



# Chilterns National Landscape

## NOTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE CHILTERN CONSERVATION BOARD

held on Thursday 25<sup>th</sup> April 2024 at CCB offices, The Lodge, 90 Station Road,  
Chinnor OX39 4HA commencing at 2.00 PM

### Present:

Cllr Charles Hussey	Board Member	Parish Councils
Cllr Sue Rowland	Board Member – Chair	Parish Councils
Simon Mortimer	Board Member	Secretary of State

### In attendance:

Lorna Coldwell	Clerk to the Board & minute taker	Officer
Mike Stubbs	Planning Advisor	Officer
Matt Thomson	Head of Strategy & Planning attended remotely	Officer
Paul Hayes	Member attended remotely	Co-opted
John Nicholls	Board Member attended remotely (part)	Secretary of State
Cllr Sally Symington	Board Member attended remotely (part)	Dacorum Borough Council

No public present.

The Chair welcomed all present and introductions were made.

### **23/24.22. Apologies for absence**

Apologies were received and accepted from Board members:

Cllr Paula Hiscocks, Cllr Jon Tankard, Cllr Jane MacBean

Apologies received from officers: Elaine King – CEO Chilterns AONB.

### **23/24.23. Declarations of Interest**

None.

### **23/24.24. Minutes of the meeting 18<sup>th</sup> October 2023**

The minutes of the meeting held 18<sup>th</sup> October 2023 were approved as a true record and signed by the Chair.

### **23/24.25. Matters Arising from the minutes**

All items covered on the agenda.

### **23/24.26. Public Questions**

No public present.

**23/24.27 The Planning Committee Work Programme**

The Head of Strategy and Planning, Matt Thomson, had provided an update for the Committee on progress with the work programme.

**1. Capacity**

Capacity in the planning function continues to be an issue. Following the lack of success with recruitment of a temporary part-time planning officer, officers explored options with contacts in their networks, and contacted specialist temporary staff agencies, still without success. Currently it is being explored where officers in local authorities may be interested in a 6 – 12 month secondment. Graduates and volunteers have been considered but the need for training and possibility of leaving for the private sector after experience has been gained needs to be thought about. Capacity has been further undermined with the head of strategy and planning needing to focus more on strategic matters like the Management Plan review, fortunately, our consultant planning adviser has some flexibility to provide additional capacity at this time.

**Action:** Matt Thomson to look into availability of recently retired local authority planning officers in addition to secondments.

**2. Lighting Position Statement**

Following the decision at the October 2023 to agree finalising the draft Lighting Position Statement by email, a combination of capacity and an already full Board agenda has resulted in a delay. It is now proposed to extend the agreed approach with a view to approval at the next Board meeting in March.

**3. Attendance, Membership and Future Meeting Dates**

An additional Board member appointed by the Secretary of State has been recruited to the Committee: Simon Mortimer. The Committee has sufficient membership from those representing local authorities, and technically one too many parish council representatives. This should make ensuring meetings are quorate easier going forward.

To be quorate there must be at least one member from each nominating category (1 local authority, 1 Secretary of State and 1 parish council) physically present.

Membership is under constant review.

The risk of not being quorate is increased when members opt to attend remotely, which is why the wording of the meeting summons has been amended. If the meeting is not quorate, then it is not technically a “meeting” of the Committee, and it cannot make formal decisions. Those members not physically present at the meeting, when it is quorate, are also not entitled to vote. This means that whilst remote attendance is preferred over non-attendance, for the Committee to function effectively all voting Members are encouraged to physically attend meetings where possible.

Whilst there is no legal requirement for a Planning Committee, the benefits of doing so mean that there is delegated authority to make decisions and discharge other functions with authority of the Board, but to do this there are legislative requirements that need to be met in terms of being quorate. A group that was advisory without those Powers, that could feed back to the Board for them to make decisions would not need to meet





legislation around quorums. The meeting dates for the rest of 2024 have been circulated as calendar invitations and are noted on minutes.

**Action:** Matt Thomson to assess if it is possible to order the agenda so any decision items are first and discussions after, to enable a shorter timeframe for Members to be needed.

**The Committee NOTED the updates.**

### **23/24.28 Policy Casework update**

#### **National planning policy developments**

The Levelling up and Regeneration Act 2023 is now an Act, effective since 26/12/23. This includes the strengthening of the AONB duty of section 85 of the Countryside and Rights of Way Act 2000 by creating a new positive statutory duty on relevant authorities to “seek to further the purpose of conserving and enhancing the natural beauty of the relevant area”. There are transitional arrangements in place, meaning that the full impacts of the planning reforms may take a while to become embedded and have practical impacts, particularly with regard to the preparation of development plans. The Interim guidance of the interpretation of the new legislation is expected from DEFRA, followed by regulations to put into law (secondary legislation) within 18 months. This is a significant step and will become a requirement for Local Plans on how to protect the environment.

