



Wycombe District Local Plan Examination

Matter 5: Natural, Built and Historic Environment

June 2018

Introduction

0.1 The issue identified by the Inspector is:

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?

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

1.0 This statement begins with an overall section demonstrating how these policies have been positively prepared and how they will be effective, before considering each policy area in more detail, with a focus on their justification¹ and consistency with the NPPF.

1.1 Fourteen policies are identified in the question that address various aspects of the natural, built and historic environment. These policies represent different aspects of the environmental strand of sustainability. Wycombe District has significant environmental assets and challenges, including for example, the Chilterns AONB, over 1,200 Listed Buildings, and parts of the River Thames floodplain. The draft policies are intended to contribute to a positively prepared Local Plan by ensuring in particular that our Plan is consistent with environmental sustainability, as part of achieving sustainable development. The draft policies are intended both to contribute to the effective delivery of planned development in the Plan and also to themselves deliver an appropriate level of environmental protection and, where possible, environmental enhancement.

1.2 The Core Policies CP 9-12 set out the Council's strategic policies to address a number of the key issues identified in NPPF paragraph 156². The development management (DM) Policies provide the more detailed

¹ Justification is given the meaning of NPPF paragraph 182: "...the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence"

² Part 4 of CP7 – Delivering Infrastructure – is also relevant

policies to guide day to day development management decisions to help deliver those strategic policies.

Strategic Policies

1a. Policy CP9 (Sense of Place);

1.3 CP9 seeks to provide a strategic framework to enable a holistic, joined up, approach to the different strands of environmental sustainability relevant to the District. Without such a framework, the fundamental and distinctive sense of place evident in the District could be undermined by a fragmented and uncoordinated approach. Each of the points 1 to 5 have a clear foundation in the NPPF:

- NPPF Section 11 – ‘conserving and enhancing the natural environment’
- NPPF Section 12 – ‘conserving and enhancing the historic environment’
- NPPF Section 7 – ‘achieving a high quality of design’
- NPPF paragraph 110 - ‘directing development to areas of lower environmental value’
- NPPF paragraph 111 – ‘optimising the development of PDL’
- ‘Making the best use of land’ - this draws on a number of threads in the NPPF including Section 4 (promoting sustainable transport – higher densities are consistent with maximising walking/cycling and public transport); Section 8 (promoting healthy communities – higher densities contribute to social interaction) and Section 11 (conserving and enhancing the natural environment – higher densities can reduce the amount of greenfield land ‘taken’ for development).

1b. Policy CP10 (Green infrastructure and the natural environment);

- 1.4 Topic Paper 7: The Natural Environment (TP7) sets out the full justification for the various ‘natural environment’ policies in the Plan (which should also include reference to CP10 points 1 to 3 at paragraph 4.2). Topic Paper 8: The Water Environment (TP8) sets out the justification for CP10 point 4.
- 1.5 Section 3 of TP7³ sets out the 3 key natural environment challenges for the Plan. Addressing these challenges is the essential justification for Policy CP10:
- The Chilterns AONB
 - Providing net gains in biodiversity
 - Maintaining the integrity of SACs in or near the District
- 1.6 These 3 priorities for the natural environment strand of the overall Local Plan strategy resulted as a response to national policy and EU Directives, but also because they reflect the values of our local community, and Duty to Cooperate (DtC) partners.
- 1.7 See also the Council’s Statement on Matter 1 (questions 8 and 9) re the Habitat Regulations (which is the main tool for considering the SACs).
- 1.8 TP8 paragraph 2.6 sets out the foundations of Policy CP10.4 (in relation to water quality). In brief, the European Water Framework Directive requires Local Plans to have regard to relevant River Basin Management Plans (RBMP)⁴.
- 1.9 The key issues arising for the Local Plan in the context of the RBMP⁵ are set out from paragraph 6.27 of TP8⁶. The key challenge identified was the impact of growth on the environmental capacity of the receiving

³ TP7 Topic Paper 7 The Natural Environment

⁴ See also NPPF paragraph 165

⁵ FRW7 Water for life and livelihood, Part 1 Thames River Basin Management Plan

⁶ TP8 Topic Paper 8 Water Environment

watercourses for the Princes Risborough and Little Marlow Wastewater Treatment Works⁷, and the more general requirement to protect ground water source quality. The most appropriate strategy, identified jointly with our DtC partners, was to ensure continued close working with the EA and others alongside a Development Management approach (Policy DM38) which is flexible and responsive to individual site issues.

