Planning Policy Team  
Chiltern District Council Offices  
King George V Road  
King George V House  
Amersham  
Bucks  
HP6 5AW.

By email only to: planningpolicy@chiltern.gov.uk  
My Ref.: Dev plans/Bucks/Chiltern and South Bucks Local Plan

Dear Graham,  

Consultation response – Chiltern and South Bucks Local Plan Initial Consultation (Reg 18) Incorporating Issues and Options – Jan/March 2016

Thank you for consulting the Chilterns Conservation Board on the Chiltern and South Bucks Local Plan consultation. The Board wishes to make the comments as detailed in the attached Appendix 1 by way of response.

It should be noted that not all elements of the proposals have been responded to, only those that are considered to have a direct or indirect impact on the Chilterns Area of Outstanding Natural Beauty or its management, or the Chilterns AONB Conservation Board.

The Chilterns Conservation Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB. It is made up of representatives nominated by the organisations listed in Appendix 2.

The attached response has been prepared under delegated powers and will be presented for approval at the next Conservation Board Planning Committee. Should you require any further information do not hesitate to contact me.

Yours sincerely,

Lucy Murfett  
Lucy Murfett MRTPI  
Planning Officer  
For and on behalf of the Chilterns Conservation Board

Copy to: CCB Planning Committee
1. The Board is grateful for the opportunity to comment on the emerging Local Plan and would welcome ongoing engagement with the Board on these important matters, given the scale and significance of the joint Local Plan proposals and the extreme care that will be needed to ensure that proposals conserve and enhance the Chilterns Area of Outstanding Natural Beauty (AONB).

Question 1: Do you have any comments on the definition of housing and functional economic market areas being used, on the draft Buckinghamshire HEDNA or on the needs assessment work planned during the next stages of the Joint Local Plan process?

2. Perhaps the greatest challenge of this joint plan will be to ensure that development is planned in a way which protects the natural environment, and most crucially, the Chilterns AONB. This means avoiding direct harm (avoiding sites in the AONB and taking extreme care in its setting) and indirect harm (e.g. ensuring that development does not cause harm by generating traffic though the AONB, that water abstraction does not harm Chilterns chalk streams, and that tranquillity and dark skies of the Chilterns are maintained). The harm should be assessed both individually (each site or policy proposal) and cumulatively (sites and proposals together), through Landscape and Visual Impact Assessment and Sustainability Appraisal/ SEA.

3. The Bucks HEDNA is creating pressure for housing, economic and infrastructure development that could harm the special qualities of the Chilterns AONB. The AONB is a unique and special place, its character and habitats are sensitive to change and once gone cannot be replaced. The Chilterns AONB was designated in 1965 for the natural beauty of its landscape and its natural and cultural heritage. In particular, it was designated to protect its special qualities which include the steep chalk escarpment with areas of flower-rich downland, woodlands, commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.

4. The Draft Bucks HEDNA (January 2016) represents a raw 'policy-off' Objectively Assessed Need (OAN) for housing figure. It must not be used for assessing 5 year housing land supply or taken into the local plan unmodified as the housing requirement (NPPF para 14, 47; NPPG para 44 and 45 and the Ministerial Statement Dec 2014). The next stage is to develop a 'policy-on' housing requirement through the local plan preparation process, taking into account land supply and constraints to delivery. One constraint is clearly the presence of land in the Chilterns AONB, nationally designated as one of Britain's finest landscapes.

The Board is happy to assist in working jointly with the Councils to test and demonstrate the extent to which the AONB is a constraint to delivery of the OAN. It is notable that Brighton and Hove local plan was recently found sound by an Inspector\textsuperscript{2} while planning for only 44% of the OAN because of the constraints (the sea to the south and the South Downs National Park to the north).

5. Great weight should be given to conserving landscape and scenic beauty in AONBs, which have the same status in planning as National Parks (NPPF para 115). Planning permission should be refused for major development in AONBs (NPPF para 116), so it would inappropriate to plan for any major development in the large areas of Chiltern District and smaller area of South Bucks District that are covered by the Chilterns AONB. Development in the setting of the AONB can also cause harm to the AONB and careful assessment of any urban expansion near the Chilterns AONB will need to be exercised. The Chiltns Conservation Board has developed a special policy statement on Development Affecting the Setting of the Chilterns AONB, available here http://www.chilternsaonb.org/conservation-board/planning-development/position-statements.html.

