Chilterns were heard on 14th and 20th July as follows:

   - Chiltern Society (John Gladwin, Dr Haydon Bailey)  
   - National Trust (statement only)  
   - Chilterns Countryside Group  (Sue Yeomans)  
   - Chiltern Ridges HS2 Action Group / Conserve the Chilterns and Countryside (Martin Kingston QC/ Barnaby Usborne, Rodney Craig, Richard Hindle, Simon Morris)

4. On 21st July evidence was heard from Residents Environmental Protection Association (REPA) on what the group referred to as 'a local fall back solution' – a 4.1 km extension to the existing bored tunnel northwards from Mantle’s wood. The group was represented by Hilary Wharf and Malcolm Griffiths.
5. Towards the end of the session on 21\textsuperscript{st} July (evidence from REPA for a short tunnel) Tim Mould QC (DfT) chose to present a short closing submission on ‘the Chilterns issues.’

6. In this statement Mr Mould chose to make points which related to the evidence presented by the Board and others on the case for a long tunnel. He chose to do so on a day which was not part of any case for a long tunnel, and at a time when the Board and other petitioners had no opportunity to cross-examine or rebut his comments. Specifically, at 404 Mr Mould states

‘The plea to save the Chilterns largely misses the true point. They fail to grapple with the actual effects on the landscape and the nature of the landscaping in the surface section.’

Yet Bettina Kirkham in her evidence gave detailed analysis of the impacts on the landscape and special qualities of the AONB. Mr Mould chose not to cross-examine or indeed refer to Bettina Kirkham’s detailed evidence when it was given on 14\textsuperscript{th} July, but instead chose to make this point in summing up a week later.

7. Following the close of evidence on 21\textsuperscript{st} at 16.01, the chairman indicated that they may have a statement to make shortly. At 17.01 the following statement was made by the Chairman:

'We heard argument and submissions this week and last week in relation to options for further Chilterns tunnelling. Our views are as follows.

First—on the long tunnel options, we have kept in mind the potential non-quantifiable effects of the project on the Chilterns area of outstanding natural beauty. On the evidence heard we are strongly of the view that the case for a long tunnel is not made out. Without prejudging the arguments we may hear from future petitioners we believe it is unlikely that an overwhelming case will be made out for the long tunnel options as we move forward into further hearings.

Secondly, we believe that the case has been made for an extension of the bored tunnel to the northern end of the South Heath green tunnel. This would not cause an overall delay to the scheme. We want reassurance on how far that option will result in a deepened cutting laterally to the west of the portal, and we want HS2 to evaluate the effects of a deepened cutting on the local area. Provided that review is satisfactory, we will direct the promoter to work up that proposal as an additional provision.'
Thirdly, on Wendover, we are minded to recommend a southward extension of the currently proposed green tunnel, unless hs2 report back with a very convincing scheme of further mitigation, on which we expect a report back in September.’

8. The proposed extension of the bored tunnel to South Heath is 2.6km (including the length of the existing South Heath Green Tunnel) – this is described as Option 6 in a report by HS2 on the REPA tunnel proposal.

9. HS2 ltd have indicated that they do not support the southward extension of the green tunnel at Wendover but will press instead for improved noise mitigation.

Letter to SC chairman
10. Together with the local authorities, the Board has written to the chairman Robert Syms to ask for a more detailed statement setting out the basis for the conclusions reached. A response has now been received (see copy attached appendix 1).

Deferment of further SC appearances
11. The committee’s statement has implications for the Board in terms of process i.e. what HS2 will publish and supplementary ES consultation. The Board is provisionally scheduled to appear on 29th October on non-tunnel mitigation. Further Additional Provisions and Environmental Statement are now expected in relation to the changes announced (if agreed). Following publication of these, the Board and the local authorities may well want to submit a further petition. The letter to Robert Syms therefore also requests that any further committee appearances be deferred until after submission of further petitions. The response appears to indicate that the request from the signatories to the letter for further appearances at Select Committee to be deferred has not been agreed.

Joint approaches with local groups
12. A meeting was held on 5th August with those groups who have presented evidence to the Select Committee in favour of a Chilterns long tunnel, with a view to presenting a clear united reaction to the committee’s interim statement and considering what further pressure can be applied. A number of joint actions were agreed.

13. Support to other petitioners
Together with the Local Authorities, support and advice is being provided to those who are to appear at the SC in September asking for, amongst other
requests, a long tunnel through the Chilterns. It is important to get the message to those who are still to appear at the SC that they have a right to be heard, and not to be put off by the interim announcement.

14. **Non-tunnel mitigation**

Non-tunnel mitigation ‘asks’ are now being worked up in more detail with partners– see table attached (Appendix 2). It is proposed that the Board continues to work closely with the local authorities and Natural England on this.

A meeting was held with HS2 Ltd on 11th August to discuss this and other matters.
Dear Mr Tett

Thank you for your letter of 28 July. I apologise for the delay in replying, although you will appreciate that a lot has been going on with Committee operations over the summer period.

The Committee’s announcement of 21 July was an interim announcement intended to allow petitioners programmed for September to appear with an awareness of the Committee’s preliminary view regarding the long tunnel i.e. that the Committee had not been persuaded by the arguments made out in July, such that petitioners appearing in September would still need to make that case if they wished.

A final report outlining the reasons for whatever ultimate decision the Committee reaches will be published in due course. I do not feel it is appropriate to enter into an analysis of reasons for the interim decision in advance of that.

So far as the additional provision on C6 is concerned, we have deferred a number of petitioners for whom detailed information on C6 is critical, together with a number of others who have said they may not press their petitions for a long tunnel, depending on C6.

I recognise that the County Council is disappointed with the interim decision although it is regrettable that the achievements for Buckinghamshire petitioners that arise from C6 are not acknowledged, including the saving of ancient woodland, improved noise impacts, the removal of Hyde End and Hyde Heath from serious impact, and significant traffic benefits at South Heath.

Yours sincerely

[Signature]

Mr Robert Syms MP
Chair

[Signatures]

To: Martin Tett
Jackie Gwill
Sarah Gidson
Dad Sweetland
ENHANCED MITIGATION REQUESTS WITHIN THE CHILTERN AONB

Following the Select Committee statement (21st July 2015), the statutory bodies that have petitioned for a Chilterns Long Tunnel (Chiltern District Council, Aylesbury Vale District Council, Buckinghamshire County Council and the Chilterns Conservation Board) have identified a list of mitigation requests (MR) that take into account the Select Committee recommendations. The statutory bodies remain convinced that a fully bored tunnel throughout the extent of the Chilterns AONB remains the only option that will provide reasonable mitigation against the effects of the High Speed route but offers the following as a basis for further and on-going discussion with HS2 Ltd.

The aim of future dialogue will be to secure commitments for the nominated undertakers to design and construct the route through the AONB incorporating design measures arising from the MR and to standards agreed by all the statutory bodies. Such commitments would be written into a revision of ‘The Mitigation and Integration of HS2 within the Chilterns AONB’.

All requests should be read within the context of ‘A Landscape-led approach to HS2 in Buckinghamshire and the Colne Valley – LUC 2015’ previously discussed with HS2 Ltd. Any discussions should not prejudice petitioners yet to appear before the Select Committee who still wish to request a fully bored tunnel and who will still receive full support for their requests from the statutory bodies.

At the time of writing (August 2015), the requests are in a simplified, draft form. The statutory bodies intend to use these to work up more detailed mitigation proposals. Further requests may be added in response to future Additional Provisions and further Select Committee statements.

