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Chairman: Mr Paul Mains BEM
Vice Chairman: Mr John Nicholls
Chief Executive Officer: Dr Elaine King

Submitted via online Portal

My Ref.: F:\Planning\Responses\

Dear Sir/Madam

Statement of Community Involvement Consultation April 2022

Thank you for consulting the Chilterns Conservation Board (CCB) on your Statement of Community Involvement. The Chilterns Conservation Board is a statutory independent corporate body set up by Parliamentary Order to promote the protection, enhancement, understanding and enjoyment of the Chilterns Area of Outstanding Natural Beauty (AONB); further details are appended to this letter.

Our full response is provided starting on the next page of this document. What follows is a summary of that response, which is reproduced in the relevant section of your online portal.

- The non-exhaustive list of types of consultees on p.4 is insufficient to give clarity to the council's stakeholders on who will be engaged in planning processes, how and when. A more detailed appendix should be included, specifying particular consultees and groups of consultees and how they will be consulted for each type of planning process.
- The sections on involvement in plan preparation and planning applications only commit to a passive form of engagement, with documents "made available" "allowing" for representations to be received. The council should commit to a more proactive approach to engaging stakeholders.
- Reference could be made to "major development" in AONBs as defined in footnote 60 of the NPPF, and how consideration of such proposals could be enhanced, including specific engagement with the CCB.
- The Council should take this opportunity to update and integrate the out-of-date minerals and waste planning SCI with this document.

/contd.

I trust that this is in order, and look forward to engaging further on planning matters going forwards. Please do not hesitate to contact me if I can be of further assistance.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M Thomson', with a long horizontal flourish extending to the right.

Dr Matt Thomson MRTPI AoU
Planner, Chilterns Conservation Board

cc. Cllr Paul Duckett, CBC representative on the CCB.

CBC Statement of Community Involvement consultation – CCB response

CCB's role in the planning process

The Chilterns Conservation Board is a statutory body set up, in short, to promote the conservation, enhancement, understanding and enjoyment of the Chilterns AONB. Part of our role can be summarised as advising decision-makers on how they can ensure that their decisions meet their legal duty under section 85 of the Countryside and Rights of Way Act 2000 to “have regard to the purpose of conserving and enhancing the natural beauty of the area”, and with particular regard to planning, to ensure that planning decisions demonstrate they have met this duty in the context of national planning policy, especially that set out in NPPF paras 11 (taking account of footnote 7) and 174-177. This is intended to be a constructive role, ensuring that planning decisions result in the conservation and enhancement of an area that is held to be an asset for the economic, social and environmental well-being of the district, its residents, businesses and visitors.

General comment

We are in a period of change. The Levelling-Up and Regeneration Bill is currently going through Parliament and may result in significant changes to the nature of planning in England, including major changes to the ways in which local plans are prepared, and the relationship between local and national planning policies. It is not entirely clear whether SCIs will even be a part of the planning system by the end of it all. We hope that the principles of the draft SCI, informed by comments made in response to this consultation, will nonetheless inform how CBC engages with its stakeholders on planning matters.

Changes are also afoot with protected landscapes such as the Chilterns AONB. Earlier this year, the government published its [response](#) to the [Landscapes Review](#) (the “Glover Review”), which itself had been published in 2019. The outcomes of this activity with regard to planning have not yet been fed through into the Levelling-Up etc Bill, but could include, for example, making AONB Conservation Boards statutory consultees in the planning system, and/or giving AONB Management Plans more weight in planning decisions. Through the SCI, the Council may need to keep an eye on such changes, and our response advocates giving a higher priority to the AONB and the views of the CCB in accordance with existing legislation, policy and practice, and not just with a view to any further future reforms.

In addition, while the Landscapes Review had recommended that the Chilterns AONB should be redesignated as a National Park (which would have resulted in a new Authority being created to take on planning functions in the protected area), that option has now been deferred indefinitely, in favour of two proposals – both [announced](#) in June 2021:

1. To explore new management and governance arrangements for the Chilterns AONB, which might change the relationship between the CCB and its stakeholders, including local authorities. It is not yet clear exactly what this will mean, but it is important that the new arrangements are co-created with those stakeholders, and result in better outcomes for the protected landscape.
2. To assess the potential for new areas of land to be designated as part of the Chilterns AONB – this could result in more land within Central Bedfordshire benefitting from the

designation. Natural England are about to launch this project, which they will be running – the CCB is unable to provide further details at this stage.

CCB is keen to work constructively with CBC on all of the above, and our engagement through the planning process will be key to this.

Specific comments

Who will be involved and how?

We recognise that the list of potential consultees on p.4 is explicitly described as not being definitive. However, a problem with presenting a non-exhaustive list of potential consultees as the current draft SCI has done is that it gives no clear indication to the SCI's readers of what types of planning activity they might expect different stakeholders to be actively engaged with.

This is not just about informing people of how they can engage with planning decisions, but also reassuring them about which other stakeholders are involved in the process.

