

26 November 2020

THE MAJOR DEVELOPMENTS EAST OF LUTON AND PROPOSED HOUSING SITES APPRAISAL AND MAPPING IN A MASTER PLAN DUE TO SPATIAL OVERLAP

Luton Airport's Physical Boundary from 2020 – 2031 and its Spatial Overlap onto the Plan's Strategic Sites EL1, EL2 and EL3

In further reference to the Planning Inspector's request for maps and clear labels pertaining to them with source citation.

These were requested from Ms Cottier and Mr Howell-Williams.
Hearing Sessions – Matter 24 – The proposed “east of Luton” sites.
North Hertfordshire Local Plan Examination – 26th Nov 2020 9.00am
Source: <https://www.youtube.com/watch?v=cqeITF5vCPI>

Mr Williams: 1:13:19 - “I do beg your pardon, I only wanted just to make one or two points on what Ms Cottier has told you. We tried to follow what she has been saying, and we were a bit concerned that she seemed to be suggesting that there was some overlap in the Boundary Century Park permission with Sites EL1 and 2. So my understanding is that there is no such overlap. So far as the DCO airport application is concerned, I think and this may be where there is some confusion, there is reference to as I understand it, some potential hedgerow restoration, on one of the field boundaries, but that's the sum of it. If it would help, we can provide a factual map for you. Other than that Sir, we're very keen, I'm sure you are as well, that we shouldn't be returning to matters which I'm told have been discussed at some length, in relation to impacts and so on, and landscape and other topics.”

Ms Cottier: 1:15:57 - “Yes thank you, I too am more than happy to provide a map. Because Mr Howell Williams has just mentioned that he doesn't think my description was accurate; of Century Park. But he may be confusing “Century Park” with the entire planning application – it's a mixed application containing seven parts. Century Park is only one part within it. I am not sure what part Mr Howell-Williams is thinking of, as to be the New Century Park. The “New Century Park” is the colloquial name that people are using generally to describe the whole thing. But in fact Century Park is just a small part within a much larger major development, called – the number I gave you earlier; the 17/020300 EIA reference number. It's comprising eleven parts to that one planning application. So it's very complex.”

Mr Berkeley: 1:17:11 - “I'll tell you Ms Cottier and Mr Williams what I am going to do on that; I will take maps from both of you – so long as they are clearly labelled so that I know precisely where they've come from, where you've got them from and I'll make of those what I will.”

Ψ EXPLANATORY LABEL:

A Master Plan map needs researching and compiling by each respective LPA.

Readers will need to read the technical documents themselves, to appreciate the complexity of construction and earthworks issues surrounding this boundary overlap. This is due to several separate major development projects being involved. Supplementary labels have been provided as requested. However these maps cannot be considered as a substitution for the reading of hundreds of pages of scoping, construction and risk mitigation which are readily available from the Future Luton's technical document list - supporting their statutory consultations.

These can be sourced from: <https://futureluton.llal.org.uk/>

The stages whereupon the co-existing applications are co-related are numerous. There are staggered points throughout three overarching construction phases (Phase 1, Phase 2, and Phase 3), within which are many sub-phases.

Therefore whilst separate, these intertwine continually.

Cllr Levett, Louise Symes and Nigel Smith are all aware that there is geo-physical and spatial overlap onto the NHDC strategic housing options site. In contrast, the Counsel for Bloor Homes, Mr Craig Howell Williams challenged the observation.

Cllr David Levett (in his letter responding to LLAL dated 30 August 2018; Contact Officer Louise Symes; Ref: LLAL/2018Pre_con) did respond that numerous Development Plan policies and cross boundary issues had then arisen:

Local Policy and Consideration of Options

As a result of sifts one and two, the top three most preferred options (1a, 1b and 1c) are for new development to the north-side of the existing runway and include a large scale extension of Luton airport east of the Luton Borough boundary, into North Hertfordshire. This raises a number of Development Plan policy and cross boundary issues that need to be addressed.

The proposed development within North Hertfordshire comprises earthworks, part of a large car park, the significant majority of a relocated Wigmore Valley Park and a potential link road bisecting the two. The large scale nature of the development is likely to have a significant adverse effect upon landscape character and visual amenity within the District as well as significant traffic, noise and air quality impact issues.

Ψ EXPLANATORY LABEL:

NHDC Examination Document ED3 lists all three East of Luton Sites alongside their associated planning applications.

- EL1 - Luton East (west), Luton (adjoining), Planning application submitted April 2017 [17/00830/1]
- EL 2 – Luton East (east), Luton (adjoining), Planning application submitted April 2017 [17/00830/1]
- EL 3 – Land north east of Luton, Luton (adjoining), Planning application submitted August 2016[16/02014/1]

ED3:

LP Ref	Site	Settlement	Planning status [reference no.]	Representation status [representor no(s)]
CD3	Land north east of The Close	Codicote		Representations submitted to Reg.19 consultation [15155]
CD5	Land south of Heath Lane	Codicote		Representations submitted to Reg.19 consultation [9484]
EL1	Luton East (west)	Luton (adjoining)	Planning application submitted April 2017 [17/00830/1]	Representations submitted to Reg.19 consultation [14326]
EL2	Luton East (east)	Luton (adjoining)	Planning application submitted April 2017 [17/00830/1]	Representations submitted to Reg.19 consultation [14326]
EL3	Land north east of Luton	Luton (adjoining)	Planning application submitted August 2016 [16/02014/1]	Representations submitted to Reg.19 consultation [16132]
GA1	Stevenage North East (Roundwood)	Stevenage (adjoining)	Revised planning application submitted July 2016 [16/01713/1]	Representations submitted to Reg.19 consultation [5236]
GA2	Land off Mendip Way, Great Ashby	Stevenage (adjoining)		Representations submitted to Reg.19 consultation [16140]
GR1	Land at Milksey Lane (north)	Graveley		
HT1	Highover Farm, Stotfold Road	Hitchin	EIA Scoping Opinion submitted March 2017 [17/00680/1 SCP] Public pre-application exhibition held June 2017.	
HT2	Land north of Pound Farm, London Road (St Ippolyts parish)	Hitchin		Representations submitted to Reg.19 consultation [16080]
HT3	Land south of Oughtonhead Lane	Hitchin		
HT5	Land at junction of Grays Lane & Lucas Lane	Hitchin		Representations submitted to Reg.19 consultation [16072]

Cllr David Levett in his letter (responding to LLAL statutory consultation for Enterprise Zone development dated 30 August 2018) said that no policies existed in the Draft Local Plan regarding the current or expanded Airport. Since then none have been added. The requested maps therefore cannot be obtained from within any NHDC Local Plan documentation other than some submitted Statements from residents.

