

Date: 30 October 2023  
Registration identification no: 20039412  
Our ref: 434394  
Your ref: **TR020001**



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**BY EMAIL ONLY**

Dear Jo Dowling

**NSIP Reference Name / Code: TR020001**  
**User Code: 20039412**

**Written Questions (ExQ1)**

**Examining authority's submission deadline 4 with a date of 01 November 2023**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have the following responses to the Written Questions that have been directed to us:

**Question BCG.1.3 *Applicant and Interested Parties* Central Government Policy and Guidance**  
*Are you aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application?*

**Response:** On 27 September 2023 the government issued a press release with a revised timetable for the implementation of mandatory Biodiversity Net Gain: [Biodiversity Net Gain moves step closer with timetable set out - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/biodiversity-net-gain-moves-step-closer-with-timetable-set-out).

Under the updated timetable, major developments in England will be required to deliver 10% "Biodiversity Net Gain" from **January 2024**. By the end of November all guidance and regulations is expected to be published, this will include:

- the statutory biodiversity metric, critical for calculating the correct biodiversity gain
- the draft biodiversity gain plan template, which will help developers prepare for what they will need to complete during the planning application stages
- the Habitat Management and Monitoring Plan template, which will set out how the improved significant on-site and off-site habitats will be managed for the long term
- a package of BNG guidance that sets out further advice for landowners, developers, and

## Local Planning Authorities around their role and responsibilities in delivering mandatory BNG

This is not anticipated to affect this application because the timetable for implementation of mandatory Biodiversity net gain for Nationally Significant Infrastructure projects remains unchanged and is still planned for 2025.

On 5<sup>th</sup> October 2023 the government also confirmed an initial list of irreplaceable habitats for mandatory BNG: [Irreplaceable habitats and BNG: what you need to know - Land use: policies and framework \(blog.gov.uk\)](#). This broadly aligns with the list in the National Planning Policy Framework and is not anticipated to have implications for this application.

**Question BIO.1.2** *Natural England and Joint Host Authorities Nitrogen deposition* Provide comment on the appropriateness of applying the approach advocated in the 'Design Manual for Roads and Bridges' to the Local, District and County Wildlife Sites, protected habitats and protected species given the potential sources of nitrogen from the Proposed Development. As part of this, confirm if you are satisfied, or not, with the use of 0.4 kg/N/ha/yr as a maximum dose threshold applied as an average.

*The effects of atmospheric NOx (nitrogen oxides) and NO2 on all receptors are screened out [AS-027, paragraph 8.5.59] because the equivalent concentrations of sulphur dioxide are not anticipated. Confirm whether or not you agree with this approach.*

**Response:** Natural England is content with the approach advocated in the 'Design Manual for Roads and Bridges' and the application of 0.4 kg/N/ha/yr as a maximum dose threshold as an average for the assessment of impacts on designated sites.

We agree with the approach that the effects of NOx and NO<sub>2</sub> can be screened out as the equivalent concentrations of sulphur dioxide are not anticipated.

**BIO.1.6** *Natural England, Forestry Commission and the Woodland Trust Ancient Woodlands* In written submissions [REP1-112 and RR-0462] it was stated that a buffer strip should be planted between the car park and Winch Hill Ancient Woodland due to the potential for noise, light and dust pollution, and that measures should be put in place to safeguard ancient woodland at the A1081 roundabout. It was also stated that a larger buffer zone than the standard 15 meters (m) might be necessary where an assessment shows that impact could extend beyond this distance [RR-0462]. Please provide an update on your position on this matter in light of the Applicant's comments in 'Response to Relevant Representations – Part 2D of 4' [REP1-024].

**Response:** Natural England supports the position of the Forestry Commission with respect to the buffer zone to protect Winch Hill Ancient Woodland, i.e. in this case where a significant increase in traffic is likely, it is recommended that buffer zones are increased beyond the minimum 15 metres required. Forestry Commission state that 'roadside pollution can extend approximately 100 metres into adjacent woodlands. This could be particularly harmful for Ancient Woodlands, which are irreplaceable habitats'. We note that the exact size of the buffer is not specified. We endorse the Applicant's statement that 'No ground works will be permitted within this buffer so that trees within ancient woodland are protected from root damage and soil compaction' (Design Principles APP/7.09).

