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Changes to the current planning system
Response from the Chilterns Conservation Board

The Chilterns Conservation Board (CCB) is grateful to be consulted on the government's proposals for planning reform in the Planning White Paper (PWP) *Planning for the Future*. Further information about the Board and its role is appended at the end of this document.

The Board has also fed into the high-level response submitted by the National Association for Areas of Outstanding Natural Beauty (NAAONB). We commend that response to you. This response covers similar themes and adds further detail, particularly with regard to our own experiences with how the planning system works to support the protection and enhancement of the natural beauty of the Chilterns AONB.

Our response, which begins on the following page, follows the questions posed in the consultation document, but adds additional commentary as we did not always find the question sought responses on all the necessary issues. Hence, we have not used the online form and trust that this submission will be accepted.

CCB is grateful for the opportunity to comment and looks forward to working with ministers and officials on the implementation of reforms that balance the understandable desire for speed and certainty in the creation of places in which to live and work with the necessary means to protect and enhance those assets that make life worth living in the first place.

Yours sincerely

Dr Matt Thomson MRTPI AoU
Planner, Chilterns Conservation Board

Chilterns Conservation Board response to the Planning White Paper

Q1. What three words do you associate most with the planning system in England?

- Underrated.
- Abused.
- Overly focused on housing delivery as an outcome often at the expense of equally important objectives (sorry that's more than one word).

Q2. Do you get involved with planning decisions in your local area?

Yes

Q2(a). If no, why not?

n/a

Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

Improving accessibility to planning activities requires making the best use of new opportunities, including digital means such as social media, but this should not be at the expense of abandoning existing methods (such as the much-maligned notices on lampposts) which are very effective at engaging people. As a statutory body we would expect to continue to find out about planning activities through formal notifications, e.g. local authority "weekly lists" and direct requests for our engagement on issues, distributed by email, but we would welcome opportunities for user-defined alerts, e.g. setting criteria for the types of applications and locations of interest.

Q4. What are your top three priorities for planning in your local area?

- Protecting and enhancing the natural beauty of the Chilterns AONB and its setting.
- Meeting the living and working needs of the communities (including businesses) within the AONB in ways that are compatible with the reasons for its designation.
- Supporting sustainable tourism and recreation activities that bring visitors and hence economic activity into the AONB in ways that are again compatible with the reasons for its designation.

Q5. Do you agree that Local Plans should be simplified in line with our proposals?

No.

The three category system

- Whilst the ambition to simplify aspects of the existing system is supported, this could be done by removing the many layers of complexity that have been added over the last decade, particularly with the many different routes to gaining consent.

- The restriction to three zones in Local Plans is seductive, but too simplistic. We agree that local plans should aspire to account for and categorise all land in their areas, and that "growth", "renewal" and "protection" provide a high level syntax that may make plans more accessible to the casual observer.
- The PWP clearly intends that different "rules" (policies, codes, criteria, etc.) will apply in different parcels of land identified as being in each of the three categories (i.e. "sub-areas within each category"). Local plan policies maps (electronic or otherwise) will need to distinguish between these sub-areas, and hence will end up no less complex than they are currently. Land is protected for different reasons, and the system should allow for the layering of different designations made under different legislation for different purposes. For example, AONBs are designated for their natural and scenic beauty, and some development can take place within AONBs without unreasonable harm to this beauty or to their integrity as a designation. Development that could take place in an AONB might not be appropriate in land designated for other purposes, such as Green Belt, playing fields or SSSIs, and hence it is appropriate for these designations to overlap. (It would be beneficial if the current reforms could reverse the existing notion that Green Belts and National Parks should not overlap, as these designations have completely different objectives.)
- It is currently unclear how granular it is expected that the identification of land for growth, renewal or protection is intended to be, with some areas (like AONBs) defined at a landscape scale, and others (like domestic gardens) being potentially smaller than a single property boundary.
- Nor is it clear how overlaps will be dealt with. For example, will policies maps be expected to represent proposals for development sites as "growth" or "renewal" areas within otherwise "protected" areas like AONBs (and *vice versa*), and are these areas then excluded from the rules that apply to the area surrounding them?

Application of new style plans

- The regime for dealing with actual development proposals in "protected" areas such as AONBs is not at all clear from Proposal 1. The statement that "accompanying text would explain what is permissible by cross-reference to the National Planning Policy Framework" (para 2.10) leaves a lot to be desired since the current NPPF (correctly) delegates authority for the strategic management of development in areas such as AONBs to local plans. The intention of these reforms is to include within a revised NPPF standard national development management policies (in line with proposal 2 – see below) that will somehow be sensitive enough to the very different contexts found across England's protected landscapes to result in their effective – and locally distinctive – protection and enhancement. We cannot envisage a set of national policies that would be able to achieve this, and in this respect we consider that Proposal 1 may be unlawful in terms of the CRoW Act.
- An alternative approach that could work for AONBs (and other areas or assets of particular importance that would be categorised as "protected") would be to separate

such areas entirely from the planning system proposed for “growth” and “renewal” areas, and in essence maintain the current system of detailed but effective development plans for “protected” areas, where change is expected to be limited. This might operate in a similar way to local plans currently prepared in National Parks by their dedicated National Park Authorities. It is unclear however how this could deal with the expected complex patchwork of areas identified for growth/renewal within a landscape scale protected area or the complex patchwork of protected (heritage and open space) assets within urban areas otherwise identified for growth/renewal.

Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

No.

