

Date: 14 October 2024
Our ref: 484225
Your ref: **Luton Airport Expansion**



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BY EMAIL ONLY

Dear Sir/Madam

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by London Luton Airport Limited (“the Applicant”) Seeking Development Consent for the Proposed London Luton Airport Expansion (“the Proposed Development”).**

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 response to the Request for Information that has been directed to us on 27th September 2024. For clarity, the request is given below. In addition we refer you to our letters of the 29 January 2024 and 6 September 2024 (ref TR020001) which set out the context in more detail.

Amendment of section 85 of the Countryside and Rights of Way Act 2000

Without prejudice to the final decision and subject to the above, Natural England, the Chilterns Conservation Board and the Applicant are invited to set out what, if any, further enhancement measures they agree could be brought forward, should it be decided further measures are necessary to assure compliance with the amended duty.

If agreement cannot be reached, the Applicant, Natural England and the Chilterns Conservation Board are invited to set out their respective views on what is needed to resolve the concerns.

Natural England welcomes consideration of the amended duty in respect of protected landscapes and the proposed London Luton Airport Expansion. The amended duty requires that ‘a relevant authority...must seek to further the purpose of conserving and enhancing the natural beauty’ of designated national landscapes.

Whilst we still await the provision of guidance from the government on how the duty should be applied, Natural England considers the amended duty to be an active duty and a strengthening of the original ‘duty to have regard’. We consider that it infers a ‘duty to enhance’ and requires measures to be proposed which are in addition to those intended to avoid, mitigate and compensate

the effects of the development. They should be appropriate and proportionate to the nature and scale of the development and its implications for the area and they should be effectively secured.

Given the timeframe for providing our response, we are unable to provide a definitive view on what further enhancement measures could be brought forward to assure compliance with the amended duty. Natural England has not been approached by the applicant regarding the question addressed to us but we have discussed the request with the Chilterns Conservation Board (CCB) who, we understand, met with them on the 10 October 2024.

Natural England is a national body and does not possess detailed local knowledge across the whole of the designated area. We therefore consider that local partners who operate within designated landscape such as the CCB will be better placed to identify further measures and suggest an appropriate way forward. We consider that they have a detailed understanding of the development site's relationship to the protected landscape, how the area's special qualities are expressed and how the designation's statutory purpose is delivered. We note that the question is directed jointly at the CCB and that they are also a statutory consultee for this Nationally Significant Infrastructure Project (NSIP). We therefore recommend that the advice provided by CCB is given full consideration and applied appropriately.

We do, however, remain committed to supporting the achievement of sustainable development. We have previously been asked a similar question in relation to Lower Thames Crossing NSIP. There we advised that a financial package may be a suitable mechanism for securing enhancements. Potential types of projects that could be considered as part of a financial package could include:

- Delivery of landscape scale nature recovery opportunities for people and wildlife within the areas of the Chilterns National Landscape most affected by the project;
- Provision of sympathetic access enhancement measures to help facilitate opportunities for local communities along the route to benefit from and enjoy recreational access within the Chilterns National Landscape;
- Providing funding for the continuation of the Farming in Protected Landscape scheme; and
- Provision of sympathetic enhancement measures for heritage assets within Chilterns National Landscape.

We suggest that a mechanism is put in place to secure suitable measures with a mediation process to ensure fairness, transparency and accountability. We are content to leave agreement on the methodology, timing and details of further measures etc. with CCB.

Yours sincerely

Jamie Melvin
Senior Officer - West Anglia Area Team