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**By email only to South Oxfordshire DC Planning Policy Team.**

My Ref.: F:\Planning\Planning Policy\Kidmore End Neighbourhood Plan

### **Kidmore End Neighbourhood Plan – Examination**

The Chilterns Conservation Board (CCB) can comment further on the Kidmore End Neighbourhood Plan's site allocation CFS8. This is in response to the appointed independent examiner who has asked in the second clarification paper (28<sup>th</sup> January 2022) to 'Request for the District Council. Please can the District Council invite the Chilterns AONB Unit to comment on the proposed housing allocation in the Plan'.

**Brief Background.** The CCB submitted comments on the regulation 14 pre-submission consultation draft. We were particularly impressed with the evidence base as constructed for this plan and especially so about landscape sensitivity and valued landscape matters. The CCB has long supported detailed assessments of the settings relationship to this nationally protected landscape and, in cases such as Kidmore End, the relationship between a valued landscape, which shares much of the landscape character type, and the AONB itself. Whilst not immediately germane to this examination, we think it is useful to point out that the anticipated review of the AONB boundary, following the findings of the Glover Review and the Government's January 2022 response, will potentially review areas such as this.

**Site Allocation CFS8.** In assessing this site, we considered the AECOM report in the evidence base. The AONB Management Plan 2019-2024 acknowledges that the Chilterns is a '*living landscape....shaped not just by natural processes but also generations of human activity*' (see Chairman's foreword). The key issue for any assessment will be the duty of regard in CROW 2000 (section 85), the NPPF 176, the SODC Local Plan at ENV1 and the AONB Management Plan 2019-2024.

In summary, development within the AONB will be limited (see NPPF) and must conserve and enhance the special qualities and scenic beauty of the landscape (CROW and Local Plan). Further, the AONB Management Plan, in its development chapter, promotes a series of policy requirements where the principle of development is established. That decision on principle is a matter for location, with landscape character assessment as one of the core considerations. Site allocation CFS8 sits in an area of some sensitivity, itself within the wider landscape very much a part of the semi enclosed dip slope. We deemed its proximity to the existing settlement very relevant and its boundary treatment as something that could be supplemented to assist in the site's relative demarcation into the settlement. CFS8 criterion 1 and 2 are designed to achieve this and consideration to the Chilterns Buildings Design

Guide would be a significant factor in the design of these proposed 4 dwellings. Reference to that would be material in any planning determination. It may be worthwhile making explicit reference to the CBDG in this policy, upon reflection. We also note that the Neighbourhood Plan's Design Principles Policy (LCDP) also deals with the CBDG. One of the characteristics here is that the settlement is '*Generally partially hidden by trees and other landscape features*', as ordinarily applies to 'Valley bottom and scarpfoot villages – nucleated form' (page 18 of the CBDG). The land around Kidmore End and Tokers Green is not a valley bottom as such but shares this characteristic. To follow this 'partially hidden' feature is a facet of the policy allocation details.

The plan justifies the need for a small level of housing allocation and at a neighbourhood scale and not as required by the strategic policies in the Local Plan. CCB accepts that this can work, subject to location and the impact upon the special qualities of the AONB. In this case the small-scale nature of development as the outcome of a detailed assessment and with a series of strict policy tests, would not materially harm those special qualities, in our judgment. We acknowledge these decisions can be balanced but the concern as expressed by the Parish Council as to 'speculative development' is well founded on a recent case, which was both harmful to landscape and constituted major development. Neither of these concerns would apply in this case. We would also refer to our own Management Plan policy DP2 which establishes a series of useful development management tests that can crossover to the consideration of a planning allocation.

**DP2** Reject development in the AONB unless it meets the following criteria:

- a. it is a use appropriate to its location,
- b. it is appropriate to local landscape character,
- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and
- i. there are no negative cumulative effects, including when considered with other plans and proposals.

We hope that this may be of assistance. Should you require any further information please do not hesitate to contact me.

Yours sincerely,

**Dr Michael Stubbs MRICS MRTPI**  
**Planning Advisor, on behalf of the Chilterns Conservation Board**



**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:

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