



## Planning Committee

10.00 a.m. Wednesday 9<sup>th</sup> March 2011  
The Chilterns Conservation Board office,  
90 Station Road, Chinnor

## Agenda

1. Apologies
2. Public Question Time
3. Declarations of Interest
4. Minutes of Previous Meeting
5. Matters Arising
6. High Speed 2 – update
7. Draft position statement on the setting of the AONB
8. AONB Planning Policy Guidelines
9. AONB Planning Forum
10. Development Plans Responses
11. Planning Applications – Update
12. Any Urgent Business
13. Date of Next Meeting

Wednesday 25<sup>th</sup> May 2011 at The Chilterns Conservation Board office, 90 Station Road, Chinnor, OX39 4HA

Future meetings – 7<sup>th</sup> September and 30<sup>th</sup> November 2011 and 7<sup>th</sup> March 2012

## **Item 5      Minutes of Previous Meeting**

**Author:**                      Colin White   Planning Officer

**Lead Organisations:**      Chilterns Conservation Board

**Resources:**                Approximately £500 a year for minute-taker plus staff time

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

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

### **Background**

1. The draft minutes from the meeting on 1<sup>st</sup> December 2010 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 1<sup>st</sup> December 2010.**



Board Members – Cllr Chris Richards (Aylesbury Vale District Council) and Cllr Margaret Jarrett (Hertfordshire Parish Councils) and Co-opted Members – Richard Bossons (architect), Gill Gowing (Chiltern District Council) and Mike Stubbs (National Trust).

**3. Public Question Time**

No members of the public were present.

**4. Declarations of Interest**

No declarations of interest were made.

**5. Minutes of the previous meeting**

The minutes were approved and signed by the Chairman as a true record.

**6. Matters Arising from the minutes**

Item 9 Chilterns Buildings Design Awards: the previous meeting had discussed amendments to the Awards entry leaflet. The leaflet is now being prepared and includes the changes. When available it will be distributed for comment.

Item 12 Planning Committee Tour Feedback: A plaque for the design award would cost about £250, certificates would cost a few pounds. Little progress has been made with the investigation of the costs for sample materials panels.

Item 14 Planning Applications Update: A response has been sent in connection with the scoping of the Carmel College proposal. An objection has been sent in connection with the Newland Park proposal. Information is being requested in connection with the proposed 132Kv dual circuit cable between the sub-station at Mop End and Saunderton.

**7. High Speed 2 - update**

The Planning Officer updated the Committee on the latest developments in connection with HS2. There has been much activity in connection with the proposal with meetings taking place (including one on the historic environment), press coverage and discussions in parliament. Land Use Consultants are doing work for Bucks County Council.

The Government had maintained its position that it would push for HS2 to be approved and in other meetings the Secretary of State had said that strong rebuttals have already been prepared in connection with the cases that may be made. It appears that there is much still to be done with MP's that are more supportive of the scheme. The wider HS2 group meets regularly. It was understood that the Government's preferred route would be published by the end of November, but as yet nothing had been received. This would be

followed by public consultation.

There was some discussion of the recent article in The Chiltern Society's 'Chiltern News' and some concern was expressed about the format of the questionnaire that was included.

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

**8. Financial matters**

The Board is faced with budget cuts and needs to both save money and raise income. Various methods of raising income are being considered as well as cost savings. Cost savings have continually been sought, but new ways of generating income now have to be investigated. The Planning Officer summarised various options that would be investigated and asked for the Committee's views on these.

- S106 funds – funds for obligations are currently paid to local planning authorities (probably community infrastructure levy funds in future). This will need to be investigated locally. There is a scheme in West Dorset where funds from developments within the Dorset AONB can be used to secure visual enhancements where the existing development is visually of poor quality.
- Charging developers for meetings and the provision of advice was considered. The question was raised if the Conservation Board could offer an additional service that is not already offered by local authority Planning Officers. Charging may put developers and others off coming to speak to the Board.
- Sale of branded products was briefly discussed as well as increasing charges for events, sponsorship and promotions.

- 1. The Committee AGREED that the Planning Officer should liaise with other AONBs to see if there are examples of good practice that can be drawn on.**
- 2. The Committee AGREED that the Planning Officer should liaise with Councils in the Chilterns to see how S106 funds or Community Infrastructure Levy funds could be utilised in the AONB.**
- 3. The Committee AGREED that the Planning Officer would contact local planning authority officers to discuss the issue of charging developers and others for pre-application advice.**
- 4. The Committee would continue to make suggestions to the Planning Officer about any other methods of income generation.**

**9. Government White Paper – Local Growth: realising every place's**

## **potential**

The Planning Officer gave a summary of the Government's recently published white paper which sets out various changes that may be made to the planning system. The Government wants to shift power away from Central Government to local communities. There are some key implications as follows.

- a. The Board needs to be involved in, in order to influence, any public consultation process that has implications for the AONB or the Board.
- b. RDA's will be replaced by Local Enterprise Partnerships (LEPs). The Chilterns area is not wholly covered by an agreed LEP. The Board will need to monitor the formulation of LEP's and the work they do.
- c. Any Community Right-to-Build development proposals will need to be monitored to assess their likely implications.
- d. The Board will need to ensure that it is consulted on relevant proposals that are sent to the Major Infrastructure Planning unit (it is consulted on Nationally Significant Infrastructure Projects at present).
- e. It is likely that the Board will be involved in significantly more development plan documents, particularly at local level.

The Committee agreed that the budget for planning advice should be used to its full extent.

- 1. The Committee NOTED the publication of the 'Local Growth: realising every place's potential' White Paper and discussed the likely implications for the Board.**

## **10. Chilterns AONB Planning Conference – feedback**

The annual planning conference took place on the 6<sup>th</sup> October in Watlington. Feedback received was generally supportive. The Planning Officer informed the Committee of the feedback received and any actions arising.

50 delegates had booked places from 34 different organisations. Parish and Town Councils had been offered places at a reduced rate. The budget had not been overspent. The feedback received showed that the overall satisfaction rate of the participants was good. Delegates had been asked about format and frequency of the event. Based on the responses it was proposed to hold the next conference on Wednesday 5<sup>th</sup> October 2011 and that the present format should be retained.

- 1. The Committee NOTED the feedback from the 8<sup>th</sup> Chilterns AONB Planning Conference.**
- 2. The Committee AGREED to provide suggestions for a theme, site visits and possible locations for the 9<sup>th</sup> AONB Planning Conference.**

## **11. Chilterns AONB Planning Forum – feedback**

The Planning Officer reported on the Planning Forum which had taken place on 16<sup>th</sup> November at the Chiltern District Council offices. The implications of the Government's Big Society, localism agenda, the Comprehensive Spending Review and the local growth white paper were all discussed. Other topics covered were the relaxation of permitted development rights, the pressure on councils by developers for housing developments, the role of the local authority planning policy officers, Natural England's new guidance for assessing landscapes for designation as AONBs, charging for the forum and future topics to be covered.

The date for the next Forum was proposed for Tuesday 10<sup>th</sup> May 2011 and the event would remain free for all.

- 1. The Committee NOTED the feedback from the recent Planning Forum.**
- 2. The Committee AGREED that the Planning Forum events should be provided without charge.**
- 3. The Committee would suggest to the Planning Officer topics for future events.**
- 4. The Committee APPROVED the date for the next Planning forum of Tuesday 10<sup>th</sup> May 2011.**

## **12. Development Plans Responses**

The Planning Officer informed the Committee about the responses that had already been sent, under delegated powers, in connection with public consultations on the following development plan documents: Wycombe DC Wycombe Community Stadium project consultation; South Oxfordshire DC Core Strategy housing changes consultation; South Bucks DC Core Strategy proposed changes and further proposed changes; Chiltern DC Core strategy draft publication document, and English Heritage The setting of heritage assets: English Heritage guidance consultation draft.

In connection with the Chiltern DC Core strategy the Committee discussed the issue of over-abstractation of Chilterns chalk streams. The Committee felt that, if not already happening, there was a need for the Board/Chalk Streams Officer to sit down with the Environment Agency, water companies and British Waterways to try and find a solution as this problem will continue to occur.

- 1. The Committee NOTED and APPROVED the responses already made on behalf of the Board in connection with the consultation exercises on the development plan documents detailed.**

**13. Planning Applications Update**

The Planning Officer informed the Committee about the various representations that had been made in connection with planning applications and updated the Committee on any outcomes.

The application for the restoration of Quarry 2 at Pitstone was discussed and the Committee agreed that a visit to the site would be appropriate and that this would be organised by the Planning Officer.

- 1. The Committee NOTED and APPROVED the responses made in connection with the applications listed in Appendix 2.**

**14. Any Urgent Business**

There was no other urgent business.

**15. Date of the next meeting**

**Wednesday 9<sup>th</sup> March 2011** at the office of the Chilterns Conservation Board,  
90 Station Rd, Chinnor commencing at 10.00 am.

**Future meetings: 25<sup>th</sup> May, 7<sup>th</sup> September and 30<sup>th</sup> November 2011**

The meeting closed 12.40

**The Chairman .....**

**Date .....**

## **Item 6      High Speed 2 update**

**Author:**                      Colin White   Planning Officer

**Lead Organisation:** Chilterns Conservation Board

**Resources:**                Staff time at present.

**Summary:**                There has been much activity in connection with the High Speed 2 proposal with various meetings taking place, press coverage and the launch of the public consultation.

**Purpose of report:** To update the Committee about the latest developments in connection with a possible high speed rail route through the Chilterns.

### **Background**

1. The Stop HS2 convention took place at Stoneleigh, Warwickshire, on 19<sup>th</sup> February. It is understood that over 500 people attended and that the event was a great success.
2. The 'High Speed Rail: Investing in Britain's Future' consultation was launched on 28<sup>th</sup> February. The Government has stated that the consultation documents set out the Government's case for the network, the details of the Government's strategy and the proposed route for an initial phase from London to the West Midlands.
3. To coincide with the launch a series of beacons was lit along the route. These, and the various gatherings that took place, were the subject of a lot of press coverage. The Board has also issued a press release.
4. As part of the consultation, exhibitions will be held at various locations along the route. Those that are within or close to the AONB are as follows: Chalfont St Giles (Blizzards Yard Car Park, 9<sup>th</sup> May), Amersham (Amersham and Chiltern Rugby Football Club, 18<sup>th</sup> and 19<sup>th</sup> May), Great Missenden (Black Horse Pub Car Park, 12<sup>th</sup> May), Wendover (Memorial Hall, 13<sup>th</sup> and 14<sup>th</sup> May) and Aylesbury (Stoke Mandeville Stadium, 10<sup>th</sup> and 11<sup>th</sup> May).
5. A further summit is being organised by Buckinghamshire County Council. This takes place on 15<sup>th</sup> April and it is understood that the consultation process will be discussed.
6. There continues to be a great deal of press coverage with contributions from the Board often being featured. The wider HS2 group continues to meet regularly.
7. Any change in the situation will be reported to the Committee in the future.

### **Recommendation**

1.      **That the Committee notes the report.**

## **Item 7      Draft position statement on development affecting the setting of the AONB**

**Author:**                      Colin White   Planning Officer

**Lead Organisation:** Chilterns Conservation Board

**Resources:**                Staff time at present.

**Summary:**                The AONB and its setting are coming under increasing pressure from various developments. The Board is often asked what its position is with regard to such developments and it is considered appropriate to prepare a draft statement on this issue.

**Purpose of report:** To report to the Committee and to seek its views on the draft text of a position statement in connection with the setting of the AONB.

### **Background**

1. In the more recent past the AONB and its setting have come under increasing pressure from various developments. Recently, the Board has become aware of proposals for: a wind farm near Wingrave for up to 8 turbines that would be 130m tall; a major industrial complex including a milk processing plant near Aston Clinton, and a community sports stadium, associated sports village and housing development near High Wycombe.
2. The Board is often asked what its position is in connection with such developments. Invariably the position is one of objection based on the likely implications for the AONB and its setting, and particularly the enjoyment of the special qualities of the AONB. Though negotiation with the proposers of such developments often takes place, on many occasions this is after detailed designs have been produced. In order to try and highlight the importance of the setting of the AONB to its overall enjoyment and appreciation it is considered appropriate to prepare a draft position statement on this issue.
3. The draft position statement on the setting of the AONB is detailed in Appendix 2. The statement has drawn on similar position statements that have recently been prepared and adopted for other AONBs including the Cotswolds, North Wessex Downs and the Cranborne Chase and West Wiltshire Downs.
4. The Committee is invited to comment on the content of the statement and to suggest additions and alterations where necessary. In order to receive the appropriate weight it is considered that the draft ought to be subject to consultation. Advice has been sought from the other AONBs that have prepared such statements and the Committee will be advised of the outcome of this. At the very least the local planning authorities should be consulted. It will be difficult to access the developers and their agents without extensive research.
5. Once the results of any public consultation are known the statement would be revised and then adopted by the Board.

## **Recommendations**

- 1. That subject to any amendments agreed at the Committee meeting, the Committee approves the draft position statement on development affecting the setting of the AONB.**
- 2. That, once amended, the draft statement should be subject to a period of public consultation following which it could be adopted by the Board.**



## Chilterns Conservation Board – Position Statement

### **Development affecting the setting of the Chilterns AONB**

#### **Introduction**

1. Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the special qualities of the finest landscapes in England and Wales are conserved and enhanced. In policy terms they have the same planning status as National Parks.
2. The Chilterns Conservation Board is the body set up by Parliament to conserve and enhance the natural beauty of the Chilterns AONB and increase the awareness and understanding of the special qualities of the AONB. The Board also has a duty to have regard to the social and economic wellbeing of those who live and work in the Chilterns AONB.

