

Examination of the North Hertfordshire Local Plan (2011-2031)
Examination hearing sessions: Matter 24 East of Luton

Luton Airport Expansion and Major Development Plans and Relationship with Proposed Allocation E1, E2 and E3 (East of Luton)

Additional Note for Inspector on behalf of Bloor Homes and The Crown Estate

On 2nd December 2020, having reviewed Examination Document ED212: "Matter 24: East of Luton: Ms Carolyn Cottier's map of major developments East of Luton and proposed housing sites appraisal and mapping in a master plan due to spatial overlap", Mr Berkeley acknowledged that Ms Cottier's representations were detailed and the position potentially complicated. An additional note from Bloor Homes and The Crown Estate was, therefore fair and would be of assistance.

Mr Berkeley further indicated that he was interested in a factual clarification on the relationship with the Luton Airport Expansion (Development Consent Order (DCO)), airport related planning applications and the Proposed Allocations E1, E2 and E3 (East of Luton). In this regard there are a number of assertions and comments made in ED212 which are not accepted by Bloor Homes and The Crown Estate but no further comment is made given the Inspector's request for purely factual clarification and is therefore limited to certain parts of ED212 by reference to page numbers. A separate Plans Document should be read alongside these notes.

The content below has been checked and verified with Luton Borough Council.

Box	ED 212 Page	Factual Response	Plans Document Reference
1	1	<p>Future Luton relates to a proposed Development Consent Order application which is planned for submission to the Secretary of State for Transport for an expanded London Luton Airport in 2021.</p> <p>Helpfully, Figure 2.3 of the EIA Scoping Report for "Future Luton" (Drawing Title "LLAL Proposed and Consented Infrastructure"¹ shows the extent of certain applications as well as the Proposed "Main Development Boundary" for the expected Development Consent Order (DCO) application for "Future Luton" (red) and Luton Borough/North Hertfordshire administrative boundaries (yellow dash) – See Plan 1.</p> <p>The DCO scheme is currently at pre submission stage.</p>	<p>Plan 1 LADCO-3B-ARP-00-00-DR-YE-0004 P.01</p>

¹ Located in PEIR Volume 3 Appendix - Appendix 1-1 Scoping Report (Volume 2 of 2 Figures)
<https://www.llal.org.uk/Documents/Appendix-1-1-Scoping-Report-Volume-2-of-2-figures.pdf>

		<p>There are further red lines within NHDC which will form part of "Future Luton", but these are around the periphery of fields, defining hedgerows, which is work that LLAL proposes for landscape enhancements - See Plan 6 (referred to in Box 3 below).</p> <p>The planning applications shown on Plan 1 are within Luton Borough:</p> <ul style="list-style-type: none"> - New Century Park (yellow) – 17/02300/EIA (see application status at Boxes 3 & 8 below) - Luton DART (green) – 17/00283/FUL (see application status at Boxes 3 & Box 9 below) - Bartlett Square (blue) - 18/00271/EIA (see application status at Boxes 3 & 8 below) - Spoil Deposition re use and placement from Luton DART and Project Curium (see below) (purple) – 17/02219/FUL (see also Boxes 3 & 9 below). Luton Borough have advised that two purple edge areas are missing from Plan 1 but that these are not material. The areas are called S4A and S4B and they are at the eastern end of the airport, one to the SE of the end of the runway and one immediately to the south of the end of the runway. <p>There is an additional application within Luton Borough known as Project Curium to increase the capacity of the airport to 18 mppa (reference 12/01400/FUL – full details and status see Box 8 item 2). See application boundary on Plan 2</p>	<p>Plan 2 S1-02 Rev 4</p>
2	2	<p>The 3 East of Luton applications are entirely within North Hertfordshire. The application boundaries for these applications are included in the Plans Document for ease of reference.</p> <p>EL1 & EL 2 – Plan 3322-L-101c (Plan 3a) (NHDC Application reference 17/00830/1)</p> <p>EL 3 – Plan 1074803-504 Rev 4 (Plan 3b) (NHDC Application reference 16/02014/ 1)</p>	<p>Plan 3a</p> <p>Plan 3b</p>
3	3	<p>There are several clarifications in respect of planning permissions in relation to the EL1 and EL2 areas. These need to be distinguished from the Future Luton DCO scheme.</p> <p>a) Firstly there are no planning permissions associated with Airport related development within the East of Luton allocations. The planning applications permitted are Luton planning application references 12/01400/FUL, 17/00283/FUL, 17/02219/FUL & 18/00271/EIA are all within the Airport boundary save</p>	<p>Plan 1</p>

