

# Comment for planning application R3.0010/24

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| Application Number | <input type="text" value="R3.0010/24"/> |
| Location           | <input type="text"/>                    |
| Proposal           | <input type="text"/>                    |
| Case Officer       | <input type="text"/>                    |
| Organisation       | <input type="text"/>                    |
| Type of Comment    | <input type="text" value="Objection"/>  |
| Type               | <input type="text"/>                    |

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| Comments | <p>20th February 2024 (second set of comments and holding objection to road design, historic and 'place' setting and lack of design coding).<br/>2nd February 2024 (first set of comments and holding objection to lighting details).</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/Harmans 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>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 reference R3.0010/24</p> <p>2nd CCB Objection submitted 20th February 2014.</p> <p>CCB has now had the opportunity to review the Environment Statement (ES), including the non-technical summary and the cumulative assessment. We are grateful for the opportunity to submit further comments, also objecting to certain details and a lack of information in the ES. This second objection is best summarised on the grounds of a design objection based on the SODC Local Plan and the Manual for Streets' detailed design requirements, the AONB Management Plan and the CCB's Environmental Guidelines for the Management of Highways in the Chilterns.</p> <p>1.0. Background</p> <p>1.1. The submitted papers sign up to the design approach advocated by the Manual for Streets published by the Department for Transport in 2007 (see ES Cumulative Assessment page 23).</p> <p>1.2. Manual for Streets (MfS) promotes a design-led approach for such projects. The CCB has published its Environmental Guidelines for the Management of Highways in the Chilterns (EGMH-Chilterns). The MfS and the EGMH-Chilterns promote designs that respect their place identity and imbue high-quality urban and rural design. They both promote innovation - 'innovative thinking should lead to the design of a scheme that improves safety whilst conserving or even enhancing the surrounding environment' (EGMH-Chilterns, page 9). The MfS promotes a new approach to safety audits, focusing on local distinctiveness, place-check audits and 'the acceptance of innovation' (page 51). Further (in paragraphs 7.3.12 and 13), the MfS discourages conventional roundabouts in residential development (having a negative effect on vulnerable road users and doing little for the street scene).</p> <p>2.0. Overview Summary</p> <p>2.1. CCB's overview summary conclusion is that the current proposal lacks any innovation in delivering the principles promoted in MfS and fails to respect the setting of the AONB by including little, if any, recommendations from our EGMH-Chilterns. Oxfordshire County Council are a signatory to this document. We include a link here to the EGMH-Chilterns Guidelines. This publication was prepared by a working group that included representatives from and with the consent of Oxfordshire County Council. Please see the 'published advice and guidance section' and scroll down.</p> |
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### 3.0. AONB Legal duty (applies to setting and amended s85 CROW duty).

3.1. The legal duty in section 85 of the Countryside and Rights of Way (CROW) Act, amended by the Levelling Up and Regeneration Act 2023 requires the relevant authority 'to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. This duty is not delivered. The Environmental Statement accepts that the proposal falls within the setting of the AONB. The ES Non-Technical Summary argues that the impact upon the AONB is 'negligible' whilst accepting a 'localised' impact on tranquillity and an element of light glare and glow (see landscape and lighting elements of the non-technical summary). The ES Non-Technical Summary accepts that on AONB matters, there will be some localised changes to tranquillity (at 6.9.28), then argues that this is negligible in impact. Such a tacit acceptance of harm results in the clear diminution of the AONB special qualities, with relative tranquillity and dark skies explicitly identified in the AONB Management Plan 2019-2024 (see pages 10 and 11). The newly amended s85 duty to 'further the purpose' is, therefore, not delivered. Quite the reverse is the case.

3.2. However, with appropriate design amendments and further supporting details and assurances, we conclude that this objection can be overcome.