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<th>Ask</th>
<th>Benefit</th>
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<tr>
<td>1. Fully investigate, and pursue if possible, a deeper tunnel beneath R. Misbourne (near Chalfont St Giles and Shardeloes)</td>
<td>Enhanced protection for aquifer and R Misbourne</td>
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<td>2. Detail active monitoring proposals for sensitive areas of both Misbourne and Chess catchments</td>
<td>Enhanced protection for both interlinked catchments sharing same aquifer</td>
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<td>3. Confirm prescribed mitigation/alleviation proposals and agree threshold levels at which these proposals would be automatically and immediately enforced to protect integrity of river bed and continuity of flow.</td>
<td>Enhanced protection of R Misbourne</td>
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<td>4. Revised construction route to Chalfont St Giles Vent Shaft sensitively designed within the landscape.</td>
<td>Protect Bottom House Farm Lane; avoid crossing R Misbourne in particularly fragile ‘perched’ section of river bed; reduce congestion on A413.</td>
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<td>5. Redesign mitigation and planting adjacent to Chalfont St Giles vent shaft.</td>
<td>Complement existing Landscape Character, retaining dry valley.</td>
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<td>6. Design all vent shaft and other buildings to result in locally distinct, high quality modern structures which blend into and are sympathetic to the local landscape character,</td>
<td>Reduce landscape and visual impact.</td>
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<td><strong>employing materials appropriate within the Chilterns and taking reference from the Chilterns Buildings Design Guide.</strong></td>
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<td><strong>7.</strong> Ch. 47+200 to 47+800, from bored tunnel, continue in ‘cut and cover’ green tunnel for 600m (minimum).</td>
<td>Protect Jenkins Wood (ancient woodland + historic settlement, setting of nearby listed building); Reduce impact on archaeological notification area; further noise mitigation for South Heath; reduce disruption to existing PROWs and achieve more attractive footpath connections.</td>
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<td><strong>8.</strong> Pursue sensitively routed options for temporary construction access route direct to A413 (e.g. in fold in landscape currently occupied by FP GMI/12?).</td>
<td>Protect Frith Hill, South Heath and Potter Row communities from construction traffic impacts. Potential for reducing impacts (visual, traffic) on Great Missenden.</td>
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<td><strong>9.</strong> Re-align FP GMI/2 (south) further away from route corridor.</td>
<td>Current alignment would be in close proximity to new location of porous tunnel portal (based on request above to extend bored tunnel within a green tunnel); Create more attractive experience for users.</td>
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<td><strong>10.</strong> Create design guidelines for each reinstated and re-aligned PROW and carriageway so they are sympathetically designed in keeping with existing rural landscape.</td>
<td>Avoid urban design that would clash with AONB and local landscape character. (ref: Environmental Guidelines for the Management of Highways in the Chilterns – 2009)</td>
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<td><strong>11.</strong> Retained cuttings (from first excavation not post excavation) at all crossing points.</td>
<td>Reduce land fragmentation and reduce costs of green bridges.</td>
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<td><strong>12.</strong> Full ecological Green bridges at key locations (minimum 2 between Wendover Dean viaduct and South Heath Tunnel Portal).</td>
<td>Reduce fragmentation of the AONB landscape and enhance ecological connectivity; reduce landscape, visual and public enjoyment impacts.</td>
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<td><strong>13.</strong> All overbridges designed with appropriate ‘green bridge’ elements on a case by case basis to complement local landscape character and meet recreational, ecological and heritage requirements.</td>
<td>Reduce landscape and visual impact; provide safe crossing for walkers, horse riders, wildlife, private vehicles, farm machinery.</td>
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<td><strong>14.</strong> Retained cuttings at other key environmental and cultural locations e.g. Jenkin’s Wood, Grim’s Ditch, Jones’s Hill Wood, Bowood and Leather (sunken) Lanes.</td>
<td>Protect and reduce impact on existing landscape, ecological and cultural features.</td>
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<td><strong>15.</strong> Maintain lower vertical alignment past Leather Lane (ch. 48+900), steepen sides (retained, partially retained or maximum slope allowed by chalk geology).</td>
<td>Allow Leather Lane overbridge at grade and maintain ‘sunken’ character of remaining sections of Lane; reduce visual, landscape and noise impacts of route which would remain in true cutting;</td>
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<td>16.</td>
<td>Both Wendover Dean and Small Dean Viaducts to be subject to international design competition to secure and implement elegant design that both complements the AONB landscape and minimises noise impacts.</td>
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<td>17.</td>
<td>Agree on-going noise monitoring proposals for sensitive receptors (e.g. listed buildings, bat roosts) and threshold levels at which prescribed mitigation/alleviation proposals would be automatically and immediately enforced.</td>
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<td>18.</td>
<td>Mitigation planting to be in keeping with existing landscape and historic landscape character (both within and outside current Bill limits).</td>
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<td>19.</td>
<td>All structures to be designed and located in keeping with AONB landscape qualities and to the highest architectural standards (to include buildings, access roads, balancing ponds, catenary, fencing, noise barriers etc.).</td>
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<td>20.</td>
<td>Incorporate wildlife culverts or tunnels into design of embankments between Wendover Dean and Small Dean Viaducts, e.g. at Rocky Lane underbridge or culvert.</td>
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<td>21.</td>
<td>Review in detail all landscape earthworks to achieve careful landscape design/effective noise mitigation and consider whether this can be achieved within current Bill limits.</td>
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<td>22.</td>
<td>When returning land to agriculture, landscape structure and landform should reflects the local landscape character. The deposit of soils for this purpose should not harm existing irreplaceable landscape features.</td>
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<td>23.</td>
<td>In the AONB, large balancing ponds are out of character and should therefore be avoided. Alternative SUDs techniques should be favoured over balancing ponds, such as wetland areas, a series of smaller ponds, ditches and swales. The whole catchment must be considered when determining the most appropriate approach. Ecological, landscape and community impacts should also all be considered’</td>
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24. Convert Wendover ‘cut and cover’ green tunnel and extension (as proposed by Select Committee) to bored tunnel on a lower vertical alignment – potentially extending south of A413 and Chiltern Line removing the requirement for the South Dean viaduct.

| 
| Reduce disruption to Wendover and Bacombe Lane communities, Reduce disruption to local people and visitors using footpath network including Ridgeway national trail, reduce risks to aquifer and potential impacts on Wendover Arm of Grand Union Canal. |

25. Consider options for extending ‘cut and cover’ green tunnel both north and south of current extent with careful consideration of landform and landscape character.

| 
| Reduce noise and other environmental impacts for residents of Wendover, visitors to Bacombe Hill and users of the Ridgeway. |

26. Review and take forward options for improvements to ‘wirescape’ within Misbourne Valley, e.g. undergrounding of cables, improved pylon design.

| 
| Reduce landscape and visual impact. (Current proposals risk increasing landscape and visual impacts with a number of replacement pylons being higher than those currently present – this should be avoided). |

27. Develop the Landscape Design Approach and Mitigation and Integration of HS2 within The Chilterns AONB documents in full consultation with stakeholders.

| 
| To ensure a consistent and fully integrated approach to the remaining design issues facing the route through the Chilterns. |

Agreement has yet to be reached on calculations of impacts/loss (e.g. Biodiversity Offsetting values, agricultural production etc.). It is likely that it may prove difficult to provide full mitigation for landscape, ecological, cultural, public enjoyment and land use impacts directly adjacent to the corridor without conflict between two or more of these factors. We therefore propose that discussions are entered to agree on suitable proposals that offer enhancement to existing landscape, ecology, cultural heritage (setting and appreciation), public enjoyment etc.

We ask for adoption of a suitable ‘conservation covenant’, ‘land bank’ or biodiversity offsetting type model which would allow the promoter to ‘purchase’ enhancement outside the existing construction corridor. This would be part of the mitigation strategy, not additional measures funded by the Business and Local Economy Fund.

The Chilterns Conservation Board, within its existing role of working with partners to protect and enhance the AONB and increase public appreciation and enjoyment of the area, would be ideally placed to help identify, promote and coordinate implementation of such proposals within the AONB.

Examples of proposals that might provide landscape, ecology and public enjoyment improvements within the Misbourne Valley, whilst providing replacement income to landowners might include:

- River Misbourne enhancement projects;
- Chalk grassland reversion projects either side of Bacombe Hill (Lawton – bigger and linked habitat principles);
- Enhancement of existing chalk grassland on Bacombe and Coombe Hill (Lawton – better);
- Ridgeway National Trail enhancement either side of Wendover;
- Improvements to the Misbourne Valley ‘wirescape’. The valley could present an opportunity for a pilot project to replace all high voltage pylons with the new approved ‘T’ pylon design which aims to reduce visual and landscape impacts.

The above is not meant to be a comprehensive list, just a few ideas to progress thinking.
We ask, in view of the national significance of the Chilterns AONB, that a ‘CAONB Panel’ is formed to promote a coordinated approach to the area and which we consider would be both efficient and effective as a means for future dialogue.

**Recommendation**

1. That the Planning Committee notes the update.
Item 8  Great Western Mainline Rail Electrification

Author: Lucy Murfett Planning Officer

Lead Organisations: Chilterns Conservation Board

Resources: Staff time

Summary: Network Rail is undertaking a substantial project to electrify the Great Western Mainline, part of which runs through the Chilterns AONB. The report summarises the impacts on the AONB and the involvement of CCB in pushing for a better design and mitigation.

Purpose of report: To inform the Committee about ongoing work and seek a steer about mitigation.

Background

1. The Planning Officer will present a powerpoint presentation explaining the issues with the installation of electrification equipment through the AONB. The installation work started in the spring and is in progress. Apart from some works to bridges which have required permission, in the main Network Rail is utilising permitted development rights to carry out the work. As a result normal planning processes such as consultation and the use of planning conditions to safeguard and mitigate have not applied in the normal way.

2. At issue is whether the design conserves and enhances natural beauty of the AONBs, to what extent Network Rail has considered the AONB as part of the specification and design process, and whether Network Rail is breaching its duties under section 85 of the Countryside and Rights of Way Act. In particular, there appears to have been:
   - Failure to test the alternative designs
   - Failure to consult with CCB over detailed designs
   - Failure to mitigate harm to AONB landscapes on or off site.

3. Network Rail’s own consultants conclude “significant effects would be generated by the permanent presence of additional infrastructure. This includes permanent significant slight to moderate adverse effects to parts of the North Wessex Downs and Chilterns AONBs.” Source: Atkins for Network Rail, Environmental Statement Vol 1B, Jan 2013

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1 CRoW Act section 85: General Duty of Public Bodies etc. “In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.
4. For example the Environment Statement for Network Rail identifies in the Moulsford-Cholsey-South Stoke-Goring area that:
   - the OLE gantries would be prominent
   - the gantries would highlight the location of the rail corridor through the landscape
   - they would be permanent changes
   - the magnitude would be moderate adverse to large adverse

5. The installation of electrification equipment will affect not just the Chilterns AONB but also the North Wessex Downs and Cotswolds AONBs, raising the potential for joint work with AONB partners (although as the work is progressing from Reading westwards, the impacts are being felt first in the Chilterns).