We would recommend including in the SCI, perhaps as an appendix, a comprehensive list of both generic groupings of and specific consultees (as has been included in the minerals and waste SCI), indicating which of these are regarded as statutory consultees under each regime, with commitments made with regard to when those stakeholders will be consulted directly. The SCI does not need to over-commit on this, but might choose to specify which non-statutory consultees, such as the Chilterns Conservation Board, might be pro-actively engaged with beyond the bare minimum required by statute. Without this level of detail, the SCI fails adequately to answer the question it poses of "Who will be involved and how?"

Specifically, it is not clear where in the list the Chilterns Conservation Board might fit in to the current inexhaustive list. We suggest amending the 'Government' bullet point to read "Government and other statutory organisations" and request adding "Chilterns Conservation Board" to the list given in brackets.

The list on p.4 also conspicuously omits any commercial interests, other than those involved in housebuilding, and we would also strongly recommend the inclusion of farmers (not all farmers are landowners), given the rural nature of much of the district.

Involvement in Plan Preparation

This section (pp. 9-15) does give a useful plain English summary of the stages in the preparation of the various forms of plans, and supporting materials such as SEA and Brownfield Registers. (Should there be a mention of self-build registers?) However, it again fails to give clarity over which stakeholders will be directly engaged, when or how.

Throughout the section there are references to various engagement activities being undertaken "where appropriate" – surely the SCI is the place in which to set out the criteria by which it is determined whether those activities are appropriate or not?

There is no commitment to engaging any stakeholders in the early stages of plan preparation, and the Council appears to be committing itself only to passive engagement even at the statutory consultation stages.

For example, with regard to local plan preparation:

- The research and issues phase is presented as a technical exercise undertaken by officers, but which “may” include “the views of stakeholders”. There is no commitment to directly engage with even key stakeholders.
- At this stage, and even at the formal regulated consultation stages, plans are “published” or “made available”, “allowing written representations to be submitted”. There is no hint of seeking or even encouraging input from stakeholders, and actively reflecting their needs or interests in the plan. Various engagement methods “may be used”, but there is no commitment here to seeking the input of specific stakeholders through those methods.

Involvement in Planning Applications

The same passive approach is taken with the treatment of the processing of planning applications. Again, the draft SCI sets out the issues and the process with clarity and precision (but see note on ‘major applications’ below). There is no discussion of the role of statutory consultees and how they will be directly notified of applications, or whether other consultees can ask to be directly notified, and if so how. As with the previous section, commitments are made to undertake activities “where appropriate” or “under certain circumstances” – again the SCI is surely the place in which to provide stakeholders with clarity over when these actions will or will not be taken.

“Major Applications”

The section on pp.20-21 sets out how the Council intends to respond to those applications that have been determined to constitute a proposal for “major development” with reference, presumably, to the Development Management Procedure Order. The SCI would be improved by making reference to the fact that the NPPF additionally provides scope for other development to be described as “major development” if it is within an AONB. Footnote 60 of the NPPF states that “whether a proposal [in an AONB] 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”. The purpose of this aspect of the NPPF policy (in para 177) is to trigger the “exceptional circumstances” test under that policy, but it could equally be argued that a major development under this definition in the Chilterns AONB should trigger a similar additional attention to detail in engagement as is outlined for other major developments outside the AONB. It might also merit a commitment in the SCI to engage directly with the Chilterns Conservation Board, including on the question of whether a proposal is “major” in this context or not.

The [Chilterns AONB Management Plan 2019-2024](#) (Development section, p.72) sets out the types of proposals that the CCB considers it should be directly notified of. This has been established through a protocol, apparently agreed with all of the Chilterns AONB’s host authorities, and we would like to take the opportunity of the Council reviewing its SCI to seek to refresh that commitment.

Minerals and Waste

The draft SCI refers to the “separate” SCI dealing with minerals and waste development. It is a missed opportunity not to make the effort to merge the two SCIs into one document – or at least to integrate them in some way. The current draft SCI already deals with a range of different planning regimes and types of consultation (local plans, neighbourhood plans, planning applications, etc.), the processes for which have much in common with minerals and waste planning. Furthermore, the minerals and waste SCI, adopted in 2006, is terribly out of date, and contains a number of links and contact details that no longer exist (it was published by Bedfordshire County Council and refers to legislation and planning policy that have both long since been replaced). Note that the minerals and waste SCI does make specific mention of consulting with 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; these are elected by:

- Hertfordshire and Oxfordshire County Councils
- Buckinghamshire, Central Bedfordshire and Luton Borough Councils (unitary authorities)
- Dacorum Borough and North Hertfordshire, South Oxfordshire and Three Rivers District Councils
- The Central Bedfordshire, Buckinghamshire, Hertfordshire and Oxfordshire Parish Councils (6 elected in total), and

- The Secretary of State for the Environment, Food and Rural Affairs (8 in total).