#### **Purpose of this Position Statement**

3. This Position Statement is intended to provide guidance to local planning authorities, landowners, developers and other interested parties regarding the consideration of the impact of development and land management<sup>1</sup> proposals which lie outside the AONB but within its 'setting'.
4. The Board considers the setting of the Chilterns AONB to be the area within which development and land management proposals, by virtue of their nature, size, scale, siting, materials or design could be considered to have an impact, either positive or negative, on the natural beauty and special qualities of the Chilterns AONB.
5. This Statement expands upon issues raised in the Chilterns AONB Management Plan 2008-13: A Framework for Action<sup>2</sup>, in particular policy L6 in the landscape chapter, key issues 8 and 9 and policies HE2 and HE5 in the historic environment chapter and key issue 7 and supporting text for policy D10 (renewable energy) in the development chapter.

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<sup>1</sup> "Development" includes transport and other infrastructure as well as proposals requiring planning applications. "Land management" includes tree planting, energy crops, and drainage schemes.

<sup>2</sup> Chilterns AONB Management Plan 2008-13: A Framework for Action, Chilterns Conservation Board (2008) see: [http://www.chilternsaonb.org/conservation/management\\_plan.html](http://www.chilternsaonb.org/conservation/management_plan.html)

6. **Policy L6: Conserve and enhance the distinctive character of buildings, rural settlements and their landscape setting.**

7. **Policy HE2: Resist land use changes and management practices which would harm nationally designated and locally important historic assets and their settings.**

8. **Policy HE5: Ensure the design and location of new development is sympathetic to the character of the historic environment.**

9. Policy D10 supporting text: There may be pressure for the development of wind power in the Chilterns in the future, and full account should be taken of the potential impacts on the landscape, including the setting of the AONB.

10. Views out of the AONB and into its surrounding areas can be very significant. Development proposals that affect views into and out of the AONB need to be carefully assessed, particularly in line with Planning Policy Statement 7, to ensure that they conserve and enhance the natural beauty and landscape character of the AONB.

11. The need to consider the impact of proposals within the setting of the AONB is set out in Planning Policy Statements, relevant legislation, regional and local planning policies and guidance from Natural England and English Heritage. Those pieces of policy and guidance that are considered to be relevant are detailed in Appendix A.

12. The setting of AONBs has been considered by Inspectors in various planning appeals. Extracts from relevant appeals are detailed in Appendix B.

13. The special qualities of the Chilterns AONB are identified in the AONB Management Plan and are briefly set out in Appendix C.

14. This Statement is intended to be used to secure appropriate policies on this issue in Local Development Frameworks and other policy documents which relate to the Chilterns AONB and assist in the decision making process with respect to proposals for development or land management outside the AONB.

15. The need to consider the potential impact of developments within the setting of the AONB on the natural beauty and special qualities of the AONB itself are explicitly referred to in a number of adopted development plans in relation to the Chilterns AONB. While a development may have an adverse impact, circumstances can be envisaged where a development or changes in land use, for example tree planting outside the AONB, could enhance the AONB by mitigating or removing unsightly existing structures which may adversely impact upon the AONB.

16. **The Board will seek to ensure that the importance of considering the impact of development and land management proposals outside the Chilterns AONB on the natural beauty and special qualities of the AONB is made clear in all Local Development Framework documents and in policies in other relevant documents.**

17. **The Board will expect local authorities, in accordance with their Countryside and Rights of Way Act 2000 Section 85 duties, to be mindful of both the possible**

**positive and negative impacts of a development within the setting of the AONB on the natural beauty and special qualities of the AONB when determining planning applications, and to seek the views of the Board when significant impacts are anticipated.**

18. 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.

19. Examples of adverse impacts will include:

- Blocking or interference of views out of the AONB particularly from public viewpoints or rights of way
- Blocking or interference of views of the AONB from public viewpoints or rights of way outside the AONB
- Loss of tranquillity through the introduction of lighting, noise, or traffic movement
- Introduction of abrupt change of landscape character
- Loss of biodiversity, particularly in connection with those habitats or species of importance in the AONB
- Loss of features of historic interest, particularly if these are contiguous with the AONB
- Reduction in public access and detrimental impacts on the character and appearance of rural roads and lanes
- Increase in air or water pollution

20. Adverse impacts might not be visual. The special qualities of the Chilterns AONB include tranquillity. A development which is noisy may well impact adversely on tranquillity even if not visible from the AONB.

**21. The Board will monitor, comment as appropriate, and report significant planning application decisions which relate to the impact of the development within the setting of the Chilterns AONB on the natural beauty and special qualities of the AONB.**

22. The South East Plan has a policy which includes reference to the importance of the setting of protected landscapes (see Appendix A).<sup>3</sup>

23. Although the East of England Regional Spatial Strategy is silent on the matter of development within the setting of designated landscapes, the Board and others had tried to influence its review prior to that work halting.

## **Avoiding Harm to the Setting of the Chilterns AONB**

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<sup>3</sup> On 31<sup>st</sup> May 2010 the Secretary of State for Communities and Local Government announced the Government's intention to abolish Regional Spatial Strategies. This has been confirmed in the Localism Bill.

24. The best way of minimizing adverse impacts on the setting of the AONB is through avoidance in the first place, so that schemes bring about the conservation or enhancement of the setting of the AONB. In relation to development within or affecting the setting of the Chilterns AONB, the Chilterns Conservation Board supports the following:

- Measures to consider the impact on the setting of the AONB, including where required through Landscape and Visual Impact Assessments;
- Care being taken over the design, orientation, site layout, height, bulk and scale of structures and buildings;
- Consideration not just of the site but also the landscape and land uses around and beyond it;
- Careful use of colours, materials and non-reflective surfaces;
- Restraint and care over the installation and use of street lighting, floodlighting and other external lighting to prevent harm to the dark night skies of the AONB and its setting;
- The grouping of new structures and buildings close to existing structures and buildings to avoid new expanses of development that are visible and out of context (though detrimental impact on historic buildings/groupings will need special consideration to avoid insensitive development); and
- Detailed mitigation measures, for example including native landscaping (where possible contributing to BAP targets), and noise reduction (though again landscaping in certain contexts can be damaging to historic features, deposits, landscape or character so again will require careful consideration).

25. It is considered that many issues in relation to new development within the setting of the Chilterns AONB can be resolved through careful design, appropriate materials, location and layout and mitigation measures from landscaping to use of minimal, well-directed and full cut-off street (and other external) lighting.

26. The Board is very willing to enter into any pre-application consultations to ensure full attention is given to these factors and to assist in the process at the earliest opportunity.

## NOTES

The Chilterns Conservation Board has the statutory duty<sup>4</sup> to pursue the following two purposes:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) to increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board shall seek to foster the economic and social well-being of people living in the AONB.

This is one of a series of position statements published by the Board which help to expand on the Board's policies within the Chilterns AONB Management Plan or explain the Board's approach to new and emerging issues (renewable energy for example). All position statements can be found on the Board's website.

The Board is comprised of members nominated by the local authorities, elected parish council appointees and individuals appointed by the Secretary of State. The Board, formed in December 2004, is the only organisation that looks after the AONB as a whole.

The Chilterns AONB was designated in 1965 and extended in area in 1990. It is one of 38 Areas of Outstanding Natural Beauty across England and Wales. It occupies 833 square kilometres and is a landscape of equal importance to National Parks such as Snowdonia and the Lake District.

### **For further information contact:**

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<sup>4</sup> Section 87, Countryside and Rights of Way Act 2000

## APPENDIX A

### Policy guidance on the consideration of development proposals within the setting of protected landscapes

#### National legislation and guidance

1. Section 85 of the Countryside and Rights of Way Act 2000 places a statutory duty on all relevant authorities requiring them to have regard to the statutory purpose of AONBs when coming to decisions or carrying out their activities relating to, or affecting land within these areas.

2. Guidance on how the implication of this duty and how it may be discharged was issued by Defra in 2005<sup>5</sup>. This includes the statement “Additionally, it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be expected to have regard to the purposes of these areas”. The Guidance includes a list of relevant authorities, although this is not definitive.

3. Natural England has published more detailed guidance in 2010<sup>6</sup>, including case studies. It includes a case study from the Northumberland National Park regarding “Working to ensure policies include the impact on National Parks from development beyond their boundaries”.

4. Paragraph 14 of Planning Policy Statement 22, Renewable Energy, states that with respect to renewable energy developments “Regional planning bodies and local planning authorities should not create ‘buffer zones’ around international or nationally designated areas and apply policies to these zones that prevent the development of renewable energy projects. However, the potential impact on designated areas of renewable energy projects close to their boundaries will be a material consideration to be taken into account in determining planning applications.”

5. This concept of the significance of setting has to be recognised with respect to protected landscapes (AONBs and National Parks). Natural England’s published spatial planning position<sup>7</sup> considers, in Position 5, the protection and enhancement of protected landscapes: “*Spatial planning policies and decisions should ensure the highest levels of protection and enhancement for England’s protected landscapes, habitats, sites and species.*” The explanatory text states “*Natural England interprets the protection and enhancement of all sites, habitats and landscapes widely. This includes safeguarding their character, qualities and features, including where appropriate, their settings.*”

6. Natural England has published “Making Space for Renewable Energy – Natural England’s approach to assessing on-shore wind energy development”.<sup>8</sup> This includes the statement “Natural England regards the setting of protected landscapes as being potentially

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<sup>5</sup> 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)

<sup>6</sup> “England’s statutory designations: A practical guide to your duty of regard” Natural England NE243 (2010)

<sup>7</sup> Natural England’s Spatial Planning Position (2009), see:

[http://www.naturalengland.org.uk/Images/PlanningPosition\\_tcm6-16604.pdf](http://www.naturalengland.org.uk/Images/PlanningPosition_tcm6-16604.pdf)

<sup>8</sup> [http://www.naturalengland.org.uk/Images/NEBPU1805Annex2\\_tcm6-15152.pdf](http://www.naturalengland.org.uk/Images/NEBPU1805Annex2_tcm6-15152.pdf)

influential on the conservation of the special qualities of the National Park or AONB concerned”.

7. This guidance continues “Spatial plans should include policies that take into account the sensitivity of the setting of protected landscapes”, and “The potential for developments to dominate the setting of protected landscapes requires careful consideration”.

8. The consultation draft Overarching Energy National Planning Statement (NPS) EN-1 includes in the background section<sup>9</sup> the statement:

- “Landscape and visual impacts – The Government proposes to retain and clarify the important protection that PPS 7 provides for nationally designated areas. The PPS does not refer to developments outside such areas but visible from them. In these cases outside the remit of PPS 7, the IPC [Infrastructure Planning Commission] will, as now, have to take account of the impact on the landscape but we propose that specifically, the IPC will need to be satisfied that the application will not compromise the objectives which were the basis for designation of the designated site”.

9. The concept of “setting” is set out in the legislation<sup>10</sup> and guidance<sup>11</sup> relating to Designated historic assets. Setting is defined in Annex 2 of Planning Policy Statement 5 “Planning for the Historic Environment” as “The surroundings in which a historic asset is appreciated”.

10. Helpful guidance on the consideration of the setting of heritage assets is given in the “Historic Environment Planning Practice Guide” published by English Heritage in March 2010<sup>12</sup>. Setting is said to be “the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not”. The guidance goes on to say that “For the purposes of spatial planning, any development of change capable of affecting the significance of a heritage asset or peoples experience of it can be considered as falling within its setting“, and “Transport proposals can affect the setting of heritage assets”.

11. A “Heritage asset” is defined in PPS5 as “a building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions”. In view of the number, scale, quality and distribution of designated and undesignated historic features in the Chilterns AONB, the Board considers that the AONB is a landscape which can be considered a heritage asset under this definition.

## **Regional Planning<sup>13</sup>**

12. The concept of the setting of an AONB has been incorporated into the Regional Spatial Strategy for the South East which affects the Chilterns AONB.

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<sup>9</sup> <http://data.energynpsconsultation.decc.gov.uk/documents/condoc.pdf>

<sup>10</sup> Sections 16 and 66, Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>11</sup> Planning Policy Statement 5 “Planning for the historic Environment” (PPS5) Policy HE.10.

<sup>12</sup> [http://www.english-](http://www.english-heritage.org.uk/upload/pdf/Historic_Environment_Planning_Practice_Guide.pdf?1269365073)

[heritage.org.uk/upload/pdf/Historic\\_Environment\\_Planning\\_Practice\\_Guide.pdf?1269365073](http://www.english-heritage.org.uk/upload/pdf/Historic_Environment_Planning_Practice_Guide.pdf?1269365073)

<sup>13</sup> On 31<sup>st</sup> May 2010 the Secretary of State for Communities and Local Government announced the Government’s intention to abolish Regional Spatial Strategies. This was confirmed in the Localism Bill.

13. Policy C3 of the South East Plan states:

**POLICY C3: AREAS OF OUTSTANDING NATURAL BEAUTY**

High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context. Positive land management policies should be developed to sustain the areas' landscape quality. In drafting local development documents, local planning authorities should have regard to statutory AONB Management Plans.

**Local Planning**

15. The Board considers policy CS17 (Environmental Assets) in the Wycombe Development Framework Core Strategy<sup>14</sup> is an example of good practice. The policy includes the text:

“The Council will conserve and improve the environmental assets of the District by requiring: 1. The conservation and enhancement of the Chilterns Area of Outstanding Natural Beauty and its setting.”

16. The Board also considers that the first part of policy CS22 (Chilterns Area of Outstanding Natural Beauty) in the Core Strategy for Chiltern District<sup>15</sup> is another example of good practice. The policy includes the text:

“The principles to be followed in the Chilterns AONB are that:

- a) all proposals must conserve and enhance the special landscape character, heritage, distinctiveness of the Chilterns AONB
- b) all proposals must protect the setting of the AONB and safeguard views into and out of the area”.

