

North Hertfordshire District Council
Local Plan Examination

Assessment of Sites East of Luton (EL1, EL2 and
EL3) and their impact on the setting of the Chilterns
AONB

Landscape Response on behalf of

North Hertfordshire District Council

March 2018

1 INTRODUCTION

- 1.1 This written statement has been prepared by The Landscape Partnership (TLP) on behalf of North Hertfordshire District Council (NHDC) in relation to the proposed allocations on land East of Luton (EL1, EL2 and EL3) and their effect on the Chilterns AONB and its setting.
- 1.2 TLP have previously advised NHDC on the allocations EL1-3 by way of a 'Response to Environmental Sensitivity Study' prepared to inform the selection of the Potential Growth Areas around Luton and response to the emerging Luton and South Bedfordshire Core Strategy in 2009 (EIP Reference documents CG15), and North Herts Landscape Study (Character, Sensitivity and Capacity) in 2011 (EIP reference document GC16).
- 1.3 The author of this report, Jonathan Billingsley CMLI, attended and spoke at the North Hertfordshire EIP on 7 February 2018, during which the impact on the setting of the Chilterns AONB was considered.
- 1.4 The context of the requirements for this report was set out by NHDC in a brief to TLP which is provided in full at Appendix 2.
- 1.5 The work for which TLP have been appointed by NHDC is to:
 - make specific and focussed consideration of whether development of the sites east of Luton would have a material impact on the setting of the AONB,
 - to provide a response to The Chilterns Conservation Board Statement for the EIP
 - advise on Natural England's changed position in respect of the impact of sites EL1, EL2 and EL3 on the AONB and its setting.
- 1.6 In relation to the third bullet above TLP have not provided comment in this report as since the brief was issued by NHDC the Inspector has asked Natural England to attend the EIP in person on 26th March 2018 to clarify their position 'to enable any remaining ambiguity to be ironed out.'. Therefore, any comments by TLP on Natural England position would be premature prior to hearing their opinion at the EIP.
- 1.7 TLP have made reference to the following documents in producing this report:
 - Chilterns Conservation Board Position Statement - Development affecting the setting of the Chilterns AONB (2011)
 - Chilterns AONB Representation and Hearing Session Statement for the Local Plan Examination held on 7th February 2018

- Landscape evidence including LVIAs submitted as part of the Bloor Homes (17/00830/1) and Crown Estate (16/02014/1) Planning Applications.
- Natural England Statement of Common Ground with NHDC (EIP document ED52)
- Natural England Reg 19 Consultation
- Natural England email 18th February from Jamie Melvin of Natural England to the EIP Programme Officer
- Email from the EIP Inspector to Jamie Melvin of Natural England dated 19th March 2018

1.8 TLP carried out a site visit on Friday, 9 March to specifically consider views from the AONB towards EL1, EL2 and EL3 and also any reciprocal views from these areas or in the near vicinity back towards the AONB. The visit was carried out by Jonathan Billingsley CMLI. The weather was overcast at the time of the visit, but there was still clear visibility.

1.9 Proposed allocations EL1, EL2 and EL3 are all located within the Green Belt. The combined allocation for up to 2,100 homes and associated infrastructure is included as policy SP19 within the emerging North Hertfordshire Local Plan to make a contribution by NHDC towards Luton's unmet housing need.

2 PLANNING APPLICATIONS FOR LAND EAST OF LUTON

2.1 Planning Applications have been submitted by Bloor Homes and the Crown Estate for mixed used developments within the proposed allocations EL1, EL2 and EL3. Neither application has been determined prior to the consideration of the North Hertfordshire Local Plan at the EIP. The applications are as follows:

- Crown Estate (16/02014/1) – located within EL3
- Bloor Homes (17/00830/1) – located within EL1 and EL2

2.2 The above planning applications included Environmental Statements which incorporated Landscape and Visual Impact Assessment (LVIA) chapters. It would appear from paragraph 4.10 of the Statement of Common Ground between NHDC and NE that NE relied upon these assessments in making its original judgement that there would be no material impact on the AONB or its setting. This report reviews these assessments.

2.3 Both LVIAs have been carried out in accordance with the Guidelines for Landscape and Visual Assessment (2013)-GLVIA 3. This guidance indicates (paragraph 1.17) that the emphasis of the assessment work should be the identification of the likely 'significant' environment effects. The guidance also states that, *'Identifying significant effects stresses the need for an approach that is in proportion to the scale of the project that is being assessed and the nature of its likely effects. Judgement needs to be exercised at all stages in terms of the scale of investigation that is appropriate and proportional. This does not mean that effects should be ignored or their importance minimised but that the assessment should be tailored to the particular circumstances in each case.'*

2.4 Therefore, the extent of coverage on a particular topic, including the AONB and its setting, is for the assessor to identify together with the guidance provided in the scoping opinion by the determining authority (NHDC).

Crown Estate application

2.5 The Crown Estate submitted an outline planning application (16/02014/1) in August 2016. The site extends to the full extent of the proposed allocation EL3 and comprises 33.8 ha of arable agricultural land. The site is bounded between the built edge of Luton to the west, arable land adjacent to Putteridge Historic Park and garden to the north and the village of Cockernhoe and Mangrove Green to the east. The application was accompanied by an Illustrative Masterplan and a Design and Access Statement. The proposals, as set out in the Design and Access Statement, are for 660 dwellings, together with associated infrastructure works.

- 2.6 The design rationale (as set out on page 24 of the Design and Access Statement) shows a higher residential density located closer to the edge of Luton and a lower density to the edges of the settlements of Cockernhoe and Mangrove Green with the intervening development being of medium density. Corridors of open space are provided to the perimeters of the site and also run through the site including belts of established mature trees.
- 2.7 A Landscape and Visual Impact (LVIA) chapter is provided as Chapter 10 within the Environmental Statement accompanying the application. This chapter was authored by Wardell Armstrong.
- 2.8 The AONB is approximately 1.5 km from the application site at its closest point. However, at this location the mature grounds of Putteridge Bury prevent any inter-visibility. Potential inter-visibility would be more likely towards the elevated sections of the AONB to the east of Lilley where the distance is c. 2.8 km between the application site and the AONB.

Baseline information

- 2.9 The LVIA lists a number of documents at paragraph 10.2.1, which have been referred to in the preparation of the LVIA. These do not specifically reference the Chilterns Conservation Board-Position Statement - Development affecting the setting of the Chilterns AONB (2011). However, reference is made at paragraph 10.3.10 to Policy NE1 which requires development to be sensitive to the local landscape and features as identified in (inter alia) the Chilterns AONB Management Plan. The proximity of the AONB to the site is stated at paragraph 10.4.7 and the potential for possible visual effects on visitors to the Chilterns AONB is also identified at para 10.4.11.
- 2.10 Reference is also made to the National Character Area (NCA) text – authored by NE for NCA 110 Chilterns which includes the AONB and identifies the key characteristics of the NCA.

