

Corrections to Mr Craig Howell Williams QC's EoL Note and Map Submissions

For the North Hertfordshire Local Plan Hearings

By Ms Carolyn Cottier

Date: 5 January 2020

HM Planning Inspector's Instruction (2 Dec 2020):

“To establish matters of FACT. If there's anything that comes to me from Bloor Homes that is factually incorrect, then yes, I will let you have the opportunity to straighten the record.”

INTRODUCTION

Further to Mr Berkeley's request for my further comments if they are “matters of fact”, and required “to set the record straight”. Please find subsequently the work and evidence precisely fitting this definition - relating to incorrect information within maps/ notes as presented by Mr Howell Williams QC and published in the Examination Library as ED213A-E.

ED213A		Matter 24: East of Luton: Bloor Homes/The Crown Estate Maps and Note on East of Luton Proposed Allocations
ED213B		Plans for Luton Airport Expansion Explanatory Note (PDF, 18Kb)
ED213C	1 Dec 2020	Redline Boundary (PDF, 4Mb)
ED213D		Proposed Development Layout at 32 mppa capacity (PDF, 436Kb)
ED213E		Figure 17 10 Landscape Masterplan Additional Mitigation (PDF, 3Mb)
		LLAOL EoL OVerlay Plan (002) (PDF, 3Mb)

A recap of Mr Berkeley's request can be found as a full transcript within this attached document as “APPENDIX 3” should it be required.

Alternatively it can be re-listened to at the live streamed recording:

<https://www.youtube.com/watch?v=Ho3OGJpDfXk>

The North Hertfordshire Local Plan Examination – 2nd Dec 2020 14:00pm, live on Dec 2, 2020.

Signed,

Ms. Carolyn Cottier

INDEX AND BRIEF OF PARTS

Matter of Fact 1: Mr Howell Williams gives an incomplete description in his title as to what major local development Ms Cottier highlighted. He fixates only upon the DCO and ignores all other earlier more extensive preparatory works which are local applications and already approved. The eleven part local planning application is entirely independent of the DCO but upon the same land as it. There could have been a breach of the Planning Act 2008 - to depart from the Luton Adopted Local Plan, and midway whilst the departure consultation was still underway, grant full permission for a highway related NSIP, Airport related NSIP and Energy Infrastructure related NSIP all under the umbrella of a mere “local development application.”

Not to mention also a conflict of interests; because the LPA was also the applicant. Yet since no one however objected within the six week limit after this travesty occurred, it remains unchallenged and passed – albeit in my opinion unlawfully. Also the connected highway improvements (upon Vauxhall Way) started last year.

To show the complexity of that multi-phased, inter-nested development - spanning the same lands as the DCO boundary, EL1 and North Herts Green Belt. To attempt to structure this matter in a clearly visible practical context.

Matter of Fact 2: The word overlapping does not need to be in quotation marks. **IT IS OVERLAPPING.**

To show how and why this needs to be corrected.

Matter of Fact 3: INCOMPLETE DESCRIPTION OF WHAT IS REFERRED TO BY THE “redline boundary for the DCO”. This map includes local planning applications too.

To show how and why this needs to be corrected.

Matter of Fact 4: Mr Howell Williams uses a company name which is not the same company as that involved with this overlapping planning application. SOURCE WRONGLY CITED AS “LLAOL”. LLAL is the correct company.

To provide the information as to the correct company involved.

Figure 1: Reoccurrence of the key strategic matters pertinent to boundary conflict/ overlap identified upon cross boundary Luton major development and EoL SHS.

Figure 2: Further matters both strategic and additional, pertinent to boundary conflict/ overlap identified upon cross boundary Luton major development and EoL SHS.

Figure 3: Demonstration of DtC on land take conflict and between EoL SHS and a) permitted Luton Airport Enterprise Zone major development and b) Airport Terminal 2 Expansion DCO

Figure 4: Demonstration of which elements of the “overlapping” development fits definition of “strategic” found in Legislation.

Matter of Fact 5: Incomplete description of sources from where the map material had been taken and possible motivations for two incorrect citations of the wrong company name.

To show how this needs to be corrected and enhancing understanding as to why using a different company name other than the correct name, could have been motivated by lack of options to resolve key strategic conflicts and DtC non-compliance.

Matter of Fact 6: Mr Howell Williams put his name upon the material submitted on behalf of Bloor Homes. However he has failed to include any name at all of anyone representing Crown Estate or Savills. This is incorrect practise and he should place their names upon it.

To show how this needs to be corrected.

APPENDIX 1: Other representations from those who responded to New Airport Enterprise Zone PA17/02300/EIA (as proof that it was really happening) – reinforcing the fact I am not misleading the Inspector; and that everyone knew about it.

To show how other Statutory Consultees had responded in January 2018 and again in August 2018 to this development.

APPENDIX 2: Direct Extracts from the Development and Construction Report as well as Scoping Report from The Future Luton Consultation.

Direct rather than paraphrased; to satisfy Mr Williams’ concerns about anything being “misleading”. I hope he will in future apply the same degree of sensitivity and rigorousness to his own documents.

APPENDIX 3: The LPA is supposed to get a statement of community involvement with the airport operators and the airport owners. They are meant to include a safeguarding map within the master plans.

To show the previous requests for specific type of safeguarding map by HMPI was never completed. Actions from Week 3 (27-30 Nov 2017) – Matter 17 – Design (including Air Quality).

APPENDIX 4: Recap of Request/ Background/ Context to Request via Transcript - North Hertfordshire Local Plan Examination – 2nd Dec 2020 14.00pm

To show the requests for further information by HMPI and recap the discussion context of this most recent essential request.

APPENDIX 5: Transcript of what was said before the break about the Airport Enterprise Zone Local Application and DCO Maps provided by Ms Cottier - North Hertfordshire Local Plan Examination – 2nd Dec 2020 9.00am

To show the requests for further information by HMPI and recap the discussion context of this most recent essential request.

APPENDIX 6: Proof of non-misleading – clear evidence that all information is derived from the Luton Borough Council’s own company (LLAL Co Ltd) reports. Direct extracts from the Luton Future Construction and Development Report itself - *direct rather than paraphrased*; to satisfy Mr Howell Williams’s concerns about anything being “misleading”.

APPENDIX 7: Proof of local and regional consultation occurring for the Future Luton DCO planning application. The original letter dated January 2018 and was sent out by LBC on behalf of LLAL, not “LLAOL”.

APPENDIX 8: Proof of local and regional consultation occurring for the Future Luton DCO planning application by way of the original letter dated June 2018 and was sent out by LBC on behalf of LLAL, not “LLAOL”.

APPENDIX 9: Proof of local consultation occurring for the ELEVEN PART LOCAL PLANNING APPLICATION by way of the original letter dated 24 August 2018, as it was sent out by Luton Borough Council and its wholly owned limited company London Luton Airport Limited (LLAL).

