



Wycombe Local Plan

Statement on Behalf of Richborough Estates Limited (Rep. No. 0954)

Matter 5 - Natural, Built and Historic Environment

Issue: Does the Plan provide a framework for the management of the Natural, Built and Historic Environment that is soundly based, justified and consistent with the requirements of national policy?

Question 1: Have the following policies been positively prepared and are they justified, effective and consistent with national policy?

- a) Policy CP9 (Sense of Place);*
- b) Policy CP10 (Green infrastructure and the natural environment);*
- c) Policy CP11 (Historic environment);*
- d) Policy CP12 (Climate change);*
- e) Policy DM30 (The Chilterns Area of Outstanding natural Beauty);*
- f) Policy DM31 (Development affecting the historic environment);*
- g) Policy DM32 (Landscape character and settlement patterns);*
- h) Policy DM33 (Managing carbon emissions);*
- i) Policy DM34 (Delivering green infrastructure and biodiversity in development)*
- j) Policy DM35 (Placemaking and design quality);*
- k) Policy DM37 (Small scale non-residential development);*
- l) Policy DM38 (Water quality and supply);*
- m) Policy DM39 (Managing flood risk and sustainable drainage systems); and*
- n) Policy DM20 (Matters to be determined in accordance with the NPPF).*

1. Richborough Estates' comments are specifically directed at Question 1(e), Policy DM30 – the Chilterns Area of Outstanding Natural Beauty (AONB) and should be considered within the context of the Statement submitted in response to Matter 2. In the Matter 2 Statement the issue raised by Richborough Estates is too much weight is given to 'cherishing' and conserving the AONB rather than delivering sustainable patterns of development, especially at the Principal Settlement such as Marlow. A more balanced Spatial Strategy is required to support sustainable development reflecting Strategic Objective 8, Policy CP12, and paragraph 4.14 of the Local Plan and the NPPF.
2. Richborough Estates have detailed concerns about the drafting of Policy DM30 which does not fully reflect the NPPF and has, perhaps, been influenced by a desire to avoid development occurring within the AONB as part of the preparation of this Local Plan.
3. There is a need to balance the 3 dimensions of sustainable development. Currently, the environmental dimension is unduly influencing the Local Plan's overall Spatial Strategy and Settlement Strategy concerning where development has been directed in so much as that



the Council has avoided allocating sites that might be considered to be major development in the AONB.

4. However, the delivery of housing to meet a need has been demonstrated to be in the public interest and amount to the necessary exceptional circumstances to justify major residential development in the AONB. As examples, schemes for 100 dwellings at Bourton on the Water and 250 dwellings at Tetbury were allowed on appeal because the public benefit of providing much need housing outweighed the sites being within the Cotswolds Area of Outstanding Natural Beauty (Refs APP/F1610/A/13/2196383 and APP/F1610/A/12/2173097). Both these settlements are smaller than Marlow.
5. There is a legitimate question about what comprises major development because it is not specifically defined in either the NPPF or Planning Practice Guidance. In the ordinary meaning of the term 'major' is appropriately defined as being about scale. Accordingly, in the context of the Local Plan, whether a housing allocation at a location would be a major development should solely relate to the size of a proposal rather than introduce other matters. Indeed, the starting point in Area of Outstanding Natural Beauty Site Assessment Report (Document AONB1) puts scale as the first factor concerning whether a proposed allocation or omission site is likely to result in a major development in the AONB.
6. There is some further guidance in the Planning Practice Guidance where '*Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.*' (ID: 8-005-20140306). In terms of local context, an Inspector for an appeal at Langton Matravers in the Dorset AONB provides further assistance, where '*There is no definition of 'major' in this context, in respect of numbers of dwellings, and I have found that the proposal would not be disproportionate to the size of the existing settlement.*' (Ref APP/B1225/W/16/3162354). As a contextual matter, the term 'disproportionate' means being too large or too small in comparison with something else or being out of proportion.
7. Paragraph 116 sets out three considerations in determining whether there are exceptional circumstances associated with major development in the AONB and these are a matter of planning judgement but are not necessarily exclusive (*Secretary of State for Communities and Local Government and Knight Developments Limited v Wealden District Council* [2017] EWCA Civ 39). A fair reading of the judgement in its context indicates that further



considerations could comprise the benefits of the scheme and it does not suggest that harm, other than to the AONB, should be included in the assessment. This approach was adopted by the Inspector allowing an appeal at CABI International, Mongewell (Ref APP/Q3155/W/16/3165351) which is within the same AONB.

8. Richborough Estates does not consider that the Local Plan's approach towards consideration of development in the AONB has applied a balanced judgement to consider what might be a reasonable scale of growth at a recognised sustainable location such as Marlow; the effect on the landscape and scenic beauty of the AONB with mitigation; the social and economic benefits of development; other potential benefits from a development such as enhancing recreation opportunities and the absence of any other harm. If a more balanced approach was adopted then the exceptional circumstances required for some housing and employment development to occur at sustainable locations would exist.
9. The importance of a balanced approach being adopted and the exceptional circumstances to adopt a more balanced spatial strategy which allows growth on the periphery of Marlow within the AONB consummate with its status can (based upon Richborough Estates' Statements for Matters 2 and 6) be summarised as:
 - Second largest settlement within Wycombe District with an estimated population of circa 14,300 people. Marlow has 8.3% of the District's housing stock but it is only proposed to provide 3.2% of the Local Plan's housing need.
 - Some 12,225 people are employed at Marlow which is 14% of the District's total.
 - There is already an imbalance between the resident population and jobs with only 23.9% of people living and working in Marlow. The remainder are in-commuters.
 - The housing affordability ratio has increased from 7.29 in 1997 to 17.31 in 2016.
 - Marlow has a wide range of retail uses, a good range of services and both bus and rail public transport connections.
 - The Settlement Hierarchy Study identifies Marlow (Documents SHS1 and 1.1) Study demonstrates that in terms of 'Key Services', 'Higher Order Services' and 'Public Transport' Marlow scores the same as High Wycombe (a Tier 1 Settlement).
10. In respect of the drafting of Policy DM30 the following observations are made as a basis for redrafting the policy:
 - NPPF paragraph 115 refers to great weight being given to conserving the 'landscape and scenic beauty' of Areas of Outstanding Natural Beauty rather than any concept of 'natural beauty'.



- NPPF paragraph 115 does not require enhancement but only preservation.
- There are no criteria in the NPPF which reflect criterion (c) of Policy DM30.
- To define the exceptional circumstances for major development there should at least be reference to those identified in the NPPF.
- There is no policy context in the NPPF for protecting the setting of an AONB. Indeed, what does 'setting' mean and is it seeking to imply that any part of the 'setting' of an AONB is valued landscape for the purpose of the NPPF paragraph 109? If this is the case then there is a genuine question about whether the location and scale of development at Princes Risborough is appropriate against the intention of this part of the policy.

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