



Inclusive Economy
Luton Council
Town Hall
George Street
Luton
Beds LU1 2BQ

Jo Dowling
Lead Member of Examining Panel
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

T: [REDACTED]
E: [REDACTED]@luton.gov.uk
W: www.luton.gov.uk

5 February 2024

Your Reference: TR020001
Our Reference: 20040643

Dear Ms Dowling,

**Re: Planning Act 2008 (as amended)
Application by London Luton Airport Limited for an Order Granting
Development Consent for the London Luton Airport Expansion project**

This letter provides Luton Borough Council's (LBC) response to the Examining Authority's (ExA) Rule 17 letter of 25 January 2024 **[PD-021]**.

The ExA's request for further information and written comments was in relation to the Chilterns Area of Outstanding Natural Beauty (AONB). LBC provided a response to the ExA's request for comments on the Applicant's Special Qualities Assessment at Deadline 9 **[REP9-068]**. The response below addresses the ExA's second request namely:

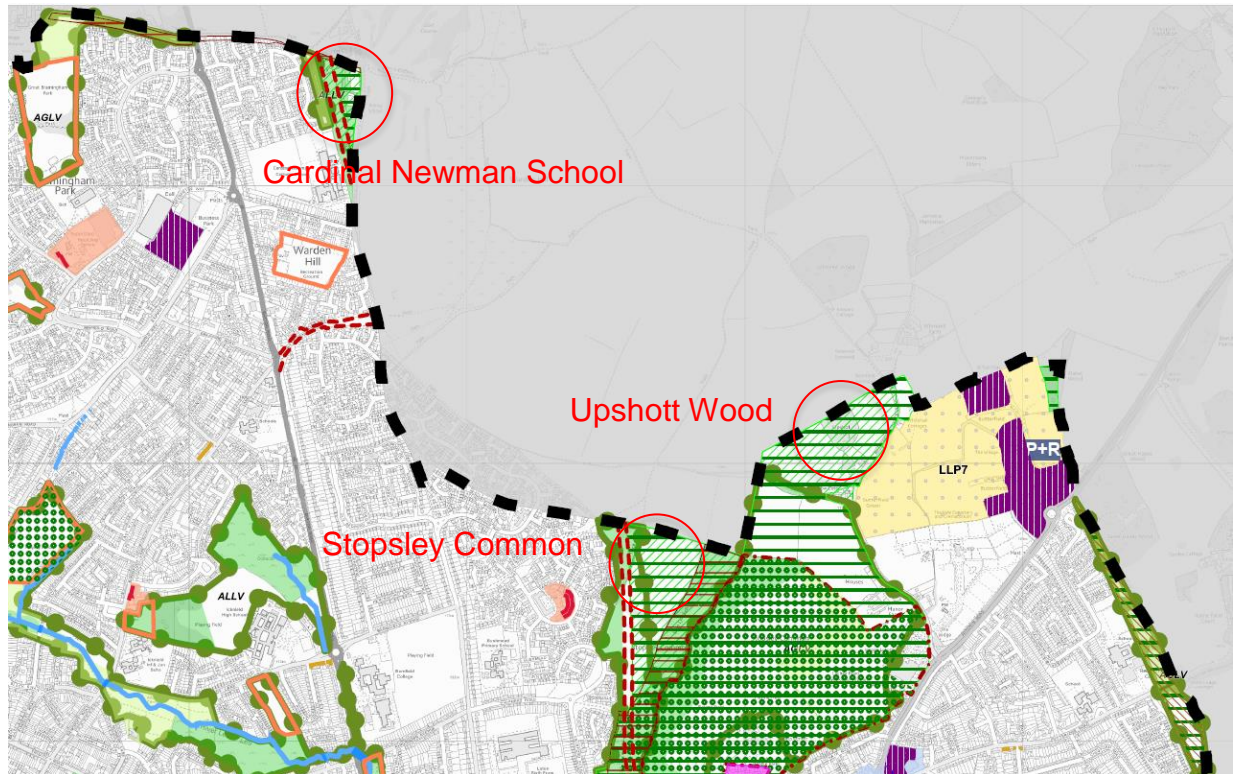
Chilterns AONB and policy: *"The ExA requests comments at D10 regarding the compliance of the Proposed Development with both national and development plan AONB policies and any comments on the legislative provisions in Section 85 of the Countryside and Rights of Way Act 2000."*

At the national level, paragraph 182 of the National Planning Policy Framework (NPPF) states that: *"great weight should be given to conserving and enhancing landscape in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues."* The paragraph goes on to say that, *"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."*

At the local level, the Luton Local Plan 2017-2031 includes policy LLP29 which states that *"development proposals will be supported where they protect, conserve or enhance the character, setting and natural beauty of national and local landscape areas."* Policy

LLP29 identifies the Chilterns AONB as a national landscape, with reference to its special character, natural beauty, landscape and setting.

The areas of AONB within Luton are located on the north-east of the town (shown on the Policies Map extract below), between 3 to 5km from the airport. These areas are not under the airport's flight paths (the closest flight path being further to the north, during easterly operations, with flights over Harlington and Flitwick).



The Proposed Development is not located within the Chilterns AONB, whilst LBC does not consider that the design of the Proposed Development impacts upon the AONB within Luton. The Secretaries of State in the P19 decision concluded that *“the limited increases in noise and air traffic movements would not cause material harm to the character of the Chilterns AONB. As such, there would be no conflict with Policy LLP29 of the Local Plan”* (paragraph 18). Whilst the Proposed Development would not have a limited increase in the number of flights, given the location of the AONB within Luton and the fact that the DCO proposes no change to the airport's flight paths, it is considered that the Proposed Development would not cause material harm to those areas of the AONB, and consequently the proposal does not conflict with Policy LLP29.

With regard to the wider AONB outside of Luton, the Applicant's Planning Statement **[REP5-016]**, recognises that the existing airport is visible from long distance views from the Chilterns AONB (paragraph 8.9.9). The Applicant also considers that the increase in aircraft movements will result in a significant adverse effect on the aesthetic and perceptual characteristics of the landscape within the Chilterns AONB, principally due to the noticeable increase in aircraft at Phase 2b that will pass over the AONB below 7,000 feet. However, these areas are outside LBC's administrative boundary and it is more appropriate for the other authorities to comment.

In relation to the second element of the ExA's comment, namely the legislative provisions of Section 85 of the Countryside and Rights of Way Act 2003 (CROW), this was discussed at Issue Specific Hearing 8 (ISH8), with LBC providing a response to the



ExA's Action Point 48 at Deadline 6 **[REP6-107]**, concurring with the position that the Applicant had set out at ISH8.

The Applicant subsequently gave a more detailed assessment of the implications of the change to CROW, brought about by Section 245 of the Levelling Up and Regeneration Act, in Section 10.4 of its Post Hearing Submission to ISH8 **[REP6-066]** and the implications for the Proposed Development. LBC considers that the Applicant has adequately summarized the position.

LBC has no further comments in relation to the contents of the ExA's Rule 17 letter.

Yours sincerely



Sue Frost
Service Director
Sustainable Development