



## **Government Response to the Landscapes Review**

### **Chiltern Society Comments – Chapter by Chapter**

#### **March 2022**

##### **Introduction**

The Chiltern Society is a long-established charity, with nearly 7000 members, that seeks to protect and enhance the Chilterns, including the Chilterns AONB and parts of the London Green Belt. We work closely with the Chilterns Conservation Board and other partners across the AONB and the surrounding chalk landscapes of the Chilterns.

The Chiltern Society supports the Vision. There needs to be an emphasis on conserving and enhancing landscape / scenic beauty for their own sake in addition to promoting nature recovery and addressing climate change.

The Vision makes no mention of the use of the land for food production. With much of the land in the Chilterns being used for farming, there are potential conflicts to be resolved with the use of land for development and nature recovery. This land is not infinite, so landscape designations must find a way to strike an appropriate balance.

The lockdown brought many more visitors to the Chilterns countryside, which brought with it problems of rubbish, indiscriminate car parking and footpath erosion. If AONBs are to take on more responsibility for access, this needs to be carefully managed. There is a need to clarify how definitive maps are kept up to date and how this is translated into mobile telephone apps for use by visitors. So, access needs to be appropriate access that reduces conflict with other purposes and provides an enhanced visitor experience.

Success in delivering the Vision will be dependent upon:

- funding to match aspirations (particularly ranger services)
- having the correct leadership
- having the correct make-up of the board, and not being typically constrained by government bureaucracy.
- a real commitment to diversity, not just in words but actions throughout the set up.

The Vision needs to be supported by adequate staff and financial resources if it is to be delivered successfully. Without these resources, it simply will not happen.

##### **Nature and Climate**

The incorporation of the AONBs into the 30 X 30 protection of land for nature is welcome. We support protection and management of the land for nature recovery, but landscape character and visual appearance of the landscape are also very important.

We support the proposed extension to the Chilterns AONB as it would better match the Society area of operation. It is good to see a commitment for Natural England to include it in their landscape designation programme and an All-England Assessment. We welcome a more collaborative process to designate new National Parks and AONBs.

Tree planting is welcome, but needs to be carefully planned. Proposals must be for the right tree in the right place. The proposals need to consider other habitats to act as carbon sinks to tackle climate change eg grasslands, wetlands.

## **Chapter 1: A More Coherent National Network**

### **Strengthened AONBs**

It is good that AONBs are to be strengthened with new purposes, powers and resources, bringing them in line with National Parks.

The proposed name change to National Landscapes has brought a mixed reception within the staff and members of the Society. Whilst some have said that the AONB title is cumbersome and poorly understood by many, it does specifically refer to natural beauty, linking it clearly with the physical landscape and biodiversity. The proposed National Landscape designation would clarify that these are nationally important areas in the same way as National Parks, but with little indication of what they are designated for. Our members' focus group thought that a National Landscape could be anywhere and that the name was not very strong. They would not be against a name change, but not necessarily to National Landscapes. Whether the AONB name or an alternative are selected, a public campaign will be required to raise awareness of these areas and what their purposes are. Without public recognition they will be unlikely to get the attention and the funding that they deserve.

We agree that the name change alone is not sufficient and that new purposes need to be established and delivered by local teams. There needs to be more control over what happens in the local area, particularly in relation to threats from housing development.

There is also an opportunity to work with the voluntary sector in delivering the new purposes.

We support the principle of the National Landscape Partnership as long as it has powers to influence national strategy and has the funding to deliver its aims. It would be good if the Partnership could be extended beyond local authority representatives and include representations of voluntary organisations.

We support the proposal to include the National Trails within the National Landscape Partnership. In our area, we have two key routes, the Ridgeway and the Thames Path. Both are significant in terms of recreational use of the Chilterns and are a key way for visitors to experience the landscape of the area. They also link the Chilterns with the North Wessex Downs.

## **Chapter 2: Nature and Climate**

The Society welcomes the widening of the remit of AONBs to embrace nature recovery and climate change. The following are particularly important

- 25 Year Environment Plan goals
- Environment Act 2021 forthcoming targets
- Net zero
- Delivering nature-based solutions
- Local Nature Recovery Strategies

We support the need to address nature recovery and resilience to climate change and would expect these to be built into AONB Management Plans with increased statutory status and financial backing.