- We recognise that rehearsing debates about established detailed development management policies in every area’s local plan every time it is reviewed can be a drag on the expedient adoption of local plans.
- There is scope for some development management policies that are currently determined through local plan processes to be determined nationally. For example, detailed standards on the protection of residential amenity (which are often included in supplementary planning documents, rather than local plans) and policies relating to the provision of open space and car parking in new development, which LPAs often produce in accordance with guidelines offered nationally anyway. Research should be undertaken to see which development management policies in current local plans are frequently replicated across different LPAs, and these may be the focus for consideration at a national level. Some of these policies (including standards for residential amenity) may be better included in building regulations. (Consideration may also be given to whether building regulations should be reviewed where local plans frequently seek to apply higher standards, e.g. with regard to energy efficiency or accessibility.)
- We would support additional measures, either in national planning policy or the building regulations, to reduce the impact of artificial lighting associated with development (including development such as transport infrastructure that does not always look to the NPPF for guidance). Irresponsible lighting disturbs wildlife, prevents views of the night sky and is wasteful of limited energy resources. AONBs (and National Parks) are among the darkest places in England, with some benefitting from recognition as Dark Sky Reserves. AONBs frequently need to pursue development management policies in local plans to prevent light pollution, and this is an area where stronger, more direct or explicit national policies and/or regulations would most likely be welcome.
- However, there are many areas in which development management policies that are determined by communities, in response to local circumstances, help to create a sense of place or ‘local distinctiveness’, it is hard to see how national development

management policies for all AONBs would be able to respond to the variation in circumstances between, and even within, AONBs in order to properly ensure the protection and enhancement of their characteristic natural beauty. Such characteristics are recognised to be an important part of local identity and contribute to the rich tapestry of landscapes and townscapes that make England such a beautiful and diverse place in which to live and do business.

- An alternative (or additional) means by which to avoid debates about local development management policies slowing down the consideration of local plans would be to recognise that, for the most part, development management policies need to vary very little over time. The matters that impact on the consideration of beauty, local distinctiveness, residential amenity and the environment are timeless, and only need to be reviewed if it can be demonstrated that they are themselves causing harm or are not sufficiently effective. LPAs should be empowered – even encouraged – to reserve or save certain types of development management policies (including those relating to the protection of AONBs etc), and focus instead on the policies and proposals that matter most in the five-year cycle of reviewing their local plans, which are generally concerned with identifying new sites for development (or "growth" and "renewal") if these are needed.

Q7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact?

Not sure.

- We agree with the principle of amending the tests of soundness and relating replacement tests to the ability of the plan to achieve sustainable development, but the PWP proposal is unclear as to what this would mean in practice.
- Recent application of the soundness of plans has focused on each plan's ability to provide land – particularly for housing – with little or no regard paid to the achievement of any other objective normally associated with sustainable development. The current rhetoric surrounding environmental net gain, which often omits to make reference to the principle of avoiding harm, would suggest that a definition of a plan achieving "sustainable development" might be an over-simplistic matter of accountancy, with a plan that contains policies that seek sufficient "gains" for the environment being judged as "sustainable" even though those policies might allow for the destruction of established habitats and landscapes, and there would be no guarantee that the promised gains would be delivered (or maintained in the long-term).
- The proposal also misrepresents sustainability appraisal (SA) as a test on the final policies of a local plan, when in fact SA is a process that facilitates the preparation,

from the outset, of plans that meet development needs, accord with national policy, and deliver equally on all sustainable development objectives, as well as ensuring that the plan's individual policies and proposals are consistent with each other. SA is particularly helpful in areas such as AONBs where there can often be a need to ensure consistency of policy approaches between different local authority areas.

Consultation on local plans

- While "consultation fatigue" can be felt (especially when seemingly similar consultations are quickly repeated and/or community responses are dismissed without explanation) communities very much appreciate the current extent of consultation in the preparation of Local Plans. Community members seem to feel that they have an opportunity to contribute, even if their points of view are not always taken on board. Done well, engagement processes can bring communities together, giving an opportunity for reconciliation between those who welcome development and those who would prefer to keep things as they are.
- Consulting with AONBs on both development management and planning policy matters enables local planning authorities, local councillors, and the Secretary of State (directly or through the Planning Inspectorate) to demonstrate compliance with Section 85 of the Countryside and Rights of Way Act 2000. Removing opportunities for consultation with stakeholders like AONB partnerships/boards and individuals makes decision-making processes a technical exercise undertaken behind closed doors, meaning that the first opportunity for communities to identify conflicts with policy or legislation is at the point at which the decision or plan is issued. This means that addressing any grievances can only be undertaken through the courts, and increases the justification for the delay and expense of a system of third-party rights of appeal.
- Many professional planners will be able painfully to recall previous times when planning involved much less consultation and there were unfortunate incidences when key parties were unaware of proposals and decisions were made in the absence of input from directly interested parties. There is, of course, the very real risk that the current proposals in the PWP to speed up processes and do away with consultation stages and tools such as site notices will either provide individuals and communities with insufficient time to respond to proposals or omit them from the processes, contrary to the stated aims of increasing accessibility.

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The duty to cooperate does need to be revisited. In particular, there needs to be a rethink of the recent tendency towards so-called statements of common ground agreed behind closed doors and the potential for strategic decisions on the quantum and location of development to be pre-determined through non-statutory plans which have not been subject to public scrutiny and are frequently prepared (or led) by bodies such as LEPs which are not directly

accountable and do not have a remit to promote the social or environmental pillars of sustainable development.

LPAs should be encouraged, and incentivised, to work together to meet identified needs. Often agreement cannot be reached on one area accommodating its neighbour's overspill because both authorities sit within a wide area of land or assets of importance that the NPPF (or environmental legislation) seek to protect from development, such as AONBs. This is particularly the case where an urban area with a tightly-defined administrative boundary sits next to a protected area.

In such circumstances, the NPPF should explicitly recognised that it may not be possible to meet all development needs in the local (or even sub-regional) area, and alternative approaches should be investigated that look to the wider sub-region or region for a solution. Importantly, this should not be allowed to hold up the adoption of workable local plans in either the tightly-bounded urban authority or its protected neighbour.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

No.