**Question PED.1.22** *Natural England Chilterns Area of Outstanding Natural Beauty (AONB)* Please provide an update on the review of the Applicant's methodology for the assessment of the effects on the special qualities of the Chilterns AONB

**Response:** Our response to the applicant concerning our review of the Applicant's methodology for the assessment of the effects on the special qualities of Chilterns AONB is included at Annex A to

this letter.

**Question PED.1.23** *Applicant, All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board* **Chilterns AONB Sensitivity Test** [APP-107] Applicant: Paragraph 2.4.2 states that 'extension to the boundary of the Chilterns AONB would neither change the judgements of magnitude of impact resulting from the Proposed Development nor those on the sensitivity of a visual receptor. This is because judgements on sensitivity are a product of the activity one is performing when experiencing a view, which would not be altered by the future designation of this land.' Please explain further the rationale for this statement, given that introducing a statutory landscape designation would likely increase the value of the receptor and its susceptibility to change. All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board: Are parties in agreement with the findings in the Sensitivity Assessment? If not, why not?

**Response:** Natural England **disagrees** with the report findings at 2.4.2 that an extension to the boundary of the Chilterns AONB would not change the sensitivity of a visual receptor and its conclusion at 3.1.6. that an extension to the boundary of the Chilterns AONB would not increase the significance of effect on any visual receptors. This is because introducing a statutory landscape designation would increase both the susceptibility of visual receptors to changes within the landscape and would also increase the value attached to views.

GLVIA3<sup>1</sup> para 6.32 states '*the visual receptors most susceptible to change are generally likely to include... people, whether residents or visitors, who are engaged in outdoor recreation, including use of public rights of way, whose attention or interest is likely to be focused on the landscape and on particular views; visitors to heritage assets, or to other attractions, where views of the surroundings are an important contributor to the experience*'. We consider that a national landscape designation would likely increase the focus of visual receptors attention on views and raise their expectation of enjoyment of those views, since AONB designation confirms a landscape has 'natural beauty' of national importance to the extent that through its designation, a new statutory purpose is applied to 'conserve and enhance the beauty of the landscape.' Once a landscape is designated, it is promoted as 'National Landscape' visitor destination both through individual AONBs and through the National Association of AONBs. The general expectation of visitors is that views of the surroundings are a key contributor to the visitor experience when visiting a nationally designated landscape and therefore visitors to designated landscapes are **more susceptible** to changes in views. We consider that the susceptibility of visual receptors, if the landscape were to be designated as an AONB, would be 'high' in accordance with the methodology set out in Appendix 14.1.

The GLVIA3 guidelines also confirm that the **value** attached to views should take account of planning designations (para 6.37), which would include designated landscapes, and also confirms that indicators of value attached to landscapes by visitors should be taken into account '*for example by appearances in guidebooks or on tourist maps, provision of facilities for their enjoyment (parking places, sign boards and interpretive material)*.' It is reasonable to expect that an 'Area of Outstanding Natural Beauty' planning designation, would increase the value attached to views in its own right. It would also lead to increased promotional material designed to attract visitors to the landscape and to aid their interpretation and enjoyment of it. We consider that the value attached to the view, if the landscape were to be designated as an AONB, would be 'high' in accordance with the methodology set out in Appendix 14.1.

We assume that the Examining Authority has posed this hypothetical question in order to understand how an AONB designation might affect or change the conclusions presented within the current Landscape and Visual Impact Assessment and corresponding Environmental Statement Chapter.