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<sup>14</sup> <http://www.wycombe.gov.uk/council-services/planning-and-building/planning-policy/core-strategy.aspx>

<sup>15</sup> <http://www.chiltern.gov.uk/corestrategy/site/index.php>

## APPENDIX B (Appeal decisions)

1. The potential for development to impact on the setting of the Dorset AONB, and hence being a material matter in the consideration of the acceptability of a development, has been affirmed by the Planning Inspectorate in connection with an appeal against the refusal of permission for the “creation of a new static caravan community of 30 bases and a reduction of 30 bases elsewhere on the park” [APP/P1235/A/06/2012807, 2007]. The Inspector wrote:

“I consider that the area immediately abutting an AONB will be relevant where the appreciation of the natural beauty of the designated area may be affected by what lies outside it. In my view, this is analogous to development outside of a Green Belt, where Planning Policy Guidance *Green Belts* (PPG2) advises, at paragraph 3.15, that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. I therefore agree with the Council that the effect on the AONB is a material consideration”.

2. Further consideration was given to the issue of setting of the Dorset AONB by the Inspector in appeal ref APP/P1235/A/08/2072794, 2008 where he stated, with respect to a proposal for the “change of use of land from existing touring caravan site to site for 45 static holiday caravans”, that:

“However, given that the Secretary of State has now published the *Proposed Changes to the Draft South West Regional Spatial Strategy (RSS)*, I attach significant weight to RSS Policy ENV3, which requires particular care to be taken to ensure that no development is permitted outside AONBs which would damage their natural beauty, special character and special qualities – in other words to their *setting*”. [Inspectors italics]

3. Detailed consideration of the adverse impacts of the construction and operation of a four 100m turbine wind farm for electricity generation on the special qualities of Exmoor National Park was given by the Inspector in appeal ref APP/Y1138/A/08/2084526, 2008:

“I turn now to views south from Exmoor, and the setting on the National Park. Although it was suggested that the evidence presented in opposition to the proposal was tantamount to the creation of a buffer zone to the south of Exmoor, I accept that this is not the case. The special qualities of Exmoor include the description of ‘a landscape that provides inspiration and enjoyment to visitors and residents alike’. In my judgment part of the enjoyment stems from the appreciation of Exmoor in its rural setting, and the land to the south is a significant element in that. The National Park clearly has a setting framed by the land to the south, and proposals must be considered individually or cumulatively in respect of the setting. The definition of setting is difficult to pin down in many instances. For a particular building it might involve hard boundaries such as walls, but for a landscape it involves concepts such as topography, land use, character, vegetation and more”.

“So the effect on the character and appearance of the area, and the setting of Exmoor, can be summarised thus. The visual experience will vary from location to

location, and will be of a major and substantial intrusion in places. There would be serious harm to landscape character. But from some places there would be levels of visibility and intrusion which would not, in my judgment, be so harmful as to weigh against the proposal. I consider that the skyline views and movement of blades would, notwithstanding the separation from Exmoor, impinge upon the appreciation of the special qualities of Exmoor to a material degree”.

4. An Inspector, in dismissing appeal ref: APP/H1840/A/06/2023564, addressed the issue of the proposed development of a haulage depot and storage buildings outside the AONB that impacted adversely on views out from the Cotswolds AONB:

“From the elevated vantage point of the Cotswold Way [within the AONB] the greater density of the development would be readily apparent, as although the site forms part of a vast panorama, it would be towards the front of that view”.

And towards the Cotswolds AONB:

“From lower viewpoints ... the breach of the AONB skyline would not be mitigated”.

## **APPENDIX C (Special qualities of the Chilterns AONB)<sup>16</sup>**

- The steep chalk escarpment
- Open, flower-rich, chalk downland
- Large tracts of beech woodland
- Areas of common land
- Locally distinctive flint and brick architecture
- A rich historic environment with many grand houses, designed landscapes, ancient routes, hill forts and chalk figures
- Extensive public rights of way network, including the Ridgeway and the Thames Path National Trails, and other accessible sites which receive 55 million leisure visits a year
- Natural features such as chalk rivers and streams which are a globally scarce habitat supporting a range of specialised wildlife including the water vole
- Tranquillity
- Arable and livestock farms managed with consideration for biodiversity, particularly farmland birds and other wildlife

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<sup>16</sup> As detailed in the vision for the Chilterns AONB and introduction of the Chilterns AONB Management Plan 2008-13: A Framework For Action

## **Item 8      Chilterns AONB Planning Policy Guidelines**

**Author:** Colin White Planning Officer

**Lead Organisation:** Chilterns Conservation Board

**Resources:** Staff time and a budget of £1,500.

**Summary:** The drafting of the text of the Chilterns AONB Planning Policy Guidelines has made further progress. The text is being sent separately from the main agenda and other appendices.

**Purpose of report:** To inform the Committee about the progress made in connection with the drafting of the Planning Policy Guidelines and to approve the text prior to a public consultation exercise.

### **Background**

1. The Committee has previously received reports about the production of the AONB Planning Policy Guidelines. These have been held in abeyance due to other work commitments. In order to allow as much time as possible for drafting of the policies the text is being sent out separately from the main agenda and papers.
2. The key reason for producing the Guidelines is to clearly state what the Board's policies are in connection with various planning issues primarily in order to lessen the involvement in significant numbers of more minor planning applications.
3. Comments that were previously made by the Committee about the format and content of the Guidelines have been taken on board. Pictures will be included to illustrate key points and if the use of a diagram will save space this will be investigated.
4. The Committee is asked to provide comments on the proposed policies, to suggest ideas for images and to suggest any amendments that ought to be made that can then be incorporated into a consultation draft prior to publication.
5. After the close of the public consultation exercise a report on will be brought to the following Planning Committee with a view to adoption of the Guidelines.
6. With a full and proper consultation it is hoped that the Guidelines may at least be endorsed by the local planning authorities.

### **Recommendations**

1. **That the Committee notes the progress made in the drafting of the Planning Policy Guidelines.**
2. **That, subject to any agreed amendments, the Committee approves the text of the Planning Policy Guidelines for public consultation.**

## **Item 9      Chilterns AONB Planning Forum**

**Author:**                      Colin White    Planning Officer

**Lead Organisation:** Chilterns Conservation Board

**Resources:**                Staff time.

**Summary:**                The next Chilterns AONB Planning Forum takes place on 10<sup>th</sup> May 2011 and arrangements are being put in place.

**Purpose of report:** To inform the Committee about the arrangements for the next AONB Planning Forum.

### **Background**

1. The next Chilterns AONB Planning Forum will take place on the morning of Tuesday 10<sup>th</sup> May 2011 in Committee Room 1 at the Wycombe District Council offices in High Wycombe.
2. The forum will start at 10.00 after refreshments from 9.30. The intention is to discuss in some detail the likely implications for the Chilterns local planning authorities arising out of the proposal in the Localism Bill to allow for the production of neighbourhood plans. It is hoped that this will be led by one of the local authority planning officers. The forum will then discuss the impacts of financial cuts at the local authorities that have come about as a result of the comprehensive spending review.
3. The AONB planning policy guidelines and the position statement on the setting of the AONB will also be discussed. It is also hoped that the discussion will touch on future events (and venues in particular), a further position statement on renewable energy and guidance on building design and adaptation for climate change (part of the Planning Officer's work plan).
4. There will be ample opportunity for discussion and the forum will close at 13.00. The room and refreshments (not including lunch) are very kindly being provided free of charge by Wycombe District Council.

### **Recommendation**

1.      **That the Committee notes the arrangements for the next AONB Planning Forum.**

## **Item 10     Development Plans Responses**

**Author:** Colin White Planning Officer

**Lead Organisations:** Chilterns Conservation Board

**Resources:** Staff time.

**Summary:** Responses have been sent in connection with public consultations on the following development plan documents: **Hertfordshire CC** LTP3 2010 Consultation Draft; **Hertfordshire CC** Pre-Submission Waste Core Strategy and Development Management Policies; **Dacorum BC** Draft Core Strategy consultation; **Oxfordshire CC** LTP3 Consultation Draft; **DCLG** Proposals for changes to planning application fees in England; **Luton BC and Central Beds Council** Luton and southern Central Bedfordshire Core Strategy Pre-Submission; **DECC** revised draft national policy statements for energy; **South Oxfordshire DC** Core Strategy Proposed Submission; **Luton BC** Local Transport Plan 3; **Bucks CC** Buckinghamshire Local Transport Plan 3 (2011-2016); **Dacorum BC** Character Appraisals and Management Proposals for Frithsden, Great Gaddesden and Nettleden Conservation Areas.

**Purpose of report:** To inform the Committee about, and approve, the responses that have been made under delegated powers in connection with development plan documents.

### **Background**

The following paragraphs detail the responses that have already been drafted and sent in connection with the public consultation exercises on the development plan documents listed.

### **Hertfordshire CC – LTP3 2010 Consultation Draft**

1. The Chilterns Conservation Board welcomes and supports the goal to ‘enhance quality of life, health and the natural, built and historic environment for all Hertfordshire residents’ and challenges 3.3 (maintain and enhance the natural, built and historic environment) and 3.4 (maintain and enhance the natural, built and historic environment). However, the Board considers that the indicator for challenge 3.3 should deal with more than just speed limit compliance and could usefully address the issues of clutter from signage (mentioned as an intervention elsewhere in the documentation) as well as seeking improvements in highways design and reduced impacts of street lighting. Challenge 3.4 has no specific indicator and the Board considers that one should be introduced which seeks to demonstrate a reduction in the impacts that arise from noise (amount of low noise road surface used [also mentioned as an intervention] or reduced levels of over-flying for example).
2. The Board welcomes the fact that the Chilterns AONB Management Plan has been taken account of in preparing the LTP.

3. The Board welcomes the Council's approach to the LTP and the fact that protecting the environment continues to be a high priority. The Board also generally welcomes the preferred approach to achieve the goals and challenges which will focus on promoting behavioural change, supporting sustainable modes of travel (walking and cycling in particular) and small scale improvements to the road network with increased information and improvements to bus services.
4. In connection with transport policy 3.1 (access to services) the Board considers that reference should also be made to the 'Environmental Guidelines for the Management of Highways in the Chilterns' as part of its consideration of highways design.
5. The Board welcomes and supports policy 3.4 (climate change: emissions reduction and climate risk) as this may bring about modal shift to more sustainable forms of travel such as walking and cycling. The Board also welcomes and supports policy 3.6 (cycling) for the same reason.
6. The Board welcomes and supports the stance taken in policy 3.8 G(iv) (development control) whereby the Council will resist development where the proposals would significantly affect the rural character or safety of a road or right of way.
7. The Board supports policy 3.10 (equestrians) as drafted as this may bring about improvements to the rights of way network to the benefit of horse riders.
8. The Board welcomes and supports policy 3.11 (highway signing) and the fact that the Council is looking to minimise the number and environmental impact of signs and is therefore seeking to reduce clutter. The push for improved designs and less lighting are also welcomed and supported.
9. The Board considers that reference should also be made to the 'Environmental Guidelines for the Management of Highways in the Chilterns' as part of the consideration of policy 3.14 (new roads and highways improvements). The approach in the policy is generally supported, particularly the reference to seeking to minimise or mitigate the impact on the landscape and environment of any road or improvement.
10. The Board welcomes the inclusion of policy 3.18 (quality of life and environmental impacts [air quality and noise]) and considers that this should hopefully bring about positive changes. However, this policy should explicitly refer to the Chilterns AONB and the need to ensure that any development conserves and enhances the natural beauty of the area. Many of the principles outlined would address this issue.
11. The Board considers that reference should also be made to the 'Environmental Guidelines for the Management of Highways in the Chilterns' as part of the introduction to policy 3.20 (roads hierarchy and network development) and when considering any part of the network within the Chilterns AONB. In connection with rural roads it would also be sensible to make reference to the Chilterns Historic Landscape Characterisation report.
12. The Board welcomes and supports policy 3.21 (rural transport).
13. The Board supports policy 3.25 (sustainable distribution and freight) and trusts that with appropriate signage this will ensure that HGVs are kept away from inappropriate rural roads.
14. The Board welcomes and supports policy 3.30 (walking).

15. The Board notes reference within the LTP implementation plan to a north east Hemel Hempstead Relief Road being considered at present. No further detail is given and the Board would welcome more information on this, particularly as it may have implications for the Chilterns AONB to the north of Hemel Hempstead. As part of the same document mention is made of measures to reduce casualties on the A4146 at Great Gaddesden and on Bulbourne Road at Tring. No further detail is given and the Board would welcome more information on these, particularly as they may have implications for the Chilterns AONB.
16. The Board objects most strongly to the fact that the Council is supporting High Speed 2 in principle (as detailed in the Rail Strategy). There is no business case, no environmental case and no money for such a proposal and for these reasons it should not be supported. The impacts on Hertfordshire are all likely to be negative and the Board considers that the Council should reconsider the stance that it has taken.
17. The Rural Transport Statement is an interim statement of the Council's intentions regarding rural transport prior to a new Strategy being produced. The Board considers that the new Strategy should explicitly refer to the need to conserve and enhance the natural beauty of the Chilterns AONB and it would be sensible to make reference to the Chilterns AONB Management Plan and the 'Environmental Guidelines for the Management of Highways in the Chilterns' as part of this.

#### **Hertfordshire CC – Pre-Submission Waste Core Strategy and Development Management Policies**

18. Policy 8 (landfill and landraise) is supported by the Conservation Board as drafted.
19. The inclusion of policy 17 (protection of sites of international and national importance) is welcomed by the Board. However, the Board considers that the final paragraph should be amended by the deletion of 'maintained' and its replacement with 'conserved' so that it reads: 'These assets should be conserved and where possible opportunities sought to enhance them'. This would ensure compliance with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. In addition, the final criterion (ix) refers to 'Areas of Outstanding National Beauty' and the Board is unsure what designation the Council meant to refer to as the first criterion (i) already refers to 'the Chilterns Area of Outstanding Natural Beauty'.
20. These comments were submitted online.

