

Date: 16 January 2025
Our ref: 496617
Your ref: Luton Local Plan - Community Involvement Paper – issues and options



LBClocalPlan@Luton.gov.uk

BY EMAIL ONLY



Dear Sir/Madam

Planning consultation: Luton Local Plan - Community Involvement Paper - Issues and Options CONSULTATION REQUEST

Thank you for your consultation on the above dated 12 December 2024 which was received by Natural England on the same date.

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.

Natural England has reviewed the provided Issues and Options consultation document and accompanying appendices together with the sustainability Appraisal (SA). Please note that we have not provided comments on all issues/options, but only those which have the most influence on matters within our natural environment remit. Natural England has no comment to make on the options not covered in this response. We can confirm that we have no concerns regarding the Sustainability Appraisal.

The Issues and Options document has many positive aspects and it is good to see a commitment to extensive blue and green infrastructure both as potential policies and embedded throughout the paper. It is also clear that the Local Authority is dedicating resources to tackling climate change and is taking a holistic approach to sustainable development, focusing on both people and nature. As such, we are generally in favour of the proposed policies and options detailed and would like to make the following comments.

Question 29: How can we improve air quality and mitigate against poor air quality?

We are pleased that the effects of air quality on the natural environment and biodiversity, in addition to human health, is referenced in paragraphs 5.91-6.96. This and the intention of improvements to green infrastructure to address this is welcomed. We would like to see a specific policy at reg 18 including requirements for relevant development to address air pollution on the natural environment, particularly air quality-sensitive protected sites. Employment and residential allocations have the potential to increase Annual Average Daily Traffic (AADT) on roads within 200m of protected sites. Air quality impacts should be assessed at the Local Plan stage, rather than individual planning applications, as the outcome of assessment may result in a change to site allocations within the upcoming draft Luton Local Plan.

Natural England's report on the assessment of road traffic emissions ([NE001](#)) should be followed when assessing road traffic emissions. Roads within 200m of protected sites should ideally be modelled and assessed in relation to site allocations, prior to inclusion of site allocations in the

Regulation 18 version of the Luton Local Plan, or else prior to the Submission Version.

Question 31: How can we adapt to and mitigate against the impacts of climate change?

It is clear that Green Infrastructure is being considered alongside other sustainable development tools to contribute to climate change mitigation. We recommend continued reference to Natural England's [Green Infrastructure Framework](#) and [Green Infrastructure Standards](#) to inform development plans.

Cross referencing policies on Green Infrastructure throughout the draft Local Plan would be beneficial in strengthening individual strategic policies (such as climate change mitigation) and is recommended.

Green infrastructure and nature-based solutions play an important role in aiding climate change adaptation and [reduction in urban air pollution](#). Our [Climate Change Adaptation Manual - NE751 \(naturalengland.org.uk\)](#) may be a useful resource.

Question 35: How should a new Local Plan approach biodiversity net gain?

We are supportive of introduction of a higher percentage requirement of 20% biodiversity net gain and a policy that incorporates the LNRS, locally important habitats, and GI strategies/action plans into proposed developments. The unique challenges of achieving Biodiversity Net Gain in a predominantly urban area are acknowledged and as such we recommend inclusion of the [Urban Greening Factor](#) as a valuable tool in improving green infrastructure provision. Reference to this as a specific policy within the upcoming draft Local Plan would strengthen Luton's goals in achieving more sustainable and environmentally friendly development.

Chilterns Beechwoods SAC

It is good to see reference to the Chilterns Beechwoods SAC strategic solution and acknowledgment of requirement for mitigation for housing developments exceeding 100 units within the 12.6km Zone of Influence (ZOI). It should be noted that for Luton, this mitigation does not require contribution to the Strategic Access Management and Monitoring Strategy (SAMB). Rather, developments are expected to provide [Suitable Alternative Natural Greenspace](#), or greenspace of sufficient quality and quantity, as agreed with Natural England and the Local Authority only. As such we suggest the following wording changes:

...This could involve ~~contributions towards a Strategic Access Management and Monitoring strategy, as well as~~ provision of Suitable Alternative Natural Greenspace or greenspace of sufficient quantity and quality as agreed with Natural England. This may need to be reflected in strategic policies or site allocation policies.

