



Chilterns National Landscape

Planning Committee

10 am, Thursday 25th April 2024

At the offices of the Chilterns Conservation Board, The Lodge, 90 Station Road, Chinnor, OX39 4HA commencing at 10.00 in the meeting room.

Members of the Planning Committee of the Chilterns Conservation Board are hereby summoned to attend meeting at the above date, time and venue. Access to the meeting from 9.45am. Voting (Board) members are encouraged to attend in person to ensure the meeting is quorate; voting is not permitted for remote attendees. Remote access will be available for non-voting members.

Agenda

1. Apologies
2. Declarations of interest
3. Minutes of the meeting 25th January 2024
4. Matters arising
5. Public question time
6. Lighting Position Statement
7. New Positions: SANGs & Woodlotting
8. Development Management Casework update
9. Policy Casework update
10. Planning Committee work programme
11. Urgent Business
12. Dates of next and future meetings

Thursday 25th July 2024 @5pm

Thursday 17th October 2024 @2pm

Dr E. King, CEO



Chilterns National Landscape

NOTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE CHILTERN CONSERVATION BOARD

held on Thursday 25th January 2024 at CCB offices, The Lodge, 90 Station Road,
Chinnor OX39 4HA commencing at 2.00 PM

Present:

Cllr Charles Hussey	Board Member	Parish Councils
Cllr Sue Rowland	Board Member – Chair	Parish Councils
Simon Mortimer	Board Member	Secretary of State

In attendance:

Lorna Coldwell	Clerk to the Board & minute taker	Officer
Mike Stubbs	Planning Advisor	Officer
Matt Thomson	Head of Strategy & Planning attended remotely	Officer
Paul Hayes	Member attended remotely	Co-opted
John Nicholls	Board Member attended remotely (part)	Secretary of State
Cllr Sally Symington	Board Member attended remotely (part)	Secretary of State

No public present.

The Chair welcomed all present and introductions were made.

23/24.22. Apologies for absence

Apologies were received and accepted from Board members:

Cllr Paula Hiscocks, Cllr Jon Tankard, Cllr Jane MacBean

Apologies received from officers: Elaine King – CEO Chilterns AONB.

23/24.23. Declarations of Interest

None.

23/24.24. Minutes of the meeting 18th October 2023

The minutes of the meeting held 18th October 2023 were approved as a true record and signed by the Chair.

23/24.25. Matters Arising from the minutes

All items covered on the agenda.

23/24.26. Public Questions

No public present.

23/24.27 The Planning Committee Work Programme

The Head of Strategy and Planning, Matt Thomson, had provided an update for the Committee on progress with the work programme.

1. Capacity

Capacity in the planning function continues to be an issue. Following the lack of success with recruitment of a temporary part-time planning officer, officers explored options with contacts in their networks, and contacted specialist temporary staff agencies, still without success. Currently it is being explored where officers in local authorities may be interested in a 6 – 12 month secondment. Graduates and volunteers have been considered but the need for training and possibility of leaving for the private sector after experience has been gained needs to be thought about. Capacity has been further undermined with the head of strategy and planning needing to focus more on strategic matters like the Management Plan review, fortunately, our consultant planning adviser has some flexibility to provide additional capacity at this time.

Action: Matt Thomson to look into availability of recently retired local authority planning officers in addition to secondments.

2. Lighting Position Statement

Following the decision at the October 2023 to agree finalising the draft Lighting Position Statement by email, a combination of capacity and an already full Board agenda has resulted in a delay. It is now proposed to extend the agreed approach with a view to approval at the next Board meeting in March.

3. Attendance, Membership and Future Meeting Dates

An additional Board member appointed by the Secretary of State has been recruited to the Committee: Simon Mortimer. The Committee has sufficient membership from those representing local authorities, and technically one too many parish council representatives. This should make ensuring meetings are quorate easier going forward.

To be quorate there must be at least one member from each nominating category (1 local authority, 1 Secretary of State and 1 parish council) physically present.

Membership is under constant review.

The risk of not being quorate is increased when members opt to attend remotely, which is why the wording of the meeting summons has been amended. If the meeting is not quorate, then it is not technically a “meeting” of the Committee, and it cannot make formal decisions. Those members not physically present at the meeting, when it is quorate, are also not entitled to vote. This means that whilst remote attendance is preferred over non-attendance, for the Committee to function effectively all voting Members are encouraged to physically attend meetings where possible.

Whilst there is no legal requirement for a Planning Committee, the benefits of doing so mean that there is delegated authority to make decisions and discharge other functions with authority of the Board, but to do this there are legislative requirements that need to be met in terms of being quorate. A group that was advisory without those Powers, that could feed back to the Board for them to make decisions would not need to meet

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legislation around quorums. The meeting dates for the rest of 2024 have been circulated as calendar invitations and are noted on minutes.

Action: Matt Thomson to assess if it is possible to order the agenda so any decision items are first and discussions after, to enable a shorter timeframe for Members to be needed.

The Committee NOTED the updates.

23/24.28 Policy Casework update

National planning policy developments

The Levelling up and Regeneration Act 2023 is now an Act, effective since 26/12/23. This includes the strengthening of the AONB duty of section 85 of the Countryside and Rights of Way Act 2000 by creating a new positive statutory duty on relevant authorities to “seek to further the purpose of conserving and enhancing the natural beauty of the relevant area”. There are transitional arrangements in place, meaning that the full impacts of the planning reforms may take a while to become embedded and have practical impacts, particularly with regard to the preparation of development plans. The Interim guidance of the interpretation of the new legislation is expected from DEFRA, followed by regulations to put into law (secondary legislation) within 18 months. This is a significant step and will become a requirement for Local Plans on how to protect the environment.

Action: Matt Thomson to pick up on the reforms to the planning system following the Act, and will circulate informed briefings to Committee members and the wider Board.

The national rebranding of AONBs to “National Landscapes” has now taken place, and will take effect in the Chilterns during February. There will inevitably be a period of confusion while legislation and policy continue to refer to AONBs.

Development Plan Casework

Since the October 2023 meeting, two Local Plan consultations at Dacorum BC and Three Rivers DC have been responded too. Both address housing demand issues, including the need to protect and positively manage each areas AONB and Green Belt assets. Both authorities are embracing headroom for housing, but are having an eventful time of housing targets and how they can be filled. The **Dacorum Local Plan** has been delayed since consultation in 2020/2021. The CCB at this time raised serious concerns about the plans ambitions for growth, which did not account for the existence of the AONB (and Green Belt) assets and necessitated significant development in the AONB, whilst recognising the efforts that DBC had put into the conservation and enhancement of the Chilterns AONB. The current local plan being prepared is strongly link with a strategy for the regeneration and growth of Hemel Hempstead being jointly developed with St Albans City and District Council. DBC and SACDC are engaging with the CCB on the governments “garden communities” programme.

CCB’s key points in relation to the latest consultation, in summary, were that:

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- a. The Sustainability Appraisal (SA) needs to address the development implications arising from the **setting** of the AONB. This needs to be denoted in graphic representation and inform the landscape content and the cumulative assessment of impacts. The AONB boundary review project (as sponsored by Natural England) is mentioned in the SA. The CCB recommend that this be acknowledged as a matter that will run parallel with the plan's progression and potentially influence its content. The SA acknowledges the positive benefits of the AONB (National Landscapes) to health, well-being, place identity, biodiversity and ecological connectivity. The Chilterns AONB national landscape designation covers just over one-third of the district's land area.
- b. Greater clarification is required on the spatial arrangement of the proposed development areas within the Hemel Garden Communities (HGC) area, which in the 2020 consultation was divided into two parcels. A 2020 and 2023 comparison in graphic form would be beneficial, denoting both spatial extent and numbers proposed. Alongside this, greater discussion of the SANG (sites of alternative natural greenspace) area to be associated with the HGC proposal. Greater consideration as to how these proposed land uses overlap with the setting of the AONB.
- c. Greater discussion and consideration of the forthcoming land east of Tring decision, which has implications for the plan, whether allowed or dismissed. That decision is expected soon after the close of this consultation in January 2024.
- d. The deployment of the landscape assessment work to inform the HGC position statement. This work constitutes key evidence in the consideration of spatial development options. The setting implications for the AONB is a key area of interest. The design and layout of SANGs and related green infrastructure networks are matters closely allied to this.
- e. The CCB supports the LPA's reappraisal of housing numbers and their distribution, when local considerations and constraints are taken into effect. Clearly, the CCB are hopeful that revisions to national policy assist in balancing need against constraints, the latter of which adds so much to the cherished character of this district. That said, the current National Planning Policy Statement disapples the 'tilted balance' where land is AONB or is within its setting. The new section 245 of the Levelling Up and Regeneration Act 2023 (LURA) considerably bolsters the legal duty to conserve and enhance the AONB (National Landscape).
- f. The CCB could not find a specific strategy or future policy reassurance on Chalk Streams and their protection within section 41 of the Natural Environment and Rural Communities Act 2006 and as dealt with in the AONB Management Plan 2019-2024.
- g. The Special Area of Conservation (SAC) and its mitigation strategy are wholly supported, and the LPA is commended for its delivery. The Council's adherence, indeed, exceedance, to these sites of alternative SANGs mitigation is also commended and will apply to this local plan.
- h. The immediate review of the proposed site allocations is caveated against the future need for more detailed landscape evidence. Initially, the Dursley Farm Tring (TR01), as amended, has the potential to avoid any negative impact on the AONB and that land south of Berkhamsted (BK01) sits away from the AONB on the northern side of the town, albeit care is required. The Hemel Garden Communities (HH01 and HH02) requires greater work and the increase by 1,000 dwellings presents potential problems to both the setting of the AONB and the delivery of the higher number than in 2020, alongside the delivery of a high yielding SANG. The AONB boundary

review is also relevant, and it is germane that a large part of the northern boundary of HH01 / HH02 falls within the setting of the AONB. Greater work is required to resolve these issues.

Three Rivers District Council Local Plan follows a consultation in 2021, and the CCB have also been corresponding with TRDC officers about their interpretation of the housing delivery policies within the NPPF. Along with DBC (see above) TRDC are part of the South West Herts joint strategic plan, which is anticipated to shape the *next* iteration of TRDC's local plan (as reported to PC in July 2023).

In summary, the CCB response to the latest consultation is as follows:

- i. Three Rivers District Council contains around 650 hectares of the designated Chilterns AONB, amounting to around 7.3% of the total land area. This includes land around the Chorleywood area and land within the M25, including historic land uses associated with market gardening to serve London (watercress beds, notably) and a part of the historic Metro-land as celebrated by the Metropolitan Railway in the inter-war years. The AONB is currently the subject of a boundary extension project. Natural England is leading this project, and the CCB anticipate potential candidate land will be in the public domain during the first half of 2024. That will be highly germane to the evidence base of the Local Plan.
- j. The Green Belt status of much land within Three Rivers is also relevant to the AONB, where such land either overlaps the AONB and/or borders it. These policies enjoy a different provenance, with AONB protection as a landscape protection and Green Belt as a spatial land-use buffer. However, the setting of the AONB in Three Rivers is influenced by the Green Belt protections that maintain an open, predominantly rural context. This relationship can, therefore, be symbiotic in a relatively small local authority, such as in Three Rivers.
- k. The CCB support the strategic approach taken by the Council in this consultation. We agree with the stance taken with respect to policy constraint, especially the disapplication of the *'tilted balance'* in the National Planning Policy Framework (NPPF) at footnote 7 (noted at 1.4 of the Sustainability Appraisal). The *'balanced provision'* as set out in the Sustainability Appraisal (2.1) requires that *'great weight'* is given to the Conservation and Enhancement of the AONB (NPPF), which is a nationally designated landscape (Landscape Institute's GLVIA 3rd edition at para 5.1, page 82). We agree with this attribution of planning weight.

There have been no Neighbourhood Plan responses submitted since October 2023 planning committee.

The Watlington Relief Road consultation was received yesterday, and will be reported back to the Committee at the next meeting.

The Committee NOTED the contents of this report, and ENDORSED the responses made on the two consultations above.

23/24.29. Development Management Casework update

The Planning Advisor, Mike Stubbs, advised the Committee of 12 new comments/objections/responses that had been made. Since October 3 were granted on which the CCB made supportive comments, 1 granted on which an objection was

raised. 5 appeals were determined, with 3 dismissed and 2 allowed. The CCB had raised objections to all these appeals.

Particular note was made of the following Appeals/Planning Applications:

- Land Adjacent to Hampden Farm Barn Greenlands Lane Prestwood CCB comments it will be a strongly urbanising form of development.
- CB/23/03398/FUL Isle of Wight Lane, near Dunstable CCB objected to earlier application and this application must be considered against the same policy environment.
- Luton Airport Expansion (Luton Rising) AS-505 The Committee support engagement on special qualities study by Luton Rising and will continue to do so.
- Planning Appeal 3323268 Land to West of Thame Road Chinnor was dismissed as the panoramic setting of the AONB would be harmed.
- Bowood Lane Wendover appeal by HS2 was allowed, a disappointing decision. The CCB maintains that this design is harmful and unnecessarily urbanised the historic Holloway of Bowood Lane.
- 23/02077/APP Land to east of Tring decision is awaited, whilst the NPPF is relevant so is the Levelling Up and Regeneration Act. This decision will likely affect the outcome for Dacorum.
- NSIP Luton Airport the CCB continues to be engaged and the panel of Inspectors have been receptive to CCB perception of overflying in the Chilterns. The Secretary of State will make a decision by August.

The Committee NOTED the updates.

3/24.30. Urgent Business

The Chair raised the Real Time System and some difficulties faced when using it, and wondered if there were feedback from any Board Members. Matt Thomson confirmed there had been none since the original log in time. He was hoping for more IT support on further developing the system. The Chair commented that she likes the system and it is good to be able to see up to date data on planning applications. The system was set up for collaboration and wider document sharing via Teams, but this has not yet been rolled out to the whole board for wider collaboration as intended.

23/24.31 Dates of next and future meetings

The next meeting was agreed as Thursday 25th April 2024, 10am at Chinnor Office

Future dates:

Thursday 25th July 2024, 5pm at Chinnor Office

Thursday 17th October 2024, 2pm at Chinnor Office

The meeting was closed at 15.51.

The Chair.....

Date.....

Item 6 **Lighting Position Statement**

Author: Matt Thomson, head of strategy & planning; Mike Stubbs, planning adviser

Purpose and Summary: The paper presents the draft text for the Lighting Position Statement for consideration by the Committee, seeking the Committee's recommendation for the Position Statement to be adopted by the Board at the June meeting, subject to amendments if necessary.

Background

1. In January 2022, Planning Committee resolved to set up a working group to begin the production of a Position Statement on Lighting and Tranquillity in development. Charles Hussey, Chris Hannington and Paul Hayes volunteered to participate in the group, which was managed by the planning adviser, Mike Stubbs. The group also liaised with colleagues in other dark sky areas, notably the Cranborne Chase National Landscape, and drafts of the Position Statement were reviews by industry experts at the consultancy WSP.
2. The outcome of all that effort has been subject to delays as a result of capacity in the Board's planning team, but a draft is now presented to the Committee for their consideration.
3. The current draft is of the text of the position statement only, and includes some indicative illustrations sourced from other materials. It also has not yet been put into the new branding, or been run past our Communications Team to check its accessibility. In particular, the draft needs a new on-brand introduction or preface giving an up-to-date introduction to the Chilterns National Landscape and the role of the Board. If the Committee approves the draft, officers will create or source new illustrative material and resolve the outstanding branding and accessibility matters, before taking the Position Statement to the Board for final approval and publication.

