

Inspector's Q97

I would welcome the Council's observations on the representations which comment on the soundness of the evidence base underlying the AAL and LLA designations; 466 Andrew Jenkinson of Tingewick Parish Council, 799 Mark Rose of Define on behalf of Bovis Homes, 899 Neil Homer of Great and Little Kimble cum Marsh Parish Council, 1549 Mike Taylor of Chilmark Consulting Ltd on behalf of Barwood Land and Estates, 1640 Nicole Penfold of Gladman Developments Ltd, 1941 Laura Humphries of Pegasus Group on behalf of CALA Homes, 2198 Emily Hale of Bloor Homes.

Summaries/Responses

466 Andrew Jenkinson of Tingewick Parish Council

How can a landscape assessment be carried out without onsite fieldwork? Without carrying out fieldwork it is impossible to accurately undertake this assessment. The fact that this already needs to be reviewed shows it is not fit for purpose.

AVDC Response:

There is some misunderstanding here – The LUC Studies 2015/16 were not a Landscape Character Assessment. The latest Landscape Character Assessment which did include onsite fieldwork is the 2008 Aylesbury Vale Landscape Character Assessment produced by Jacobs <https://www.aylesburyvaledc.gov.uk/landscape-character-assessment> . This LCA has informed the production of the VALP.

The LUC reports were firstly a review of the notion of Sensitive Landscapes that AVDC had been using since a 2008 'Areas of Sensitive Landscape' evidence study had been published. Secondly the LUC reports were a review of the validity of having the local landscape designations in the Aylesbury Vale District Local Plan 2004 taken forward into the Vale of Aylesbury Local Plan. So the 2008 district wide Landscape Character Assessment which did have primary fieldwork and has been used extensively in planning appeals and emerging local plan work since is still the main evidence base on the Vale's landscape on what are the key characteristics, positive features, detracting features and landscape changes recommended.

AVDC's commitment to reviewing the 2008 Landscape Character Assessment in the Review of the VALP is just a recognition of the scale of development that has taken place since 2008 or is committed and that the 2008 study will at some stage age to the point to become less accurate without new onsite fieldwork. AVDC does not consider the time passed invalidates the 2008 LCA and its use on planning appeals and inspector's decisions to date supports this.

799 Mark Rose of Define on behalf of Bovis Homes

Bovis Homes recognise the aspiration to support the conservation and enhancement

of valued landscapes as provided for by paragraph 109 of the NPPF. However, whilst it may be the case that all landscape in the District has some innate value, that does not necessarily mean that it is a valued landscape in NPPF terms, as suggested by paragraph 9.26 of the Local Plan. Case law has confirmed valued landscapes should be "out of the ordinary", with reference to "demonstrable physical attributes". The identification of valued landscapes must, therefore, be robustly justified (e.g. using the criteria set out in GLVIA3) in order to avoid an undue constraint being placed on sustainable development akin to the inappropriate blanket protection of countryside referred to in the objection to Policy S3.

The NPPF states (para 113) that Local Plans should include criteria based policies where the level of protection is commensurate with the status of the landscape areas. Policy NE5 reflects the Council's statement at para 9.26 in the Local Plan, and seeks to protect the character of all of the undesignated landscape within the District to an entirely inappropriate degree without the inclusion of a balancing reference to the potential wider benefits of the development which may outweigh any specific harm. As a result, the application of the policy will unduly prevent / delay otherwise sustainable development.

Indeed, it is inevitable that the development of a greenfield site will have some impact on the landscape character of the site and the locality, and that needs to be recognised within the terms of the policy. Clearly therefore, the reference to avoiding harmful impact is unreasonable. Moreover, the Policy goes far beyond the provisions of the NPPF in seeking to apply a sequential approach to the protection of landscape character as set out in the third paragraph of the policy.

AVDC Response:

Pre-Inquiry Change 27 makes it clear that AVDC's position is that all the landscape in the district *can have* innate 'value' as referred to in the National Policy Planning Framework (NPPF). Therefore the Council is not saying all landscape is valued landscape but it is saying that any landscape *could* be valued .

Policy NE5 does not prevent development proposals coming forward in principle; it is very much a policy informing the detailed design, layouts, LVIA work and mitigation. The Policy criteria works with any landscape (regardless of designation or value) as it primarily uses the 2008 Landscape Character Assessment or its future replacement.

899 Neil Homer of Great and Little Kimble cum Marsh Parish Council

We consider this policy is missing a criterion in relation to the potential for visual coalescence between settlements, especially in our Parish as the current gaps between our villages and the major expansion of Princes Risborough to the south and the expanding Garden Town to the north will significantly diminish with the respective growth plans. Policy DM32 of the proposed Wycombe District Local Plan

makes such a provision and we consider the same criterion is necessary here, to bring the policy more in to line with its neighbour and with para 113 of the NPPF on landscape character.