To provide an evidence base to inform judgements around the significance of visual effects of this proposed scheme on area that has the potential to become a nationally designated landscape we

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<sup>1</sup> Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3) Landscape Institute 2013

advise that a further full assessment of visual effects arising from the Luton Rising proposal is carried out, which assumes that all areas included within the scope of the current LVIA which fall within the Chilterns Boundary Review Area of Search are designated as AONB, and assesses sensitivity of visual receptors on that basis (i.e. as if the landscape were already designated as an AONB).

This would mean re-evaluating current judgements around the 'susceptibility of visual receptors' and the 'value of views' and updating these to reflect a level of sensitivity / value commensurate with the sensitivity of visual receptors and the value of views within a nationally designated landscape and should include consideration of visual receptors using long distance and national trails, such as the Chilterns Way and Sustrans Cycle Routes falling within the Boundary Review Area Of Search. In accordance with GLVIA3 methodology (refer to GLVIA3 figure 6.1, p99) this will lead to a new combined sensitivity judgment for visual receptors, which can be combined with existing magnitude of visual effects to give a new combined significance of visual effect which would report the likely significant visual effects of the proposed scheme on land within the Area of Search, should it eventually become AONB designated landscape.

I hope this is helpful; we are happy to answer any further questions as required.

Yours sincerely

Alison Collins MCIEEM  
West Anglia Area Team

## ANNEX A

Date: 22 August 2023  
Our ref: 434394  
Your ref: London Luton Airport Expansion NSIP



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**BY EMAIL ONLY**

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Dear Chris

### **Chilterns AONB Special Qualities Assessment – Draft Proposed Methodology**

Thank you for your consultation on the above dated 01 August 2023 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **Protected Landscapes – Chilterns AONB**

Thank you for providing us with this draft proposed methodology for assessing effects on the special qualities (SQs) of the Chilterns Area of Outstanding Natural Beauty (AONB). We are content with the proposed approach subject to the comments below:

1. The assessment will focus on the two SQs which we have identified as most vulnerable to this development scheme:
  - *Panoramic views from and across the escarpment interwoven with intimate dipslope valleys and rolling fields.*
  - *Relative tranquillity and peace on the doorstep of ten million people, one of the most accessible protected landscapes in Europe.*

We, however, welcome the precautionary approach proposed with relevant specialists to review the much longer list of SQs to confirm that they can be excluded from the assessment.

2. We agree with the applicant that there is no formal guidance for assessing the impacts of development on the SQs of England's AONBs, but that the methodology provided for Landscape and Visual Impact Assessment (LVIA) provides a helpful basis for assessing those effects. This, however, will be most applicable to those SQs which are expressed in terms of clear landscape features and characteristics which can be geographically delineated (perhaps concentrated within one or two Landscape Character Areas). It will struggle to work with characteristics and attributes (e.g., related to tranquillity and cultural/historic associations) which the LVIA approach is not designed to address directly.

These SQs may also be applicable to much of the designated area or even the whole of the AONB. We therefore suggest that in addressing the 'Relative tranquillity' SQ the assessment needs to acknowledge:

- the difficulties of applying the proposed approach (whilst accepting that there is no immediately obvious or available alternative); and
- the challenges which any methodology would face in assessing the susceptibility of 'relative tranquillity' to increased air traffic over affecting the AONB ('relative tranquillity' being a very challenging baseline).

That significant effects could occur beyond those parts of the AONB where aircraft would be below 7,000 feet (and therefore beyond the LVIA study area) should also be acknowledged if there is any uncertainty about this.

This probably requires the assessment for this SQ to rely very heavily on a full narrative description of effects which factors in the above, plus the sensitivity of human receptors more widely across the AONB to increases in air traffic, to provide ourselves, the Conservation Board and ultimately the examining authority with the most helpful assessment possible.

3. In terms of the proposed approach to assessing sensitivity set out at para 1.2.9., this section refers to the value attached to the SQ. That value, given that a SQ is a primary contributor to the character and quality justifying the area's national designation, should have a default of 'very high'.

Please do not hesitate to get in touch for further advice or information on this matter if required.

Yours sincerely

Alison Collins  
West Anglia Team