6. The re-drawing of the housing market area to incorporate South Bucks for plan making and organisational expediency must not increase pressure to accommodate housing in Chilterns AONB.

7. The Board would also like to make some more detailed comments on the Bucks draft HEDNA. Although the product of series of complex calculations, the final Bucks OAN figure is surprisingly round (at 50,000 homes), which suggests adjustment and rounding rather than accuracy.

8. The draft HEDNA methodology appears to adjust and uplift the housing need at every step. Some illogical and inappropriate adjustments are made, for example, the uplift based on affordability ratios is done at the district level (+10% for northern parts of Bucks and +20% for southern parts of Bucks) before taking into account the probability that the homes will not be delivered in the more expensive areas in South Bucks because of the AONB and Green Belt constraints. If these are transferred to cheaper areas in north Buckinghamshire then less uplift is needed (10% not 20%), so the total number and the number that needs transferring can be smaller.

9. The changes proposed by Government to the definition of affordable housing, along with the introduction of the Starter Homes Initiative and the changes to welfare policy (housing benefit), will make the HEDNA figures out-of-date and requiring review. The HEDNA uses the National Planning Policy Framework (NPPF)’s current definition of affordable housing which includes social rented, affordable rented and intermediate housing, "provided to eligible households whose needs are not met by the market". The proposed changes to the NPPF\textsuperscript{3} consulted on Dec-Jan 2016 alter the housing landscape to include a range of affordable products for rent and for ownership (such as low cost market housing, intermediate rent, discount market sales and innovative rent to buy housing) and for some of them remove ‘in perpetuity’ restrictions. The NPPF consultation document flags up that this is a major change "We recognise in particular that a change in the definition of affordable housing in national policy will require local authorities to consider their


local plan policies in the context of relevant evidence... They may need to develop new policy as a result, and carry out a partial review of the local plan."

10. The draft HEDNA’s conclusions on employment growth raise some questions. It is inconsistent for the economic forecasts to use preferred scenarios based on aspirational forecasts rather than historic trends like the housing figures. These would be much lower and then not generate the uplift to match housing to jobs. The OAN should be a ‘policy-off’ figure. By including aspirational employment figures rather than figures based on past employment trends, and using these to uplift the housing OAN, the draft HEDNA fails to be ‘policy-off’. If local authorities want to plan for more employment in the local plans (to meet demand and aspiration rather than need), it should be made clear that this is a choice. This should be done through the ‘policy-on’ Local Plan process, after the HEDNA.

11. The economic floorspace figures use employment densities from 2004 and 2010 and do not reflect the trend towards hot-desking, more ‘agile working’, working from home, Cloud computing and greater efficiencies in the use of office space. The recent Homes and Communities Agency Employment Density Guide 3rd Edition published in November 2015 finds that there have been significant changes within the property industry and economy in general that have had a direct influence on how commercial property is planned and utilised since the 2010 guidance was produced. Namely:
   - advances in technology
   - the evolution of new forms of workspace
   - changing trading formats
   - sector and sub-sector activity

12. The employment densities in the HEDNA should be reviewed in the light of this, taking into account the mix of sub-sectors in the Buckinghamshire local economy.

13. Economic growth in the Chilterns AONB should be linked to tourism, visitors, local food, recreation, local community needs and land-based industries or farming and forestry, rather than allocating land for business parks in the AONB. The Chilterns AONB Management Plan 2014-2019 A Framework for Action5 sets out in section 3 (pages 90-95) aims and policies for social and economic well-being in the Chilterns AONB, which receives over 55 million leisure visits a year with an estimated value of over £460m. The high quality environment and natural beauty of the Chilterns should be recognised for the economic benefit it brings, with potential to expand sectors such as local food, wood fuel, sustainable tourism, rural skills, film and TV locations, and diversification of the rural economy in ways which are sympathetic to the AONB, involve land management practices which maintain its special qualities, raise its profile as a destination, and are connected to the local distinctiveness and charm of its landscapes, market towns and riversides. The newly launched Chiltern LEADER project 2015-2020 provides support for rural economic development and CCB is involved in initiatives to support and expand tourism and the local products sector (see http://www.leader-programme.org.uk/areas/chilterns.html).