APPENDIX 10: Proof of LOCAL AND REGIONAL CONSULTATION OCCURRING SIMULTANEOUSLY for the Future Luton DCO planning application by way of the original letter dated 4 September 2018, as it was sent out by Luton Borough Council and its wholly owned limited company London Luton Airport Limited (LLAL).

APPENDIX 11: The Planning Application 17/02300/EIA as shown in Appendices 9 and 10 was a “departure from the Adopted Luton Local Plan”. The notices stated that the Departure Consultation ran from 20 March 2019 for 21 days, which was until 10 April 2019. FULL PLANNING DECISION WAS TAKEN TENS DAYS BEFORE THE DEPARTURE CONCLUSION ENDED - which was unlawful.

APPENDIX 12: The Hitchin Comet – Sept 2018 published an article entitled “Backdoor to expansion?” by Mr Chris Haden. The public were arguing that Planning Application PA 17/02300/EIA was really just the NSIP/ Airport Expansion.

APPENDIX 13: The Herald and Post newspaper published on the 11 January 2018, Notice of Application for Century and Wigmore Park Road, or Planning Application PA 17/02300/EIA.

APPENDIX 14: Wandon Park Master Plan for Bloor Homes East of Luton development was publically consulted upon as part of the earliest options consultations. They never showed how various parts of the local planning application PA17/02300/EIA Airport Enterprise Zone were close to and overlapping. This was misleading the public.

Abbreviations used:

- 1) Establishing matters of fact. (MOF)
- 2) Straightening the record if anything is factually incorrect. (STRS)
- 3) East of Luton (EoL)
- 4) Date of Submission (DoS)
- 5) Duty to Cooperate (DtC)

MOF1: MR HOWELL WILLIAMS GIVES AN INCOMPLETE DESCRIPTION OF WHAT WAS REFERRED TO BY MS COTTIER. HE MISSES OFF THE MOST IMPORTANT, IMMEDIATE, PERMITTED MAJOR DEVELOPMENT THAT SHE BROUGHT UP IN THE HEARING AND WHICH WAS THEN PRESENTED IN HER MAPS.

Examination of the North Hertfordshire Local Plan (2011-2031)

Examination hearing sessions

Luton Airport Expansion Plans

Note for Inspector

On 26th November Ms Cottier referred to the proposed Development Consent Order (DCO) application for the Luton Airport expansion proposals and the "overlapping" boundaries with proposed allocation site EL1. Bloor Homes and The Crown Estate offered to provide plans to clarify the position for the Inspector.

STRS 1: SHOULD BE CORRECTED AS FOLLOWS:

“On 26th November Ms Cottier referred to the [insert:] Airport Enterprise Zone local application for major development (Luton Ref: PA17/02300/EIA) comprising of eleven parts including two new highways, new energy infrastructure and airport expansion preparatory works permitted on 27 March 2019 and now commencing and] the proposed Development Consent Order (DCO) application for the Luton Airport expansion proposals and the “overlapping” boundaries with proposed [insert:] key strategic housing allocation sites EL1, EL2 and EL3.

SETTING THE RECORD STRAIGHT 1A

Luton Borough Council opened the consultation on the Airport Enterprise Zone development PA/17/02300/EIA on the 9 January 2018. The North Hertfordshire Local Plan Examinations had already been underway for two months by that time. Then one month after that date of first Airport Enterprise Zone consultation, the Crown Estate and Bloor issued their Statement of Common Ground (ED81) for submission to these North Hertfordshire District Local Plan Examination Hearings.

The inspector will see that plan (d) shows where the proposed DCO boundary meets the East of Luton allocation boundary. The landscape plan (plan c) shows what is intended regarding landscaping for the area. As advised by Mr Craig Howell Williams QC on behalf of Bloor Homes and The Crown Estate this plan indicates the intention, by LLAOL, to solely carry out hedgerow restoration within the EoL allocation area. The red line plan indicates the areas for access required within the EoL allocation for that purpose.

The hedgerows to be restored as part of the Luton expansion proposals are proposed to be retained in the submitted planning application for the EoL allocation.

Submitted on behalf of Bloor Homes and The Crown Estate

1 December 2020

The letter states wrongly:

“The landscape plan (plan c) shows what is intended regarding landscaping for the area.”

“As advised by Mr Craig Howell Williams QC on behalf of Bloor Homes and The Crown Estate this plan indicates the intention, by LLAOL, to solely carry out hedgerow restoration within the EoL allocation area. The red line plan indicates the areas for access required within the EoL allocation for that purpose.”

THESE ARE UNTRUE STATEMENTS.

Firstly;

THE MASTER PLAN MAPS IN THE CROWN/ BLOOR SOCG (ED81) DO NOT EVEN AGREE WITH MR HOWELL WILLIAMS'S LATEST EXPLANATION ABOUT THE OVERLAPPING AREA.

NHDC ED81 is dated February 2018 and contains the MASTER PLAN for the East of Luton Strategic Housing Sites that Crown Estates and Bloor Homes put forward and we can extract the master map from page 11 and take a closer look to check the validity of Mr Howell Williams's statement.

In doing so we can see that according to the Master Plan ED81 THIS AREA IS DEFINITELY NOT LANDSCAPING OR HEDGEROW.

Source: <https://www.north-herts.gov.uk/sites/northherts-cms/files/ED81%20SoCG%20with%20Bloor%20Crown%20re%20education%20east%20of%20Luton.pdf>

Below is the map from page 11 of the NH ED81 Supplementary Statement of Common Ground As agreed between North Hertfordshire District Council and Bloor Homes and the Crown Estate Concerning Secondary Education Provision (February 2018).

PS/C is a Primary School. There is a three story building at R7. Also a primary road entering the site that conflicts with the Luton side and Herts side Green Belt which is a part of PA17/02300/EIA's major development.