There are a number of policies within the adopted Luton Local Plan where an expansion of the airport could broadly accord with policy subject to satisfactory long-term mitigation arrangements and others that would be contrary to policy, insofar as they relate to employment, transport and environmental impacts. This is particularly relevant in relation to Century Park and Wigmore Valley Park.

In terms of the North Hertfordshire Local Plan, the relevant land within the District is presently designated as Green Belt under the saved policies of the District Plan 2nd Review with Alterations and is proposed to be retained as Green Belt within the emerging North Hertfordshire Local Plan 2011-2031. No policy provisions are made within the current or the emerging Local Plan to address, or otherwise facilitate, the (potential) future expansion of Luton airport. The policies defer the consideration of the principle of development within the Green Belt to national policy, as now set out in the revised National Planning Policy Framework. It would be for LLAL to demonstrate the likely impacts of the proposal on the Green Belt and how it would seek to address the harms as

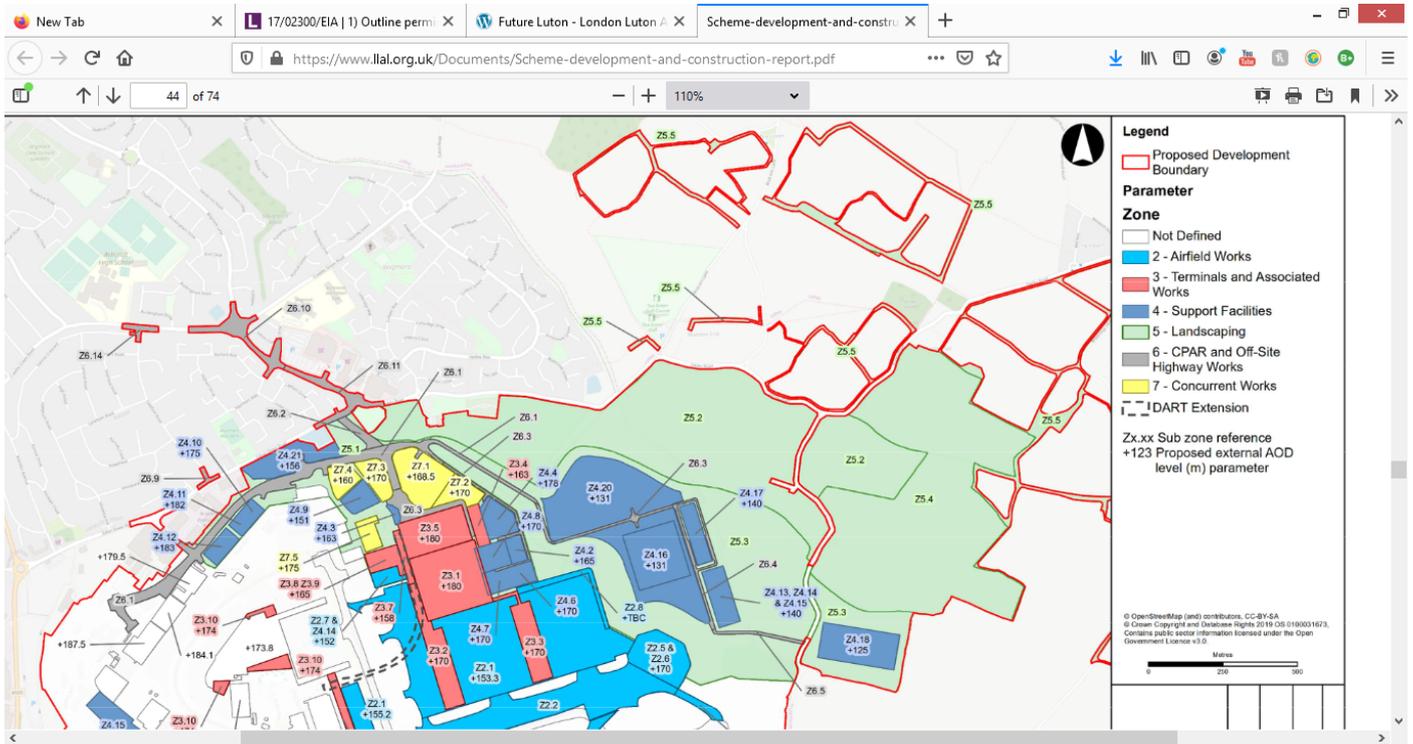
Ψ EXPLANATORY LABEL:

MAPS OF PERMITTED OVERLAPPING DEVELOPMENTS:

We can see that there are existing permissions for three major developments that have parts of their development boundaries within the East of Luton Strategic housing site's EL1 and EL2 areas.

PLEASE TAKE THE ORIGINAL MAP from page 44 of the Development and Construction Report – the pdf file is too large to send by email. A screenshot is given below for quick reference purposes only, but for high quality resolution please extract another copy directly from the source pdf document; page 44:

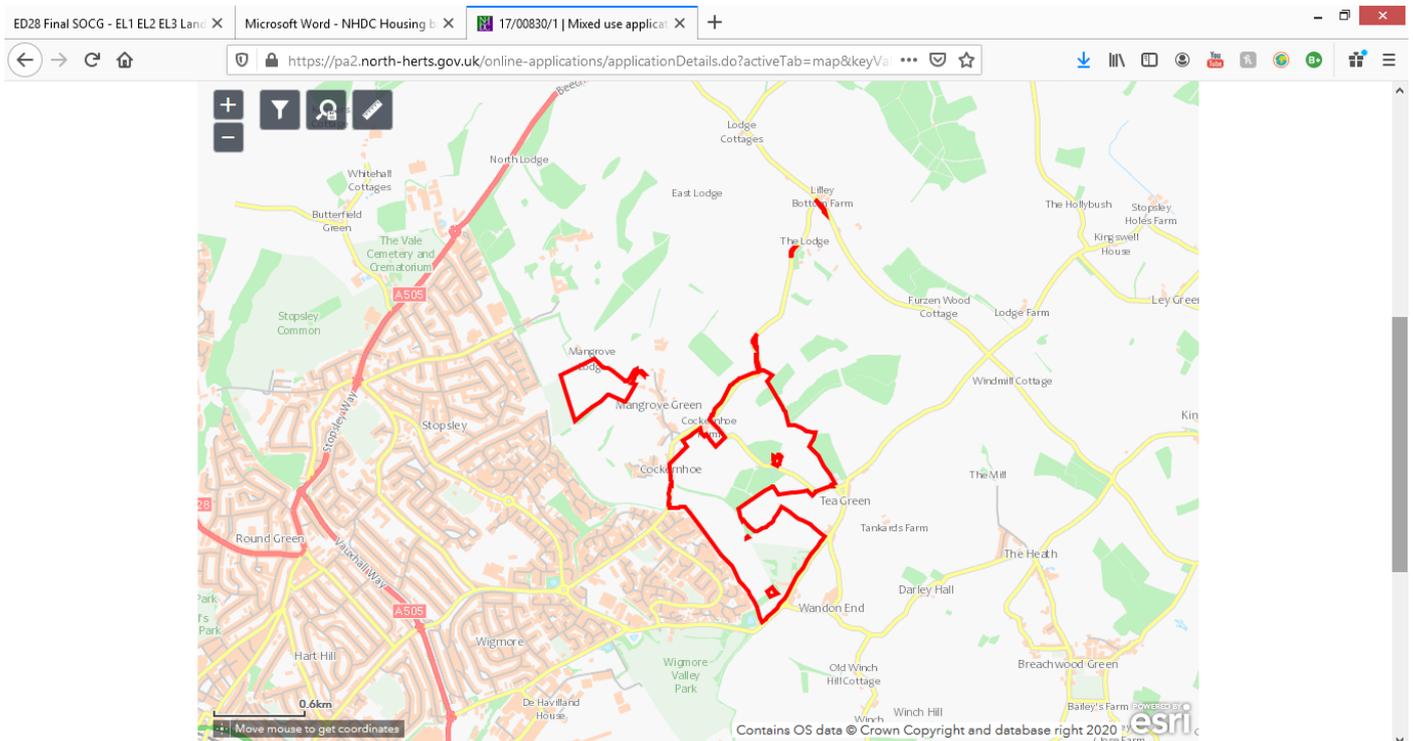
Source document: <https://www.llal.org.uk/Documents/Scheme-development-and-construction-report.pdf>

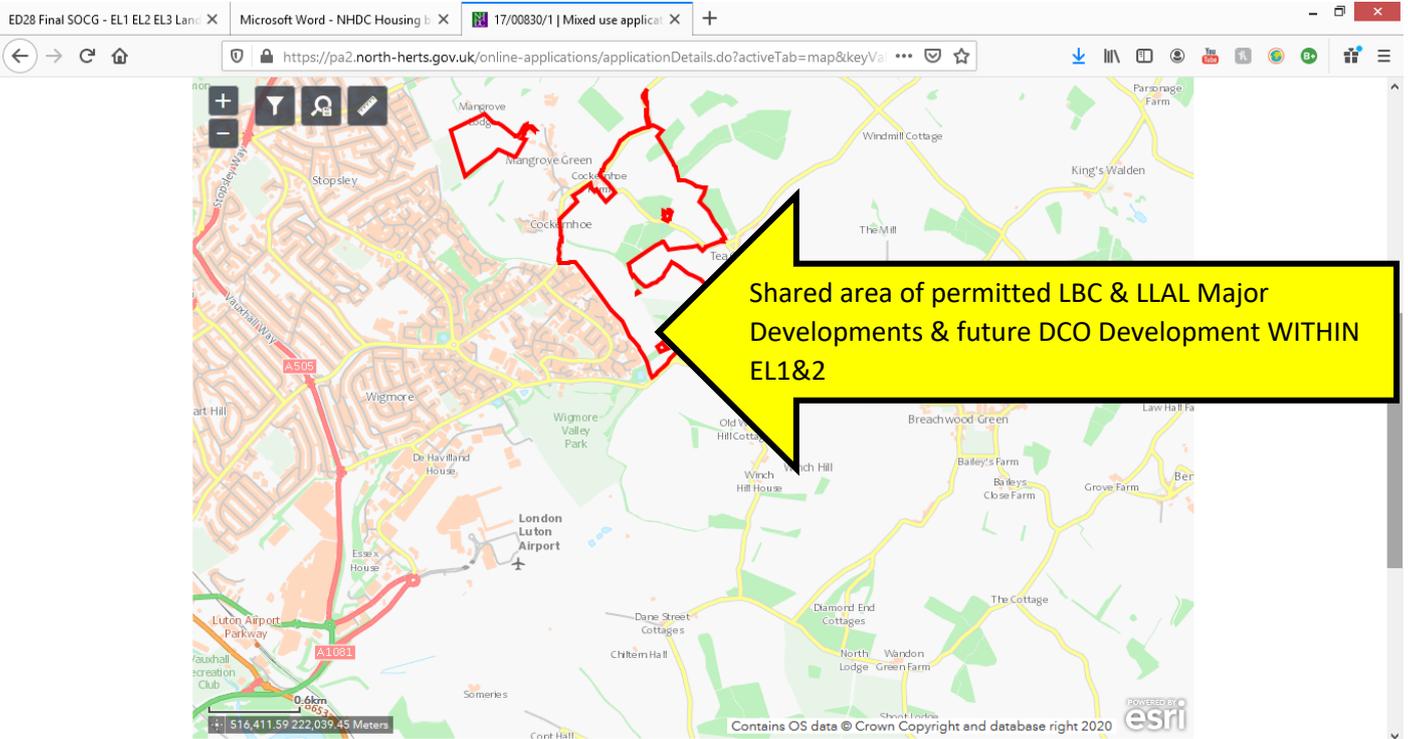


Ψ EXPLANATORY LABEL:

MAP OF EL2 AND EL3:

Source: <https://pa2.north-herts.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=ZZZYUYLKID073>
Map: Wide view of EL1 & EL2