The principle of standardising the means by which housing requirements are determined is a rational response to the problems of unnecessary and repetitive debates on this issue at local plan examinations. The current standard method has proved in practice to be problematic and harmful to land and assets of importance that the NPPF seeks to protect (i.e. NPPF footnote 6 assets), including AONBs, as a result of:

- the failure of the NPPF and online PPG adequately to explain how to move from the standard method figure to a local plan housing requirement taking account of these assets;
- the tendency of decision-makers to treat the figure arrived at through the standard method always as a target that must be met and preferably exceeded in all areas; and
- decision-makers tending to set aside the clear requirements in the NPPF in para 11(b) that local plan housing requirements should be reduced to account for footnote 6 assets, and in para 11(d) that those assets should continue to be respected even when a local plan is declared "out-of-date".

The proposals for the new standard method differ from the current approach in three key respects:

1. The figures arising out of the method will be binding (para 2.24), although LPAs would be able to work jointly to redistribute the figure among themselves, and it is presumed that they will be entitled to plan to exceed the figure, as currently. The relationship between a binding figure that accounts for constraints and opportunities (see 2 below) and freedoms to redistribute or exceed the figure is deeply problematic, especially with regard to environmental assets such as AONBs. Either the intention is to reduce local discussion, or it's not; either the nationally-derived figure properly accounts for constraints and opportunities, or it does not. If there are opportunities to depart from the nationally derived figure, then these will be debated at local plan examinations, at

great length; if there are no such opportunities and the centrally derived figure is wrong for a sensitive area, then harm will inevitably result, and national government will be responsible.

2. The figures will account for "constraints" (note: we prefer "assets", as used in the current NPPF) where development should be carefully managed, and also account for opportunities, such as brownfield sites and the size of existing settlements. The PWP proposals are very unclear as to how this "account" will be taken. Arguably, the best way to do this is through local research undertaken by the LPA as part of the local plan process. The idea that the granularity of detail needed to take account of the varied nature of opportunities and "constraints" in any area, let alone an AONB, could be undertaken at the national level using a standard algorithm is patently ridiculous, and might be regarded politically as extremely centralist.
3. The figures are, for the first time, explicitly linked to the achievement of the government's target of 300,000 new homes per year, which (while an admirable aspiration) is not based on any evidence of achievability, in terms of (a) the willingness or capacity of the construction industry, (b) the capacity of existing or reasonable estimates for new infrastructure, or (c) environmental capacity. Previously the standard method has resulted in an aggregate figure that falls short of this aspiration, which has provided the flexibility for LPAs with growth aspirations or particular opportunities for regeneration to plan to exceed their standard method figure without needing to consider whether doing so would impact upon the capacity of the construction industry to deliver in other areas.

We consider that the best approach (especially within AONBs and their setting) is more aligned with the proposal set out in the "alternative option" section (para 2.28), although we would recommend that less weight should be given to the influence of so-called "market signals" on the resulting figures. Within AONBs and similar areas (and arguably many, particularly rural, locations) the focus should be on the specific development needs of the community, which can be quantified through traditional housing needs surveys and consideration of housing waiting lists, rather than on the influence of people seeking second homes, holiday homes or investment properties, which is what "market signals" tend to over-emphasise, particularly in attractive areas of countryside.

The problem that the original standard method sought to resolve, as recognised in the PWP at para 2.24, was the endless debates about which of the various methods of assessing housing (and other development) needs should be used, as well as experimenting with new methods. (Note that the PWP does not propose standard methods of assessing other development needs, although these are arguably just as necessary.) Ultimately, most of the debate at examinations has been between different consultants going head-to-head to prove why the method that they promoted was better than that being sold by their competitors, and it is absolutely correct that government sought to step in and sort this out. Ultimately, however, it would have been better if government had ruled on which of the local methods should be taken as being the default, or come up with their own approved local method (which would no doubt have been simpler than the proprietary methods, which only need to be complex to justify the massive fees councils and developers are charged to use them).

That said, one of the benefits of the national, market-signals-based, approach is that it highlighted hotspots of extremely high demand, as well as areas where housing demand was

low or negative. Such analysis (which could also be achieved by aggregating local assessments using approaches to data consistency as discussed in proposal 7) is useful – possibly essential – for assessing at the national level how demand for housing maps onto opportunities for development (e.g. areas with many brownfield sites where regeneration would be welcomed) and areas where development needs careful management (e.g. AONBs). Such an assessment provides evidence for a rational and sustainable approach to the "levelling-up" agenda sought in other government strategies, such as the Industrial Strategy, and a national approach for guiding infrastructure and regeneration investment to the benefit both of those areas that are falling behind economically, and of those areas where conservation needs to be prioritised to facilitate climate change mitigation, nature recovery and areas of beauty and tranquillity that provide for people's physical and mental well-being.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

No.

As noted above, "market signals" relating to affordability result in an over-estimate of housing "need" (really demand) in AONBs and similar rural areas as a result of the spending-power of people seeking second homes, holiday homes and investment properties, and these can crowd out the ability of LPAs to meet the housing needs of existing communities within such areas.

The extent of existing urban areas is also a problematic metric because this has the potential to replicate or extend existing unsustainable patterns of development. This will be particularly harmful for areas like the Chilterns AONB which is already one of the most built-up protected areas in England, closely surrounded (and occasionally interrupted) by urban areas like Reading, Wycombe, Luton/Dunstable and Hemel Hempstead, to say nothing of a multitude of smaller market towns.

Land supply and delivery tests

Although the PWP proposes that LPAs should identify sufficient land for at least 10 years' worth of housing delivery (plus land for other uses to support this growth), with far more freedom granted to developers to build as they see fit (subject to codes or design guides) in the identified "growth" and "renewal" areas where significant change is anticipated, the PWP proposes to retain the 5-year land supply and housing delivery tests and the presumption in favour of sustainable development, all of which currently operate as a means to force LPAs to identify additional land for housing development where landowners/developers have failed to build sufficient homes on the sites on which they already have consent.

These tests are particularly problematic for AONBs in high demand areas, such as the Chilterns, because the impact either of councils failing to identify enough sites, or of developers failing to build out their existing consents, is that local plan policies, including those designed to protect AONBs, get set aside and councils are forced to permit more new sites for development that may, even if those sites are outside the designated area of an AONB, have indirect or cumulative impacts.