		<p>for the purple area at the western end of the airport (spoil deposition 17/02219/FUL) which crosses the boundary with CBC and so CBC also has a planning application reference 17/05972/FULL.</p> <p>b) (see Plan 1).</p> <p>c) Application reference 17/02300/EIA remains underdetermined and is within the administrative area of Luton Borough and does not include any part of EL1 and EL2 nor EL3 (see further details on Plan 4 and Box 8)</p> <p>d) All of the planning applications referred to on page 8 of ED212 were made to Luton BC. Luton BC can only grant planning permission on land within Luton's boundary. None of the planning applications relate to land within North Hertfordshire District Council and so simply do not overlap with the East of Luton proposed allocations.</p> <p>The drawings provided as part of ED213 B to C form part of the consultation documents from the proposed DCO for Future Luton and are located with the Preliminary Environmental Information Report Volume 2 Part B: Figures.</p> <p>(a) Figure 2.1 redline boundary for the DCO (ED212B) Preliminary Environmental Information Report Figures in Volume 2 Part B;</p> <p>(b) Figure 2-2 Proposed development layout (ED212C) Preliminary Environmental Information Report Figures in Volume 2 Part B;</p> <p>(c) Fig 17-10 Landscape Masterplan Additional Mitigation(ED212D) Preliminary Environmental Information Report Figures in Volume 2 Part B;</p> <p>Plan "LLAOL EoL overlay plan" (ED212E) was prepared by White Peak Planning and shows where the proposed DCO boundary meets the East of Luton allocation boundary.</p> <p>We include in the "Plans Document" attached to this note 4 further plans in relation to the Future Luton DCO: "Figure 3.6 - Zone 4 Support facilities" from page 32 of the Future Luton Scheme Development and Construction Report (Plan 5)</p> <p>"Figure 3.7 - Zone 5 Landscaping and habitat creation" from page 34 of the Future Luton Scheme Development and Construction Report (Plan 6)</p> <p>Figure 03 - "Site Areas" which is included in PEIR Volume 3 Appendix 10-1 and referred to below (Plan 7)</p> <p>Sheet 2 of the Draft Land Assembly Plans which shows that land included within proposed allocation EL1 is required temporarily and/or for the acquisition of rights only (Plan 8)</p>	<p>Plan 4 050_50</p> <p>Plan 5</p> <p>Plan 6</p> <p>Plan 7</p> <p>Plan 8</p>
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4	5/6	<p>We cannot find this reference in the Scheme Development and Construction Report. The Future Luton consultation documents include a Preliminary Environmental Information Report (PEIR). Appendix 1-1, Volume 3 of the PEIR is the Environmental Impact Assessment (EIA) Scoping Report which was submitted to the Inspectorate on 29th March 2019 and the text in red comes from the Scoping Report appended to the PEIR as explained below.</p> <p>This quotation in red is taken from the Scoping Report for the assessment of Luton Airport DCO scheme. More particularly this section of the report is under the general heading “Baseline conditions” and the sub heading of “Study Area”. As such it indicates that the applicant’s area of search for impacts will go beyond the DCO boundary.</p> <p>The EIA is to include an assessment of Soils and Geology. In terms of the scope of that assessment paragraph 11.4.6 quoted explains the scope of that assessment² including the study area and the zone in which impacts will be considered – known as the zone of influence based on published guidance.</p>	
5	6/7	See Box 6 below	
6	7/8	<p>The Future Luton PEIR includes in Volume 3 "Appendix 10-1: Preliminary Risk Assessment of Land Contamination". This forms part of a phased risk-based approach to the assessment of soil contamination. The preliminary assessment considers the relationships between possible contaminant sources, pathways and receptors to support the identification and assessment of potential pollutant linkages. A summary table of potential pollutant linkages (PPLs) to be assessed by reference to specific areas of the site appears on page 59 and 60 of Appendix 10-1: Preliminary Risk Assessment of Land Contamination.</p> <p>Appendix G (which forms part of the Appendix F Detailed Review) includes a preliminary risk assessment and Mrs Cottier makes reference to Table F1.³ Table F1 sets out the potential contamination source, the potential pathway and the potential receptors, provides a qualitative assessment of risk and concludes whether further assessment/consideration is required for each PPL for Site A (the Former Landfill Site). Mrs Cottier's text purports to be a summary of Appendix G.</p>	

