

**The Chilterns
Conservation Board**
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21st August 2018

Sam Townley
Neighbourhood Planning Enquiries Officer
South Oxfordshire District Council

By email only to: Sam.Townley@southandvale.gov.uk

My Ref.: Dev plans/Oxon/SouthOxon/Goring NDP

Dear Mr Townley,

Response on Revised NPPF – re: examination of the Goring Neighbourhood Plan

Thank you for your email of 20th July providing an opportunity to comment on the revised NPPF and the examination of the Goring neighbourhood plan. The Board wishes to make the comments as detailed in the attached Appendix 1 by way of response.

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 Chilterns 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



Chilterns Conservation Board response – Revised NPPF and Goring Neighbourhood Plan

1. The Chilterns Conservation Board is grateful for the opportunity to comment on the revised NPPF and its implications for the Goring Neighbourhood Plan.
2. I summarise below the changes in the NPPF in relation to national policy for AONBs, National Parks and the Broads. The paragraph numbers are altered, with Para 115 and 116 combined into a single paragraph 172. New wording is highlighted below in yellow:

172. Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁵⁴. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) 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;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

.....

Footnote 55. For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

3. Importantly, despite the government's focus on increasing housebuilding, the policy on AONBs has not been weakened in any way. The reverse is the case, with:
 - a new twice repeated instruction to “enhance” as well as “conserve” AONBs, and
 - an entirely new sentence with a clear instruction that “The scale and extent of development within these designated areas should be limited”.
4. The controls on major development in AONBs remain unaltered. However the new footnote 55 provides a helpful new steer on what decision makers should take into account when testing if a proposal constitutes major development, namely “its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.” This goes further than existing advice in the [NPPG para 005 Reference ID: 8-005-20140306](#) which referred only to it being “a matter for the relevant decision taker, taking into account the proposal in question and the local context.”
5. The presumption in favour of sustainable development at paragraph 11 and footnote 6 now explains that, for plan making activities, being in an AONB provides a “strong reason” for restricting the overall scale, type or distribution of development in the plan area.
6. Interestingly, the new provisions for entry-level exceptions sites (for first time buyers or renters) are specifically prohibited in AONBs (see para 71 and footnote 34: “entry-level exceptions sites should not be permitted in National Parks (or within the Boards Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt”). In contrast rural exceptions sites are not restricted in this way (para 77), so that homes for local community members who are either current residents or have an existing family or employment connection, are potentially permissible. The message is that housing to meet identified local community needs is supported, but general wider needs for first time buyers are not.

Implications for Goring Neighbourhood Plan

7. In summary, the Chilterns Conservation Board considers that the revised NPPF strengthens government policy for the AONB.
8. The new NPPF provides the clear new instruction that “The scale and extent of development within these designated areas should be limited”. This supports the approach of the Goring Neighbourhood plan of using a landscape capacity approach to determine how many new homes Goring can accommodate, rather than seeking to accommodate a mathematically derived share of the district's housing requirement irrespective of the impacts and whether the settlement is in the AONB.
9. The plan has to date ducked the issue of whether the developing the allocated sites would constitute major development in the AONB. This should be addressed. There are now new instructions on assessing for major development: “taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.” The designation purposes are to conserve and enhance the natural beauty of the AONB (Countryside and Rights of Way Act 2000 [section 82](#)). Development of GNP3 (Manor Road) and GNP6 (Springhill Farm) is, in the Chilterns Conservation Board's view, likely to constitute major development in the AONB, for the reasons set out in

our response dated 7th June 2018. This should not be parked for the planning application stage.

10. Another more minor change needed is that Objective 04 on protecting the landscape should delete “maintain and where possible enhance” and instead refer to “conserve and enhance” as the NPPF does.
11. The Chilterns Conservation Board is grateful for the opportunity to make these written comments and wishes the Examiner and Goring neighbourhood plan group well in the final stages of the examination. 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)