

REPRESENTOR ID WDLP19 0917

WYCOMBE DISTRICT LOCAL PLAN EXAMINATION

STATEMENT ON BEHALF OF MPAC (FORMERLY MOLINS PLC) IN CONNECTION WITH MATTER 5 – NATURAL, BUILT AND HISTORIC ENVIRONMENT

This document is part of the response by Mpac (formerly Molins plc) to the Inspector's request for further written statements on questions identified by her in the Schedule of Matters, Issues & Questions. This statement relates to *Matter 5 – Natural, Built and Historic Environment*

Different matters identified by the Inspector overlap with one another. In order to avoid as much duplication as possible, we have attempted to address each issue in only one of our statements and, where relevant, in other statements just to cross-refer to the document in which the issue is addressed.

1. This submission relates to only part of the wide area over which matter 5 ranges: the Plan's approach to the AONB.
2. The main conclusions that it reaches are as follows:
 - a) The Plan's approach to the AONB in relation to site allocation is illogical, contrary to national policy and prevents the achievement of the Plan's own objectives;
 - b) In respect of the AONB, the Plan's approach to identifying sites for allocation is inconsistent with its approach in the development control policy DM30;
 - c) In assessing sites for allocation, the Plan's approach to identifying whether development is "major" for AONB purposes is different from its approach to the same question in the development control context;
 - d) The Plan is inconsistent in its assessment of AONB impacts.

(a) AONB Policy - Allocations

3. The Inspector's attention is drawn to our submissions on *Matter 2* – aspects of which are summarised here.
4. Paragraph 3.16 of the Plan claims that "*the Plan seeks to optimise the amount of housing, both market and affordable, that is provided in the District within [the constraints of the AONB, the Green Belt and limited local infrastructure]*". However, as described in Policy CP2(a)(i), the Plan's approach is to refuse, in principle, to consider for allocation "sites that constitute 'major development' in the AONB".
5. There is no such thing as a site that "constitutes development"; let alone a site that "constitutes major development". The site does not define or dictate whether development on it would be "major". A site is available for development. Before judging whether a development on it would be "major", one needs to have a sufficiently clear understanding of the nature of the development. The whole policy approach is based on a fundamental error. It conflates a **site** with a **development**.

6. The answer to the question whether development proposed on a site is “major” depends, on the approach which Wycombe adopts in the development control context, both on the construction proposed and its impact on the environment - see paragraph 6.103 of the Plan, quoted in paragraph 15 below. A site can never “constitute ‘major development’”.
7. It is not possible, logically or soundly, to reject further consideration of a site for development on the basis that some ways of developing that site might be considered “major development”. In this respect, therefore, the Plan’s approach to allocation is fundamentally flawed.
8. In paragraph 116 of the NPPF, the judgements involved in assessing whether development is ‘major’ are part of a balancing process which is followed, if the proposed development is major, by an assessment of whether the surrounding circumstances warrant the development going ahead. In contrast, once Wycombe has concluded that the development resulting from allocation of a site might be major, the Plan’s approach prevents Wycombe from considering whether the public interest might be well served by allowing a “major” development that has minimal impact on the interests protected by AONB policy and may have other significant benefits.
9. National policy relates to development in the AONB and not to sites. There is no support in national policy for refusing to assess sites for allocation in a Local Plan simply because a planning officer considers that one of the ways in which the site could be developed would be ‘major’.
10. Paragraph 14 of the NPPF directs plan making authorities that they “*should positively seek opportunities to meet the development needs of the area*”. To refuse further consideration of a site because a possible development of it could be “major” is directly inconsistent with paragraph 14’s direction.
11. Paragraph 116 of the NPPF provides that a proposal for ‘major development’ should be granted in exceptional circumstances (with that consideration covering the matters identified in the bullet points of paragraph 116). So, if a proposed development is ‘major’, it should not be rejected out of hand but should be critically assessed.
12. The sound approach would have been to start by considering the contribution which a site in the AONB makes to its landscape and scenic beauty of the AONB. That involves considering whether it possesses some or any of the special qualities which AONB designation seeks to conserve. A site which has been shown **not** to possess those qualities should then be considered positively for development. The conclusion **should** be that there is no AONB reason for rejecting allocation for a well-designed, sensitive development.