AVDC Response:

The issue of settlement identity and communities is very important to the VALP and Policy S3 and paragraphs 3.22-3.24 are considered sufficient in strategic policy terms to guide against coalescence taking place. Policy D2 is a further policy aimed more at development management and in criterion (d) guards against coalescence from non-allocated sites in the VALP. Given the plan is read as a whole it is not considered necessary to also add in coalescence into Policy NE5.

AVDC suggests a change to footnotes 7 and 9 to Policy S3 define the term coalescence more fully than as currently written to include the “perception of coalescence”. The new definition to read: “coalescence is the merging or perceived merging or coming together of separate settlements to form a single entity”.

1549 Mike Taylor of Chilmark Consulting Ltd on behalf of Barwood Land and Estates

Given the magnitude of changes within the landscape since 2008 and the flawed and limited extent of the 2008 AVLCA, there needs to be a complete and comprehensive re-assessment of the character areas for the VALP to be based on sound and accurate evidence.

There still needs to be a complete and thorough reassessment and update of the scope, extent, boundaries and qualities of the AAL and ALV areas if these areas are to form part of the VALP evidence and basis for site allocation. This was clearly highlighted by BLEL in their previous representations and has not been undertaken. The AAL and ALV designations remain based on outdated and partial assessments which do not reflect subsequent changes in the landscape baseline and the policy fails to accord with national policy by lacking a criterion based approach. The VALP does not therefore have a sound evidence base.

The policy NE5 evidence base is fundamentally flawed and is unsound in its consideration of landscape sensitivity and the approach taken when identifying land that may be suitable for development based on its condition and inherent sensitivity, without giving due weight to the value of the landscape.

The policy and its evidence base are inconsistent with the NPPF at paragraph 113.

AVDC Response:

AVDC is unclear what Barwood mean by ‘flawed and limited’ in this case. AVDC does not accept that the 2008 LCA evidence informing the VALP is flawed and limited.

It is also not apparent what the ‘ALV’ designations referred to are – the VALP only

has Areas of Attractive Landscape' and 'Local Landscape Areas'.

The VALP has not considered 'landscape sensitivity', the 'Areas of Sensitive Landscapes' report by Jacobs (2008) is not part of the submitted VALP evidence and is not referred to in the VALP.

Pre Inquiry Change 040 has deleted the erroneous glossary reference to 'Areas of Sensitive Landscape'.

1640 Nicole Penfold of Gladman Developments Ltd

Gladman object to VALP para 9.26 that all landscape has innate value as it cannot be true that all landscape is valued landscape and afforded the protection of para 109 of the NPPF. Also the AALs and LLAs need to undergo detailed assessments in line with recommendations in the 2015 LUC report. Because detailed assessments have not taken place to inform Policy NE5, Gladman object to that policy as not being NPPF policy compliant.

The 'Landscape Advice to Aylesbury Vale DC' implies that in order to deliver appropriate landscape policy, a robust process that accords with current national policy and responds to most recent guidelines must be followed. The recommendations to fully review not only the specific assessments of sensitivities themselves, but also the way in which sensitivity is viewed (as promoted by 'An Approach to Landscape Character Assessment', 2014, and Guidelines of Landscape and Visual Impact Assessment', 3rd Edition, 2013), takes into consideration physical change to landscapes over time, and the need to inform future development from a landscape perspective.

Not only does an appropriate analysis of sensitivity influence the District's character assessment, but it also forms the basis upon which LLDs are reviewed and defined. Furthermore, both LUC documents noted a lack of guidance or lack of explanation to support LLDs or their prescribed boundaries within AVDC.

Therefore, a district policy approach cannot be most effectively developed with an evidence base that relies upon out-of-date advice. Recommendations made by LUC in respect of the necessary updates to the AVDLCA relating to interpretation of sensitivity, and the need to review LLDs on the basis of a revised AVDLCA as such are considered to be sound.

Defining the special qualities of local landscape designations in Aylesbury Vale District' suggests that four of the twelve LLDs may not meet the criteria to maintain their designation. Taking into consideration the need to update the AVDLCA, it would be prudent to review again the LLDs once the exercise is complete, particularly as boundaries may also be subject to change. The 2015 LUC report does not strictly recommend reviewing LCA boundaries, however, given it is noted that change to the landscape can occur as a result of development post-2008 (paragraphs 5.34 and 5.35), this would deliver a comprehensive update.

AVDC Response:

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Pre-Inquiry Change 27 makes it clear that AVDC's position is that all the landscape in the district *can have* innate 'value' as referred to in the National Policy Planning Framework (NPPF). Therefore the Council is not saying all landscape *is* valued landscape.

Policy NE5 does not prevent development proposals coming forward; in principle it is very much a policy informing the detailed design, layouts, LVIA work and mitigation. The Policy criteria works with any landscape (regardless of designation or value) as it primarily uses the 2008 Landscape Character Assessment or its future replacement.