“R7” is an area for dwellings of 2-3 stories at an average density of 35-40 dph (11.87ha)

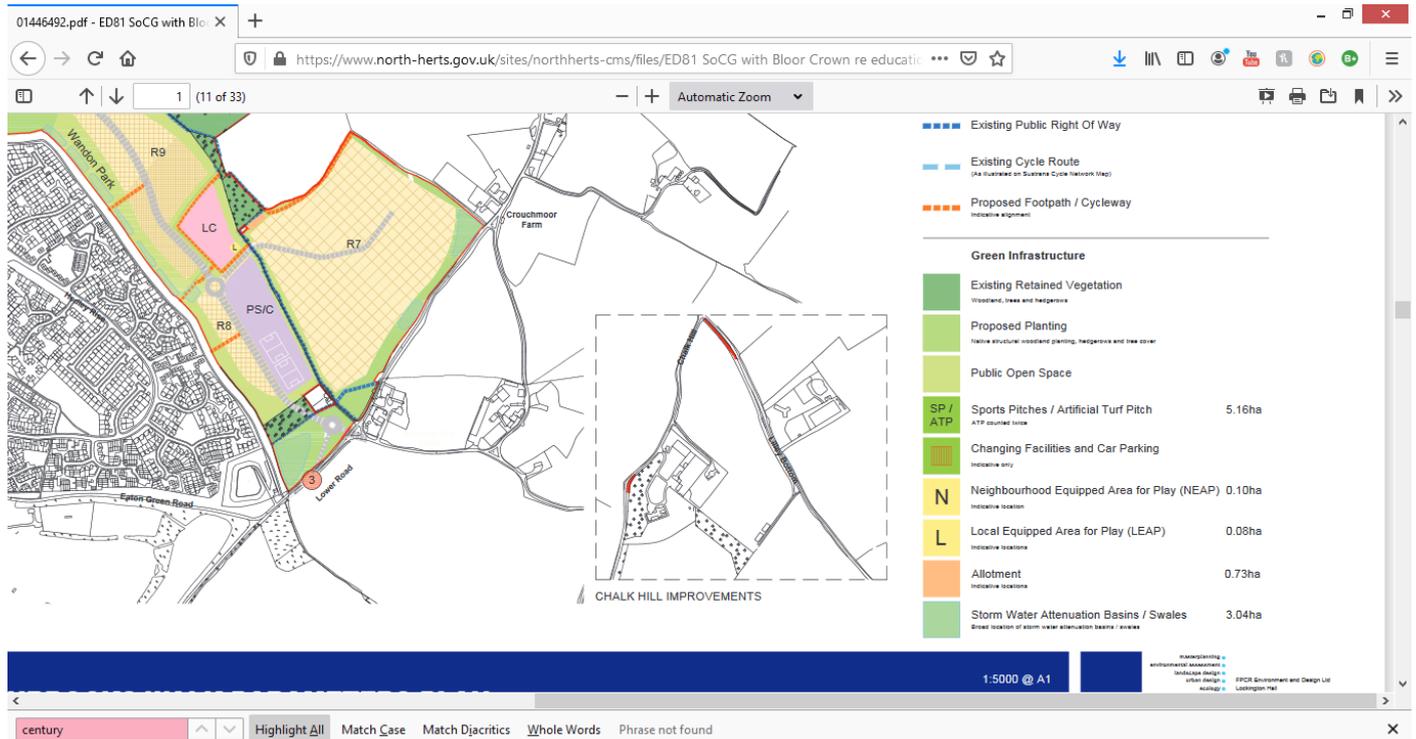
“PSC” is a Primary School and Community Uses (2.20ha)

