

**Lighting Policy Assessment for the
development at Land Opposite Nightingale
Farm, Wantage Road, Leckhampstead,
Newbury.**

On behalf of Marcham Farms Limited.

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1. Introduction

- 1.1. In December 2023 a planning application was submitted to West Berkshire Council for a proposed agricultural seed processing business on land opposite Nightingale Farm, Wantage Road, Leckhampstead, Newbury. The description of the development is:-

“Development of agricultural barns to accommodate workshop, office and associated vehicle storage for agricultural seed processing business, including agricultural workers dwelling and seasonal worker accommodation, Solar Panels and External Lighting.”
- 1.2. The Application Site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and is therefore within a statutory protected landscape.
- 1.3. In mid-January 2024 CMS Cameron McKenna Nabarro Olswang LLP on behalf of Marcham Farms Limited submitted an objection to the planning application on the following three grounds:-
 1. Inadequacy and deficiency of information in the Planning Application documents.
 2. Failure to conserve and enhance the AONB.
 3. Lack of justification of the need for the proposals.
- 1.4. Subsequently to this, BRE were commissioned to prepare an expert lighting report on behalf of Marcham Farms to support their planning objection to the proposal at the above site. Pegasus Group have been instructed to prepare a report to consider the conclusions of the BRE lighting report in the context of national and local policy.

2. Description of the Proposal

2.1. The description of the application proposal is made in the Applicant's Planning Statement and Design and Access Statement. The submitted plans and drawings explain the scale, massing, and external appearance of the proposals.

2.2. In summary the development proposal consists of:-

- A workshop proposed to be located north of the access. It would comprise areas that would be used for vehicle maintenance and including a fuel store, a seed treatment store, welfare and restrooms, meeting space in the workshop, and a small admin and meeting space;
- A vehicle storage building is proposed south of the workshop close to the site access. The building would store up to 7 vehicles;
- Agricultural worker's dwelling and seasonal worker accommodation is proposed within the north of the site;
- An office would be located within the northeast corner of the site;
- Parking for 13 vehicle; and
- A nature reserve in the southern part of the site.

3. Conclusions of the BRE Lighting Report

3.1. The BRE Lighting Report concludes:-

“Overall, there is a relatively low light output for all proposed luminaire types. However, in the absence of a lighting design and an impact assessment for the proposed external lighting, it is not possible to ascertain whether adequate illumination will be provided for the activities taking place in the outdoor areas of the proposed development, nor whether light pollution effects will indeed be avoided.

“As the external lighting proposal currently stands, there is insufficient evidence to establish whether or not the proposed development will cause light pollution impacts on local amenity and nature conservation including the nearby nature reserve and the wider AONB. A lighting impact assessment based on the design of the proposed external lighting and the guidelines in ILP GN 01/21 and ILP/BCT GN 08/23 is needed to ascertain the potential impact of light pollution from artificial lighting on local amenity and nature conservation, including the nearby nature reserve and the wider AONB”.

4. Policy Considerations

National Planning Policy & Guidance

- 4.1. The National Planning Policy Framework (2023) paragraph 191 addresses the impact of pollution, including light pollution:-

“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:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;***
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and***
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.***

- 4.2. More in-depth guidance is provided in the National Planning Policy Guidance (NPPG):-

“Artificial lighting needs to be considered when a development may increase levels of lighting, or would be sensitive to prevailing levels of artificial lighting.

....

“Artificial light is not always necessary. It has the potential to become what is termed ‘light pollution’ or ‘obtrusive light’, and not all modern lighting is suitable in all locations. It can be a source of annoyance to people, harmful to wildlife and undermine enjoyment of the countryside or the night sky, especially in areas with intrinsically dark landscapes. Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light”. Paragraph: 001 Reference ID: 31-001-20191101.

- 4.3. The NPPG then explains what factors can be considered when assessing whether a development proposal might have implications for light pollution. These include, inter alia:-

“Is the development in or near a protected area of dark sky or an intrinsically dark landscape where new lighting would be conspicuously out of keeping with local nocturnal light levels, making it desirable to minimise or avoid new lighting”? (emphasis added). Paragraph: 002
Reference ID: 31-002-20191101.

- 4.4. The NPPG presents the following points that should be considered:-
- 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?

- 4.5. In December 2023, the ‘Countryside and Rights of Way Act 2000’ was updated to strengthen the ‘duty of regard’ that relevant authorities must have when dealing with AONB’s such that it now reads as:-

“a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”
(emphasis added).

- 4.6. Paragraph 176 of the NPPF states:-

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.