6. CCB has written to Network Rail to express concern and the Planning Officer is in the process of setting up a meeting with CCB and Network Rail. The meeting is likely to cover the legal duties and consents process, as well as exploring possible mitigation measures on and off site.

Recommendation

1. That the Committee notes the report and provides a steer on next steps including approach to mitigation.
Item 8  Undergrounding of Overhead Electricity Wires – Turville example

Author:       Mike Stubbs Planning Advisor

Lead Organisations: Scottish and Southern Energy, Chilterns Conservation Board

Resources:       Staff time

Summary:       A project to underground electricity wires at Turville has resulted in some community concerns about the new fixed infrastructure and CCB has been asked to comment on a revised location for a switching station.

Purpose of report: To inform the Committee about attempts to resolve a current issue at Turville about the planned location of a switching station and to learn lessons for future undergrounding projects.

Background

1. Electricity companies are spending money on projects to reduce the visual impact of overhead electricity transmission lines in protected landscapes (National Parks and AONBs). This could bring significant landscapes improvements for AONBs and represents a valuable opportunity. A number of schemes are available at different scales. National Grid is investing £500 million through its Visual Impact Provision on removing pylons and undergrounding high voltage transmission lines (http://www2.nationalgrid.com/UK/In-your-area/Visual-Impact-Provision/), although the Chilterns has not been shortlisted for the first round of spending. Part of the VIP money (£24 million) will be spent through a new VIP Landscape Enhancement Initiative http://www2.nationalgrid.com/UK/In-your-area/Visual-Impact-Provision/Landscape-Enhancement-Initiative/ to fund smaller scale projects “where it may not be possible to address the impacts of the electricity line directly, it may be possible to ‘shift the balance’ of the impacts by enhancing the local environment in other ways”.

2. An existing undergrounding project for lower voltage power line run by Scottish and Southern Energy has reached implementation stage at Turville. CCB’s previous planning officer Colin White worked closely with Scottish and Southern Energy (SSE) to plan a project to replace 23 spans and 19 poles of 11 kV overhead power lines to the north of Turville and running across existing land farmed by the Wormsley Estate. Each pole is around 11 m in height and this series was installed in 1997. The regulator OFGEM allows such works of environmental improvement under a special allowance. Discussions has continued for some 2 years and Colin was fully engaged and supportive of the works. There are some trade-offs to consider when undergrounding wires, such as the need for installing above ground compounds containing a switching station.
(often located adjacent to settlements), the need to excavate a trench for the underground wires and the potential disturbance to communities and habitats.

3. In this case Colin supported the proposed location of a new switching station, off Turfelde Lane and within the village and conservation area and on land owned by the Wormsley Estate. Such a switching station measures 3m by 3m and 1.8 m in height. They are usually enclosed by metal palisade fencing but in this case a close boarded fencing is proposed, due to the landscape and conservation area sensitivities.

4. The Parish Council and some local residents have raised concerns regarding the blocking of an existing access and offered an alternative position, to the very rear of Turfelde Lane and facing the open countryside next to a permissive right of way footpath. CCB have been asked to comment on the alternative location. SSE have confirmed that they propose a close boarded fencing enclosure (instead of more obtrusive metal palisade fencing) and will agree to suitable hedgerow planting. A local hedgerow type would be acceptable to them such as thorn (as surrounds the churchyard) or beech (found at the Vicarage and Mill House). Planning Committee will be shown a series of photographs that illustrate both the visual impact of the removal of existing lines and the location of the alternative switching station. Whilst this new location would be more prominent, sitting against the backdrop of existing vegetation that borders Turville, it would still be very modest in size and with planting would be readily shielded from any wider visual impacts.

5. SSE would seek to progress further discussions with the Parish in pursuit of this new location. For CCB the wider benefits of taking overhead lines out of the landscape provides a very strong rationale for supporting this scheme. The relationship between Turville and the AONB is further enhanced by removing the visual clutter of these lines from key views from the Church to Turfelde Lane and the landscape. This is confirmed in the Wycombe DC character Conservation Area Character Survey for Turville.

6. The emergence of this issue has provided useful lessons for future projects about assessing positive and negative impacts of undergrounding and making sure that a community is fully consulted and engaged.

7. The Planning Advisor will refer to powerpoint images of visual impact and location of switching station.

Recommendation

1. Planning Committee are asked to consider this new location for the switching station. The CCB Planning Officer would recommend supporting this amendment, subject to appropriate planting and a dark staining of the close boarded fencing, so that Scottish and Southern Energy can progress the scheme and discussions with the Parish Council and community.
Item 9  
**AONB Management Plan – LPA Endorsement**

Author: Lucy Murfett Planning Officer

Lead Organisations: Chilterns Conservation Board, constituent local authorities

Resources: Staff time, local authority Board member support

Summary: The number of local planning authorities that have endorsed the Management Plan as a material consideration in the exercise of their planning powers is disappointing to date. The report will look at progress and provide an opportunity to discuss any issues.

Purpose of report: To update the Committee about which Local Planning Authorities have endorsed the Chilterns AONB Management Plan and discuss next steps.

Background

1. In December 2014 CCB’s planning officer Colin White sent the attached letter (see overleaf) to all thirteen planning authorities in the Chilterns asking them to endorse the Chilterns AONB Management Plan 2014-19.

2. To date only Chiltern District Council and Dacorum Borough Council have endorsed the Management Plan, with South Oxfordshire District Council being in the process of doing so. As an example, the Cabinet papers from Dacorum are attached as a good practice that other authorities could emulate.

3. Wycombe District Council determined on 27th July 2015 that it will ‘acknowledge’ the AONB Management Plan. Prior to the full council meeting CCB sent the attached letter to WDC asking them to reconsider and met with the Cabinet Member and Head of Planning, but no change to the recommendation was made.

4. Arrangements have been set up for a CCB Planning Forum on 22nd October for officer representatives from all the local planning authorities. A training session for Wycombe DC planning officers has been arranged for 23rd September.

Recommendation

1. That Planning Committee discuss the best way to progress the issue of endorsement of the Chilterns AONB Management Plan and provide a steer for the Planning Officer.
Dear Colleague,

**Chilterns AONB Management Plan 2014-2019 – Local Planning Authority endorsement**

On behalf of the Chilterns Conservation Board I am very pleased to be able to send to you the Chilterns AONB Management Plan 2014-2019. The Plan was formally adopted by the Board on 25th March 2014 and published on 8th May 2014.

The Plan has been prepared by the Board in accordance with the provisions of Section 89(7) of the Countryside and Rights of Way Act 2000 (CRoW Act).

As required by Section 89(10) of the CRoW Act I attach the report setting out the review process and the main changes from the previous Chilterns AONB Management Plan 2008-2013.

During the plan preparation process the Board has undertaken a formal Strategic Environmental Assessment (SEA) of the plan as required by the Strategic Environmental Assessment Regulations. A copy of the Environmental Report is available on the Board’s website.

During the plan preparation process the Board also undertook an Appropriate Assessment of the potential impact of the Plan on the conservation objectives of Sites of European Importance for Nature Conservation affected by the Plan, as required by the Conservation (Natural Habitats etc.) (Amendment)(England and Wales) Regulations 2006. Natural England has confirmed that the assessment complies with the legislative requirements.

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requirements. A copy of the Appropriate Assessment is also available on the Board’s website.

The preparation of the plan involved an extensive consultation process. The Board is grateful to your members and other officers who provided helpful comments and attended various workshops and forums. Their involvement is much appreciated and valued.

Section 85 of the CRoW Act requires your authority to have regard to the purposes of designation of the AONB in exercising or performing any functions in relation to, or so to affect, land in the AONB⁴.

As part of achieving this obligation the Board would like to request that your authority endorses the Chilterns AONB Management Plan 2014-2019 as a material consideration in the exercise of your authority's planning powers. The Board welcomes the fact that Chiltern District Council has already done this and endorsed the Management Plan at its Cabinet meeting on 26th August 2014⁵.

We would be grateful if you could inform us when your authority has endorsed the AONB Management Plan.

The Board would also like to suggest that your authority reviews the Board’s policies to see if these policies might be adopted as local authority policy, which would help secure a consistent approach to policy development and application across one of the country’s finest landscapes.

The Board is now looking forward to working with your authority to put the plan into practice.