### 4.0. Consideration of designated heritage assets (new s.58A TCPA duty)

4.1. We are also concerned about the impacts of the proposal on the adjacent Pyrton and Shirburn Conservation Areas and the Shirburn Castle registered historic park/garden (which isn't mentioned in the heritage section of the DAS, even though it is indicated on the map on p.14 and discussed - albeit inadequately - in the ES). Both parishes are historic 'strip parishes' typical of the distinctive cultural heritage of the Chilterns escarpment, recognised as one of the special qualities of the AONB. The conservation areas reflect this important relationship with the AONB and recognise the contribution that tranquillity and dark skies make to the character of the designated assets. Both conservation areas include designed landscapes, one of which (Shirburn Castle) is separately registered at grade II. 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" in considering planning applications. That provision was enacted after the submission of the planning application, so, understandably, there is no evidence that this duty has explicitly been followed in the application. Nonetheless, this duty must be followed by the decision-maker, as this decision will post-date the enactment of this new duty.

4.2. The Registered Park or Garden at Shirburn Castle is discussed in paras 9.6.3 and 9.6.8 of the ES substantively only as the setting of Shirburn Castle and other listed buildings, rather than as a designated heritage asset in its own right with its own character and significance. This is a serious failing in terms of the s.58A TCPA duty. Similarly, both conservation areas are discussed only in terms of the significance of the buildings, and not the overall character and significance of the areas covered. This does not reflect the "special attention" required to be paid to the character or appearance of the area under the duty in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Our consideration is that the conclusions of the ES with regard to the impacts on the significance, character and appearance of the Registered Park and Garden and the two Conservation Areas (all of which are adjacent to the application site) as assets in their own right (rather than mere adjuncts to designated and non-designated assets in the form of buildings) must be reconsidered in determining the application, in the light of both the new s.58A duty and existing s.72 duty. This consideration will add to the case in favour of reconsidering the design of the road and its lighting to proactively conserve and enhance (not merely mitigate negative impacts on) the designated heritage assets as well as the Chilterns AONB.

### 5.0. Place-based and AONB Policy. To reinforce this place-based analysis, we also rely upon:

5.1. The AONB Management Plan (see DP1 and DP2) requires that full account is taken of the importance of conserving and enhancing the natural beauty of the AONB and DP4, which establishes that in the setting of the AONB, to take full account of whether proposals harm the AONB.

5.2. The SODC Local Plan at Policy ENV1: Landscape and Countryside at (1) which states that 'The highest level of protection will be given to the landscape and scenic beauty of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs): Development in an AONB or affecting the setting of an AONB will only be permitted where it conserves, and where possible, enhances the character and natural beauty of the AONB'.

5.3. On design matters SODC Local Plan states, Policy DES1: Delivering High Quality Development, at (1). All new development must be of a high-quality design that: i) uses land efficiently while respecting the existing landscape character;

5.4. The SODC Joint Design Guide (2022) deals with connectivity and street design. We assumed this project falls within a 'primary street' (figure 13 of the guide).

The designers of this project sign up to these principles in the submitted papers.

#### 6.0. Revised and Amended Approach.

6.1. CCB promotes a different approach. To assist the County Planning Authority, we set out six principles that we respectfully ask to be considered. We advocate a different approach based on the place-identity of the Watlington area. Watlington, Pyrton and Shirburn are closely linked to the Chilterns AONB, being spring-line settlements below the escarpment, with plentiful Chilterns vernacular buildings, brickwork detailing, flintwork and clay tiles. Its rural setting is considerably valued for its dramatic enveloping by the AONB and rural hinterland beyond.

The proposed new road sections link to the east and west of Watlington and effectively 'tie in' to the Chilterns AONB. Considering the strong place identity between the Watlington area and the Chilterns, the Chilterns Conservation Board would propose the following amendments and production of background documents:

6.1.2. The need for a project-specific design code. That coding must include the rural setting and context of the location. Such coding is consistent with the design-led approach adopted by MfS. We struggled to find the Design and Access Statement (DAS) in the papers. Section 6.3 of the DAS deals with "Design and Function", however no real design is encountered here. A lack of innovation is one of our principal points. Reference to MfS and our own Highways guidance on local distinctiveness (see page 51 of MfS) is an essential requirement for any such design coding work. A statement of key design principles and aspirations is, therefore, required.