It should be noted that Natural England is happy to review SANG or greenspace provision through our [Discretionary Advice Service \(DAS\)](#) before statutory consultation commences.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on consultations@naturalengland.org.uk

Yours faithfully

Betsy Brown
Sustainable Development Higher Officer – West Anglia Team

Biodiversity Net Gain (BNG)

Some examples below where 20% net gain is being considered:

- Greater Cambridge have produced an SPD that sets a target for 20% BNG: [GCSP Biodiversity Supplementary Planning Document](#)
- Lichfield DC have a 20% BNG requirement in an SPD [Lichfield Supplementary Planning Document: Biodiversity & Development](#)
- Surrey Nature Partnership – [Recommendation For 20% BNG In Surrey](#)
- Guildford Borough Council have adopted 20% BNG in policy: [Guildford Local Plan – Guildford Borough Council](#)

This link from the Planning Advisory Service also provides additional resources including best practice policy examples in local plans, as well as other authorities considering higher targets: [Biodiversity Net Gain in Local Plans and Strategic Planning | Local Government Association](#)

Viability studies

The following reports may be used as precedent where case studies exist for councils currently adopting a BNG strategy above the mandatory 10%:

- This report details biodiversity net gain and local nature recovery strategies: [Net Gain Impact Assessment](#)
- This Vivid economics study was commissioned a few years ago but may still be of use. It looks into the impact of BNG on housing viability and can be found here: [Biodiversity Net Gain: Preliminary Housing Viability Analysis](#)
- Swale Borough Council in Kent commissioned a study on the effects of 20% BNG on local viability and found this would result in negligible extra cost. They have used this study as part of their Local Plan evidence base, published for their Reg 19 Local Plan Review (consultation now closed and they are considering comments): [Local Plan Review Evidence – Viability](#) – see pages 78-79 showing minimal extra cost for 20%.
- Kent County-wide Viability Assessment for 20% [Kent Net Gain Viability Assessment](#). Kent are currently progressing with Local Planning Authorities for the adoption of a 20% target for BNG and in order to assist this have undertaken a strategic level viability assessment of 15% and 20% net gain. A summary of key findings from this are:
 - I. A shift from 10% to 15% or 20% BNG will not materially affect viability in the majority of instances when delivered onsite or offsite.
 - II. The biggest cost in most cases is to get to mandatory, minimum 10% BNG. The increase to 15% or 20% BNG in most cases costs much less and is generally negligible.
 - III. Because the BNG costs are low when compared to other policy costs, in no cases are they likely to be what renders development unviable.
 - IV. Local Authorities who wish to pursue BNG in excess of 10% will need a local viability assessment to support it. However, this study shows an assessment is likely to demonstrate viability will not be negatively impacted (to a material extent) for BNG increases of up to 20%. Because costs are small BNG is unlikely to impact the viability threshold significantly.
 - V. If onsite provision is how the majority of BNG is delivered, this could have implications on land take as a result of lowering of average housing densities. However, as the majority of this burden relates to the mandatory 10% BNG, and the increase to get to 15% and 20% BNG are comparably small, this should not be seen as a reason for not going beyond the 10% but is a consideration for LPAs.

Green infrastructure

Green Infrastructure Standard	Overview
S1. Green Infrastructure Strategy Standard	Local Authorities, working in partnership with stakeholders, assess and strategically plan their GI provision applying the 15 GI Principles, e.g. as part of a GI Strategy.
S2. Accessible Greenspace Standards	Outlines a range of size, proximity and quality criteria with the aim of ensuring everyone has access to good quality green and blue spaces close to home.
S3. Urban Nature Recovery Standard	In urban and urban fringe areas, the proportion of GI that is designed and managed for nature is increased by a given %, taking into account local needs and opportunities (e.g. for habitat creation).
S4. Urban Greening Factor Standard	The UGF uses a simple calculation based on site area and habitat cover 'type'. The UGF aims to increase the levels of greening in urban areas, allowing Local Authorities to specify targets for new developments including major residential and commercial developments.
S5. Urban Tree Canopy Cover Standard	Urban tree canopy cover is increased by an agreed % based on a locally defined baseline and taking into account local needs, opportunities and constraints.

Annex B – Additional advice

Natural England offers the following additional advice:

The Plan's vision and strategy

Natural England advises that the Plan's vision and emerging development strategy should address impacts on and opportunities for the natural environment and set out the environmental ambition for the plan area. The plan should take a strategic approach to the protection and enhancement of the natural environment, including providing a net gain for biodiversity, considering opportunities to enhance and improve connectivity. Where relevant there should be linkages with the Biodiversity Action Plan, Local Nature Partnership, National Park/Area of Outstanding Natural Beauty Management Plans, Rights of Way Improvement Plans and Green Infrastructure Strategies, Nature Recovery Network (amend as appropriate to the local area).

Sites of Least Environmental Value

In accordance with the paragraph 181 of NPPF, the plan should allocate land with the least environmental or amenity value. Natural England expects sufficient evidence to be provided, through the SA and HRA, to justify the site selection process and to ensure sites of least environmental value are selected, e.g. land allocations should avoid designated sites and landscapes and significant areas of best and most versatile agricultural land and should consider the direct and indirect effects of development, including on land outside designated boundaries and within the setting of protected landscapes.