Yours sincerely,

Colin White MRTPI
Planning Officer
For and on behalf of the Chilterns Conservation Board
Copy to: Chilterns Conservation Board Members and the Board’s Planning Committee

⁴ Guidance from Defra on how compliance with this duty can be demonstrated is set out in “Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads”, Defra (2005)
**AGENDA ITEM: 7**

**SUMMARY**

<table>
<thead>
<tr>
<th>Report for:</th>
<th>Cabinet</th>
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<tbody>
<tr>
<td>Date of meeting:</td>
<td>26 May 2015</td>
</tr>
<tr>
<td>Part:</td>
<td>1</td>
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<td>If Part II, reason:</td>
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<tbody>
<tr>
<td>Contact:</td>
<td>Cllr Andrew Williams, Portfolio Holder for Planning and Regeneration. James Doe, Assistant Director, Planning, Development and Regeneration (extension 2583); Laura Wood, Team Leader, Strategic Planning and Regeneration (extension 2661); and Laura Badham, Technical Assistant, Strategic Planning and Regeneration (extension 2660)</td>
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<tbody>
<tr>
<td>Recommendations</td>
<td>Cabinet is recommended to endorse the AONB Management Plan 2014-2019 as a material consideration in the exercise of the Council’s planning powers.</td>
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| Corporate Objectives:| This report reflects the Council’s objectives of a ‘Clean and Safe Environment’ whilst facilitating rural ‘regeneration’ and the delivery of ‘Affordable Housing’ of an appropriate scale and in appropriate locations within the Chilterns Area of Outstanding Natural Beauty in order to support rural communities and the rural economy. |

<table>
<thead>
<tr>
<th>Implications:</th>
<th>Financial</th>
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<tbody>
<tr>
<td>'Value For Money Implications'</td>
<td>None specifically in relation to the Management Plan although the Council does support the work of the Chilterns Conservation Board, via an annual grant. By working together with other local planning authorities with land within the AONB, and with the Conservation Board itself in preparing planning guidance and advice for the AONB, the</td>
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<tr>
<td>Agenda Item</td>
<td>Page 2 of 4</td>
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**Council is achieving value for money.**

**Risk Implications**
Failure to endorse the AONB Management Plan would mean it has less weight in the consideration of planning applications and the use of the Chiltern Buildings Design Guide in assessing applications could be limited as a result.

Failure to take account of the management Plan in relevant planning decisions would also mean the Council had failed to take account of a statutory planning document.

**Community Impact Assessment**
The AONB Management Plan relates to the management of the AONB as a whole and access to it. There are no equalities implications of this report.

**Health And Safety Implications**
There are no direct health and safety implications related to this report or the Management Plan itself.

**Monitoring Officer/S.151 Officer Comments**

**Consultees:**
Consultation on the Management Plan was undertaken direct by the Chilterns Conservation Board. Details are provided in the Adoption Statement. Copies are available in the Group Rooms, on the Conservation Board’s website and on request from the Council.

**Background papers:**
- Dacorum Borough Council’s Core Strategy (adopted September 2013).

**Glossary of acronyms and any other abbreviations used in this report:**
- NPPF – National Planning Policy Framework
- PPG – Planning Practice Guidance
- AONB – Area of Outstanding Natural Beauty
- SEA – Strategic Environmental Assessment

**BACKGROUND**

1. **INTRODUCTION**

1.1. Following adoption of the Chilterns Area of Outstanding Natural Beauty Management Plan on 25 March 2014 the Chilterns Conservation Board has requested that the Council endorse the document as a material consideration in the exercise of its planning powers. A copy of the Management Plan has been placed in the Members Rooms and is available on the AONB Board’s
1.2. This Management Plan replaces the previous version of the document that covered the period 2008-13.

2. BACKGROUND

2.1. The Council has supported the AONB since its original designation. This document supports the Council's own objectives (set out in Policy CS24: The Chilterns Area of Outstanding Natural Beauty of the Core Strategy) to conserve and enhance those parts of the Chilterns AONB that fall within Dacorum’s boundary.

2.2. During the plan preparation process the Board has undertaken a formal Strategic Environmental Assessment (SEA) of the plan as required by the Strategic Environmental Assessment Regulations1. A copy of the Environmental Report is available on the Board’s website2.

2.3. During the plan preparation process the Board also undertook an Appropriate Assessment of the potential impact of the Plan on the conservation objectives of Sites of European Importance for Nature Conservation affected by the Plan, as required by the Conservation (Natural Habitats etc.) (Amendment)(England and Wales) Regulations 2006. Natural England has confirmed that the assessment complies with the legislative requirements. A copy of the Appropriate Assessment is also available on the Board’s website.

3. KEY CHANGES

3.1 The latest version of the Management Plan is very similar to its predecessor in terms of both structure and content. This largely reflects the fact that the challenges and pressures facing the Chilterns AONB remain largely unchanged.

3.2 The document continues to be structured under a number of core themes, with associated cross-cutting themes. Each of these has contextual information and a series of broad aims, followed by some short policy statements and monitoring indicators. These monitoring indicators are reported through the State of the Environment Report, prepared annually by the Conservation Board.

3.3 Key differences between the previous and current versions of the Management Plan relate to:
- References to Government guidance updated to refer to the National Planning Policy Framework (NPPF);
- Inclusion of text and a policy principle opposing the development of the High Speed 2 (HS2) rail link, which would have a series impact on a large area of the Chilterns AONB;
- Addition of two new cross-cutting themes – relating to ecosystem services and environmental sustainability;

2 http://www.chilternsaonb.org/conservation-board/management-plan.html
Increased emphasis on protecting and enhancing the setting of the AONB, to reflect publication of a new policy statement by the Conservation Board on this matter; and
Inclusion of reference to ‘heritage assets’ to reflect use of this new term in the NPPF and other recent guidance.

4. GOVERNANCE GUIDANCE

4.1. Government guidance\(^3\) states that planning policies and decisions should be based on up-to-date information about the natural environment. Local planning authorities should therefore have regard to AONB Management Plans because these documents demonstrate partnership working and delivery of designation objectives. AONB Management Plans do not form part of the statutory development plan but can help to set the strategic context for development by providing evidence and principles for development within the AONB. These principles should be taken account of in local planning authorities’ Local Plans and any Neighbourhood Plans in AONB areas. AONB Management Plans may also be material considerations in making decisions on individual planning applications.

4.2. The adopted Core Strategy for Dacorum includes reference to the AONB in its Enhancing the Natural Environment section. Policy CS24 specifically states that development in Dacorum will have regard to the policies and actions set out in the Chilterns Conservation Board’s Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes.

5. CONCLUSION

4.1. The Chilterns Conservation Board have adopted the Management Plan and wish each individual district / borough Council to endorse it. This Council has already informally expressed its support for the plan, through Officers’ input into its revision. The Council also has a duty to have regard to the AONB in exercising its functions. It is therefore recommended that the Council endorse the Chilterns AONB Management Plan for 2014-2019.

\(^3\) National Planning Practice Guidance – Does planning need to take account of management plans for Areas of outstanding Natural Beauty?
Dear David,

I am writing regarding the Cabinet decision on Monday 15th June to acknowledge rather than endorse the Chilterns AONB Management Plan.

We are concerned that the Cabinet report and the discussion at the meeting appears to downgrade the weight Wycombe District Council proposes to give the Chilterns AONB Management Plan, and seeks to delegate more of the responsibility for protecting the AONB from harm to the Chilterns Conservation Board. We are also concerned that the decision was taken at a time when a Wycombe councillor has yet to be appointed as a Chilterns Conservation Board member to replace Roger Metcalfe following the recent elections.

The statutory duty to conserve and enhance the AONB falls squarely on District Councils, it is not something that can be dodged or delegated to an external partner body. Under the Countryside and Rights of Way Act 2000, local authorities must:

- prepare and publish a management plan for every AONB to set out how they will look after their AONBs
- take into account the purpose of conserving and enhancing the natural beauty of AONBs

Normally the duty to prepare a management plan falls to local authorities, which must act jointly to produce the plan. In most cases the AONB Partnerships produces the Management Plan on behalf of the relevant local authority. In our area the Chilterns Conservation Board prepares the Management Plan, as an efficient way for the 13
authorities to collectively resource its preparation and provide a comprehensive cross-boundary focus on the Chilterns. The Management Plan is not solely for the Board but for all 13 constituent authorities. It is a statutory plan which sets a framework for appropriate management of the AONB and includes aims, policies and actions that seek to ensure that the outstanding qualities of the AONB are conserved and enhanced. Its implementation will require collaboration and commitment from all.

I appreciate that your Cabinet Paper makes the point that the Wycombe Core Strategy / Local Plan and NPPF provide many policy assurances, and that the Council diligently works to uphold those principles. However the Management Plan does not only cover planning; it is just one of six chapters ranging from farming, landscape, biodiversity, the water environment and the historic environment. Without endorsing the plan, how will your Council show its commitment to conserving and enhancing the AONB and fulfil its statutory duty under section 85 of the CRoW Act? Acknowledging that the plan exists falls well short of that duty.

It is important to remember, especially at this time of increasing pressure on the AONB from speculative housing developments and transport projects like HS2, that the Chilterns AONB is a nationally protected landscape with the highest status of protection in relation to landscape and scenic beauty, equal to a National Park. Under the NPPF paras 115 and 116, great weight should be given to conserving the landscape and scenic beauty of the AONB, and planning applications for major developments should be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. Planning authorities need to be vigilant in conserving and enhancing AONBs. The Chilterns Management Plan adds to your armoury in providing the cross-boundary co-operation required under the Duty to co-operate.

I would like to request that the Cabinet decision is reconsidered by full Council, once the new Board Member has been appointed from Wycombe District Council, with a recommendation that Wycombe District Council, like Chiltern District Council, endorses the Chilterns Area of Outstanding Natural Beauty Management Plan 2014-2019 as a material consideration in the exercise of the Council’s planning powers. This would clarify the point should the Board be challenged at appeal or regarding evidence submitted by the Board to support refusals by WDC. Adding a link to the Management Plan from your planning policy ‘topic-based guidance’ webpages would also be a simple step forward.

I would like to propose a meeting with yourself, Penelope Tollitt and Chris Schmidt-Reid to discuss this important issue further. Should you require any further information do not hesitate to contact me.