In order to achieve net zero carbon emissions, mechanisms and funding will be required to ensure the better use of land and the creation of habitats to act as carbon sinks. This should not be restricted to tree planting, and in the Chilterns there is a specific need to conserve and expand chalk grassland habitats.

With the implementation of HS2 and the potential expansion of Heathrow and Luton Airports, the Chilterns has come under intense pressure. It is clear that the Government need to recognise the conflicts between such major developments and nature recovery and climate change.

Short term impacts on climate change need to be addressed along with a commitment to delivering a significant Biodiversity Net Gain. If AONBs are to become the focus for nature recovery, then a minimum of 20% Biodiversity Net Gain should be sought on all developments in these areas.

### **The Nature Recovery Network and 30 by 30**

We agree that protected landscapes have a key role in Nature Recovery Networks. However, they can act as focal points for wider nature recovery in the surrounding areas. For example, the Chilterns AONB does not encompass the whole of the chalk landscape of the Chilterns and there is much that can be done to create wider, interconnected networks linking with the AONB. The potential expansion of the Chilterns AONB provides an important opportunity to address this.

Watercourses such as the Chilterns Chalk Streams and the River Thames form important corridors linking the AONB to the surrounding areas. The targeting of schemes such as ELMS, Biodiversity Net Gain and Local Nature Recovery Strategies can help to achieve an interconnected network of habitats.

### **A Stronger Mission for Nature Recovery**

We support expansion of the statutory purposes of AONBs, particularly in relation to driving nature recovery and embedding the principle of natural capital.

The statutory purposes for AONB Teams should be reviewed and expanded to provide a more consistent framework for all protected landscapes.

### **Setting Ambition and Monitoring Progress**

We support additional monitoring and reporting in protected landscapes.

It will be good to link in with the Government's goals on nature recovery and climate and the interim targets under the Environment Act 2021, the 25 Year Environment Plan, and the Net Zero Strategy.

Links with the Natural Capital and Ecosystem Assessment (NCEA) are also welcome.

## **Agricultural Transition**

Farming in Protected Landscapes Programme should be an important part of the targeting of ELMS. We support the proposals to link with Local Nature Recovery Strategies.

The principle of ELMS is to provide public money for public goods. Each AONB will need to identify the key strategic opportunities across their area to deliver real improvements to biodiversity, landscape character and access whilst ensuring that farmland is managed effectively for food production.

We understand that ELMS payments will be available on 3 scales – basic, local nature recovery and landscape recovery. All of these are likely to be relevant in AONBs, based on the concept that many small-scale improvements will lead to a larger impact on a landscape scale. The successful implementation of the scheme will require advisory services along the lines of the Farming in Protected Landscapes scheme. The use of farming clusters, such as in the Chilterns, offer the opportunity to co-ordinate the delivery of nature recovery on a larger scale to establish wildlife networks.

Financial and commitment details are a long time coming with ELM and farmers need to plan ahead, so these need to be set out ASAP if take-up is to be good. There are also concerns that there may be a gap in funding between the current schemes finishing and ELMS starting.

Successful delivery will require Conservation Boards to have sufficient resources to fully engage with the farming community to ensure that the delivery of ELMS is to their mutual benefit. They will also need to work together to address the threat of housing development and the implementation of Biodiversity Net Gain.

## **Chapter 3: People and Place**

### **Landscapes for Everyone**

Improving access and supporting local economies and improving public health and wellbeing will reduce the differentiation between National Parks and National Landscapes.

We support the wider aims ie younger and more diverse audiences, expanded volunteering, increased rangers. The original recommendation in the Glover report was for the ranger services to be dramatically increased. This will require a step change in services, particularly in the Chilterns where there is currently no AONB-wide ranger service. Additional funding needs to be provided to the Chilterns Conservation Board to support this.

Whilst there should be access for all, that doesn't mean that people should be free to roam everywhere. Widening audiences can bring with it incidents of inappropriate behaviour in the countryside. AONB Conservation Boards should be provided with resources to set up organised walks and volunteer activities to widen the audience, increase understanding of the countryside and improve access. Guided walks are a great way of getting a more diverse audience and keeping problems with landowners to a minimum.

