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# Report

**Report subject:** AONB Planning Protocol

**Report to:** Western Area Committee

**Date:** 16<sup>th</sup> February, 2006

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## Purpose of report

To present to members a Planning Protocol in respect of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (CC&WWD AONB). The document set out an agreed framework within which the AONB partnership can comment on planning matters affecting the designated area to inform decision making by the 11 constituent planning authorities.

## Background

The Countryside And Rights of Way Act 2000 required Local Authorities (County Councils) to put in place Management Plans for the maintenance and enhancement of Areas of Outstanding Natural Beauty. Within the Cranborne Chase & West Wiltshire Downs AONB this function is performed by the AONB partnership which is made up from a range of key organisations including local authorities, statutory agencies and other interest groups.

The CC&WWD AONB Management Plan was adopted in 2004 and sets out a range of aims and objectives across a wide spectrum of topic areas. Agricultural practices, local history recording, rural business support and social development are just some of the issues addressed and these have been underpinned by extensive public consultation amongst those with interests in the designated area.

Planning matters, perhaps inevitably, were an area of significant interest in the management plan making process and a range of related objectives are identified for action in the period to 2009.

## The Role of the AONB Partnership in Planning

The AONB partnership has no statutory status in the planning process. It is an advisory body set up to ensure that the primary purpose of AONB designation - namely the conservation and enhancement of natural beauty – is pursued. However, AONB management plan has been used on a number of occasions as a material consideration in the determination of planning applications and it is also the case that the AONB partnership have a range of specialist skills and knowledge which can help to inform officers and members in the



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consideration of planning applications and in the formulation of planning policies affecting the designated area.

### **The Planning Protocol**

The protocol has been drawn together as a result of lengthy discussion within the AONB Planning Topic Group which is made up from officers from each of the 11 local authorities (4 Counties, 7 Districts) making up the AONB. The development of the protocol has involved drawing on experience from other AONBs as well as tailoring the approach to the way in which the constituent authorities work. Its key areas are as follows –

Each Planning Authority will

- Involve the AONB Partnership in consultation on planning policy documents affecting the AONB
- Make available the weekly list of submitted planning applications to the AONB Manager
- Send a consultation to the AONB Manager in respect of Major applications (as defined in the 1995 GDPO) or those which are likely to result in significant impact on the landscape character.
- Where appropriate, involve the AONB team in pre application discussions
- Take account of AONB matters in the determination of applications, and where appropriate seek advice in appeal cases and on other planning matters which affect the AONB

The AONB Partnership will

- Review and consider consultation documents as part of the Local Development Framework and undertake further discussion with the Planning Authority within the given timescales
- Scan weekly lists and identify applications for comment. Where applications are identified the AONB partnership will request the desire to do so within 7 days of issue of the weekly list.
- Make comment on applications which are perceived to have a significant impact on the character of the AONB within the expected 21 day consultation period. Site visits arranged in consultation with the case officer may be considered.
- Where appropriate contribute to Planning Appeals where they raise significant issues
- Operate a scheme of delegation for providing comments on planning matters as set out in Appendix A2
- Work with Local Authorities to raise the profile of the AONB and develop tools which will aid policy formulation and decision making.

The full protocol is attached as appendix to this report

### **Comment**

The protocol represents a sound means to engage with the AONB partnership. Many of the expectations set out in the protocol are already undertaken or available to a range of stakeholders. The only new obligation set out in the protocol relates to the need for the council to directly notify AONB partnership on major or significant applications. This consultation arrangement does not extend to the partnership being given statutory consultee status. However, it does acknowledge the willingness of the council to take advice from the partnership (within the appropriate planning application timeframe) where it can help inform decision making.

The Head of Development Services expressed some concerns over the definition of the term ‘...impact significantly...’ in the second part of section 1.4(3). It is considered that this term could be used in an open ended fashion which could leave the council open to criticism where it does not consult the partnership on an application which may be perceived by a third party to pose a significant threat, but in reality may have no impact. The AONB partnership have acknowledged that applications falling into this group may be less easy to identify and would seek to encourage case officers to bring these to the attention of the AONB planning advisor. Furthermore, section 1.6 of the protocol sets out the position of the AONB partnership in respect of third party lobbying making it clear that it 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 AONB Planning Advisor has made it clear that the Protocol will be periodically reviewed to assess its effectiveness. However, given that there is no formal timescale on this, and in light of the concerns expressed above, it is considered prudent that the Head of Development services reviews the operation of the procedures on an annual basis to ensure that the interaction with the partnership can be incrementally refined where persistent concerns arise.

### **Recommendation**

That members recommend to Cabinet that

- a) the AONB Planning Protocol be adopted

- b) that the operation of the protocol be reviewed on an annual basis as a means to improve procedures and to ensure that the determination of planning applications is not delayed whilst subject to the details being reviewed on an annual basis by the Head of Development Services.

**Background Papers:**

Cranborne Chase & West Wiltshire Downs AONB Management Plan

**Implications:**

- **Financial:** None
- **Legal:** Issues addressed in report
- **Human Rights –** No issues
- **Personnel:** None
- **Community Safety:** None
- **Environmental implications:** Protection of the AONB may be improved as a result of this measure.
- **Council's Core Values:** Being Environmentally Conscientious, Being Fair & Equitable, Open, Learning Council and Willing partner
- **Wards Affected:** Western, Mere, Knoyle, Fonthill, Tisbury, Fovant, Donhead, Chalke Valley, Nadder, Wilton, Wylde, Ebbles

## **APPENDIX**

### **PLANNING PROTOCOL FOR THE CRANBORNE CHASE AND WEST WILTSHIRE DOWNS 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 follows;

##### 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 and the County Council's own development (e.g. roads, schools etc).
4. 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. Preparation of Local Development Frameworks
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 given in 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 major<sup>1</sup> 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 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 to or 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.

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<sup>1</sup> As defined in the General Development Procedure Order 1995.

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;

*List of Local Authorities (to sign)*

*Wiltshire County Council  
Hampshire County Council  
Somerset County Council  
Dorset County Council*

*West Wiltshire District Council  
Salisbury District Council  
Mendip District Council  
New Forest District Council  
South Somerset District Council  
North Dorset District Council  
East Dorset District Council*

## **APPENDIX A1 - SCOPE OF CONSULTATIONS**

### **Planning Policy**

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)

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 A2 - 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