AVDC's commitment to reviewing the 2008 Landscape Character Assessment in the Review of the VALP is just a recognition of the scale of development that has taken place since 2008/is committed and that the 2008 study will at some stage age to the point to become less accurate without new onsite fieldwork. AVDC does not consider the time passed invalidates the 2008 LCA and its use on planning appeals and inspector's decisions to date supports this.

1941 Laura Humphries of Pegasus Group on behalf of CALA Homes

Policy NE5

1. Paragraph 113 of the NPPF requires that the protection afforded to protecting the landscape should be commensurate with the status of that landscape.

2. Policy NE5 identifies that any development which adversely affects the character of areas of attractive landscape will not be permitted unless appropriate mitigation can be secured. This applies no matter how minimal the adverse impacts may be and regardless of the extent of the benefits. This is even more restrictive than the approach to nationally designated sites identified in paragraph 116 of the NPPF. It therefore does not accord with national policy, which would require less protection for locally designated sites compared to nationally designated sites.

3. Furthermore, the final paragraph of Policy NE5 relates to the designated Areas of Attractive Landscape and the designated Local Landscape Areas. It should be made clear that this part of the policy relates solely to these areas, through the revision of the penultimate sentence to "Development within these designated areas that adversely affects..."

The wording of the policy should be less restrictive to be more consistent with the NPPF.

Where mitigation is not possible there should still be the opportunity to balance any such harm with the benefits of the development.

Policy NE5 is overly restrictive with regard to development affecting Areas of Attractive Landscape and this does not accord with the NPPF.

The final part of the policy should be more precise to confirm that it relates only to development within the AALs and LLAs

AVDC Response:

AVDC suggests a change here - there needs to be a new paragraph in the fourth line from the end of Policy NE5 so the new paragraph would start "Development will be supported where AVDC has agreed appropriate mitigation to overcome any adverse impact to the character of the receiving landscape. Where permission is granted, the Council will require conditions to best ensure the mitigation of any harm caused to the landscape". This change is considered sufficient to address the representation point at (2) above.

It is unclear how the policy is considered to be overly restrictive. Policy NE5 does not prevent development proposals coming forward in principle it is very much a policy informing the detailed design, layouts, LVIA work and mitigation. The Policy criteria works with any landscape (regardless of designation or value) as it primarily uses the 2008 Landscape Character Assessment or its future replacement.

2198 Emily Hale of Bloor Homes

The Policies Map for Buckingham shows land at Bourton Road to be included under the Local Landscape Area (LLA), shown as green hatching. This designation covers the majority of land located to the east of Buckingham, on the eastern side of the A413 Bourton Road. The Plan sets out under paragraph 9.28 that this designation is not "seeking to resist development in principle, unless regard has not been given to distinctive features and key characteristics of the AALs and LLAs". Policy NE5 Landscape character and locally important landscape provides the framework for this.

Paragraph 9.30 goes on to detail the definitions contained within the evidence base document 'defining the special qualities of local landscape designations in Aylesbury Vale District'. The document sets out that "Most of the areas of attractive landscape (AALs) have stronger special qualities and are relatively higher in landscape value in comparison to the local landscape areas (LLAs), which are generally smaller scale locally valued features. The LLAs generally do not contain so many nationally significant natural or cultural designations, and they are typically less memorable or distinctive than the AALs."

The Council set out at paragraph 9.32 of the Plan that they intend to review the evidence base “early in the VALP plan period” as the LUC study of 2015 did not include primary on-site fieldwork. The LUC Landscape Designations Plan shows 2 LLAs at Buckingham, to the east (covering land at Bourton Road) labelled as no. 8: Great Ouse Valley (East), and to the west of Buckingham labelled as no. 7: Great Ouse Valley (West). We question the validity of the evidence base and the designation of LLAs nos. 7 & 8, particularly considering that only LLA 8 at east of Buckingham has been carried forward to the Proposals Map. Land to the west of Buckingham instead includes housing and employment allocation sites.

AVDC Response:

The 2016 evidence document ‘Defining The Special Quality of Local Landscape Designations in Aylesbury Vale’ (2016) (CD/ENV/003) has considered the value the existing designated landscapes from the Aylesbury Vale District Local Plan and the VALP has followed its recommendations. Please see Table 4.1 on paragraph 4.5. AVDC has nothing further to add to the conclusion for retaining or deleting the designation set out in ‘Defining The Special Quality of Local Landscape Designations in Aylesbury Vale’ (2016) (CD/ENV/003).

In VALP para 9.32 AVDC commits to reviewing the 2008 Landscape Character Assessment early in the VALP plan period. This means the review will take place early post adoption of the VALP rather than later on in the plan period that would extend to 2033.