

Planning Protocol for the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB)

1.1 Purpose

This Protocol sets out how the AONB Partnership and local authorities will consider planning matters affecting the AONB.

1.2 Background

The Cranborne Chase and West Wiltshire Downs AONB Partnership's primary task is taking forward the objective of conserving the natural beauty of the landscape. AONB's are regarded as equivalent to National Parks in terms of their landscape quality, scenic beauty and their planning status. All public bodies and statutory undertakers must have regard to the purposes of AONBs in performing their statutory functions.

In 2004 the AONB Partnership produced a Management Plan for the AONB which sets out the overall vision, objectives and action plans for the area up to 2009. The Planning Protocol should be implemented having regard to the objectives and policies of the Management Plan.

1.3 Local Authority Planning Responsibilities

In summary the planning responsibilities of the local authorities are as follow;

County Councils

1. Preparation of Minerals and Waste Local Development Frameworks
2. Preparation of Structure Plans under the transitional arrangements of the Planning and Compulsory Purchase Act.
3. Determining planning applications for mineral extraction and related development, waste management.
4. Determining planning applications for the County Council's own development (e.g. roads, schools etc).
5. Provision of monitoring and survey information and advice to the Regional Planning Body on strategic issues and the conformity of Local Development Documents with the Regional Spatial Strategy.

County Councils are also responsible for the preparation of Local Transport Plans.

District Councils

1. Establishing planning policies and strategies through the preparation of Local Development Frameworks and supporting documents
2. Determination of the majority of planning applications for

- House extensions and alterations
 - Residential development
 - Employment, leisure and shopping development
 - Engineering operations
 - Telecommunication and energy schemes
 - Agricultural buildings
 - Change of use of land or a building
3. Raising objection/no objection on circular 18/84 applications (Crown Lands - includes Duchy of Cornwall development).
 4. Also determining whether prior notification of design and siting is required for:
 - Telecommunication schemes under part 24 of the GPDO;
 - Agricultural buildings under part 6 of the GPDO.

1.4 The Planning Authority's role

The planning authority will

1. Invite comments or contributions in respect of all consultations on relevant planning policy documents which impact on the AONB. This will include inviting an appropriate representative of the AONB Partnership to be involved in relevant consultation events or Forum meetings which may be arranged. A list of planning policy documents is included within Appendix A1.
2. Make available a copy of the weekly planning application list for the AONB Manager within 7 days of publication.
3. Send a standard consultation to the AONB Manager inviting comments on all major¹ applications within the AONB or those which are likely to impact significantly on the AONB landscape character. A schedule of major applications is provided in Appendix A1.
4. Where appropriate, will consult the AONB team during pre-application discussions or in the preparation of development briefs.
5. Take account of AONB matters and, where appropriate, will liaise with the AONB team regarding Planning Appeals and seek contributions on significant planning matters affecting the AONB.

1.5 The AONB Partnership's role

The AONB Partnership will;

1. Review and consider consultation documents prepared as part of the Local Development Framework preparation and other relevant documents. Where appropriate undertake further

¹ As defined in the General Development Procedure Order 1995.

consultation with relevant Local Authority and AONB officers and prepare and submit written comments to the Local Planning Authority within the given timescales.

2. Scan weekly planning applications lists and identify any relevant applications for comments. Where the AONB Partnership wish to comment on an application, such request should be made to the local authority within 7 days of the weekly list becoming available.
3. In consultation with appropriate case officers, landscape architects and urban designers, arrange site visits and submit comments on planning applications or consultations received from Planning Authorities that may have a significant impact on the character of the AONB within 21 days of the date of consultation (unless otherwise specified or agreed with the Local Planning Authority). The AONB Partnership understand that where responses are not submitted to the local authority within the specified time limit then they may not be taken account of in determining the planning application.
4. Where appropriate, will provide contributions towards Planning Appeals, where there are significant planning issues for the AONB.
5. Operate a scheme of delegation for providing comments on planning matters as set out in Appendix A2.
6. Work with local planning authorities to raise the profile of the AONB and develop tools which will aid policy formulation and decision making, such as landscape sensitivity/capacity, policy statements, and design guidance .

1.6 AONB Criteria

In considering planning matters the AONB Partnership will ensure that the primary concern of responses to the local authorities is the purpose of statutory designation of the AONB - the conservation and enhancement of the natural beauty of the landscape. In forming a view it will, however, also take account of the economic and social needs of local communities, where these are compatible with the conservation and enhancement of the landscape.

The Partnership will only concern itself with applications, or aspects of applications, which it considers are likely to raise significant planning issues for the AONB as set out above. These will mainly relate to major applications or those which would set an unacceptable precedent within the AONB.

The AONB unit will not generally respond to requests by members of the public or other organisations to comment on minor applications, unless they raise significant planning issues for the AONB.