Question 2: Do you have any comments on the draft HELAA, particularly in relation to whether included sites are likely to be deliverable by 2036 and whether additional

5http://www.chilternsaonb.org/conservation-board/management-plan.html
sites should be added?

14. All strategic-sized greenfield land in the AONB should be removed from further consideration. The NPPF is clear that plans should allocate land of the least environmental value (NPPF para 110), that great weight should be given to conserving landscape and scenic beauty in AONBs (NPPF para 115), and that planning permission should be refused for major development in AONBs (NPPF para 116). It would therefore be inappropriate to plan for any major development in the Chilterns AONB.

Question 4: Do you agree with the approach to the Joint Local Plan Vision and Objectives and if not what changes or additions do you consider are needed? Please explain your reasoning for suggesting any alterations.

15. Greater emphasis should be given to landscape. Given the extent of land coverage of nationally designated AONB, a different approach should be taken which gives priority to looking after the special qualities of the AONB. See for example the South Downs National Park Local Plan6, which takes a fresh approach:

"The Local Plan will help shape the future of the South Downs National Park by:

- putting landscapes first while still serving the needs of our communities and local economy;
- protecting the special qualities of the South Downs;
- valuing nature both for its own sake and for the things it gives us – like clean water, food and space to breathe; and
- applying a single set of planning policies across the National Park to ensure all planning decisions reflect its special qualities."

16. For the Chilterns AONB, the approach could be rooted in delivering the statutory Chilterns AONB Management Plan 2014-2019: A Framework for Action7. As a minimum the Board considers that the Local Plan should include a vision that means the Council will have ‘conserved and enhanced the natural beauty and character of the Chilterns AONB’. This would ensure that the Local Plan complied with the National Parks and Access to the Countryside Act 1949 and the Countryside and Rights of Way Act 2000 (the CRoW Act) and would demonstrate that the Council is seeking to comply with its duties in relation to the purpose of the Chilterns AONB (Section 85 of the CRoW Act 2008).

Question 5: What spatial strategy option or options do you think the councils should consider and what should be the priority order? Are there any other spatial strategy options that the Joint Plan should consider and why?

17. The Board is deeply concerned about the housing numbers being proposed, and that a significant area of greenfield land is under pressure for development in and in the setting of the Chilterns AONB. Neither the individual nor cumulative impacts on the Chilterns AONB appear to have been assessed yet. The focus on a Green Belt study, which includes land that is both AONB and Green Belt, has failed to assess properly the landscape impacts. Greater protection should be accorded to AONB,

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7 http://www.chilternsaonb.org/conservation-board/management-plan.html
which is designated at a national level for its intrinsic value and unlike Green Belt cannot be reviewed through the local plan process.

18. The Board is of the view that sites outside the AONB should be preferred to sites within the AONB. Sites in the Green Belt but not the AONB are not designated for their intrinsic quality or national significance so should be accorded lower protection than sites in the AONB.

19. None of the options A-L mention the AONB or make a distinction between AONB and non-AONB villages. The Councils need to demonstrate how they have had regard to the purposes of conserving and enhancing the natural beauty of the AONB (Section 85 of the CRoW Act 2000), so for instance need to show that AONB is treated differently.

20. The NPPF is clear that LPAs should allocate land of the least environmental or amenity value (para 110), which will mean avoiding land in the AONB or its setting. The Board considers that the Councils should seek to identify proposals for development that are located outside, and do not affect the setting or appreciation of, the Chilterns AONB.