The grey circle is a roundabout

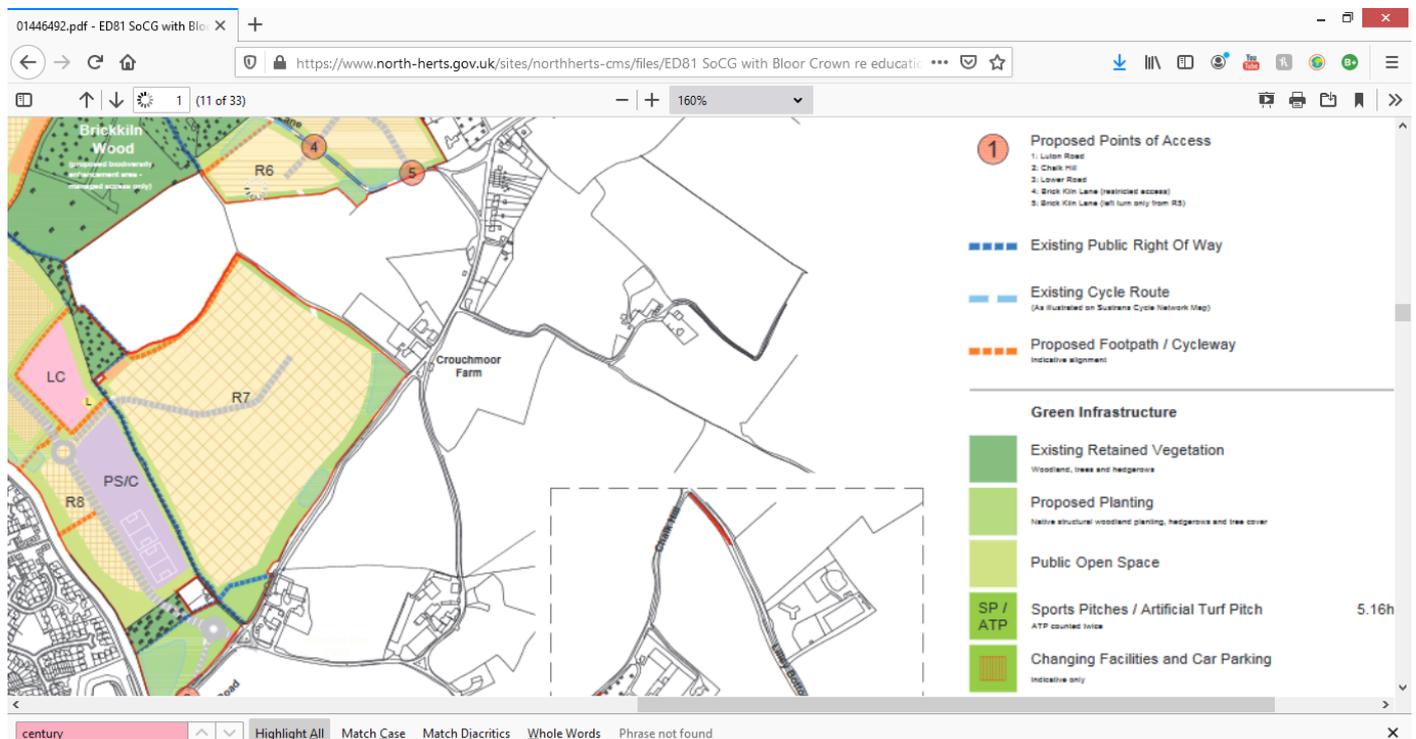
The grey road is a primary road

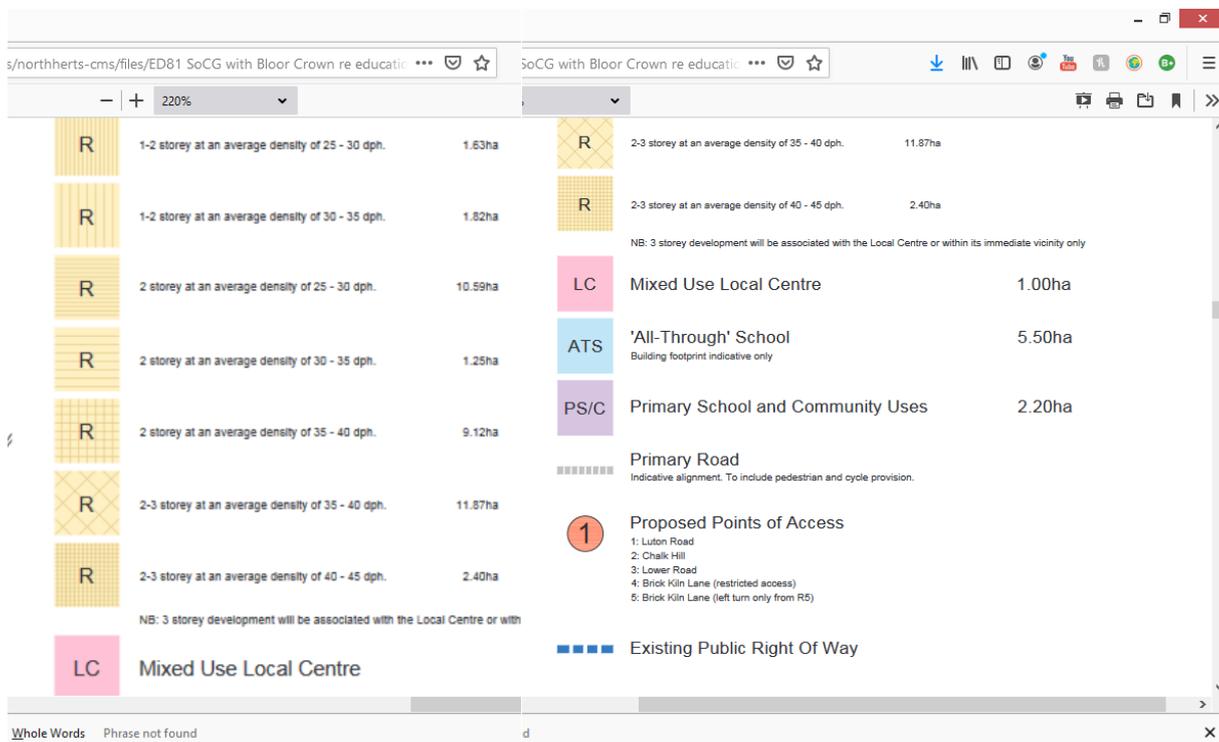
These things are not “hedgerow” and “landscaping.”

Wider view:



Closer up:





So according to their own maps these statements are visibly untrue. We will look also at the Luton Future Development and Construction Report also for further insight, but their own Master Plan already disagrees with the Crown/ Bloor statements.

Secondly, one month before this ED81/ SoCG was produced – Luton had already begun to consult its neighbours on the local planning application for the major development called the Airport Enterprise Zone, containing eleven complex elements:

Luton Ref: 17/02300/EIA | 1) Outline permission for a new business park comprising office space (Class B1), warehouse and industrial space (Class B2 and B8), mixed employment space (Class B1/B2/B8), a hotel (Class C1), cafe space (Class A3); **energy centre** (sui generis), **internal access roads**; car parking, landscaping and associated works including earthworks, utility diversions, sustainable drainage systems, tree removal and tree protection; and relocation of the airport car hire centre. 2) **Full permission** for the construction of a 2km Century Park Access Road incorporating a new junction on the A1081, **alterations to the existing Airport Way roundabout**, alterations to Frank Lester Way, **a newly created access from Eaton Green Road, a new roundabout providing access into the business park, demolition of buildings**, provision of replacement car parking (temporary and permanent), **associated earthworks, landscaping, surface water drainage and utilities diversions**; the creation of new public open space including footpaths, landscaping and ecological mitigation; **extension and alterations to Wigmore pavilion** building to provide cafe (Class A3) and additional community space; construction of a new skate park and children's play area; and **construction of a replacement airport technical services building and associated parking**. | Airport Way - Century Park Luton Bedfordshire

Application Received Date	Fri 15 Dec 2017
Application Validated Date	Wed 03 Jan 2018
Expiry Date	Wed 10 Apr 2019
Actual Committee Date	Wed 27 Mar 2019 (FULL PERMISSION GRANTED)
Latest Neighbour Consultation Date	Fri 24 Aug 2018
Neighbour Consultation Expiry Date	Fri 05 Oct 2018
Standard Consultation Date	Fri 24 Aug 2018
Standard Consultation Expiry Date	Fri 05 Oct 2018

Last Advertised In Press Date	Wed 20 Mar 2019
Last Site Notice Posted Date	Wed 20 Mar 2019
Internal Target Date	Wed 25 Apr 2018
Agreed Expiry Date	Tue 11 Dec 2018
Permission Expiry Date	Not Available
Environmental Impact Assessment Received	Fri 15 Dec 2017
Temporary Permission Expiry Date	Not Available

NORTH HERTFORDSHIRE DISTRICT COUNCIL, THE CROWN ESTATES AND BLOOR ALL FAILED TO RESPOND APPROPRIATELY TO THE PA17/02300/EIA CONSULTATIONS. THEY MISSED ALL OF THE DEADLINES. THEY FAILED TO RAISE ANY POINTS AND ISSUES REGARDING OBVIOUS KEY STRATEGIC MATTERS.

ONLY SEVEN WEEKS AFTER THE FACT OF FULL PERMISSION BEING ALREADY GRANTED BY LUTON BOROUGH COUNCIL did this afterthought get written “on a post-it note”. This IS THE FULL representation from NHDC itself (yes is it really is only 52 words):

North Herts District Council

Comment Date: Mon 13 May 2019

"The impact of the proposal on highways infrastructure in terms of capacity within NHDC should be assessed and represented by HCC as Local Highways Authority.
Given the context of the site, the Council have no further comments to raise other than that the application should be considered and determined in line with relevant Development Plan policies."

THE NHDC REPRESENTATION was an insubstantial three and a half line message consisting of 52 words and no more – and it was submitted late; long after the consultation had finished and only after the final planning decision had already been taken and permission granted fully.

IT DOES NOTHING TO RAISE ANY ISSUES SURROUNDING STRATEGIC MATTERS SUCH AS THE GREEN BELT RELEASE, THE EOL STRATEGIC HOUSING SITE, THE NEW ENERGY INFRASTRUCTURE, TWO HIGHWAYS, LANDFILL EXCAVATION AND EARTHWORKS.

WAS THIS THE ONLY REPRESENTATION THAT NHDC EVER MADE FOR THIS?

Councillor Levett did in another letter dated August 2018, respond to the other later Future Luton Airport Expansion Consultation by saying that North Hertfordshire had no policies in its Local Plan for Airport Expansion. So it’s obviously impossible to consider and determine “in line with Development Plan policies” when there are none.

The 13 May 2019 missive was such an inadequate response it demonstrated a concerning blank on all things strategic; and the fulfilment of DtC hadn’t even been hinted at.