Views of the site

- 2.11 The LVIA included a Zone of Theoretical Visibility drawing (Fig 10.1) which showed the areas from which a 3 storey (12m) building could be seen based on bare earth information. This did not account for the presence of vegetation and built form which would considerably reduce the extent of visibility. A number of photographic viewpoints locations were identified. The location of the viewpoints was agreed with the Principal Landscape and Urban Design Officer at North Hertfordshire District Council (para 10.2.5.). The LVIA also included a number of 'plates' (P1, P2 etc). These represented locations beyond the site, which were considered to be of potential importance in terms of establishing context and whether the proposed development would be visible or have an effect. Three locations: P9, P10 and P11 were located within the AONB. However, there were no views into the application site/EL3 from the locations selected. Two further views P6 and P7 were identified

within a 1.5 km distance of the AONB but these were also assessed as having no visible interface with the application site.

- 2.12 The LVIA at paragraph 10.5.34 considers long distance view towards the site and states that these are not available due to the screening provided by intervening vegetation and changes in topography. This includes visitors to the AONB.
- 2.13 A number of public viewpoints from rights of way within the AONB looking south towards EL1, EL2 and EL3 were identified during TLP site visit (see Figure 01 attached to this report). However, TLP can confirm from the site visit carried out on 9 March 2018 that the application site (EL3) does not share any inter-visibility with the AONB. The land within EL3 falls from the north-east (closest to the AONB) at circa 165 m AOD down towards the edge of Luton at circa 147 m AOD.
- 2.14 From each of the viewpoints looking out from within the AONB to the south there are views across Lilley Bottom valley and up towards the valley edge/ridge line that runs from Jamaica Plantation in the north, through Putteridge Bury registered park and garden and beyond through Messina Plantation and on to Stubbocks Wood. The existing character of the landscape to the south of the AONB comprises a strong valley feature along Lilley Bottom with a number of woodland plantations located on the valley slopes and the horizon. There is minimal influence from built form within the views beyond the AONB to the south and no awareness of the presence of Luton during daylight, although there is some light pollution at night, most notably from Luton Airport. There are some views towards the village of Lilley located within the AONB to the north of the A505 which marks the boundary of the AONB. The A505 and its associated traffic is partly visible from some of these viewpoints. The settlements of Mangrove Green and Cockernhoe, which contain a number of two storey dwellings are not identifiable from the viewpoints within the AONB. For this reason, it is considered that as EL3 is on relatively lower ground which slopes away from the viewer that there will be no discernible presence of the proposed development from within the AONB subject to the development being contained to two-storeys in height. This would also be the case for the two viewpoints P6 and P7 identified to the south of the AONB. From these locations outside the AONB the presence of the mature woodlands on the skyline and associated hedgerows screen all views to the existing settlements, which would also therefore result in containment of the proposed development on EL3.

Recreational effects

- 2.15 The potential effect on the Chilterns AONB are set out in paragraphs 10.5.41 to 10.5.45 of the LVIA. This focused on the consideration of potential increased recreational impacts upon the AONB. The LVIA stated from paragraph 10.5.43 as follows:

'The nearest part of the AONB, to the north-west of the A505, can be accessed within a 6 minute drive from the Site. Roads within the AONB comprise narrow, rural lanes, with limited parking. Therefore, it is not anticipated that many of the residents of the Site would drive to the section of the AONB closest to the site.

It would take the residents of the site approximately 40 minutes to walk to the AONB, to the open countryside to the north of the Site and along Lilley Bottom road. Owing to the extensive network of footpaths to the north of the site, including those to the north-east (outside of the AONB), it is considered that a number of residents would utilise these rather than continue to the ANOB along the road. In addition, there is also a large network of footpaths within the ANOB, further dispersing visitors.

In the light of the above, it is not considered that the proposals will result in a significant increase of recreational usage of the AONB.'

- 2.16 TLP concur that the rural roads including Chalk Hill and Lilly Bottom that run north-east from the application site and towards the AONB are relatively narrow with passing places. There are few available locations within the AONB, where motorists could park and from which recreational walking could then take place. This may detract potential walkers from driving to the AONB for recreational purposes. TLP would agree that there are number of alternative public rights of way passing directly from the immediate locality into Lilley Bottom. These would form more convenient and sustainable means of accessing the local countryside. These routes include the Chiltern Way which runs from very close to the site before eventually reaching into the AONB.
- 2.17 TLP would concur with the findings of the LVIA in relation to likely changes and effects on recreational usage. The use of rights-of-way and minor roads for pedestrians/cyclists towards the ANOB should be encouraged.

Conclusion on Crown estate application

- 2.18 The LVIA has considered the potential effects on the AONB in a reasonable and proportionate manner. TLP consider that the LVIA in the Environment Statement has considered a reasonable number of locations within and near the AONB to assess potential visual effects. The LVIA has not specifically considered the impact on the setting of the ANOB as a separate exercise. However, due to the relatively contained nature of the application site and its relationship with the AONB, TLP consider that the approach taken is fair and sufficient.
- 2.19 Adverse visual effects of the development would be relatively localised for this application and would not extend into the AONB. TLP consider that there will be no anticipated adverse visual effects from the development of EL3 on the AONB. This is subject to residential development closest to the east

of the site being no more than two storeys in height unless specific illustrations (e.g. cross sections, wire lines and/or photomontages) of the proposals can demonstrate that any taller dwellings will have no additional impacts. TLP also consider there would be minimal effects from additional recreational pressure on the AONB.

- 2.20 Therefore, TLP are of the opinion that the conclusions in the LVIA associated with the Crown Estate application, are robust and justified in relation to the impact on the AONB.

Bloor Homes application

- 2.21 An outline application (17/00830/1) was submitted by Bloor Homes in April 2017. This is a mixed-use scheme for the construction of up to 1,400 new dwellings together with retail, educational and community facilities and associated infrastructure on a site of approximately 95 ha. The application covers the majority of EL1, all of EL2 and a further area of land to the north of EL3 for playing fields use. The application included a Design and Access Statement, Illustrative Masterplan and Parameters Plan which show the way the development could proceed.
- 2.22 The application included an Environmental Statement with Chapter 5.0 Landscape Character and Visual Resources comprising a LVIA carried out by FPCR Environment and Design Limited (FPCR). The LVIA assessed the likely landscape and visual effects based on the proposals detailed on the Parameters Plan (Drawing 332 to-L-103 B) and also shown within the Design and Access Statement.