² From page 207 of PEIR Volume 3 Appendix 1-1

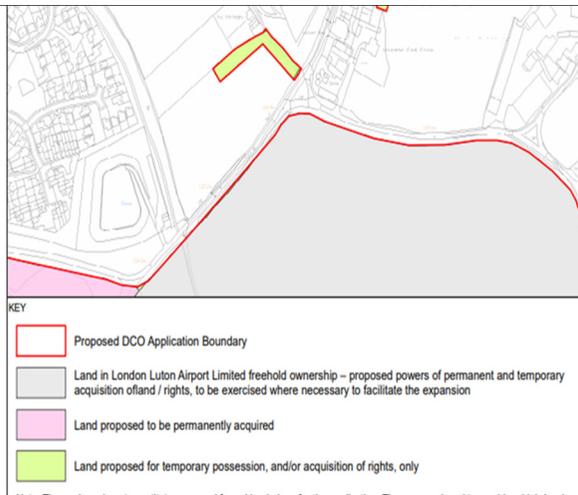
³ https://futureluton.llal.org.uk/wp-content/uploads/Appendix-10-1_Appendix-F-Detailed-Report-Review.pdf

		<ul style="list-style-type: none"> • <i>The ground investigation results to date suggest low levels of contaminants across Area B [17] which present little risk to future site users;</i> • <i>GI data to date does not indicate any elevated ground gases within this area, suggesting there is no source of ground gas within this area and migration of gases from the landfill to this area is not occurring. However, care should be taken during the design and construction phases of the development to ensure that no preferential pathways are created from Area A; and</i> • <i>Area B will be a key area for site won materials for the Proposed Development. The sampling undertaken to date is considered sufficient to broadly characterise the soil and groundwater conditions to inform the excavation and reuse of the material.</i> <p><i>10.1.21 On the basis of the points above, no further ground investigation or assessment is required in Area B.</i></p> <p>The hedgerows within the East of Luton proposed allocation are intended to be retained as part of those planning applications and green infrastructure is protected through the proposed allocation.</p> <p>The reference to the pipeline is potentially to fuel delivery for the expanded airport. Paragraph 2.5.5 of the Scheme Development and Construction Report for Future Luton explains that the preferred option is to connect the fuel storage facility to the national fuel delivery pipeline. Figure 3.6 Zone 4 Support facilities on page 32 of the Scheme Development and Construction Report shows the new fuel farm as number 13 and the connection spur to the existing pipeline to the east of the Airport. We have included a copy of this plan in the accompanying Plans Document.</p> <p>We further understand from Luton Borough that the landfill area also falls within the red line boundary covered by the New Century Park planning application (ref: 17/02300/EIA) and that that application was considered to be EIA development and so was accompanied by an environmental statement (ES). Chapter 16 of that ES covered Contamination and Ground Conditions which included the statement in paragraph 16.45 that “the landfill area of Wigmore Valley Park has been subject to a detailed quantitative risk assessment (DQRA) to assess the potential risks that the development poses to human health and controlled waters. This is indicated to be acceptable to the Environment Agency and is appended (at appendix GCC6)”.</p>	
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7	8	<p>The landfill site is not next to EL1 & 2 (see Plan 7 "Figure 03 Site Areas). The Inspector will also see from drawing ED212E that there is a small area of adjoining boundary with the Future Luton DCO which and otherwise the only</p>	Plan 7