Was the Aug 2018 Levett response really meant for the DCO Future Luton consultation though? Or was that really the Future Luton DCO Airport Expansion consultation? The dates don’t clearly tie his letter up with either.

So there is no use Mr Howell Williams leaving PA17/02300/EIA out of their document now and trying to infer that I didn’t directly bring it up, or to try to imply that I am misleading the Inspector. They are attempting to “plant a hedgerow” at one minute to midnight - when really no one is actually sure what they doing under that hedgerow. The inconvenient clash of an entirely incompatible development has occurred on their watch. Or they have occurred on its.

SETTING THE RECORD STRAIGHT 1B

Crown Estate and Bloor ALSO did not put any representations into this 17/02300/EIA consultation.

Now exists the configuration of co-existing plans upon the same section of Green Belt landsite from two entirely separate major developments arising from entirely two separate counties.

It appears Bloor's EoL secondary school, new primary road and roundabout is in the same place as the early local development Airport preparatory works and mysterious "Rochdale Envelope" and two extra buildings in Figure 3.11 of the Future Luton Technical Construction and Development Report; these are craftily woven into the Airport expansion DCO but stand separate to it. I speak of all of those aforementioned things nestled within a mere local planning application 17/02300/EIA. The application was placed into the Luton Council, by the Luton Council, and approved by the Luton Council.

Notice that date is AFTER the LLAL/Luton Consultation for Airport Enterprise Zone/ PA17/023300/EIA started.



Below is the map Mr Howell Williams has provided ED213E [LLAOL EoL Overlay Plan \(002\)](#) (PDF, 3Mb). He says it shows the DCO but really it is the DCO PLUS the local development Airport Enterprise Zone 17/02300/EIA.

On 26th November Ms Cottier referred to the proposed Development Consent Order (DCO) application for the Luton Airport expansion proposals and the "overlapping" boundaries with proposed allocation site EL1. Bloor Homes and The Crown Estate offered to provide plans to clarify the position for the Inspector.

IT IS OVERLAPPING.

MATTER OF FACT 3

INCOMPLETE DESCRIPTION OF WHAT IS REFERRED TO BY THE "redline boundary for the DCO". This map includes the local planning applications too, in addition to the DCO.

ERROR 3: INCOMPLETE DESCRIPTION OF WHAT IS REFERRED TO BY THE "redline boundary for the DCO". THE RED BOUNDARY IS ACTUALLY FOR ALL LOCAL DEVELOPMENT ALREADY PERMITTED AND COMMENCING, but still included within the Future Luton Technical reports but yet to begin as separate to and in advance of the 2021 DCO. This map includes local planning applications too.

The following draft plans from the statutory consultation 16th October 2019 to 16th December 2019 are attached:

- (a) Figure 2.1 redline boundary for the DCO;

CORRECTION 3: THE RED BOUNDARY IS FOR ALL LOCAL DEVELOPMENT PREPARATORY WORKS INCLUDED IN, AS WELL PRIOR TO, THE DCO which are:

Airport Enterprise Zone PA17/02300/EIA

Bartlett Square (Previously Stirling Place) PA18/00271/EIA

Passenger capacity expansion from 16.5mppa to 18mpaa PA12/01400/FUL

Matter of Fact 4: Mr Howell Williams twice cites the entirely wrong company name. He uses a company name which is not the same company as that which is involved with either the Airport Enterprise Zone/ PA17/02300/EIA local application or the Future Luton DCO application.

SOURCE WRONGLY CITED AS "LLAOL". LLAL is the correct company.

Mr Howell Williams QC for Bloor Homes has misquoted the requested map source wrongly as "LLAOL".

Below is his cover letter: "As advised by Mr Craig Howell Williams QC on behalf of Bloor Homes and The Crown Estate this plan indicates the intention, by **LLAOL**, to solely carry out hedgerow restoration within the EoL allocation area. The red line plan indicates the areas for access required within the EoL allocation for that purpose."

And again: "We also attach a **LLAOL** EoL overlay plan" – plan d. The DCO application is expected to be submitted in 2021."

The following draft plans from the statutory consultation 16th October 2019 to 16th December 2019 are attached:

- (a) Figure 2.1 redline boundary for the DCO;
- (b) Figure 2-2 Proposed development layout;
- (c) Fig 17-10 Landscape Masterplan Additional Mitigation

We also attach a plan "LLAOL EoL overlay plan" – plan (d).

The DCO application is expected to be submitted in 2021.

Correction: “We also attach a plan “~~LLAOL-LLAL~~” overlay plan – plan (d)”

LLAOL stands for “LONDON LUTON AIRPORT OPERATIONS LIMITED” and it is the company responsible for things like managing the flight attendants, issuing tickets, passport control, luggage handling, toilet cleaning, aviation fuel contracts, floor duties, mops, buckets, in-flight meals, trolleys, hamburgers, and duty free shopping. LLAOL is completely the wrong source name for the maps. LLAOL is an entirely different and separate company, and it is not the Airport owner or the company which applied for the Airport Enterprise Zone development at all, nor is it the company applying for the DCO. It is only the operating company and it leases the facility from LLAL. LLAOL is only a consultee in this and CERTAINLY NOT the applicant for any major physical development upon any part of the Airport Enterprise Zone area, DCO or physical groundworks upon the Green Belt, EL1 or Wigmore Park.

The planning application is from LONDON LUTON AIRPORT LIMITED. They are a company privately and wholly owned by Luton Borough Council (LBC). LLAL owns both Airport and leases the land upon which both Wigmore Valley Park and the Airport stand. LBC also recently purchased the Green Belt land on the North Herts side of the border surrounding Winch Hill Farm, which will facilitate temporary replacement greenspace, and some of the five locations for the landfill extractions/ hard-core, earthworks and eventually a Car Park for Terminal Two.

LLAOL is not involved.

Matter of Fact 5: Incomplete description of sources from where the map material had been taken.

INCOMPLETE DESCRIPTION OF WHO WAS PROVIDING THE MATERIAL – WHAT CONDITIONS WERE STATED IN ADVANCE OF THAT MATERIAL BEING PERMITTED? INSPECTOR AGREED TO ACCEPT THE MATERIAL “ONLY ON CONDITION THAT” IT WAS CLEARLY SOURCED AND LABELLED.

Correction: They need to cite sources for (a), (b), and (c). They need to correct the incorrect source cited for (d).

It is unacceptable that the entirely wrong company name was used. It either shows a complete lack of understanding or else it was an error intentionally made.

If the error was intentionally made – was there a motive to use LLAOL instead of LLAL?

See the highlighted pink area in **Figure 4** below – which possibly offers the one “strategically less involved escape hatch” in an ocean of ire-tractable and inconvenient complexity. There is a huge quantity of other key strategic issues going on across multiple platforms in all areas besides the flight passenger numbers.