Yours sincerely,

Kath Daly
Acting Chief Officer
For and on behalf of the Chilterns Conservation Board
Item 10  Development Plans Responses

Author:  Lucy Murfett Planning Officer

Lead Organisations:  Chilterns Conservation Board

Resources:  Staff time

Summary:  The August summer holiday period is normally avoided by Councils for consultations on development plans. Consequently no deadlines have fallen since the last planning committee on 30th July and no responses have been sent in connection with the public consultation exercises on development plan documents.

Purpose of report: To update the Committee about development plan documents.

Background
No responses have been sent but the following live documents (see overleaf) are live for comment.

Recommendation
1. That the Committee notes the current consultations on development plans and provides comments to the Planning Officer as appropriate.
<table>
<thead>
<tr>
<th>Consultation document</th>
<th>Consulted by</th>
<th>Weblink</th>
<th>Deadline for CCB responses</th>
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<tbody>
<tr>
<td>Focused changes to the pre-submission Site Allocations</td>
<td>Dacorum BC</td>
<td><a href="http://www.dacorum.gov.uk/siteallocations">www.dacorum.gov.uk/siteallocations</a></td>
<td>23.9.15</td>
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<td>Hertfordshire Minerals Local Plan Initial Consultation</td>
<td>HCC</td>
<td><a href="http://www.hertsdirect.org.mineralslocalplan">www.hertsdirect.org.mineralslocalplan</a></td>
<td>16.10.15</td>
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</table>
Item 11  Planning Applications Update

Author:  Mike Stubbs Planning Advisor

Lead Organisations:  Chilterns Conservation Board

Resources:  Staff time

Summary:  Representations have been made regarding a number of planning applications and a number of previous cases have been determined.

Purpose of report:  To inform the Committee about, and seek approval of, the responses that have been made under delegated powers in connection with the planning applications as listed and to update the Committee on any outcomes.

Background

1. Since the last Planning Committee papers for the 30th July 2015 meeting, the Board has made 10 formal representations on planning applications, of which 4 are objections and 6 were comments. The formal representations are detailed in Appendix 3.

Recommendations

1. That the Committee notes and approves the responses made in connection with the applications listed in Appendix 4.
### APPENDIX

<table>
<thead>
<tr>
<th>Location</th>
<th>LPA</th>
<th>Development</th>
<th>Ref. No.</th>
<th>Status</th>
<th>Summary of the Board’s Response (please contact the Board for more detailed information if this is required)</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>North End</td>
<td>WDC</td>
<td>New Dwelling (replacement) Second Application</td>
<td>15/06509</td>
<td>Granted</td>
<td>No comments to offer / submit</td>
<td>27/7/15</td>
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<tr>
<td>The Summerhouse Whitchurch on Thames</td>
<td>SODC</td>
<td>Variation of condition to permit holiday home use</td>
<td>P15/S2000/FUL</td>
<td>Pending</td>
<td>COMMENT</td>
<td>27/7/15</td>
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</table>

The Chilterns Conservation Board (CCB) have been consulted on the application to vary condition 1 of P92/SO270 to permit holiday accommodation of the existing buildings. The principal legislative duty of the CCB is to seek the conservation and enhancement of the AONB. This is enshrined in s.85 of the CROW Act 2000 and paragraphs 115 / 116 of the NPPF. In this case the rationale to control the use was to protect the character of the riverside location / conservation Area and AONB. Ancillary curtilage buildings can be found in such locations but the planning system would restrict new development in such locations. SODC Saved policy C3 'River Thames' and CSEN 1 (iii) deal with the setting and heritage of the River. The relationship between the River and AONB is important. CCB would report that the rationale behind the condition applies today and the tests of a planning condition in the National Planning Policy Guidance would apply under the test of necessity, i.e. there is a definite planning reason for it. CCB would be concerned that to relax this condition would make it difficult for the LPA to resist residential uses, where they would otherwise be prohibited. CCB would respectfully ask the Planning Authority to apply the above policies and the tests of a planning condition in the NPPG and the guidance here which states that, 'the objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls'
<table>
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<tr>
<th>Location</th>
<th>Authority</th>
<th>Description</th>
<th>Application ID</th>
<th>Status</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Springs Hotel North Stoke</td>
<td>SODC</td>
<td>Part – demolition, conversion and redevelopment of the Springs Hotel to provide residential accommodation.</td>
<td>P15/15/S2 158/FUL</td>
<td>Pending</td>
<td>The Chilterns Conservation Board would just seek to clarify that the application site is within the AONB, which is our understanding and appears the case on the SODC proposals maps. We can see that the design thinking here is to convert the existing building and shelter some development alongside the existing, in a linear form and we can see that the North Stoke Conservation Area and existing building have some heritage significance under the NPPF. For the conservation and enhancement of the AONB (under s85 CROW Act and 115/116 of the NPPF) we would seek explanatory text in the Design and Access Statement and/or Planning Statement as to the implications for the protected landscape. The Ridgeway National Trail sits to the west of the golf course and may or may not offer views to the proposal, set against the wider landscape. These would, ordinarily, be matters for further comment. When dealing with the Chilterns AONB and development within it, visible or not, we welcome reference and regard to the Chilterns Buildings Design Guide, which assists with matters of character and context, as references in the Design and Access Statement against Buildings for Life Standards. The contribution of new development (the 13 new dwellings) sits within the AONB and we would seek an understanding as to how this fits with the wider setting and context of the protected landscape. Secondly the CCB would seek some understanding / reassurance that the golf course is not affected, to the extent that they lose built accommodation and that there would be no ‘spill-over’ to the effect that other new golf accommodation is needed in the landscape.</td>
</tr>
<tr>
<td>Land North of High Street, Old Amersham</td>
<td>CDC</td>
<td>33 assisted living &amp; care housing.</td>
<td>CH/2015/1 063/FA</td>
<td>Pending</td>
<td>Thank you for consulting the Chilterns Conservation Board (CCB) with respect of the above planning application and we have looked at the applicant’s submitted supporting planning statement, the Design and Access Statement and the Landscape and Visual Impact Assessment (LVIA). CCB have formed the view that the Local Planning Authority would</td>
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</table>
be best placed to make a decision on the merits of the application as it affects the surrounding landscape.

Chiltern DC have adopted AONB protective policies in Core Strategy policy CS22 (a) & (b) – conserve and enhance special landscape character and protect the setting of the AONB and Local Plan policy LSQ 1 – conserve and enhance special landscape character. National Planning Policy Framework at 115 gives this national force with reference to ‘great weight should be given to conserving landscape and scenic beauty’. The emphasis here on conservation and enhancement means that a positive consequence must prevail. The AONB Management Plan on development, further advises that, at D6, that Where new housing development is proposed this should only be permitted if its scale, massing and density reflect the local context and have regard to the special qualities of the AONB.

The applicants have followed GLVIA 3rd edition guidelines and attributed ‘great weight’ to the AONB, concluding that (at 3.25 of the LVIA) that the ‘landscape character of the site and its setting is of very high sensitivity’ and ultimately (at 6.4) that a ‘neutral’ effect will follow. The point is made that (at 5.46) that a limited set of views within Amersham town centre ‘will appear as a coherent and logical addition to the existing settlement’. The Chilterns Conservation Board would only propose to comment on the impacts upon the AONB landscape within our remit, which affects the rear of the site and the wider views beyond. We accept that other planning matters will be weighted in the determination of this application. We are aware from the submitted papers that consideration has been given to the Chilterns Building Designs Guide (BDG), as well as the visual impacts upon the wider AONB (viewpoints 4 and 5). Subject to the determination of planning principle here, the Chilterns Conservation Board would recommend that the elevation treatment is reviewed in light of the BDG, to ensure a softer visual appearance. Whilst it is not for us to redesign the proposal we do feel that the supplementary technical notes on use of flint, brick and roofing are of relevance. The flint note guides that (chapter 3) pre-cast flint panels should not be employed and that for bricks, the technical note guides
that whilst a multi brick is acceptable that careful bonding and pointing will considerably enhance the treatment of an elevation. Accepting that these may indeed be matters for condition / reserved judgement and subject to planning principle, however, the north elevation (main block) on drawing 4933-DE-07 would benefit from a simpler treatment, avoiding the use of heavy architectural features around windows and panels. Reference to the BDG at page 28 and paragraph 3.25/3.26 gives emphasis to \( (a) \) identify the main architectural features of the traditional buildings in the immediate area of the proposed new building, and interpret these in the design.

The Chilterns Conservation Board sees merit in a design review of some of these details. This should in no way compromise the functionality of the buildings. CCB makes these points on the basis that the planning principle is established. Looking at the balancing of planning issues as they prevail here, we would conclude that the Planning Authority is best placed to determine the principle of development in this case. We submit these representations as comments and hope that they may be of assistance.