6.1.3. In support of (i) above, the need for urban design framework plans. Currently, to understand this scheme, the consultee must overlay the swept path analysis (tracking) engineering drawings with the landscape masterplan plans. We promote an urban design layout drawing, showing the cycle, pedestrian routes, landscaping and enclosure details (hedging and fencing). The cycle routes need to be dedicated for that purpose.

6.1.4. Deletion of the junction 3 roundabout, which is intrusive to the rural setting. MfS offers ways of slowing and calming traffic and we note that 20mph is part used in this project. 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 treatments to slow and control traffic in a 50/30/20mph sequence progressively. A new curvature can then replace the roundabout, along with a junction for traffic movements into Watlington.

The current junction 3 roundabout does not meet the MfS 'compact' roundabout design details.

6.1.5. A considerable reduction in the need for lighting, with the implementation of (iii) as above.

6.1.6. The opportunity to reinforce the strong Chilterns character at the 'portals' of this project (proposed junctions 1 and 3) with appropriate signage, landscape and traffic management, as set out in EGMH-Chilterns at pages 27+.

6.1.7. 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.

We recommend a marshalling of the OCC planning portal folders, which will assist the public

in orientation around the key documents to be considered.

For ease of reference CCB's 2nd February objection is pasted below.

CCB Objection submitted 2nd February 2024 (Holding, seeking AONB revisions to 'further the purpose' of AONB designation as required by LURA 2023 section 245 amendments to the Countryside & Rights of Way Act 2000, section 85).

Thank you for consulting the Chilterns Conservation Board (National Landscape).

1.0. The Chilterns Conservation Board (CCB) and its role and responsibilities are established under the Countryside and Rights of Way Act 2000 (CROW Act) in its section 87, which establishes Conservation Boards with statutory purposes to conserve and enhance the natural beauty of the AONB and to increase the understanding and enjoyment of the special qualities of the AONB.

1.1. The Levelling UP and Regeneration Act 2023, section 245 bolstered this duty by amending it to include, In section 85 (general duty of public bodies etc) ((a) before subsection (1), insert-

"(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. (our emphasis, which links to our conclusions - please see below).

1.2. The amendment that led to Section 245 of the LUR Act was justified to the House of Lords by its proposer the Baroness Scott of Bybrook in these terms "The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes." The intention was clearly to lead to a step-change in the level of attention that public bodies should pay to the purposes of designation of protected landscapes.

1.3. This legislative change, to effectively bolster the duties in section 85 of CROW and to 'further the purpose of conserving and enhancing' the AONB (national Landscape) are material changes that the decision-maker must consider, coming into effect on 26th December 2023.

2.0. Policy Context. The following policies apply when assessing the impact upon the setting of the AONB, which is accepted by the applicant (ES Chapter 13 on landscape at 13.5.25)

The NPPF (Dec 2023 version) at 182 (great weight to the AONB).

The SODC Local Plan at ENV1.

The AONB Management Plan 20119-2024, DP 2 and DP4

DP 2 Reject development in the AONB unless it meets the following criteria:

- a. it is a use appropriate to its location,
- b. it is appropriate to local landscape character,
- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and
- i. there are no negative cumulative effects, including when considered with other plans and proposals.

Policy DP2 sets out what to consider in order to give great weight to conserving and enhancing the AONB. It applies to all development in the AONB, both minor and major.

In the setting of the AONB, take full account of whether proposals harm the AONB. For example, development of land visible in panoramic views from the Chilterns escarpment, or which generates traffic in or travelling across the AONB, or which increases water abstraction from the chalk aquifer, thereby reducing flow in chalk streams.