- 1.10 The delivery of the Policy CP10 objectives will be discussed further below in relation to i) Policy DM34 (Delivering Green Infrastructure and Biodiversity in Development) and l) Policy DM38 (Water Quality and Supply). It is important to note however that the delivery of CP10 is also partially achieved through the development management policies in the Delivery and Site Allocations Plan which includes policies on both biodiversity and green infrastructure⁸.

1c. Policy CP11 (Historic environment);

- 1.11 The topic paper on the Historic Environment⁹ sets out how the Council developed the approach to the historic environment, including how the approach is justified and consistent with requirements set out in national policy and guidance. Key considerations are paragraphs 126 and 157 of the NPPF, which require local authorities to set out a clear and positive strategy for the conservation, enhancement, and enjoyment of the historic environment.
- 1.12 Policies CP11 and DM31 have been developed in response to this requirement, taking account of Historic England good practice advice¹⁰. CP11 sets out the strategy for the conservation and enhancement of the historic environment, while DM31 sets out the development management approach.

⁷ These impacts are assessed in FRW3 Princes Risborough and Little Marlow Wastewater Treatment Works Assessment which conclude that with planned upgrades the growth will not have a significant detrimental environmental effect on the receiving watercourses.

⁸ Paragraph 4.15 in TP7 Topic Paper 7 The Natural Environment

⁹ TP9 Topic Paper 9 Historic Environment

¹⁰ Good Practice Advice Note: The Historic Environment in Local Plans (July 2015)

- 1.13 The NPPF requires local planning authorities to set out “a positive strategy for the conservation and enjoyment of the historic environment”, including a recognition of the irreplaceable nature of heritage assets and the importance of conserving them in a manner appropriate to their significance. The proposed policies contribute to the achievement of the understanding, conservation and the enhancement of the historic environment, and in doing so contribute to the overall aims of achieving sustainable development.
- 1.14 Chapters 5, 6 and 7 of TP9 sets out how our approach to the historic environment has developed, particularly in respect of choosing the most appropriate strategy when considered against the reasonable alternatives and not duplicating national policy.
- 1.15 A key part of the evidence base that supports the Local Plan are those conservation area appraisals which relate to designated conservation areas which may be affected by site allocations or options considered during the preparation of the Plan, principally Hedsor Road & Riversdale¹¹, Alscot¹², and Horsenden¹³. These three conservation area appraisals have been revised during the preparation of the Local Plan in order to provide up-to-date and proportionate evidence in respect of the historic environment to help to ensure that the historic environment is conserved or enhanced.
- 1.16 Historic England and others have highlighted that DM31 is not fully accurate as in setting the scope of the policy it presents a list of both designated heritage assets and non-designated heritage assets, but it erroneously introduces the list as:

“Designated heritage assets include: ...”

- 1.17 To be wholly consistent with the NPPF it is considered on reflection that this list of assets should be referred to as simply ‘heritage assets’ not as ‘designated heritage assets’. Consequent to this, and again for

¹¹ HE1 Hedsor Road and Riversdale Conservation Area Appraisal

¹² HE2 Alscot conservation area appraisal

¹³ HE3 Horsenden conservation area appraisal

consistency, the second sentence of DM31.1 should be amended as set out below;

“All development is required to conserve and, where possible, enhance the Historic Environment. ~~Great~~ Appropriate weight will be given to avoiding adverse impacts on designated and non-designated heritage assets, their settings, and other character features or positive elements of special interest, according to their significance.

Designated Heritage assets include:

- 1.18 As the NPPF glossary refers to “all aspects of the environment” the definition is taken to apply to both designated and undesignated heritage assets. Accordingly, it is consistent with national policy for CP11 and DM31 to refer to both categories of heritage assets.
- 1.19 On this basis, we put forward that the policies are justified as they represent the most appropriate strategy when considered against the June 2016 draft Local Plan approach of relying on national policy only. We consider that the evidence base upon which the approach is based is proportionate.

1d. Policy CP12 (Climate change);

- 1.20 This overarching policy and other policies in the Plan respond to the NPPF imperative to set out policies to mitigate and adapt to climate change¹⁴. This is central to the Plan¹⁵.
- 1.21 Point 1 of the policy sets out how the Plan strategy contributes to greenhouse gas emissions reductions by directing development to the most sustainable places, thus reducing the need to travel and facilitating the use of sustainable modes of transport¹⁶. Policy DM33 sets out more detailed measures that development can deliver to help achieve this element of the policy, as well as addressing renewable and low carbon energy.