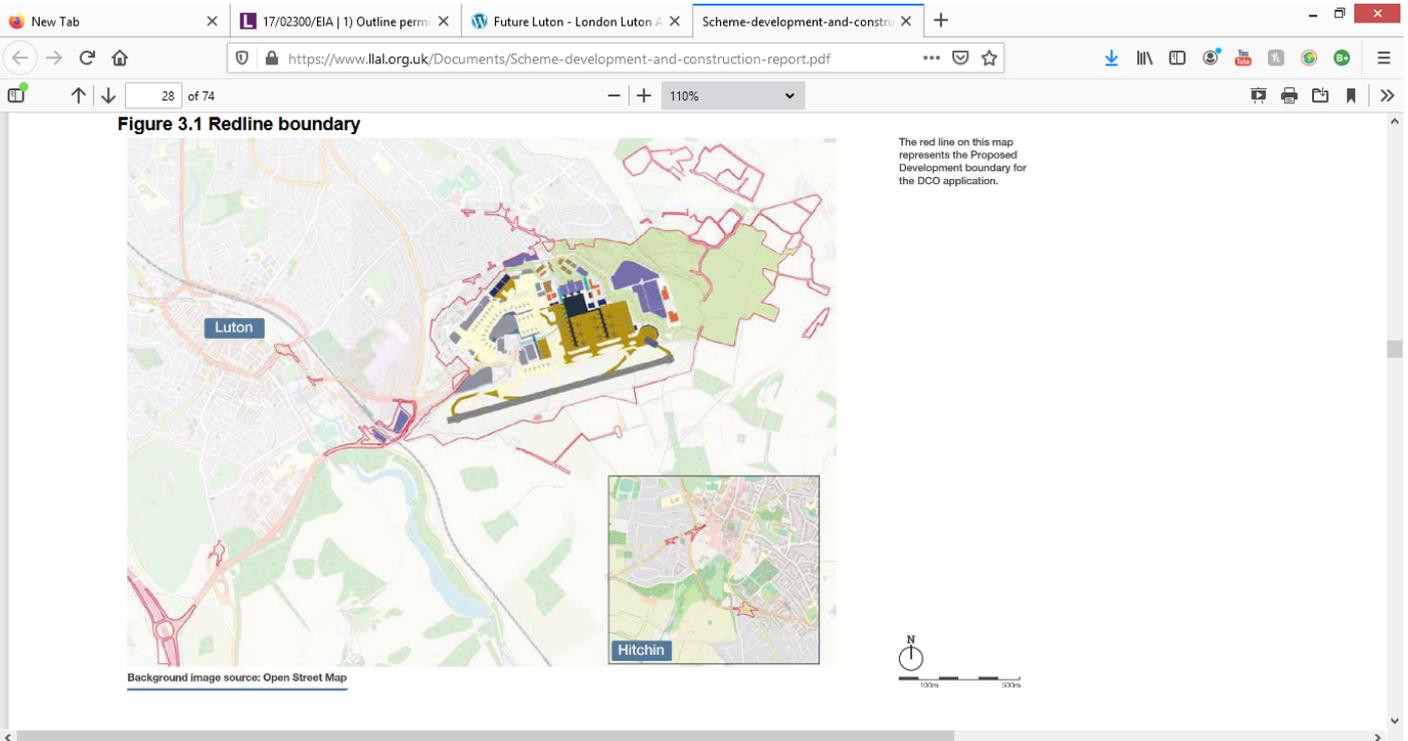


The aforementioned scheme development and construction report states typically within an area, up to 250m off-site from the indicative development boundary should be considered within the hazard identification stage of site assessment. So this should definitely involve East of Luton housing sites.

Ψ EXPLANATORY LABEL:

ANOTHER MAP from Scheme Development and Construction Report (from page 28)

Source document: <https://www.llal.org.uk/Documents/Scheme-development-and-construction-report.pdf>



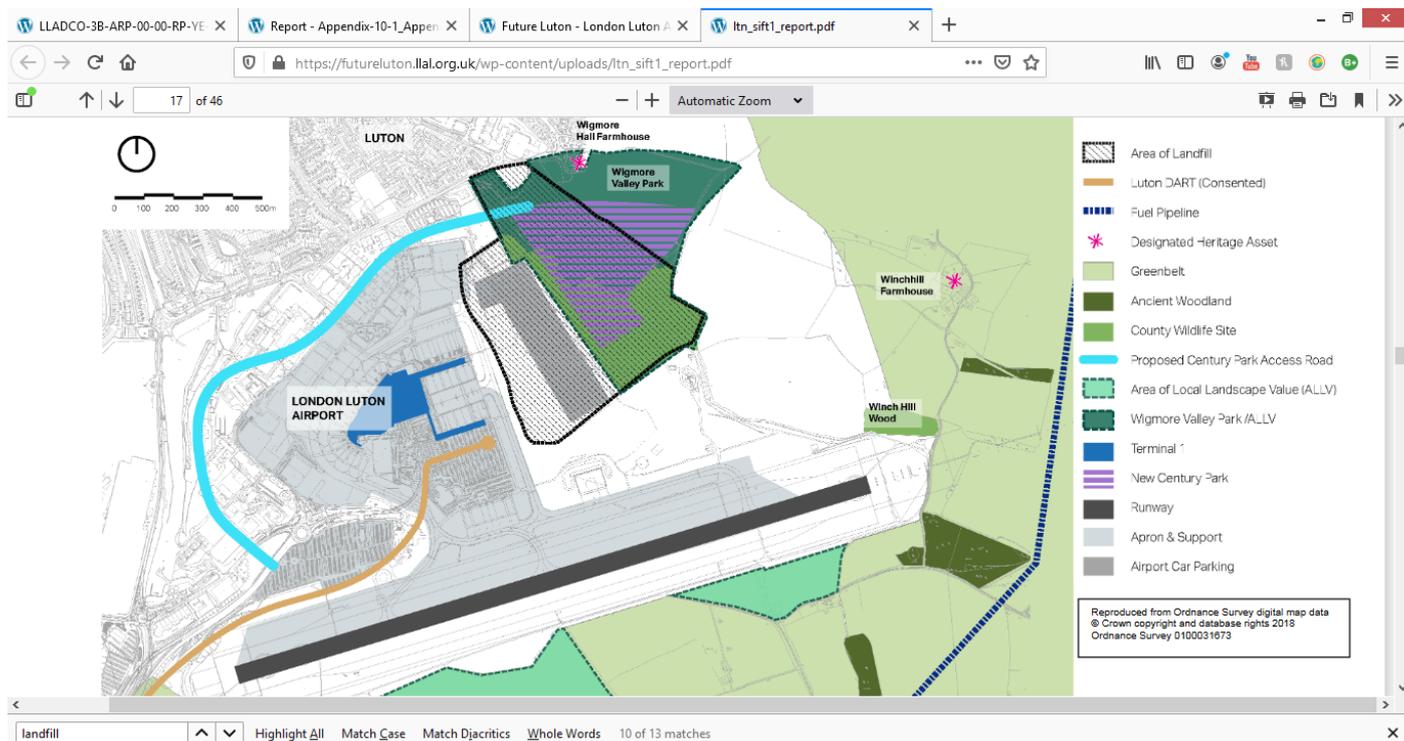
MAP OF LANDFILL:

February 2019

Final SIFT Report

Source https://futureluton.llal.org.uk/wp-content/uploads/ltn_sift1_report.pdf

Page 17



Above is a map of the landfill beneath the current Wigmore Park and greenspace area. The presence of the toxic landfill is the prerequisite reason why extensive groundworks, as well as landscaping and terraforming must be undertaken before anything else.

Ψ EXPLANATORY LABEL:

ZONE OF INFLUENCE:

Source document: <https://futureluton.llal.org.uk/wp-content/uploads/Appendix-1-1-Scoping-Report-Volume-1-of-2-Main-Report-1.pdf>

Para 11.4.6

“The soils and geology assessment, will include the contaminated land assessment, and will consider the potential impacts on and off-site, within 250m of the Main Application Site and the Off-site Car Parks, with the exception of landfills which will be considered within 1km of the Proposed Development. **Guidance contained within R&D Publication 66 states that off-site features typically within an area up to 250m from the indicative development boundary should be considered within the hazard identification stage of site assessment.** However, features of greater distances should be considered if they have the potential to affect a greater distance i.e. landfills.”

Ψ EXPLANATORY LABEL:

HOUSING SITES EXPOSED TO VARIETY OF HAZARDS ALSO NEED SCOPING RISK ASSESSMENTS:

EL1 and EL2:

EL1 - Luton East (west), Luton (adjoining), Planning application submitted April 2017 [17/00830/1]
EL 2 – Luton East (east), Luton (adjoining), Planning application submitted April 2017 [17/00830/1]

17/00830/1 | Mixed use application for demolition of existing buildings and construction of up to 1,400 new dwellings (C3 use) together with retail, educational and community facilities (A1-A5, D1 and D2 uses) and associated roads, open space, green infrastructure and ancillary infrastructure - outline planning application with all matters reserved. | Land South And North West Of Cockernhoe And East Of Wigmore (Stubbocks Walk) Brick Kiln Lane Cockernhoe

EL3:

EL 3 – Land north east of Luton, Luton (adjoining), Planning application submitted August 2016[16/02014/1]

16/02014/1 | Erection of 660 dwellings (Class C3), together with associated public open space, landscaping, highways and drainage infrastructure works. | Land West Of Cockernhoe / Land East Of Copthorne Cockernhoe

Ψ EXPLANATORY LABEL:

SITES EL 1, 2 & 3 WITHIN 250 METRE HAZARD IDENTIFICATION AREA:

Qualitative Assessment of Risk for residential buildings next to and around the site.

Table F1 Area A Conceptual Site Model and PPLs

Source:

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

PPL number 15: **HIGH RISK: Asbestos fibres and microorganisms.** Affecting residential housing is adjacent site users (e.g. residential housing, Luton Airport visitors and operatives, users of WVP).

PPL number 1: **VERY HIGH RISK: Ground gases from former landfill e.g. methane – migration into future buildings** and gas build-up.

PPL number 2: **MODERATE RISK: Migration off-site through preferential pathways.** Adjacent site users (e.g. residential housing and other buildings on Luton Airport, WVP Community Centre/ pavilion). Further detailed assessment is required to understand the gassing conditions after work is undertaken to remodel the landfill. However, it is considered likely that any future development will require gas protection measures. Mitigation measures will be required to treat existing pathways e.g. Thames Valley Drain and install control measures e.g. vent trench.

PPL 3 & 4: **LOW-MODERATE RISK: Volatile radionuclides occupying buildings overlying radioactive land contamination.** Migration into future buildings and build-up of gases. Migration off-site through preferential pathways

PPL number 8 & 9: **LOW-MODERATE RISK: Direct or indirect contact with radionuclides – incurring radiation dose by indirect dose received from ingestion of radium (or other alpha emitting contaminated material) or direct risk from contact with beta emitters such as Carbon-14 or Caesium-137.** Potential for radioactive materials to be present within the earlier waste which was deposited prior to the introduction of the Radioactive Substances Act in 1963. Potential for arisings from piling and foundation activities to encounter such materials. The recent GI included testing for radionuclides, which indicated levels observed were consistent with background levels. Procedures during construction should be in place to detect any radionuclides which may be encountered.

PPL number 19: **PRESENT:** Japanese Knotweed has been identified in Wigmore Valley Park Site, this can cause damage to buried infrastructure/buildings and pavement through growth of rhizome. Risk can be

mitigated through application of remedial works; treatment with herbicide/removal/on-site burial/containment.

PPL number 41: **MODERATE-HIGH-VERY HIGH:** Unexploded Ordnance. Driving of piles impact UXO. Construction workers/public/terminal buildings. Based on Detailed UXO Risk Assessment 'Very High' probability of UXO on-site.

Ψ EXPLANATORY LABEL:

LANDFILL, EARTHWORKS AND "LANDSCAPING":

The word landscaping tends to evoke pictures of carefully cultured greenspace and pretty rock gardens.

However here "landscaping" overlapping the EL1&2 boundary maps is referring to the earthworks of all contaminated land excavated from the landfill beneath the area next to EL1 & 2. This must be undertaken initially. There are also a variety of SuDS and preparations for a proposed pipeline.

In Volume 1 of the two-volume scoping report it explains what "landscaping involves" - the excavation of 500,000 m3 of landfill material!

The Construction Phases are also explained in this document and the dates that occur within the NHDC Draft Local Plan period.

