



## **Chilterns Conservation Board – Position Statement**



View from Coombe Hill (© Chris Smith)

### **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 understanding and enjoyment 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 in connection with the need to consider the impacts on the AONB of development and land management<sup>1</sup> proposals which lie outside it but within its 'setting'.
4. The Board considers that, although it does not have a defined geographical boundary, the setting of the Chilterns AONB is 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 2014-2019: A Framework for Action<sup>2</sup>, in particular: the third bullet point of the Vision; Key Issue 24 and Policies L4, L5 and L7 in the landscape chapter; Policies B1 and B2 in the biodiversity chapter; Key Issues 3, 5 and 8 and Policies HE3, HE4, HE5 and HE7 in the historic environment chapter, and paragraph 2 in the introduction, Key Issues 2 and 8 and Policies D8, D9, D12 and D13 in the development chapter<sup>3</sup>.

**Vision: The setting of the Chilterns is valued and protected by ensuring development adjacent to the AONB also respects its national importance.**

**Policy L4: The distinctive character of buildings, rural settlements and their landscape setting should be conserved and enhanced.**

**Policy L5: Developments which detract from the Chilterns' special character should be resisted.**

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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 2014-2019: A Framework for Action, Chilterns Conservation Board (2014) see: [http://www.chilternsaonb.org/conservation/management\\_plan.html](http://www.chilternsaonb.org/conservation/management_plan.html)

<sup>3</sup> This version of the statement is Revision 1 December 2014 – the policy extracts and other information reflect the adopted version of the Chilterns AONB Management Plan 2014-2019 (March 2014), the National Planning Policy Framework (March 2012) and National Planning Practice Guidance (March 2014)

**Policy L7: The quality of the setting of the AONB should be conserved by ensuring the impact of adjacent development is sympathetic to the character of the Chilterns.**

**Policy B1: Delivery of Biodiversity 2020 Strategy outcomes within the AONB and its setting should be supported.**

**Policy B2: Action to conserve and enhance the condition of priority habitats and protected sites (statutory and non-statutory) within the AONB and its setting should be supported.**

**Policy HE3: Development, other land use changes and management practices which would harm the significance of nationally important designated and undesignated sites, and locally important historic assets and their settings will be resisted.**

**Policy HE4: The conservation of the historic environment (including the setting of important sites and features) should be based on best practice.**

**Policy HE5: The design and location of all development should be sympathetic to the character of the historic environment, including the setting of historic assets.**

**Policy HE7: The stewardship of the wider historic environment and individual sites and features (including their setting) should be supported by a high level of understanding of the character and management needs.**

**Policy D8: The retention or creation, and long term maintenance, of green infrastructure should be sought when development is proposed in, or adjacent to the AONB.**

**Policy D9: Full account should be taken of the likely impacts of developments on the setting of the AONB.**

**Policy D12: Developments should be sought that represent the highest environmental and design standards whilst complementing the character of the AONB.**

**Policy D13: The use of renewable energy (particularly wood fuel, solar, hydropower and ground source heat pumps) should be encouraged in appropriate locations.**

6. 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 the National Planning Policy Framework and National Planning Practice Guidance, to ensure that they conserve and enhance the natural beauty and landscape character of the AONB.

7. The need to consider the impact of proposals within the setting of the AONB is set out in the National Planning Policy Framework, National Planning Practice Guidance, relevant legislation and planning policies and in guidance from Natural England and English Heritage. Those pieces of policy and guidance that are considered to be relevant are detailed in Appendix A.
8. The setting of AONBs has been considered by Inspectors in various planning appeals. Extracts from relevant appeals are detailed in Appendix B.
9. The special qualities of the Chilterns AONB are identified in the AONB Management Plan and are briefly set out in Appendix C.
10. This Statement is intended to be used to secure appropriate policies on this issue in Core Strategies and Local Plans 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.
11. 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. Whilst some developments may have adverse impacts, circumstances can be envisaged where other developments 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. In addition, other strategies such as Green Infrastructure plans, Biodiversity Opportunity mapping and landscape character assessments, may also provide advice about enhancement.
12. **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 Core Strategies and Local Plan documents and in policies in other relevant documents.**
13. **The Board will expect local authorities, in accordance with their duties under Section 85 of the Countryside and Rights of Way Act 2000, 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. When significant impacts are likely the Board would like its views to be sought.**
14. The setting of the Chilterns AONB does not have a geographical border. The location, scale, materials or design of a proposed development or land management activity will determine whether it affects the natural beauty and special qualities of the AONB. A very large development may have an impact even if some considerable distance from the AONB boundary. However, the distance away from the AONB will be a material factor in forming a decision on any proposals, in that the further away a development is from the AONB boundary the more the impact is likely to be reduced.

15. 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;
- Breaking the skyline, particularly when this is associated with developments that have a vertical emphasis and/or movement (viaducts, chimneys, plumes or rotors for example);
- The visual intrusion caused by the introduction of new transport corridors, in particular roads and railways;
- Loss of tranquillity through the introduction of lighting, noise, or traffic movement;
- Introduction of significant or abrupt changes to landscape character particularly where they are originally of a similar character to the AONB;
- Change of use of land that is of sufficient scale to cause harm to 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, and
- Increase in air or water pollution.

16. 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.