Landscape

Natural England expects the Plan to include strategic policies to protect and enhance valued landscapes, as well criteria based policies to guide development.

The plan area includes an Area of Outstanding Natural Beauty/National Park. We advise the LPA to take into account the relevant Management Plan for the area. For Areas of Outstanding Natural Beauty, the LPA should seek the views of the AONB Partnership. Development proposals brought forward through the plan should avoid significant impacts on protected landscapes, including those outside the plan's area and early consideration should be given to the major development tests set out in paragraph 183 of the National Planning Policy Framework (NPPF).

Designated sites

The Local Plan should set criteria based policies to ensure the protection of designated biodiversity and geological sites. Such policies should clearly distinguish between international, national and local sites¹. Natural England advises that all relevant Sites of Special Scientific Interest (SSSIs), European sites (Special Areas of Conservation and Special Protect Areas) and Ramsar sites² should be included on the proposals map for the area so they can be clearly identified in the context of proposed development allocations and policies for development. Designated sites should be protected and, where possible, enhanced.

The Local Plan should be screened under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) at an early stage so that outcomes of the assessment can inform key decision making on strategic options and development sites. It may be necessary to outline avoidance and/or mitigation measures at the plan level, which will usually need to be considered as part of an Appropriate Assessment, including a clear direction for project level HRA work to ensure no adverse effect on the integrity of internationally designated sites. It may also be necessary for plans to provide policies for strategic or cross boundary approaches, particularly in areas where designated sites cover more than one Local Planning Authority boundary.

¹ International sites include: Special Protection Areas (SPAs); Special Areas of Conservation (SACs) and Ramsar sites¹. National sites include Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) Local sites include wildlife Sites or geological sites (a variety of terms are in use for local sites).

² The following wildlife sites should also be given the same protection as European sites: potential SPAs, possible SACs, listed or proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on European sites

Natural England would welcome early discussion on the Habitats Regulations Assessment (HRA) of the plan and can offer further advice as policy options are progressed.

Biodiversity and Geodiversity

The Plan should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity. There should be consideration of geodiversity conservation in terms of any geological sites and features in the wider environment.

A strategic approach for networks of biodiversity should support a similar approach for green infrastructure (outlined below). Planning policies and decisions should contribute and enhance the natural and local environment, as outlined in para 180 of the NPPF. Plans should set out the approach to delivering net gains for biodiversity. Net gain for biodiversity should be considered for all aspects of the plan and development types, including transport proposals, housing and community infrastructure.

Priority habitats, ecological networks and priority and/or legally protected species populations

The Local Plan should be underpinned by up to date environmental evidence. This should include an assessment of existing and potential components of local ecological networks. This assessment should inform the Sustainability Appraisal, ensure that land of least environment value is chosen for development, and that the mitigation hierarchy is followed and inform opportunities for enhancement as well as development requirements for particular sites.

Priority habitats and species are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Further information is available here: [Habitats and species of principal importance in England](#). Local Biodiversity Action Plans (LBAPs) identify the local action needed to deliver UK targets for habitats and species. They also identify targets for other habitats and species of local importance and can provide a useful blueprint for biodiversity enhancement in any particular area.

Protected species are those species protected under domestic or European law. Further information can be found here [Standing advice for protected species](#). Sites containing watercourses, old buildings, significant hedgerows and substantial trees are possible habitats for protected species.

Ecological networks are coherent systems of natural habitats organised across whole landscapes so as to maintain ecological functions. A key principle is to maintain connectivity - to enable free movement and dispersal of wildlife e.g. badger routes, river corridors for the migration of fish and staging posts for migratory birds. Local ecological networks will form a key part of the wider Nature Recovery Network proposed in the 25 Year Environment Plan and Environmental Improvement Plan. Where development is proposed, opportunities should be explored to contribute to the enhancement of ecological networks.

Planning positively for ecological networks will also contribute towards a strategic approach for the creation, protection, enhancement and management of green infrastructure, as identified in paragraph 181 of the NPPF.

Where a plan area contains irreplaceable habitats, such as ancient woodland, ancient and veteran trees, there should be appropriate policies to ensure their protection. Natural England and the Forestry Commission have produced [standing advice](#) on ancient woodland, ancient and veteran trees.

Green Infrastructure

Green infrastructure refers to the living network of green spaces, water and other environmental features in both urban and rural areas. It is often used in an urban context to provide multiple benefits including space for recreation, access to nature, flood storage and urban cooling to support climate change mitigation, food production, wildlife habitats and health & well-being improvements provided by trees, rights of way, parks, gardens, road verges, allotments, cemeteries, woodlands, rivers and wetlands.