<table>
<thead>
<tr>
<th>London Luton Airport LLA</th>
<th>LBC</th>
<th>Variation of condition 11 (i) Noise control scheme and discharge of condition 11 noise report.</th>
<th>15/00950 Pending</th>
<th>OBJECTION</th>
<th>23/7/15</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1.1. The Chilterns Conservation Board (CCB) has previously submitted representations on application 12/01400/FUL, granted in June 2014 and for substantial operational development at London Luton Airport. Representations here focused on (i) the prematurity of the application in the absence of a national aviation strategy, (ii) an approximate 60% increase in the number of flights and frequency (with fewer quiet periods), (iii) impacts on the AONB being summarily dismissed in the Environmental Statement, (iv) the need to address the landscape and tranquility implications of overflying aircraft, (v) concern over night time traffic movements with the AONB being given consideration as a sensitive receptor, (vi) the need for restrictions to control number and frequency of night time flight, (vii) an opportunity to seek significant improvements and mitigation to the noise impacts on the environment which are created by the airport, (viii) the need for any expansion plans to be developed in the light of existing operational...</td>
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</tbody>
</table>
constraints, (ix) a need to account for any NATS review of routing and (x) an overarching conclusion that The Chilterns Conservation Board considers that LLAOL is failing in its statutory duty of regard to the purpose of the AONB (to conserve and enhance the natural beauty of the area of outstanding natural beauty, in accordance with Section 85 of the Countryside and Rights of Way Act 2000).

1.2. The current application proposes a variation of condition 11(i) and to which condition 11 (j) is a material matter.

**Condition 11 (i)** Within six months of the commencement of development and in accordance with the approved Noise Control Scheme the maximum Noise Violation Limits (NVL) for all aircraft, as recorded by departing aircraft at the fixed noise monitoring terminals, shall be reduced to values which are determined by the noise classification of individual aircraft as follows:

Aircraft Classification on Departure NVL (dBA)

<table>
<thead>
<tr>
<th>Aircraft Classification</th>
<th>NVL (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>QC 4 (daytime only)</td>
<td>85</td>
</tr>
<tr>
<td>QC 2</td>
<td>82</td>
</tr>
<tr>
<td>QC 1</td>
<td>79</td>
</tr>
<tr>
<td>QC 0.5 and below</td>
<td>76</td>
</tr>
</tbody>
</table>

**Condition 11 (j)** Within six months of the commencement of the development, a progressive reduction in the daytime (0700 - 2300) maximum NVL by the noisiest aircraft shall be implemented, as follows:

(i) 85 dB(A) from the date of the commencement of development
(ii) 82 dB(A) from 1st January 2015
(iii) 80 dB(A) from 1st January 2020

2.0. Policy Matters

2.1. In light of the 2014 application being granted and aware that air traffic movements will increase, it is wholly beneficial and desirable that noise implications are both mitigated and reduced, by virtue of statutory controls. Statutory Instrument 2003/1742 at its Schedule 2 sets out matters to be taken into
account when considering operating restrictions at a relevant airport and this includes at paragraph 1.4, A description of measures to reduce aircraft noise already implemented: for example, information on land use planning and management; noise insulation programmes; operating procedures such as PANS-OPS; operation restrictions such as noise limits, night flying restrictions; noise charges; preferential runway use, noise preferred routes/track-keeping, and noise monitoring.

2.2. The Government’s Aviation Policy Framework gives due weight and attention to land-use planning and management. Paragraph 3.3 states that, ’We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities’. Paragraph 3.12 states that ’The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry’. Paragraph 5.6 states that ’The Aviation Policy Framework may also be a material consideration in planning decisions depending on the circumstances of a particular application’.

2.3. The Chilterns Conservation Board Statutory Management Plan 2014 – 2019 ‘A Framework for Action’, is a material planning consideration and contains a vision that includes that, ’Tranquillity is conserved and where noise is a problem, peace and quiet is restored, in particular by reducing noise generated by road traffic, overflying aircraft and trains’.

3.0. Applicant’s Case

3.1. The applicant’s put in their supporting case that the current condition is unreasonable because ‘it appears to select noise violation limits in an arbitrary manner’ and they argue that noise violations will increase and that, ’The noise violation limits set by LBC apparently took no account of the noise levels that would be expected and had been
experienced in recent years’ Evidently Condition 11 (j) seeks a sequential improvement in the noise environment. The point is put that the limits in Condition 11 (i) are arbitrary and not related to local circumstances. After Table One it is stated that 85% of aircraft departures do not exceed the most stringent new limits of 76 dBA. Looking at Table Two data, it appears that some 5891 traffic movements are above 76 dBA but only 44 are above 82 dBA. Para 3.4 of the supporting statement accepts that, the regime promoted by condition 11(i) could theoretically be enforced but would require considerable time for operators and LLAOL and considerable effort and cost to implement, but goes on to say that (at page 21) that this gives no advantage to airlines to operate quieter aircraft.

3.2. Page 20 of the Technical Report states that, ‘Condition 11(i) is precise in the perception of experts in aviation noise but due to its complexity may not be clear to the general public, i.e. not sufficiently precise. Condition 11(i) is not reasonable for the reasons given above, and because it conflicts with condition 11(j).

4.0 Chilterns Conservation Board Representations.

4.1. The arguments put here appear to be set within the reasonableness of the planning condition (i.e. the incentive or disincentive it gives the operator), the precision of the conditions and (in our opinion) the enforceability of the condition. If we have understood the data correctly, the point is made that after September 2015 and under the aegis of condition 11(i), that some 6,400 (15%) of movements will violate the 76 dBA threshold. That means that 85% will comply with this threshold or 36,266 movements. Put another way 6,400 will potentially violate out of 42,666 movements. The assertion that this somehow penalises operators cannot be the case, as the majority meet this target figure which of itself applies a noise regime that is one of the strictest in the sector and is justified by the proximity of Luton Airport to a centre of population and a tight boundary to the nationally protected landscape of the Chilterns and the recreational benefits that flow from this.
4.2. The tests of a planning condition in National Planning Policy Guidance (NPPG) are, in our view, satisfied. We advance a number of tests and starting with **precision**, the point of the applicant that the condition is ‘*not sufficiently precise*’ does not bear scrutiny. There is no test that the public understand the precision of a planning condition for it to be deemed precise. The precision test in the NPPG states that, ‘*is the condition written in a way that makes clear to the applicant and others what must be done to comply with it?’ On tests of **necessity** and **relevance to planning**, relevance to the development to be permitted, there appears no dispute. On **enforceability**, there also appears no dispute. On **reasonableness in all other respects**, the applicant’s put the case that 11(i) is unreasonable. The NPPG states that ‘*conditions which place unjustifiable and disproportionate burdens on an applicant will fail the tests of reasonableness*’. In this case that burden, at worst case, is some 15% of traffic movements. CCB would submit that does not render the condition unreasonable. The Local Planning Authority has discretion on the matter of enforceability of a planning condition and the thresholds set in condition 11(i) are geared to delivery of a noise regime compliant with the Government’s aviation policy and the Statutory Instrument. That requires tight controls which are clearly necessary because, to quote from NPPG guidance, ‘*a condition must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms*’. The balance of issues between environment and operator requirements is appropriately struck, in our judgement.

4.3. The CCB would oppose the relaxation of condition 11(i) because it offers an appropriate environmental threshold to protect the noise environment of those affected by an expansion of the airports facilities. Should the LPA serve to exercise discretion over the postulated 15% of violations, then they can do so with an enforceable background condition and one that allows all parties to work together to deliver a tangible improvement of amenity and quality of life.

4.4. Consultation responses to the original application sought noise reductions as a key part of their submissions, in the
interests of quality of life (for example see Bucks County Council and Aylesbury Vale DC). To relax the noise thresholds, which offer an improvement in the noise environment, must be restricted. This is of even greater necessity when consideration is given to the point that air traffic volumes are increasing.

4.5. The CCB places great weight on the need to conserve and enhance the AONB. A manifest and tangible reduction in the noise environment and with appropriate targets is to be welcomed in a complex case such as this. We would raise objection to any diminution to that measure of control.

| Fawleyfields Road Running from Round Hill to Crockmore Farm Fawley RG9 6HU | SODC | Proposed erection of a replacement dwelling with linked leisure building and detached tripple bay garage block (with annex over), as an alternative to the scheme approved by application | P14/S1826/FUL | Pending |

**COMMENT**

Thank you for consulting the Chilterns Conservation Board (CCB) with respect of the above planning application and we have looked at the applicant's submitted supporting planning statement, the Design and Access Statement and the Landscape and Visual Impact Assessment (LVIA). CCB have formed the view that the Local Planning Authority would be best placed to make a decision on the merits of the application as it affects the surrounding landscape. SODC have adopted the AONB protective policies in their Core Strategy CSEN 1 (high priority to conservation and enhancement) and will also apply national policy at NPPF paragraph 115 (great weight to conserving landscape and scenic beauty).

The Chilterns Building Design Guide offers guidance on 'one off' projects and this can be found at page 29. Looking at the balance of planning issues that apply, including the volume tolerances permitted in the previous permission and the current courtyard farmstead approach as adopted, South Oxfordshire DC would be better placed to make a judgement on the planning merits that apply here. For the Conservation Board we would conclude that it would be difficult to object on the grounds that the footprint has moved within the curtilage, albeit that we would ask that careful scrutiny is given to the use of modern architectural materials and the impact on the wider landscape, notably the use of zinc. We
note the applicant’s reference to the context of farm buildings with metal roofing and forming courtyard footprints. We would respectfully ask that the Planning Authority examines the colour – patina and weathering of a zinc roof here, as we understand it may weather to a bluish-white colour, which has potential to result in a visually jarring feature. We would, therefore, submit comments to the effect that the LPA may wish to reassure itself on the visual impacts of a zinc roof in the wider landscape. The Chilterns Conservation Board is grateful for the opportunity to make these comments.

