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Re: 16/03061/OUMAJ. Outline planning application for up to 119 dwellings, public open space and landscaping, with all matters reserved except for the access to the A338 at Land South of Priory Road Hungerford Berkshire.

The North Wessex Downs has consistently objected to the development of this site throughout the housing site allocations DPD raising concerns on the principle of developing this site and the sensitivity of the experience and long distance viewpoints from within the site.

The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the Countryside and Rights of Way Act 2000 (CRoW Act). Section 85 of that Act confirms that there is a duty on all relevant authorities to have regard to this purpose in exercising or performing any functions in relation to, or so as to affect land in AONB's. The NPPF states that major development such as this should only be permitted in an AONB if exceptional circumstances exist. The Council have failed to demonstrate this within their DPD submission documents and neither have the land promoters/developers. There is a reliance that the site will be adopted within the DPD but this would be premature as the Inspector is considering an alternative site within Hungerford along with the issue of an oversupply of housing within the AONB (over the 2000 ceiling figure stated in the Core Strategy). The application exceeds the figure given in the submitted DPD document, which states 100 dwellings.

The North Wessex Downs is particularly sensitive to developments that are visually prominent, of an urban, suburban or industrial nature or are noisy.

The NPPF therefore supports a different approach to housing provision in the AONB compared to land outside the AONB, based on the need to conserve and enhance its natural beauty. The NPPF recognises that "great weight" be given to AONB considerations and recognises it as an area with the highest status of protection.

The NPPF is clear that **the presumption in favour of sustainable development does not apply in AONBs** or National Parks. Paragraph 14 of the NPPF expects planning permission to be granted (unless material considerations indicate otherwise) where the Plan is out-of-date unless one or other of two cases arise. The first of these (adverse impacts that would significantly and demonstrably outweigh the benefits) is quoted in the report, but this test never applies in AONBs. In fact, because the site is in an AONB the second case applies: "specific policies in this Framework indicate development should be restricted". Footnote 9 makes it clear that "land designated as ... an Area of Outstanding Natural Beauty" is included in this

category. The presumption in favour of development therefore does not apply at any point.

The NPPF is also clear that “great weight” should be given to conserving the landscape and scenic beauty of AONB. A core Principle of the NPPF (paragraph 17) is that the planning system should contribute to conserving and enhancing the natural environment.

The assertion that the authority’s lack of a five-year housing land supply and the inclusion of the site within the housing DPD allocations constitutes the exceptional circumstances that are required to allow major development in the AONB is flawed because the applicants statement appears to undertake a simple balancing exercise, with housing need being balanced against other factors. The courts have ruled that such a simplistic approach is not acceptable. In *Mevagissey Parish Council vs. Cornwall Council 2013*, the judge ruled that paragraphs 115 and 116 of the NPPF do not allow a simple balancing exercise. He also advised on how ‘exceptional circumstances’ might be demonstrated, drawing a distinction between a pressing case for the development (e.g. for affordable housing) and a genuinely ‘exceptional’ need “in the sense of unusual or rare.” In assessing whether or not exceptional circumstances exist, the availability of sites elsewhere (outside the AONB) is also relevant, but this is not addressed. Therefore, because the presumption in favour of sustainable development does not apply, paragraph 47 of the NPPF consequently carries significantly less weight in the AONB than elsewhere.

The AONB unit draws attention to Paragraph 115 of the NPPF which confirms that “great weight” should be given to conserving and enhancing the character and qualities of the AONB which have the highest level of protection. The NPPG confirms that “major development” is a matter for the Local Authority to decide on and should be based on local context. In this case it is considered because of the sensitivities of the nationally protected landscape this development should be considered to be “major”. Accordingly the NPPF (Paragraph 116) advises the starting point for applications of this nature are that they should be refused. It has not been demonstrated that this current development proposal would conserve or enhance the AONB and it is not considered that there are any exceptional circumstances in this case to support this proposal.

Footnote 9 considers that there is no presumption in favour of development within protected landscapes such as AONBs, but this must be considered in addition to paras 115 and 116 where there may be exceptional circumstances. In this instance there are no exceptional circumstances.

A settlements character in many cases depends critically on the presence of green land within or adjoining it. Therefore, a site’s location within an assumed boundary or within the visual built envelope of a settlement may not always make it suitable for development if it is of landscape, heritage or open space value.

The development encloses itself within a woodland cocoon via landscape mitigation, the bulk of which has already been established, however this has purposely sought to screen the development from view which would not relate to the existing form or character of development in the village, whereby trees are integrated between buildings and streets, the development would therefore appear segregated from the settlement edge rather than forming a cohesive bond to Hungerford. Landscape

mitigation should not be relied upon as a number of existing trees are outside of the control of the development site and are not protected and therefore could be felled by the landowner which would open the site to more distant views. The retention of trees cannot be conditioned within an application as it would fail to pass the condition tests.

It must also be noted that just because dwellings may not be particularly visible does not mean that it is acceptable in the countryside. Due to the existing landscaping buffering the edges of the site there would be limited views into the site from surrounding road networks and PROW, with the exception of the roofscape of part of the development adjacent to Salisbury Road and the proposed roundabout, this has been demonstrated within the submitted LVIA, which also included additional viewpoints at the request of the NWD. However, in this instance it is the views and experience from within the site along the PROW that are of significant value to the AONB as it provides a platform to long distance views towards Combe Gibbet and Walbury Hill on the chalk downs. This provides a form of escape, tranquillity and remoteness on the edge of an urban settlement which forms part of the special qualities of this part of the NWD AONB. This would be lost as a result of the proposed development.

There are concerns over the proposed roundabout to access the site due to its urban character which would alter the rural approach to Hungerford. The agent has tried to landscape the roundabout to conserve an element of the rural character but this will not detract from the fact that it is an engineered structure which will be accompanied by signage and lighting. A perfect example of what harm can be caused is evident 50 metres north on Salisbury Road at the access into Kennedy Meadows, where signage, lighting and over engineering have urbanised this rural edge of the settlement. The agents suggested at the DPD examination that an alternative priority right turn junction was an option which would be less intrusive, yet no further developments have occurred on this front.

There appears to be some confusion over the position of the NWD and this site with the Statement of Community Involvement suggesting that the AONB partnership is in support of the development. The AONB as stated above has always maintained an objection to the inclusion of this site for development. We have however met and advised the developers' agents for the site on how to minimise the damage to the landscape if, despite our objections, the proposed development were to go ahead, this included a reduction in density, better spacing between buildings to retain a sense of spaciousness and opportunities for long distance views out of the site, an integrated landscape pattern, alternative access arrangement and a more informal entrance into the site. However from assessing the application it would appear that our advice, other than additional viewpoints for the LVIA has not been taken on board.

As it stands the NWD AONB would consider the principle of development to be unacceptable in this locality and that as the housing DPD is not yet adopted, special circumstances cannot be demonstrated, furthermore it is considered that there are other alternative sites that can meet the demand of housing required within the AONB. Therefore the development is contrary to paras 17 and 115 of the NPPF, the NWD AONB Management Plan and WB Core Strategy Policies CS1, CS17 and CS19 and Area Delivery Plan Policy 5.