The Cranborne Chase and West Wiltshire Downs AONB Partnership comprises a wide range of agencies from private sector to local government. As such, whilst comments made on behalf of the AONB Partnership are representative of the Partnership's view as a whole, the comments made will not necessarily be consistent with the views of individual organisations represented on the Partnership. Any individual organisation on the AONB Partnership may reserve the right to disassociate themselves from any particular comments put forward on behalf of the AONB Partnership from time to time, subject to their declared interests.

1.7 Agreement

This Protocol has been endorsed by the AONB Partnership Panel on 11th May 2005 and minor amendments agreed by the Planning Topic Group on 7th October 2005.

Signed on behalf of the constituent Authorities:

- Wiltshire County Council
- Dorset County Council
- Hampshire County Council
- Somerset County Council
- Salisbury District Council
- West Wiltshire District Council
- East Dorset District Council
- North Dorset District Council
- New Forest District Council
- Mendip District Council
- South Somerset District Council

Appendix A.1

Scope of consultations

Planning Policy

- A. The protocol includes the following documents prepared in relation to Local Development Frameworks

Development Plan documents including;

- Core strategies
- Proposals Maps
- Generic Policies
- Area Action Plans
- Other topic based Development Plan Documents
- Structure Plans/Local Plans and modifications relating to them (prepared under the transitional arrangements)

Supplementary Planning Documents where these provide guidance relevant to part or all of the AONB (e.g. rural design)

Statements of Community Involvement

Sustainability Appraisals/Strategic Environmental Assessments (where there is considered by the local authority to be significant issues relating to the AONB)

- B. The protocol covers related planning policy documents

- Landscape Character Assessments
- Village Design Statements
- Planning Concept Statements and Development Briefs
- Other Planning guidance produced which is of relevance to the AONB.
- Local Transport Plans

Planning Applications

The protocol will cover the following types of “major” planning applications received by local authorities;

- **Residential Development** - applications involving 10 or more dwellings (or where the number of dwellings is not indicated) or where the site is more than 0.5 Ha.
- **Other Development** - where the floorspace proposed is more than 1000 square metres or where the site is more than 1 Ha.
- **Minerals and Waste Management:** All applications involving new or extended mineral extraction areas, or the restoration of old or existing sites, or any site used for the management of waste (including Review of Mineral Permissions (ROMPs))

- Consultation should also take place on other applications which are likely to have a significant impact on the AONB Landscape Character.

Appendix A.2

Scheme of Delegation

The AONB Partnership Forum delegates to the AONB Team

- Responsibility for deciding whether a consultation warrants a response on behalf of the Partnership.
- Responsibility for deciding if a consultation should be referred to the Planning Topic Working Group. In general only consultations which give rise to significant issue(s) of principle or policy for the AONB or have a significant impact on the landscape character of the AONB should be referred.
- Responsibility for providing a response on consultations not referred to the Planning Topic Working Group

Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty



PLANNING & TRANSPORTATION TOPIC GROUP

19th September 2006

Paper A

The Planning Protocol: Review and Refinement

1. **Purpose:** To review and refine the operation of the Planning Protocol.

Review

2. **Background:** The initial eight months of operation of the Protocol was discussed at the June 2006 Topic Group meeting. The Protocol was circulated, after endorsement by the Partnership Panel, for formal signature by the individual Planning Authorities on 18th October 2005. All have been returned signed except those from North Dorset, South Somerset, and Mendip District Councils.
3. **Activity to Date:** After an initial batch of Transportation policy documents and Statements of Community Involvement much of the activity has related to planning applications. There have, however, been substantial policy documents relating to Minerals and Waste strategies and development control policies to digest and provide responses during the past three months. That has also coincided with a review and response to the South West Draft Regional Spatial Strategy, both jointly with the South West Protected Landscapes Forum on matters relating to all protected landscapes and separately on matters that appear to be specific to this AONB. Time constraints have meant that I have had to rely on a generic response from the South East AONBs Planning Officers Meeting as our input to the South East Draft RSS. In addition, a couple of the constituent LPAs have put forward Local Development Documents for consideration, I have been invited to contribute to a policy review for a particular locality, and I have recently received a draft development brief to comment upon. The planning policy administrative arrangements mean that generally there is an acknowledgement of a contribution / response, and often that includes an invitation to a discussion / forum session.
4. **Planning Applications:** A small number are identified from weekly lists and newspaper advertisements whilst most of the major ones are sent directly from the DC teams. Some of the proposals sent through fall well below the threshold but in most of these cases I sense the Case Officer is seeking landscape information, guidance, and comment to assist with the assessment of a proposal that is not quite as straight forward as it might initially appear. There have been a couple of significant applications that have been picked up from weekly lists, however only one LPA regularly forwards the weekly list by e-mail so others may have been missed. In discussions with individual Case

Officers there is a general awareness of the AONB but knowledge of the details of the Protocol is relatively sparse.