¹⁴ NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change, in particular paragraphs 93-100. See also the Council’s response to Question 10 of this Matter.

¹⁵ NPPF paragraph 93

¹⁶ This is in line with the NPPF in particular paragraphs 30 and 34

- 1.22 Point 2 and 3 address the Council's requirements to manage the water environment in the long term – the Water Environment Topic Paper¹⁷ sets out the full justification for the Council's approach both in terms of avoiding and managing flood risk by taking a sequential approach to the location of development and by implementing blue and green infrastructure including Sustainable Drainage Systems, and in terms of protecting water quality and supply, and how this complies with international legislation, national policy and guidance.
- 1.23 Point 4 indicates the Council's commitment to implement a national optional technical standard, to contribute to alleviating the area being a water stressed area – development management policy DM41 sets out the specific requirement for new developments.
- 1.24 Point 5 refers to the provision made under DM34 to provide sufficient tree canopy cover, which will have biodiversity and climate change mitigation benefits (carbon capture and urban heat island effects mitigations) – this is in line with NPPF paragraph 99 regarding “the planning of green infrastructure” and is justified by clear evidence¹⁸.
- 1.25 Whilst energy efficiency standards are most likely to be factored in through building regulations, point 6 of the policy sets out the Council's support for renewable energy whilst recognising that the scope for large scale technology is limited due to the AONB and its setting. The policy wording is also flexible enough so as not to overburden development where inappropriate.

Development Management Policies

- 1.26 Parts e) to n) of this question relate to a set of proposed Development Management policies addressed to various aspects of the natural, built and historic environment. These policies reflect the strategic objectives of the Local Plan and the guidance in Sections 7, 11 and 12 of the

¹⁷ TP8 Topic Paper 8 Water Environment

¹⁸ See GI3 Canopy Cover Assessment & Recommendations for Wycombe District ; this requirement has been tested in VIA1 WDC Viability Assessment

NPPF. They aim to provide “a clear indication as to how a decision maker should react to a development proposal”¹⁹. It is essential that the development plan provides clear policies on these topics to inform day to day decision making by the Council. Please also note that the Council is not proposing to replace the Adopted Delivery and Site Allocations DPD (DPD1), which will still contain other relevant Development Management Policies²⁰. The justification for each policy is set out in the reasoned justification accompanying each policy. This is considered to be adequate to justify each policy and is not repeated in this statement. This statement provides a higher level commentary on the purposes of those policies and further links to national policy.

- 1.27 The impact of the various Development Management policies has been tested in terms of viability²¹ and these measures are deliverable.

1e. Policy DM30 (The Chilterns Area of Outstanding natural Beauty);

- 1.28 To *Cherish the Chilterns* is one of the eight strategic objectives of the Local Plan. This is reflected in decisions about the spatial strategy and the site selection process²². This thread continues through Policy CP10 (discussed earlier) and it is also why DM30 is proposed as the first element of the *Placemaking* section of the Development Management chapter of the Local Plan²³.

- 1.29 Policy DM30 builds on these objectives and strategic policies, alongside paragraphs 115 and 116 of the NPPF and contributions from our DtC partners and the Chilterns Conservation Board to provide a clear set of criteria for considering the impact of windfall development on the Chilterns AONB.

¹⁹ NPPF paragraph 154

²⁰ See paragraphs 6.1 to 6.4 of the supporting text to WDLP1 Wycombe District Local Plan (Regulation 19) Publication version (including changes to the Policies Maps) and DPD1 Delivery and Site Allocations (DSA) Plan for Town Centres and Managing Development

²¹ Paragraphs 28 and 45 of VIA1 Wycombe District Council Viability Assessment sets out the policy assumptions made and the costs of these.

²² This is explained further in paragraphs 4.4 – 4.12 of TP7 Topic Paper 7 Natural Environment.

²³ See paragraph 6.93 of the supporting text to WDLP1 Wycombe District Local Plan and paragraphs 4.14-4.24 in TP7 Topic Paper 7 Natural Environment.