Disabled users gain great benefit from accessing the countryside. AONBs should include access for everyone, but not everywhere. The original Glover Report suggested a network of hard paths, but this is not referred to in the Government response. In the Chilterns, Buckinghamshire Council provide kissing gates for disabled access only. This can lead to the use of hard surfacing on public footpaths and increasing urbanisation. It is often unclear whose responsibility it is for maintenance. Is it the Council or the farmer? A strategic approach is required, and this could be achieved by giving powers to the Conservation Board and then working with voluntary bodies such as the Chiltern Society on the implementation.

We welcome the proposed National Landscapes Partnership and its role in enhancing and expanding community engagement, and undertaking national strategic partnerships and collaborative campaigns. There should be a role for the voluntary sector to play in promoting community engagement and undertaking projects on a local scale.

We welcome the use of the Farming in Protected Landscapes Fund to offer enhanced access.

### **A Stronger Mission for Connecting People and Places**

The Society supports a strengthened statutory purpose for AONBs to connect all parts of society with our protected landscapes. We understand that this would be part of a unified statutory framework for National Parks and AONBs, so it is unclear what the difference is between National Parks and AONBs, except for the difference in funding.

It needs to be made clearer how the plans would help the diversity of people who access and enjoy the AONB, and resolve some of the economic disparities in the region.

### **Supporting Local Communities**

Creating a new statutory purpose for AONBs to foster the economic and community vitality of their area is welcome. The Chilterns Conservation Board has this purpose already.

Given that the Chilterns AONB, with its Conservation Board, will have the same 3 statutory purposes as the National Parks, will this be reflected in the funding it receives? Other than in planning responsibilities and the levels of funding received, there would be no essential difference between a National Landscape and a National Park.

### **Sustainable Transport**

As the statutory purposes of AONBs are to be extended to economic issues and increasing access, there needs to be a requirement for local authorities and regional transport organisations to consult the Conservation Boards on Local Transport Plans and developing sustainable transport for visitors to the protected landscapes.

### **Open Access Land**

We welcome an increase in open access land where it will not cause environmental harm and where it can be linked up with the existing networks of public rights of way. However, it needs to be made clear which tracks and trails are public rights of way and the types of users that are permitted to use them. People should be educated, for example, that a 'track' is not a public right of way and a footpath is not suitable for bikes. Lockdown has brought many incidents of people indiscriminately using farm tracks based on mobile phone apps, which are on private land and not public rights of way. There is potentially a key role for ranger services in addressing this issue.

### **Sustainable Tourism**

We support the production of a national Sustainable Tourism Plan to incorporate Protected Landscapes. However, this plan should not be solely about growing the local economy. It needs to address the impact of tourism on the protected landscape and incorporate measures, such as the development of public transport and finding solutions to NPK levels on footpaths and nature reserves.

Each area also requires a joined-up transport strategy to address how people reach the area and developing facilities such as walks linked to stations and a flexible charging structure for car parks to avoid indiscriminate parking in rural areas. The development of waymarked circular walks would help to meet a demand, as well as looking for opportunities to add permissive paths to the network. This approach could be developed across a whole AONB if the Conservation Board were given powers and resources.

The report does not make enough of the rural tourism/recreation economy. The idea of displacing people away from honeypot sites requires investment and partnership with local landowners and businesses to provide the 'attractions' and visitor facilities that people are drawn to. There is a reason why we have less visited parts of the countryside, and it isn't just because of lack of promotion/profile.

Managing Visitor Pressures – The issue of inappropriate vehicular use of green lanes is also an issue in AONBs, and particularly large AONBs such as the Chilterns. Powers should be given either to Conservation Boards or the relevant local highway authorities in the same way as is proposed for the National Park Authorities. Enforcement and fixed penalty notices are essential and there is an important role for the police in implementing this.

From talking to our colleagues managing the Ridgeway National Trail, we note that vehicles on the Ridgeway are less of a problem in the Chilterns because the Trail is not a wide, remote track like it is through the North Wessex Downs AONB and 'off-roading' is not such a popular activity like it is in places like Wiltshire. However, the Society would support a broad-sweeping, national rule of 'Vehicles are not allowed on National Trails' as a simple solution to problems across the country and an easy message for the public to understand and the police to enforce. This would be a simple message that improves prospects for the Chilterns part of the Ridgeway, and it would be consistent with other places. Road safety and traffic volumes on tarmac roads are a problem in the Chilterns area so we should be making sure off-road routes are not impacted by vehicle-related problems as well, otherwise there is less 'escape' from vehicles in the countryside.