#### **Dacorum BC – Draft Core Strategy consultation**

21. Various areas of development restraint are detailed in paragraph 5 on page 15 and within other small settlements and the wider countryside the Council's approach (in criterion (d)) is to 'conserve the special qualities of the parts of the borough within the Chilterns AONB'. The Board considers that, to reflect the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7, this approach should also refer to the need to enhance the special qualities. Therefore, this criterion should be reworded to read 'conserve and enhance the special qualities of the parts of the borough within the Chilterns Area of Outstanding Natural Beauty'.

22. The Board welcomes and supports Strategic Objectives 6 (to conserve and enhance the function and character of the market towns, villages and countryside) and 8 (to create safe and attractive environments through high quality design) as detailed in paragraph 7.2 on pages 31 and 32.
23. The Board considers that, to reflect the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7, Strategic Objective 12 (paragraph 7.2 on page 32) should refer to the need to the need to conserve the distinctive landscape character rather than to 'protect'. Therefore, this objective should be reworded to read 'To conserve and enhance Dacorum's distinctive landscape character, open spaces, biological and geological diversity and historic environment'.
24. The Board considers that, to reflect the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7, Policy CS1 (distribution of development on page 44) should refer to the need to be compatible with policies that seek to conserve and enhance the natural beauty of the Chilterns AONB. Therefore, the final part of the final paragraph of this policy should be reworded to read 'Development that supports .... and is compatible with policies seeking to conserve and enhance the Green Belt, Rural Area and the natural beauty of the Chilterns Area of Outstanding Natural Beauty'.
25. The Board welcomes and supports Policies CS6 (selected small villages in the green belt on page 52) and CS7 (rural area on page 53) as drafted.
26. The Board welcomes the recognition given to the need to pay special regard to the effect that new development and traffic may have on the safety and environmental character of country lanes (Policy CS9 management of roads on page 58) and the fact that delivery of this policy will be achieved by supporting the 'Environmental Guidelines for the Management of Highways in the Chilterns' (delivery section page 59).
27. The Board welcomes the fact that the Council has stressed the need to consider the Chilterns Buildings Design Guide (to be adopted as SPD) and the associated Technical Notes as appropriate guidance that will raise design standards and ensure long-term management of the built environment (paragraph 11.9 page 63).
28. The Board particularly welcomes and supports as drafted Policies CS10 (quality of settlement design), CS11 (quality of neighbourhood design) and CS12 (quality of site design) which deal with the quality of design.
29. The Board supports the Option 1 housing programme as it considers that the Council has shown clear justification for this level of growth and objects to the Option 2 housing programme as detailed in Section 15 and Policy CS17 (housing programme page 90). The Option 2 approach would lead to a number of housing allocations that would be immediately adjacent to the Chilterns AONB and it is difficult to see how the nationally protected landscape and its setting could be conserved or enhanced by such proposals. Should the Council proceed with the Option 2 housing programme then great care will be needed with the approach that is taken in connection with all of the allocations that are near or immediately adjacent to the boundary of the Chilterns AONB (West Hemel Hempstead, Icknield Way west of Tring and New Road Berkhamsted).
30. The Board considers that, in order to reflect the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning

Policy Statement 7, the first environmental strategic objective (page 106) should refer to the need to conserve the distinctive landscape character rather than to 'protect'. Therefore, this objective should be reworded to read 'To conserve and enhance Dacorum's distinctive landscape character, open spaces, biological and geological diversity and historic environment'.

31. The recognition given to the Chilterns AONB and its Management Plan in paragraphs 17.2 and 17.3 is welcomed and supported as drafted.
32. The Board welcomes the inclusion of a specific Chilterns AONB policy (Policy CS24 page 113), though considers that, in order to reflect the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000, Planning Policy Statement 7 and the text included in Policy CS25 (landscape character on page 114 which refers to the need to 'conserve and enhance' natural and historic landscape), the first paragraph should be reworded by the addition of 'and its setting' after 'Natural Beauty' in line 1 and the addition of 'and, where possible, enhanced' after 'conserved', so that the first paragraph would read: 'The special qualities of the Chilterns Area of Outstanding Natural Beauty and its setting will be conserved and, where possible, enhanced' (new text is shown underlined). The reference within the policy to the need to have regard to the AONB Management Plan and the Chilterns Buildings Design Guide and the technical notes is welcomed and particularly supported.
33. The Board welcomes the fact that delivery of Policy CS24 (page 115) will be achieved by adherence to the Chilterns Buildings Design Guide, implementation of the AONB Management Plan and through partnership working involving the Board and others.
34. The Board welcomes and supports Policy CS27 (quality of the historic environment page 117) as drafted.
35. The Board notes the Energy Opportunities Plan as detailed in Map 4 and the fact that the Council seems to be stressing the adoption of district heating and combined heat and power as well as micro-generation technologies (solar water heating, PV and heat pumps) in paragraph 19.14 (page 122). However, Map 4 details a number of locations that are identified as 'area for wind turbines'. Many of these are located within or in close proximity to the AONB and should such developments be considered they would need to clearly demonstrate how the tests detailed in PPS7 have been met. The Board would welcome being closely involved in the production of the District Heating Opportunity Areas and Wind Opportunity Areas SPD as mentioned in paragraph 19.18 (page 123).
36. The Board welcomes and supports as drafted Policy CS29 (sustainable design and construction page 128) and the push to use locally produced building materials as identified in paragraph 19.27 (page 130).
37. The Board welcomes the need to give special consideration to the retention of tranquil parts of the Chilterns AONB as detailed in paragraph 19.36 (page 132) and by implication Policy CS32 (air, soil and water page 134). However, the Board considers that it would be sensible to include reference to the need to reinstate tranquillity in those areas of the AONB and its setting that have lost it by amending paragraph 19.36 and by including a new criterion (d) in Policy CS32 which could read 'improve those areas that suffered loss of tranquillity'.

38. The Board objects to housing allocation LA3 (West Hemel Hempstead) as part of the Option 2 housing programme as it considers that the Option 1 housing programme should be adopted. Should the Council proceed with the greater level of growth then great care will be needed with the treatment of this site (particularly on its north and western extremities) to ensure that the setting of the Chilterns AONB is not detrimentally affected.
39. The Board welcomes the reference to need to take opportunities to de-culvert the river through Berkhamsted (paragraph 22.8 page 161).
40. Various references are made to the New Road / Springfield Road link road and it being enabled in part through development at Lock Field, New Road. The Board objects to both the link road and the housing allocation (LA5 page 163). Question 21 asks – ‘Do you consider that the Local Allocation LA5 (New Road, Northchurch) is appropriate either to provide new homes or to help fund the delivery of a road link from New Road to Springfield Road?’ In answer to this question the Board’s response is ‘no’ on both counts. The housing allocation would be immediately adjacent to the Chilterns AONB and its development would almost certainly have a detrimental impact on the setting of the AONB, particularly if significant engineering operations were required to be included to both access the site and to bring about a sensible use of the land. There are significant question marks over many aspects of the possible link road (poor visibility, levels issues leading to cut and fill and retaining structures, need for additional land, increased risk of accidents, inclusion of street lights and substantial environmental impacts as detailed in the published feasibility report which recommends that none of the options detailed are implemented, which is supported by the Board) and the Board considers that its development (preferred option 3) would have a significant detrimental impact on the Chilterns AONB and its setting, particularly with the possibility that there may be significant earthworks and retaining structures and the introduction of street lights.
41. The Board considers that the vision diagrams for Hemel Hempstead (page 156), Berkhamsted (page 167), Tring (page 172) and Markyate (page 185) should all include the AONB and its boundaries.
42. Question 23 asks ‘Do you consider that Local Allocation LA6 (off Ickniel Way, west of Tring) in Section 23 (which is in Housing Option 2) is appropriate to meet the long term needs of Tring?’ The Board’s answer to this question is ‘no’ because it does not support the higher level of growth detailed in Option 2 and also because it considers that this site, which is immediately adjacent to the Chilterns AONB, could not be developed without there being a significant detrimental impact on the nationally protected landscape and its setting. The site is virtually surrounded by the AONB and there are views across the site from one part of the AONB to another which would be lost. In addition, it is considered that this site is remote from the town centre of Tring and, if developed, it would be likely to result in a significant number of car borne journeys to access local services and facilities which is clearly not sustainable. There are no doubt other sites within Tring that are closer to the town centre that could be developed in a more sustainable way.
43. The Board welcomes and supports the Countryside Place Strategy as detailed in Section 27 (page 186) and the recognition given to the importance of the Chilterns AONB (the objectives on page 187 and potential for sustainable tourism in paragraph 27.11 on page 188), the importance of the Chilterns Buildings Design Guide and the

associated technical notes (paragraph 27.5 page 187), the fact that the impact of equestrian activities on the landscape (especially the AONB) will be mitigated (paragraph 27.15 page 188) and that the tranquillity of the countryside will be recognised and protected (paragraph 27.18 page 189). However, not all issues are addressed in policies at present (restoration of tranquillity in particular) and this ought to be addressed. It would also be useful to cross reference the relevant policies as none are detailed in this section.

### **Oxfordshire CC – LTP3 Consultation Draft**

44. The Board objects to Policy PT6 (Oxfordshire County Council will only support the High Speed 2 rail proposals if their local economic benefits outweigh the environmental impact on the county) and paragraph 11.50 which states that ‘with no intermediate stations proposed the line offers few direct benefits to Oxfordshire’. On the basis that no demonstrable business case and no demonstrable environmental case have been put forward by either HS2 Ltd or the Department for Transport and that there are no benefits to the County at all there seems to be no point in having a policy and supporting paragraph in the LTP3 document that rely on a case with no evidence. The Board considers that both should be deleted.
45. The Board has previously made brief comments about possible projects that had been listed in the long list of options for rural areas (consulted on in late 2009). This list has since been extended. The Board objects to the following on the basis that there is no additional information, that they have not been removed and appear to remain within the Council’s thinking: SO56 (park and ride scheme at Lewknor, junction 6 of M40), SO57 (Lewknor B4009/M40 southbound entry slip road junction remodelling), SO84 (Watlington bypass), SO85 (Watlington restrict vehicles on Icknield Way) and two new proposals from the extended list of schemes (Lewknor rationalise coach parking and Lewknor provision of a park and ride car park on the north west side of M40 junction 6) - all of these schemes are within or immediately adjacent to the Chilterns AONB and it is likely that any development would have significant implications (probably detrimental) for the natural beauty of the Chilterns AONB and the enjoyment of the special qualities of the AONB. It should be borne in mind that any change involving development would have to conserve and enhance the natural beauty of the Chilterns AONB and its setting. The recently adopted Environmental Guidelines for the Management of Highways in the Chilterns should clearly be applied in all cases. Should any of these proposals remain within the Council’s thinking then the Board would be grateful for more information and an involvement in any future discussions.

### **DCLG – Proposals for changes to planning application fees in England**

46. In response to question 1 the Board agrees that local planning authorities should be able to set their own (non-profit making) planning applications fee charges as this is likely to result in a fairer and more equitable system whereby more of the costs that are incurred are likely to be covered. In protected landscapes there will often be a number of detailed considerations to which many applications local authorities receive may be subject (for example landscape impact, historic environment, biodiversity). These will invariably require the authorities to secure specialist advice before coming to a decision. Local authorities in such areas, which are often district councils with

relatively low council tax bases, will incur significantly higher relative costs in securing this advice either in-house or from consultants. The ability to recover such costs should enable these local authorities to seek adequate advice, thus hopefully resulting in better decisions being made.

47. In response to question 2 the Board agrees that local planning authorities should be allowed to decide whether to charge for applications that are resubmitted following withdrawal or refusal on the basis that these are free at present and their determination will still incur costs that cannot at present be recovered.
48. In response to question 3 the Board agrees that local planning authorities should be able to set higher fees for retrospective applications as these often arise following investigative work by the local planning authorities that does not currently attract any fee. Setting higher fees, should this be necessary, would allow all of the related costs to be recovered.
49. The Board would like to respond to question 4 (are there any other development management services which are not currently charged for but should require a fee?). The Board considers that applications for Listed Building and Conservation Area consents and works to trees that are subject to TPO could usefully be subject to application fees to cover the costs of the application's administration. Again some smaller district councils in protected landscapes have a significantly higher number of Listed Building applications for which they need to fund specialist advice. The fees would clearly be set at the local level following an assessment by the local planning authorities.

### **Luton BC and Central Beds Council Luton and southern Central Bedfordshire – Core Strategy Pre-Submission**

50. The final paragraph of the vision (page 16) should refer to the natural environment, and in particular the nationally designated Chilterns AONB, being 'conserved and enhanced' in order to comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7.
51. The Board objects to Strategic Objective 4 as drafted as the emphasis is on the delivery of 'major transport infrastructure' (roads) ahead of other more sustainable measures. The Board proposes that this objective should be reworded to read: 'To improve strategic and local connectivity through efficient integrated public transport, sustainable transport opportunities and solutions and the delivery of major transport infrastructure should testing and modelling prove that this is ultimately required.'
52. The Board supports the principle of Strategic Objective 7 (offering the highest level of protection for and access to the natural environment) but objects to the lack of reference to the need to conserve and enhance the natural beauty of the Chilterns AONB and proposes that this objective should be reworded to read: 'To deliver growth that ensures the conservation and enhancement of and access to the natural environment, and particularly the Chilterns AONB, to enable greater sustainable enjoyment of this resource.'
53. Various paragraphs, a table (3.1), key diagram and Policy CS1 detail some of the principles and locations for significant urban extensions, possible development in villages (including Barton-le-Clay, Caddington, Slip End and Eaton Bray), the

development of a rail freight interchange adjacent to Sundon Quarry (within the setting of the AONB) and road bypasses that all have implications, to a greater or lesser extent, for the natural beauty of the Chilterns AONB and its setting and for the enjoyment of the special qualities of the AONB. The Board considers that such developments are unlikely to conserve and enhance the natural beauty of the AONB and that those parts of the proposed developments that are within the AONB should be removed and those parts immediately adjacent to or within the setting of the AONB should be properly addressed (siting, massing, layout, design and materials for example) with very careful attention being paid to the nationally designated landscape. As such the Board considers that the Core Strategy fails to take proper account of the need to conserve and enhance the natural beauty of the AONB and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7 and consequently the changes suggested should be made.