Baseline information

- 2.23 The LVIA includes a proportionate approach to the assessment of the baseline character and viewpoints assessed. A Zone of Theoretical Visibility is not included in the LVIA (referred to at para 5.3.2). This would have been helpful but is not considered critical if sufficient suitable viewpoints are included.
- 2.24 The LVIA references NCA 110 The Chilterns at Page 5-5 reflecting the key characteristics of the NCA and identifies the relevant Sections from the Statements of Environmental Opportunity (SEOs). The LVIA then refers (Page 5-8) to the Chilterns Conservation Board-Position Statement-Development affecting the setting of the Chilterns AONB (2011). This section includes extracts from the position statement noting in particular from paragraph 14 that,

'The setting of the Chilterns AONB does not have a geographical border. The location, scale, materials or design of a proposed development will determine whether it affects the natural beauty and special qualities of the AONB. A very large development may have an impact even if some considerable distance from the AONB boundary. However, the distance away from the AONB will be a material factor in forming a decision of on any proposals, in that the further away a development is from the AONB boundary the more the impact is likely to be reduced.'

- 2.25 A list of mitigation measures from the position statement are then set out in the LVIA with a concluding extract quoted from paragraph 19 that states,

'It is considered that many issues in relation to new development within the setting of the Chilterns AONB can be resolved through careful design, appropriate materials, location and layouts and mitigation measures from landscaping to the use of minimal, well directed lighting.'

- 2.26 Reference is made to the North Herts Landscape Study (Character, Sensitivity and Capacity) 2011. The focus is on the host LCA – 202 Breachwood Green Ridge, which records that the LCA has a moderate to low capacity for major urban extensions (which would include EL1 and EL2 and the Bloor Homes application) or new settlements. The LVIA does not include any details on the adjacent LCA 212 Lilley Bottom which extends northwards to include the part of the same valley within the AONB. Within the text for this area (Ref CG16a) the visual sensitivities of LCA 212 include: cross valley views, undeveloped skylines and panoramic views with a corresponding moderate to high visual sensitivity and a moderate to high landscape value. As the application site is located adjacent to this LCA and development within it has the potential to affect the visual sensitivities TLP consider that more detail should have been provided relating to LCA 212 as part of the baseline assessment.
- 2.27 The LVIA includes at Page 5-10 reference to the North Hertfordshire District Green Infrastructure Plan 2009 and the requirement to *'respect and respond to the existing character of the Chilterns AONB'*. Reference is also made to recognising the importance of creating, *'well screened, vegetated landscape edges to development, avoiding light spill and adopting good management practices for the surrounding countryside to tie development into the rural landscape'*
- 2.28 The presence of landscape designations is stated on Page 5-10 of the LVIA which are also shown on the accompanying Figure 5.6.

Visual effects

- 2.29 The AONB is approximately 2.2 km from the application site at its closest point adjacent to Chalk Hill. Potential inter-visibility would be more likely from or towards the elevated sections of the AONB to the east of Lilley where the distance is a c. 2.8 km between the application site and the AONB.
- 2.30 It is noted at paragraph 5.3.4 of the LVIA that the locations of the assessed viewpoints were agreed with the NHDC's landscape officer in April 2016. The viewpoints include Viewpoint 12 taken within the AONB from a length of elevated public footpath (Lilley 004/Chiltern Way) from where there are open views to the south into Lilley Bottom and up towards the wooded skyline partially shared by proposed allocations EL1 and EL2. This location provides probably the best and closest viewpoint from the AONB looking outwards towards the application site. A further location Viewpoint 13 from

just outside of the AONB on Luton Road/Hollybush Hill is also included and the outlook is similar in composition to Viewpoint 12.

- 2.31 The LVIA states at Page 5-15 (penultimate bullet) that '*There are no discernible views of the site from the Chilterns AONB*'. TLP consider that Viewpoint 12, and other locations A-E shown on Figure 01 attached to this report show there are some framed and open views from the AONB to the edge of the application site. While the majority of the site is screened from view the northern edge of EL1, associated trees on the site perimeter and the adjacent woodlands can be seen at the edge of the ridge. The treatment of this edge and sections of open skyline are sensitive and the proposals should respond to this constraint.
- 2.32 In addition there would be a number of locations where the north-east edge of the development on the site may be visible from outside the AONB in cross valley views from the sections of Lilley Bottom valley to the south of the AONB, which TLP considered to be part of the setting of the AONB i.e. Viewpoints 13, 14 and 15 included in the LVIA, P6 as included in the Crown Estate LVIA and locations F-J shown on Figure 01. However, this concerns the inter-visibility of views from within the setting not between the AONB and the setting.
- 2.33 The LVIA states at para 5.5.1. that '*The site is well positioned within the landscape and visually contained from the Lilley Valley*'. Again, it is agreed that the majority of the site is well contained from Lilley Bottom but that there is potential to view the northern edge of development from the valley. The exact location, scale and design of any development will be critical in assessing the magnitude of any effects. This comment particularly relates to the proposed 'All Though School', which being a substantial building could potentially exert a notable presence towards the Lilley Bottom valley and out towards the AONB. In addition to the school the Parameter Plan identifies areas of open space and school playing fields in sensitive edge of plateau/ridge locations. The design of these areas is critical to providing visual containment. The Illustrative Masterplan shows some planting in these locations. The detail of these areas would need to be supported by further information and in particular some wireline visualizations/photomontages from agreed viewpoints.
- 2.34 The LVIA continues at Page 5-21 in relation to the assessed effect on designations as follows,
- The site is not covered by any landscape quality designation and the Chilterns AONB lies some 2.5 km to the north-west of the main site. The site is not easily discernible from within the AONB and, while there may be views in its general direction, it is considered that given the distance together with intervening landscape and built elements, the proposed development would not result in any landscape effects upon the character of the AONB.*