21. The Board has supported and will continue to support rural exceptions schemes to meet identified local housing needs. Indeed appropriate small scale development can serve foster the economic and social well-being of local communities. Small-scale incremental growth of existing villages and towns is more likely to be able to be successfully accommodated in the AONB than large urban expansions bolted-on to settlements, and represent a gradual evolution of place. If such proposals do emerge, the Board considers that these should invariably be small in scale and to meet identified needs. These would not be allocations, nor built area extensions to settlements (Option C), nor extensions to larger villages (Option I), but would be small individual additions though conversions or new build of a quality that meets the Chiltern Building Design Guide and does not which damage the character or special qualities of the AONB. A windfall allowance for small scale housing net additions in the AONB could be incorporated based on past trends.

22. The Board’s view is that NPPF para 116 assessment criteria for major development should be applied to all sites under consideration for major development within the AONB. The Board would be likely to consider schemes of 10 or more dwellings to constitute major development (although there is no agreed definition and it will depend on the circumstances of a site, the impacts, the settlement size etc). The NPPF para 116 test for major development in nationally protected landscapes is unlikely to be met because there is no national justification for the housing development and there are alternatives in the Bucks Housing Market Area outside the AONB.

23. The landscape impact of any allocations within or affecting the setting of the AONB should form part of any assessment of potential sites. The environmental capacity of each site should be fully assessed. Landscape considerations should be addressed through Landscape and Visual Impact Assessment as part of the plan making process, looking at likely significant landscape and visual effects of a site (see the Landscape Institute’s Guidelines for Landscape and Visual Impact Assessment 3rd Ed). The cumulative effect where there is a group of sites in close proximity needs to be addressed through the plan making process. The size of the sites under consideration in the Chiltern and South Bucks emerging plan is too large; strategic-scale development is not likely to be acceptable in the AONB unless
there are particularly unusual circumstances eg a run-down previously developed site where development has the potential to actively enhance the AONB if developed carefully.

Question 6: Do you have comments on individual options generally or specific settlements/site options that could be part of these options?

24. Strategic sized greenfield land in the AONB should be removed from consideration.

Question 7: Do you have comments on the suggested level of unmet needs in Chiltern/South Bucks?

25. Other districts in the Buckinghamshire Housing Market Area are covered to a lesser degree by the Chilterns AONB, so it is likely to be necessary for neighbouring districts to accommodate some housing under the Duty to Cooperate in order to conserve and enhance the AONB. Paragraph 116 of the NPPF explains that major development should be refused in the AONB, except where exceptional circumstances one of the tests for which is the scope to locate outside the AONB. In this case there is land available which is not in the AONB. Please see also our response to question 1.

Question 8: Do you have any comments or suggestions on how the councils can meet its local affordable housing need?

26. In the AONB villages, it may be suitable for neighbourhood plans to identify opportunities and mechanism for delivering affordable housing. Rural Exceptions Sites and Community Land Trusts may have a useful role to play.

Question 9: Do you have any comments on the above options to meet the needs of Gypsies, Travellers and Travelling Showpeople?

27. It is unlikely that additional traveller pitches could be provided in the Chilterns Area of Outstanding Natural Beauty, nationally designated as one of Britain's finest landscapes, without harm to the designation objectives and its special qualities. It should be stressed that any development that takes place in the AONB should bring about conservation or enhancement of the natural beauty of the AONB. Traveller sites tend to have limited architectural merit and do not comply with the principles of the Chilterns Building Design Guide. The focus should be on meeting needs of those who qualify under the new 2015 definition of travellers (likely to be a smaller number than those previously included), and doing so in a way that is compatible with the statutory requirement for public bodies to have regard to this nationally designated landscape.

Question 11: Do you have a view on the Heritage Strategy – for example views on our local heritage assets, how heritage contributes to quality of life and our sense of place and community?

28. The Chilterns Conservation Board is working on a project called Beacons of the Past - an exciting project to conserve and celebrate hillforts and other prehistoric features in the Chilterns countryside, and to inspire better understanding of their natural and cultural heritage. The Chilterns AONB has one of the densest concentrations of hillforts in the country. At least 19 of these ancient structures are still to be found in the Chilterns. Some are on prominent hilltops, others are hidden deep in the woods. All are a fascinating reminder of the huge wealth of history in this area. - See more at: http://www.chilternsaonb.org/about-chilterns/historic-
29. As well as a Heritage Strategy, there should be other studies and strategies addressing issues such as sustainable water use and landscape character drawing on the Chilterns AONB Management Plan 2014-2019: A Framework for Action.