Recommendations:

- a. **That the Committee provides observations on the draft Lighting Position Statement, including any specific changes they agree need to be made, and agrees to RECOMMEND APPROVAL of the Statement to the Board, subject to their agreed changes and the addition of branding and illustrations by officers.**

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Lighting Position Statement

Context

'Imagine a vista of outstanding natural beauty, to say nothing of historic and cultural significance, permanently obscured from public view by a cloud of non-toxic, but visually impenetrable, artificial vapour. Such a prospect seems unthinkable in Britain today. Yet we seem to tolerate the daily destruction of arguably the most culturally universal and historically pristine of natural vistas – the night sky, filled with constellations of stars, and planets and galaxies. The responsible pollutant, however, is not an impenetrable vapour, but the light that we so freely emit into our surroundings'.

(Extract from Royal Commission 2009 Artificial Light in the Environment.)

[Insert new branding boilerplate, amended to enable the inclusion of an on-brand version of the phrase "50% of the landscape of the AONB is above us!"]

This Position Statement is intended to guide local planning authorities, individuals and bodies making planning applications and other interested parties in connection with the need to consider the implications of lighting within the Chilterns National Landscape and its setting. Such lighting, by virtue of design and location, impacts the tranquillity and relative tranquillity of the Chilterns, itself an acknowledged special quality of this nationally protected landscape. Best practice is promoted, and a model policy is set out below. Technical appendices deal with supporting materials, a glossary and other legislative and policy areas, outside town and country planning controls.

IMAGE: AONB BOUNDARY

IMAGE OR TEXTBOX: THE "TRANQUILLITY" SPECIAL QUALITY from p.10 of the Management Plan

Acknowledgements

The Chilterns Conservation Board (CCB) is grateful for the professional assistance provided by WSP Consultants in the production of this position statement and the ideas, references, and peer review by the CCB's planning committee lighting working group of Paul Hayes, Chris Hannington and Charles Hussey.

This Position Statement is intended to provide best-practice guidance for practitioners. The Chilterns Conservation Board has written this and researched the content but is not responsible for any errors or omissions or for the results obtained from the use of this information.

1.0 Introduction

1.1 This position statement deals with dark skies and light pollution. Both are relevant to tranquillity, with dark skies and the reduction of visual intrusion for people and nature being objectives to be conserved and enhanced, and light pollution a matter to be carefully controlled to achieve this objective.

1.2 The relative tranquillity of the Chilterns National Landscape is one of its acknowledged special qualities (see p.10 of our Management Plan). The National Landscape is, by definition, **a dark skies environment**¹. When considering the impact of lighting on the National Landscape's setting,² the Institution of Lighting Professionals (ILPs) advise that any lighting on the boundary should apply the lighting limitation values applicable to the most rigorous zone, i.e., anything within or affecting the **setting of an AONB will fall within the ILPs defined 'natural zone'** and, by definition, an intrinsically dark sky will be promoted.

1.3 Concern for the erosion of the night sky environment is not new. In 1989 the Campaign (now Commission) for Dark Skies (CfDS) was established to raise awareness of dark skies, oppose light glare, and promote best practice. Research sponsored by CPRE, the Countryside Charity (formerly the Campaign to Protect Rural England) and published as their '**night blight initiative**'³, tracked data back to 1993, reporting that: *'The problem is getting worse. Between 1993 and 2000 light pollution increased 24%, nationally the amount of truly dark sky in this country fell from 15% to 11%, the amount of light saturated night sky rose to 7%.'*

1.4 In 2009 the **Royal Commission on Environmental Pollution** studied artificial lighting and the environment when considering the provision of lighting, its intensity and design. The Commission concluded that: *'Government needs to accept the fact that light, like noise and chemicals, in the wrong quantity, in the wrong place and at the wrong time can cause problems and must be addressed explicitly in policy development'* (Royal Commission on Environmental Pollution 2009)⁴. The report focused on the fact that **light pollution** (i.e. unwanted light in the wrong place) has become one of the major unaddressed pollution problems in the UK and that *'as a nation we do not have a good understanding of the extent of such dark-sky areas'* (2.12).

1.5 Several key recommendations called for explicit **planning guidance**. For National Parks and AONBs the recommendation was unequivocal: *'Those responsible for the management of existing National Parks and Areas of Outstanding Natural Beauty and the equivalent National Scenic Areas in Scotland seek to eliminate unnecessary outdoor light and to better design and manage that which cannot be eliminated, and also that efforts are made to retain or create dark skies over urban areas so that people in major centres of population may have access to the night sky'* (Recommendation 6.4).

'The Government first acknowledged tranquillity as a special quality of the countryside in 2000. Since then, it has been recognised by bodies such as the Civil Aviation Authority in its Future Airspace Strategy, High Speed Two Ltd, and Natural England, as well as many National Parks and Areas of Outstanding Natural Beauty (AONBs). In

¹ see Institution of Lighting Professionals, Guidance Note 1, The Reduction of Obtrusive Light, Table 2 (Environmental Zones)

² also see the Chiltern Conservation Board's Position Statement (2011) Development affecting the setting of the Chilterns AONB – Adopted June 2011 (Rev 1)

³ See CPRE on-line resource, with mapping, policy and best practice at <https://nightblight.cpre.org.uk/cpre-s-view>.

⁴ The Royal Commission (2009) Artificial Light in the Environment. London: The Stationery Office.

the 2012 version of the National Planning Policy Framework, tranquillity gained recognition in national planning policy for the first time. The Government now encourages local authorities to identify and protect areas that are valued by the public for their tranquillity'

Source: CPRE Give Peace a Chance Briefing Paper May 2015

1.6 Lighting impacts are material to planning decisions and the subject of occasional reference in planning policy, for example, the National Planning Policy Framework and in the Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010). Nonetheless, such blight still occurs as a product of bad location, bad design and poor maintenance or management.

1.7 The broad impacts of light pollution are described in various ways, including CPRE's colloquial 'night blight', or 'waste light', which can create an urbanizing feature across a wider area of countryside close to urban areas. Scientifically, Unnatural **skyglow** is defined as '*a combination of reflected and refracted light from the atmosphere. A major effect of sky glow at night is to reduce contrast in the sky. This is the most pervasive form of light pollution and can affect areas many miles from the original light source*' [SOURCE?].

1.8 These impacts are almost always caused by the light projecting above the horizontal, either directly or scattered and reflected by naturally occurring aerosols in the atmosphere, therefore diminishing the night sky and reducing the visibility of astronomical objects.

1.9 The most recently published data presents a stark picture. Following their 1993- and 2000-night sky mapping exercise, the CPRE survey of 2015 updated the data set with the use of more sophisticated technology. This study concluded that only 22% of England had pristine dark skies and that AONB and National Park-protected landscapes constitute the darkest sky environments at around 53% of all such dark sky environments. 40% of all AONBs have the darkest skies possible. The report concluded that, '*designated landscapes cover much of England's darkest skies and suggests that the designation is helping to protect these dark skies*'. The results demonstrate that some 60% of all AONB areas are **not** in the darkest category.

1.10 Inappropriate development in or around the National Landscape boundary will erode the night sky and diminish the darkest sky status. Development within the **setting** of the Chilterns displays considerable potential to erode its special qualities. The CPRE maps do illustrate a marked contrast between the Chilterns designated area and its urban neighbours, with a stark division, at times, between the brightest and darkest colour band ranges. These national maps (available at <https://nightblight.cpre.org.uk>) divide into categories (known as **the Bortle Scale**)⁵, ranging from 1 (darkest) to 9 (brightest), which are mapped using satellite data and then graded using 400m x 400m grids. The impact of development adjacent to the boundaries of the National Landscape is magnified by various factors, the combination of which is unique to the Chilterns. These factors include: the relatively long and convoluted boundaries of the National Landscape, the fragmented nature of the designated areas, and the close proximity of existing high-density urban development and transport infrastructure.

1.11 Dr Chris Kyba in 2020 led research to understand the contribution of well-designed and operated street lighting on the night sky and especially skyglow, using satellites to

⁵ John E. Bortle created the scale and published it in the February 2001 edition of Sky & Telescope magazine to help amateur astronomers compare the darkness of observation sites.

measure what fraction of the total light emissions were due to streetlights across the city of Tucson, Arizona. At 01.30 every morning for ten days, the city dimmed its streetlights, increasing the percentage of dimming each night. His light-from-space experiment, published in the journal *Lighting Research & Technology*⁶, showed that most of the artificial light wasted - by being sent upwards into space, rather than illuminating a sign, street or building on Earth - does not actually come from streetlights, but from other sources. Illuminated advertisements, floodlighting installations, lit buildings, facade lighting, parking lots and sports lighting are the types of installations responsible for most of these light emissions. Dr Kyba advised that "*This is really important information for policymakers and light pollution activists*" and "*...this does make it more difficult to solve, because there are so many contributors. It means everyone has to get together to decide what lights need to be lit at night, and how brightly.*" This research demonstrated that a key issue rests with other lighting systems, sports lighting, security (commercial and domestic), illuminated advertisements, light emitted from commercial and 'grand design' style buildings with large glass facades and windows.

1.12 The advent of ever more sophisticated and energy-efficient technologies coupled with the removal from the market of inefficient lamp-based sources has resulted in lighting getting **brighter** and **whiter**. Astronomers and coordinators of the British Astronomical Association's Campaign for Dark Skies stated '*Sadly, far too many LEDs are very bright – too bright for the lighting task and their excess light reflects from the ground into the sky. Also, many LED lights have a blue-rich spectrum mimicking daylight, which is bad news for nocturnal wildlife and for humans trying to get to sleep. The least damaging types of LED would be amber or some other less white colour. If white, 'warm white' (colour temperature about 2700-3000 Kelvin) is preferable to blue-rich (4000 Kelvin)*'.⁷

1.13 All light sources can contribute to skyglow effects, especially if they are housed in a luminaire with poor optical control and / or is mounted inappropriately. This has perhaps become more evident with LEDs as the overall light source consists of a number of point light sources within a luminaire and white light tends to reflect to a higher extent from particulates within the air than other types of light such as the orange low-pressure sodium.

1.14 The sky glow effect is particularly affected by light emitted between 85 and 100 degrees from the installed luminaire, and its light at these angles must be prevented. The Institution of Lighting Professionals Guidance Note 01 on obtrusive lighting is the UK basis for the specification and requirements to mitigate and prevent obtrusive light, sky glow.

2.0 The Chilterns National Landscape Approach

2.1 The Chilterns National Landscape endorses the oft quoted 'five principles' of responsible lighting, as promoted by professional advisers:

- **Useful** - all artificial lighting should have a clear purpose.
- **Targeted** - light should only be directed where needed.
- **Low lighting levels** - light should be no brighter than necessary.

⁶ [Direct measurement of the contribution of street lighting to satellite observations of nighttime light emissions from urban areas published in Lighting Research and Technology Vol 53 \(3\) and available at https://doi.org/10.1177/1477153520958463](https://doi.org/10.1177/1477153520958463)

⁷ Lecture by the late Bob Mizon March 2016 Lighting, types, qualities, and impacts, (Commission for Dark Skies).

- **Controlled** - light should be used only when it is useful.
- **Colour** - use the right light source for the task.

2.2 Another perspective is:

- **Right Light:** or the correct selection of light source, with due consideration of the most energy-efficient modern sources, such as LED. Sensitive areas, such as AONBs and of ecological sensitivity, will warrant special consideration.
- **Right Time:** for example, lowering levels to the minimum required for safety and security, or even full switch-off regimes, may be considered at certain times.
- **Right Place:** with a reduction in obtrusive light to comply with the constraints imposed by the applicable Environmental Zone. Details will cover technical specifications and installation.
- **Right System:** with a suitable control system.

2.3. This Position Statement is intended to guide local planning authorities, individuals and bodies making planning applications and other interested parties in connection with the need to consider the tranquillity and relative tranquillity of the Chilterns, itself an acknowledged special quality of this nationally protected landscape. Due to its proximity to London and other urban centres in the East and Southeast of England, the Chilterns is one of the most **accessible landscapes** in Europe. The Chilterns landscape and its constituent tranquillity is the consequence of many influencing factors and significantly includes *'relatively dark skies, of great value to human and wildlife health, unspoilt countryside, secret corners, and a surprising sense of remoteness'* (see the Management Plan, Chapter 2⁸). These special qualities are, therefore, protected attributes within the framework of legislation and policy protections that specifically focus on the conservation and enhancement of the special qualities and scenic beauty of the National Landscape. Tranquillity is defined by the Landscape Institute as *'A state of calm and quietude associated with peace, considered to be a significant asset of landscape'*⁹.

National Planning Policy and Guidance

2.4 The National Planning Policy Framework (NPPF, December 2023, para 191) states:

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ...c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.' [emphasis added].

2.5 The government's online Planning Practice Guidance on *'how to consider light within the planning system'*¹⁰ details the following:

- What light pollution consideration does planning need to address?

⁸ See Chilterns AONB Management Plan 2019-2024 (or as updated) 'Caring for the Chilterns forever and for everyone' and as succeeded. The Management Plan will contain a policy to keep dark skies at night by only using light where and when needed.

⁹ (Landscape Institute 2013 – Guidance for Landscape and Visual Impact Assessment, 3rd edition).

¹⁰ <https://www.gov.uk/guidance/light-pollution>

- What factors can be considered when assessing whether a development proposal might have implications for light pollution?
- What factors are relevant when considering where light shines?
- What factors are relevant when considering when light shines?
- What factors are relevant when considering how much the light shines?
- What factors are relevant when considering possible ecological impacts of lighting?
- What other information is available that could inform approaches to lighting and help reduce light pollution?

3.0 Model lighting policies for the Chilterns National Landscape

3.1. The Chilterns National Landscape is considered an E1 '**Natural zone**' within the ILP's defined environmental zones, as recommended to Local Planning Authorities when producing Development Plans.

3.2. The guidance recommends that where an area to be lit lies close to the boundary of two zones, the obtrusive light limitation values used should be those applicable to the **most rigorous zone**. The setting of the National Landscape is – where not already defined as Zone E1 - close to the boundary of Zone E1, and therefore, the values applicable to Zone E1 shall apply throughout.

TABLE ONE The UK lighting environmental zones are summarised as follows:

Zone	Surrounding	Examples
E0	Protected (SQM 20.5+)	Astronomical Observable dark skies, UNESCO starlight reserves, IDA dark sky places
E1	Natural (SQM 20 to 20.5+)	Relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, IDA buffer zones etc.
E2	Rural (SQM 15 to 20)	Sparsely inhabited rural areas, village or relatively dark outer suburban locations
E3	Suburban	Well inhabited rural and urban settlements, small town centres of suburban locations
E4	Urban	Town / City centres with high levels of night-time activity

Source: Institution of Lighting Professionals (ILP)(2021) Guidance Note 1 for the Reduction of Obtrusive Light 2021 (ILP - GN01-21). ILP: Rugby, UK.

Note: A sky quality meter (SQM) is an instrument used to measure the luminance of the night sky.

3.3. Some lighting is necessary and appropriate but must be seen as the minimum required. Design detailing and location must ensure minimum impact and maximum mitigation is delivered. **Planning decisions** can result in harmful lighting impacts on landscape, tranquillity, dark skies protection and ecology. Our position is based on guidance issued by the Dark Skies Society, the International Dark Skies Association (IDA) and the Institution of Lighting Professionals (ILP), as well as our experience within the Chilterns over many years.

3.4. **Key elements** of this guidance are summarised below and inform our proposed model policies for (a) lighting installations, and (b) lighting impacts of built development. This summary of existing guidance is submitted as background information and reasoned justification for the Model Lighting Policy that follows.

3.5 **Where lighting is deemed acceptable in principle**, then the Chilterns National Landscape will seek the details below, but will also seek verification that International Dark Skies Association (IDA) certification applies¹¹, and that close and careful regard is paid to the International Dark Skies Association LED Practical Guide (available at <https://www.darksky.org/our-work/lighting/lighting-for-citizens/led-guide>) and to the Institution of Lighting Professionals (ILP) guidance on the reduction of obtrusive light and other related guidance documentation.