**Action:** Matt Thomson to pick up on the reforms to the planning system following the Act, and will circulate informed briefings to Committee members and the wider Board.

The national rebranding of AONBs to “National Landscapes” has now taken place, and will take effect in the Chilterns during February. There will inevitably be a period of confusion while legislation and policy continue to refer to AONBs.

#### **Development Plan Casework**

Since the October 2023 meeting, two Local Plan consultations at Dacorum BC and Three Rivers DC have been responded too. Both address housing demand issues, including the need to protect and positively manage each areas AONB and Green Belt assets. Both authorities are embracing headroom for housing, but are having an eventful time of housing targets and how they can be filled. The **Dacorum Local Plan** has been delayed since consultation in 2020/2021. The CCB at this time raised serious concerns about the plans ambitions for growth, which did not account for the existence of the AONB (and Green Belt) assets and necessitated significant development in the AONB, whilst recognising the efforts that DBC had put into the conservation and enhancement of the Chilterns AONB. The current local plan being prepared is strongly link with a strategy for the regeneration and growth of Hemel Hempstead being jointly developed with St Albans City and District Council. DBC and SACDC are engaging with the CCB on the governments “garden communities” programme.

**CCB’s key points in relation to the latest consultation**, in summary, were that:



- a. The Sustainability Appraisal (SA) needs to address the development implications arising from the **setting** of the AONB. This needs to be denoted in graphic representation and inform the landscape content and the cumulative assessment of impacts. The AONB boundary review project (as sponsored by Natural England) is mentioned in the SA. The CCB recommend that this be acknowledged as a matter that will run parallel with the plan's progression and potentially influence its content. The SA acknowledges the positive benefits of the AONB (National Landscapes) to health, well-being, place identity, biodiversity and ecological connectivity. The Chilterns AONB national landscape designation covers just over one-third of the district's land area.
- b. Greater clarification is required on the spatial arrangement of the proposed development areas within the Hemel Garden Communities (HGC) area, which in the 2020 consultation was divided into two parcels. A 2020 and 2023 comparison in graphic form would be beneficial, denoting both spatial extent and numbers proposed. Alongside this, greater discussion of the SANG (sites of alternative natural greenspace) area to be associated with the HGC proposal. Greater consideration as to how these proposed land uses overlap with the setting of the AONB.
- c. Greater discussion and consideration of the forthcoming land east of Tring decision, which has implications for the plan, whether allowed or dismissed. That decision is expected soon after the close of this consultation in January 2024.
- d. The deployment of the landscape assessment work to inform the HGC position statement. This work constitutes key evidence in the consideration of spatial development options. The setting implications for the AONB is a key area of interest. The design and layout of SANGs and related green infrastructure networks are matters closely allied to this.
- e. The CCB supports the LPA's reappraisal of housing numbers and their distribution, when local considerations and constraints are taken into effect. Clearly, the CCB are hopeful that revisions to national policy assist in balancing need against constraints, the latter of which adds so much to the cherished character of this district. That said, the current National Planning Policy Statement disappplies the 'tilted balance' where land is AONB or is within its setting. The new section 245 of the Levelling Up and Regeneration Act 2023 (LURA) considerably bolsters the legal duty to conserve and enhance the AONB (National Landscape).
- f. The CCB could not find a specific strategy or future policy reassurance on Chalk Streams and their protection within section 41 of the Natural Environment and Rural Communities Act 2006 and as dealt with in the AONB Management Plan 2019-2024.
- g. The Special Area of Conservation (SAC) and its mitigation strategy are wholly supported, and the LPA is commended for its delivery. The Council's adherence, indeed, exceedance, to these sites of alternative SANGs mitigation is also commended and will apply to this local plan.
- h. The immediate review of the proposed site allocations is caveated against the future need for more detailed landscape evidence. Initially, the Dursley Farm Tring (TR01), as amended, has the potential to avoid any negative impact on the AONB and that land south of Berkhamsted (BK01) sits away from the AONB on the northern side of the town, albeit care is required. The Hemel Garden Communities (HH01 and HH02) requires greater work and the increase by 1,000 dwellings presents potential problems to both the setting of the AONB and the delivery of the higher number than in 2020, alongside the delivery of a high yielding SANG. The AONB boundary





review is also relevant, and it is germane that a large part of the northern boundary of HH01 / HH02 falls within the setting of the AONB. Greater work is required to resolve these issues.