5. Requests for comments on applications are almost invariably open-ended with no indication whether or not there are specific areas or topics where the Case Officer would particularly like some assistance or AONB view, assessment, or opinion.
6. Responses to applications are frequently discussed within the AONB team, particularly to ensure wider Management Plan matters are not overlooked. Nevertheless, consultation responses generally focus on landscape issues and tend to fall into four categories:
 - i. Matters for the case officer to consider
 - ii. Suggesting that the application needs professional landscape input
 - iii. Specific advice in relation to AONB or landscape matters
 - iv. Recommendations
7. Although many of the responses offer advice regarding additional information to aid the decision making process or potential conditions to help improve the integration of the development in the local environment there are occasions when refusal has been unequivocally recommended. Some applications have been supported where, on balance, a use or development meets aims of the AONB Management Plan and does not prejudice the reasons for the AONB designation. Possibly the most taxing applications are those on the borders or in the setting of the AONB.
8. **Feedback:** Where a Case Officer has passed the AONB comments to the applicant there have generally been two responses:
 - i. commissioning of a landscape appraisal
 - ii. office / site meetingGenerally, however, there is no indication to what extent the response has been helpful or incorporated in the decision on the application. The assumption that all comments have been taken on board is unlikely to be well founded! Only one notification of the decision has been received. The team is, therefore, unable to assess the usefulness or effectiveness of its contributions.
9. Matters that are of particular concern to the AONB team are the lack of acknowledgement or response to
 - i. a specific recommendation [eg to seek specified amendments to a scheme, to require landscape assessments and proposals prior to making a decision, to impose conditions, or to refuse the application as submitted]
 - ii. an offer / request to put the AONB view to the Planning Committee.In the latter situation the AONB seems not to have been afforded the opportunity to address the Committee given to applicants and other third parties.
10. Furthermore, there has been no reference back to the AONB team when the Case Officer has advised the Planning Committee / Chief Officer contrary to

the AONB position / recommendation. In this context the authority could be perceived to be in breach of its duty under section 85 of the Countryside and Rights of Way Act 2000: “In exercising or performing any functions in relation to, or so as to effect, 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.”

11. There has also been a case where the local Planning Committee went against the Case Officer’s advice [which included the AONB advice against approval on a number of grounds], but as the AONB were not made aware of the Committee date we were not able to present the AONB position in person in support of the Case Officer.

Refinement

12. Established policy consultation procedures appear to be working effectively. However, in connection with planning applications there seem to be a number of areas where the parties could undertake mutually beneficial actions:
- i. provision of information
 - ii. greater focus on areas of uncertainty or concern
 - iii. interaction immediately prior to the decision making
13. **AONB actions:** The AONB team can provide the following to Case Officers / Development Control Team administrators:
- i. individual copies of the Protocol
 - ii. individual copies of ‘Sustaining Landscape Character’
 - iii. a mail back card to show comments have been received by the Case Officer and the target date for the decision
14. The responses from the AONB could be structured to reflect the differing levels of importance from the AONB point of view:
- i. observations on matters that the Case Officer may or may not be already aware of
 - ii. relevant information [eg in relation to landscape character, the appropriateness of landscape treatments, etc]
 - iii. advice on specific issues and topics relating the AONB or the AONB staff expertise
 - iv. recommendations from the AONB or the special professional experience of the AONB staff
15. **LPA actions:** The Local Planning Authorities could provide:
- i. an AONB tick box on application forms, application descriptions, and the planning register [in the way that is done for applications in Conservation Areas]
 - ii. an indication on application descriptions and reports that the AONB has provided comments and / or recommendations
 - iii. quarterly lists of Planning Committee dates, times, and meeting places to the AONB office
 - iv. e-mail weekly lists of applications to the AONB office

- v. copies of decision notices on applications where the AONB has provided comments

16. Applications sent to the AONB could identify the matters where the Case Officer would most appreciate information, advice, and [if appropriate] recommendations.

17. On the occasions when the Case Officer is inclined not to adopt the AONB advice and recommendations contact is made with the AONB team prior to finalising the report to Chief Officer / Committee to seek to obtain a shared understanding.

18. The LPAs afford the AONB a 'right to be heard' at planning committees in connection with applications where the AONB has provided a written or e-mail response.

Conclusions

There are a number of relatively simple refinements to the Protocol that can make the operation of it, particularly in relation to Development Control, much more focussed and effective.

19. **Recommendation:** The Topic Group endorses the review and the refinement proposals to enhance the operation of the Protocol in connection with development control matters.

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