

**The Chilterns
Conservation Board**
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Chairman: Cllr Ian Reay
Vice Chairman: Helen Tuffs
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30th September 2015

Peter Day
OCC

By email only to: mineralsandwasteplanconsultation@oxfordshire.gov.uk

My Ref.: F:\Development Plans\Oxon\Oxon CC

Dear Peter,

Consultation response – Oxfordshire Minerals and Waste Local Plan Part 1 Core Strategy Proposed Submission Document

Thank you for consulting the Chilterns Conservation Board on your proposed submission plan. Having examined the document, the Board wishes to make the comments as detailed in the attached Appendix 1 by way of response.

It should be noted that not all elements of the public consultation document have been responded to, only those that are considered to have a direct or indirect impact on the Chilterns Area of Outstanding Natural Beauty or its management, or the Chilterns AONB Conservation Board.

The Chilterns Conservation Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB. Appendix 2 sets out information about the Chilterns Conservation Board and our statutory role.

The attached response has been prepared under delegated powers and will be presented for approval at the next 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 Consultation response – Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy - Proposed Submission Document (August 2015)

1. The Board is grateful for the opportunity to comment on the Oxfordshire Minerals and Waste Local Plan Part 1 Core Strategy proposed submission document.
2. The south eastern parts of South Oxfordshire lie within the Chilterns AONB. As a protected landscape of equal planning status to National Parks, great weight should be given to conserving landscape and scenic beauty of Areas of Outstanding Natural Beauty (NPPF para 115).
3. The Board welcomes and supports the introductory paragraphs to the **landscape section** (paras 6.41 and 6.43), and the recognition of the Council's statutory duties to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Adding a footnote reference to section 85 of the Countryside and Rights of Way Act 2000 would be helpful here.
4. The Board considers that in **Policy C8** this sentence "Major developments within AONBs will not be permitted except where it can be demonstrated they are in the public interest" needs correcting to ensure it is compliant with the NPPF. As it stands the policy is unsound. The NPPF test is not a test of whether a proposal is in the public interest. The sentence should be expanded to reflect not just public interest but all three of the tests for major development in AONBs set out in the NPPF para 116:

Para 116 NPPF

"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:

5. *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;*
6. *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
7. *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."*

8. Policy C8 should therefore be reworded to cover national interest, the cost/scope for developing elsewhere and any detrimental effects on the environment, landscape and recreational opportunities. This would ensure that great weight should be afforded to AONBs, and that for AONBs major development should be refused as a starting point, before consideration is given to the exceptional reasons why a different conclusion may be reached.
9. Similarly, **Policy M7** in relation to oil and gas as drafted is too permissive and is not currently in line with national policy: “The commercial production of oil and gas will be supported in the following circumstances...For major development in an Area of Outstanding Natural Beauty it is clearly demonstrated that the proposal is in the public interest, including in terms of national considerations.” This should be expanded to reflect not just public interest but all three of the three tests for major development in AONBs set out in the NPPF para 116. Policy M7 should be reworded to cover national interest, the cost/scope for developing elsewhere and any detrimental effects on the environment, landscape and recreational opportunities.
10. **The Board objects to the changes in this version of the plan which strengthens the protection of Green Belt land and weakens the wording concerning AONBs.** For instance the removal of the text formerly in para 5.53 “The Cotswolds, North Wessex Downs and Chilterns Areas of Outstanding Natural Beauty lie close to towns where growth is expected and additional waste will be produced. Any new waste facilities that are required should if possible be located in or close to these towns, outside of the Areas of Outstanding Natural Beauty. Proposals for waste development within or in proximity to Areas of Outstanding Natural Beauty will be considered against policy C8.” In this proposed submission version this now reads “5.45 Where proposed waste management sites lie within or would affect an Area of Outstanding Natural Beauty, the proposal will be considered against policy C8. (See also paragraph 6.43 on siting of waste management facilities and AONBs.)” This original text should be reinstated to address OCC’s statutory duties regarding the AONB.
11. The Board wishes you well in the finalisation of your plan for submission and examination by an independent Examiner.



Conservation Boards

A Conservation Board is a statutory independent corporate body set up by Parliamentary Order under the provisions of Section 86 of the Countryside and Rights of Way (CRoW) Act 2000.

Section 87 of the CRoW Act sets out the purposes of a conservation board as:

- a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and
- b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty

But if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).

Furthermore "A conservation board, while having regard to the purposes mentioned in subsection (1) [of Section 87], shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty."

Section 85 of the CRoW Act 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."

The attached response has been prepared by Lucy Murfett, Planning Officer, under delegated powers and will be presented for approval to the Conservation Board's Planning Committee at its next meeting. Any further comments made at that meeting will be duly forwarded. Should you require any further information do not hesitate to contact the writer.

List of Organisations providing Nominees to the Chilterns AONB Conservation Board

- 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).