**Three Rivers District Council Local Plan** follows a consultation in 2021, and the CCB have also been corresponding with TRDC officers about their interpretation of the housing delivery policies within the NPPF. Along with DBC (see above) TRDC are part of the South West Herts joint strategic plan, which is anticipated to shape the *next* iteration of TRDC's local plan (as reported to PC in July 2023).

In summary, the CCB response to the latest consultation is as follows:

- i. Three Rivers District Council contains around 650 hectares of the designated Chilterns AONB, amounting to around 7.3% of the total land area. This includes land around the Chorleywood area and land within the M25, including historic land uses associated with market gardening to serve London (watercress beds, notably) and a part of the historic Metro-land as celebrated by the Metropolitan Railway in the inter-war years. The AONB is currently the subject of a boundary extension project. Natural England is leading this project, and the CCB anticipate potential candidate land will be in the public domain during the first half of 2024. That will be highly germane to the evidence base of the Local Plan.
- j. The Green Belt status of much land within Three Rivers is also relevant to the AONB, where such land either overlaps the AONB and/or borders it. These policies enjoy a different provenance, with AONB protection as a landscape protection and Green Belt as a spatial land-use buffer. However, the setting of the AONB in Three Rivers is influenced by the Green Belt protections that maintain an open, predominantly rural context. This relationship can, therefore, be symbiotic in a relatively small local authority, such as in Three Rivers.
- k. The CCB support the strategic approach taken by the Council in this consultation. We agree with the stance taken with respect to policy constraint, especially the disapplication of the '*tilted balance*' in the National Planning Policy Framework (NPPF) at footnote 7 (noted at 1.4 of the Sustainability Appraisal). The '*balanced provision*' as set out in the Sustainability Appraisal (2.1) requires that '*great weight*' is given to the Conservation and Enhancement of the AONB (NPPF), which is a nationally designated landscape (Landscape Institute's GLVIA 3<sup>rd</sup> edition at para 5.1, page 82). We agree with this attribution of planning weight.

There have been no Neighbourhood Plan responses submitted since October 2023 planning committee.

The Watlington Relief Road consultation was received yesterday, and will be reported back to the Committee at the next meeting.

**The Committee NOTED the contents of this report, and ENDORSED the responses made on the two consultations above.**

### **23/24.29. Development Management Casework update**

The Planning Advisor, Mike Stubbs, advised the Committee of 12 new comments/objections/responses that had been made. Since October 3 were granted on which the CCB made supportive comments, 1 granted on which an objection was



raised. 5 appeals were determined, with 3 dismissed and 2 allowed. The CCB had raised objections to all these appeals.

Particular note was made of the following Appeals/Planning Applications:

- Land Adjacent to Hampden Farm Barn Greenlands Lane Prestwood CCB comments it will be a strongly urbanising form of development.
- CB/23/03398/FUL Isle of Wight Lane, near Dunstable CCB objected to earlier application and this application must be considered against the same policy environment.
- Luton Airport Expansion (Luton Rising) AS-505 The Committee support engagement on special qualities study by Luton Rising and will continue to do so.
- Planning Appeal 3323268 Land to West of Thame Road Chinnor was dismissed as the panoramic setting of the AONB would be harmed.
- Bowood Lane Wendover appeal by HS2 was allowed, a disappointing decision. The CCB maintains that this design is harmful and unnecessarily urbanised the historic Holloway of Bowood Lane.
- 23/02077/APP Land to east of Tring decision is awaited, whilst the NPPF is relevant so is the Levelling Up and Regeneration Act. This decision will likely affect the outcome for Dacorum.
- NSIP Luton Airport the CCB continues to be engaged and the panel of Inspectors have been receptive to CCB perception of overflying in the Chilterns. The Secretary of State will make a decision by August.

**The Committee NOTED the updates.**

### **3/24.30. Urgent Business**

The Chair raised the Real Time System and some difficulties faced when using it, and wondered if there were feedback from any Board Members. Matt Thomson confirmed there had been none since the original log in time. He was hoping for more IT support on further developing the system. The Chair commented that she likes the system and it is good to be able to see up to date data on planning applications. The system was set up for collaboration and wider document sharing via Teams, but this has not yet been rolled out to the whole board for wider collaboration as intended.

### **23/24.31 Dates of next and future meetings**

The next meeting was agreed as Thursday 25<sup>th</sup> April 2024, 10am at Chinnor Office

#### **Future dates:**

Thursday 25<sup>th</sup> July 2024, 5pm at Chinnor Office

Thursday 17<sup>th</sup> October 2024, 2pm at Chinnor Office

The meeting was closed at 15.51.

The Chair.....



Date.....