<https://futureluton.llal.org.uk/wp-content/uploads/Appendix-1-1-Scoping-Report-Volume-1-of-2-Main-Report-1.pdf>
Para 3.4.11

"Part of the Proposed Development will be on an area of the former **landfill**. It will be necessary to excavate approximately 500,000m3 of landfill material to allow for the construction. This material will be processed under an appropriate environmental permit and the majority will be reused on-site. Foundations will be piled through the landfill to support the new buildings and infrastructure. These will be designed and constructed to protect the underlying groundwater and in close liaison with the Environment Agency."

Ψ EXPLANATORY LABEL:

LUTON PLANNING PERMISSION REFERENCES:

Luton planning permission reference 12/01400/FUL was granted and allows the airport to grow to an operating capacity of 18mppa.

Luton planning permission reference 17/02300/EIA permitted 27 March 2020, "associated roadworks" have already started.

Luton planning permission reference 17/02300/EIA is a Departure from the Adopted Luton Local Plan.

Luton Planning permission reference 18/00271/EIA is Bartlett Square, formerly known as Stirling Place, is located to the west of the Luton Airport Parkway railway station, adjacent to the Luton DART terminal under construction. Submitted in February 2018(LBC ref: 18/00271/EIA) and granted in November 2018. This is further away.

17/02300/EIA (approved 27 March 2018) includes partly EL1 & 2 sites (see maps above):

Earthworks,

New access road from Eaton Green Road (this was the departure from the local plan – as LLP says no access from Eaton Green Rd allowed),

Second new dual carriageway through the development linking its various parts,

Energy recovery centre (sui generis)

Office space (Class B1),
Utility diversions,
Sustainable draining systems,
Tree Removal,
New Century Park,
Warehouse, industrial space (Class B2 and B8),
Hotel (C1),
Café (A3),

THIS IS JUST A STARTING POINT for looking at all of the interconnected projects that overlap into the NHDC Submitted Draft Local Plan East of Luton Strategic Housing Sites and their map boundaries.

COMBINED IMPACTS; UPON OVERALL OPENESS AND LANDSCAPE SETTING SENSITIVITY NEED APPRAISING.

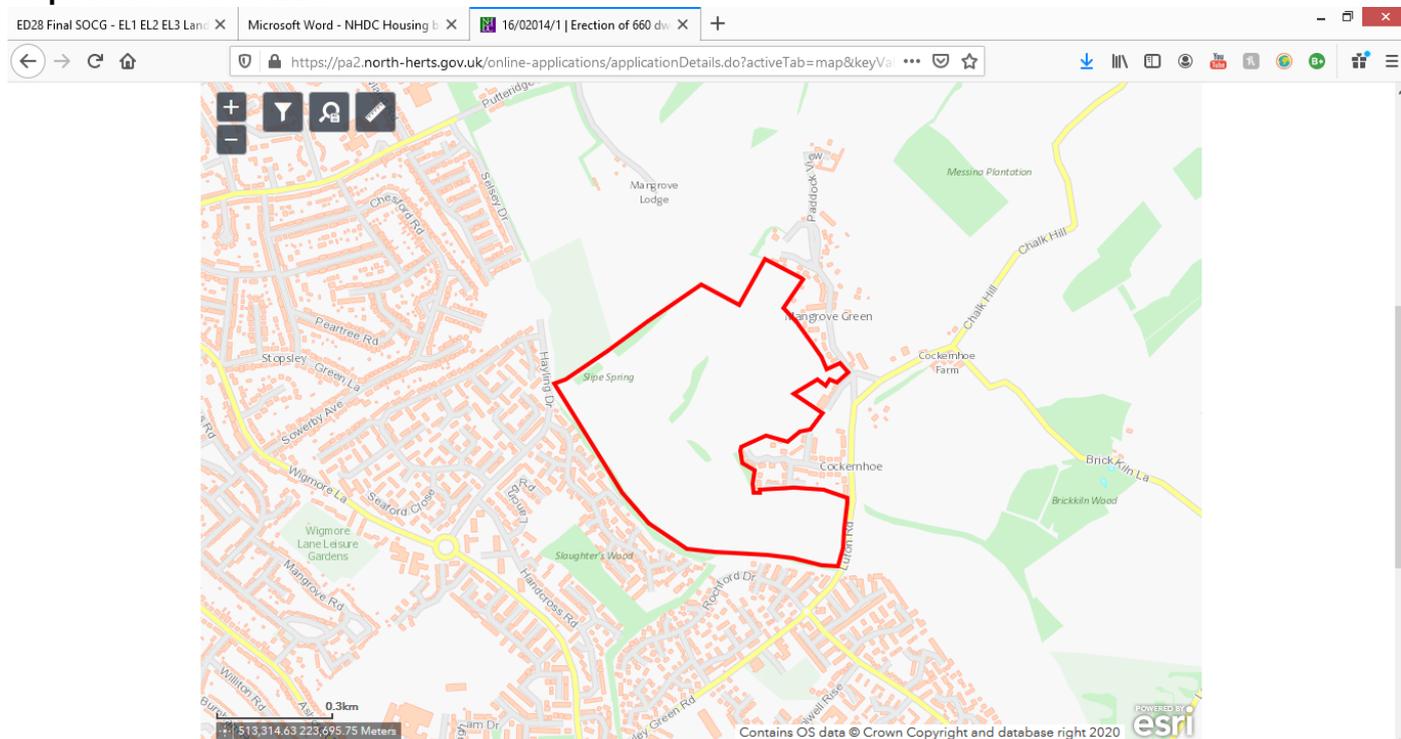
The Local Planning Authority's Register of Planning Applications provides maps attached to each application.

These shown below for each East of Luton site above and EL3 below.

EL3:

<https://pa2.north-herts.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=ZZZYV1LKID455>

Map: Wide view of EL3



Map: Zoom view of EL3

However two new dual carriageways in the 17/02300/EIA are also arguably a “highway related” Nationally Significant Infrastructure Project (PA2008) due to them connecting to the trunk road J10 which is owned by Highways England and a part of the Strategic Road Network (“SRN”).

WHERE ARE WE NOW?

Planning permission reference 17/02300/EIA was permitted 27 March 2018, and “associated roadworks” have already started over a year ago.