Molins Sports Ground Princes Risborough

<table>
<thead>
<tr>
<th>WDC</th>
<th>Screening opinion for residential</th>
<th>CDP/PI15/01337/MISC</th>
<th>Pending</th>
<th>SEEK Environmental Statement</th>
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<td>Thank you for consulting the Conservation Board on the Molins Sports Club screening opinion. Looking at the guidance in the NPPG and the Statutory Instrument, we have concluded it would be reasonable for the Planning Authority to seek an ES on the basis of a Schedule 2 development (section 10 + sub-section b) on the assumption that the overall area of development exceeds 5 hectares. We could not clarify that point in the papers but have assumed it is greater than 5 hectares due to the level of housing proposed. The site would fall within a ‘sensitive area’ as set out at schedule 3 (2) (a) of the Regulations, i.e. that the existing land use is AONB. In any scoping opinion the LPA can, therefore, seek information on cumulative impacts as would arise here and are proportionately tailored to the requirements of the development and its impact. We hope that this opinion will be of assistance. As the NPPG advises, ‘when screening schedule 2 projects, the local planning authority must take account of the selection criteria in schedule 3 of the Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way and authorities should retain the evidence to justify their opinion’. Again we think it reasonable to vest the AONB as a sensitive area under land use policy and apply the regulations in this manner.</td>
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OS Parcel 9188, Boxer Road Longwick Bucks

<table>
<thead>
<tr>
<th>WDC</th>
<th>Outline application (Including details of access) for residential</th>
<th>15/07008/OUT</th>
<th>Pending</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
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<td>Thank you for consulting the Chilterns Conservation Board (CCB) with respect of the above planning application and we</td>
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</table>

10/8/15

16/8/15
development of up to 50 dwellings (including up to 40% affordable housing) with vehicle access from Boxer Road/Barn Road, surface water flood mitigation and attenuation, public open space with play facilities and landscaping

have looked at the applicant’s submitted supporting planning statement, the Design and Access Statement and the Landscape and Visual Impact Assessment (LVIA). CCB have formed the view that the Local Planning Authority would be best placed to make a decision on the merits of the application as it affects the surrounding landscape.

Wycombe DC has adopted AONB protective policies in Core Strategy policy CS 17 (1) and Local Plan L1 – conserve and enhance special landscape character. National Planning Policy Framework at 115 gives this national force with reference to ‘great weight should be given to conserving landscape and scenic beauty’. The emphasis here on conservation and enhancement means that a positive consequence must prevail. The AONB Management Plan on development, further advises that, at D6, that Where new housing development is proposed this should only be permitted if its scale, massing and density reflect the local context and have regard to the special qualities of the AONB. This site, we accept, falls outside the AONB boundary.

The Chilterns Conservation Board would respectfully ask that attention and weight is given to the setting of the AONB, as is appropriate and a position statement is published by the Board and can be found at,

http://www.chilternsaonb.org/conservation-board/planning-development/position-statements.html

Molins site, Haw Lane, Saunderton  WDC  Residential development up to 212 units  15/05250/OUTEA)  Pending  

OBJECTION

The Chilterns Conservation Board (CCB) is grateful to make additional supplementary representations on this application following the submission of amended plans on 7th August 2015.

Previous Representations

In our previous comments (2nd April 2015) the Board made the points, in summary, that the NE façade of the ballroom building should be retained, that the narrowing of Haw lane would lead to significant congestion at peak times, that the development was suburban in form and it did not appear that
the guidance in the Chilterns Buildings Design Guide had been taken into account, that a wholly unsustainable form of development would arise which was principally car based and without community facilities/retail or employment mix, that the proposal is contrary to Core Strategy / Local Plan and AONB Management Plan in that it would fail to conserve or enhance the natural beauty of the Chilterns and that the proposal was premature and should be a part of the production of an Area Action Plan.

Amended Details

The amended details supplement the outline application and seek to address the design overlap with the Chilterns Design Guide, with reference to the supplementary technical notes on bricks, flint and roofing materials (appendix one of the amended Design and Access Statement). Other details seek to finesse and/or supplement the design treatment here, with additional details on street elevations, boundary and edge treatment and an amended landscape master-plan. The additional submission of a light impact assessment is a new document and makes the point (at introduction) that this is to satisfy Chilterns Building Design Guide requirements and notes that in the previous developments ‘a significant amount of flood lighting around the site which would have created a glow visible at night from locations off site’, as well as noting (page 7 – Figure 3) that this is a rural location and ‘comparatively dark’ and (at conclusions) within a ‘low district brightness lighting environment’.

Summary of CCB opinion on the current amended application

(1). Absence of a strategic policy.

It is only through the process of preparing a district wide strategic plan that the appropriate distribution of new housing and appropriate numbers for Saunderton can be tested and properly established, taking account of the alternatives outside the AONB, and the duty to cooperate with other authorities. Without this, there should be no assumption that this site is an appropriate location for housing, and it should,
therefore, be determined in line with adopted development plan policy.

The submission of amended details in the absence of any further planning policy consultations here – be that Local Plan policy revisions, a Neighbourhood Plan or an Area Action Plan – means that this application must be determined on its merits as set out against the saved Local Plan policies that apply, the Core Strategy vision for the District, NPPF policies and the AONB Management Plan. In March 2015 the WDC Cabinet amended their Local Development Scheme to agree to prepare an Area Action Plan for Saunderton. This was designed to focus ‘on the issues for Saunderton, to a level of detail that would not be undertaken for a District-wide Local Plan’ (extract WDC planning pages). Any growth proposals for Saunderton would be managed via this process and any early stage discussion of options would not commence until Autumn 2015. A village plan information sheet, produced by WDC confirms that housing within the AONB and Green Belt is unusual and controversial and that, ‘Any development (including on the Molins site) would have to be of very high quality to meet the standards required of development in the AONB. The approach to the landscape will be critical in the success of any design’.

However, since then and in the WDC Planning Briefing of 2nd July it was reported that a Local Plan Task and Finish Group was established to consider the matter. These future policy intentions would today carry no weight in the determination of this application. In any event an Area Action Plan would fit, more appropriately, with the strategic vision for the District after that vision has been established.

(2). Form and Layout proposed.

The Chilterns Conservation Board take the view that the form and layout proposed here cannot satisfy the tests that apply to nationally protected landscapes and as set out at paragraphs 115 and 116 of the National Planning Policy Framework (NPPF). The Board have previously avoided raising an ‘in-principle’ objection, aware of the brownfield status and now cognisant of the 2008 e-shelter consents. In that permission the officer’s report to committee deemed a
very special circumstance was established under green belt policy and by dint of design would make a positive contribution to the surrounding landscape (4.30 of officer’s report). Indeed that report, set against the point that a positive contribution would result, also concluded that the proposed buildings would, ‘*remain alien due to their large size and uniform form……most evident when viewed from close distances such as from Haw Lane*’. Thus, in granting permission in 2008 the Local Planning Authority took the view that very special circumstances did exist and cast them as visual improvements combined with low traffic levels resulting from the data centre use, in a rural area. On AONB impacts they concluded that positive improvements would follow to wider views from public rights of way, due to the design of the buildings. Close views, by contrast, would not benefit the AONB. This opinion accepted that the proposed buildings were larger and bulkier than the existing ones and that they would remain recognisable as large structures in the countryside. The developer also proposed ecological and landscaping improvements and a footpath link to Saunderton station together with public access to two fields to the south of the application site. This was granted, subject to a section 106 agreement on 27th November 2008. The site was previously identified as a major developed site within the Green Belt. The advice that related to such a designation being that any development/redevelopment should have no greater impact on the openness of the Green Belt than the existing development. The current amended form and layout does not exhibit any features that give full regard and attention to its AONB location and this results in an urban grain that is incongruous with its location.

(3). Landscape Character / LVIA Impacts

The CCB do not share the applicant’s current conclusions as to AONB impact in their Design and Access Statement where they state that, *It is concluded that a well-designed residential development replacing the dilapidated, brown-field site, will result in beneficial enhancements to both landscape character and visual amenity and therefore the development will also be a positive enhancement to the Chilterns AONB*. In their submitted Landscape and Visual Impact Assessment
(LVIA) the applicant’s state that, cumulatively on Landscape Character and the Chilterns AONB, the impact is ‘positive’ and ‘beneficial’ and at paragraph 8.8.6 of the LVIA that, ‘therefore in considering the potential cumulative effects on the landscape character appropriately designed buildings, applying guidance set out in the Chilterns Buildings Design Guide, can positively enhance the landscape character’. Extracts from the LVIA illustrate how expansive the development site is within the frame of several views from surrounding footpaths. The LVIA In the Environmental Statement does accept the high degree of sensitivity attributed to the AONB landscape (8.2.14 of the ES) but the conclusion as to positive contribution is predicated on the removal of existing residual brownfield elements in favour of new development. The Board would ask the Local Planning Authority to give due attention to their own village plan information sheet which stated, ‘Any development (including on the Molins site) would have to be of very high quality to meet the standards required of development in the AONB. The approach to the landscape will be critical in the success of any design’. What is now being put for decision is a form and layout of residential development that both yields a high number of units and is formed by a standard layout and type. Ridge heights to roofs are indeed lower than the e-shelter but from more distant views within the landscape around Bledlow Ridge present a scattered form of standard roof types over a wide proportion of the site area. Our original point as to the suburban form of development stands and is not overcome by the current amended details. The applicant’s original submissions do give emphasis to the conservation of the landscape here but ultimately the impact is harmful, in our opinion.