### 3.0 Planning Merit.

3.1. The CCB raises objection to the lighting proposed at proposed junction 5 (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 'celebrated local viewpoint' (ES, Ch 13 at view 16, 13.5.14) and the passing public right of way.

3.2. This also impacts the night sky and creates a notable distractor, which would be evident at dusk, when people (receptors) were walking in the landscape and enjoying the AONB. A design solution is eminently achievable.

3.3. The ES Chapter 13 reports our comments at the Scoping Consultation and, in response, offers no real discussion, except to say this detail has been agreed.

### CCB's Scoping Comments (as reported in the ES Chapter 13).

CCB Dark Skies. A Dark Skies Assessment must also be included within the LVIA, with reference to best practice advice published by CPRE and its work on mapping, guidance published by the Institute of Lighting Professionals on the reduction of obtrusive light and expert guidance published by the sector and including, for example, the South Downs National Park Authority Dark Skies Technical Advice Note (TAN) (Ref 13-22) as updated in May 2021

OCC's Agent Response: Consideration of the visual impact of lighting has been considered through assessment of the proposed lighting against Campaign to protect Rural England (CPRE) Dark Skies mapping. The methodology is set out in the LVIA Methodology described in Section 13-4.

CCB Roundabout/Junction Lighting: CCB is grateful to make the following points when considering the impacts of road lighting on the AONB, which is intrinsically a defined dark skies environment (see ILP guidance). (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 similar to a SEA/SA discussion, so that all alternatives are robustly considered. The design speed of this road will be 30mph or lower and will be material in the highways design thinking. (ii). That any review here must also consider the views from nearby PROW. We note no night time 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. (iii) Roundabout links need to be avoided and can be 'designed out' of the highways 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

OCC's Agent Response. The lighting design has been agreed with OCC and due to its location, the level of lighting is generally lower than would typically be considered for a scheme of this nature. The luminaries used are full cut off LED units with a colour temperature of 3000K, suited for use in areas with a bat population. At Junction 3, adjacent to the AONB boundary, the pedestrian crossing is incorporated into the roundabout area to minimise lighting requirements. As part of this LVIA a qualitative lighting assessment is undertaken which identifies the potential sources of light and a subjective judgement is made on the impact to the night sky within the Study Area, resulting from new glare or additional upwards lighting.

3.4. We note the agent's reference to 'qualitative lighting assessment' and 'subjective judgement'. We ask that the ILP Guidance on Obtrusive light is given weight. An AONB is within the category of an 'intrinsically dark sky' environment. This location (proposed junction 3) sits right on the AONB boundary (which is to the immediate south). The ILP guidance recommends that the higher test is applied in such circumstances, i.e., the AONB/intrinsic dark skies environment.

3.5. As far as we could ascertain, this junction is surrounded by 14 columns and five columns/lights are denoted for 'luminaires on 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.

3.6. Technology is now advancing apace, and 2,800 kelvin colour-coordinated temperature is now available. The spill and glare of 14 lights centred around the one roundtable will be visible in the landscape and is unnecessary. The CCB asked for a world-class environmental design to be deployed. We noted solar eye and hardwired intelligent road studs. We would welcome a design review and reconsideration of this. Unnecessary night glow and glare can be avoided and the OCC agent's offer no commentary on CCB's suggestions, nor do they apply the ILP Obtrusive Lighting Guidance Note 1 for the reduction of obtrusive light.

3.7 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.

3.8. The newly amended s85 of the CROW Act 2000, amended by the section 245 of the LURA 2023 rightly seeks to 'further the purpose' of the AONB. To do that, in this case, required a much more far reaching and design-led solution. The duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered. The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.

The current proposals offer little to lessen the impact of night blight and we cannot support them.

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2nd and 20th February 2024

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**Attachments**

The following files have been uploaded:  
[CCB 2009 Environmental Guidelines for Highways.pdf](#)