54. The Board generally supports the key elements of additional public transport infrastructure identified in paragraph 6.15. Implementation of these, and other sustainable transport measures that are not specifically identified, should allow development to take place without the need for a new bypass to the north of Luton. The Board does not object to the provision of park and ride sites along roads that happen to be within or adjacent to the Chilterns AONB provided that: the sites proposed are outside the AONB, the designs of the sites and any buildings take account of the landscape context and the setting of the AONB, any buildings are constructed using locally produced building materials, lighting is kept to the absolute minimum and should all be subject to time control so that the tranquillity of the AONB is not unduly affected. Should sites be identified within the AONB (it is difficult to tell from the key diagram whether or not this is the case) then the Board's comments would have to be considered as an objection based on the fact that it considers that such developments would render the Core Strategy unsound as they would neither conserve nor enhance the natural beauty of the AONB and would therefore not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7.
55. Policy CS8 (quality of design) is welcomed and supported as drafted.
56. The Board objects to Policy CS9 and the identification of land at Sundon Quarry for employment purposes (rail freight interchange) as it considers that: this will have a detrimental impact on the landscape in the setting of the Chilterns AONB, it will also affect the quiet enjoyment of the AONB in the area around the Sundon Hills Country Park and would lead to very limited employment provision. The Board considers that such a development would neither conserve nor enhance the natural beauty of the AONB and its setting and would therefore not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7.
57. Though the Board welcomes the very limited recognition given to the Chilterns AONB in chapter 9 it feels it must object in the strongest possible terms to paragraphs 9.8 and 9.14 and Policy CS10 because they fail to address the issue of the Chilterns AONB in a proper manner. The Board considers that it would be appropriate to remind the Council of both the Board's purposes and the duties of the Council. A Conservation Board is a statutory independent corporate body set up by Parliamentary Order under the provisions of Section 86 of the Countryside and Rights of Way

(CRoW) Act 2000. Section 87 of the CRoW Act sets out the purposes of a conservation board as: a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty. But if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a). Furthermore “A conservation board, while having regard to the purposes mentioned in subsection (1) [of Section 87], shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty.” Section 85 of the CRoW Act states under “General duty of public bodies etc” “(1) 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.”

58. AONBs are recognised as having the highest quality landscape (not just ‘high quality’ as mentioned in paragraph 9.8) and are protected at the national level through the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. The Board considers that no protection is afforded to the AONB through Policy CS10, particularly as there is a clear conflict between the designation as an AONB and with other policies and paragraphs in the Core Strategy that seek major developments in the AONB and its setting (bypass route and urban extension in particular). The Board finds paragraph 9.8 particularly objectionable as it seeks to downplay the impact of the urban extension and bypass route by stating that there is limited encroachment and impacts will be mitigated by the Councils. The Board considers that the extent of any encroachment is immaterial and once built on the protected landscape will be lost, no amount of mitigation would bring that back. Therefore, the Board considers that to ensure minimal impact on the AONB and its setting the Council should remove all references from the Core Strategy that propose developments within the AONB. The Core Strategy should ensure that what ultimately remains as a proposal should be designed to the very highest standard taking proper account of its landscape context. In order to monitor this the Board considers that the monitoring framework (appendix A5) should be amended to include a specific indicator and target for the AONB.
59. The Board considers that to comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7 the Council should also include a specific policy that refers to the need to ensure that all developments ‘conserve and enhance the natural beauty’ of the AONB (and its setting). A new or revised policy should be included and paragraphs 9.8 and 9.14 should also be amended accordingly whilst all references to developments within the AONB should be removed and the monitoring framework (Appendix A5) should be amended to include an AONB specific indicator and target.
60. Chapter 10 details the strategic site specific allocations. Paragraphs 10.7 to 10.18, Policy CS13 and Table 10.1 provide the detail in connection with the North of Luton proposal (including the Luton Northern Bypass). The Board objects to the proposed allocation and its associated bypass because they would definitely have a significant, detrimental and irreversible impact on the nationally designated and protected

Chilterns AONB (not 'likely' but limited negative incursion as referred to in paragraph 10.7), its setting and the enjoyment of its special qualities. The Board objects to the fact that the Core Strategy has failed to take account of the fact that this proposal is partially located within the AONB as part of the vision in paragraph 10.9 and Policy CS13. Furthermore, Policy CS13 has also failed to take account of the need for this proposal to take proper account of its landscape setting or the need to link into the wider countryside. In addition, the Board also objects to the fact that this proposal fails to satisfy the requirements set out in the Milton Keynes and South Midlands Sub-Regional Strategy (which specifically excludes development associated with growth at Luton Dunstable and Houghton Regis from the Chilterns AONB), does not meet the tests set out in PPS7 and would fail to conserve and enhance the natural beauty of the AONB. The Board objects to the identification of part of the 20 hectares of employment land at the eastern end of the site as, despite the assertion in the Core Strategy about design, the Board considers that this form of development in this location would have the greatest impact on the AONB and its setting. The Board objects to paragraph 10.12 as it implies that the Core Strategy has taken account of the need to properly address the AONB (Green Infrastructure provision will ensure that the 'setting of the Chilterns AONB is maintained' having just been destroyed by a major housing and employment development and associated bypass). According to paragraph 10.14 access to this site will primarily be from the existing urban area via existing roads and the A6, although it will also benefit from access to the Luton Northern Bypass in the longer term. As far as the Board can tell the policies and key diagram for the Core Strategy only propose that the bypass links the M1 to the A6 and as a result the Board questions whether or not the Luton Northern Bypass is needed at all (as it has stated this at previous stages in the preparation of the Core Strategy). However, Table 10.1 then states that, in connection with the Luton Northern Bypass, there will be 'commencement of A6 to A505 section in the longer term'. This is not detailed anywhere else in the Core Strategy and should be included as part of policy or key diagram so that all those concerned with the proper planning of the area can give it full and proper consideration. Please also refer to the Board's objections to Chapter 9 and Policy CS10.

61. The Board considers that to comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000, the Milton Keynes and South Midlands Sub-Regional Strategy and Planning Policy Statement 7 the Council should amend Chapter 10 by seeking to ensure that all developments 'conserve and enhance the natural beauty' of the AONB (and its setting) and exclude from within the AONB, and its setting if it would have a detrimental impact, all proposed housing and employment development and the Luton Northern Bypass.
62. The Board considers that very careful attention will need to be given to the strategic employment site at junction 11a on the M1 as this may affect the setting and enjoyment of the Chilterns AONB particularly in the vicinity of Sundon.

### **Department of Energy and Climate Change – revised draft national policy statements for energy**

63. Draft Overarching Energy NPS (EN-1) – The Conservation Board welcomes and supports the criteria for good design as detailed in paragraphs 4.5.1 to 4.5.6 and hopes that, with such greater consideration being given to any new energy

development, this would mean that greater account is taken of the local context, distinctiveness and building materials.

64. The Board supports the principles for biodiversity and geological conservation as outlined in section 5.3 and the principles for the historic environment as outlined in section 5.8 (and particularly the recognition of the importance of non-designated assets of archaeological importance).
65. The Board welcomes and generally supports section 5.9 in the draft NPS on landscape and visual impacts. The Board is particularly supportive of: the retention and clarification of the important protection provided by PPS7 for nationally designated landscapes (including AONBs and National Parks); the reiteration of the criteria for assessing major development in protected landscapes as outlined in PPS7 (as this clarifies that the NPSs will not override PPS7 for such developments); the recognition that development outside the boundary of a protected landscape may affect the designated area, and the reference to the duties placed on the IPC to have regard to the purposes of designation of AONBs and National Parks.
66. The Board supports the principles for land use including open space, green infrastructure and green belt as outlined in section 5.10 and the recognition given to the potential adverse effects of noise on quiet places and areas with high landscape quality as outlined in section 5.11 (noise). However, the Board considers that lighting and air pollution can also have adverse effects on otherwise tranquil areas and therefore recommends that the importance of tranquillity is specifically highlighted in the NPS with this section being accordingly expanded.
67. The Board also supports the principles for water quality and resources as outlined in section 5.15.
68. Draft NPS for Fossil Fuel Electricity Generating Infrastructure (EN-2) –The Board welcomes the recognition given to the potential impacts of lighting, the reference to mitigation and the requirement for applicants to design such facilities with the aim of providing the best fit with the existing local landscape. However, the Board considers that this should always include designing buildings to minimise the negative aspects of their appearance and therefore recommends that ‘may’ in the third line of paragraph 2.6.6 should be replaced with ‘will’.
69. Draft Renewable Energy NPS (EN-3) – The Board welcomes and supports the reiteration in paragraph 2.5.31 of the policy as detailed in PPS22, that consent should only be granted on sites with nationally recognised designations (including National Parks and AONBs) ‘*where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits*’. However, the Board recommends that this should be amended at the start to read ‘*On sites within or affecting nationally recognised designations*’ in order to comply with the overarching NPS (EN-1) Section 5.9. This also affects paragraphs 2.6.55 (Offshore wind farms) and 2.7.30 (Onshore Wind Farms).
70. Draft Gas Supply Infrastructure and Gas and Oil Pipelines NPS (EN-4) The Board welcomes the reference to mitigation and compensation in paragraph 2.20.3. However, the Board recommends that the draft NPS should be amended to emphasise that restoration should be in accordance with the recognised landscape

character in the vicinity of the route (whether this is in a nationally protected landscape or not) and, where possible, enhances the landscape. The requirement should not simply be reinstatement 'as close to its original state as possible' which implies some lesser standard may be acceptable i.e. that the landscape may not be "conserved and enhanced" as required by its designation as an AONB or NP.

71. Draft Electricity Networks NPS (EN-5) – Paragraph 2.2.6 refers to the duties of transmission and distribution licence holders under Schedule 9 of the Electricity Act 1989. The Board understands that these same licence holders are also subject to the statutory duties as set out in Section 85 of the Countryside and Rights of Way Act 2000 and Section 11(2) of the National Parks and Access to the Countryside Act 1949. These statutory duties require such bodies, in exercising or performing any functions in relation to, or so as to affect, land in an AONB or National Park, to have regard to the purposes of designation of the AONB or National Park. The Board therefore considers that these statutory duties should also be referred to at this point in the NPS.
72. Draft Nuclear NPS (EN-6) – The Board has no comments on this draft NPS.

### **South Oxfordshire DC – Core Strategy Proposed Submission**

73. The vision and objectives are generally supported given the implied protection that is supposed to be afforded to the AONBs within the District as mentioned in the vision in paragraph 3.1 (page 18), objective 3 in paragraph 3.7 (page 20) and paragraph 3.10 (page 20) which refers to 'protecting' the AONBs from inappropriate development. However, to make the Core Strategy more sound, the reference in paragraph 3.10 should be amended to read 'ensure that the natural beauty of the District's AONBs is conserved and enhanced and protected from inappropriate development'. As drafted the Board considers that the Core Strategy fails to take proper account of the need to conserve and enhance the natural beauty of the AONBs and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7.
74. Policy CSS1 is objected to due to the likely implications of allowing for development at Henley and within selected villages (including Benson, Chinnor, Crowmarsh Gifford, Goring, Nettlebed, Sonning Common, Watlington and Woodcote which are either wholly within and constrained by the Chilterns AONB or located within the immediate setting of the Chilterns AONB). The Board considers that much more detail should be included within the Core Strategy because this document will set principles that we will all find very hard to resist later, particularly if they are not changed now. The Board had previously stated that any housing development in the AONBs or their settings should be for affordable local needs only, small in scale, designed to the very highest standards using local materials. That stance still applies. As drafted the Core Strategy fails to take proper account of the need to conserve and enhance the natural beauty of the AONBs and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. The Core Strategy should be amended by either the deletion of references to development within the AONBs or the addition of sufficient information by which to judge such proposals.
75. The Board supports the stance taken by the Council in connection with cross Thames travel, particularly as it applies to Reading (detailed in paragraphs 5.15 and 5.16).