- 2.35 Reference is made in the LVIA at Page 5-24 to the views from footpath Lilley 004 within the AONB which includes Viewpoint 12. The LVIA states that *'the proposed development will not be visible due to it being located beyond the ridgeline. This is reinforced by existing woodland upon the ridgeline which provides an effective visual screen. No visual effects will occur as a result of the proposed development.'*
- 2.36 The LVIA specifically addresses the views from the AONB at Page 5-26 including 'Viewpoint 13'. (NB. TLP consider this should be Viewpoint 12 as Viewpoint 13 is located outside the AONB). The view is noted as being towards the proposed structure planting. However, this planting will not provide an immediate effect even if strategically located and of sufficient extent. The LVIA states that *'the majority of the proposed development, including all built elements, will be located below the ridgeline and will therefore not be visible.'*
- 2.37 However, in TLP's assessment there is potential for some elements of the proposed built form including the All Through School, parts of housing areas within zones R3 and R4 and the Artificial Turf Pitch (as shown on the Parameters Plan) to be seen within the gap between Messina Plantation and Stubbocks Wood. For this reason, TLP consider that the sensitivity of the viewpoint is High and that the Magnitude of Change would be Low with a Minor adverse significance of effect. The magnitude of change could potentially reduce with a combination of appropriate design, modifications to the site layout and robust mitigation proposals.
- 2.38 Views from outside the AONB within Lilley Bottom valley including Viewpoints 13, P6 and F - J include locations where the magnitude of change could potentially increase to Medium dependent on the scale and form of the All Through School. This may give rise to at most a Moderate adverse level of effect on locations within the setting of the AONB. However, the viewpoints would affect parts of wide panoramic views where the AONB is in a different sector of the view or be in another direction entirely and hence more part of a successive view rather than a simultaneous effect. There would also be a repeated sequential experience for walkers travelling along the Chiltern Way from Lilley (via Viewpoints 12 and G). The effects would typically be Minor Negligible but could increase (where the view is directly ahead of the receptor) dependent on design and mitigation of proposals. The current visual experience includes no substantive built forms on the skyline in the direction of the application site and any new structure/s in a gap on the horizon would have an adverse effect, particularly if of large scale and in unsympathetic materials. The influence of any future associated lighting within the school of playing fields/all-weather surfaces would also be a concern that would add to any adverse effects.
- 2.39 The conclusion of the LVIA at Page 5-26 in relation to views from the AONB is that, *'Overall, views from the Chilterns AONB will be transient and fleeting and at more than 3km away, visibility will be extremely limited with the proposed development not easily discernible. Resultant visual effects upon*

local views will be no greater than Negligible where views occur and consequently not significant in EIA terms.

- 2.40 TLP consider that the levels of effects could be relatively higher at Minor adverse but concur with the LVIA that the effects on the AONB are unlikely to be significant.

Landscape character effects

- 2.41 The LVIA states at Page 5-20 that there will be 'no effects upon the adjoining LCA's including Lilley Bottom'. TLP agree there would be no direct effects on Lilley Bottom, being outside the LCA 212, but there may be some effects on landscape character by virtue of effects on the visual sensitivities identified in the LCA. The magnitude of these effects will depend on the detailed design of the northern edge of the development as described above.
- 2.42 Putteridge Bury registered park and garden is located outside the AONB but in TLP's opinion could be considered to be within its setting lying directly adjacent to the south of the A505. There are views from parts of the AONB e.g. Viewpoint 12 which include Putteridge Bury and where the wooded parkland character is a prominent. However, due to the general enclosure of the parkland by tree belts there is unlikely to be any inter-visibility between the park and majority of the proposed allocations EL1 and EL2. A separate part of the Bloor Homes application comprises an area of playing fields to the south of Putteridge Bury and to the north of EL3. This would occupy an area of existing arable land immediately to the south of the registered park and garden. However, this development for recreational use is not considered to affect the AONB or its setting being contained by the remainder of the registered park and garden.
- 2.43 Night-time visual effects are considered within section 5.6.2 of the LVIA and its conclusion on the effects of lighting is that there will not be any significant night-time visual effects. The development does lie broadly adjacent to the existing built edge of Luton where there is existing lighting impacts and also within close proximity of Luton Airport where there is a more concentrated night-time effect from lighting associated with the airport. The LVIA acknowledges there will be additional lighting. As a result of the built development buttresses this would be contained by new planting and existing perimeter woodland. The LVIA assesses there will be a Minor adverse effect in the long-term, once the landscaping has established. The LVIA states that impact from the All-Through School is not considered to introduce significant effects, as it would be set within a strong planted framework to limit its visibility and no form of lighting is proposed for the sports pitches and associated car parking. TLP consider that while this may be the intent the details of the school are not known and are likely to require some form of lighting of the school grounds and car parking immediately around the buildings. Furthermore, the proposed Artificial Turf Pitch shown on the Parameters Plan may also

at some point require artificial lighting. All these features may potentially have an effect on the edge of Lilley Bottom valley.

Conclusion on Bloor Homes application

- 2.44 The application is for a substantial number of houses (1,400) and associated infrastructure, most notably two schools and a local centre. A large proportion of the site to the centre and south would be visually and physically separated from the AONB and the Lilley Bottom valley.
- 2.45 The LVIA has considered the potential effects on the AONB in a reasonable and proportionate manner. However, the LVIA has not specifically considered the impact on the setting of the AONB as a separate exercise.
- 2.46 In TLP's opinion part of the site to the north-east boundary adjacent to Chalk Hill and running towards Stubbocks Wood has some limited inter-visibility between the AONB and Lilley Bottom. This mainly relates to a gap between the skyline woodland plantations to the south of Messina Plantation. In this location there are likely to be some views from within the AONB including Viewpoint 12 and additional locations A to E. In addition, there would be a number of viewpoints within Lilley Bottom valley including Viewpoint 13, P6 and locations F-J located outside the AONB. From these locations there may be some limited visibility towards the proposed All Through School and the edge of two of the housing areas of R3 and R4, together with potential views of the Artificial Turf Pitch all as shown on the Parameters Plan. Such views could therefore reveal the outer edge of the residential development.
- 2.47 The LVIA considers there would be no visual effects from these locations. However, TLP consider there would be the potential for Minor adverse effects from within the AONB rising to at most Moderate adverse effects from selected cross valley views within Lilley Bottom but locations outside the AONB. In this respect TLP do not consider that some parts of the detailed assessment within the LVIA is fully justified, albeit that this may be due to a degree of professional judgement and reliance upon the proposed mitigation.
- 2.48 It is feasible that with a combination of: sensitive design, mitigation and potential adjustment to the layout within the application that the adverse effects could be reduced. On this basis TLP consider that while there may be some minor variations in judgement in particular on visual effects between the AONB and the site that there should not be any significant adverse effects on the AONB or its setting. In this respect the resultant conclusion of no significant impact on the AONB is robust and justified.

3 POSITION ADOPTED BY THE CHILTERNES CONSERVATION BOARD

- 3.1 The position of the Chilterns Conservation Board (CCB) is set out in their statement dated 7 February 2018, which was submitted to the North Hertfordshire Local Plan examination in public. The CCB were represented by Dr Lucy Murfett at the examination in public on 7 February, who made representations in relation to the AONB. TLP will now respond to points within the CCB's Statement which relate to landscape and visual matters arising from the proposed allocation of EL1, EL2 and EL3.
- 3.2 CCB consider that the allocation of EL1, EL2 and EL3 is not justified or appropriate for three reasons of which the first two are relevant for this report:
- i. the likely impacts of the development on the setting of the Chilterns AONB.
 - ii. The implications for the boundary review of the Chilterns Area of Outstanding Natural beauty. Since this land is within an area of land proposed to be included in the AONB in Chilterns AONB boundary variations
- 3.3 CCB seek to remove the allocations East of Luton to allow for the AONB review process to be undertaken and further assessment of cumulative impacts (in relation to their third reason).