3.6 **Designing out and minimising** the need for lighting to be installed is always the best method of reducing light pollution. However, where this is not possible, the careful choice of an appropriate light source, luminaire, mounting height and aiming, coupled with illuminance and luminance criteria, are key to successfully limiting the impact that light may have on its surrounding environment. **Therefore, we see cases where such development is possible, in accordance with our policy requirements.**

- (1) **'Warm white' light must be deployed** to prevent and minimise blue light emissions. The correlated colour temperature (CCT), as expressed in Kelvin, should be 2700 or less. Whilst 3000 or less is often recommended, new technologies are resulting in lower CCTs at 2700. The CCB's Management Plan Policy supports this lower threshold. This would also extend further to the use of amber light sources where bats and other fauna are present.
- (2) **The promotion of Smart technology is encouraged**, including control systems, dimmers, timers, and motion sensors, as appropriate and as controlled and enforced by planning conditions. The correct light in the correct place at the correct time is the watchword of such design. Such Smart technology only works where it proves to be beneficial. New and proven technologies, such as solar, ground-level way markers, present meaningful alternatives, with a low-impact renewable-based design.
- (3) An approach based on the need to **only light the exact space required for a particular task**. This may affect the height of a lighting column, as LED technology can accurately direct the light and the higher the column the more accurate targeting of the lighting radius on the ground. Promotion of the use of **test or prototype installations** is encouraged, to permit a site appraisal of the impacts. As new technologies emerge, it becomes evident that a variety of options can be assessed, from LEDs on columns to ground-based designs, retractable lighting

¹¹ See <https://darksky.org/>

columns and low-impact, ground-level solar way marker technologies. Companies can install their products as demonstrators and loan in-situ examples to allow prior assessment. Lighting ‘mock-ups’ are recommended to allow an assessment of column heights and their visual impact, as well as new technologies such as retractable/demountable structures.

- (4) **Technical best practice**, essentially for any lighting installation outside of a domestic situation require a **competent professional lighting designer** to be used; they should be registered with an appropriate lighting professional body such as the Institution of Lighting Professionals, or the Engineering Council. They will be able to develop suitable designs following recognised good / best practice and provide all of the supporting evidence for compliance. Such designers should then be retained throughout the project, to ensure that the designed/specified products are not substituted to save money and that they are installed and commissioned as per the design, it is normally this aspect that is not undertaken correctly, and light pollution issues then arise.
- (5) Where **domestic security lighting** is required, it shall comply with ILP *GN09 Domestic security lighting, getting it right*.
- (6) **The International Dark Skies Association (IDA)** has produced its own ‘**Fixture Seal of Approval**’, which provides a highly regarded certification for luminaires that minimise glare, reduce light trespass, and minimise pollution to the night sky.
- (7) The **Dark Sky Society** works towards the elimination of light pollution. Their guidance states that ‘*The use of LED (solid-state) lighting should be carefully selected to preserve a night-time environment that protects the night sky, nature, and ourselves*’. They have produced a useful ‘**good lights for good nights**’ summary of technical design that minimises glare, and light trespass and facilitates better vision at night. We also recommend referring to this guidance and its application in any supporting statement.

The Chilterns National Landscape Lighting Installations Policy

External lights should only be erected or installed within the National Landscape, or its setting, in the following circumstances:

- (1) Where the installation involves the **upgrade of existing** lighting or **new lighting in existing development**, for facilities which are deemed essential for security or safety, and it can be demonstrated that the replacement lighting will reduce light spill, intensity, sky glow, and clutter. Such lighting shall comply with the Institution of Lighting Professionals *GN01 Guidance for the reduction of obtrusive light*.
- (2) Where **new development** is proposed, the following criteria are set out to deliver the necessary conservation and enhancement of this nationally protected landscape:
 - (a) Lighting installations shall be designed by **competent lighting designers** registered with an appropriate professional body, they should be retained to ensure that the **final installation** has been installed and set up in accordance with the design;
 - (b) Appropriate **mitigation measures** are detailed in Fig 1, below and should be controlled by planning condition, as appropriate.



Fig 1: The correct luminaire distribution. **[We need to redraw this image: only the far right configuration is appropriate within the Chilterns NL and its setting.]**

- (c) The **mounting height for column-mounted lights** is a key consideration in the National Landscape. Structures, if visible in the landscape, must be appropriate in scale and prominence; competent lighting designers must explain the relationship between height and necessary ground illumination, to avoid duplication of installations and light spill into the wider landscape.
 - (d) Fixtures should make appropriate use of:
 - i. **mounting arrangements, quality optics, cowls and screens** as certified by the International Dark Skies Association 'Fixture Seal of Approval' (see <https://darksky.org/what-we-do/darksky-approved/>)
 - ii. **control systems** so the lighting is only operational when required, and that curfews and dimming considerations are controlled by condition and,
 - iii. **smart technology**, to reduce the impact, where possible new technologies such as the solar ground level way marker systems, for low impact wayfinding.
- (3) The level of detail will be proportionate to the scale of impact, but we promote an **explanatory commentary** on these technical matters, produced by an appropriate professional, with a non-technical summary. Supporting technical diagrams will require supporting non-technical explanation. Reference to the ILP Guidance Notes GN01 for the Reduction of Obtrusive Light is mandatory.
- (4) Use a **colour temperature of 2,700 or lower** as a standard. If bats are likely to be affected, then compliance is required with the ILP guidance GN08 Bats and Artificial Light.
- (5) The proposed **lighting should not constitute or highlight a structure or feature that would have an adverse visual impact** on the surrounding landscape.
- (6) The proposed **lighting should utilise the most energy and pollution-efficient equipment** that is reasonably available.
- (7) **Where domestic security lighting is required, it shall comply with ILP GN09 Domestic security lighting, getting it right.** Where necessary, lamps of less than 500 lumens (~5W LED) are suitable for paths, and 1,000 lumens (11W LED) for domestic extra light for functions such as finding the front door and opening it. Above 500 lumens, if justified, must be fully shielded, with downward pointing LEDs.

Lighting impacts from new and existing buildings

Traditional Chilterns vernacular buildings have small windows. Modern designs with large areas of glazing should be avoided so that buildings do not appear as boxes of light in the countryside at night and glinting glazing in the daytime. Internal light sources and spill out

via domestic glazing can harm the landscape, as much, or more than, external lighting. Design details and technical specifications are key to prevent excessive spill from large openings and upper storey windows, or roof lights, or architectural illumination.

At the planning application stage, there can be no certainty that controls imposed by condition on the use of curtains, shutters, etc., or the timing of lights being switched on, will be followed post-construction or are enforceable if not complied with.

The design stage is key and large glazing panels are inappropriate in the AONB, including large casement windows, picture windows and floor-to-ceiling glazing.

Appendix One: Supporting Technical Documents

To support a planning application which involves lighting, a **specialist technical appraisal** must cover the effects of artificial lighting resulting from the proposed development and should be based upon:

- (a) an assessment of the existing **baseline lighting conditions** in the immediate surroundings; and
- (b) an assessment of the **proposed lighting performance** requirements for the various components of the proposed development, with reference to the Environmental Zone criteria set out in the Guidance Notes for the Reduction of Obtrusive Light (ILP, 2021, as amended). This guidance (see below) classifies National Landscapes and similar areas as **dark** environments.

We also apply the natural zone classification for development within the setting of the AONB, as this hinterland is a part of the panoramas and vistas that contribute to the special qualities of the AONB. In these assessments, we place great weight on the need to avoid '**sky glow**'. (Defined in the Glossary).

Supporting Technical Report

A detailed appraisal, including necessary details on ecological issues, design details, and lighting levels, as applicable, must be the subject of this report. Any assessment that follows must take account of operational requirements (such as curfews and smart, also called "switch", technology). We deal with these below, including the lighting of areas used for recreational activities, such as sports pitches and multi-use games areas (MUGAs).

Various areas of content may include:

(a) Impacts on ecology

AONBs, as nationally protected landscapes, sit squarely within the Government's aspirations for the delivery of a '**nature recovery network**' (NRN), itself a major commitment in the Environment Act 2021 and the 25-year Environment Plan. Julian Glover's Landscape Review (2019) and the Government's consultation response (2022) respectively promoted AONBs as leaders in the creation of NRNs and very much at the heart of their delivery¹².

Lighting impacts a vast range of species as well as their habitats – bats, amphibians, reptiles, invertebrates, and, in particular, birds (including migratory birds) and mammals¹³. For a detailed list of resources please also see the appendices to this position statement. Lighting will impact ecology, especially in relation to habitats, such as roof voids and niche roosts for bats in buildings, woodland, ponds, trees, and hedgerows, which provide habitat for nocturnal and crepuscular wildlife and opportunities for roosting bats. A detailed assessment will be required of the ecological sensitivity of the location and the specification of the proposed technology. Light spill and glow have the potential to, for example, interrupt feeding patterns and force the fledging of birds.

¹² See The Environment Act 2021 Part 6 deals with nature and biodiversity. In the Government's response to the Glover Landscapes Review the ambition was set that, '*We want our national landscapes to work together with big ambitions, so they are happier, healthier, greener, more beautiful and open to everyone*'. Landscaped review (Glover Report) Final Report 2019 and DEFRA policy paper - Landscapes review (National Parks and AONBs): government response (chapter 2), Published 15 January 2022

¹³ For general effect on wildlife: <https://www.nature.com/articles/d41586-018-00665-7>, <https://www.darksky.org/light-pollution/wildlife/>, <https://onlinelibrary.wiley.com/doi/full/10.1002/jez.2157>

In 2020 Touzot studied the impact of artificial light on common toads¹⁴. The common toad is not as common as its name suggests and is protected in the Wildlife and Countryside Act 1981. This study found that: *'The fertilisation rate of 5 lux-exposed males was reduced by 25%' in males exposed to light during breeding*'.

Research undertaken by the Bat Conservation Trust (BCT) and the Institution of Lighting Professionals (ILP) concluded that lighting in the vicinity of a **bat roost**, causing the disturbance and abandonment of the roost, could constitute an offence (see ILP/Bat Conservation Trust 2023¹⁵). Any lighting strategy and its design must demonstrate how it avoids, reduces, and mitigates light spills where bats are present. A detailed assessment must follow BCT and ILP guidance. Whilst great care is required when scrutinising technology, design detail and other forms of mitigation must not be used to simply permit what is otherwise harmful to the inherent **ecology and ecological connectivity** of the AONB by virtue of glint, glare, or glow.

(b) Design details

Any design proposals should, at concept stage and throughout the design process, aim to remove, reduce, and mitigate unnecessary light pollution, unnecessary energy consumption, nuisance light spill, glow, or glare onto neighbouring land, including the AONB and within its setting. White light consists of a spectrum of colours that range from violet blue (380-495 nanometers, or nm) to red (620 - 750 nm). The **colour correction temperature** (CCT, most often expressed as Ra) index is a measure of how much blue is contained in the white light mix. Many new white light sources are above 4000 kelvin and even as high as 5500 kelvin. The resulting light is a harsh '**blue-white**' light which reflects from the grass, trees and foliage and scatters high into the atmosphere. This causes a greater sky glow impact than predecessor sodium-based lights.

LED lighting may be proposed. LED lighting with a correlated colour temperature of **3000 Kelvin** or less may be recommended. It should be noted that LED light sources contain no UV wavelengths and the warmer colour temperatures reduce the light emitted beyond the 550 **nanometer wavelengths** (or nm). In other words, the section of the electromagnetic radiation spectrum that is visible to the human eye. This is often referred to as the spectrum of **white light**.

Colour Rendering Scales

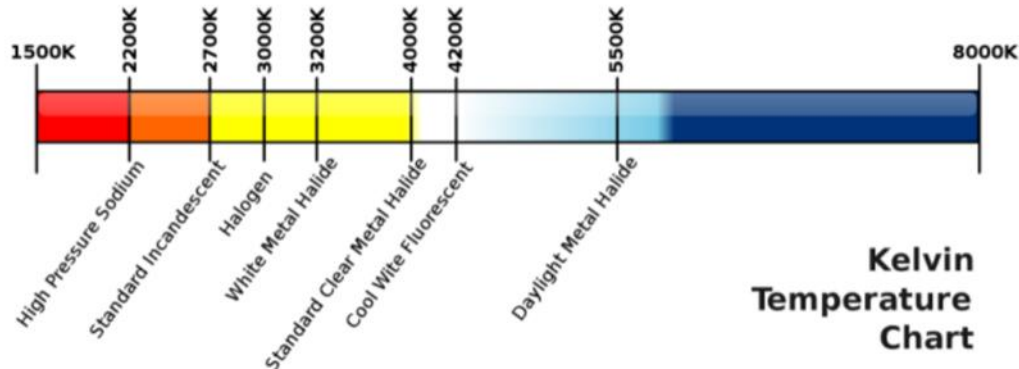
All light sources have an associated colour temperature, which is a measure of how cool or warm the colour appears (denoted in kelvin). Therefore, lighting which appears warm with a red, amber or orange hue, exhibits a lower colour temperature, usually from around 2,000 kelvin. With an increase in the colour temperature, so does the appearance. At around 3000K to 4000 kelvin, the lighting appears neutral. When it reaches 5000 kelvin it takes on a blue tinge and appears 'cooler'. Above that threshold it appears brighter and 'whiter'.

¹⁴ Touzot M, Lengagne T, Secondi J, Desouhant E, Théry M, Dumet A, Duchamp C, Mondy N. Artificial light at night alters the sexual behaviour and fertilisation success of the common toad. *Environmental Pollution*, Vol 259, April, 113883.

¹⁵ See Bat Conservation Trust (BCT) and Institution of Lighting Professionals (ILP) (2023) Guidance Note 08/18, Bats and Artificial Lighting in the UK – Bats and the Built Environment Series. BCT: London. Also see BCT website for lighting updates at www.bats.org.uk.

As a general rule of thumb, the higher the colour temperature, the increased levels of blue light (itself shorter wavelength) are present in the distribution. This is shown below in the **chart dealing with visible light spectrum**.

Within a National Landscape, best practice requires the use of warmer light sources when trying to limit short wavelength ('blue' or 'violet') output, to create a more comfortable environment for humans and an acceptable installation ecologically. This is shown in the **kelvin temperature chart** below.



By courtesy of WSP (WSP Global Inc) 2023

The Visible Light Spectrum	
Color	Wavelength (nm)
Red	625 - 740
Orange	590 - 625
Yellow	565 - 590
Green	520 - 565
Cyan	500 - 520
Blue	435 - 500
Violet	380 - 435

By courtesy of WSP (WSP Global Inc) 2023

(c) Lighting levels and mitigation measures

Artificial lighting may be required for specific reasons which may or may not coincide with the best interests of the National Landscape. Such reasons include amenity, safe passage, security, and health and safety requirements during periods of darkness. The potentially obtrusive light effects towards surrounding light-sensitive receptors can be controlled by design, location, technology, and operational duration. Where such lighting serves such a public benefit, an appropriate commentary is required, including the discussion of necessary mitigation.

(d) Assessments of impact, including operational requirements.

These must be judged against the environmental zone classification in the ILP guidance. Detailed assessments must evaluate the following:

- (1) The resulting change in **sky 'glow'**,
- (2) Any resulting increase in the **light 'glare'** which may influence the visual comfort of residents. In residential schemes, this may predominantly be highway lighting.
- (3) The consideration of **mitigation** (screens and cowls) and **alternatives** such as solar way markers and **low-impact technologies**, e.g., the Solar Eye system for way marker lighting, including footways and cycle routes.
- (4) It is common practice to expect manufacturers and lighting designers to provide **contour diagrams of light intensity**, which demonstrate the lighting intensity and spatial cover of the light fitting. Technical documents and a detailed lighting assessment should cover these matters.

We recommend the use of a **non-technical summary**, to assist all parties to a planning application. Without this assistance such information can be difficult to decipher.