(b) Inconsistency – allocation and development control

13. Draft Policy DM30 - The Chilterns Area of Outstanding Natural Beauty – states in part (2) that:

“Planning permission for proposals which constitute major development within the Chilterns Area of Outstanding Natural Beauty will only be permitted in exceptional circumstances”

14. That is the correct approach, as endorsed by the NPPF. As already indicated, it is not the approach adopted by the Plan to the identification of sites for allocation. There is no justification for that inconsistency.

(c) Whether development is major

15. Paragraph 6.103 of the Plan states:

“Major development cannot be simply defined in terms of numbers, but is a matter of the impact, or extent of harm, on the Area of Outstanding Natural Beauty, as well as the scale of development proposed. The term major development in this context therefore does not refer to the familiar planning application thresholds (10 dwellings) or any other numerical threshold but instead requires the Council to judge the significance of a proposal in its specific context.”

16. Although that wording mirrors paragraph 2.8 of the AONB Site Assessment Report (September 2017), which addresses possible sites for allocation, the approach used in the Site Assessment goes unwarrantedly further. The approach was as set out in a table at paragraph 3.8 of the Site Assessment.

Factors to consider in identifying whether a proposed allocation is likely to result in ‘major development’ in the AONB:

Q1 What is the local context for each site, in terms of:

- The scale of the allocation in proportion to the existing settlement?
- The spatial relationship of the allocation to the existing settlement in the context of settlement form, taking account of the guidance on settlement forms in the Chilterns Building Design Guide?

Q2 What potential is there for a serious adverse impact on the AONB, in terms of:

- Landscape impact?
- The impact on the quiet enjoyment of the AONB?
- Wildlife/habitat impact?
- Heritage impact?

Q3 Can the proposed allocation be sensibly described as ‘major’ in the normal meaning of the word?

Notes: Any one of these three core questions could potentially trigger a classification as ‘major development’ in the AONB but this is to be approached with care. In particular, development which cannot sensibly be described as major in the normal meaning of the word should not be classified as ‘major’. This is not an assessment of whether development would necessarily be acceptable in the AONB, it is simply an assessment of whether development would be classified as major.

17. Concerning “*local context*”, the Council relates the scale of development in proportion to the size of the settlement and the relationship of the site to the settlement. This is not the correct approach. The correct approach is first and foremost to assess the impact of a proposal on the AONB. Matters such as scale of development in proportion to size of settlement, important as they are, are different material considerations. Allocated sites in the AONB are no better or worse than sites such as the former Mpac/Molins Sports Ground in terms of impact on the AONB whereas the proposed urban expansion of Princes Risborough (PR3), albeit on land outside of the AONB, will have a far more significant impact on the AONB, than development of the Mpac/Molins site (see paragraphs 21 to 28 below)

(d) Inconsistency of approach

18. There is a clear recognition that the Council should “*explore all reasonable options*” and that those reasonable options involve allocating for development sites in the AONB if their development would not cause “*unacceptable harm*”. The AONB Site Assessment Report (September 2017) recognises that there is scope for housing development within the AONB. Indeed, AONB sites are allocated in the draft Local Plan – for example at:

- South of Finings Road, Lane End (RUR1)
- Chalky Field and Marlow Road, Lane End (RUR2)
- South of Mill Road, Stokenchurch (RUR8)
- Wood Farm, Stokenchurch (RUR9).