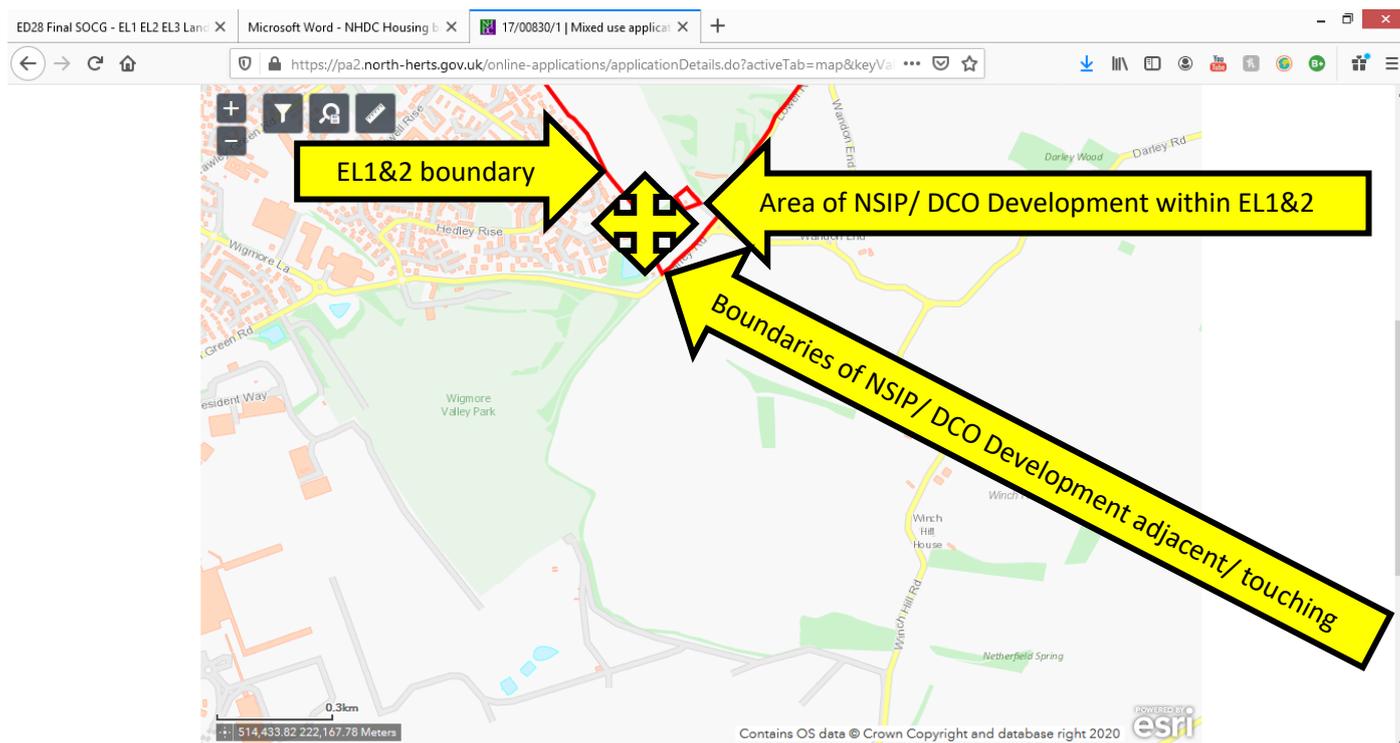
NHDC RAISED NO CHALLENGE OR OBJECTION TO THE PASSING OF 17/02300/EIA

17/02300/EIA is a departure from the Adopted Luton Local Plan.

The LP departure consultation had ten days remaining, when the final planning permission was granted for it, which is unlawful. The “departure from the local plan” consultation should have finished before the Luton Development and Control Committee considered the application and made their decision final.

Written complaints were made to the LBC Planning Officer Mr David Gurtler, Council Leader Cllr Hazel Simmons, and Airport Director Mr Robin Porter about this. All replied but they did not consider this premature conclusion/ prior to departure from the Local Plan to be “unlawful” and let the decision stand. Then work began last year on one of the carparks (long stay) and two associated road networks detailed within the application as Vauxhall Way and the A505, and is reiterated in the additional DCO as “associated roadworks”.

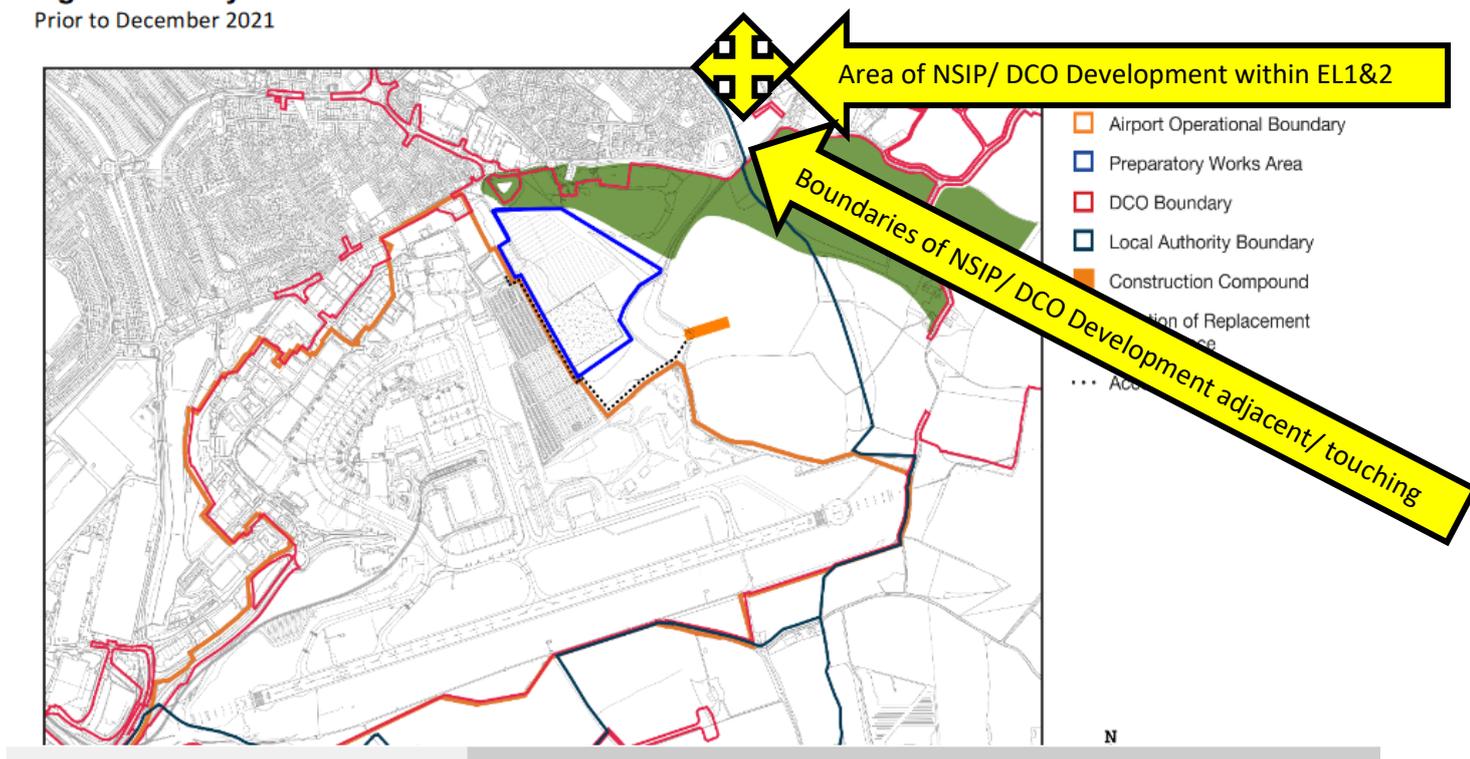
See planning applications and Scheme Development and Construction Report (referenced above) for more details as to which parts are which and when they happen.