	<p>works on proposed allocation EL1 are hedgerow works (the source of which is explained further below) there is no suggestion of an area for extensive earthworks on EL1 & 2</p> <p>(a) There is the provision of open space, landscaping restoration, habitat and off-site hedgerow restoration within North Hertfordshire District Council (Plan 6 Figure 3.7 "Zone 5 On- site and off-site landscaping and habitat creation") and a pipeline spur see further below. The hedgerows within the East of Luton proposed allocation are intended to be retained as part of the planning applications and green infrastructure is protected through the proposed allocation.</p> <p>(b) The plan on the top of page 4 linked to the comment above relates to the Future Luton DCO and is Figure 3.11 Parameter Plan appearing on page 39 of the Future Luton – Scheme Development and Construction Report.⁶ Our Figure 2.2 ED213C shows the actual proposed development.</p> <p>(c) The plan at the top of page 5 of ED212 purports to show the "shared area of permitted LBC & LLAL Major Developments and future DCO Developments within EL1 & 2". We assume that the tip of the arrow denotes the general area of overlap which equates to the southern areas of EL1. The only area of overlap is with the proposed Future Luton DCO as verified by the drawing in ED212E and the plans in the Plans Document, in particular the draft Land Assembly Plan Sheet 2 of 10. An extract showing the area of overlap and which possession is required for the Future Luton Project temporarily is below:</p>	<p>Plan 6</p>
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⁶ <https://www.llal.org.uk/Documents/Scheme-development-and-construction-report.pdf>



- (d) The map at the bottom of page 5 comes from the Future Luton DCO consultation document "Scheme Development Construction Report" Figure 3.1 Redline Boundary. This is the same as our Figure 2.1 Redline Boundary for the Future Luton DCO (ED212B) which comes from the Preliminary Environmental Information Report Figures in Volume 2 Part B.
- (e) The Map of Landfill at the top of page 6 of ED212 comes from the Final SIFT Report for the proposed Future Luton DCO. The SIFT reports explain the "sifting" which has been undertaken of the alternative options for Future Luton. Figure 03 "Site Areas" which is included in PIER Volume 3 Appendix 10-1 Figures shows a better representation of the area affected by the landfill as Area A shaded blue "Wigmore Valley Park/ Former Landfill". This is included in our Plans Document as
- (f) The map at the bottom of page 9 and top of page 10 of ED212 is the application boundary for the application submitted on EL3.

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Details of the description of development for each planning application and the application status is set out below. We have also sought to include our source for the information provided to meet Ms Cottier's concerns expressed during the hearing on 2nd December 2020.

	<p><u>1) Luton planning application reference 12/01400/FUL</u> The application sought to increase the capacity of London Luton Airport to 18 million passengers per annum (mppa) from a current capacity of approximately 12mppa⁷(known as Project Curium) and relates to London Luton Airport and the existing airport boundary⁸. Planning permission was granted on 23rd June 2014.</p> <p><u>2. Luton planning application reference 17/02300/EIA</u> This planning application (known as New Century Park) sought (as revised in August 2018). The scheme involves a new business park and associated infrastructure including highway works.</p> <p>ED212 suggests that planning application was permitted on 27 March 2020 and “associated roadworks” have already started.</p> <p>Luton BC at its Development Control Committee meeting on 27th March 2019 resolved to grant planning permission for the planning application subject to planning conditions and a section 106 Legal Agreement. On 4th March 2020 the draft s106 Legal Agreement was uploaded to the on-line application register⁹. The Council's on-line applications page for this application states that the planning application is awaiting a decision and Luton Borough have confirmed this to be the case and that no development has commenced associated with this application, contrary to what Ms Cottier's note says.</p> <p>No planning decision appears on the on-line application page. ED212 is, therefore, incorrect in describing 17/02300/EIA as a planning permission.</p> <p><u>3. Luton planning application reference 18/00271/EIA</u> The address for the planning application is Hart House Business Centre Kimpton Road Luton Bedfordshire LU2 0LA. The application site occupies an area of approximately 1.8ha on the southern side of Kimpton Road,</p>	<p>Plan 2</p> <p>Plan 1</p> <p>Plan 1</p>
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⁷Application summary description:
<https://planning.luton.gov.uk/online-applications/applicationDetails.do?keyVal=MF0KDNKG72000&activeTab=summary;>