There is no mention of cycling (or horse riding) in the response despite all the emphasis on public engagement, accessibility, and wellbeing, and this definitely applies to the Chilterns because cycling is a key way that people engage with the outdoors besides walking. Sustainable travel and reducing congestion etc should address recreation activities too, so again cycling should be supported and off-road routes at that. The emphasis on cycle routes for commuting (work, schools, shops) has been around for decades so it is about time we started looking at recreation-related travel which is a dominant travel type at weekends and school holidays.

## **Planning Reform**

We support the proposal to give greater weight to the special qualities of AONBs in the planning system and the NPPF in particular. This needs to be reflected in the individual plans of local authorities where a consistent approach is required across the whole of the protected landscape.

The Chilterns is a good example of this, where there are a number of local authorities with different approaches to AONB policies. A greater statutory role for the Chilterns Conservation Board in developing AONBs policies to link with their statutory Management Plan would be beneficial. At present, there is no consistent approach to embedding the AONB Management Plan and the Chilterns Design Guide into planning policy. For these to be most effective they must be accepted as material considerations in planning decisions and supported by appropriate policies in all relevant plans.

There is intense pressure for development in and around the Chilterns to provide housing adjacent to London. The levelling up proposals provide an opportunity to consider economic and housing development across the whole country and to relieve the pressure in the south east to some extent. The increase in home working as a result of the pandemic also removes the need for so much housing to be within daily commuting distance of London.

The planning reforms need to revisit the way in which housing numbers are calculated, allowing for reductions in numbers in AONBs and their immediate settings. The Chilterns is unusual in having land in both the AONB and Green Belt, so special considerations are needed as to how housing targets are set. Unmet need cannot simply be passed on to an adjacent authority as that authority is often equally constrained.

We are supportive of Biodiversity Net Gain in principle where development is unavoidable. In AONBs, we think the gain should be increased to at least 20% to support the objectives for nature recovery set out elsewhere in this paper. AONBs need to be different to other countryside in this respect. Biodiversity benefits must be realised at the time of completion of the development rather than a notional benefit developed over a longer period. This is particularly true of replacement tree planting which cannot adequately replace trees or woodland that have been removed.

### **The Role of AONB Teams in Planning**

It is essential that AONB teams and Conservation Boards are actively involved in the development of Local Plans and other policy documents, and in providing advice on planning applications. There is also a role for campaigning organisations such as the Chiltern Society to be actively involved in this process. We engage with all Local Plans and have promoted the Chilterns AONB at several Examinations in Public.

Giving Conservation Boards and AONB Teams statutory consultee status for both planning policy consultations and planning applications is essential to increase their influence on the planning system and help ensure that the profile of AONBs is raised in decision-making. For this process to work successfully, some additional funding would be required to resource the teams.

There is also an opportunity for AONB Teams to convene planning forums to bring together local authorities and other interested parties across their area to try to ensure a consistent approach to planning in an AONB. This work would need to be adequately resourced and ideally have a statutory status.

### **Permitted Development**

This is a key area where change is required in AONBs. In recent years, the Society has become increasingly concerned about the harm that can be done to the Chilterns AONB through the use of Permitted Development Rights. Some of the rights that should apply more to urban areas also apply in the AONB. Examples are –

- Fencing up to 2m high in open fields.
- Home extensions
- Outbuildings
- New agricultural buildings
- Telephone masts
- Changes of use from commercial to residential
- Changes of use of agricultural buildings

AONBs are identified in the GPDO as Article 2(3) land for some types of development, but this should be extended to exclude the issues raised above from Permitted Development Rights.