Spatial Strategy has overlooked where the development is located, where it is going to be distributed and how all of those things will raise the prospect of there being significant impacts upon neighbours.

The issue of Green Belt boundaries are problematic. The Green Belt and Green Belt Review Studies have only taken into account land within the administrative authority and that was not a sensible approach, because the analysis has been blind to what is happening nearby just outside those administrative boundaries. The need to have a Green Belt analysis that went beyond the boundary was already required as a set precedent. The NHDC Authority had already been a statutory consultee for an eleven part local development application for major development and preparatory works for the 2021 Airport Expansion and Terminal Two (DCO). However they did not engage as shown above.

Now some of that local major development is within the North Herts East of Luton (EoL) Strategic Housing Site’s (SHS) boundaries.

How many KEY STRATEGIC matters are involved in this newly identified spatial overlap?

Suffice to say it’s a set of very complex boundary overlap issues. It is multi-developmental spanning multi-key strategic matters.

There are mixed into this key strategic matters relating to infrastructure; there’s obvious need to consider adequate provision of all things like improvements to road network and for the appropriate location of schools, particularly secondary, which will obviously have a greater land take.

The Local Authority has to defend itself against challenges that relate to strategic matters. That is the limitation of the extent of Duty to Cooperate (DtC). Perhaps citing LLAOL was a way of side-stepping the lack of communication regarding all of the LLAL strategic development.

Plan-making stops at the point of submission so the Authority can’t rely on actions taken after the date of submission. The Selby Case established this.

Has there been a breakdown in the DtC early on, prior to date of submission in regards to co-existing key strategic developments?

Figure 1: Reoccurrence of the key strategic matters pertinent to boundary conflict/ overlap identified upon cross boundary Luton major development and EoL SHS.

KSM = Key Strategic Matter issue

X NO = No issue

DUTY TO COOPERATE & KEY STRATEGIC MATTERS	DOES HAVE SPATIAL OVERLAP WITH EOL SHS/ PARTS OF DEVELOPMENT COEXISTING UPON SAME LAND AREA WITHIN GREEN BELT	ARGUABLY HAS SPATIAL OVERLAP WITH EOL SHS	DOESN'T HAVE SPATIAL OVERLAP WITH EOL SHS/ HAVE PARTS OF DEVELOPMENT COEXISTING UPON SAME LAND AREA WITHIN GREEN BELT
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REPEAT CASE EXAMPLES OF KEY STRATEGIC MATTERS (KSM)	NHDC East of Luton Housing Site	LLAL/ LBC PA/17/02300/EIA Airport Enterprise Zone GRANTED: 27 Mar 2019	LLAL/ LBC NSIP Future Luton Terminal 2 DCO	LLAL 18mpaa PA12/01400/FUL	LLAL/ LBC Direct Airport Transit System DART	LBC Bartlett Square PA18/00271/EIA
HOUSING	KSM→	←strategic conflict	←strategic Conflict	X NO	X NO	←KSM
GREEN BELT	KSM→ conflict	←KSM conflict	←KSM conflict	X NO	X NO	X NO
HIGHWAY INFRASTRUCTURE	KSM→	←KSM	←KSM	←KSM	←KSM	←KSM
ENERGY INFRASTRUCTURE	IMPACT← conflict	←KSM conflict	←KSM conflict	X NO	X NO	X NO
AIRPORT INFRASTRUCTURE	IMPACT← conflict	←KSM conflict	←KSM conflict	←KSM	←KSM	←KSM
EMPLOYMENT	IMPACT← conflict	←KSM conflict	←KSM conflict	←KSM	←KSM	←KSM
SPATIAL STRATEGY	KSM→ conflict	←KSM conflict	←KSM conflict	←KSM	←KSM	←KSM

Figure 2: Further matters both strategic and additional, pertinent to boundary conflict/ overlap identified upon cross boundary Luton major development and EoL SHS.

DUTY TO COOPERATE IN OTHER MATTERS	DOES HAVE SPATIAL OVERLAP WITH EOL SHS/ PARTS OF DEVELOPMENT COEXISTING UPON SAME LAND AREA WITHIN GREEN BELT			ARGUABLY HAS SPATIAL OVERLAP WITH EOL SHS	DOESN'T HAVE SPATIAL OVERLAP WITH EOL SHS/ HAVE PARTS OF DEVELOPMENT COEXISTING UPON SAME LAND AREA WITHIN GREEN BELT	
FURTHER MATTERS OF CONCERN	NHDC East of Luton Housing Site	LLAL/ LBC PA/17/02300/EI A Airport Enterprise Zone GRANTED: 27 Mar 2019	LLAL/ LBC NSIP Future Luton Terminal 2 DCO	LLAL 18mpaa PA12/01400/FUL	LLAL/ LBC Direct Airport Transit System DART	LBC Bartlett Square PA18/00271/EI A
SUBTERRANEAN DRAINAGE SYSTEMS	PRESENT→ conflict	←PRESENT conflict	←PRESENT conflict	X NO	X NO	X NO
COUNTY WILDLIFE CONSERVATION ZONE	Greenspace lost→ conflict	←Protected zone lost conflict	←Protecte d zone lost conflict	X NO	X NO	X NO
HAZARDOUS LANDFILL ("LANDSCAPING")	TO BE PRESENT→ conflict	←PRESENT conflict	←PRESENT conflict	X NO	X NO	←ON EDGE
EXTENSIVE GROUNDWORKS ("LANDSCAPING")	TO BE PRESENT→ conflict	←PRESENT conflict	←PRESENT conflict	X NO	←ON EDGE	X NO
BIRDSTRIKE & WILDLIFE HAZARDS	TO BE PRESENT→ conflict	←PRESENT conflict	←PRESENT conflict	←PRESENT conflict	X NO	X NO
	TO BE PRESENT→	←ALREADY PRESENT	←ALREADY PRESENT	←PRESENT conflict	energy consumption	X NO

AIR POLLUTION LEVEL BREACHES	conflict	conflict	conflict	←PRESENT conflict	energy consumption	X NO
	TO BE PRESENT → conflict	←EXTREME (METHANE) conflict	←EXTREME conflict			
CARBON EMISSIONS	PRESENT → CENTRAL RADIUS	←PRESENT CENTRAL RADIUS	←PRESENT CENTRAL RADIUS	Airlines' operations only, not buildings		
STATUTORY - SAFEGUARDED AERODROME ZONE	PRESENT BUT UNCONSIDERED	←PRESENT conflict	←PRESENT conflict	X NO	X NO	X NO
ROCHDALE ENVELOPE ENERGY INFRASTRUCTURE						

Figure 3: Demonstration of lack of DtC resultant in the land take conflict and between EoL SHS and a) permitted Luton Airport Enterprise Zone major development and b) Airport Terminal 2 Expansion DCO