There continue to be no proposals to hold landowners or developers to account for failing to uphold their end of the bargain (despite this being a theme of both the 2017 Housing White Paper and the Letwin Review). This is particularly problematic and harmful for land and assets that the NPPF otherwise seeks to protect, including AONBs. It is well documented (e.g. in the Letwin review) that, in the context of an almost infinite demand for new homes in many parts of the country, the reasons for homes not being built is not the result of a lack of sites, but of "market absorption", which is another way of saying that there isn't actually the demand for the specific homes that the developer has seen fit to get consent for, and developers will only start to construct homes they know they will be able to sell. With allocated "growth" and "renewal" areas in which developers have the flexibility to construct any homes that meet a code, there can be no excuse not to get on with building the homes for which there actually is demand, and hence that the market can absorb. In this context, if new homes are not built, then this should be taken as an indication of a lack of demand, which should justify sites being de-allocated, beginning with those that are poorly located or have the most harmful impact on land assets such as AONBs.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (*Growth* areas) with faster routes for detailed consent?

Not sure.

We are answering this question in relation to both "growth" and "renewal" areas, which are grouped together in the PWP text.

Our main concerns with this proposal relate to (a) the issues with regard to granularity of and overlap between areas designated for "growth", "renewal" and "protection" and (b) the somewhat sketchy approach to "protected" areas set out in para 2.35.

Overall, there should not be a problem with the principle that proposals that are in line with a local plan should automatically be granted planning permission. Indeed, that is what the current system expects, except where material considerations indicate otherwise. It is (rightly) very hard for LPAs to reject development proposals that accord with the development plan, and it can be very expensive for them if they do, unless there is a very good reason to take a different approach, which usually only arises from the application of other legal requirements, such as the discovery of a protected species on site, and even then this tends to lead to a delay in implementation, rather than refusal.

We do not recognise the problem this proposal is seeking to address, especially with regard to proposals for the development of sites allocated for development. In such circumstances, development is only ever rejected (without being immediately overturned on appeal with costs) when the applicant proposes a development that is substantially different from that anticipated in the relevant local plan policies, and that is an issue that this proposal would not resolve. A local plan already confers in principle consent for the specified development, unless there are issues that cannot be resolved through detailed consents – that is what "in principle" means. We believe that the motivation for this proposal (as with the motivation behind the current, largely underused opportunities for "permission in principle") is for

developers to be able to get permission for schemes that *differ from* the in-principle consent they already have.

As noted in our response to proposal 1, we have concerns about the relationship between land designated for growth, renewal and protection, and whether these can overlap, or whether land within an AONB, for example, can be designated as being for "renewal" or "growth" and if so whether this is as an overlap (so that AONB rules, such as those contained in design guides, will continue to apply) or as an area "cut-out" from the AONB, in which case, how does this square with the legislation designating AONBs in the first place? We are not convinced that proposals for streamlining consent procedures in renewal or growth areas within AONBs (or their settings) will be appropriate, as the local complexities prevalent in such areas suggest that a more discretionary or negotiated approach is necessary both to prevent unanticipated harm to the AONB and to enable development that does not meet the rules, but is still considered not to cause harm (this benefit of the discretionary system has not been acknowledged in the PWP).

A note on planning consent in general

Arguably one of the most damaging aspects of the flexibilities that have been introduced into the planning system over the past two decades has been the ease with which planning consent can be obtained (by appeal and by the fear of appeal) for proposals that do not accord with some aspects of national, let alone local, planning policy. Such anomalies often arise when there is perceived to be a pressing national need for a form of development (such as housing), and often come at the expense of policies designed to protect environmental and cultural assets (including AONBs) even when there are alternative options available that would result in less or no harm to those assets.

An aspect of this that is not often discussed is the impact that developments not anticipated in local plans have on the viability or deliverability of other proposals that are part of the local plan, and on the delivery of the infrastructure necessary to support the plan and the achievability of its intended overall strategy. The experience in recent years is that canny speculative developers have more to gain from planning than developers who work in good faith with communities through the local plan process. (Additional PD rights also undermine investments already made in local plan compliant proposals.)

Exceptional or speculative development can be extremely harmful to the delivery of a community's hard won vision for its future and for the achievement of sustainable development, and for this reason this and any future reforms of the English planning system must include at their heart a strong resistance to unplanned development that conflicts with established planning policy. This means being at least as explicit in the rhetoric surrounding the reforms the non-conforming developments should be swiftly rejected as the current consultation is about speeding up the delivery of consents.

9(b). Do you agree with our proposals above for the consent arrangements for *Renewal* and *Protected* areas?

No.

Again, we are answering this question with regard to "protected" areas only, as the PWP proposals group "renewal" areas with "growth" areas.

There is a worrying implication in the PWP that the existing planning system adequately protects AONBs. This does not align with the experience of many AONB bodies, particularly those in the south east including the Chilterns AONB, that have seen a dilution of protection in the last decade due to development pressure, especially for housing, being given priority over the conservation and enhancement of AONBs. The proposed planning reforms are an opportunity to redress this situation and value these landscapes as an asset for the nation, rather than them being seen as a constraint that must be overcome.

Para 2.35 ostensibly sets out the consent regime for protected areas, but fails to provide any more clarity than had been provided under proposal 1. The implication here is that planning applications will be considered in protected areas only against design guides or codes applied to the protected area as a whole (noting our concern under proposal 1 with regard to how different types of protected areas will be served by codes and design guides, including sub-areas within each area, and how overlaps between protected areas of different types will be addressed) and to development management policies contained in the NPPF (noting our concern under proposals 2 that the NPPF would not be able to provide the granularity required to respond to development proposals in all the different types of protected areas, let alone the different circumstances applying in each type and sub-areas within them).

Design guides and codes cannot provide the spatial basis for policies and proposals that will enable local plans to identify particular sites that are suitable for development (or to inform decision-makers to determine whether a particular site is suitable for development in the context of a single planning application), nor to ensure that the particular development needs of communities will be met through their development.