It is so difficult, if not impossible, to know what is or is not PD in an AONB due to it being extremely complicated and the sheer scale of the Order. We have not been able to find a comprehensive user-friendly list: there's very little detail on the Planning Portal, except in the area of householder projects; although the following page is quite useful, and contains various further links:

<https://www.planningportal.co.uk/permission/responsibilities/planning-permission/permitted-development-rights>

The best site we have found is <https://www.planninggeek.co.uk/gpdo/>, which includes a useful table of all the changes of use that fall within PD, noting which do and do not apply in AONBs: <https://www.planninggeek.co.uk/gpdo/changes-of-use/table/>

Such guidance should be published by the Government, rather than relying on private company websites to try to explain the rules.

The only truly comprehensive listing is the legislation itself. The schedule, which, as far as we can see incorporates all the many subsequent amendments made since, is at <https://www.legislation.gov.uk/ukxi/2015/596/schedule/2>, which, if copied into a word document, is 234 pages long and written in legal speak.

One area of particular concern is the existing PD Right to change the use of rural barns to residential/various B business uses/and a multitude of other uses within new Class E. This can have a significant impact on the landscape character and visual appearance of the countryside and should be brought under planning control to help to protect AONBs.

AONBs require strict controls on the development of mobile phone infrastructure. This is likely to become more of a problem due to the roll out of 4G and 5G infrastructure. With many AONBs being in upland areas or places with prominent views, it is a major concern that PD Rights would continue to apply in these areas.

Amendments will be made to the Town and Country Planning (General Permitted Development) (England) Order 2015 including:

- Existing mobile masts to be strengthened without prior approval. This means they can be upgraded for 5G and shared between mobile operators. It would allow increases to the width of existing masts by up to either 50 per cent or two metres (whichever is greatest) and, in unprotected areas, allow increases in height up to a maximum of 25 metres (previously 20 metres). Greater increases will also be permitted subject to approval by the local authority.
- New masts to be built up to five metres higher – meaning a maximum of 30 metres in unprotected areas and 25 metres in protected areas, subject to approval by the planning authority.
- Buildings to host smaller masts (up to six metres in height above building) in unprotected areas without prior approval. This is to accelerate network upgrades and reduce the need to build new masts.
- Building-based masts to be set up nearer to public roads subject to prior approval to improve mobile coverage for road users.
- Cabinets containing radio equipment to be deployed alongside masts without prior approval and to allow greater flexibility for installing cabinets in existing compounds (fenced-off sites containing masts and other communications equipment) to support new 5G networks.
- Conditions to ensure that telecoms equipment does not block pavements and access to properties.

These all present significant threats to the AONBs. PD Rights must be clarified in AONBs and many of these types of development should be required to apply for planning permission, along with assessments of their environmental impacts.

### **Affordable Housing**

This is a key issue in the Chilterns due to the house prices being some of the highest in the country. A system needs to be developed so that houses are truly affordable and do not cost £300,000 plus.

### **Chapter 4: Supporting Local Delivery**

In the Chilterns AONB, the existing Conservation Board would need to be strengthened with additional powers and the necessary funding to effectively implement the expanded purposes of the AONBs.

We support the greater integration of advisory panels into the development and implementation of statutory management plans. This would be an opportunity for the voluntary sector to directly engage in the process.

### **Management Plans**

We support extending the role of Management Plans to address nature recovery and climate change.

Linking in with targets and instigating measures to report the outcomes should also help to ensure that the management plans are more effective.

As mentioned above, we are still concerned that management plans do not have sufficient influence over planning matters, both in the development of planning policy and decisions on planning applications. To be effective in influencing development and land use they need to be clearly embedded into emerging planning policies in each local authority area.

Going forward, plans will need to address the setting of AONBs, in accordance with paragraph 170 of the National Planning Policy Framework.

The Glover Report suggested that the Management Plans should set priorities for land management payments. There needs to be more local autonomy for individual AONBs as one size doesn't fit all.

The aims and objectives of the management plans need to also influence other more regional plans, such as Transport Plans (eg England's Economic Heartland), River Basin Management Plans, Flood Risk Management Plans, Water Resource Plans, Sustainable Tourism Plans etc.

### **A Clearer Role for Public Bodies**

We support the proposal to strengthen the duties of public bodies beyond 'have regard' to the statutory purposes of AONBs.

As mentioned above, there need to be much stronger links between the activities of public bodies and the AONB Management Plans if the benefits are to be maximised.

**Sustainable Financing**

No comments

**General Power of Competence**

No comments

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