76. Policy CSEM2 (and the monitoring framework [Table 18.2] on page 114 as it lacks information about monitoring such development in larger villages) is objected to due to the likely implications of having 4.2ha of employment land in the larger villages (including Benson, Chinnor, Crowmarsh Gifford, Goring, Nettlebed, Sonning Common, Watlington and Woodcote which are either wholly within and constrained by the Chilterns AONB or located within the immediate setting of the Chilterns AONB). The Board considers that much more detail should be included within the Core Strategy because this document will set principles that we will all find very hard to resist later, particularly if they are not changed now. As drafted the Core Strategy fails to take proper account of the need to conserve and enhance the natural beauty of the AONBs and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. The Core Strategy should be amended by either the deletion of references to development within the AONBs or the addition of sufficient information by which to judge such proposals.
77. The Board objects to the strategy in relation to development at Henley. This is addressed in the following sections: Policy CSHEN1, paragraphs 7.17, 7.21, 10.9, 10.16, 10.18 and 10.19, Tables 7.3 and 18.2, and Map 10.1 and the Board contends that all should be considered together as they relate to the same issue – the implications for the nationally designated Chilterns AONB. The Board particularly objects to paragraph 7.21 which on the one hand recognises the importance of the Chilterns AONB and the need to conserve and enhance the natural beauty of the landscape and then almost immediately states that the implementation of the strategy for housing growth and strengthening communities will ‘require some limited incursion into the AONB’. The Board also objects to paragraph 10.9 which talks about allocations being made on a ‘small number of sites within and adjacent to the town’. The strategy outlined in Policy CSHEN1 is also objected to arising from these comments. Without any of the detail that is required to meet the tests outlined in PPS7 being included in the strategy in connection with such development, the Board must therefore object. The Council appears to have ducked the issue of identifying housing sites at Henley and in the larger villages, whereas it has been possible to identify a site at Wallingford (for the same number of dwellings as apparently needed at Henley), this is an inconsistent approach. The Board also objects to the monitoring framework (Table 18.2 on page 118) as it lacks any reference to the implications for the Chilterns AONB. The Board also objects to the strategy as it stands at present in connection with the possible redevelopment of Highlands Farm (within the AONB), Henley College and Gillotts School (immediately adjacent to and within the setting of the Chilterns AONB). No real detail is given by which to judge such proposals and the implications for the Chilterns AONB have not been mentioned at all. The Board also considers that Map 10.1 should include the Chilterns AONB boundary in order to highlight its existence and the proximity of the nationally designated landscape to the town. As drafted the Core Strategy fails to take proper account of the need to conserve and enhance the natural beauty of the Chilterns AONB and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. The Core Strategy should be amended by either the deletion of references to development within the AONBs or the addition of sufficient information by which to judge such proposals.
78. The Board objects to the detail of Policy CSR1, paragraph 7.18 and Table 18.2 as it applies to housing development in villages. As currently drafted the policy and relevant

supporting text would allow for unfettered infill development in villages which could lead to a significant amount of development (particularly if the Council is looking to allocate sites for up to 740 dwellings) to the significant detriment of the character of many of the larger villages. The Board does not support housing allocations within the villages because it is more than likely that this will lead to development within the AONB that may not respect its character. In connection with this the Board must take issue with the policy as drafted. It states that such development should 'respect the AONB' – in fact any development within AONBs should 'conserve or enhance the natural beauty of the AONB'. The Board also objects to the monitoring framework, Table 18.2 (on page 119), due to the lack of any reference to the implications for the AONBs arising from this policy. As drafted the Core Strategy fails to take proper account of the need to conserve and enhance the natural beauty of the AONBs and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. The Core Strategy should be amended by either the deletion of references to development within the AONBs or the addition of sufficient information by which to judge such proposals.

79. The Board supports policies CSR2 (employment in rural areas) and CSR3 (community facilities and rural transport) as drafted.
80. Policy CSEN1 is supported in principle but the Board considers that AONBs should be addressed in a dedicated policy that gives the 'highest' priority to the 'conservation and enhancement of the natural beauty' of the AONBs. The Board welcomes the reference to decisions having regard to the setting of AONBs. However, the policy does not sit comfortably with proposals elsewhere in the strategy for development that would be within the AONBs or their settings. This is compounded when examining Table 18.2, page 120, which suggests that there should be no major developments in AONBs 'unless compliant with the other policies in the development plan' (target) and an indicator that states '% of major developments in AONBs not allocated through the development plan'. As drafted the Core Strategy is inconsistent, fails to take proper account of the need to conserve and enhance the natural beauty of the AONBs and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. The Core Strategy should be amended by either the deletion of references to development within the AONBs or the addition of sufficient information by which to judge such proposals.
81. The Board objects to the lack of a policy that deals with the historic environment.
82. The Board considers that, in connection with large scale wind farms, paragraph 15.7 should refer to the AONBs and 'their settings' to be consistent with policy CSEN1.
83. The Board supports policies CSQ3 on design (though considers that the Core Strategy would be more sound if the monitoring framework [Table 18.2] referred to the need to comply with design guides including the Chilterns Buildings Design Guide and Supplementary Technical Notes on building materials, page 122), CSG1 on green infrastructure, CSB1 on biodiversity and CIS1 on infrastructure provision.

### **Luton BC Local Transport Plan 3**

84. The LTP3 document reflects much of the information that is contained within the Luton and southern Central Bedfordshire Council Core Strategy and the Board has made numerous objections to that strategy based on the likely implications arising from proposed developments within the Chilterns AONB and its setting. Those comments are appended to this response (Appendix 1) and many are considered to be relevant in connection with this response. (see above for comments).
85. The existence of the Chilterns AONB is noted on pages 3 and 4 of the document (under the background section and on Figure 2) and this is welcomed by the Board.
86. Passenger numbers at Luton Airport are discussed on page 8. The LTP3 document assumes that passenger numbers will increase based on past growth between 2004 and 2008. The figures used are from a period of growth that has not been sustained and in fact the most recent years (2009 and 2010) show a decline in passenger numbers with every month (apart from one) showing a decrease relative to the same month the previous year (see [http://www.airportwatch.org.uk/news/detail.php?art\\_id=1277](http://www.airportwatch.org.uk/news/detail.php?art_id=1277) for further information). The Board considers it to be a very dangerous thing to assume that growth will return, and to such an extent that Luton Airport will take all the extra passengers. Similar declines have been recorded for Stansted and at Heathrow there was also a decline. There will presumably be capacity at other airports to pick up any slack and the Board is extremely concerned about the text in the fourth paragraph on page 8 and can see no justification for the text at the end of page 8 and onto page 9 which states: 'improving the operational capacity of the airport by extending the taxiway at each end is vital to increasing the number of flights using the airport to cater for these forecast increases in passengers'. The numbers have not been forecast they have been extrapolated using artificially high base figures. In fact if the most recent figures that the Board has seen (2008 to 2010) were used to determine passenger numbers they would show a year on year decline. The Board is opposed to the suggested expansion at Luton Airport based on the likely impacts on the tranquillity of both residents and users of the Chilterns AONB.
87. Paragraph 5.2 details the aims of LTP3. The second aim is to 'create and preserve an attractive environment and pleasant living conditions' by improving access to the surrounding countryside, including the Chilterns AONB 'including, where possible, conserving and enhancing it'. The Board is most concerned about this approach and would like to stress the need for the Council to ensure that it has taken full regard of Section 85 of the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. Together these require local authorities to ensure that when dealing with any developments affecting an AONB they should have regard to the purpose of conserving and enhancing the natural beauty of the AONB. As drafted the Board considers that the LTP3 fails to take proper account of the need to conserve and enhance the natural beauty of the AONB and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. The text should be amended to reflect this legislation and Government policy.
88. Section 6.2 mentions various elements of detail from the Luton and southern Central Bedfordshire Core Strategy including park and ride (on the A6 north of Luton and A505 east of Luton, also mentioned on page 49 in the implementation plan) and the Luton northern bypass. The Board has already made representations about these proposals in its submissions on the Core Strategy (see paragraphs 5 and 8 to 12 of Appendix 1

below) and those comments apply equally here. However, Figure 6.1 (strategic transport schemes) shows the Luton northern bypass following an extended route through the heart of the Chilterns AONB to the north of Luton between the M1 and A6 and A505 – this extensive road is not detailed in the Core Strategy, though it is implied in the text as drafted and the Board objects to its identification (and the other references for example on pages 56 and 59 in the implementation plan) as there is no justification for it (and the Board has seen none of the ‘further more detailed work’ that is supposed to have been prepared to support it) and its construction would fail to conserve and enhance the natural beauty of the AONB. As drafted the Board considers that the LTP3 fails to take proper account of the need to conserve and enhance the natural beauty of the AONB and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. The LTP3 document should be amended to reflect this legislation and Government policy.

89. Arising from the comments above the Board also objects to Policy 3 of LTP3 as this would support ‘new road building’ where it facilitates growth and improves access to strategic employment sites and without any apparent caveats. The Board considers that this part of the policy ought to be reworded to ensure that all other methods of increasing capacity and efficiency have been investigated and implemented prior to new road building. The Board’s concerns are also reflected in the draft environmental report which accompanies the LTP3.
90. Though the Board welcomes policy 9 (protecting and enhancing the natural and built environment) it objects to the wording that is used – ‘we will give a high priority to conserving and enhancing Luton’s natural and built environment when making transport decisions’. Though the sentiment that is behind the text is welcomed what has been produced does not differentiate between the various elements of the natural and built environment. In particular the text should refer to the nationally designated Chilterns AONB and the Board suggests that the first sentence should be amended in this respect to ensure that any transport decisions give ‘the highest priority to the conservation and enhancement of the natural beauty of the Chilterns AONB’. As drafted the Board considers that the LTP3 fails to take proper account of the need to conserve and enhance the natural beauty of the AONB and it does not comply with the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and Planning Policy Statement 7. The LTP3 document should be amended to reflect this legislation and Government policy.
91. Section 8 on health and well-being is generally welcomed and supported, particularly those elements that relate to walking and cycling (policy 20), public rights of way (policy 21) and noise and light pollution and nuisance (policy 22).

### **Buckinghamshire County Council - Buckinghamshire Local Transport Plan 3 (2011-2016)**

92. The Chilterns Conservation Board is grateful for the opportunity to comment on the working draft copy of the LTP3 and hopes that the following comments are useful.
93. Page 16 – the Board supports the vision which seeks to maintain and enhance the County’s exceptional environment.

94. Page 19 – the Board particularly supports the LTP objective that seeks to ‘protect, improve and maintain the local environment’.
95. Pages 65/66 – the prominence given to the Chilterns AONB is welcome, however, the Board considers that the need to ensure the conservation and enhancement of the natural beauty of the AONB should be clearly referred to at this point (it features as a key part of the local area approach later in the LTP).
96. Page 66 – the map that shows the Chilterns AONB would benefit from having a line showing the actual boundary of the AONB, as currently shown the map is not clear enough.
97. Page 73 – the Board supports the transport objective of seeking to reduce the need to travel.
98. Page 74 – the Board supports the transport objective of seeking to protect, improve and maintain the local environment.
99. Page 75 – the Board welcomes the push to ensure that maintenance activities will be undertaken with recognition given to local distinctiveness. This particularly applies within the Chilterns AONB and its setting and it would be really useful to make a specific reference here to the ‘Environmental Guidelines for the Management of Highways in the Chilterns’ document which has been jointly published by the highway authorities and the Board.
100. Page 77 – the Case Study deals with the streetlight switch off that has recently been undertaken. The Board welcomed this move and would generally support any future wider rollout within the County, particularly in those locations within the AONB and its setting where the use of streetlights has led to increased levels of light pollution. The Board would be generally supportive of safety measures that are alternatives to streetlights provided these have no greater impact on the AONB and its setting.
101. Page 79 – reference is made to new infrastructure in rural areas. Within the AONB any new infrastructure should be in keeping with the area and the implementing authorities should ensure the conservation and enhancement of the natural beauty of the AONB. This paragraph should be amended accordingly and it would also be appropriate to make reference to the ‘Environmental Guidelines for the Management of Highways in the Chilterns’ document.
102. Page 96 – the Board supports the transport objective of seeking to improve health by encouraging walking and cycling.
103. Various pages (117, 124, 136, 141, 151, 154, 156 and 161) – the Board welcomes the vision on page 117 and the reference to the AONB. However, the reference should be amended to read ‘the natural beauty of the Chilterns Area of Outstanding Natural Beauty will be conserved and enhanced’ in order to be consistent and comply with legislation (National Parks and Access to the Countryside Act 1949, Countryside and Rights of Way Act 2000) and national planning policy (PPS7). The term ‘conserved and enhanced’ is used in the key challenges diagram on page 120 (as well as various other similar diagrams) and it would ensure consistency throughout the document if this form of wording was used. In order for the LTP to be consistent, the Board also considers that a similar reference should also be made within the visions on pages 124, 136, 141, 151, 154, 156 and 161.

104. Various pages (117, 124, 136, 141, 151, 154, 156 and 161) – the Board notes that cycling is discussed on various pages and considers that it would be appropriate to mention the Chilterns Cycleway on these pages. The Chilterns Cycleway is a promoted and signed 170 mile circular cycle route through the Chilterns AONB.
105. Page 136 – this paragraph refers to the AONB being protected from development by the Green Belt – this is not correct. AONB and Green Belt are separate and quite distinct designations covered by different policies. The paragraph ought to be reworded as follows ... 'lies within the Chilterns AONB and the Metropolitan Green Belt'.
106. Various pages (120, 127, 139, 144, 154, 159 and 164) – the Board welcomes the references, as part of the key challenges diagrams on pages 120, 127, 139, 144, 154, 159 and 164, to the need to conserve and enhance the Chilterns AONB. However, the Board considers that, for the sake of completeness and to comply with relevant legislation and national planning policy, these references ought to be changed to read 'conserve and enhance the natural beauty of the Chilterns AONB'.
107. Pages 141 and 151 – the Board considers that reference should be made within the text to the fact that the Chilterns AONB is a key component of the local areas of Greater Aylesbury and Wendover and High Wycombe and Chepping Wye Valley.
108. Page 156 – though Princes Risborough is rightly regarded as one of the key gateways to the Chilterns, the Board does not consider it necessary to mention this fact twice on the same page (paragraphs 1 and 5).
109. The Board has also examined the SEA Environmental Report. The Board considers that the definition of AONB given in the glossary (page 59) is incorrect and does not reflect the terminology used in the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000 and national planning policy (PPS7). The definition currently reads as follows: 'A national designation to protect areas of the countryside of high scenic quality that cannot be selected for National Park status due to their lack of opportunities for outdoor recreation'. This implies that the Chilterns AONB has a lack of opportunities for outdoor recreation which is not the case. The Board therefore considers that this ought to be changed to read as follows: 'A national designation the primary purpose of which is to conserve and enhance the natural beauty of the landscape'.
110. The results of the initial environmental assessment are detailed in section 4.3 and Appendix F. For landscape and townscape the following text is included on page 44: 'Any new or expanded transport infrastructure has the potential to cause adverse changes to townscape or landscape by removing sympathetic features or introducing unsympathetic or inappropriate ones. The most sensitive landscapes are those which have been suffering declines in key or common features and the nationally designated Chilterns AONB. The scale of the impact will depend on the scale of the proposed infrastructure and the sensitivity of the landscape at that location.' The middle sentence of this paragraph (underlined) is confusing and the Board considers that it needs to be amended if it is to say anything sensible.
111. The following paragraph then states that 'There are no major schemes proposed within the Chilterns AONB and there are unlikely to be significant impacts to the AONB as a result of any of the packages'. This is welcome but confusion again arises with repeat references to 'smaller schemes' and when Appendix F is examined. This states

that 'Areas which may receive (new roads or) bus lane improvements and park & ride schemes are in the Chilterns AONB, for which road-related construction is a key pressure' (page 72 for the package assessment without mitigation). The overall impacts are considered to be negative and therefore any package should clearly demonstrate that it is required and should include mitigation measures. Page 79 details the package assessment with mitigation and states that 'It cannot be said at the strategic level whether schemes will be able to integrate into the landscape fully, or lead to net improvements. The risk of a negative impact remains, including in the AONB. It should be recognised that Buckinghamshire County Council will make ongoing efforts to work with the Chilterns Conservation Board to avoid, minimise and compensate for any impacts, and seek net improvements'. As no details are given for any potential schemes at this stage, the Board cannot comment further at present. However, the Council will need to ensure that it fully involves the Board when schemes are being developed for inclusion in the LTP implementation plan and consults the Board at later stages.