The solution, it seems, is to have separate planning regimes running in parallel, with areas of significant change benefitting from greater freedoms based on building codes, and protected areas benefitting from a system that is not dissimilar to (but hopefully far more effective in achieving its objectives than) that currently in operation. This would require careful thought concerning to the locations where the areas in which the priorities are mainly for change and mainly for conservation are very much mixed up, which is the case in the Chilterns, but also built-up areas containing heritage or natural assets (and, indeed, domestic gardens).

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

Not sure.

New settlements (emphatically outside of protected areas) could be a part of the solution to the issue discussed under question 7(b). The problem with using the NSIP regime to achieve this is that that process is not very good at strategically considering alternative locations for developments. Planning for new settlements under the NSIP regime would of course require a National Policy Statement for new settlements as a development type, and this would, arguably, need to have a spatial element to it, something that previously government and its officials have been unwilling to consider, partly, no doubt, because of the political

unpopularity of the former regional strategies. Nonetheless, such a national spatial planning framework could be beneficial in terms of providing an integrated approach to identifying the best opportunities for major development that are aligned with the protection and enhancement of valued landscapes such as AONBs. We would welcome the opportunity to discuss this further.

10. Do you agree with our proposals to make decision-making faster and more certain?

No, although we agree with the aspiration to do so.

Setting firmer deadlines for decisions to be issued (or other actions to be undertaken) has been proposed numerous times in the past. The fact is that many developers prefer to receive planning permission outside a target time period than to receive a speedy refusal.

If the consent process is greatly simplified (especially as is proposed to be the case in "growth" areas) and the matter of approving consent reduced to a technical tick-box exercise ensuring compliance with codes and local plan policies only, then there would be greater scope for such a reduction. But in "protected" areas, including AONBs, and in the case of applications for development not anticipated in a local plan, then extending the decision-making deadline could continue to be welcomed by all parties in order to give the opportunity for a negotiated but positive outcome. The alternative is a swift refusal with no scope for appeal.

There is some suggestion in the PWP that the question of whether a proposal accords with local plan policy and/or the codes and design guides applicable to a site or area will be a simply technical exercise undertaken on a check-box basis by a planning officer, without the opportunity for prior scrutiny by planning committees, let alone public consultation. This apparently seductive technocratic proposal would have implications in terms of due diligence and social and environmental justice. From the perspective of AONBs it is worth noting that the stakeholder consultation process enables AONB partnerships or conservation boards to examine whether the LPA has complied with its duty under section 85 of the Countryside and Rights of Way Act 2000. Under this proposal, this and similar aspects of diligence will be undertaken by technicians behind closed doors and only revealed to the public (and stakeholders) after a decision has been issued, meaning that the only recourse available when it is apparent that the proposal does not accord with the local plan or neglects a legal duty will be through the courts. This might necessitate the introduction of a third party right of appeal, which would add significantly to delays in the planning process, would be expensive for councils, and has always previously been rejected by governments on the basis that there are sufficient opportunities for public engagement in the decision-making process.

11. Do you agree with our proposals for accessible, web-based Local Plans?

Yes.

There are also opportunities within this proposal to make it easier for LPAs to take advantage of existing legislative provisions to prepare or update sub-sets of policies and proposals (area- or topic-based) separately from the main body of strategic policies in their local plan. This facility could be used as part of the separation of policies/proposals for areas of change, updated on a frequent/regular basis from more timeless development management policies, which we suggest as part of an alternative solution to speeding up the preparation and adoption of local plans. It could also allow for specific policies/proposals to be prepared for sub-areas of the council's administrative area, and for areas that cross administrative boundaries, such as AONBs. (Although there may still be local political issues to overcome.)

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

Not sure.

Part of the ongoing problem with the failure to adopt local plans and keep them up-to-date is that in the period since 2004, and possibly before, the requirements for the preparation of local plans has been in a continuous state of flux, and, whenever these requirements have changed, the tendency has been for the policy or regulations of the day to declare that plans (and all the policies contained within them, however good or bad) will be considered "old-style" or "out of date" a short time after the reform has been implemented. In other words there has been a lot of throwing babies out with bathwater. The one exception was when the changes introduced in 2004 allowed LPAs to "save" policies from former local plans and from the county structure plans that were abolished at that time – however, even that dispensation was time-limited.

Plans are essential to achieve development that is truly sustainable, especially in terms of the long-term stewardship of the environment, but also to ensure that investors get the certainty they need to back developments in the long term, and also to ensure that housing and employment developments are supported by the infrastructure that their residents will need in order for communities to function – these things do not happen by accident. But on the other hand, predicting what development is needed and planning for its delivery is not an exact science: no plan is ever perfect. Plans need to be put in place, allowed to settle in, and be implemented, and their objectives and policies amended as necessary in response to experience at the next opportunity for review (what used to be called the "plan, monitor, manage" approach). The perfect being the enemy of the good, far more emphasis needs to be placed on adopted plans that will do, and see how things go.

Local (and neighbourhood) plans contain a variety of different policies and proposals, some of which (such as the identification of sufficient development sites to meet local needs) require regular updating, but others of which are effectively timeless (such as development management policies to guide design, protect the environment or uphold the amenity of neighbours).

In recent years, governments of all colours have proposed to review the planning system more frequently than they have required LPAs to review local plans. No wonder not enough

places have up-to-date adopted local plans, and the planning system is not performing effectively.

In respect of the above, the process outlined in proposal 8 is inadequate because it assumes that the way to approach a local plan review is to treat the whole local plan as an inseparable block of policies relating only to the council's administrative area, all of which need to be reviewed at one time. The rhetoric is once again of all areas preparing a single new PWP-compliant local plan from scratch, which will of course take at least 30 months if not longer. All that might actually be needed is to update what the additional development needs of the district are, and then identify sufficient additional land to meet those additional needs, which may only take a matter of weeks, and the council may only need to look at a small part of their area in order to do that.