19. As stated in paragraph 12 above, the sound approach is to start by considering the contribution which a site in the AONB makes to its landscape and scenic beauty. This involves considering whether it possesses some or any of the special qualities which AONB designation seeks to conserve. On this basis, a site which has been shown **not** to possess those qualities should then be considered positively for development and the conclusion reached **should** be to be that there is no AONB reason for rejecting allocation for a well-designed, sensitive development.

20. Wycombe accept that there are sites within the AONB that are capable of development without causing harm (see paragraph 19 above). The Mpac/Molins site, which has been excluded by Wycombe, is an obvious example, notwithstanding the fact that the Council also accepts that “the site is capable of removal from the Green Belt”¹.

21. Furthermore, development on the Mpac/Molins site will have no greater impact on the AONB than those allocated. Indeed, an Environmental Assessment Direction was sought from the Secretary of State by Molins Plc. The Direction (17 December 2015)² confirmed that the proposal, whilst Schedule 2 development (due to site area), the proposal would be “... *unlikely to result in significant environmental effects* ...” and that “... *the relatively modest site on the extreme edge of the AONB and abutting the built-*

¹ Part 2 Green Belt Assessment (September 2017)

² See paragraphs 1.6, 6.3 and Appendix 2 of the Planning Statement submitted on behalf of Mpac/Molins Plc to the Wycombe LP Reg 19 Consultation

up area of the village, is not likely to generate significant visual impacts in a sensitive area ...”.

22. This was vindicated by the conclusions of the Molins appeal inquiry³, where both the Inspector and the Secretary of State were of the view that the proposal before them (which they considered was over-development), would have no more than a minor impact on the landscape and scenic beauty of the AONB. Indeed, they considered that, given the land supply position in Wycombe district and the benefits of the site’s development, the proper application of AONB policy did not indicate refusal.
23. Thus, the approach has led to inconsistency in excluding e.g. the Molins/Mpac site from allocation on AONB grounds.
24. Further, the Council’s proposal for the major expansion of Princes Risborough (Policy PR3) to the west of the Princes Risborough to Aylesbury railway line into open countryside will have very significant impact on the AONB.
25. From the vantage point at Whiteleaf Hill - part of a major ridgeline that runs south-west to north-east to the east of Princes Risborough and Monks Risborough - one can see the existing urban edge as well as the Molins site - which is visible between the existing houses on Courtmoor Close and St Dunstan’s Close and Mill Lane and Crowbrook Road. On this basis the appeal Inspector accepted in her recommendation (IR 202) that development of the former Mpac/Molins sports ground *“would be seen within the context of the housing along Crowbrook Road, Mill Lane and to some extent St Dunstan’s Close”*
26. Furthermore, the appeal Inspector concluded that development of the Mpac/Molins site would not cause significant harm to views of Whiteleaf Hill from the west in general and from the platform at Monks Risborough railway station – *“there would be negligible change”* (IR 204).
27. The appeal Inspector further concluded in IR 206 that:

“.....the adverse impact would be seen within the context of existing development and a wide panorama and would therefore be of minor adverse significance overall”
28. These findings should be contrasted with IR 207 of the appeal Inspector’s report in relation to Wycombe’s proposal for the major expansion of Princes Risborough (PR3) to the west of the railway line into open countryside which will have far more impact on the AONB. The Inspector said:

“The insertion of a development of this scale into the landscape would have a significant impact on views from the AONB escarpment”.
29. It is clear from the Inspector’s conclusions and those of the Secretary of State that development of sites such as the Mpac/Molins site would not cause significant impact on the AONB. If the Council is prepared to propose a major expansion of Princes Risborough that will have a significant impact on views from the AONB, there is no sound reason to prevent development of the Mpac/Molins site (and other similar unallocated sites) for housing on the same basis as other proposed allocated sites within the AONB (i.e. minor adverse impact).

³ Former Molins Sports & Social Club, Mill Lane, Monks Risborough (APP/K0425/W/16/3149747) dated 20 July 2017