2) Terms used in describing good lighting, and waste light not directed to the area to be lit

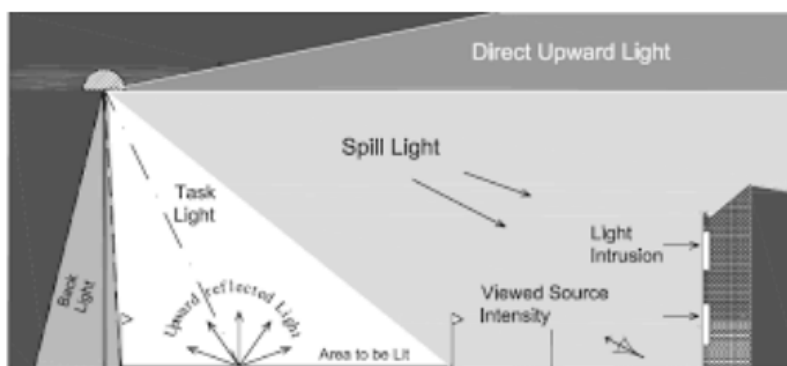


Diagram courtesy of the Institution of Lighting Professionals

(ILP Guidance Notes for the Reduction of Obtrusive Light)

We need to produce our own version of this? A sketch format would be fine.

Best Practice Case Study - Missenden School Car Park Lighting Project

The Missenden School car park project is located within the Chilterns National Landscape. Buckinghamshire Council, working through their planning officers and project managers,

were alert to the sensitivity of this location when designing new car parking and a bus turning area. The proposal comprised the resurfacing of an existing semi-formal car park, including the creation of 37 formalised car parking spaces and a two-way carriageway, a new pedestrian footpath and new pedestrian accesses. New low-level lighting would be installed and formed a part of the project.

The project team engaged the Chilterns Conservation Board at the earliest opportunity and before any planning submission was made. The design thinking started from the baseline of a relatively dark skies site on the edge of the existing settlement, adjoining a large green space that separates the school from Great Missenden. The need for student safety, when alighting from a school bus, or making their way to the stop, was of paramount importance.

The design team identified a safe route, kerbed in and with low-impact, low-level bollard lighting, towards the safe refuge where students would join or disembark from their school buses. The accompanying design and access statement was clear: *'The lighting design has considered the use of 4m high lamp columns as opposed to low-level lighting. However, a low-level design is proposed as this has been deemed more in keeping with the conservation area and nature of the site. The lighting will be motion activated to minimise the need to light the car park when it is not in use'*.

Twenty-three, one-metre-high, lighting columns were proposed to light the safe paths around the parking in order not to floodlight the whole parking area. A concise and straightforward lighting appendix illustrated this technology and denoted the radii of lighting around the columns, reinforcing that they lit the pathways and refuges. The wider parking area for parents would remain unlit.

Planning permission was granted for this project in June 2021, with completion ahead of the new academic year, the following September. A planning condition (number 3) stated that, *'the development hereby approved shall be implemented in accordance with the lighting scheme as set out in the approved drawings and in the Planning Statement (Appendix A). No high-level lighting columns above 1m in height shall be inserted without prior written approval of the Local Planning Authority. Reason: To ensure that any lighting columns above 4m in height are properly controlled, in the interests of the visual amenity of the area, highway safety and ecology'*.

IMAGES / PHOTOS to add ?

(e) Areas used for Recreational Activities

Various recreational uses, such as golf-driving ranges, artificial ski slopes, tennis courts including Padel tennis, shooting ranges, multi-use games areas (MUGAs) and 3G sports pitches, are often designed for evening use and include illumination. A 5m high mast lighting with a 4000 Kelvin correlated colour temperature (CCT) is not uncommon. Any impact assessment for a 3G sports pitch will require a categorisation from the relevant British Standards.

The top-lit illumination of multi-use games areas or **MUGAs / sports pitches** within or near an AONB exhibits the potential to create glare and glow. Great care and attention are required, but it may simply be the case that a MUGA near the AONB is resisted and is avoided altogether within the AONB. In all such applications, reference should be made to the ILP guidance notes on light pollution.

The use of planning conditions.

We consider these conditions as best practice, emanating from a scheme in the Chilterns National Landscape at Kidmore End Memorial Hall, Reade's Lane, Sonning Common, South Oxfordshire District (approved August 2021 under reference P20/S4912/FUL):

Location

"The location of the lighting columns hereby approved shall be as that shown on drawing Horizontal Illuminance (lux) *[lists the approved plans]*.

Reason: To secure the proper planning of the area in accordance with Development Plan policies."

CCT details

"The Correlated Colour Temperature for the MUGA lighting shall not exceed 3000 Kelvin (warm white) and the Correlated Colour Temperature for the wayfaring lighting shall not exceed 2700 Kelvin (very warm white) as set out in the Lighting Assessment *[refers to such details]*. The luminaires for the MUGA and the wayfaring lighting and the columns upon which that are mounted shall accord with specification for the luminaires and columns as set out in the Lighting Impact Assessment *[refers to such details]*.

Reason: To protect the appearance of the area and wider AONB landscape, the environment and wildlife, and local residents from light pollution in accordance with Policies ENV1 and ENV12 of the South Oxfordshire Local Plan 2035."

Lighting controls and timing

"The lighting controls for the MUGA lighting (on-demand button) and the wayfaring lighting (motion sensor controls) shall be implemented to accord with the lighting control details set out in the Lighting Assessment *[refers to such details]* and thereafter maintained in accordance with these details unless otherwise agreed in writing. The motion sensors shall be designed and calibrated to ensure they shall only be activated by a person or vehicle entering the floodlit area. The use of the external lighting shall be restricted to between 16:00 and 21:30 daily.

Reason: To protect the appearance of the area and wider AONB landscape, the environment and wildlife, and local residents from light pollution in accordance with Policies ENV1 and ENV12 of the South Oxfordshire Local Plan 2035."

Mitigation Controls Design Details (Shields)

"The MUGA lighting lanterns hereby approved shall be fitted with Lighting shields as set out in the Lighting Assessment Addendum *[refers to such details]*. Rear lighting shields shall be fitted to the MUGA lighting columns as set out in the Lighting Assessment Addendum *[refers to such details]*. The rear lighting shields shall be the Cranked Tespa Banded Light Shields or equivalent approved to the following specification (as examples):

- Designed for column mounting or bespoke mounting to Philips CLEARFLOOD LED Luminaire.
- Manufactured from S235JR grade mild steel or equivalent.
- Galvanised in accordance with BS EN ISO 1461:2009 or equivalent.

The lantern shields and rear lighting shields shall be implemented and maintained in accordance with these details.

Reason: To protect the appearance of the area and wider AONB landscape, the environment and wildlife, and residents from light pollution in accordance with [refer to policy details, as may apply].”

Appendix Two - Technical Glossary

Light pollution	<i>Light pollution</i> , the brightening of the night sky above our towns, cities and countryside, <i>Glare</i> the uncomfortable brightness of a light source when viewed against a dark background, and <i>Light Trespass</i> , the spilling of light beyond the boundary of the property or area being lit, are all forms of obtrusive light which may cause nuisance to others, waste money and electricity and result in the unnecessary emissions of greenhouse gases. Source: The Institution of Lighting Engineers (2021 and as updated) Guidance Note 1 for the reduction of obtrusive light.
Sky glow	<i>Sky glow</i> : A combination of reflected and refracted light from the atmosphere. A major effect of sky glow at night is to reduce contrast in the sky. This is the most pervasive form of light pollution and can affect areas many miles from the original light source. Source: The Institution of Lighting Engineers (2021 and as updated) Guidance Note 1 for the reduction of obtrusive light.
Glare	The excessive contrast between bright and dark areas in the field of view. Source: Royal Commission (2009)
Light nuisance	Unwanted light emanating, for example, from adjacent properties and activities. Source: Royal Commission (2009)
Light clutter	Excessive grouping of lights, the combined or cumulative impact of which becomes a dangerous distraction to motorists. Source: Royal Commission (2009)
Light profligacy	Over-illumination, with unnecessary use of energy and money. Source: Royal Commission (2009)
An absence of darkness	Artificial light makes experiencing natural night-time lighting conditions impossible in many parts of the country. Source: Royal Commission (2009)

For full references, please see the Bibliography below.

Appendix Three – Legislation and Policy (other than town and country planning legislation or policy)

Environmental Protection Act 1990 / Clean Neighbourhoods and Environment Act 2005

In 2005 the Clean Neighbourhoods and Environment Act (CNEA 2005) made light pollution a form of **statutory nuisance** within the scope of the Environmental Protection Act 1990 (often referred to as the 'EPA'). The CNEA 2005 legislation was amended in 2006 to include the following in the definition of nuisance: "*artificial light emitted from premises so as to be prejudicial to health or nuisance...*"

Guidance produced on sections 101 to 103 of the CNEA by the Department of Environment, Food and Rural Affairs (DEFRA) in April 2006 extends the duty on local authorities to ensure their areas are checked periodically for existing and potential sources of statutory nuisance including nuisance arising from artificial lighting.

The CNEA 2006 sections 101, 102 and 103 amend sections 79, 80 and 82 of the Environmental Protection Act 1990 to extend the statutory nuisance regime to include two new statutory nuisances (statutory nuisance from insects and **statutory nuisance from artificial light**). Should a statutory nuisance from artificial light be claimed, the Local Authority must take reasonable steps to investigate complaints of such nuisance. If satisfied that a statutory nuisance has occurred, may occur, or even recur, the Local Authority must issue an abatement notice. These powers are set out in section 80(2) of the Environmental Protection Act (1990). Such abatement notices will require the nuisance to cease and provide a timescale for its enforcement.

Department of Environment, Food and Rural Affairs Guidance (DEFRA)

The DEFRA guidance (2006) deals with the overlap with planning and states:

Statutory Nuisance and Planning

Paragraph 21 'Prevention is better than cure, and it is preferable to address potential statutory nuisances at the planning stage.

Paragraph 22 'The Courts have ruled that lighting itself is not 'development'. However, planning permission is required for lighting if it materially alters the appearance of a building. It has been possible since 1997 for local authorities to consider lighting as part of the planning process for new buildings, both residential and commercial. Local authorities can decide to regulate lighting under planning permission and set planning conditions for lighting to prevent light pollution....However, the existence of planning permission does not mean that a statutory nuisance cannot then exist. Circumstances and local environments change. Statutory nuisance can occur whether or not planning permission is in place either expressly or implicitly permitting lighting'. (Our emphasis) ¹⁶

This DEFRA guidance is useful on some background definitions (see also our Glossary at the end).

¹⁶ DEFRA 2006 Statutory Nuisance from Insects and Artificial Light).

84 *'In order to understand what may be termed a statutory nuisance in lighting, an understanding of some lighting terminology is required: Light (or luminous flux) is a type of radiation and forms part of the electromagnetic spectrum visible to the eye. It is measured in lumens (lm) (not 'watts', which is only a measure of electrical consumption). The amount of light falling on a surface is known as **illuminance** and is measured in lumens per square metre or **lux**. While 'illuminance' is easy to calculate and measure and is therefore widely used, the eye does not see illuminance, but rather **the light radiated or reflected off a surface** which is known as luminance, or brightness. It is measured in candelas per square metre (cd/m²) and if the surface is glossy, can differ with the angle of view. The term candela (cd) or (Kcd = 1000 cd) is by itself a measure of light intensity. Whether this light 'intensity' is seen as glare or not depends on the surrounding 'luminance', as can be noted when comparing a road lighting luminaire or floodlight lit during the day and again at night.*

85 *'Local authorities have a duty to take reasonable steps, where practicable, to investigate any complaints of artificial light nuisance; it is expected that the following sources will generate most complaints: • Domestic security lights • Commercial security lights • Healthy living and sports facilities • Domestic decorative lighting • Exterior lighting of buildings and decorative lighting of landscapes • Laser shows / sky beams / light art'*

Road Humps The provision of any new road humps might require lighting arrangements. In England and Wales, the Highways (Road Hump) Regulations 1999 are relevant.

The Highways Act 1980, section 97, empowers a Highway Authority to provide lighting for any **highway** or proposed highway for which they are or will be the Highway Authority. District Councils and many Parishes or Town Councils also have the power to provide lighting as local lighting authorities. This power is given by the Public Health Act 1985, or the Parish Councils Act 1957. Where such Councils wish to provide lighting on a highway, the consent of the Highway Authority is required, under the Local Government Act 1996, section 29.

When lighting is provided on a previously unlit road or access entrance, it is likely that certain **traffic signs** will have to be illuminated. In England, Wales and Scotland, the Traffic Signs Regulations and General Directions 2002 are relevant.

Relevant British Standards

The following British Standards (BS) for lighting that relates to the proposed development are:

- **BS 5489-1** Code of practice for the design of road lighting Part 1: Lighting of roads and public amenity areas.
- **BS 12464-2** Light and Lighting - Lighting of Workplaces. Outdoor Lighting. Recommendations for the design of lighting for all types of highway and public thoroughfares, including those specifically for pedestrians and cyclists, and for pedestrian subways and bridges.

Institution of Lighting Professionals (ILP), Bat Conservation Trust Lighting Guidance (2023)

The Bat Conservation Trust and the ILP produced a paper in 2018, "Bats and Lighting in the UK", discussing the appropriate lighting levels, types of lamps and the most appropriate colour temperatures which are suitable for lighting areas where there are bats.

The guidance states: *'This latest guidance recommends a working partnership between the Lighting Profession and the Ecologists who specialise in bats where lighting is required, and bats may be impacted. The GN considers bats roosting, foraging, and commuting needs in greater details than ever before. Some bat species have been shown to be impacted by significantly lower lighting levels than others, certain colour temperature environments also play a factor in the level of impact. However, all bats require dark roosting areas, corridors through the landscape and habitats to feed.'* In

2023 a new edition of the guidance was published.

Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2021 and as updated). The ILP sets guidance, commonly recognised as the 'industry standard'. This states that, **Obtrusive light** (more commonly, *light pollution*) refers to any light emitted in any direction in which it is not required nor wanted. This light is, therefore, considered to be detrimental to other users.

This guidance sets out a series of six environmental zones of protected, natural, rural, suburban, and urban. Many local planning authorities cross-refer to these zones in Local Plan policies and in development management decisions. Within this guidance **AONBs fall within 'Relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, IDA buffer zones, etc.'** The latter refers to an international dark sky, as designated by the International Dark Skies Association.

Lighting Designers – When implementing projects and addressing obtrusive lighting.

CIE 150:2017 Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (International Commission on Illumination, 2017)

CIE 126:1997 Guidelines for Minimizing Sky Glow (International Commission on Illumination, 1997)

Institution of Lighting Professionals (ILP) Professional Lighting Guide 04, Guidance on Undertaking Environmental Lighting Impact Assessments (PLG04) (ILP, 2013) Guidance Note 01/21, Guidance Notes for the Reduction of Obtrusive Light (GN01) (ILP, 2021) (this document supersedes and improves on the guidance provided in the 2020 version), and

Bat Guidance Note Bats and artificial lighting in the UK (ILP, 2023)

The Society for Light & Lighting (SLL)-Lighting Handbook (2018), Lighting Guide 1: The Industrial Environment (2018), Lighting Guide 6: The Exterior Environment (2016), SLL Lighting Guide 18: Lighting for Licensed Premises (2018)

Appendix Four - Citations/Sources

[This section needs a final audit for the most up-to-date sources and links]

General Sources

Institution of Lighting Professionals: www.theilp.org.uk

Dark Skies Association: www.darks skies.org.uk

Specific Resources

CPRE (2013 onwards) Night Blight – Reclaiming our Dark Skies, campaign resources and literature. See <https://www.cpre.org.uk/what-we-care-about/nature-and-landscapes/dark-skies/>

Dark Skies Association LED Practical Guide, available at <https://www.darks sky.org/our-work/lighting/lighting-for-citizens/led-guide/>

Department for Environment, Food and Rural Affairs Artificial Light in the Environment Policy Update December 2013, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/269402/pb14108-artificial-light-progress-dec2013.pdf

Institution of Lighting Professionals Guidance Note 1 (2021) Guidance for the reduction of obtrusive light 2021.