Effect on the setting of the Chilterns AONB

- 3.4 For the reasons already explained TLP consider that there will not be any significant adverse impacts on the setting of the AONB as a result of the development of sites EL 1-3. At paragraph 7 of their EIP statement CCB acknowledges that the proposed allocations EL1, EL2 and EL3 are all outside the AONB boundary. The AONB is a minimum of 1.5 km as the crow flies and c. 2.5km from any inter visibility. CCB state that the sites are within the setting of the Chilterns AONB but there is no analysis provided of the specific proposals within the two outline planning applications or the assessment and judgements made within the accompanying LVIA's. Rather reliance appears to be placed on related studies and the proposal for an extension of the AONB into Area 1: North Hertfordshire, as identified within the Potential Chiltern AONB Boundary Variations plan at page 28 of the CCB Statement.
- 3.5 Paragraph 8 of the statement identifies that the setting of the AONB is defined by CCB as, *'the area within which development and land management proposals, by virtue of their nature, size, scale, citing, materials or design could be considered to have an impact, either positive or negative, on the natural beauty and special qualities of the Chilterns AONB.'* TLP consider this to be a correct approach. However, it should be emphasised that a specific effect on the AONB itself should be identified rather than an effect on the setting of the AONB, which may have no notable effect on the AONB. Therefore, it is incumbent on CCB in claiming there would be such an adverse effect on the setting to also identify what the effect would be on the AONB itself.

- 3.6 Paragraph 9 refers to the CCB's Position Statement, Development Affecting the Setting of the Chilterns AONB (Position Statement). This document includes reference to a number of policies within the Chilterns AONB Management Plan 2014 to 2019. This relates to Policies L4, D9 and D12. Many of these policies are concerned with 'adjacent' development. Clearly development that is at least 1.5 km distant from the AONB and only visible from 2.5 km from the AONB cannot correctly be described as adjacent.
- 3.7 TLP would broadly agree with these policies as being appropriate. However, most of these policies are either not engaged with the proposals within allocations EL1, EL2 and EL3 or would result in a relatively minor impact. Furthermore, with an appropriate sympathetic treatment matters of visual effect could be mitigated, albeit that some of these may not be immediate e.g. time for planting to establish.
- 3.8 The Position Statement continues from paragraph 6 to discuss views out of and into the AONB and how they can be significant. Both LVIA's have considered views from the AONB. For the Crown Estate application there will be no views to the site. For the Bloor Homes application, Viewpoint 12 was identified, (which TLP consider to be representative of all those from that part of the AONB). The LVIA considered the effect on this view to be None. TLP's assessment was that the effect could potentially be Minor depending on the detailed design of the All Through School and associated land uses. However, neither assessor has considered them to be significant in visual effect. There is sufficient space to the northern edge of EL1 to provide planting that will enable mitigation to be achieved. Furthermore, the design and location of the school could be adjusted to ensure that the views from the AONB are protected from Year 1.
- 3.9 In relation to an effect on the 'Special Qualities' of the Chilterns AONB, TLP consider there are only two that could be indirectly affected through the development on the proposed allocations, namely a modest impact on a section of public footpath Lilley 004/Chiltern Way and a further modest impact on the perception of tranquillity in views looking towards the site. In both these respects it is TLP's opinion that the special qualities of the Chilterns ANOB would not be significantly affected by the proposed development.
- 3.10 Various appeal decisions are referred to in the Position Statement (Appendix B). However, these seem to be of a greater level of effect than that that would occur from the development of EL1, EL2 and EL3 on the Chilterns AONB. The proposal for a new football ground at Marlow was located directly opposite the AONB and would have included floodlights. The potential proposed location for 30 caravan sites adjacent to the Dorset AONB again was directly abutting the AONB boundary. The proposal for 4no. 100 m high wind turbines near to Exmoor referred to major and substantial intrusion and serious harm to landscape character. Such structures would result in much greater impact than relatively small-scale buildings. It is also noted that this appeal was allowed despite the

level of effect. The final appeal case relates to views from the AONB being affected by a haulage depot and storage buildings that were in the front of the view. In contrast the proposed development on sites EL1, EL2 and EL3 is at a much greater distance from the AONB with a minimal visual effect.

- 3.11 Paragraph 9 of the CCB statement identifies some examples of the potential adverse impacts from development in the setting of an AONB drawn from their Position Statement, concluding in paragraph 10 that *'many of these impacts apply here'*. However, none of the potential impacts are specifically addressed or the likely quantum of effect assessed in relation to EL1, EL2 or EL3 or the two submitted applications. TLP's judgement is set out below in Table 3.1 in relation to the examples of potential adverse impact quoted in Paragraph 9:

Table 3.1

| Example of adverse impact | TLP comment |
|---|--|
| Blocking or interference on views out of the AONB, particularly from public viewpoints. All rights of way | No viewpoints within the AONB are identified by CCB. Views to the edge of EL1 are possible but none would block any views and interference would be limited to a relatively narrow section of the skyline. Changing the layout and mitigation could rectify minor adverse effects |
| Blocking or interference of views of the AONB from public viewpoints or rights of way outside the AONB | Viewpoints have not been identified by CCB where such an effect would occur and the LVIAs undertaken indicate that there would not be any. TLP have identified a number of viewpoints towards the AONB but these are not blocked by the proposed development. |
| Breaking the skyline, particularly when this is associated with developments that have a vertical emphasis and/or movement (viaducts, chimneys, plumes or rotors for example) | None of the types of development with a vertical emphasis are included within the proposals. There could be a potential impact on a small section of skyline to the south of Messina Plantation notably by the introduction of the All Through School. However, there is scope to mitigate this effect through careful design. |
| The visual intrusion caused by the introduction of new transport corridors, in particular, roads and railways | No new transport corridors are involved that would be visible from the AONB. Changes to local lanes would be minor. |
| Loss of tranquillity through the introduction of lighting, noise, or traffic movement | Changes in tranquillity would be perceptual at a distance of circa 2.5 km to the nearest viewpoint. The A505 presents an existing noise source close to the viewer from within the AONB. The maximum effect of change would be the introduction of a few buildings at this distance with the potential for mitigation to soften any visual effect. Proposed lighting could be designed and suitably conditioned. Views from the ANOB are unlikely to be frequently visited during night time where such changes are experienced. |
| Introduction of significant or abrupt changes to landscape character particular where they are originally of a similar character to the AONB | There would be a change in character on EL1, EL2 and EL3. However, the landscape character of the proposed allocation areas is not readily seen together with the AONB. There is much stronger association with Lilley Bottom, but the developments do not extend into this area and there is a more limited visibility. |

| Example of adverse impact | TLP comment |
|--|---|
| | Where visibility could potentially occur sensitive design or modification of the proposals could minimise any adverse impacts |
| Change of use of land that is of sufficient scale to cause harm to landscape character | There would be inevitable harm caused to the landscape character of EL1, EL2 and EL3. However, these areas are not widely readily perceptible from the AONB. |
| Loss of biodiversity, particularly in connection with those habitats or species of importance in the AONB | There is no indication of any adverse impacts on biodiversity within the AONB. |
| Loss of features of historic interest, particularly if these are contiguous with the AONB | There is no indication of any adverse impacts on feature of historic interest, including the Putteridge Bury RPG. |
| Reduction in public access and detrimental impact on the character and appearance of rural roads and lanes | No development contiguous with the AONB is proposed. There is no evidence to indicate and no reason to support a conclusion that there would be a reduction in public access within the AONB. |
| Increase in air or water pollution | Impacts on air and water quality outside of TLP's remit and experience. |