1f. Policy DM31 (Development affecting the historic environment);

1.30 Please see our response to c) Policy CP11 (Historic Environment).

1g. Policy DM32 (Landscape character and settlement patterns);

1.31 This provides a framework for assessing the landscape impacts of development in its local context. It applies to the whole of the District, but will be of greatest relevance in the countryside beyond the AONB²⁴. Whilst the AONB has the highest status, NPPF paragraph 109 endorses ‘protecting and enhancing valued landscapes’ more generally. DM32 requires a professional judgement to be drawn on a case-by-case basis, taking account of the sensitivity of the receiving landscape and the impacts of each proposal.

1h. Policy DM33 (Managing carbon emissions);

1.32 This is mainly concerned with the transport aspects of development, but also addresses renewable and low carbon energy. This responds to the climate change and pollution aspects of the natural environment objectives²⁵. Retained Policy DM2 (Transport Requirements of Development Sites) of DSA1 will also be relevant.

1i. Policy DM34 (Delivering green infrastructure and biodiversity in development);

1.33 This is the main policy which implements the overall objective of conserving and enhancing the natural environment. As set out in the supporting text – DM34 acts as an umbrella over DM11 – DM16 (DSA1) – which as noted above are current adopted policy to be retained alongside the new plan when this is adopted²⁶.

1.34 It may also be noted that the Council has already acknowledged the views of the Natural Environment Partnership on Policy DM34 and

²⁴ Paragraph 4.19 of TP7 Topic Paper 7 Natural Environment

²⁵ Paragraph 4.20 of TP7 Topic Paper 7 Natural Environment

²⁶ Paragraphs 4.21-4.23 of TP7 Topic Paper 7 Natural Environment

agreed with them a possible modification which would overcome their objections²⁷.

1j. Policy DM35 (Placemaking and design quality);

1.35 This Policy elaborates on the NPPF statements underpinning the importance of good design in achieving sustainable development²⁸.

1k. Policy DM37 (Small scale non-residential development);

1.36 This Policy (and Policy DM36) are proposed to provide a simplified framework for the most common types of small scale development. Both are an essential part of delivering the place making and design quality environmental objective of the Plan.

1l. Policy DM38 (Water quality and supply);

1.37 This policy aims to protect the District's water resources both in terms of environmental quality and management of water supply. The policy contributes to delivering CP10 in terms of meeting Water Framework Directive requirements in line with paragraph 165 of the NPPF and CP12 in terms of integrating blue infrastructure into the design of new development. (This policy has arisen from consultation with the Environment Agency.)

1m. Policy DM39 (Managing flood risk and sustainable drainage systems);

1.38 The policy elaborates on NPPF requirements underpinning the need for a sequential approach to the location of development based on avoiding flood risk where possible and, if not, managing flood risk from all sources²⁹. The policy builds upon and replaces existing policy DM17³⁰

²⁷See WDLP8 Wycombe District Local Plan and the Duty to Cooperate Report, p. 62 and WDLP8.3 Wycombe District Local Plan and the Duty to Cooperate Report Appendix 3: Buckinghamshire Milton Keynes Natural Environment Partnership

²⁸ In particular, NPPF paragraphs 56 and 82

²⁹ NPPF paragraphs 100-102 and Planning Practice Guidance (PPG) on Flood Risk and Coastal Change

³⁰ See Policy DM17 Planning for Flood Risk Management in DPD1 Delivery and Site Allocations (DSA) Plan, pp. 78-79.

in requiring implementation of Sustainable Drainage Systems in new development.

- 1.39 The policy contributes to delivering CP7 in terms of delivering biodiversity and flood management measures and CP12 in terms of taking account of climate change in flood risk assessments and integrating blue infrastructure into the design of new development. (This policy has been extensively developed in collaboration with the Environment Agency and the Lead Local Flood Authority³¹.)

1n. Policy DM20 (Matters to be determined in accordance with the NPPF).

- 1.40 As stated in paragraph 6.3 of the Local Plan, detailed Policies are not required where the NPPF itself provides sufficient detail. However, without Policy DM20, these requirements would only have the status and weight of material considerations (in the terms of S38(6) of the TCPA) rather than benefitting from the statutory presumption in favour of the development plan. Policy DM20 is therefore crafted both to lend greater weight to these requirements and also to provide clarity to applicants and others as to the basis upon which these issues will be considered.

³¹ See WDLP8 Duty to Cooperate report, pp. 71-72