Legislative tests for DtC between NHDC and LBC on key strategic matters	Coexisting spatial boundaries of EoL Strategic Housing Site, Airport Enterprise Zone PA17/02300/EIA	Coexisting spatial boundaries of EoL Strategic Housing Site, Airport Terminal Two DCO consultation
Was every effort made to secure cooperation?	X None evidenced	X None evidenced
Have effective deliverable policies been produced?	X DEFINITELY NOT There is no consideration of Luton's Strategic Airport Enterprise Zone (PA17/02300/EIA) "There are no policies in Plan for Airport expansion" David Levett in NHDC's late consultation response dated Aug 2018. None suggested/ added since.	X DEFINITELY NOT There is no consideration of Luton's Strategic Airport Enterprise Zone (PA17/02300/EIA) "There are no policies in Plan for Airport expansion" David Levett in NHDC's late consultation response dated Aug 2018. None suggested/ added since.
Is it robust and comprehensive?	X DEFINITELY NOT No evidence before, during, or after date of submission, of ANY consideration (let alone robust or comprehensive) of strategic issues. Statutory Aerodrome Safeguarding Map requested during Inspector's Actions for 2017 Hearings was never submitted.	X DEFINITELY NOT No evidence before, during, or after date of submission, of ANY consideration (let alone robust or comprehensive) of strategic issues. Statutory Aerodrome Safeguarding Map requested during Inspector's Actions for 2017 Hearings was never submitted.

Figure 4: Demonstration of which elements of the "overlapping" development fits definition of "strategic" found in Legislation.

LEGISLATION	DOES HAVE SPATIAL OVERLAP WITH EOL SHS/ PARTS OF DEVELOPMENT COEXISTING UPON SAME LAND AREA WITHIN GREEN BELT		ARGUABLY HAS SPATIAL OVERLAP WITH EOL SHS	DOESN'T HAVE SPATIAL OVERLAP WITH EOL SHS/ HAVE PARTS OF DEVELOPMENT COEXISTING UPON SAME LAND AREA WITHIN GREEN BELT		
Definition of "strategic"	NHDC East of Luton Housing Site	LLAL/ LBC PA/17/02300/EI A Airport Enterprise Zone	LLAL/ LBC NSIP Future Luton Terminal 2 DCO	LLAL 18mpaa PA12/01400/FU L	LLAL/ LBC Direct Airport Transit System DART	LBC Bartlett Square PA18/00271/EI A

<p>Sustainable development or use of land that would have significant impact on at least two planning areas.</p>		GRANTED: 27 Mar 2019				
	Impacts two areas (Luton Bedfordshire and North Hertfordshire)	Impacts two areas (Luton Bedfordshire and North Hertfordshire)	Directly impacts two areas (Luton Bedfordshire and North Hertfordshire) plus many other areas; such as Hitchin, Stevenage, Harpenden, St Albans, Breachwood Green, Offley, Knebworth, and affects the Country's climate emissions as a whole.	Noise pollution, air pollution, traffic impacts upon many areas beyond Luton; such as Hitchin, Stevenage, Harpenden, St Albans, Breachwood Green, Offley, Knebworth, and affects the Country's climate emissions as a whole.	X NO – all land and impacts within Luton but supports overall airport expansion and greater ppa capacity.	X NO – all land and impacts within Luton but supports overall airport expansion and greater ppa capacity.
	Transport, education, retail, housing on two areas	Two new highways, road alterations, employment zone, retail, energy infrastructure, earthworks across two boundary areas	Terminal Two new building, new hangars, energy infrastructure , earthworks across two boundary areas	NO - USES ONLY LAND WITHIN LUTON (*pink area could be an immediate attractor point/ "fast race for an exit" in claims of plausible deniability).	X NO – all land and impacts within Luton but supports overall airport expansion and greater ppa capacity.	X NO – all land and impacts within Luton but supports overall airport expansion and greater ppa capacity.
<p>Sustainable development or use of land in a two-tier area if area is a county matter.</p>	Yes – major residential development is inside North Hertfordshire and infringes upon the existing major development of another county (Bedfordshire), and involves removal of Green Belt already required to replace lost Green Space and lost County Wildlife Zone	Yes – major development involving earthworks, landfill excavation, two new highways, airport preparatory works, energy infrastructure and employment strategic sites inside Luton, Bedfordshire with permission existing and therefore pre-dating all proposed strategic residential development within the other	Yes – DCO for Nationally Significant Infrastructure Project involving further additional earthworks, further landfill excavation, new airport terminal building, pipeline energy infrastructure inside Luton, Bedfordshire with statutory consultation existing and therefore pre-dating all	NO - USES ONLY LAND WITHIN LUTON (*pink area could be an immediate attractor point/ "fast race for an exit" in claims of plausible deniability).	X NO – all land and impacts within Luton but supports overall airport expansion and greater ppa capacity.	X NO – all land and impacts within Luton but supports overall airport expansion and greater ppa capacity.

	<p>from within other county's boundary (Bedfordshire).</p>	<p>county (North Hertfordshire), and yet involving removal of Green Belt for two unknown buildings under a Rochdale Envelope – probably energy infrastructure related – upon land inside the other county (North Hertfordshire) and which is already required to replace the lost Green Space and lost County Wildlife Zone from within its own county's boundaries (Bedfordshire).</p>	<p>statutory consultation on individual planning applications for proposed strategic residential development within the other county (North Hertfordshire), and yet involving removal of Green Belt for two unknown buildings under a Rochdale Envelope – probably energy infrastructure related – upon land inside the other county (North Hertfordshire) and which is already required to replace the lost Green Space and lost County Wildlife Zone from within its own county's boundaries (Bedfordshire).</p>			
<p>Sustainable development or use of land that would have significant impact on a county matter.</p>	<p>Yes – within sensitive setting of AONB, infringes upon the Rochdale Envelope map allocations of at least two buildings of unknown energy infrastructure purposes – existing within permitted major development</p>	<p>Yes – within sensitive setting of AONB, is major development with eleven components, including “preparatory works” for the DCO, and containing the Rochdale Envelope map allocations of at least two buildings of unknown energy infrastructure</p>	<p>Yes – within sensitive setting of AONB, is a nationally significant infrastructure project (NSIP) aimed at supporting County's AND Country's Government's Aviation Strategy – “making best use of existing</p>	<p>Noise pollution, air pollution, traffic impacts upon many areas beyond Luton; such as Hitchin, Stevenage, Harpenden, St Albans, Breachwood Green, Offley, Knebworth, and affects the Country's climate emissions as a whole.</p>	<p>X NO – all land and impacts within Luton but supports overall airport expansion and greater ppa capacity.</p>	<p>X NO – all land and impacts within Luton but supports overall airport expansion and greater ppa capacity.</p>