3.12 Paragraph 10 includes a number of ways in which CCB consider the development of EL1, EL2 and EL3 would affect the Chilterns AONB. These are listed below in Table 3.2 together with TLP's comments.

Table 3.2

| Effects of development | TLP comment |
|---|--|
| Out of scale out of character with the area | This would be a substantive development of 2,100 homes and change the character of the local area. However, it is not stated how this would by consequence affect the AONB and it is difficult to see how this would be affected |
| Harm landscape character | This would be a substantive development of 2,100 homes and change the character of the local area. However, it is not stated how this would by consequence affect the AONB. The development would create a new character with substantive additional mitigation features and open space. This will not adversely impact on the AONB. |
| Caused settlement coalescence | There would be a tendency towards coalescence between Cockernhoe, Mangrove Green and Tea Green. However, this would not extend perceptually towards the AONB |
| Change the character of rural lanes valuable as a recreational resource and route to the AONB | Rural lanes would be retained and some localised improvements e.g. passing places created. CCB do not state how this would affect the AONB and there would not be any material adverse impact in this respect. |
| Increased traffic and air pollution through the AONB | These topics are outside TLP's remit and experience. |
| Reduced tranquillity | There would be reduction in tranquillity, within developed areas. However, this would quickly dissipate travelling into Lilley Bottom. The A505 already creates an existing noise source on the edge of the AONB. There would be no material impact upon the AONB in this respect. |
| Reduced dark skies | There would be an increase in lighting within the site and this |

| Effects of development | TLP comment |
|---|---|
| | could partly affect areas in the near proximity. Lighting is already an issue from Luton and, Luton Airport within parts of the site. This would not have any material impact upon the AONB. |
| Increase water abstraction to serve the development | These topics are outside TLP's remit and experience. |
| Fragment green corridors and habitats | There would be some local breaks in existing green corridors e.g. hedgerows. However, considerable additional planting in open space is proposed to improve connectivity and provide greater opportunities for biodiversity in contrast to the existing arable fields. This would not have any material impact upon the AONB. |

3.13 Paragraph 12 in the CCB statement includes a number of photographs of EL1 and EL3. These illustrate largely paddocks and arable fields, which would be the focus for the built development. The majority of the trees and woodland features would be retained as part of the green infrastructure on the site. The locations of these views, are not specified. While the photographs show a pleasant rural outlook, with few detracting features they are typical plateau landscape views. TLP do not consider that they illustrate a location that is '*particularly special*' or reflect a quality that should be included within an extended AONB.

Response to comments on NHDC studies.

3.14 Reference is made at paragraph 13 to the NHDC landscape studies of 2009 and 2011 and the SA/SEA for the Local Plan. The 2009 and 2011 landscape studies concluded that LCA 202 - Breachwood Green Ridge LCA within which EL1, EL2 and EL3 are proposed, is of Medium/High sensitivity, while the adjacent areas, LCA 201 Kimpton and Whiteway Bottom and LCA 212 Lilley Bottom had a relatively greater High sensitivity. Therefore, within the context of available land within North Hertfordshire next to Luton and outside the AONB the areas of land allocated with EL1, EL2 and EL3 are relatively less constrained in landscape terms. This does not mean there has been a change in the sensitivity and the findings of the 2009 and 2011 landscape studies are still considered to be valid.

3.15 However, since the 2011 studies there has been an increased requirement (in association with the duty to cooperate between councils) to identify suitable locations for Luton's unmet housing need within North Hertfordshire. This need is considered to be appropriately located close to Luton and within the Luton HMA. As result the Locations EL1, EL2 and EL3 have been identified by NHDC through the emerging Local Plan process as being the most suitable locations within North Hertfordshire. The proposals will bring some notable changes to the local landscape. However, TLP consider that a large part of the proposed allocations are relatively well contained from the wider landscape, including LCAs 201 and 212 by landform, most notably by woodland blocks. With suitable design and site planning there is scope to minimise adverse effects on the wider landscape and also

retain notable landscape features. In particular this will include ensuring that the ridgeline to the north-east of the site is protected from the impact of built development on the skyline. Furthermore, the effects of developing allocations EL1, EL2 and EL3 upon the AONB are considered to be relatively modest in landscape and visual terms.

- 3.16 Paragraph 20 in CCB's Statement refers to the potential for the character area being classified as a valued landscape (based on paragraph 109 of the NPPF). This consideration has not formed part of any study to date with the NPPF having been published (in 2012) after the last landscape study of 2011. It is appreciated that the area does form a well-used recreational resource being close to Luton. There will be a loss of this resource to existing communities to a degree. However, existing minor roads and rights of way would be retained within the development and provision for links beyond to the remainder of the LCA 202 and also into the adjacent LCA's 201 and 212. These will be available to pedestrians, equestrians and cyclists.
- 3.17 Paragraph 21 refers to the 2013 CCB response to NHDC housing options paper in which it recommended full landscape character and visual impact assessments to feed into the preparation of future allocations. While this work has not been carried out by the Council, the two applications by The Crown Estate and Bloor Homes have included LVIA's for the proposed allocations. These identify either no or limited effects on the AONB. TLP consider these findings to be broadly robust and defensible.
- 3.18 It is considered that a greater concern to the CCB, in the light of a limited effect directly on the AONB, may relate to impact on the potential future extension of the Chilterns AONB designation. Development within LCA 202 Breachwood Green Ridge would restrict this potential extension of the AONB in this locality. However, with a suitable defensible boundary to the Green Belt including a robust landscape treatment to the perimeter of the development areas, it is still possible that the relatively more sensitive landscapes e.g. Lilley Bottom could still merit inclusion within an extended AONB in the future. It would appear from the CCB consultation response quoted at Paragraph 21, that they are referring more to Lilley Bottom and its connection to the Mimram Valley rather than the landscape is typified by the Breachwood Green Ridge where they state, *'the area to the immediate east of the site is high-quality landscape that may well be worthy of designation as part of the Chilterns AONB should a review of the AONB boundary ever take place in the future.* This consultation response provides a focus from CCB to the areas to be protected, namely Lilley Bottom, rather than Breachwood Green Ridge and also the recognition that a review of the AONB boundary is neither confirmed nor outcome predictable.
- 3.19 CCB state at paragraph 22 that the full LVIA's called for in 2013 have not been carried out as part of the Local Plan preparation process. However, it is not the role of local authority to carry out an LVIA. This is a specific study produced to assess the effects of a particular development, rather than a

generic development. In TLP's opinion the two LVIAs produced are broadly robust and correct in their judgements on the effect of the development of the allocations on the AONB. Furthermore, these LVIAs have been produced in association with two applications to enable consideration of the detailed effects prior to the proposed allocations EL1, EL2 and EL3 being determined for inclusion in the Local Plan by the Inspector and later confirmed by NHDC.