**Question 12:** Are you aware of any currently unprotected local heritage assets that should be identified and if so why is the heritage asset important locally?

30. The Chilterns Society heritage group may be a useful source of information on this.

**Question 13:** Local Green Space designations can be made as part of the Local Plan and so local residents, community groups and other local stakeholders are asked to identify areas that they would like to be considered. Importantly any nomination should include supporting evidence.

31. The Board would be concerned if a new layer of local designations were introduced protecting land from future development within and around existing settlements, if that meant that lower emphasis was given to protecting nationally designated AONB land and its special qualities.

**Question 14:** Do you have any nominations for Local Measures?

32. For the Chilterns AONB, local measures to implement the Chilterns AONB Management Plan 2014-2019: A Framework for Action\(^9\), and Chilterns Building Design Guide\(^10\).

**Question 15:** Do you have a view on the scope of policies proposed in Appendix 7?

33. The Board supports the inclusion of a policy on the Chilterns AONB. The Board is working jointly with Bucks planning policy officers to develop an AONB model policy which could be incorporated in all the Local Plans to provide consistency and a strong framework for decision making to conserve and enhance the AONB in line with the statutory duty (Section 85 of the CRoW Act 2000\(^11\)) and provide a positive cross boundary cooperative approach.

34. The policy on biodiversity should incorporate best practice on biodiversity net gain and biodiversity offsetting.

35. The Board supports the inclusion of reference to the Chilterns Building Design Guide in the Design policy.

**Question 16:** Do you have any comments on the Settlement Infrastructure Capacity Study, infrastructure needs or issues and CIL?

36. Off-site green infrastructure and AONB net gain should be captured to the infrastructure requirements for developers. For example, investment in footpath and cycle links, facilities and links to encourage walkers and cyclists to visit the Chilterns, enhancements to interpretation and visitor facilities, measures to absorb the increased pressure on the AONB, and contributions towards sustainable land management, local community outdoor gym or volunteering projects, and

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environmental education etc.

37. The pressure on water resources needs further consideration and should be treated as a constraint to the quantity of development that can be accommodated. The Plan has not adequately taken into account the degree of pressure that there already is on water resources in the area. Both the Misbourne and Chess suffer have suffered from chronic low flows and frequent drying for decades largely as a result of overabstraction for public water supply. Affinity Water already import a significant volume of water into the Misbourne and Chess catchments and are limited with regard to what additional water they can import. Therefore, any new development in this area will increase abstraction, threatening to further reduce flows and increase the frequency of drying of the Chess and Misbourne.

38. The Chess and Misbourne are both chalk streams, a globally rare habitat and a key landscape feature of the Chilterns AONB (one of the special qualities for which it was designated). They are also valued highly by communities thorough which they flow and contribute greatly to the local environment and economy. The Plan should seek to ensure that future development does not have a detrimental impact on these important rivers.

39. The plan does not adequately take into consideration the likely impacts of climate change, specifically regarding the increase in flooding events and also the impact on available water resources in future. These factors will limit the both the level of development and also where it can occur.

40. The current wastewater infrastructure in the Misbourne & Chess Valley are currently inadequate for the level of planned development. Both the Misbourne and Chess have suffered from sewage pollution recently (2014), as a consequence of combined sewage overflows and sewer surcharging. The planned level of development will increase further the pressure on this infrastructure leading which is likely to have a detrimental impact on the rivers Chess and Misbourne.

41. The maps identify areas for potential development which lie within the floodplain of the River Misbourne. Specifically two areas adjacent to the river at Old Amersham and one area adjacent to Chalfont St. Giles. These areas have an history of flooding (the site at Chalfont St. Giles suffered significant flooding in 2014) and are likely to flood more frequently and to a greater extent in future as a result of climate change.