### **Dacorum BC Character Appraisals and Management Proposals for Frithsden, Great Gaddesden and Nettleden Conservation Areas**

112. The three Conservation Areas of Frithsden, Great Gaddesden and Nettleden are all within the Chilterns AONB and the publication of the documents is welcomed by the Board.

#### **General comments**

113. However, the Board considers that the documents are unbalanced as drafted. The first parts comprise thorough, careful and well informed appraisals and analyses of each of the Conservation Areas and their special character and historic interest. However the second parts (the Conservation Area Management Proposals) are less satisfactory. The findings of the appraisals and analyses have not been carried through to the Management Proposals and the 'Recommended Actions', and the purpose of the latter is ambiguous.

114. The intended status of these documents is unclear. They are not described as drafts and little reference to consultation is made in them. It is unclear whether the Council intends to adopt them as Supplementary Planning Documents (SPDs). If so the timetable for formal public consultation and adoption should be included in the text. If they are not to be SPDs this should also be made clear in the text and their status as material considerations in decision making should be explained.

115. Section 2 of the documents is devoted to the 'Location and Setting' of the Conservation Areas. This includes descriptions of their 'Topography and Landscape Setting'. Although reference is made to the fact that each of them is situated in the Chiltern Hills, the status of the Chiltern landscape as one which is designated as of national importance for its outstanding natural beauty (as an AONB) is not mentioned. The special character and appearance of the three Conservation Areas owes as much to their landscape setting as it does to their built form and the buildings which make up that form. Reference could also usefully be made to the statutory requirement for decision makers to have regard to the need to conserve and enhance the Natural Beauty of the landscape in AONBs.

116. The parts of the documents which set out 'Conservation Area Management Proposals' for each Conservation Area (Part 2) describe the legislative background to Conservation Area designation and the control of works and development within them. They fail, however, to refer to the regulatory regime put in place under the Town and Country Planning Acts which plays a vitally important role in preventing inappropriate development in or affecting the setting of Conservation Areas and ensuring that development which does take place preserves or enhances their special character.
117. More prominence should be given in this section to the Development Plan and the statutory requirement for planning decisions to be made in accordance with it unless material considerations indicate otherwise. The Council's development plan is briefly referred to in the documents (for example in section 1.10) but this does not deal adequately with the matter and the wording is inaccurate and misleading. The Council must determine applications in accordance with the adopted policies in the Local Plan. It cannot simply seek to do so.
118. The Local Plan remains part of the Development Plan and contains policies which are directly relevant to the management of development in Conservation Areas and could usefully be referred to or cross referenced in the appropriate sections of the Documents. Text could also be inserted explaining how their application can compliment and reinforce the 'Recommended Actions' set out in these sections. For example, reference could be made, in the sections on Advertisements, to Policy 113 of the Local Plan, and to the Special Area of Advertisement Control which covers much of Dacorum District, including these three Conservation Areas.
119. There is a general problem in this part of the documents which relates to the 'Recommended Actions' and the form of words used for the recommendations. First, it is unclear why they are described as recommendations. They are almost all directed at the Council itself, but as the documents have been prepared and published by the Council it would be better to state them as intentions.
120. If, however, the actions are also intended to be advice to the general public, owners/occupiers of property in or near the Conservation Areas, or those doing work in them, it would be preferable to make this clear in the text. For example: 'Traditional boundary walls should be retained, and new boundary treatments should follow traditional forms in terms of size, design and materials'.
121. Second, most of the 'Recommended Actions' are worded thus: 'The Council will seek to'. This is a weak expression of the Council's intentions. Whilst it might be acceptable when followed by 'ensure', it makes no sense when followed by wording such as 'consider the use of Tree Preservation Orders in appropriate circumstances'. As the Council has the power to make TPOs it doesn't need to 'seek to consider' their use. The Documents would be strengthened by omitting 'recommended' from the headings throughout and by omitting 'seek to' and replacing this with 'The Council will' as part of the actions.
122. The Documents would also benefit from the inclusion of an additional section which advises owners/occupiers of land and buildings in the Conservation Areas, and any contractors, authorities or statutory undertakers doing work in them, how they can assist in their preservation and enhancement, what to do and what not to do, and how to do it.

123. Such a section could also direct readers to sources of guidance and advice on the selection of suitable materials and how to use them, and include references to 'best practice'. The Conservation Board's Technical Notes on Flint, Brick and Roofing Materials, and the Chilterns Buildings Design Guide, should also be referred to here and not be confined to a reference in the 'Further Reading and Sources of Information' page at the end of the documents. If retained in the further reading section, reference should clearly be made to the Chilterns Buildings Design Guide (2010). A list of local manufacturers/suppliers of suitable building materials could also, usefully, be included.
124. Each of the documents includes a 'Recommended Action' which states: 'The Council will seek to consider the need for Article 4(2) Directions on a case by case basis'. The Board considers that this is a very weak action. Given the depth and thoroughness of the assessment and analysis in the first part of the documents it might be expected that the need, or otherwise, for Article 4(2) Directions would have been identified and the reasons for making them set out in the text. The documents should either: specify the threats which the exercise of permitted development rights pose to the character and appearance of the Conservation Area; or simply refer to the power which exists for all Councils to make Article 4(2) Directions where necessary.
125. The documents for two of the Conservation Areas, Frithsden and Great Gaddesden, propose, in the Recommended Actions in Part 2, the setting up of Conservation Area Advisory Committees (CAAC) for each area. However, there is no explanation of why such a Committee is needed, or why one is not needed for the Nettleden Conservation Area. Nor is there any explanation of the status of the committee or how its members will be selected or appointed. The text could be clarified by deleting the 'Recommended Action' heading and rewording the opening sentence to read: 'The Council will establish a CAAC for Great Gaddesden/Frithsden Conservation Area'. In addition, text should be added which explains why the Council considers that such a committee is necessary, what its status and role will be, and how those who will serve on it will be selected and appointed.

#### Frithsden Conservation Area Character Appraisal and Management Proposals

126. On page 7 the text includes a description of the revetments and bridge in Roman Road. They are referred to as being of flint, but they were constructed using both flint and brick. The Board considers that the bridge in particular would not have been constructed using only flint.
127. On page 8 the Board considers that the text should say 'Frithsden vineyard was established' rather than 'established itself'.
128. There appears to be some confusion on page 9 with references being made to both Spooky Lane and Roman Road. In the Nettleden document it is referred to only as Roman Road and is referred to as such on both Conservation Area maps.
129. In line 2 on page 11 the Board considers that the text should read 'centred on' and not 'centred round'.
130. The character and appearance of the Frithsden Conservation Area is analysed in Section 5. Attention is drawn to the high proportion of listed or locally listed buildings in the Conservation Area and it is stated that this reflects 'the fact that Frithsden has resisted any C20th residential infilling'. This is a false conclusion. Although the setting of a listed building is a material consideration in determining planning applications for new development adjoining or close to it, this should not be seen as the main, or

indeed any, reason for the absence of C20th infilling. Much more important would have been the application, over the last 60 years, of Green Belt policies aimed at restricting most new built development. This would have been a much more effective tool in the prevention of intrusive new development.

131. The role of planning policy in the preservation and enhancement of the special character of Conservation Areas, and the architectural and historic interest of the buildings within them, should be made clear in the documents. It is essential that the regulatory regimes of the town and country planning and historic environment and conservation systems, whilst covered by separate legislation, are not divorced in practice. They both have important statutory roles to play in the preservation and enhancement of the special character of Conservation Areas, and the architectural and historic interest of the buildings within them.
132. In the un-numbered section on Open Spaces, Landscape and Trees (page 14) no mention is made of the suburbanising effect of inappropriate tree planting and hedge management in the house plots themselves, particularly with reference to the proliferation of *cupressus leylandii* and other non-native species, and the use of high hedges on the boundaries of properties such as 'Little Manor'. These might not appear out of place in a suburban context but are inappropriate here and seriously dilute the special character of the area.
133. This matter is dealt with, briefly, but inadequately, on page 23, in the section on 'Negative Features and Issues', but confines itself to the suburbanising effect of inappropriate driveway treatment and security lighting. This section would also benefit from a reference to the controls which the Council can exercise over the lopping, topping or felling/removal of trees in Conservation Areas and the power to make Tree Preservation Orders.
134. This could be done in a similar way to that accorded to the powers which exist to control works to or demolition of listed buildings in the subsequent section of the document.
135. At the time of writing the document the Council will probably not have had access to the National Trust's archaeological report covering Frithsden Copse – 'The National Trust Archaeological Survey of the Ashridge Estate, Berkhamsted Common, Frithsden Copse, Hill Farm, Little Heath, Water End' Vol. IX, August 2010. In addition, Vol. VIII 'The National Trust Archaeological Survey of the Ashridge Estate, The Park (including Park Farm and Frithsden Lands)', August 2009 also covers the north side of the valley up the western edge of the conservation area. It would be worth checking this document and adding a reference to it in the section at the end.
136. The National Trust's recent survey has also identified woodland boundary banks and quarries in the Copse. It might be worth mentioning that the boundaries of Frithsden Copse have crept northwards to the valley bottom since the 1870s and the section on the south side of the road was part of Berkhamsted Common until at least the 1780s

#### Great Gaddesden Conservation Area Character Appraisal and Management Proposals

137. Attention is drawn, in the section of the document on 'Public Realm: Floorscape, Street Lighting and Street Furniture' to the way that these features can detract from the character of the area. A photograph of a telephone booth and other clutter is shown to illustrate the point. However, this is not mentioned in Section 7 of the document which deals with 'Negative Features and Issues'. The Board considers that the 'Negative

Features and Issues' section should include references to those elements of street furniture which have a negative impact on the character of the area. This should be picked up again in the 'Recommended Actions' which should state what, if anything, the Council and other responsible authorities and organisations will do, or will be advised to do, to remove or reduce the adverse impact.

138. In Part 2 (the Management Proposals) three additions to the Conservation Area are proposed. Whilst the Board has no objection to these extensions, it is unsure of the need and the justification for them. The reasons given relate to the protection of views, setting, curtilages of properties and other features. In the case of extension 3 the reason is 'to protect this extension to the graveyard and views of the church from it'. No explanation is given as to why extensions to the Conservation Area are needed to achieve these objectives, and why they cannot be achieved by the application of existing planning policies. Also absent is any explanation of the contribution they make to the special character of the area and the role they play in preserving or enhancing it.
139. The object of the exercise seems to be to keep the areas open and free from built development. The Board considers that this can be achieved more effectively by the application of existing policies in the Dacorum Local Plan.
140. At section 1.12 of Part 2 the Recommended Action is neither a recommendation nor an action. Rather it is a piece of analysis. It is entirely unclear what the Council intends to do, and what it expects others to do, to ameliorate parking and traffic problems, improve signage, replace street furniture and improve boundary treatments. The Board considers that this Recommended Action should be redrafted if it is to be retained, to make clear what the Council intends to do, and what it is advising others to do, in this context to enhance the public realm.

#### Nettleden Conservation Area Character Appraisal and Management Proposals

141. On page 6 the text includes a description of the revetments and bridge in Roman Road. They are referred to as being of flint, but they were constructed using both flint and brick. The Board considers that the bridge in particular would not have been constructed using only flint.
142. Section 5 describes and analyses the 'Character and Appearance of the Conservation Area'. The justification for the proposal in Part 2 to extend the Conservation Area boundary to include three additional areas which contain a considerable amount of the C20th development cannot be found in this analysis, or anywhere else in the document. The analysis is confined to the existing Conservation Area, and excludes consideration of the C20th buildings adjoining it. The only reference to this matter is in the 'Negative Features and Issues' paragraph where it is stated that the buildings close to but outside the Conservation Area 'unfortunately impact on its overall character'. It is essential that the reasoned justification for extending the Conservation Area flows from an analysis of the contribution made by these areas, and the buildings upon them, to its special character and appearance. It is not good enough to propose to include buildings which have an 'unfortunate' impact. The Recommended Actions should build on the analysis and set out the reasons why it is considered necessary to extend the boundaries to cover these areas.
143. In Part 2 the three additions to the Conservation Area referred to above are proposed. Whilst the Board has no objection to these extensions, it is unsure of the need and the justification for them. The reasons given for the extensions are, with one exception, to:

reinforce boundaries (although in reality creating a new boundary which might be argued also needs reinforcement); protect views and setting, and to include all the C20th built development on the edge of the existing Conservation Areas.

144. Nowhere is it explained why changes to the Conservation Area boundaries to include these areas are necessary to achieve the stated objectives. The only reason for extension which conforms with the statutory basis for Conservation Area designation is that relating to the 'listed bridge over Roman Road'. No explanation is given as to why the stated objectives (boundary reinforcement and protecting views and setting) cannot be achieved by the application of existing planning policies.
145. At section 1.8 ('Trees and Hedges') the 'Recommended Action' is not highlighted as is the case elsewhere.