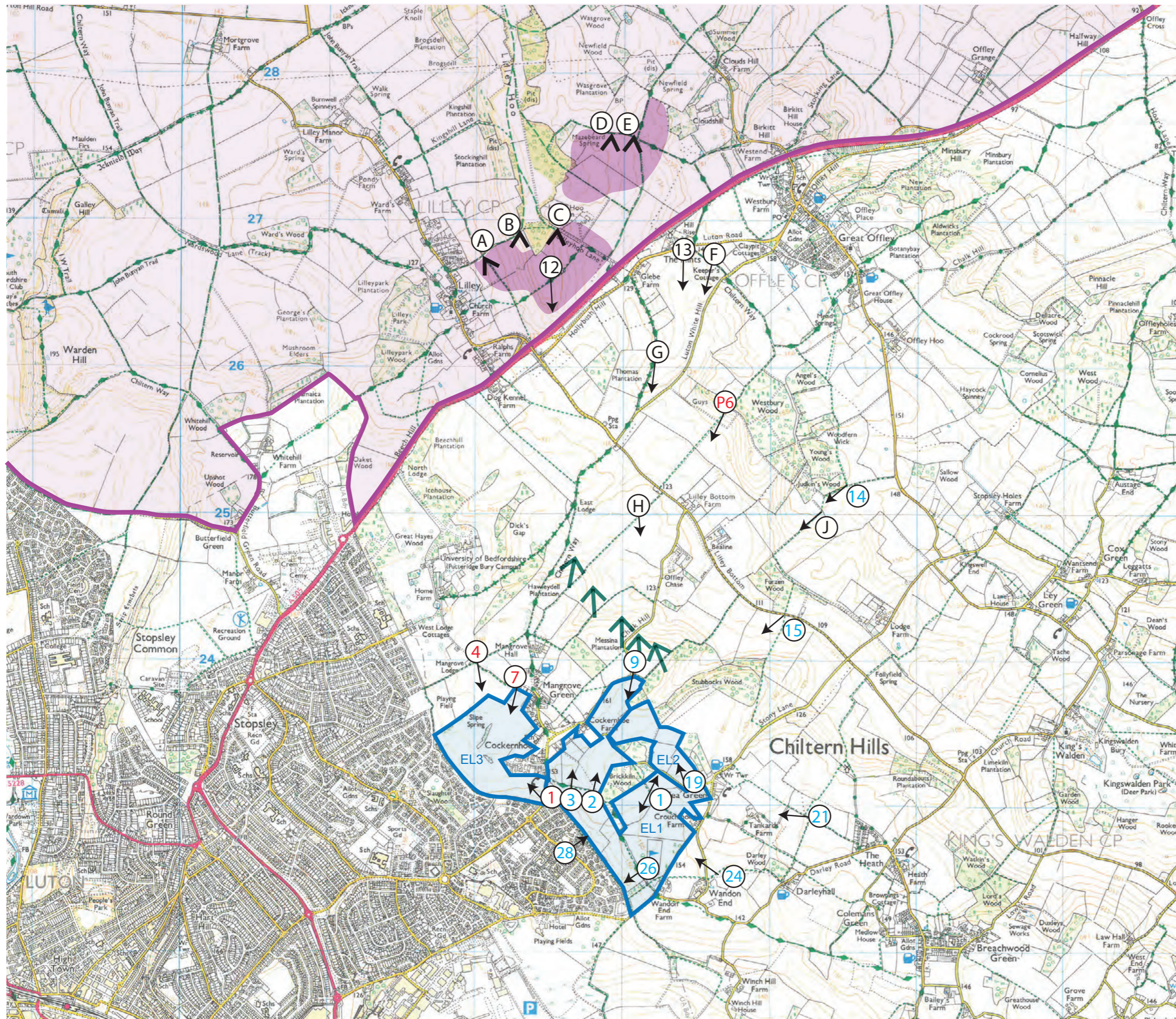
Implications for the boundary review of the Chilterns AONB

- 3.20 The Chilterns Area of Outstanding Natural Beauty (AONB) was designated in 1964, under section 87 of the National Parks and Access to the Countryside Act of 1949. AONBs are nationally important landscapes and are designated to preserve and enhance natural beauty. There are also two secondary aims of AONBs, which complement the purpose, and these are:
- To meet the need for quiet enjoyment of the countryside
 - To have regard for the interests of those who live and work there.
- 3.21 The boundary of the Chilterns AONB was last reviewed in 1990, which led to a slight increase in the area covered. Within North Hertfordshire approximately 2,000Ha of land between Hitchin, Lilley and Hexton currently fall within the AONB.
- 3.22 EL1, EL2 and EL3 are located within land proposed by CCB for inclusion in the Chilterns AONB as Area 1: North Hertfordshire. This is one of four locations identified by CCB, all to the south of the existing AONB boundary. The proposed candidate Area 1: North Hertfordshire is greater in extent than the existing detached area of the AONB east of Luton to the north of the A505.
- 3.23 CCB made an application to review the AONB boundary in 2013. It is unknown when (or indeed if) Natural England will carry out a review of the request to extend the AONB.
- 3.24 CCB state at paragraph 23 that the proposed extensions were based on the criteria published by NE in March 2011 relating to landscape quality, scenic quality and relative wildness, relative, tranquillity and cultural heritage.
- 3.25 CCB state at paragraph 25 that the 'area', (assumed to be the same as Area 1: North Hertfordshire) has a clear affinity with the rest of the Chilterns. Characteristics stated by CCB include, '*chalk streams and associated dry valleys and small settlements, with isolated farms and dwellings with red brick and Flint as dominant building materials. The woodland cover is good, with much of it being Ancient Woodland.*' It should be noted that there is no further finer grained analysis of the local variations within Area 1 provided by CCB.
- 3.26 NHDC passed a resolution in September 2010 to support the consideration of an area approximating to candidate Area 1: North Hertfordshire for consideration as an extension of the AONB.