Question 17: Do you have any other points you would like the councils to take into account in the preparation of the Joint Local Plan? For example are there any challenges or opportunities you think the new Joint Local Plan will need to address?

42. Water availability, impact on chalk streams, climate change, flooding – please see our response to Q16 above.

43. The plan should give far greater emphasis and coverage to the AONB. See our response to Q1 and the example of the approach taken in the South Downs National Park Local Plan.

44. In the next stage of work to assess what the housing requirement in the local plan should be, the HEDNA figures should be adjusted downwards to reflect constraints like the nationally designated Chilterns AONB landscape. The Council is subject to a duty under Section 85 of the Countryside and Rights of Way Act 2000:
"General duty of public bodies

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."


45. This will clearly constrain the ability to accommodate further development (e.g. housing and employment growth) in the AONB and to a lesser extent in the setting of the AONB. It will require a spatial distribution which avoids AONB land and care in the AONB setting.

46. The Board considers that the Councils should seek to identify proposals for development that are located outside, and do not affect the setting or appreciation of, the Chilterns AONB. If development proposals do come forward within, or affecting the setting of the AONB, the Board considers that these should in themselves meet the purpose of the AONB as stated above. If such proposals do emerge, the Board also considers that these should invariably be small in scale and to meet identified needs. There is a requirement to also comply with the National Planning Policy Framework (paragraphs 115 and 116 in particular).

47. The following documents should be used as evidence base documents for developing the plan and associated sustainability appraisal/ SEA:

- the Chilterns Buildings Design Guide
- the Buildings Design Guide Supplementary Technical Notes dealing with Flint, Brick and Roofing Materials,
- the Environmental Guidelines for the Management of Highways in the Chilterns
- the Chilterns Conservation Board’s Position Statement on Development Affecting the Setting of the Chilterns AONB
- the Chilterns Conservation Board’s Position Statement on Renewable Energy
- the Making of the Chilterns Landscape (Chilterns Historic Landscape Characterisation Project Summary)
- the Chilterns Historic Landscape Characterisation Project report

All of these documents are available as free downloads from the Chilterns AONB website http://www.chilternsaonb.org/conservation-board/board-publications.html or http://www.chilternsaonb.org/conservation-board/planning-development.html

48. The Board is grateful for the opportunity to make these written comments and wishes the District Councils well in their deliberations on these matters. If we can be of further assistance please contact us.
The Chilterns Area of Outstanding Natural Beauty

The Chilterns AONB was designated in 1965 for the natural beauty of its landscape and its natural and cultural heritage. In particular, it was designated to protect its special qualities which include the steep chalk escarpment with areas of flower-rich downland, woodlands, commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.

Chilterns Conservation Board

The Chilterns Conservation Board is a statutory independent corporate body set up by Parliamentary Order in 2004 under the provisions of Section 86 of the Countryside and Rights of Way (CRoW) Act 2000.

The Board has two statutory purposes under section 87 of the CRoW Act:

a) To conserve and enhance the natural beauty of the AONB; and
b) To increase the understanding and enjoyment by the public of the special qualities of the AONB.

In fulfilling these roles, if it appears that there is a conflict between those purposes, Conservation Boards are to attach greater weight to (a). The Board also has a duty to seek to foster the economic and social well-being of local communities within the AONB.

Like all public bodies, including ministers of the Crown, local authorities and parish councils, the Chilterns Conservation Board is subject to Section 85 of the CRoW Act which 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.”

List of Organisations providing Nominees to the Chilterns AONB Conservation Board

The Chilterns Conservation Board has 27 board members, all drawn from local communities:

- Buckinghamshire, Hertfordshire and Oxfordshire County Councils
- Central Bedfordshire and Luton Borough Councils (unitary authorities)
- Aylesbury Vale, Chiltern, North Hertfordshire, South Buckinghamshire, South Oxfordshire, Three Rivers and Wycombe District Councils
- Dacorum Borough Council
- The Central Bedfordshire, Buckinghamshire, Hertfordshire and Oxfordshire Parish Councils (6 elected in total), and
- DEFRA (8 in total).