The Royal Commission on Environmental Pollution (2009) The Royal Commission on Artificial Light in the Environment. The Stationery Office: London.

Dedham Vale National Landscape (2023) Lighting Design Guide,

<https://dedhamvale-nl.org.uk/2023/08/07/new-landscape-lighting-design-guide-published/>

Ecological Resources

For **Bats** see: <https://www.bats.org.uk/about-bats/threats-to-bats/lighting>, <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting> and <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> which, together, give a comprehensive overview of the issues and links to further resources.

Also: https://link.springer.com/chapter/10.1007/978-3-319-25220-9_7 and http://downloads.gigl.org.uk/website/lighting_and_bats.pdf

For **migratory birds**, see: <https://theconversation.com/cities-can-help-migrating-birds-on-their-way-by-planting-more-trees-and-turning-lights-off-at-night-152573>.

For **mammals**: <https://onlinelibrary.wiley.com/doi/full/10.1002/jez.2173>

For **amphibians and reptiles**: https://www.researchgate.net/profile/Michael-Salmon/publication/235602286_Perry_G_B_W_Buchanan_R_Fisher_M_Salmon_and_S_Wise_2008_Effects_of_night_lighting_on_urban_reptiles_and_amphibians

Chapter_16_in_Urban_Herpetology_Ecology_Conservation_and_Management_of_Amphibians_and_/links/57486e6108aeae389f4e1792/

Perry-G-B-W-Buchanan-R-Fisher-M-Salmon-and-S-Wise-2008-Effects-of-night-lighting-on-urban-reptiles-and-amphibians-

Chapter-16-in-Urban-Herpetology-Ecology-Conservation-and-Management-of-Amphibian.pdf

For **plants**: <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1111/1365-2745.12551>

For **invertebrates**: https://cdn.buglife.org.uk/2019/08/A-Review-of-the-Impact-of-Artificial-Light-on-Invertebrates-docx_0.pdf

Moths: <https://www.science.org/doi/10.1126/sciadv.abi8322> ,
<https://theconversation.com/why-the-changing-colour-of-our-streetlights-could-be-a-danger-for-insect-populations-166470> ,
<https://resjournals.onlinelibrary.wiley.com/doi/10.1111/icad.12447>

Insects such as riverflies and glow-worms are particularly susceptible.

Item 7 New Positions

Author: Matt Thomson, head of strategy & planning; Mike Stubbs, planning adviser

Purpose and Summary: Insert

Background

1. Periodically the Chilterns Conservation Board may consider the need to develop new or revise existing policy positions on matters relating to development and planning, especially where new forms of development arise or become more common.
2. This paper considers two types of activities that potentially have an impact on the special character of the National Landscape: proposals for sites of Suitable Alternative Natural Greenspace (SANGs) and the practice known as “woodlotting”.

SANGs

3. Since the last Planning Committee meeting of January 2024, we have been consulted on 3 cases involving the delivery of sites of Suitable Alternative Natural Greenspace (SANGs). A discussion point about the general impact of SANGs on the Chilterns was raised at the Board meeting in March 2024.
4. The purpose of a SANG is to accommodate recreational access to nature and the countryside and in doing so deflect visitor pressures away from vulnerable protected areas, such as the Chilterns Beechwoods Special Area of Conservation (SAC) and two associated Sites of Special Scientific Interest (SSSI) at Ashridge Commons and Woods (Ringshall Coppice) and Tring Woodlands. In this case, the principal qualifying habitat is *Asperulo-Fagetum* Beech forests on neutral to rich soils, dry grasslands and scrublands on chalk or limestone and the Stag Beetle. It covers around 1,300 hectares and is a key part of the special qualities of the Chilterns. Anticipated housing growth in the immediate hinterland raised concerns, around 2022, that this would exacerbate existing problems for these highly protected habitats, with ‘over-recreational’ pressures already including the trampling of habitat, litter, dog fouling (eutrophication enrichment of soil) and fire, for example.
5. Natural England (NE) has comprehensively promoted the mitigation of recreational pressures on the Chilterns Beechwoods Special Area of Conservation (SAC) since it called for a moratorium of all new housing within a threshold distance around this habitat, widely adopted as 12.6 km (the *zone of influence*). The subsequently agreed mitigation comprises:
 - i) Physical provision of SANGs to absorb recreational pressures without recourse to visiting the SAC,
 - ii) Payments in lieu of creating a SANG (around £4k per dwelling), and
 - iii) SAMMs (Strategic Access Management and Monitoring) financial payments to control impacts through site management (e.g. new ‘honeypot’ visitor facilities away from the SAC and around £913 per dwelling).

6. To complicate matters, while the SAC is contained within the Chilterns National Landscape, the 12.6 km zone of influence is within and outside the designated area, and extends into several different local authorities. The zone of influence captures housing proposals for mitigation (i.e. physical SANGs or financial payments) but does not stipulate that the new SANGs countryside must be within that zone. It could be outside of it, but not by much as NE guidance recommends that the newly created SANGs countryside is no further than 5km from the new housing it will serve.

7. Recent CNL Cases:

8. These applications comprise land at **Castle Hill Berkhamsted** (20 ha of SANGs – reference DBC 23/02972/MFA), at **Haresfoot Farm near Berkhamsted** (24ha of SANGs – reference DBC 23/02508/MFA) and directly linked to a residential scheme at Grange Farm Bovingdon (245 dwellings, reference 23/02034/MFA). Also, at **Halfway House Farm, Chesham** (23 ha and reference BC-Chiltern PL/24/0459/FA). Castle Hill and Halfway House are freestanding SANGs, i.e., not linked to a specific residential scheme. All 3 fall within the 12.6km zone of influence. Castle Hill and Halfway House are within the National Landscape. Haresfoot Farm is outside, and the scheme it directly links to (Grange Farm, Bovingdon) sits within the National Landscape's setting (about 5 km away).

9. Summary of local authorities and their approach:

10. Dacorum BC has refined a detailed strategy, 'The Chilterns Beechwoods Special Area of Conservation Mitigation Strategy' (Nov 2022). The National Trust and their 'Ashridge Gateway' initiatives would be major beneficiaries of SAMMs funding, at around £18m. Developers would deliver a series of SANGs.

11. Central Bedfordshire Council has also produced a mitigation strategy and identified 7 strategic SANGs, funded by the housebuilding within the zone of influence.

12. Buckinghamshire Council has identified a strategic SANG at Kingsbrook Meadow, Aylesbury (outside the zone of influence). Anything beyond 5km of this SANG must create its own one within the development site.

13. These responses are, to some degree, *ad hoc* responses in the absence of local policy and will undoubtedly feed into future Local Plans.

14. It is worth noting that most of the current discussions relate specifically to the Chilterns Beechwoods SAC at Ashridge and Tring, but SANG policy could apply to other parts of the Chilterns, including other parts of the Chilterns Beechwoods SAC around Princes Risborough, Saunderton and Marlow, and other SACs at Aston Rowant and Hartslock Wood near Goring, as well as sites outside the current designated area.

15. Discussion points for the CNL Planning Committee:

16. This policy area has gathered pace since 2022. The Chilterns AONB Management Plan pre-dates it and does not include a specific reference to SANGs. However, the principles that lie behind SANGs are embedded throughout the Plan, including: reducing the (cumulative) impacts of new development, reducing visitor pressure on sensitive sites, and providing new facilities within the designated landscape to encourage access to nature and the countryside and facilitating the enjoyment and understanding of the special qualities of the National Landscape.

17. The starting point is of course the statutory purpose of designating the National Landscape, being to conserve and enhance its special qualities, along with the duties of the Conservation Board to (a) seek to further that purpose, and (b) to seek to further the additional purpose of promoting the understanding and enjoyment of those special qualities (where this is compatible with the first purpose).

18. The Management Plan includes the following:

- Policy NP13 (p.40): “Help visitors to discover and enjoy wildlife in the Chilterns while not harming or disturbing it.” Supporting text adds “There needs to be a carefully planned and strategic approach to managing visitors, targeting areas with the capacity and infrastructure to accommodate additional use in order to protect the more sensitive sites from damage.”

(This directly supports the principle of SANGs, but what is currently lacking is “a carefully planned and strategic approach” other than each LA’s mitigation strategy. Potential opportunities to provide that approach are proposed in the Plan with regard to a (sustainable) visitor management strategy or initiative.)

- The Key Action associated with this policy (p.41) commits to creating “a visitor management initiative to assess which areas are robust for recreational pressure and which are likely to be vulnerable, and to promote recommendations for future management and promotion.”
- This is also reflected in policy EP11 (p.62 – “Develop and secure support for a visitor management strategy for the Chilterns”) whose supporting text states “Increased recreational use of the Chilterns countryside must be managed in order to protect vulnerable sites” and recognises the need to “address the uneven spread of visitor pressure in the Chilterns”.
- Policy EP12 (p.62), which seeks to “Ensure the Chilterns benefits from new and improved access and green space provision linked to new built development.” The supporting text refers to “new housing and infrastructure developments on the edge of the Chilterns that will affect countryside access and the rights of way network”.
- A Key Action (p.63) associated with both these policies commits to developing a “visitor management initiative to provide new and improved access while protecting the most vulnerable sites” including identifying “priority sites for new greenspace and new access links, to create recreational space close to where people live.”
- Policy DP6 (p.77) expresses support for “sustainable farming and forestry, nature conservation and facilities for visitors appropriate to the special qualities of the AONB”.
- Policy DP10 (p.80) seeks to ensure that “all development that is permitted in the AONB or affecting its setting delivers a net gain for the Chilterns by:
 - a. on-site improvements for biodiversity, landscape, the rights of way network, AONB visitor facilities, and/or
 - b. financial contributions, secured through s106, CIL, or offsetting schemes, towards wider green infrastructure projects that enhance the AONB by meeting the aims of this AONB Management Plan.”

- Policy DP12 (p.81) expresses support for “sympathetic proposals that enhance the Chilterns as a place to visit, live, explore and enjoy” and for “sensitively designed new visitor facilities”, adding in supporting text that these should be “Small-scale, carefully-sited and well-designed”.
19. These policies and proposed actions of the Management Plan support the principle of SANGs within the National Landscape and its setting, but also provide sufficient safeguards (also with regard to other general policies of the Plan, and additional guidance such as the Chilterns Buildings Design Guide) to justify the Board’s intervention in proposals for SANG provision. In particular:
- There should be a strategic approach to SANG provision. However, it is unlikely that we would be supporting in attempting to block a SANG proposal solely on the grounds that there is not an appropriate strategy in place – arguably the individual LAs have their own strategies in place, and it could be argued that we have had the opportunity to produce such a strategy since adopting that as a Key Action in 2019.
 - SANGs (in the designated area and, arguably, its setting) must conserve and enhance the special qualities of the National Landscape, and promote their understanding and enjoyment. A developer might be best advised to locate SANGs outside of the National Landscape, since this would provide more flexibility in the design and management of the site. Conversely, SANG provision within the National Landscape could provide opportunities to restore or enhance particular landscape features (including natural habitats and cultural heritage) that are currently degraded or at risk (where this restoration would be compatible with visitors).
 - We would normally only support “small-scale” visitor facilities, but SANGs are large-scale by definition (their size is determined by requirements for the provision of walks of a certain distance). This does not necessarily mean that we should oppose all large-scale proposals – arguably the “scale” of a proposal could relate specifically to built interventions, or to the impacts of the proposal (in a similar way to the definition of “major development” in a National Landscape under footnote 64 of the NPPF (December 2023), which is “a matter for the decision maker, taking into account [the proposal’s] nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”).
20. The Board can seek to influence the content of future Local Plan policy, as we did with our engagement with Dacorum BC when they produced their mitigation strategy, but officers’ ability to do so would be enhanced with reference to a Position Statement and/or the sustainable visitor management initiative proposed in the Management Plan.
21. It is important that when SANGs come forward within the National Landscape, they sit well with the existing landscape character. Design features and associated ephemera, such as car parks, cafés, and toilets, must be sympathetic. To further conserve and enhance the area’s special qualities, reference to landscape character and documents such as the Chilterns Design Guide will be key when considering future planning applications. In a similar fashion, SAMM funding may result in land-use planning implications, for example, the National Trust’s mitigation of impacts within their Ashridge estate.
22. The need or desire for a further policy position on SANGs design or SAMMs funding (i.e., what it should be spent on) is a matter for discussion and reflection. The Board may

benefit from having a policy stance on this, and a discussion of the merits and disadvantages of such a policy are welcome. The discussion will need to take into account the current capacity constraints on the Board's planning function.

Woodlotting

23. "Woodlotting" is the practice of dividing an area of woodland up into "lots" for sale to the public on the expectation (however unjustified) that the land could be used for a variety of purposes. Sometimes those purposes are apparently benign, including giving people the opportunity to own a piece of nature-rich land for their personal enjoyment, but frequently there is an (implicit or explicit) suggestion that the land could be used for commercial purposes or development, some of which can be undertaken without the need to apply for planning permission.
24. Anecdotal evidence suggests that even the most benign examples of woodlotting can result in significant harm to the woodland habitat and to its visual appearance:
 - The main problem is in taking the land out of a single management regime and fragmenting that management in ways that are unlikely to be beneficial to the woodland as a whole.
 - Vehicular access may be created, with harmful impacts arising from the surface used, or from there being a lack of a hard surface.
 - Temporary structures and other paraphernalia (including tents, fencing, furniture, etc.) may be brought onto and left on the site (with or without planning consent).
 - Trees and undergrowth may be damaged or cleared, or the area otherwise managed inappropriately.
 - Ultimately, the new owners of the plots may lose interest in the site, leading to its neglect, which is not always beneficial to the habitat.
25. It's worth noting that similar practices also apply to the division of any land for sale, and is not restricted to woodland: similar harms to the special qualities of the National Landscape can arise from the lotting of any open land – in many respects the visual impacts can be more significant on open land.
26. Opportunities to control instances of woodlotting or landlotting are limited, since the sale of land on its own is not well regulated, and many of the activities that are pursued by plot-owners are subject to permitted development (PD) rights. Breaches of planning law, where they do happen, are hard to identify, and, as is well documented, local authorities do not have the resources to pursue all enforcement cases.
27. The issue has been around for a number of years, and there are many examples of poor outcomes of the matter in practice, and no apparent examples of completely successful interventions to prevent it. The issue really requires resolution through new primary legislation, which many organisations, including CPRE and the Woodland Trust, have campaigned for without success.
28. Nonetheless, there are some – limited – courses of action that have been identified as possibly being of help in individual cases. Further research is required with regard to their effectiveness:
 - Referring sales to Trading Standards (anyone can do this);

- Removing permitted development rights, e.g. through Article 4 Directions (LPAs only);
- Requiring proper maintenance of land, e.g. through section 215 notices (LPAs only);
- Applying Tree Preservation Orders (LPAs only);
- Seeking designation of the land under natural or cultural heritage legislation (various designation authorities);
- Reporting incidences of physical harm to habitats, species or features (various enforcement authorities);
- Purchasing the land (anyone with deep enough pockets can do this).

29. Almost all potential remedies do not resolve the issue of woodlotting (or landlotting) itself, but seek to manage potential impacts, none of which are a complete solution.

30. Given the history of repeated failure to secure a consistent solution to this issue, attempting to take action unilaterally, as the Chilterns National Landscape, is likely to be ineffective. As an organisation we can continue to maintain a watching brief and take action – or more appropriately encourage others to take action, since we have few relevant powers other than to acquire land. Ultimately the best course of action is likely to be to work through the NLA with others, including CPRE and the Woodland Trust, to identify a legal solution.

31. It is officers' view that a Position Statement on this issue is unlikely to result in an impact on the pursuit of this unfortunate practice.