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- 3.27 CCB are of the opinion that housing should not be considered for allocation within LCA 202 until the pending application to review the AONB boundary is determined. However, the date of such a review is unknown and the likely result uncertain.
- 3.28 It should be noted that all the proposed development falls within LCA 202 – Breachwood Green Ridge. The 2009 study (CG15) identified that LCA 202 was of relatively lower sensitivity (albeit Medium-High sensitivity) to other character areas in the vicinity, including LCA 212 Lilley Bottom (High sensitivity).
- 3.29 It is TLP’s opinion that allocating land within LCA 202 to the extent of areas EL1, EL2 and EL3 would not prejudice a future review and potential extension of the AONB. The area available for consideration would be reduced by the extent of any housing allocations. However, the majority of the land included within candidate Area 1: North Hertfordshire would still be suitable for consideration. Furthermore, areas hitherto identified as being of greater sensitivity would not be reduced in extent.
- 3.30 By adoption of draft Policy SP19, and the site-specific measures including criteria: a, c, g, h, k and l it would be possible to protect the remaining landscape within the candidate AONB extension. In particular criteria ‘g’, states the requirement is for *‘built development contained within the Breachwood Ridge and avoiding adverse impacts on the wider landscape of the Lilley Valley or the Chilterns AONB as informed by, detailed landscape assessments.’*
- 3.31 TLP consider that it is important in the absence of any program or likely outcome of an AONB review to consider existing current factors, including the state of the emerging North Hertfordshire Local Plan and associated housing need, that require determination, together with any other supporting evidence that would indicate the suitability of development within EL1, EL2 and EL3 e.g. the LVIAs associated with the current planning applications.
- 3.32 The findings of the LVIAs for the two outline planning applications covering the majority of EL1, EL2 and EL3 indicate there would be some significant effects on the site areas themselves but that beyond the site the effects on the wider landscape would be limited.
- 3.33 Therefore, while CCB oppose the allocation of land East of Luton in advance of the pending AONB review, TLP consider that CCB’s position is not justified since Policy SB19 includes specific criteria to protect the AONB and the more sensitive parts of its setting.

4 CONCLUSIONS

- 4.1 In terms of the effects on the AONB and its setting from the proposed allocations EL1, EL2 and EL3, TLP consider that substantial reliance should be placed on: the detailed site assessments and analysis carried out by the assessors of the LVIAs (within the outline planning applications by the Crown Estate and Bloor Homes), the representations of NHDC, the supporting evidence base studies (including CG15 and CG16) and the findings of this report.
- 4.2 TLP consider that the concerns of CCB resulting from the proposed allocation of EL1, EL2 and EL3 on the AONB (including effects within its setting) are not justified in the light of the detailed site assessments carried out.
- 4.3 TLP are of the opinion that there would be no material impact on the AONB or its setting from the proposed allocations in such a way that it would result in a harmful effect to the AONB, that could not be resolved by suitable mitigation or adjustments to the development proposals within the allocation areas.



Key

- EL1 Luton and Cockernhoe proposed housing allocation
- 1 Viewpoints with Bloor Homes LVIA - Fig 5.6
- 1 Viewpoints with Crown Estate LVIA - Fig 10.2
- B Additional Viewpoints identified by TLP
- AONB Boundary
- ↖ Locations within AONB with views towards EL1-EL3
- ↗ Locations at / near EL1-EL3 with views towards AONB

NB: Read with accompanying schedule of viewpoints

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Visual Relationship between AONB, its setting and EL1-EL3

Figure 01

Scale: 1:25,000 @ A3

March 2018



Brief for Consultants

Assessment of Sites East of Luton (EL1, EL2 & EL3) and their impact on the setting of the Chilterns AONB

Purpose

Following the Examination hearing on 7 February, Natural England sent an email to the Inspector reneging from the following statement in its Statement of Common Ground with North Hertfordshire District Council:

“4.10 It is agreed that the sites to the East of Luton (SP19) do not have a material impact on the AONB (or its setting) as confirmed by the landscape assessments accompanying the planning applications in this area. The SA/SEA (and associated landscape assessment) however state that the allocations can only accommodate small scale development, with respect to non-AONB landscapes of high value.”

In its email, Natural England said as follows in relation to paragraph 4.10 of the SoCG:

“We chose not to contest the above statement as we lack the site specific knowledge and resources to do so and consider that the AONB board is in a far better position to comment. We have given this particular matter very little consideration and therefore our opinion should carry no weight.”

The purpose of the work sought by the Council is to provide a response to Natural England’s changed position in respect of the impact of sites EL1, EL2 and EL3 on the AONB and its setting, and to make specific and focussed consideration of whether development of the sites east of Luton would have a material impact on the setting of the AONB. Natural England’s position is, as they state, not based on site specific knowledge, and they make clear that they have not given the matter detailed consideration.

In order to carry out this work, reference will need to be made to the Chilterns Conservation Board **Position Statement - Development affecting the setting of the Chilterns AONB**, the evidence provided by The Crown Estate (16/02014/1) and Bloor Homes (17/00830/1) to support their applications for development east of Luton, and the representations made by Natural England.

As part of the assessment the following matters need to be addressed:

1. The evidence provided by The Crown Estate (16/02014/1) and Bloor Homes (17/00830/1) to support their applications for development east of Luton which addresses the impact on the setting of the AONB;

2. Whether this evidence been satisfactorily scoped, gathered and assessed;
3. Whether its conclusions as to the impact of the development on the setting of the AONB are robust and justified;
4. The position adopted by the Chilterns AONB and whether it is appropriate and justified;
5. The position now adopted by Natural England and whether it is appropriate and justified.

Requirement

The consultant is required to prepare a report that sets out their assessment and draws a conclusion as to the impact on the setting of the Chilterns AONB of the proposed development east of Luton, sites EL1, EL2 and EL3.

Timescale

Draft report to be completed by Friday 16th March 2018.

Relevant information

- Chilterns Conservation Board Position Statement - Development affecting the setting of the Chilterns AONB (2011)
<http://www.chilternsaonb.org/conservation-board/planning-development/position-statements.html>
- Copy of the Chilterns AONB Representation and Hearing session Statement for the Local Plan Examination <https://www.north-herts.gov.uk/files/8390-matter-10-luton-cockernhoe-chilterns-conservation-board-pdf>
- Landscape evidence prepared and submitted as part of the by Bloors and Crown Planning Applications. (Available on NHDC website)
- Natural England Statement of Common Ground ED52
<https://www.north-herts.gov.uk/files/ed52-socg-between-nhdc-and-natural-england-nov-2017-redacted-copypdf>
- Natural England Reg 19 Consultation (attached to email)
- Natural England email (attached to email)