With regard to the proposed process:

- "Stage 1": The call for suggestions for areas to be included in the different land types appears to come before the collection of evidence regarding the need either for development land or land for protection, which is the wrong way around. This "call" for suggestions should be made in the context of an understanding that some land, including AONBs, already benefits from identification as "protected" land outside of the planning system. Communities and developers should be under no illusion that there is a choice to be made through the local plan process about the protection of such land. Overall, we consider that the process of identifying land (whether that is for the proposed three categories or the current system of designations and allocations) should be ongoing, similar to the compilation of brownfield registers. Landowners, developers and communities should be able to register land that they think should be identified in the next review of the relevant part of the local plan at any time. This should be a public register, enabling evidence to be gathered in an open source way both for and against the suggestion, ready for consideration when that part (policy area or geographical basis) of the plan comes to be reviewed. This means that when evidence of development need is considered, there will already be a pipeline of potential sites, and comments on the suitability of those sites, available for consideration, and this could cut the 6 month timescale for this stage considerably. Even so, stage 1 in the process should be the consideration of evidence of need for new development – in effect the decision that a plan needs to prepared. We recommend that proposed "Stage 1" is abandoned in favour of an ongoing process of registering interest in the development or conservation of land.
- The actual Stage 1 should be a decision on the need to review all or some of the policies or proposals that comprise the development plan. This may arise from a recognition (achieved through monitoring of existing plan policy) that new development needs exceed the amount of land available for the purpose identified through existing planning consents, including the existing local plan. Such monitoring will need to look ahead 10 years or so. There may be other triggers for proceeding with a policy review, including a recognition that existing environmental protection policies are not working as intended, or an external impetus to plan strategically to meet the development and/or conservation needs of a wider area, such as an AONB (including its setting) across several districts. The LPA(s) may choose to delegate area-

based reviews to a joint planning committee with other bodies, or to neighbourhood planning processes. The decision to review may be arrived at in consultation with other stakeholders, but it should be a decision of the local authority. There should not be any opportunity for a particular development interest or other body such as a LEP to direct a council to begin a review process, with the exception of a direction from the Secretary of State if there is evidence that the LPA's current local plan has not identified sufficient land to provide for development needs (and developers are holding up their end of the bargain on already consented sites). Similarly, there should be no right of stakeholders or communities to object to the principle of undertaking a review – their input on the merits of the review will be considered as part of the review itself.

- Stage 2: If all LPAs were encouraged to draw heavily on their existing plan strategies, retain many of their long-term development management policies, and focus on the parts of their district where change was necessary and most appropriate, the timescales for proposed Stage 2 could be considerably shorter than the envisaged 12 months, especially if evidence around the needs for development and the opportunities for development sites have already been explored in the ongoing register process and stage 1.
- Stages 3 to 6: These are broadly supported. We consider that 9 months is an excessive time for an Inspector to consider the comments made on the plan (supported by the LPA), hold an examination, and report on it, especially as modern local plan examinations themselves last a matter of days and are mostly taken up by the representatives of the different developers bickering among themselves over which sites they think the council and the Inspector should prefer (a practice that should be discouraged). We also consider that the strategy developed by the democratically elected LPA should be considered by default to be the appropriate strategy for the local plan, unless this would clearly conflict with other NPPF policies or their duties under legislation such as section 85 of the Countryside and Rights of Way Act 2000, in which case the views of statutory bodies charged with upholding such policies and legislation should be given great weight by the Inspector. If the council is already proposing to meet as much of its own development requirements as is consistent with other policies of the NPPF and its legal duties, the Inspector should not be empowered to increase its development requirements even if there is a shortfall in a neighbouring authority.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Opportunities to more seamlessly integrate neighbourhood planning policies and proposals into the wider framework of development plan policies should be considered, with safeguards to ensure that policies and proposals developed by town and parish councils or neighbourhood forums cannot be amended or superseded without either the approval of that body, or, where agreement cannot be reached, an examination or other mediation process.

Neighbourhood planning bodies should be encouraged to work together with LPAs and other stakeholders on wider area-based policies that include all or part of the neighbourhood plan area.

Importantly, neighbourhood planning processes need to be freed from the restrictions of current legislation that frustrate the preparation of multiple approaches to neighbourhood planing in one location – as with local plan policies and proposals, neighbourhood planning activities need to be allowed to be more fluid and responsive.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Not sure.

We agree with the premise that developments that have consent should be delivered without delay, but we question the concept that there is a causal link with planning. It is a misapprehension that planning *delivers* housing (or any other form of development). Planning resolves competing interests in the use of land to identify land that is suitable for different types of development, balances the needs for different types of development to ensure that communities can function properly, and coordinates the development envisaged on that land with the provision of infrastructure to support the residents and users of the new development.

Whether development then takes place or not is entirely down to the landowners making their land available to builders, and builders getting on with actually building. Planning can support delivery by allowing for changes to respond to new circumstances (where these changes are consistent with other objectives), but, ultimately planning cannot force developers to get on with building things. And nor should it.

A fundamental finding of the Letwin Review concerned market absorption. As noted above, development stalls when it is found that there isn't actually the demand locally for the homes (or other properties) for which the developer has consent (at the price they hope to secure for them). The solution is to properly empower LPAs to identify the range of development types that need to be provided, and reject development proposals that fail to contribute towards the full range. LPAs have always attempted to seek a mixture of housing types and tenures to meet the wide variety of housing needs, and indeed a mixture of uses, on significant development sites. However, especially in recent years, they have been hamstrung from rejecting proposals that do not provide this variety as the result of the pressure to provide consents for ambitious housing targets that are expressed simply as a headline number of homes, as arrived at through the deeply flawed national assessment of local

housing “need” (actually demand), with those targets enforced by removing LPA’s ability to properly manage development as a result of the application of five-year supply and housing delivery tests resulting in plans being declared “out of date”.