⁸ Paragraph 19 and 20 of the Planning Officer's Development Control Committee Report:
https://planning.luton.gov.uk/online-applications/files/28D4C35CB192C399ABB43B6951C9302F/pdf/12_01400_FUL-COMMITTEE_REPORT-827369.pdf

⁹ <https://planning.luton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P15LFYKG05100>

		backing on to Luton Airport Parkway Station. The site is referred to as Bartlett Square previously known as Stirling Place ¹⁰ . Luton BC's Development Control Committee resolved to grant planning permission on 7 th November 2018 and planning permission was granted on 16 January 2020 (see item 1 above)	
9	12	<p>The EIA Scoping Report for Future Luton provides a useful summary of the airport development. Paragraph 2.4.1 indicates as follows:</p> <p><i>"2.4.1 A number of airport related developments are currently underway or under consideration by the local planning authority. These include:</i></p> <ul style="list-style-type: none"> • <i>Project Curium;</i> • <i>Luton DART;</i> • <i>Reuse and placement of spoil from DART and Project Curium under a separate planning consent;</i> • <i>Enterprise Zone:</i> <ul style="list-style-type: none"> • <i>Bartlett Square; and</i> • <i>New Century Park (planning application under consideration).</i> <p>In terms of the airport related development applications not covered above the Future Luton DCO EIA Scoping Report explains as follows:</p> <p>Luton Direct Air to Rail Transit (DART)</p> <p><i>2.4.7 Planning permission was granted in 2017 (LBC ref: 17/00283/FUL) for the construction of a 2.2km twin track cable driven system between Luton Airport Parkway railway station and LTN Central Terminal.</i></p>	Plan 1 – Green

¹⁰ Paragraph 3 of the Development Control Committee Report

https://planning.luton.gov.uk/online-applications/files/9623DE09701372E4671994451A1C6584/pdf/18_00271_EIA-Committee_Report-853716.pdf

		<p><i>2.4.8 The Luton DART comprises a terminal connected to Luton Airport Parkway railway station, tracks mounted on a viaduct adjacent to the Midlands Mainline railway, which join a bridge over the A1081 (Airport Way) road, leading to a cut, trough and tunnel within the airport, terminating at another terminal at LTN Central. The new two storey terminal constructed adjacent to Luton Airport Parkway railway station will provide a connecting over bridge link between the two stations.</i></p> <p><i>2.4.9 Construction for the project started in 2018 and is due to be completed in 2021</i></p> <p>Planning permission was granted on 30 July 2017</p> <p>Spoil reuse and placement from the Luton DART and Project Curium</p> <p>2.4.10 Planning permission was granted in 2018 (LBC ref: 17/02219/FUL) for the movement, reuse and placement of spoil material generated from Project Curium and Luton DART.</p> <p>2.4.11 The spoil from the Luton DART and Project Curium will be used to re-profile slopes around LTN to improve essential maintenance operations for the airport, and to prevent large volumes of traffic movements on the public network. Up to 331,400 cubic metres (m3) of spoil material will be moved and placed permanently on five sites within LTN and the airside perimeter road at the eastern end of the airport will be diverted.</p> <p>2.4.12 Construction of the Luton DART commenced in Quarter (Q4) of 2018, with spoil placement and permanent landscaping to be completed by Q3 2020.</p> <p>Planning Permission was granted on 2 March 2018 and we understand from Luton Borough that the spoil placement from Project Curium is on-going and further details associated with the areas where they are to deposit material are due to be submitted in order to discharge outstanding parts of conditions.</p>	<p>Plan 1 - Purple</p>
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