Recommendations

- 1. That the Committee CONSIDERS the merits of a Policy Statement on SANG provisions within the National Landscape and its setting to recommend to the Board for approval.**

Item 8 Development Management Casework**Author:** Mike Stubbs, planning adviser**Purpose and Summary:** To inform the Committee about, and seek approval of, the responses made under delegated powers in connection with the planning applications as listed and to update the Committee on any outcomes. This is followed in a similar fashion to the previous format, with a summary of all comments, objections and representations on live applications and appeals since the last planning committee.**Background**

1. In summary of the outcomes of previous **planning applications**, the Board has made **11** new comments/objections/representations. Since the January Committee, **1** application was granted to which CCB made supportive comments and **0** granted against which we had raised objections. **2 appeals** were determined, with both dismissed (refused)). CCB had raised objections to both and gave evidence.

Summary.	Outcomes and Updates since January Planning Committee.
Applications granted on which CCB commented = 1	We supported extensions to the 81 - 83 High Street and 4-6 Wheelers Yard (Roald Dahl Museum), Great Missenden.
Applications granted to which CCB had objected = 0	n/a
Applications refused to which CCB had objected = 1	Polytunnel development at Great Gaddesden (AONB reasons cited). Redevelopment of Berkhamsted Golf Driving Range for residential (AONB reasons cited).
Planning appeal decisions issued = 2	Land East of Tring, Secretary of State's decision to reject the appeal for 1,400 homes against the Inspector's recommendation to grant. Grove Farm Pishill, nr Stonor conversion of redundant barn to dwelling, dismissed.
Planning appeal decisions outstanding = 4 (includes Luton Rising Development Consent Order).	Reading Road Goring (caravans, enforcement) Hampden Fields (4 dwellings) Frithsden Winery (dwelling) Luton Rising expansion (NSIP/DCO)

New applications/appeals since January's planning committee = 11 .	<p>1 appeal representations.</p> <p>1 NSIP/DCO evidence submission (Luton Airport).</p> <p>3 Comments on applications.</p> <p>5 Objections (2 being holding objections).</p> <p>1 in Support.</p>
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2. Please note that this paper includes reference to responses made before our rebranding took place, and/or while officers were still getting used to the new language and terminology. As a result references to the Chilterns National Landscape and the Conservation Board may not be consistent with the latest branding guidelines.
3. As reported to the last Committee, the CNL awaits outstanding decisions on several appeal cases. Two decisions were issued in March 2024, and both were dismissed. One decision relates to the conversion of a redundant barn to residential (Grove Farm Pishill) in which the Planning Inspector applied the Chilterns Buildings Design Guide when dismissing the proposal on the grounds of inappropriate design detailing. The other appeal is the Secretary of State's decision to reject his appointed Inspector's recommendation and dismiss the Land to the **East of Tring** proposal (1,400 dwellings). This proposal impacted the AONB's setting from the Ridgeway and wider views from Pitstone Hill. This is a significant decision and the subject of a separate agenda item for this committee.
4. As previously reported, the CNL continues to engage with the Nationally Significant Infrastructure Project (NSIP) proposal to **expand Luton Airport**. In late January, the Examining Authority issued a Rule 17 letter seeking further details on, in our case, the impact upon the AONB as assessed by Luton Rising in their Special Qualities study. This allowed us to make further and final submissions. Luton Rising's closing submissions accepted that they did not '*strictly satisfy*' AONB legislation and policy, but these impacts were localised and relatively minor. We disagree with this in our preceding evidence. The examination closed on 10th February, and a decision is anticipated on or before 10th August 2024.
5. The appeal at **OS Field 7141, Latimer Road, Chenies** (unauthorised chicken farm) (PINS reference 3312263) is still listed for an appeal date, but no date has been set yet.
6. **New CNL Responses** on planning applications since January's planning committee are listed in Appendix 1, and current live casework is listed in Appendix 2. Applications of note within Appendix 1 and to be presented to the committee include current appeals/applications at 44 London Road West (food store, BC-Chiltern PL/21/1309/FA), Calf Barn, Fullers Hill (residential in open landscape, BC-Chiltern PL/24/0065/FA), Luton Rising's Examination Rule 17 and closing points (PINS 20040739), Land South of the Horse and Jockey (solar proposals, DBC 23/02955/MFA) and the Watlington new (by-pass) road (OCCR3.0010/24)
7. The Planning Adviser will provide reflections on the outcomes of CCB representations.

Land East of Tring (Marshcroft) – Report on the decision

8. The Secretary of State's Recovered Appeal was dismissed on 15th March 2024 against the recommendation of the appointed Planning Inspector, who recommended approval.

9. In **summary**, this case rested on the demonstration of ‘*very special circumstances*’ (VSCs) sufficient to outweigh the harm to the Green Belt because development such as this is inappropriate in the Green Belt and, therefore, by definition, harmful. The principal VSC is the Council’s lack of a 5-year housing land supply, variously set during the planning inquiry proceedings as 2.06 years of supply (Secretary of State), 1.91 (Appellant) and 1.95 (appointed Inspector). The Inspector found harm to the AONB’s setting as ‘sensitive receptors’ (panoramic views, notably from Aldbury Nowers and Pitstone Hill) were harmed. Even after 15 years of maturity, mitigation would not greatly diminish that harmful impact. The Secretary of State agreed. The Secretary of State apportioned greater weight to this AONB harm than the Inspector when discharging the planning balance.
10. Due to the lack of a 5-year housing supply, the Inspector invoked the colloquially titled ‘**tilted balance**’ in the National Planning Policy Framework (NPPF), whereby planning permission should be granted unless the Green Belt (GB) and AONB policies provide ‘*a clear reason for refusing the development proposal*’. In shorthand, the Planning Inspector felt that addressing the 5-year supply was sufficient VSC to outweigh the harm, including the harm to AONB’s special qualities (setting and panoramic views). The Secretary of State disagreed and concluded that the harm amounted to significant harm to the purposes of the Green Belt. Dacorum argued it was harmful to one of the GBs key purposes to *assist in safeguarding the countryside from encroachment*. The Secretary of State also reported ‘*adverse effects*’ to sensitive receptors within the AONB, ‘*due to loss of panoramic views of the AONB from public rights of way 057 and 058*’ (The Ridgeway) (paragraph 30). Thus, the Secretary of State found such a ‘*clear reason*’ when applying the GB/AONB protections in the National Planning Policy Framework, and the ‘tilted balance’ was outweighed by this identified harm and, therefore, was not applied.
11. Several key extracts can be identified. (IR cross refers to the Inspectors Report).

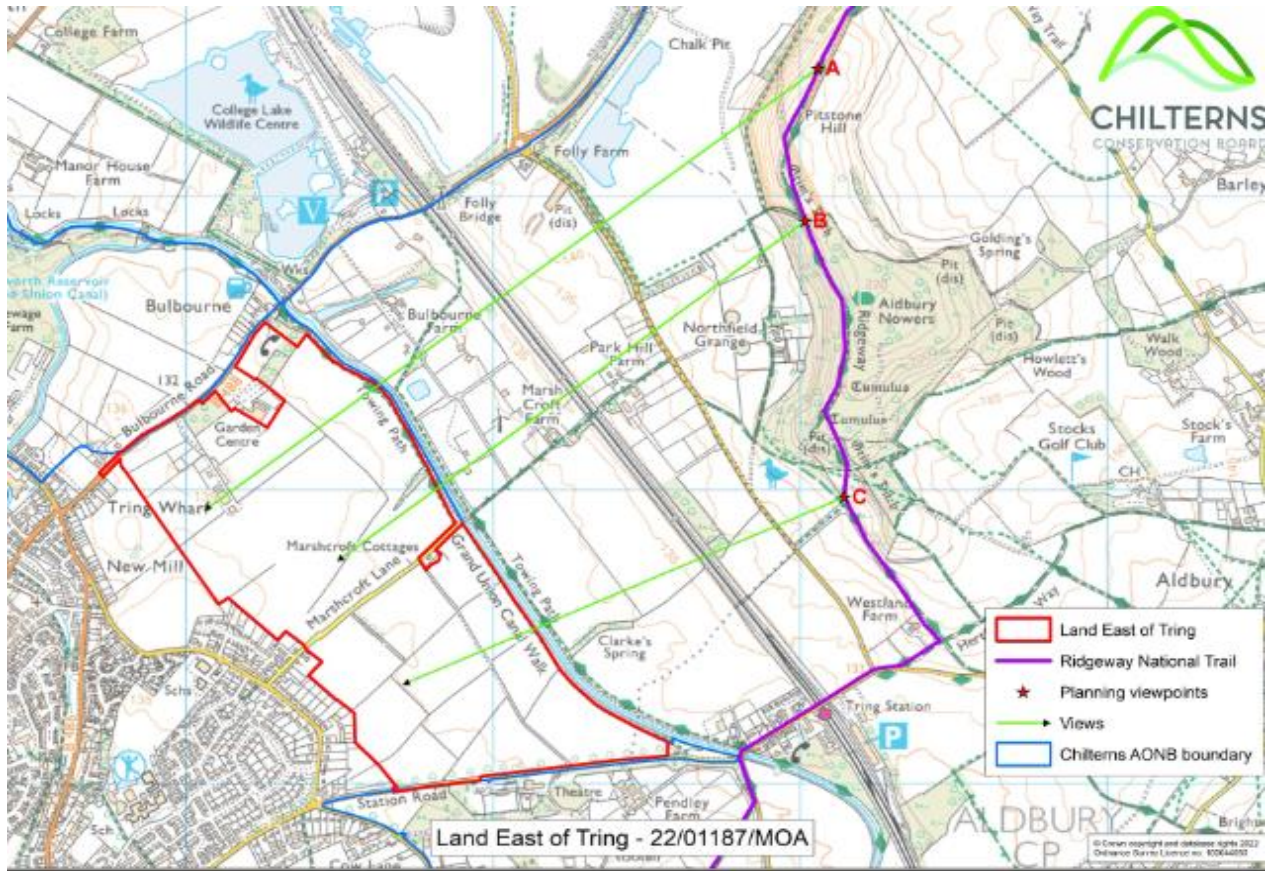
12. On harm to the AONB

30. For the reasons given at IR486-487 and IR530, the Secretary of State agrees that although built development within Tring is visible in the distance from many of the views, the appeal proposal would extend this built development, much of which **would be closer to these sensitive receptors** (IR487). He further agrees receptors in the AONB would experience adverse effects, and there would also be **harm due to a loss of panoramic views of the AONB from Public Rights of Way (PRoWs) 057 and 058** resulting from tree planting and building. He agrees that even with the existing and proposed planting there would be **residual adverse effects on the setting of the AONB**, to which great weight should be given, and further agrees that in line with paragraph 176 (now 182) of the Framework, **great weight** should be given to this harm (IR487, IR530).

13. Planning Balance and the harm to the setting of the AONB

61. In line with paragraph 148 (now 153) of the Framework, the Secretary of State has considered whether the harm to the **Green Belt** by reason of inappropriateness, **and any other harms** resulting from the development is clearly outweighed by other considerations. Overall, he considers that the other considerations in this case **do not clearly outweigh** the harm to the Green Belt and the other identified harms relating to impact on character and appearance, **setting of the AONB**, harm to designated and non-designated heritage assets and loss of agricultural land. He therefore considers that **VSCs do not exist** to justify this development in the Green Belt.

14. The Inspector had recommended that planning permission be granted, albeit that even after mitigation (planting and a site of alternative natural greenspace), three views within the AONB would still be impacted, including the view from the NT's Pitstone Hill (IR 482). The resulting harm was calibrated as '*residual adverse effects on the setting of the AONB*' (487). Several of these assessments were gauged from The Ridgeway as it climbs from Tring Station to Pitstone Hill and from selective views from within Aldbury Nowers SSSI. The CCB put in representations and a map requesting the inspector take in such views during his site visit.
15. To assist the Planning Committee, we have identified several key points (essential summary points are underlined).
- a. **Setting** was not a reason for refusal in the Council's evidence. However, in the appeal decision, the setting was a matter of great material relevance, accepted by both the Inspector and the Secretary of State. The Inspector rejected the CCB's point that the appeal site was a valued landscape (i.e., more than ordinary), but the outcome in this case was that an 'ordinary landscape' could be part of the AONB's setting.
 - b. In applying the '**tilted balance**', the CCB argued that the AONB's setting fell within the '*clear reason for refusing permission*'. The Inspector accepted that the application fell squarely within the AONB setting but did not explicitly comment on the tilted balance as far as this matter was concerned.
 - c. An assessment of the AONBs **special qualities** was key. In this case, the Inspector and the Secretary of State both placed weight on the panoramic views out from the escarpment, which are visible from The Ridgeway and Pitstone Hill, especially. When applying the NPPF's '*great weight*' to conserving and enhancing the AONB, the Secretary of State focused on the harm to these identified '*sensitive receptors*'. This decision reinforces that relationship and makes it a fundamental starting point when arguing planning matters relevant to setting. The new duty in the Levelling Up and Regeneration Act was not dealt with explicitly.
 - d. Green Belt and AONB Considerations were dealt with **separately**.
 - e. A point put by the appellant and one advanced in other cases is that only a very small percentage of the AONB would be affected. At this Inquiry, the appellants argued that from within the AONB the site is seen as '*a small proportion of a wider panoramic view*' (IR 76 and 103), that it amounts to only **0.0014% of the AONB's setting** (i.e. 121 ha site area divide by 83,000 ha AONB area) (IR 100) and that it is visible from about 500 metres only of footpaths within the AONB out of a total of 29,000 m footpaths and highways (IR100).
16. None of these points were carried forward into the Inspector's/Secretary of State's rationale, so we assume no credence was given. The Chilterns National Landscape will continue to resist this argument, and this decision does not diminish that resistance. An arithmetic calculation of AONB impact was not a matter relied upon by the Inspector and Secretary of State and ignored in the final decision.



Recommendations:

1. That the Committee **NOTES** and **ENDORSES** the responses made in connection with the applications listed in Appendix 1, and 2.