Green infrastructure is also relevant in a rural context, where it might additionally refer to the use of farmland, woodland, wetlands or other natural features to provide services such as flood protection, carbon storage or water purification.

A strategic approach for green infrastructure is required to ensure its protection and enhancement, as outlined in para 181 of the NPPF. Green Infrastructure should be incorporated into the plan as a strategic policy area, supported by appropriate detailed policies and proposals to ensure effective provision and delivery. Evidence of a strategic approach can be underpinned by Green Infrastructure Strategy. We encourage the provision of green infrastructure to be included as a specific policy in the Local Plan or alternatively integrated into relevant other policies, for example biodiversity, green space, flood risk, climate change, reflecting the multifunctional benefits of green infrastructure.

Access and Rights of Way

Natural England advises that the Plan should include policies to ensure protection and enhancement of public rights of way and National Trails, as outlined in paragraph 98 of the NPPF. Recognition should be given to the value of rights of way and access to the natural environment in relation to health and wellbeing and links to the wider green infrastructure network. The plan should seek to link existing rights of way where possible and provides for new access opportunities. The plan should avoid building on open space of public value as outlined in paragraph 103 of the NPPF.

The plan should make provision for appropriate quantity and quality of green space to meet identified local needs as outlined in paragraph 102 of the NPPF. Natural England's work on [Green Infrastructure](https://designatedsites.naturalengland.org.uk/GreenInfrastructure/GIStandards.aspx) <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/GIStandards.aspx> may be of use in assessing current level of accessible greenspace and planning improved provision.

Soils

The Local Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.

The plan should safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future in line with National Planning Policy Framework paragraph 180.

Air pollution

We would expect the plan to address the impacts of air quality on the natural environment. In particular, it should address the traffic impacts associated with new development, particularly where this impacts on European sites and SSSIs. The environmental assessment of the plan (SA and HRA) should also consider any detrimental impacts on the natural environment, and suggest appropriate avoidance or mitigation measures where applicable.

Natural England advises that one of the main issues which should be considered in the plan and the SA/HRA are proposals which are likely to generate additional nitrogen emissions as a result of increased traffic generation, which can be damaging to the natural environment.

The effects on local roads in the vicinity of any proposed development on nearby designated nature conservation sites (including increased traffic, construction of new roads, and upgrading of existing roads), and the impacts on vulnerable sites from air quality effects on the wider road network in the area (a greater distance away from the development) can be assessed using traffic projections and the 200m distance criterion followed by local Air Quality modelling where required. We consider that the designated sites at risk from *local impacts* are those within 200m of a road with increased traffic³, which feature habitats that are vulnerable to nitrogen deposition/acidification. [APIS](#) provides a searchable database and information on pollutants and their impacts on habitats and species.

³ The ecological effects of diffuse air pollution (2004) English Nature Research Report 580
Design Manual for Roads and Bridges Volume 11, Section 3 Part 1 (2007), Highways Agency

Tranquillity

The Local Plan should identify relevant areas of tranquillity and provide appropriate policy protection to such areas as identified in paragraph 106 and 191 of the NPPF.

Tranquillity is an important landscape attribute in certain areas e.g. within National Parks/AONBs, particularly where this is identified as a special quality. The CPRE have mapped areas of tranquillity which are available [here](#) and are a helpful source of evidence for the Local Plan and SEA/SA.

Water Quality and Resources and Flood Risk Management

Natural England expects the Plan to consider the strategic impacts on water quality and resources as outlined in paragraph 180 of the NPPF. We would also expect the plan to address flood risk management in line with the paragraphs 165-175 of the NPPF.

The Local Plan should be based on an up to date evidence base on the water environment and as such the relevant River Basin Management Plans should inform the development proposed in the Local Plan. These Plans (available [here](#)) implement the EU Water Framework Directive and outline the main issues for the water environment and the actions needed to tackle them. Local Planning Authorities must in exercising their functions, have regard to these plans.

The Local Plan should contain policies which protect habitats from water related impacts, including nutrient mitigation, and where appropriate seek enhancement. Priority for enhancements should be focussed on European sites, SSSIs and local sites which contribute to a wider ecological network.

Plans should positively contribute to reducing flood risk by working with natural processes and where possible use Green Infrastructure policies and the provision of SUDs to achieve this.

Climate change adaptation

The Local Plan should consider climate change adaption and recognise the role of the natural environment to deliver measures to reduce the effects of climate change, for example tree planting to moderate heat island effects. In addition factors which may lead to exacerbate climate change (through more greenhouse gases) should be avoided (e.g. pollution, habitat fragmentation, loss of biodiversity) and the natural environment's resilience to change should be protected. Green Infrastructure and resilient ecological networks play an important role in aiding climate change adaptation.