



14th November
2016

Dear Penelope

Re: Princes Risborough Town Plan – AONB Issues

Further to my correspondence of the 6th October 2016, this letter highlights our concerns with regard to your proposals and the Chilterns Area of Outstanding Natural Beauty (AONB).

We consider that the Chilterns AONB is a major asset to Princes Risborough and the surrounding area, an asset that we want to see protected and enhanced in the town plan. The Whiteleaf Cross is an historic landmark. We value the views, trails, bridleways, cycle paths and lanes that run through the Chilterns, providing recreational activities and encouraging visitors to our town and beyond. All of this is under threat with your draft plan proposals.

Background

AONBs were originally established under the National Parks and Access to the Countryside Act 1949, and reformulated in the Countryside and Rights of Way Act 2000. Existing legislation and policy contain strong protections. The 2015 Conservative Party manifesto states that the Government ‘will protect the Green Belt, and maintain national protections for Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest and other environmental designations’.

The distinctive character and natural beauty of AONBs make them some of the most special and loved places in England. Over two thirds of England’s population live within half an hour’s drive of an AONB, and it is estimated there are more than 260 million visitors to AONBs and National Parks annually who spend in excess of £6 billion. (Source National Trust September 2015). The Government has made a clear commitment to protect AONBs and we believe WDC has a responsibility through the planning process to protect its area within the Chilterns AONB.

The Chilterns AONB was designated in 1965 following the carving of the M40 motorway through the chalk escarpment in the 1960s. It was recognised that there was a need to protect the landscape from further unsympathetic change to large scale development.

Legislation

Section 85 of the Countryside and Rights of Way Act 2000 contains a general duty on all relevant authorities to ‘have regard to the purpose of conserving or enhancing the natural

beauty' of AONBs when coming to any decisions or carrying out activities relating to or affecting land within these areas. Activities and developments outside the boundaries of AONBs that have an impact within the designated area are also covered by the 'duty of regard'. This is a significant requirement about which local planning authorities are reminded in the Planning Practice Guidance (Natural Environment paragraph reference ID 8-003-20140306). The requirement is to enquire whether an AONB will be 'enhanced' by a proposal as well as 'conserved' by it.

The National Planning Policy Framework (NPPF) is the principal document setting out the Government's national policies on land use planning, and contains policies specific to protected landscapes (including AONBs) at paragraphs 115 and 116.

Paragraph 115: Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

Paragraph 116: Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

Questions

Q. Can you advise how WDC has carried out its duty with regard to the statutory purposes of AONBs to 'conserve or enhance the natural beauty' of the Chilterns AONB?

Q. NPPF paragraph 115 requires that in any decision "great weight should be given to conserving landscape and scenic beauty" in AONBs. This applies not only to developments proposed within an AONB but if proposed in its setting such that the AONB would be affected. Particularly relevant for example with regard to views from (and to) Whiteleaf Cross and other vantage points and trails around Princes Risborough and the Alscot Conservation Area. Have you given great weight to conserving the landscape and scenic beauty around Princes Risborough and if so how?

Q. In the draft town plan you proposed 2500 new houses within our AONB setting, including 'higher density housing' abutting the Alscot Conservation Area. How does this demonstrate giving great weight to conserving landscape and scenic beauty and the conservation of wildlife and cultural heritage as required by NPPF paragraph 115?

View from Whiteleaf Cross – The sheer scale of the proposed development will have a major impact on the AONB setting including the Alscot Conservation Area



Image courtesy of the Chilterns Conservation Board

Q. Do you accept that the latest relief road proposal by WDC, and the likely extra burden of housing at the Culverton Farm location represent ‘major’ development within the AONB for the purposes of applying NPPF paragraph 116? If not can you explain why not?

Q. With regard to the relief road development within the AONB and in applying NPPF paragraph 116, do you consider there are ‘exceptional circumstances’ to justify permission and that the development is ‘in the public interest’? If so can you explain your rationale for this?

Q. With regard to NPPF paragraph 116 and considering your objective to ‘cherish the Chilterns’, why are you proposing new relief road options within the AONB? Can you please provide greater transparency on the scope and accurate cost proposals to justify this, and have you considered meeting this in some other way (as suggested in our road infrastructure letter of 17th October 2016)? Have you considered the detrimental effect on the environment, the landscape and recreational opportunities of this proposal?

National Perspective

We recognise the need to increase the supply of housing but we also want to ensure that this is through sustainable development. We believe that the Government and its Ministers have been clear that protection from inappropriate development is a priority in AONB’s.