APPENDIX 1**New CCB Responses on Planning Applications since Last Planning Committee**

Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
Land to the East of Tring (Marshcroft proposal)	Dacorum BC LPA reference: 22/01187/MOA PINS reference: APP/1910/W/22/3309923	1,400 homes, Site of Alternative Natural Greenspace (SANG) and ancillary development.	Appeal dismissed by the Secretary of State on 15 th March 2024.	<p>Department for Levelling Up, Housing and Communities email to parties, dated 12th January 2024</p> <p>CNL's Response.</p> <p>The Secretary of State's email of 12th January 2024, invited comments on, as may be relevant to this decision:</p> <ul style="list-style-type: none"> • The revised National Planning Policy Framework which was published on 20 December 2023 • The 2022 Housing Delivery Test figures which were published on 19 December 2023 <p>The CNL raised issues pertinent to the LURA 2023 and changes in AONB legislation. The clear intention of the change is to move away from a situation which merely calls for passive regard to be had to the designation when weighing up the matters affecting a decision to pursue a particular activity in favour of a positive and proactive assessment of how that activity will be able to "<i>further</i>" the purposes of designation, i.e. the conservation and enhancement of the natural beauty of the area. This applies to the setting ('<i>or so as to affect</i>').</p> <p>Note for Planning Committee.</p> <p>The appointed Planning Inspector recommended approval, but the Secretary of State rejected this and dismissed the appeal.</p> <p>This is a significant decision and is the subject of a separate agenda item for this meeting.</p>	26 th January 2024

Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
44 London Road West Amersham Bucks	BC-Chiltern & South Bucks PL/21/1309/FA	Demolition of existing buildings, and erection of a foodstore (Use class E) with servicing, access, car parking and landscaping	Pending	CNL Holding Objection. The lack of regard to the River Misbourne, encapsulated by the Environment Agency as a ' <i>Missed Environmental Opportunity</i> ' to re-naturalise the riverbank and to achieve a ' <i>significant environmental gain</i> ', is strongly supported by the CNL. The applicants cease considering such re-naturalisation opportunities beyond the proposed selective removal of ruderal/ephemeral vegetation and some trees to improve the natural light reaching the water. This is important, however, a designed landscape corridor, with careful treatment of its public access, will assist in litter not entering the river and will also create a striking landscape feature to the benefit of the site, town, conservation area and the setting of the AONB.	19 th March 2024
Land To the West Of Field Cottage Buslins Lane Chartridge Bucks	BC – Chilterns & south Bucks PL/23/4148/VR C	Variation of condition 11 (approved plans) of planning permission PL/22/3758/FA (Demolition of 3 outbuildings and construction of detached building comprising 6 stables, erection of fencing and laying out of manege) and amendment of proportions of manege and associated fencing.	Pending	CNL Objection The new surfacing is urban and inappropriate in an AONB. It harms the delivery of ecological and sustainable drainage objectives, as put to the LPA by the applicant in the justification of their earlier and now approved planning application. Buslins Lane facilitates considerable public access and, therefore, public benefit as visitors and residents enjoy this nationally protected landscape. The hardcore and surfacing both erode this landscape quality and prevent the ecological benefits, including a suitable buffer for the native hedgerows that help to define Buslins Lane and this part of the Chilterns.	17 th January 2024
Calf Barn Fullers Hill Farm Fullers Hill Hyde Heath Bucks	BC-Chilterns & South Bucks PL/24/0065/FA	Demolition of existing equestrian buildings, erecting 7 detached dwellings,	Pending	CNL Objection The justification for development is based on housing land supply (HLS) figures. AONB status falls within the ' <i>clear reasons for refusal</i> ' category in footnote 7 of	7 th February 2024

Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
		alterations to existing detached dwellings and retention of existing 4 flats.		the NPPF (Dec 2023). The <i>'tilted balance'</i> as it is colloquially known, is disapplied and a very clear AONB harm reason exists, sufficient to refuse planning permission. That harm is an inappropriate erosion of the landscape in a location where residential development is resisted. No planning weight can, therefore, be given to an HLS justification for development.	
London Luton Airport Way Luton	Secretary of State upon recommendation by the Examining Authority ExA. Interested Party reference: 20040739 PINS reference: TRO 20001.	Application by London Luton Airport Limited for an Order Granting Development Consent for the London Luton Airport Expansion project. Notification of decision to accept an application for Examination for an Order Granting Development Consent.	Pending	CNL's response to the ExA's Rule 17 letter of 25th January 2024 AONB Special Qualities Study 2nd Draft (Deadline 9) CNL's Response to the Examining Authority. The information provided by the applicant points to an increase in overflying of the AONB, and harm is identified in the papers (please see Chapter 14 Landscape and Visual of the ES AS-079). This distils the point that the conservation and enhancement of the AONB cannot be delivered. Turning to the new duty in the CROW Act, as amended by the LURA, this proposal demonstrably cannot <i>'further the purpose'</i> of conserving and enhancing natural beauty/scenic beauty. To apply this legal test to the case merits, the diminution of relative tranquillity by dint of increased activity harms this special quality and does not further the purpose. NOTE for Planning Committee. This deals with a request for further information following the development of a study of the impact upon the special qualities, notably tranquillity. The final decision on this proposal is anticipated on or before 10 th August 2024.	30 th January 2024
Land At Grange Farm Grange Farm Green Lane	DBC 23/02034/MFA	Hybrid planning application comprising (i)	Pending	CNL No Comments We have reviewed this application, alongside its linked	7 th February

Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
Bovingdon Hemel Hempstead Herts		Full application for the construction of 57 dwellings (Use Class C3), (including affordable housing), 59 no. units of Extra Care accommodation (means of access, landscaping, open space and all other associated works and (ii) Outline planning application (all matters reserved except access) for up to 129 dwellings.		<p>application dealing with the associated SANGs at Haresfoot Farm reference 23/02508/MFA.</p> <p>The CNL does not propose to comment on these applications.</p> <p>This application is around 5km from the AONB and would not impact upon the setting of the AONB.</p> <p>NOTE for Planning Committee. A separate agenda item deals with SANGs and this application is relevant to that.</p>	ry 2024
Land south of the Horse and Jockey, Watling Street near Markyate, Beds.	<p>Jointly with DBC</p> <p>BC-C&SB</p> <p>DBC reference: 23/02955/MFA</p> <p>CBC reference: CB/23/03583/OUT</p>	Hybrid Planning Application for a Solar Farm (Full) and associated Electric and Hydrogen Vehicle Charging Service Station and Battery Storage (Outline, other than access	Pending	<p>CNL Comments</p> <p>We have reviewed the papers and visited the site. In our judgment, this is a major development within the AONB (National Landscape), and the applicants agree with that (see their supporting planning statement, at 5.41). It will, therefore, need to be considered against the three tests as set out in (a), (b) and (c) of paragraph 183 in the NPPF. In their supporting planning statement, the applicant's agent does not deal with the AONB duties in any meaningful way. They consider alternative sites (at 5.55) as required by the NPPF but do not discharge this duty. The respective LPAs must be satisfied that the exceptional circumstances duty is delivered.</p> <p>If matters of planning principle are established, then we seek:</p> <p>(i) A detailed plan showing greater planting around the PV footprint, with a commensurate shrinking of it to allow this.</p>	16 th January 2024

Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
				<p>(ii) That each of the resulting 3 fields of solar arrays are contained within their respective field patterns and do not form a continuous or contiguous array.</p> <p>(iii) Greater detail on the how the EV Hub will progress, with a series of agreed design principles.</p> <p>(iv) It is regrettable that this part of the AONB is materially despoiled by fly tipping. If this application can assist in its avoidance, we welcome the applicants and LPAs thoughts on this.</p>	
Newlands Wood Markyate , Herts.	DBC 23/02850/RET (Amended details)	Surfacing of pre-existing forest track with approx 150mm depth of recycled crushed concrete, to facilitate woodland management operations. The width of the existing track has not been increased (track width approx. 3m), and no trees have been removed as part of the upgrade works. This forestry track has existed for over 100 years as evidenced by the extracts of OS maps and Google Earth images.	Pending	<p>CNL Comments</p> <p>The additional details confirm the surface finish of the track/road and we accept that these details fit with the landscape.</p> <p>The applicant's letter dated 26th February 2024 confirms that <i>'woodland plots are sold on for the purposes of forestry, and each purchaser enters a covenant on behalf of themselves and successors in title'</i> (continues, with details of the restrictions imposed). We would seek to resist land subdivisions and a perception/expectation that future residential use might prevail. Therefore, and to avoid any doubt in this matter, we suggest that an article 4 Direction is considered (to prevent land subdivision by means of the erection of fencing or other forms of enclosure) and that a planning condition is attached, should the LPA be minded to approve, so that no fencing or other means of enclosure is erected without the prior approval of the LPA.</p>	12 th March 2024
Fields to the northern and eastern outskirts of Watlington in Oxfordshire.	OCC R3.0010/24	The construction of two sections of single carriageway forming part of	Pending	<p>CNL Holding Objection</p> <p>1st Submission.</p>	2 nd Februa ry 2024

Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
<p>The Proposed Development intersects five local roads: from east to west, these are the B4009, Rosemoor Drive, B480 (Cuxham Road), Pyrton Lane and Watlington Road (B4009)</p>		<p>the Watlington Relief Road (WRR) including footways and cycleways, two new roundabouts, a new junction linking Britwell Road/Harman's Way and the provision of a vehicular pick-up and drop-off area to Icknield Community College, a new section of bridleway (Pyrton Lane to east and west of the route alignment), pedestrian crossing facilities, a new bridge over Chalgrove Brook, landscaping and planting, drainage improvements, street lighting and associated earthworks and infrastructure</p>		<p>The CNL raises objection to the lighting proposed at proposed junction 3 (Station Road) on the grounds that it is unnecessary urban and create a glow and glare that harms the setting of the AONB, when viewed from higher ground to the south including the panorama from Watlington Hill, noted by the applicant as a '<i>celebrated local viewpoint</i>' (ES, Ch 13 at view 16, 13.5.14) and the passing public right of way.</p> <p>We propose the following revisions, dealing with the roundabout/Junction Lighting:</p> <p>(i). That the views down from the PROW network at Watlington Hill will require a degree of new design thinking. We would seek a commentary on new technologies, such as 'Solar Eye' and the use of, for example, hardwired intelligent road studs. This discussion should be cast in a methodology like a SEA/SA discussion to robustly consider all alternatives. The design speed of this road will be 30mph or lower and will be material in the highway design thinking. (ii). That any review must also consider the views from nearby PROW. We note no nighttime assessment is to be made, but a daytime assessment must, we assume, run from dawn to dusk and therefore, a spectrum of assessment is warranted.</p> <p>(iii) Roundabout links need to be avoided and can be 'designed out' of the highway engineering as is necessitated by the rural/AONB boundaries of the new road. This plays to the 'new design thinking' as mentioned in (i) above so that any top-lit columns are avoided to improve, indeed enhance, the dark skies environment that must be factored into all assessment methodologies.</p> <p>As far as we could ascertain, this junction is surrounded by 14 columns and five columns/lights are denoted for '<i>luminaires on</i></p>	

Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
				<p><i>columns 79,80,82,84 and 87 to be fitted with back shields to reduce light spill into the Chilterns AONB'. Thus, columns 72,73,74,75, 76, 77,78, 85 and 86 do not incorporate back shields. That is nine in total.</i></p> <p>As submitted these details do not comply with ENV1 of the SODC Local Plan, DP4 of the AONB Management Plan and the NPPF at 182.</p> <p>NOTE for Planning Committee.</p> <p>This submission called for a re-design of the proposed roundabout. Further work on this resulted in additional representations seeking its deletion and a broader redesign of the new road, to protect the setting and relationship to the adjoining AONB.</p>	
<p>Fields to the northern and eastern outskirts of Watlington in Oxfordshire. The Proposed Development intersects five local roads: from east to west, these are the B4009, Rosemoor Drive, B480 (Cuxham Road), Pyrton Lane and Watlington Road (B4009)</p>	<p>OCC R3.0010/24</p>	<p>The construction of two sections of single carriageway forming part of the Watlington Relief Road (WRR) including footways and cycleways, two new roundabouts, a new junction linking Britwell Road/Harman's Way and the provision of a vehicular pick-up and drop-off area to Icknield Community College, a new section of bridleway (Pyrton Lane to east and west of the route alignment), pedestrian crossing</p>	<p>Pending</p>	<p>2nd Submission.</p> <p>CCB's overview summary conclusion is that the current proposal lacks any innovation in delivering the principles promoted and fails to respect the setting of the AONB by including little, if any, recommendations from our own Environmental Guidelines for Management of Highways. This publication was prepared by a working group that included representatives from and with the consent of Oxfordshire County Council.</p> <p>The CCB promotes a different approach.</p> <p>(i) Deletion of the junction 3 (station road) roundabout, which is intrusive to the rural setting. A roundabout junction forces the engineering need for lighting. The rural context is lost, and the impact on the night sky and the tranquillity of the rural setting is harmed. This is avoidable. The redesign of Watlington Road to the east (i.e. from Lewknor) should include design</p>	<p>20th Februa ry 2024</p>

Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
		facilities, a new bridge over Chalgrove Brook, landscaping and planting, drainage improvements, street lighting and associated earthworks and infrastructure		<p>treatments to progressively slow and control traffic in a 50/30/20mph sequence. A new curvature can then replace the roundabout and a junction for traffic movements into Watlington.</p> <p>(ii) A meaningful cycle corridor. The current proposal is shared with pedestrians. The Chilterns cycleway passes nearby and many recreational cyclists will call in at Watlington, via Britwell Hill, Howe Road or Hill Road. These routes readily link to this proposal and new residents will enjoy that connection. A robust cycle corridor needs to be built into the scheme.</p>	
Westfield Farm Westfield Medmenham Buckinghamshire SL7 2HE	BC-Wycombe 21/06329/FUL	Demolition of 3 buildings and construction of 3 buildings (for storage use (class B8) or light industrial use (Class E(g)(iii)) to provide 1,391 sq. m. total floorspace (gross internal floorspace) with bin stores, cycle and car parking and landscaping.	Pending	<p>CNL Comments</p> <p>The CNL promotes careful consideration of roofing materials, consistent with the Chilterns Buildings Design Guide, which states that '<i>... materials used in a new building will be a matter of detailed consideration.....</i></p> <p><i>Traditional materials are typically brown (or shades of red and orange), grey or black in colour and do not reflect much light. Any modern materials used should reproduce these characteristics.</i></p> <p>The CNL comments promoted greater regard for the Design Guide when agreeing on materials.</p>	20 th February 2024
Gomm Valley, Ashwells Reserve Site & Pimms Grove Cock Lane High Wycombe	BC-Wycombe APP/KO425/W/ 23/3332257 PINS 22/06485/OUT EA Buckinghamshire	Planning appeal by Taylor Wimpey UK Limited (West London) Hybrid planning application (110 dwellings) and outline (489 dwellings).	Pending	<p>CCB's Written Representations, as previously reported.</p> <p>CCB raised an objection that the outline nature of phase two makes it impossible to arrive at a design judgment on the required (in Local Plan policy) bespoke nature of development.</p> <p>NOTE for Planning Committee.</p> <p>This planning inquiry opened on 5th March and is expected to last 4 weeks.</p>	25 th November 2023

Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
Grove Farm Patemore Lane Pishill, Nr Henley.	SODC LPA reference: P22/S3363/FU L Planning Inspectorate (PINS) reference: APP/Q3115/W/ 23/3327205	Appeal by Country Snugs Ltd against the refusal of planning permission by South Oxfordshire District Council seeking the conversion of existing barn into single 4- bedroom dwelling, construction of new car port and renovation of existing stables. Demolition of all other site buildings and upgrade of existing vehicular entrance,	Dismissed on appeal 5 th March 2024	Planning Appeal Decision to report and update. CCB raised concerns over (a) a lack of structural details to justify conversion and (b) inappropriate design details (openings). The Inspector concluded that, 8. Whilst the development would retain the overall form of the large steel portal framed barn to be converted, the installation of doors and windows would relate poorly to the existing appearance the barn. In particular, the massing, rhythm and symmetry of the fenestration on the eastern and western elevations is evidently domestic in its arrangement, appearing wholly discordant with the utilitarian agricultural appearance of the building. 9. I note that the conversion would use materials sympathetic to the AONB, including traditional black stain featheredge boarding. Furthermore, I note that blinds, electro chromatic glazing, and new planting would soften the domestic appearance of the development. These features would not, however, fully address nor overcome the adverse effects of the scheme. 10. For these reasons, notwithstanding the benefits noted above, the development would be read as an incongruous residential encroachment into the countryside, detrimental to the visual amenity and landscape character of the site and its surroundings.	12 th Decem ber 2023
Stonor Park, near Henley.	SODC P24/S0966/FU L	5 Shepherd's Huts with ancillary facilities and access.	Pending	CNL Support This proposal, as acknowledged in the officer's pre-application opinion, addresses a shortage of suitable holiday accommodation within the District and applies across the Chilterns. In a sensitive location, the siting, layout, and ancillary features are	8 th April 2024