**17. The Board will monitor, comment and report on relevant planning applications and decisions relating to development within the setting of the Chilterns AONB which may impact on the natural beauty and special qualities of the AONB.**



Chilterns Conservation Board Planning Committee site visit, Ivinghoe Beacon (© Chris Smith)

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

18. 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, ecological surveys or historical assessments;
- Care being taken over the design, orientation, site layout, height, bulk and scale of structures and buildings through the preparation of a design and access statement;
- Consideration not just of the site but also the landscape and land uses around and beyond it;
- Careful consideration of colours, materials and the reflectiveness of 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 any likely detrimental impact on historic buildings or groupings will need special consideration to avoid insensitive development), and
- Comprehensive mitigation measures, for example including landscaping and open space that incorporates only native species (where possible contributing to BAP targets and the provision of Green Infrastructure), and noise reduction (though landscaping in certain contexts can be damaging to historic features, deposits, landscape or character so will require careful consideration).

19. 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 the use of minimal, well-directed and full cut-off street (and other external) lighting.

20. The Board is willing to enter into 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). Further information and advice is contained in the following: The Chilterns Buildings Design Guide and the associated supplementary technical notes on local building materials, the Environmental Guidelines for the Management of Highways in the Chilterns and The Making of the Chilterns Landscape. All of these 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.

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

## 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. Policy 113 of the **National Planning Policy Framework** states that *“local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”*.
5. Paragraph: 012 of the renewable and low carbon energy section of the **National Planning Practice Guidance** (Reference ID: 5-012-20140306) states, in connection with active solar technologies, that “where a planning application is required, factors to bear in mind include: ... the effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas”.
6. 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

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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)

*“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”.*

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

8. 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”.*

9. The **Overarching Energy National Policy Statement (NPS) EN-1** includes<sup>9</sup> the following statement (paragraph 5.9.12):

*“The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints.”*

10. The concept of ‘setting’ is set out in the legislation<sup>10</sup> and national policy<sup>11</sup> relating to designated heritage assets. Setting is defined in Annex 2 of the **National Planning Policy Framework** as *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.*

11. 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”* (paragraph 113). 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”* (paragraph 118), and *“Transport proposals can affect the setting of heritage assets”* (paragraph 124).

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

<sup>9</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37046/1938-overarching-nps-for-energy-en1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37046/1938-overarching-nps-for-energy-en1.pdf)

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

<sup>11</sup> NPPF Section 12 – Conserving and Enhancing the Historic Environment.

<sup>12</sup> [http://www.english-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)

12. A 'Heritage asset' is defined in Annex 2 of the **National Planning Policy Framework** as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)". In view of the number, scale, quality and distribution of designated and undesignated historic features in the Chilterns AONB, the Board considers that significant parts of the AONB can be considered as heritage assets under this definition.

### 13. Local Planning

14. The Board considers policy CS17 (Environmental Assets) in the **Wycombe Development Framework Core Strategy**<sup>13</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".*

15. 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>14</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>13</sup> <http://www.wycombe.gov.uk/council-services/planning-and-building/planning-policy/core-strategy.aspx>

<sup>14</sup> <http://www.chiltern.gov.uk/corestrategy/site/index.php>

## Appeal decisions

1. Consideration was given to the impacts on the setting and enjoyment of the **Chilterns AONB** in a joint appeal against the refusal of applications for the redevelopment of a football ground in Marlow for housing development and the creation of a **new football ground** at an alternative site near Little Marlow (see APP/K0425/A/09/2111436, 2010). In dismissing the appeal the Inspector wrote:

*“The Chilterns AONB lies to the north on the opposite side of the road to the appeal site and the proposal would not have a direct impact on any of the key characteristics of the AONB landscape. However, the valley floor landscape plays a role in the setting of the AONB. It forms the middle ground of the public view point from Winter Hill on the south side of the river. Whilst it was suggested that the proposal was not on the ‘principal viewline’ across the valley, the Winter Hill view point provides a very wide panorama that is experienced by turning the head to appreciate its breadth. I do not, therefore, consider that there is a ‘principal viewline’. Although the facilities would be sited on lower land to the east of the site close to an existing hedgerow and tree belt they would, in my view, add to the built form in the valley and reinforce the urban fringe character further reducing the integrity of the landscape to the detriment of the open rural character of fields and lakes”.*

*“The pitches would be mostly used in the winter when floodlights would be needed in the evenings. At night from Winter Hill the sharp line of the lights on the A404 and Marlow beyond contrast with the almost complete darkness of the AONB on the far side of the valley. Whilst there are some lights towards the skyline they are towards the left side of the view where the road climbs the hill. There are sporadic lights on the valley floor but in my view the floodlit training area and the lighting associated with the car park and access would have a dramatic detrimental impact on the night view from Winter Hill”.*

*“In longer views from the AONB looking south the proposed facilities would be seen in the distance in the valley bottom and would again have a slight detrimental impact by reinforcing the encroachment of urban forms into the predominantly rural open landscape. The same effect, but with greater impact, would be seen at closer quarters by those passing along the A4155. The widened access would have a more urban appearance and the facilities would be seen through the existing boundary trees”.*

2. 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 (see 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”.*

3. 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”.*

4. 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”.*

5. 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”.*

6. 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>15</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>15</sup> As detailed in the vision for the Chilterns AONB and introduction to the Chilterns AONB Management Plan 2014-2019: A Framework For Action