

February 2024

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.189 Applicant's Response to Examining Authority's Rule
17 Request Dated 25 January 2024 - Deadline 10**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.189



The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**London Luton Airport Expansion Development Consent
Order 202x**

**8.189 Applicant's Response to Examining Authority's Rule 17
Request Dated 25 January 2024 – Deadline 10**

Deadline:	Deadline 10
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/8.189
Author:	Luton Rising

Version	Date	Status of Version
Issue 1	February 2024	Additional Submissions – Deadline 10

Contents

	Page
1 Introduction	1
1.1 Purpose of this document	1
2 Response 8: Compliance with AONB Policies	1
2.1 National and Local AONB Policies	1
2.2 Section 85 of the Countryside and Rights of Way Act 2000	2
References	3

1 INTRODUCTION

1.1 Purpose of this document

- 1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority ('ExA'). It provides the Applicant's response to the Rule 17 request issued by the ExA on 25 January 2024 [PD-021] and provides the information requested from the Applicant for Deadline 10.
- 1.1.2 This document is provided in addition to a previous response document submitted by the Applicant [REP9-057] at Deadline 9 which stated that the response to the requests outlined in Table 1.1 below would be provided at Deadline 10.

Table 1.1: ExA's Requests for which a response is provided in this document

Ref	ExA Request [PD-021]
8	The ExA requests comments at Deadline 10 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.

2 RESPONSE 8: COMPLIANCE WITH AONB POLICIES

2.1 National and Local AONB Policies

- 2.1.1 Airports National Policy Statement (Ref 1) paragraph 5.222 relates to developments outside nationally designated areas (including AONBs) which might affect them and states that:
- 2.1.2 *"The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The development should aim to avoid compromising the purposes of designation, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints."*
- 2.1.3 National Planning Policy Framework (December 2023) (Ref 2) paragraph 182 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
- 2.1.4 The key local plan policies relating to the AONB (including Luton Local Plan (Ref 3) Policy LLP29, Central Bedfordshire Local Plan (Ref 4) Policy EE5 and North Hertfordshire District Council Local Plan (Ref 5) Policy NE3) are consistent with the NPPF in also generally seeking to conserve and, where possible, enhance the Chilterns AONB's special qualities, distinctive character

and biodiversity, tranquillity and remoteness and the overall purpose of the AONB designation.

2.1.5 The Applicant considers that the Proposed Development has been designed sensitively and with regard to various factors, including the distance between the Proposed Development and the AONB, the topography, the scale of development proposed and the nature of existing intervening and surrounding built form. The Proposed Development would not compromise the purposes of the designation of the AONB as set out in the **Chilterns AONB Special Qualities Assessment [REP7-046]**.

2.1.6 Although the Proposed Development does not strictly protect or enhance the AONB, neither is there any strong conflict with either national or local AONB policies having regard to the nature and scale of the assessed impacts on the AONB, and the purposes for its designation.

2.1.7 The Applicant considers that the Proposed Development has been designed sensitively and with regard to various factors, including the distance between the Proposed Development and the AONB, the topography, the scale of development proposed and the nature of existing intervening and surrounding built form. The Proposed Development would not compromise the purposes of the designation of the AONB as set out in the **Chilterns AONB Special Qualities Assessment [REP7-046]**.

2.1.8 Although the Proposed Development does not strictly protect or enhance the AONB, neither is there any strong conflict with either national or local AONB policies having regard to the nature and scale of the assessed impacts on the AONB, and the purposes for its designation.

2.1.9 Notwithstanding that great weight is to be given to conserving and enhancing landscape and scenic beauty of the AONB, the Applicant considers that this issue does not weigh heavily in the planning balance for the Proposed Development for these reasons.

2.2 Section 85 of the Countryside and Rights of Way Act 2000

2.2.1 The Applicant set out its full legal analysis of the implications of section 245 of the Levelling-up and Regeneration Act 2023 (Ref 6) and the amended section 85 of the Countryside and Rights of Way Act 2000 (Ref 7) at Issue Specific Hearing 8 and subsequently in paragraph 10.4 of its ISH8 post-hearing submission **[REP6-066]**. The Applicant's position has not changed from that previously stated.

REFERENCES

-
- Ref 1 Airports National Policy Statement, June 2018, Department for Transport
Ref 2 National Planning Policy Statement, December 2023, Department for Levelling Up, Housing and Communities
Ref 3 Luton Local Plan 2011-2031, November 2017, Luton Borough Council
Ref 4 Central Bedfordshire Local Plan 2015-2035, July 2021, Central Bedfordshire Council
Ref 5 North Hertfordshire District Local Plan, November 2022, North Herts Council
Ref 6 Levelling-up and Regeneration Act 2023, Department for Levelling Up, Housing and Communities
Ref 7 Countryside and Rights of Way Act 2000, UK legislation