ABOVE AND BELOW: The black and yellow cross marks were the Plan’s EL1 and EL2 site.

Figure 4.7 Airport operational boundary changes at completion and replacement of Wigmore Valley Park

Prior to December 2021



Future LuToN: Making best use of our runway Environmental Impact Assessment Scoping Report Volume 1: Main Report[LLADCO-3B-ARP-00-00-RP-YE-0001| Issue 1| 28 March 2019

Source:

<https://www.luton.gov.uk/Environment/Lists/LutonDocuments/PDF/Planning/Development%20Control/New-PAR-2020.pdf>

EIA SCOPING REPORT INCLUDES:

Para 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. LBC ref: 18/00271/EIA submitted in February 2018 and granted in November 2018.

Luton DART ALREADY PERMITTED 17/02300/EIA

Page 22: 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.

Para 2.4.13: 2020 Enterprise Zone

LLAL has plans to develop a combined office and hotel development, and a business park within LTN Enterprise Zone (designated in 2015). These developments, known respectively as Bartlett Square and New Century Park, seek to support LTN and provide employment generation for the local community. Together they constitute 1.5 million square feet of commercial space sited on 'regeneration' zones being and ex-Vauxhall factory site and a household landfill site respectively. The two schemes are described further in the following sections.

QUICK LINKS:

[Appendix 1-1 EIA Scoping Report \(Volume 1 and Volume 2\)](#)

<https://futureluton.llal.org.uk/wp-content/uploads/Appendix-1-1-Scoping-Report-Volume-1-of-2-Main-Report.pdf>

London Luton Airport Limited (LLAL) Environmental Impact Assessment **Scoping Report** Volume 1: Main **Report** March 2019. Future LuToN: Making best use of our runway Environmental Impact Assessment **Scoping Report** Volume 1: Main **Report** 28 March 2019 LLADCO-3B-ARP-00-00-RP-YE-0001 | Issue 1 . Future LuToN: Making best use of our runway Environmental Impact Assessment **Scoping Report** Volume 1: Main ...

[Appendix 1-1 Scoping Report \(Volume 1 of 2 - Main Report ...](#)

<https://futureluton.llal.org.uk/pier-volume-3-appendix/appendix-1-1-scoping-report-volume-1-of-2-main-report-2/>

Appendix 1-1 **Scoping Report** (Volume 1 of 2 - Main **Report**) Appendix 1-1 **Scoping Report** (Volume 1 of 2 - Main **Report**) London Luton Airport Ltd (LLAL) Is a private limited company, registered in England & Wales No. 2020381. Registered address: Hart House Business Centre, Kimpton Road, Luton, LU2 0LA . Contact Supporting documents. Find out more by reading the latest documents ...

[Appendix 1-1 Scoping Report \(Volume 1 of 2 - Main Report ...](#)

 <https://futureluton.llal.org.uk/pier-volume-3-appendix/appendix-1-1-scoping-report-volume-1-of-2-main-report/>

Appendix 1-1 **Scoping Report** (Volume 1 of 2 - Main **Report**) Appendix 1-1 **Scoping Report** (Volume 1 of 2 - Main **Report**) London Luton Airport Ltd (LLAL) Is a private limited company, registered in England & Wales No. 2020381. Registered address: Hart House Business Centre, Kimpton Road, Luton, LU2 0LA. Contact . futureluton@llal.org.uk. Supporting documents. Find out more by reading the latest ...

[London Luton Airport Limited](#)

<https://www.llal.org.uk/Documents/Appendix-1-1-Scoping-Report-Volume-2-of-2-figures.pdf>

London Luton Airport Limited

[Appendix 1-2 EIA Scoping Opinion Preliminary Response](#)

 <https://futureluton.llal.org.uk/wp-content/uploads/Appendix-1-2-EIA-Scoping-Opinion-Preliminary-Response.pdf>

The **Scoping Report** states that the Proposed Development is defined as a Nationally Significant Infrastructure Project (NSIP) under the terms of section 23 of the PA2008. London Luton Airport is currently operated under concession by London Luton Airport Operations Ltd (LLAOL) with its current planning permission for a capacity of 18mppa.

[The Civil Aviation Authority's response to London Luton ...](#)

publicapps.caa.co.uk/docs/33/CAP_1897_CAA_Response_to_LLAL_EIA_Report.pdf

LLAL's EIA **Scoping Report** that relate to our regulatory roles. 17. In respect of airspace change, CAP 1616 and CAP 1616a. 1. provide the relevant methodologies for use in environmental assessments to assist those preparing airspace change proposals. 1. CAP 1616a is CAA publication 'Airspace Design: Environmental requirements technical annex' CAP 1897 The CAA's response to LLAL's ...

↑END↑