### **Recommendation**

1. **That the Committee notes and approves the responses already made on behalf of the Board in connection with the consultation exercises on the development plan documents detailed above.**

## **Item 11     Planning Applications Update**

**Author:**                     Colin White   Planning Officer

**Lead Organisations:**     Chilterns Conservation Board

**Resources:**                Staff time.

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

**Purpose of report:** To inform the Committee about the various representations that have been made in connection with planning applications and appeals and to update the Committee on any outcomes.

### **Background**

1. In the year from 1<sup>st</sup> April 2010 details of 140 planning applications or appeals have been brought to the attention of, or requested by, the Planning Officer. 135 of these have been responded to, with 21 being the subject of formal representations (18 objections and 3 supports). The applications that have resulted in formal comments are for: 12 affordable housing units (design), the part-change of use to offices of a farm building, further details in connection with restoration of Quarry 2 at Pitstone, replacement dwelling and staff accommodation, equestrian use (two applications), materials recovery site, aerodrome (application and enforcement appeal), landscaping for an office development, 10 dwellings, redevelopment of college site for 326 dwellings, astroturf pitch with fence and lights, roundabout advertising, retention of building as lambing shed, stationing of mobile home, new dwelling and a new access and track (objections) and variation of phasing and restoration (brickworks) and agricultural workers dwelling (cress site with associated appeal) (support).
2. Of the 15 applications thus far determined 10 are in line with the Board's comments.
3. The outstanding formal representations are detailed in Appendix 3, and where decisions have been made by the local planning authorities these are detailed.

### **Recommendation**

1.     **That the Committee notes and approves the responses made in connection with the applications listed in Appendix 3.**

**APPENDIX 3**

Location	LPA	Development	Ref. No.	Status	AONB Planning Officer's Response	Date
Pitstone Quarry 2, Pitstone	BCC	Extraction of chalk and restoration to agricultural and amenity uses by importation of inert waste	03/20002/A CC	Pending	Object – change in circumstances regarding waste, greater rates of recycling and less need for landfill space, there are more suitable places for materials recycling centres than at Pitstone. The Board considers that the disadvantage of recycling and filling (particularly noise and visual disturbance from machinery and stockpiles of materials) outweigh the advantage of a more natural final landform for only part of the quarry (much would remain unchanged with vertical faces). There is a lot of concern about lorry movements which would be 1/3 more over a shorter time period thus having a significant detrimental impact on the enjoyment of users of the AONB and Ridgeway National Trail. The cumulative impact from other noise sources (aircraft in particular) should also be considered. Chalk extraction rates are not as high as suggested probably due to a lack of demand. Potential impacts on groundwater have still not been resolved and may mean the site could not be licensed.	17.06.10
					Additional information received about noise and proposal to relocate recycling element – objections remain though accepted that noise implications are likely to be less.	30.11.10
Newland Park, Gorelands Lane, Chalfont St Giles	CDC	Redevelopment of site to provide 326 dwellings, fitness and sports facilities and energy /	CH/2010/09 76/FA	Pending	Object – (see copied information sent out for full details) the Board does not object to the principle of the proposal and a redevelopment of parts of the site would bring about enhancement of the AONB if undertaken in the most sensitive manner, using the best designs and most appropriate	03.11.10

		recycling centre			materials. There are elements of detail the Board objects to including: the design and materials for various buildings (both parkland dwellings and apartment blocks), the lack of provision of solar pv and solar hot water, provision of extra lighting (particularly in association with the playing pitches), the lack of provision of affordable housing, lack of facilities such as shops and employment and lack of public transport provision thus leading to significant amounts of car traffic on minor local roads and the likely impacts of large numbers of lorries on the same roads during construction (to bring materials in and take spoil away).	
Kitcheners Field, Berkhamsted	DBC	Astroturf pitch, fence and floodlights	Pre-app	Pending	Object - development would neither conserve nor enhance the natural beauty of the AONB. The pitch itself would have limited implications, however, both the fencing and lighting would be particularly intrusive features in the landscape. It is difficult to see how the detrimental impacts could be resolved without removing the fence and lights completely from the proposal. A lower fence using different materials that are more appropriate to the rural setting would be more acceptable (wooden post and wire for example) but it is accepted that the purpose of the fence is to keep balls within the playing area. The lighting columns themselves would be tall and their use would introduce an incongruous feature into the AONB to the detriment of the tranquillity of the area.	29.09.10
Chiltern Park Aerodrome, Icknield Farm, Ipsden	SODC	Change of use of land to part airfield, part agricultural land, extended	P10/E0929/ RET	<b>Refused</b> – <b>07.09.10</b>	Object - The statutory Chilterns AONB Management Plan (2008-13) highlights the growing problem of noise pollution generated by overflying aircraft of all types. This includes everything from Heathrow and Luton bound jets to	30.07.10

		runway and new runway  Plus associated enforcement appeal	P10/E0920/DA	<b>Appeal dismissed – 02.02.11</b>	light aircraft using grass strips. The plan contains a series of policies to address this issue (for example L3, L4, L6, D6, D12 and UE12). The Board therefore objects to this application for the following reasons: The development that has taken place and the associated increase in activities has led to an increase in noise nuisance for both residents and visitors hoping to enjoy the tranquillity of South Oxfordshire. The enjoyment and appreciation of the Chilterns' special qualities is not enhanced by the noise generated by low flying aircraft and any increase on that already permitted is therefore detrimental and should be refused. The development that has taken place is contrary to the Chilterns AONB Management Plan and is considered to be contrary to the adopted South Oxfordshire Local Plan. The certificate of lawful use or development that was previously granted allowed for the use of a single airstrip whereas there are currently two. The grass take off and landing strips project beyond the permitted area. The permission also relates to the use of microlights only and not the fixed wing aircraft which are using use the airfield. The number of days during which flying takes place is in excess of an average of 50 days per year and is contrary to the permitted use. Permission was given only for private recreational use whereas commercial operations such as training are taking place. It is also not clear that the buildings used to house and service aircraft have the relevant planning permissions. The Board is surprised that no limit was placed on the hours of operation, because permission to fly during daylight hours during the summer can mean there is little respite from the	
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					noise of aircraft in the area which often fly at very low levels. The Board considers that no change could be made to the application that has been submitted that would mean that it would be acceptable and therefore considers that the application should be refused. The Board looks to the District Council in this instance to ensure that the permitted level of activity at this airfield is not exceeded.	
Mulberry House, Peppard Hill, Rotherfield Peppard	SODC	10 dwellings	P10/E1221	<b>Refused – 30.11.10</b>	Object – development is too dense, designs fail to take account of the site’s location within the AONB and fail to take account of the adopted design guides. Designs include 2½ storey buildings which would dominate the local area, a block paved access road which would clearly not be permeable, a variety of design features and building materials that do not comply with the principles outlined in the Chilterns Buildings Design Guide, the use of half hipped roofs when fully gabled roofs should be used and limited use of chimneys to break up dull and dominant roof scapes. If approved any flint work should comply with the Board’s advice.	22.10.10
Wallingford Ring Road	SODC	Various advertisement signs	P10/W1478/DAD	<b>Approved – 12.01.11</b>	Object - The advertisements are an inappropriate form of development within the AONB and are considered to involve the introduction of clutter. The signs may also constitute a driving hazard as they usually include details of products or companies that distract drivers as they are negotiating the junction. The Board considers that the development would fail to conserve and enhance the natural beauty of the Chilterns AONB and that it does not comply with national or local planning policy as it applies to AONBs.	22.10.10
Oak Tree	SODC	Retention of	P10/E1505/	<b>Refused –</b>	Object to the application for the reasons detailed in	22.10.10

Farm, Christmas Common		building to be used as lambing shed	RET	<b>30.11.10</b>	previous letters (because the form and extent of development proposed in the current application hardly differs from that which had been previously submitted and refused on previous occasions) and because the development that has taken place fails to conserve or enhance the natural beauty of the Chilterns AONB. The proposal fails to comply with policies in the Council's saved Local Plan, the adopted statutory Chilterns AONB Management Plan, the Chilterns Buildings Design Guide and Supplementary Technical Notes on Chilterns Building Materials (Flint, Brick and Roofing Materials). Based on no discernible differences between this application and the previous refusals the Board is most concerned that this situation is continuing to move towards being a regularised one, and as such requests that the Council once again takes immediate enforcement action to remove from the site all buildings that are not permitted.	
Oakley Littlewood, Benson	SODC	New dwelling	P10/W1704	<b>Refused</b> – <b>23.12.10</b>	Object - The site is located in the heart of the AONB, no recognition of this fact is given in the application and the designs that accompany it and as a result the Board objects for the following reasons: the development would bring about the creation of a new dwelling in a relatively isolated location, some distance from services and facilities that would be required on a daily basis. The development is therefore considered to be in an unsustainable location. The Board considers that the design and materials (buff coloured brick, grey concrete roof tiles, PVC doors, windows and fascia boards) of the proposed dwelling are not in keeping with the AONB and fail to take any	02.12.10

					account of the Chilterns Buildings Design Guide. For these reasons the Board considers that the application would neither conserve nor enhance the natural beauty of the nationally designated Chilterns AONB and it should therefore be refused.	
Ploughmans, Howe Hill, Watlington	SODC	New access and track	P11/E0006/RET	Pending	<p>Object – to the loss of the hedgerow that fronted onto the main road (and any trees that were within it), and the loss of an important part of the character of the rural road have not been taken account of by the applicant. Other parts of the hedgerow are also likely to be affected by any possible change to the currently constructed visibility splays and this should clearly be taken account of.</p> <p>Based on the very small size of the holding that this application relates to (with significantly less than 5 hectares available for any agricultural use, now markedly reduced by the new fence that has been built) the Board considers that the Council should undertake a very careful examination of Classes A and B of Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. The Board remains to be convinced that the applicant has permitted development rights for the access and associated drive even for agricultural purposes. Though the access itself might be used for agricultural purposes, the Board considers that this would not be frequent based on the limited use of the site at present. The Board cannot see how the drive would be needed for agricultural purposes, it appears to be solely for domestic use and the Board is not aware that permitted development rights exist for this.</p>	10.02.11

					<p>The Board has also noted the construction of a significant length of close board fencing along the south west boundary of the site. This has had a detrimental impact on the natural beauty of the AONB and that impact is compounded when account is taken of the new access and drive. As constructed the access and drive are inappropriate development and have resulted in a suburbanisation of this part of the nationally designated Chilterns Area of Outstanding Natural Beauty. They neither conserve nor enhance the natural beauty of the Chilterns AONB and the Board therefore considers that they should be removed and the site returned to its former condition, including the reinstatement of the hedge and any bank that it was on. The previously approved access and track (P04/E1426) did not constitute a similar harm and the Board would not object if they were constructed in the correct place and as previously permitted.</p>	
Mulberry Bush, Dawes Lane, Sarratt	TRDC	Mobile home	10/2087/FUL	<b>Approved with S106 agreement – 13.01.11</b>	<p>Object – the proposal would have, when taken with all the other developments that have taken place significant cumulative and detrimental impacts on the landscape, would neither conserve nor enhance the natural beauty of the Chilterns AONB and would not serve the purpose of increasing the understanding and enjoyment by the public of the special qualities of the AONB. If the Council considers that permission should be granted then this should be for a temporary period only, all structures should be removed at the end of the period and the land made good, and all other structures that do not benefit from planning approvals or permitted development rights should also be removed immediately. The Board is</p>	12.11.10

					concerned that some of the structures that have already been built despite previously refused applications/dismissed appeals may remain and become permanent and lawful development. In this respect the Board is aware that a draft planning obligation has been submitted. This appears to offer to remove various buildings and other structures from part of the site but only if permission is given and allowances are made for other developments to take place. The Board would be very concerned if it transpired that the signing of this obligation did not lead to a significant improvement in the situation and would expect, at the very least, that all other buildings and structures that do not benefit from planning permission are removed from the site and the site made good. This site has a long history of unlawful development and much has been regularised through the appeal process.	
Grange Farm, Widmer End	WDC	Agricultural building to be used as potting shed	07/06948/F UL	Pending	Object - The proposal seeks to construct a very large (30m by 15m and 5.6m high) utilitarian, agricultural, building that will be clearly visible to users of the local rights of way. The principles of the AONB appear not to have been taken on board by the applicants. The development could not be assimilated into the Chilterns AONB. The proposal could create a dangerous precedent. The Board is mindful of the need to facilitate growth in the local economy and the evident importance of the applicant's business, however, it considers that the proposal would neither conserve nor enhance the natural beauty of the Chilterns AONB.	07.09.07
Wycombe Sports Centre, Handy Cross,	WDC	Coachway, park and ride, business	09/07309/R 4OUT	Pending	Object – Whilst not objecting to the principle of the development a number of concerns have been submitted. The development proposes the	06.01.10

High Wycombe		development, car parking, hotel		<p>inclusion of a number of wind turbines that would almost certainly sit idle for most of the time based on their location within the development where the wind resource will be affected by both the topography and adjacent buildings. It would be better to investigate other forms of energy generation, particularly wood fuel (which should be conditioned should approval be given). Any lighting used should take full account of the site's proximity to the nationally protected Chilterns AONB. The Board objects to the bulk, mass and draft designs for the hotel and headquarters buildings as these would be up to 8 storeys high and, despite the visual appraisals in the supporting information, the Board considers that they would have a detrimental impact on the setting of the Chilterns AONB. The Board has suggested that greater work is required on photomontages that show these prominent buildings in their setting and has yet to see this information. This objection would be removed if the scale, mass and bulk of these two buildings were significantly reduced. The Board is also concerned about the level of parking that is to be provided for the proposed office buildings. At the level proposed the Board considers that this will be unlikely to lead to modal shift. Increased bus provision and re-routing would also be required.</p> <p>Changes proposed – reduced height for prow building and hotel that would significantly lessen the potential impact on the setting of the AONB and on views from the AONB. If developed as proposed the changes, combined with the imposition of a proposed condition 12 and the inclusion of appropriate tree planting (not</p>	24.02.10
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					screening to hide the development), enable the Board to withdraw its previously stated objection.	
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