Empowering LPAs in this way is especially important in areas such as AONBs where the opportunities for development are limited, but the specific and local needs of communities are nonetheless great. We do not consider that mere codes and reference to development management policies in the NPPF will be sufficient to achieve the outcomes required in terms of achieving consents for the range of development types that will be needed to ensure delivery. Specific and robust spatial planning supported by strong and responsive development management processes is what is needed to ensure delivery of sustainable development in AONBs.

Developers will only be encouraged to build out the developments that the market can absorb if they are (a) required to plan for developments that the market can absorb, and (b) are themselves penalised in an effective way if they fail to uphold their end of the bargain.

15. What do you think about the design of new development that has happened recently in your area?

This is a personal view, not that of the Chilterns Conservation Board, though I know this experience is shared.

Generally, the design of development that results from local plan allocations and planning applications has been good. It helps that the area in which I live benefits from both an enlightened and professional planning authority and the Chilterns Buildings Design Guide. Just up the road there is a large county town which has had strong ambitions for growth, and the design of some of the expansion areas developed in recent years is so bad it brings tears to my eyes.

Increasing amounts of development benefit from permitted development rights, and the design quality of some of these is appalling and massively undermines the character of the area. Even developments that do not benefit from PD rights are influenced by this, with evidence of councils not feeling able to reject very poor quality design of building conversions and domestic extensions on the basis that if the applicant appealed, the Inspector would take account of what could be achieved through PD.

A more pressing issue than design as mere aesthetic experience relates to design in terms of physical location and fitness for purpose. The planning system as it is currently applied, with the emphasis on meeting a headline target for numbers of homes above all other considerations, results in housing development in the wrong place and which do not provide homes that meet the pressing needs of local people. The replacement of needs-based spatial planning with design coding and increased flexibility for developers is not going to address any of these issues.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

This answer is given in the context of our answer to Q4, i.e.:

- Protecting and enhancing the natural beauty of the Chilterns AONB and its setting.
- Meeting the living and working needs of the communities (including businesses) within the AONB in ways that are compatible with the reasons for its designation.
- Supporting sustainable tourism and recreation activities that bring visitors and hence economic activity into the AONB in ways that are again compatible with the reasons for its designation.

In addition, any outcome that enables us as a nation to meet our legally-binding targets for achieving net zero carbon emissions is a key priority. At the moment we do not see proposals in the PWP that pay proper attention to achieving this ambition, and many that run counter to it.

17. Do you agree with our proposals for improving the production and use of design guides and codes?

Not sure.

In principle, we strongly support the emphasis on locally-led design coding and guidance; indeed, AONBs have frequently led the way in this area, producing locally distinctive design guidance and seeking (not always with success, sadly) its adoption as supplementary planning documents by LPAs, including with direct model policies in local plans. The Chilterns AONB is a particular example of good practice, having had a well-regarded and effective design guide in place since 1999 (updated in 2010) that has been adopted by LPAs across 90% of the AONB.

We believe that AONB partnerships and conservation boards should be given new powers (and resources) to prepare such codes and guidance, and their views on whether proposals accord with them should be given particular weight: having statutory consultee status or equivalent, including decision-making powers, could be valuable in this area. For example, it may be appropriate that design codes or guidance produced by AONB bodies should receive special status as a key material consideration, at least the equivalent of supplementary planning documents or the proposed new codes and guides, without necessarily being formally adopted by each constituent LPA, as long as defined minimum standards of consultation have been undertaken.

During the anticipated transition outlined in the PWP, it will be essential that work already undertaken on design guidance, especially in places like AONBs, is not lost if the current form of published design guidance does not meet new standards. The content in this respect of existing AONB design guides and management plans, for example, must be retained to inform development management decisions, without threat of being superseded by the national codes and guidance. We would argue, in line with our position that design policies are timeless, that our design guidance should remain in effect indefinitely. AONB partnerships and conservation boards will of course endeavour to revise and update their guidance where

necessary to meet any new expectations regarding format etc., but cannot be expected to do so expediently without the resources being made available to support that work.

In the context of our general support for these proposals, we do, however, have serious concerns that such codes and guidance may be applied in the absence of strategic or spatial planning, so that a proposal may be approved if it meets minimum aesthetic standards, even if it causes other harm, for example to the natural beauty of an AONB, as a result of being in the wrong place or a form of development that is not needed in that location. The emphasis in these proposals is placed on the delivery of individual buildings or places that are physically or aesthetically pleasing, and not necessarily on whether those buildings or places *work* in terms of providing environments for a sustainable community, nor on what the cumulative impacts of such pretty-looking individual developments might have on the wider environment, pressure on infrastructure, etc., or whether people in whose name the development was justified could afford to live there.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

The Chilterns Conservation Board does not have a particular view on this issue in terms of its applicability to the Chilterns AONB. Consideration needs to be given as to whether a new body is necessary given historical ups and downs with regard to the Commission for Architecture and the Built Environment (CABE, now a part of the Design Council and no longer a government body) which would have been an ideal organisation for this task, and also the skills and experience already available through the Planning Advisory Service. There is definitely a need for support for many LPAs with design coding, as this is not necessarily an area that is familiar to many UK-based planners, urban designers or architects. We also consider that it is premature for each LPA to have a chief design officer before most of them have an equivalent officer for planning, which has been called for by many observers for a number of years. Overall, it is concerning that this proposal once again appears to privilege the aesthetics of new buildings over the many other aspects of sustainable development that planning is intended to achieve.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

The Chilterns Conservation Board has no comment to offer on this question.

20. Do you agree with our proposals for implementing a fast-track for beauty?

No.

We are not sure what most of the matters discussed in this section add to the proposals already discussed with regard to development management and the swift approval of proposals that accord with local plan policies and design codes, unless it is the intention that planning applications that accord with a design code, but not with other aspects of local or national planning policy, should also have an expectation of swift approval. Such an approach would be a grave cause for concern and would significantly undermine not only the ability of LPAs to protect the natural beauty of AONBs, but also the ability of the whole planning system to achieve sustainable development.