On 10th January 2013 Nick Boles, Minister for Planning, told a Policy Exchange conference on housing:

“Nothing that I have said and nothing that this Government has done will undermine the protection of National Parks, SSSIs, AONBs and the Green Belt. Or stop good agricultural land being used for farming. Or prevent councils from identifying ancient woodland and green spaces that local people want to protect.”

We question whether WDC are aligned with this message both in terms of the need for sustainable development and the prioritisation of our AONB from inappropriate development.

Case Law

We would draw your attention to some relevant case law that is appropriate to both your housing and road proposals for Princes Risborough.

First the case of the Kent International Gateway, a large development adjacent to the Kent Downs AONB. It illustrates an application of the approach to settings. (Source Green Balance Planning Consultants 2015)

This was a proposal for a road/rail freight interchange on the eastern outskirts of Maidstone, separated along its 2.5km northern boundary from the Kent Downs AONB only by the M20 motorway and in the setting of the Kent Downs AONB.

Paragraph 20 of the Secretary of State's decision letter on 5 August 2010 stated:

"The Secretary of State agrees with the Inspector's conclusion that the appearance and scale of the development would be alien and out of character with the countryside and the existing built-form of neighbouring settlements, and that it would cause substantial harm to the setting of the AONB (Inspector's Report 18.45). Given the importance and value of the open countryside which currently forms the appeal site and of the AONB which adjoins it, and given the harm the proposal would cause to them, the Secretary of State agrees that substantial weight should be given to these matters in the determination of the appeal (IR 18.52)."

In rejecting the appeal, the Secretary of State concluded in his paragraph 36:

"A number of factors weigh against the proposal, including the loss of a large area of open countryside, substantial harm to the setting of the Kent Downs AONB, serious damage to the attractiveness and amenity value of the bridleways and footpath that cross the site, failure to preserve or enhance the character of the Holy Cross and Bearsted Green Conservation Areas and the cumulative adverse impact on Bearsted."

A legal precedence has been created in a development proposal near Dover and Campaign to Protect Rural England (CPRE) prevailing in a battle against plans to build around 500 homes at Farthlingoe. CPRE's challenges were that the grant of planning permission had failed to afford sufficient weight to paragraphs 115 and 116 of the NPPF concerning the protection of scenic beauty and that Dover District Council had failed to give adequate reasons for its decision. The permission concerned a site partly within an AONB.

In the judgement rejecting the development (September 2016), Lord Justice Laws noted that "the scale of the proposed development is unprecedented in an AONB". He said: "A local planning authority which is going to authorise a development which will inflict substantial harm on an AONB must surely give substantial reasons for doing so."

We believe there are many similarities in these cases with regard to your proposals in relation to the Chilterns AONB and important messages that WDC should take notice of.

Q) Given the existence of this case, which we presume you are aware of, please can you explain how the Princes Risborough area expansion plan is not contrary to this case law?

Summary

We consider that the Princes Risborough town plan must address all relevant legislation related to protecting and enhancing the Chilterns AONB, including the legislation referred to above. It must also be seen to address this with transparency and substantiation, convincing our community that WDC really does 'cherish the Chilterns' and that these are not just warm words included in the draft Local plan that you have no intention of delivering on.

Your report to the Wycombe District Cabinet meeting of the 6 June 2016 stated your intentions of, 'attaching great weight to the Chilterns AONB' and 'Only limited development is proposed in the AONB in carefully assessed locations.' This is not something we have witnessed so far in your proposals.

The town plan needs to have the support of the community and be driven from the bottom up if it is to be deliverable. Our AONB is precious to us and to date we have seen little evidence to suggest that WDC is aligned with the wishes of the community on this issue.

We would appreciate acknowledgement of your receipt of this letter and a response to the questions we have raised above.

On behalf of the RARA committee and membership

Yours sincerely

Linda

Linda Cannon Clegg

Chairman RARA

Copied to:

Rt. Hon. John Bercow Member of Parliament

Rt. Hon. David Liddington Member of Parliament

Karen Satterford Chief Executive WDC

David Johncock Cabinet Member for Planning WDC

Alan Turner District Councillor The Risboroughs and Deputy Cabinet Member for Planning WDC

David Knights District Councillor The Risboroughs

Bill Bendyshe-Brown County Councillor

Carl Etholen County Councillor

Graham Peart District Councillor Lacey Green, Speen and The Hampdens

Matthew Walsh Town Mayor & Chairman **Princes** Risborough Town Council

Gary Hall District and Town Councillor Princes Risborough

Rosie Brake Principle Planning Officer WDC

Ian Manktelow Team Leader for Planning Policy WDC