

Date: 23rd March 2018
Our ref: North Herts LP – Response to Examiner
Your ref:



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Dear Mr Berkley

Examination of the North Hertfordshire Local Plan 2011 – 2031: East of Luton sites

Thank you for your consultation on the above dated and received on the 19th of March 2018.

Natural England apologises for any confusion arising from our previous communications. Our email of the 18th of February was intended to establish whether an issue existed and, if so, to scope the opportunity for redress. It was always considered likely that we would have to follow this up with more formal detailed advice.

Unfortunately, at such short notice Natural England is unable to send a representative to attend the examination, so we would like to take this opportunity to clarify our position.

With regard to the issue of the Area of Outstanding Natural Beauty ('AONB') and its setting, Natural England understands from the documents provided and conversations with North Hertfordshire District Council that the vast majority of the housing in the allocations East of Luton will not be visible from the AONB.. On that basis **we did not undertake a site visit or seek input from our landscape specialists** and agreed with North Hertfordshire District Council that this was not something that we considered warranted our further consideration.

However, we felt comfortable taking this position in the knowledge that other individuals and organisations such as the Chilterns AONB Conservation Board would also have the opportunity to present their views. The views of the AONB board should not be taken to represent ours but we do view them as qualified to comment on all AONB and setting issues.. We are aware that they have undertaken site visits and consider that they have expert knowledge of the AONB, its wider landscape setting, and the aims and objectives of the AONB's statutory management plan. We also understand that they wish to make representations regarding impacts that Natural England have not considered.

On the 12th of February 2018 we received communication from the AONB board which suggested that they felt that our comments under paragraph 4.10 had been interpreted as being sufficient to set the issue of impacts on the AONB and its setting aside. Natural England has not attended the examination and therefore cannot say whether or not that is the case but does advise that using Natural England's position to undermine the representations of the AONB board in any way would be wholly inappropriate.

In the interests of clarity:

- Natural England is **not seeking to contest that there will be an impact on the AONB or its setting.**

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- Natural England repeats its advice of the pre-submission response that **the views of the Chilterns AONB Conservation Board should be sought and that appropriate weight should be given to their submission.**

Regarding the second sentence in paragraph 4.10 of the Statement of Common Ground (and also 4.12/4.13 relating to Sustainability Appraisal ('SA')/Strategic Environmental Assessment ('SEA')) the identification of this area as being of '*high landscape quality*' and the conclusion that it has '*scope for some modest pockets of development but not enough to create a viable and sustainable urban extension in its own right*' came directly from documents provided by the council to support their Pre-submission Local Plan (particularly the Environmental Sensitivity Study).

The SA for the plan appears to rely heavily on the Luton Housing Market Area ('HMA') Growth Options Study which determined that this site is of '*high deliverability*' and '*medium viability*'. It is unclear how the aforementioned study considered high value non-designated environmental assets (in this case, notably, landscape) and paragraph 2.33 states that it '*will be followed, in due course, by more detailed [Strategic Housing Land Availability Assessment] SHLAA and SA*'. This rationale, read alongside the comments in the Environmental Sensitivity Study, suggests that the evidence base remains incomplete..

Natural England does not routinely comment on non-designated landscapes, but felt that the wording here was worth highlighting in our pre-submission response. As can be seen in paragraphs 4.10, 4.12 and 4.13 of our Statement of Common Ground, North Hertfordshire District Council felt comfortable proceeding in the absence of full agreement on these matters and Natural England is content to rely on written representations. We recognise that Local Authorities have to make decisions based on competing interests, and have confidence in the examination process identifying the relevant weight for the direct impact on a landscape of a value that is not in dispute.

If you have any queries relating to the advice in this letter please contact Jamie Melvin on 020 802 61025.

Yours sincerely,

Mr Jamie Melvin
Planning Lead Adviser – West Anglia Team