We do agree that providing site- or location-specific masterplans or design codes alongside the identification of "growth" areas would be beneficial to their implementation. The same might also be said for smaller development sites allocated through local and neighbourhood plans, if that approach is still considered to be a part of the planning system, which we maintain that it should be for "protected" areas at least.

We have serious concerns about the "pattern book" approach in terms of the potential for eroding local distinctiveness. We consider that it is essential that such an approach, if implemented, is very much locally-led and takes very careful consideration of factors like landscape character areas, even outside of protected areas like AONBs, and recognises that appropriate and locally-distinctive building types and settlement forms can vary enormously even within small areas. It may be a very useful approach to take in unremarkable suburban areas, but even there a neighbourhood planning approach to its implementation may be the most appropriate way forward.

Effective Stewardship and Enhancement of Our Natural and Historic Environment

It seems deeply regrettable that this section and proposals 15 to 18 do not appear to warrant consultation questions. This is of particular concern since it underlines a theme running throughout this consultation response that the focus of these planning reforms is not on achieving sustainable development, but of facilitating the construction of as many homes as possible, with the only qualification being that some of those homes should look nice.

The statement in para 3.24 that once the reforms "begin to be implemented" it will be up to local authorities to "consider how" local plans "can most effectively support climate change mitigation and adaptation". In a climate emergency declared by Parliament, a paper proposing a planning system that is meant to be fit for purpose for the 21st century should have the achievement of the nation's legally-binding commitments to net zero carbon emissions by 2050 front and centre, not deferred to some future date for action by under-resourced local authorities in the context of a system that, if the proposals of the rest of this paper are anything to go by, will not give LPAs the authority to reject unsustainably located, carbon-intense homes (or any other form of development) if they look pretty.

In order to achieve our net zero carbon target, local authorities need to be planning effectively for carbon neutral development today, and that means rejecting development that does not contribute towards that objective right now, however many homes it provides and however beautiful it is.

All of the other actions hinted at in these proposals, including more effective protection for our open spaces, natural habitats and cultural heritage, in which our beleaguered AONBs including the Chilterns are so rich, need better stewardship through the planning system right now too, which is why it is doubly disappointing that references to England's rich diversity of landscapes, including its AONBs and National Parks, are so scant, and that the excellent Glover Review, and how its proposals will be implemented through the planning system, is not mentioned at all.

22. When new development happens in your area, what is your priority for what comes with it?

The premise of this question appears to be (consistent with much of the rest of the PWP) that "new development" equates to "new homes", and in this case "new market homes". We very much consider that planning has a key role to play in integrating policies and proposals for all kinds of development together. This question also appears to be asking people to nominate one thing that should "come with" new housing development, as if the government wants to identify a single thing that they can require developers to provide alongside homes in all new developments.

There needs to be better integration of the system of land-use planning (now generally described as planning for housing) with other types of planning, in particular with planning for transport infrastructure and services, and minerals and waste – often key issues in AONBs. The current proposals seem to consider housing in isolation, detached from other considerations, and this is a key failure throughout the PWP.

It is worth remembering that the need for the things that might "come with" new housing development (affordable housing, transport, schools, health provision, shops, employment space, accessible green space) may already be greater than the need for homes in that particular location. In areas of limited development opportunities, such as AONBs, it is essential that all of the needs of the constituent communities are planned for and brought forward (in the AONB where possible, without harming the reasons for its designation) together, and that one type of development is not privileged in such a way as to prevent the future provision of other needed developments in the same area.

23(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

23(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

23(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

23(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

24. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

25(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

25(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

25(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

25(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

26. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

26(a). If yes, should an affordable housing 'ring-fence' be developed?

We would like to make a few short observations that may have relevance to a number of these questions.

- We recognise the value of a tariff- or levy-based approach in terms of providing increased certainty for investors, landowners and developers (as well as communities, to a certain extent). However, such approaches do not always result in outcomes that reflect local circumstances, and can have unintended consequences – for example, spreading the load of the cost of infrastructure provision between all types of sites on a flat rate favours the profitability of remotely-located sites that need more infrastructure to enable access over those in an already accessible location. A combination of a levy and s.106 (or similar) enables developments that could only take place with the provision of particular infrastructure to contribute to the infrastructure that only they need. That also ensures that the infrastructure necessary for the development to go ahead is actually provided, whereas a levy system can just go into a 'pot' without site-specific infrastructure ever being implemented. We favour a combination.
- Levy rates should be set locally, but perhaps in the context of well-defined national (or regional) guidelines.
- Contributions to infrastructure costs should of course be made by developments benefitting from PD rights. While there is a case for offsetting the need for new transport infrastructure arising from a transport-intense use like a shop or office with that of a home, meaning that new transport infrastructure would be minimal, a home leads to demands for other infrastructure, such as schools and health care. The conversion of other buildings, such as redundant agricultural buildings, is in infrastructure requirement terms no different from building new homes, and this form of development is a significant factor in AONBs.
- Careful consideration needs to be given to how contributions are gathered from smaller sites (which is of course a benefit of a levy system) and how this then relates to the provision of infrastructure in areas, such as AONBs, where smaller sites form a higher proportion of development opportunities.
- We are uncomfortable with affordable housing being considered as "infrastructure" to be addressed through a levy system. Issues with offsite provision of affordable homes and "commuted sums" are well known, especially in areas like AONBs where opportunities for development are limited, and the particular difficulties with small sites need to be acknowledged. On balance it may be preferable to focus on using a generally restrictive approach to new housing development in AONBs (other than through local or neighbourhood plan allocations) and make use of traditional exceptions sites policies to secure social rented (and shared ownership) homes. (Note that in the Chilterns, where homes sell for around 75% more than outside the AONB in the same counties, the First Homes option is not particularly "affordable" – here First Homes would be a good option as part of the mix on a larger site allocated through a local plan, but would not be appropriate to justify an exceptions scheme.)

Appendix 1: About 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; 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).