(4). Application of current policy

The National Planning Policy Framework at 115 requires that great weight be given to conserving landscape and scenic beauty in AONBs and this results in the highest level of protection, equivalent to National Parks. Taking paragraph 116, planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in
the public interest. This would include an assessment of need (including local economy), cost of developing outside the AONB and any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated. The Local Planning Authority would need to, therefore, place considerable weight on “the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way’…… (our emphasis)

The current application cannot be deemed to satisfy saved Local Plan Policy L1 and notably that, ‘development will not be permitted if it is likely to damage the special character, appearance or natural beauty of the landscape or the future public enjoyment of the area’. Further, the current proposal does not satisfy policy D1 and policy D6 of the AONB Management Plan which establish, respectively, D1 The natural beauty of the Chilterns AONB should be conserved and enhanced by encouraging the highest design standards, reinforcing local distinctiveness and respecting the landscape, settlement character and special qualities of the AONB. D6 Where new housing development is proposed this should only be permitted if its scale, massing and density reflect the local context and have regard to the special qualities of the AONB.

CCB Conclusions on amended application

The current application must, therefore, be refused planning permission. The application fails to comply with NPPF 115 (landscape and scenic beauty of highest status of protection) and NPPF 116 (developing elsewhere outside designated area and detrimental effects on the landscape). The application fails to satisfy saved Local Plan L1 and AONB Management Plan D1 and D6. It is appropriate that a future planning vision can be pursued in the future for this land which itself has been previously identified as a major developed site within the Chilterns. The Chilterns Conservation Board would positively contribute to that plan-making process. We appreciate the Council are seeking to pursue new policy via the Development Plan process but that
by 23rd September that process would not have progressed to any meaningful degree. Paragraph 14 of the NPPF is not engaged as this is AONB and Green Belt land. The Council’s own draft proposals for some housing at Molins (Local Plan Draft options consultation 2014 – paragraph 5.21) sets out to respect the wider setting of the AONB. To advance any policy revisions here must deliver new policy against objectively assessed development needs. National Planning Policy Guidance on Local Plan policy states that … The Local Plan should aim to meet the objectively assessed development and infrastructure needs of the area, including unmet needs of neighbourhood areas where it is reasonable to do so and consistent with sustainable development objectives’ (our emphasis). The plan making process allows those issues to be appropriately balanced and in the absence of that process, this application is unsustainable, being solely based on housing and principally car based. A robust review of policy options here would allow our objection to be addressed and at this point-in-time, we would envisage a considerably different scheme with much boundary land returned to AONB landscape, to greatly reduce the wider landscape impacts. That landscaped land would best be covenanted to remain as amenity land, controlled by planning obligation agreement. The supporting policy environment would help stipulate design coding and a design review process. As the application stands, that is not achieved and the application fails to conserve or enhance the AONB landscape and is, by contrast, positively harmful to wider views and landscape character.

The Chilterns Conservation Board is grateful to submit these representations.

<table>
<thead>
<tr>
<th>Land north of Lower Icknield Way Chinor Planning application reference</th>
<th>SODC</th>
<th>Outline application for up to 89 residential dwellings.</th>
<th>15/S2293/0</th>
<th>Pending</th>
<th>OBJECTION</th>
</tr>
</thead>
</table>

The Chilterns Conservation Board (CCB) has been consulted on the above application. The Board would wish to raise objection on the principal ground, as affects our statutory duty, that the proposal detrimentally harms the setting of the AONB and that this is appreciated from views outwards (i.e. from within) publicity available footpaths in the AONB.

21/8/15
Policy Issues

The proposal is deemed contrary to the SODC Core Strategy policy CSEN 1 at point (ii) ‘High priority will be given to conservation and enhancement of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs) and planning decisions will have regard to their setting’. Proposals which support the economies and social well-being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided they do not conflict with the aims of conservation and enhancement (our emphasis).

Core Strategy reasoned text (at footnote 132), also refers to the AONB Management Plan 2014-19 and this document itself at D9 states that, ‘Full account should be taken of the likely impacts of developments on the setting of the AONB’. This policy, in its reasoned text, refers to the position statement on setting as prepared by the Board.

Paragraph 14 of the Position Statement states that, 14. The setting of the Chilterns AONB does not have a geographical border. The location, scale, materials or design of a proposed development or land management activity will determine whether it affects the natural beauty and special qualities of the AONB. A very large development may have an impact even if some considerable distance from the AONB boundary. However, the distance away from the AONB will be a material factor in forming a decision on any proposals, in that the further away a development is from the AONB boundary the more the impact is likely to be reduced.

Case Representations

In this application, the settlement of Chinor is disproportionately extended in a linear fashion, which is read in the landscape as an intrusion into the wider rural setting and would be discordant with the hinterland and setting of the AONB. This impact is visible from publically accessible viewpoints. Page 12 of the Design and Access Statement acknowledges this network of footpaths from the escarpment and at page 16 of the D&A, comments upon the Landscape and Visual Impact Assessment (LVIA), that, ‘however, the
rapidly limited ascending escarpment of the Chilterns provides the opportunity for long distance views where occasional gaps in the otherwise extensive woodland cover allow’.

The LVIA itself deals with these impacts at viewpoints 22-23 and sets out the judgement of the applicant that the site is visible, if filtered, from within the AONB. We note that, at Table 2, the summary of landscape effects upon the site’s setting is deemed ‘minor adverse’. We do not share the applicant’s conclusions that the impact upon the AONB (as they set out at 10.16 of the LVIA) is of a ‘negligible’ impact and they place insufficient regard to the sensitivity of this nationally protected landscape as a receptor. We submit that this impact is more accurately considered as ‘moderate’. This judgement that the impact is negligible is largely based on the applicant’s assessment that Chinor is viewed as a string of villages at the base of the escarpment. This ignores the fact that that the settlement pattern at the edge of the village exhibits a modest linear form with low density dwellings and curtilages of predominantly one dwelling in spacious plots. The applicant’s landscape agent attributes insufficient weight to the view out from Chinor Hill (viewpoints 23 upon completion) because the addition of up to 89 dwellings here will appear at odds with the landscape pattern at the very edge or extremity of the settlement. With regard to the application of our remit as applies in section 85(1) of the CROW Act, in application of Development Plan policy and Management Plan policy and in paragraph 115 of the NPPF, we conclude that the impact is harmful to the setting of the AONB and with weight attributed to the views out of the AONB the application does not conserve or enhance the AONB. The Chilterns Conservation Board is grateful to make these representations.

| Hunts Farm Cottage | SODC | Demolition of single storey rear extension and erection of two storey rear extension and two rear dormer windows to existing | P15/S2632 HH and 33 LB | Application withdrawn on 28th August 2015 | OBJECTION |

This application sits entirely within the Chilterns AONB landscape. The farm cottage as a Grade II building exhibits a considerable amount of historic features that are so important to the history and design of this nationally protected landscape. The property comprises a timber frame with brick infill at rear and otherwise flint with brick dressings.
house and erection of detached 3-bay garage block with studio and gym over and detached

and a plain tile roof with tile ridges and brick stacks. We believe this property to be a cruck house and there is evidence in the HER to suggest it appears on a Blagrave 1586 map of the Manor of Harding. Its listing at Grade II rather belies the fact that it is both a very sensitive and fragile historic asset and one that exhibits a design, scale and form so important in the Chilterns.

The Conservation Board would wish to raise objection to this application on grounds of both merit and deficiency of information provided. The planning application and application for listed building consent must be refused. We set out the fundamental flaws with this application and cannot see that amendment to this scheme can address them:

(1). The proposals by virtue of the scale, design and layout of the proposals harms the AONB and fails to deliver the necessary conservation and enhancement of this landscape due to its inappropriate nature of development. This is, therefore, contrary to SODC Core Strategy policy CSEN on landscape at (ii) High priority will be given to conservation and enhancement of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs) and planning decisions will have regard to their setting. Proposals which support the economies and social well-being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided they do not conflict with the aims of conservation and enhancement. National Planning Policy Guidance at paragraph 115 which attributes great weight to the conservation and enhancement of such nationally protected landscapes, is also not complied with. Further, the material planning consideration of the Chilterns Buildings Design Guide makes the point at paragraph and the additional structures add an element of visual cluttering within the curtilage. The AONB Management Plan at D12 is not delivered where it states that D12 Developments should be sought that represent the highest environmental and design standards whilst complementing the character of the AONB.
(2). The application lacks sufficient details for development management purposes. The submitted design and access statement pays no regard to the policy environment, as affects the AONB and historic buildings. No assessment is advanced as to the impacts upon the heritage asset of the existing building, as would be required in a heritage assessment and, as a matter of national policy, is required by paragraph 132 of the National Planning Policy framework before any meaningful appraisal can be advanced. For that reason alone the application is deficient in necessary details. On the basis of what is submitted and in respect of heritage matters, the application is harmful to the significance of the asset and wholly contrary to guidance in 133 of the NPPF and English Heritage Conservation Principles and especially at 138 where it states that 138 New work or alteration to a significant place should normally be acceptable if: a. there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place; b. the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed; c. the proposals aspire to a quality of design and execution which may be valued now and in the future; d. the long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future. None of these policy sub-sets are complied with and indeed the converse appears the case. The Chilterns Conservation Board is grateful to make these representations.