Local Policy

- 4.7. The West Berkshire Core Strategy was adopted in July 2012. Area Delivery Plan Policy 5 states:-

“The AONB will be managed by working in partnership with the North Wessex Downs Area of Outstanding Natural Beauty Council of Partners and by implementing the statutory North Wessex Downs Area of Outstanding Natural Beauty Management Plan”.

4.8. It goes on to state:-

“Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty”.
(emphasis added).

North Wessex Downs AONB Management Plan

4.9. The Countryside and Rights of Way Act 2000 requires every AONB partnership to publish a Management Plan every five years. The most recent North Wessex Downs AONB Management Plan 2019–2024 includes dark skies as one of the defining characteristics of the area.

4.10. One of the long-term goals expressed in the Management Plan is for the AONB to be a place:-

“Where a sense of remoteness and tranquillity predominates and where vast night skies can thrill the eye, unaffected by light pollution; where these special qualities are recognised in development decisions within in the setting of the AONB, so that the natural beauty of the North Wessex Downs is protected”.

4.11. Amongst the ‘Key Issues’ that the Management Plan identifies that have the potential to have significant influence on the AONB’s ‘Development Special Qualities’ is:-

“g. Impact on dark skies and tranquillity of high-powered external lighting, especially where poorly directed or in an exposed location (not usually subject to planning control)”.

4.12. Paragraph 7.15 of the Management Plan explains: -

“The sense of remoteness and tranquillity is fundamental to the character of the North Wessex Downs AONB. It is central to the enjoyment and appreciation of the landscape. Dark night skies in the AONB contrast dramatically with surrounding urban areas. The absence of artificial light allows the full majesty of the night skies and stars to be appreciated unimpeded by the night time glow of our major urban areas. Light pollution can impact on wildlife, such as foraging bats. In some parts of the area there is already an ambient level of noise associated with transport networks and machinery. A certain level of activity and noise will always be expected within a largely farmed landscape and within the urban areas of the region”.

4.13. Paragraph 7.16 states:-

“ ...New uses or new developments that individually or cumulatively result in a material increase in lighting, noise and or activity into the countryside are likely to be opposed”.

4.14. One of the consequential development policies in the Management Plan is Policy DE08: -

“Avoid and reduce light pollution, including control of lighting schemes or other developments that threaten the integrity of dark night skies over the North Wessex Downs.”

4.15. All the local authorities in the North Wessex Downs AONB Partnership have adopted the Management Plan, including its Strategic Objectives and Policies, and therefore it is a significant material consideration in the determination of planning applications.

4.16. The AONB Partnership has published a North Wessex Downs AONB Position Statement - *Dark Skies & Artificial Light* in February 2021, and an accompanying *Guide to Good External Lighting - Dark Skies of the North Wessex Downs*.

4.17. To help protect the dark skies of the North Wessex Downs, the AONB Partnership has mapped light control zones for the area and are described in the *Dark Skies of the North Wessex Downs* paper. The map at Figure 17 within the document indicates that the proposal site is within, or on the edge of, an area designated as a 'Dark Sky Zone.'

4.18. The AONB recommend using these zones and their corresponding Institution of Lighting Professionals parameters when considering any policy framework, new development or lighting requirement. Where an area covers two or more zones lighting designs and existing lighting effects should be assessed against the more stringent limitations as far as possible.

5. Summary and Conclusions

- 5.1. National Policy is clear that the AONB should be given the highest status of protection in relation to conserving and enhancing its landscape and scenic beauty.
- 5.2. The North Wessex Downs AONB Management Plan is enshrined within the adopted local Development Plan, which also states that development should conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies.
- 5.3. The North Wessex Downs AONB Management Plan identifies that high-powered external lighting, especially where poorly directed or in an exposed location, has the potential to have significant influence on the AONB's Development Special Qualities.
- 5.4. The development proposal is in a location which has been identified as one which is particularly sensitive to preserving Dark Skies.
- 5.5. The North Wessex Downs AONB Management Plan states that new developments that individually or cumulatively result in a material increase in lighting into the countryside are likely to be opposed.
- 5.6. As the BRE Lighting assessment has concluded that 'there is insufficient evidence to establish whether or not the proposed development will cause light pollution impacts on local amenity and nature conservation including the nearby nature reserve and the wider AONB'.
- 5.7. The LPA cannot therefore conclude that the development proposal will preserve the strong sense of remoteness, tranquillity and dark night skies. The LPA consequently cannot conclude that the development proposal will not adversely impact the AONBs landscape and scenic beauty, and in such circumstances permission should be refused.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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