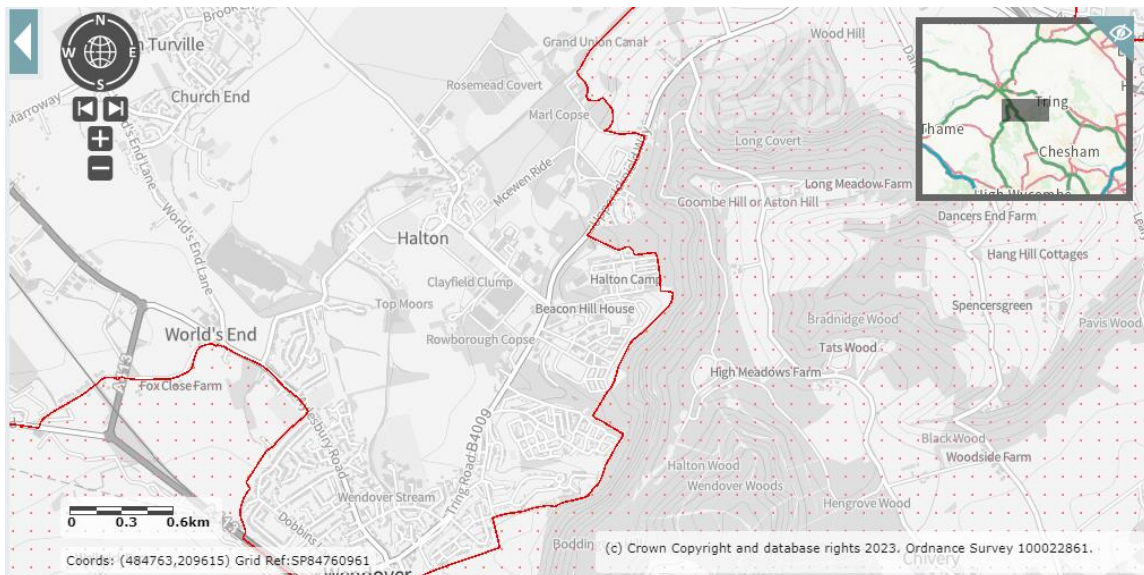
Location	LPA & Ref No	Development	Status	Summary of the Board's Response	Date
				<p>appropriately dealt with, as shown on the landscape plan 696/3/28A.</p> <p>The proposal addresses and delivers AONB Management Plan policy DP6 (Development Chapter) and SP1 (Social and Economic Wellbeing Chapter). These are set out below and carry weight as a material consideration, consistent with planning practice advice.</p>	

APPENDIX 2**Current Live CCB Planning Application Casework.**

Location	LPA	Ref number	Development	Deadline
Widmore Park (formerly Little Sparrows appeal decision)	SODC	P24/S0960	Residential development for 166 age-restricted housing (part full, part outline) and details of various reserved matters and some variations to allow solar panels on roofs.	24 th April 2024

Item 9 Policy Casework**Author:** Mike Stubbs, planning adviser**Purpose and Summary:** To inform the Committee about current policy developments and consultations.**Background**

1. Since the 25th January 2024 meeting, the CNL has responded to one policy document, the Halton Supplementary Planning Document (SPD) and one National Consultation on permitted development rights (the Changes to the Permitted Development Rights (PDR) for Householder Development consultation), coordinated by the National Landscapes Association.
2. Please note that this paper includes reference to responses made before our rebranding took place, and/or while officers were still getting used to the new language and terminology. As a result references to the Chilterns National Landscape and the Conservation Board may not be consistent with the latest branding guidelines.

RAF Halton Supplementary Planning Document (SPD) (Jan-March 2024).

3. We expressed support for this policy document. The AONB abuts RAF Halton, to the east and southeast. This Supplementary Planning Document (SPD) is designed to progress a high-quality residential and community-led development once the base is vacated after 2027. The SPD is based on a detailed understanding of the many heritage buildings, including non-designated heritage and archaeological assets (notably a long-barrow along the eastern boundary).
4. The SPD acknowledges the AONB's setting. We used this opportunity to recommend greater references to the duties and responsibilities that apply to the AONB and its setting. These comments dealt with:
5. (1). **Halton House (to the north)**. (i) Reference to a future Conservation Management Plan or joint heritage statement for the entire RAF Halton historic parkland (a registered

- park and garden or RP&G). (ii). Reference to removing the RP&G from the Historic England Heritage at Risk register, and the potential funding of wider improvements, i.e. outside the SPD but within the RP&G. Around one-third of this RP&G is within the policy area covered by the SPD. All of it is included in Historic England's Heritage at Risk register.
6. (2) **The Neolithic Long Barrow Scheduled Monument (SM)** (to the east). A greater emphasis on the relationship between the AONB and the Scheduled Monument. The SM is the Neolithic Long Barrow, 200m east of the parade ground at Groves Road. This abuts the AONB boundary to its immediate east. We recommended that this text be written in a more positive tone.
 7. The HE Register records that 'The long barrow at Halton camp is one of only three such monuments located in Buckinghamshire, and the only example to survive as an earthwork. It is therefore of considerable importance for the understanding of early prehistoric settlements in the county. The barrow is well preserved'.
 8. Since Historic England offered this opinion, new legislation within Section 102 of the Levelling Up and Regeneration Act 2023 added a new section 58A to the TCPA 1990, which applies a duty to "have special regard to the desirability of preserving or enhancing the asset or its setting" (our emphasis). This duty will now apply to any planning application coming forward on the SPD, including the Long Barrow.
 9. The AONB Management Plan 2019-24 includes heritage policies, at **HP1** to 'Encourage owners of designated heritage assets to create Conservation Management Plans and manage/restore assets appropriately' and at **HP2**, to 'Encourage and facilitate work to improve the condition of assets in order to remove them from 'At Risk' status and explore the designation of new assets through work with local Historic Environment Records and Historic England'.
 10. (3) On **background information** (evidence base) we recommended various additional AONB relevant publications.
 11. There is a reference to the AONB Management Plan and the Chilterns Buildings Design Guide, which we support.
 12. Development within the SPD area falls within the setting of the Chilterns National Landscape (AONB), a matter acknowledged within the Vale of Aylesbury Local Plan policy HAL 003 allocation at section (b) ...'*a landscape-led approach taking account of the character and setting of the Chilterns AONB*'
 13. In addition, we recommend referencing the Chilterns Conservation Board's Position Statement: Development Affecting the Setting of the Chilterns AONB. Considering the site's sensitivity, it would be important to produce a landscape framework with landscape principles and objectives addressing the different features across the site, the qualities of the landscape and its characteristics and affects the character and setting of the Chilterns National Landscape (AONB). This assessment should be considered through the planning application stage.
 14. (4) **Chilterns National Landscape Boundary Review**. The Chilterns AONB Boundary Review needs to be included in the evidence base. Natural England's response to the SEA Scoping (26th April 2023) provides a good start for such content. "*Chilterns AONB Boundary Review: The plan area is within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer*

any additional planning protection, paragraph 174 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Natural England advises that this area should be considered as a valued landscape with appropriate Local Plan policies to protect and enhance its intrinsic character and natural beauty. Furthermore, Paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas.

15. (to note – these NPPF paragraphs are now 182 and 183).

Changes to the permitted development rights (PDR) for householder development. Department for Levelling Up, Housing and Communities PDR Consultation (February – April 2024).

16. This consultation promotes various freedoms, from the need for planning permission for domestic extensions. A long-held principle, set out in preceding secondary legislation dealing with PDR, establishes that such freedoms were to be curtailed in certain sensitive locations, including National Parks and AONBs. This is known as Article 2(3) land. In this consultation, the Chilterns National Landscape comments were fed to the National Landscapes Association (NLA) for their coordinated response on behalf of the sector. We scrutinised this principle to ensure it was carried over into the latest General Permitted Development Order iteration.

17. The summary below relates to our submissions to the NLA. The NLA submitted their consolidated response via an online portal, and we are expecting to obtain a copy of that response shortly.

18. On new permitted development rights dealing with residential extensions, we responded that, the Chilterns National Landscape would maintain that existing and well-established PDR exclusions to land within AONBs must be applied to this consultation outcome. In support of this, we would cite:

- a. The new '**seek to further**' duty in section 245 of the LURA came into force on 26th Dec 2023. This is a strengthened statutory duty and will apply to this consultation. Thus, recognising the special qualities of National Landscapes / AONBs, for example, requires that appropriate controls are implemented to protect the character of these areas, including the contribution made by the built environment. Therefore, exemptions from certain PDR are upheld and/or carried over.
- b. Cognisance given to the Ministry of Housing Communities and Local Government (2020) published report '*Quality standard of homes delivered through change of use permitted development rights*'. This found that homes created through permitted development rights resulted in '*worse quality residential environments*' than those that required planning permission. As reported in a **House of Commons library briefing** (6th March 2024) the researchers argued that there was a need to '*look beyond overall headline numbers to consider whether we are creating the right type of housing in the right place*'. Some of this critique relates to changes in residential use. However, the point is well made that the authors need to '*look beyond headline numbers*', when assessing the environmental implications of permitted development rights and their reform. We also link this point to,

- c. The **Glover Review** (Landscapes Review 2019, as reported to DEFRA) recommended changing the title of AONBs to National Landscapes (now adopted) and, in its summary, set out a vision including that, *'We also think what are now AONBs should be strengthened, with increased funding, governance reform, new shared purposes with National Parks, and a greater voice on development'*. At the very least, no changes to permitted development should diminish the current protections in place (to avoid doubt, the conditions attached in the GPDO exclude AONBs from residential freedoms in permitted development rights).
19. On Buildings etc, incidental to the enjoyment of a dwellinghouse and bin/bike enclosures at the front of dwellings, new freedoms were countenanced, dealing with outbuildings and the like. No exemption was proposed for AONBs. We responded that:
- a. **On bin/bike enclosures**, there would be no control over the number of such structures, which would, by definition, sit within the street scene/townscape view. Overlapping protections, such as conservation areas within AONBs/National Parks, would offer no protection. This would be evident in locations where vernacular buildings, often exhibiting a strong sense of place and identity, could be potentially harmed by small structures without any control regarding materials, design form and overall finish. Whilst it is very difficult to predict this proposal's long-term implications, we would question that a significant problem exists in the first place.
 - b. On ancillary structures within the residential curtilage (plot-ownership), the Levelling Up and Regeneration Act 2023 sets out a duty to further the purposes (of nationally protected landscapes). The introduction of ancillary curtilage structures, by definition spread out towards the boundary of a residential property, runs a considerable risk of landscape erosion, both visually and against landscape character. As with the bike/bin proposals, this is difficult to quantify but is a matter that needs to be within the purview of planning control. An inevitable consequence is that at the junction between a residential curtilage and the wider landscape, relatively large ancillary structures along that boundary bring the built form (visually) into the wider landscape. It is important to remember that many national landscapes / AONBs 'wash over' landscapes, and some settlements, where those settlements, at their designation, contribute to the area's natural beauty (also see Natural England's Designation Criteria, 2011). The boundary between a settlement / developed area and the surrounding landscape is often a complex landscape of settlement character, topography, and geography.

Recommendations:

- c. **That the Committee ENDORSES the policy consultation responses made by officers under delegated authority as set out above.**

Item 10 **Planning Committee Work Programme**

Author: Matt Thomson, head of strategy & planning; Mike Stubbs, planning adviser

Purpose and Summary: For the Committee to consider miscellaneous matters of relevance to the Committee's Work Programme not dealt with elsewhere in the Agenda, including: A404 junction improvements, planning guidance for the River Chess, and future meeting dates and times.

Background

1. This paper provides information on a number of matters relevant to the Planning Committee's work programme not dealt with in detail elsewhere in the agenda.

National Highways A404 Junction Improvements

2. As the Committee will be aware, National Highways (NH) approached officers of the Chilterns National Landscape a couple of years ago with regard to two potential junction improvements on the A404 (between High Wycombe and Maidenhead). This engagement was unprecedented in our experience, especially as one of the junctions was outside of the designated National Landscape (but within its setting). Your officers have been impressed by the effort undertaken by NH, which has included privileged (confidential) access to alternative solution designs and a thorough and extensive day of site visits. NH have been very interested in our thinking on the impact of different alternatives, including with regard to lighting, and have taken the ongoing proposals to extend the designated area very seriously.
3. The junctions in question are both problematic, but for very different reasons, and NH's priority in both cases has been to address highway safety, reduce congestion (and therefore vehicle emissions) and secure net benefits where possible for the National Landscape and for nature.
4. The junctions in question were
 - a. the junction with the M40 at Handy Cross, High Wycombe, which is significantly overloaded, and confusing for many motorists, leading to frequent, usually minor, collisions (this is on the boundary of the designated area, and some solutions would require some additional land-take), and
 - b. the roundabout junction at Bisham Abbey, the only non-grade-separated junction on the A404 between the M40 and M4, and a notorious accident blackspot (this is outside the current boundary but in its setting, in an area that your officers have considered likely for consideration for designation, adjacent to a nature reserve and part of the Chilterns Beechwoods SAC).
5. These junction improvements were always on the edge of what might be included in "RIS3" – the government's road investment strategy for action during 2025-2030. We have now learned that the Department for Transport have decided to defer action on these works to "RIS4", which means they **will not be implemented until at least 2030**. In some respects this is a shame, because some of the draft solutions could have resulted in environmental enhancements to the Chilterns landscape, as well as helping to address air quality and road safety issues to the benefit of local communities.

6. However, the engagement we have had has helped us to build a very positive relationship with NH, which we can build upon going forwards, including with any other improvements to the strategic road network, including our ability to negotiate for Chilterns branded signage on the relevant highways.

River Chess planning guidance

7. Our colleagues on the River Chess Smarter Water Catchment (SWC) partnership programme have approached us about a legacy project for the programme that would prepare guidelines for local planning authorities when considering development proposals in proximity to the River Chess.
8. The idea is based on guidance produced by the former Wycombe District Council and the Environment Agency for the River Wye, produced in 2010¹. The Chiltern Society had already started initial work on this idea, and the planning adviser has now fed some thoughts in to the SWC team on a brief for consultants (paid for by the SWC project) to produce the guidance. Your officers have stipulated that the Planning Committee should be considered as a key stakeholder in the preparation of the guidance, with a view obviously to the guidance being endorsed by the Board, as well as the other project partners.
9. Your officers shall keep the Committee informed of progress with the guidance and opportunities to engage with its preparation.
10. You can find out more about the SWC project here:
<https://chesssmarterwatercatchment.org/>

Future meeting dates and times (2025)

11. Members will be aware that, following discussions at PC (as well as the Board and Executive Committee) last year seeking to maximise attendance in person at Committee meetings, it was agreed to introduce more variety into the meeting calendar, including different days of the week, different times of day and different venues.
12. It has proved harder to communicate this variety of meetings, despite the dates and times being agreed by the Board and the relevant Committees, and that dates/times being shown on all agendas, and we have had some feedback that is critical of the days and times that have been selected for 2024.
13. As a result, we would like to start an early conversation about dates, days and times of meetings for 2025, so that we can agree a calendar of PC meetings in our October meeting to propose to the Board for their approval in December. Nothing is going to work for everyone, of course, and we have to bear in mind that the Committee membership in 2025 may be different from currently, but it would be good to get an understanding of general principles that do work for people.
14. Our internal constraints are as follows:
 - a. PC needs to fit in with a wider calendar, which seeks to avoid peaks and troughs of capacity by spreading the quarterly meetings of each of the Board, Executive Committee and PC out so that there is no more than one meeting per month. This

¹ That guidance can be viewed here: <https://www.revivethewye.org.uk/wp-content/uploads/2013/10/River-Wye-Advice-Note-December-2010-web-version.pdf>

(currently) suggests that Planning Committee meetings continue to be held in January, April, July and October.

- b. In order for officers to prepare planning reports that match quarter-year monitoring periods (April-June, July-September, etc.), it is best for PC to be held later on within those months, ideally no earlier than in the third week in each month.
 - c. Within the week, we try to avoid Fridays as that is the Head of Strategy and Planning's non-working day – but this is not insurmountable on an occasional basis.
 - d. On the timing of meetings, it is easiest for the officer team if meetings are scheduled within normal office hours, but again this is not insurmountable.
15. Your officers would like to understand key constraints affecting Committee members, to put into this balance. For example, it is understood that local authorities tend to have most committee or Council meetings on specific days.
16. We would also be interested to hear other observations on Committee meetings, including but not limited to their the timing, location and format.

Recommendations:

- a. **That the Committee NOTES the contents of this paper, and offers observations on the timing, location and format of Committee meetings.**