	<p>(and DCO – both), aimed at supporting the County's AND Country's Government Aviation Strategy. Removal of Green Belt incompatible with concurrent removal of Asset of Community Value park space (Wigmore Valley Park), the replacement of removed County Wildlife Zones and mitigation against carbon emissions in accordance with Paris Climate Agreement.</p>	<p>purposes – existing within permitted major development (and DCO – both), aimed at supporting the County's AND Country's Government's Aviation Strategy. Removal of Asset of Community Value park space (Wigmore Valley Park), the TEMPORARY REPLACEMENT of removed park plus its County Wildlife Zones and mitigation against carbon emissions in accordance with Paris Climate Agreement.</p>	<p>runways". Removal of Green Belt in other county (North Hertfordshire) required for new Terminal Two car park, and also removal of "temporary replacement" Green Space from a second lost park, plus removed County Wildlife Zones for a second time and mitigate against carbon emissions in accordance with Paris Climate Agreement.</p>			
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So as pointed out already, the Selby Case established that plan making stops at the point of submission-so authorities can't rely on steps taken after the date of submission in order to demonstrate there is compliance with DTC.

A Statement of Common Ground merely saying that exchanges took place, cannot be used as substitute of the actual evidence demonstrating those exchanges, or lack of them, occurring before the DoS or any that are claimed to have taken place during this examination.

Sustainability Appraisals are a key part of the evidence-base against which the soundness of the plan is tested – in this case whether "the most" (NPPF, 2012) "appropriate strategy" when considered against reasonable alternatives.

Recognised in PPG: "[The SA]" can help make sure that the proposals in the plan are appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness has been met".

It is impossible to do this however when all of the aforementioned surrounding transboundary key strategic matters have been critically omitted from it.

Planning judgements can only be deferred if the LPA has demonstrated they are rational, not inconsistent and can provide evidence.

The omissions, errors and inconsistencies that exist in the SA and evidence base could also render the SA as being fundamentally and even substantially flawed. Airport isn't even mentioned in the SA or any updates.

Fundamental errors within the SA and SEA Regulations appear as inevitable derivatives of fundamental lack of observation and communication errors. They occur within the framework of irrational methodology and render the Plan and Policies unsound in regards to this strategic area. Whether removal of this EoL site can amputate the problem of non-compliance with DtC for the whole Plan - I do not know.

Inspectors are under a duty to satisfy whether the Plan satisfies certain legal requirements. Other problems exist...

Regarding the Statements of Common Ground:

ED6 - Sept 2017 - SoCG with Aylesbury Vale redacted copy. Nothing added since. Aylesbury Vale is a part of the Total Housing Market Area. Yet it has been redacted.

ED7 – Sept 2017 - SoCG Between NHDC and St Albans District Council redacted copy. Nothing else since. So still redacted.

ED28 - 14 Nov 2017 - Final SoCG between Bloor Homes & Crown Estate EL1, EL2, EL3 Land East of Luton (2) redacted copy. Contained nothing about Airport Enterprise Zone, employment area, Airport, Century Park or New Century Park thereafter.

ED81 – Feb 2018 – Supplementary Statement of Common Ground As Agreed Between North Hertfordshire District Council and Bloor Homes and the Crown Estate. Concerning Secondary education provision East of Luton. And the most recent attempt (2 December 2020) to provide a set of common maps has shown conflict with even their own earlier maps from this ED81!

Both ED81 and Mr Howell Williams’s recent maps show nothing about Earthworks, Landfill, Airport Enterprise Zone, Employment Zone, Airport, Century Park or New Century Park. It was on page 11 of this document that the true purpose of the overlapping area can be seen. It is a secondary school, primary road, and roundabout – not mutually agreed landscaping between the two developments as Mr Howell now attempts to assert! The “landscaping and hedgerow” description doesn’t even match the “Bloor Crown Master Plan” within their own SoCG.

MISSING VITAL HOMEWORK RELATING TO AIRPORT ENTERPRISE ZONE THROUGHOUT HEARINGS:

During Examination Hearings Weeks 1 -8 the Inspector requested from NHDC the following items - all relating to the preparatory works occurring in the area of the Airport:

INSPECTOR’S ACTIONS:

Week 3 (27-30 Nov 2017) – Matter 17 – Design (including Air Quality)

“NHDC to provide note in relation to safeguarded areas relating to aerodromes, specifically:

- What are the statutory requirements with which NHDC must comply in respect of Luton Airport?”
- Has NHDC complied with those requirements?
- What is the position in relation to SuDs in relation to safeguarded areas?”

NOT COMPLETED BY NHDC.

Matter 10 – LUTON

“NHDC to provide AECOM Technical Note confirming that the current Luton Airport permission was taken into account in modelling.”

NOT COMPLETED BY NHDC.

Week 1 (13-16 Nov 2017) Matter 3 – The Housing Strategy: the need for housing and the housing requirement.

“NHDC to:

-liaise with Luton Borough Council to reconsider wording in Plan regarding early review.

-produce further Statement of Common Ground setting out agreement/ disagreement on this issue and any proposed changes of text to plan.”

NOT COMPLETED BY NHDC.

Week 5 (23-25 Jan 2018) Matter 21 – Air Quality

“NHDC to publish an addendum to its matter 21 Air Quality Statement clarifying that the tables are based upon air quality monitoring data from 2016 and earlier and explaining why the data from 2017 was not used (as this data is incomplete).”

NOT COMPLETED BY NHDC.

Luton’s Plan was adopted back in November 2017 but only on the condition of an early review. However below is the reply from Luton Council about the date of their early review – they tell us that at the present time the Council has not published any revised LDS for a new Local Plan. The Council has written to me saying that because of “potential changes it is not possible to give a timeline for a full Local Plan review at this time.” Is this a breach of the PPG’s early review conditions? Three years has already passed since the Plan was conditionally adopted in November 2017.

Policy 4.5 in LLP states Luton capacity is in fact 9,322 and yet Mr Bedford QC argued the lower capacity figure to be “enshrined” as 8,500. Many of the QCs at NHDC’s Hearings have ignored Luton’s condition of an early review. Out-of-date figures are no longer “enshrined” but just old – and more enshrined than stale figures stands the overarching early review condition anyway - which is automatically *more enshrined*. But they have missed the early Local Plan review condition and are clinging onto an ever-shrinking OAN iceberg. Somehow they’ve created a smorgasburg by stacking a Primary School, a Community Centre, three storey flats, a pickled roundabout and a home-made road all teetering on top of another major development, whilst stashing a nice bit of Rochdale Envelope for later, slapped between two other buildings and lashings of groundworks – a triple-decker club-stacker-sandwich -all upon one platter.

COPY OF EMAIL REPLY FROM LUTON COUNCIL ABOUT EARLY REVIEW:

From: Church, Laura <laura.church@luton.gov.uk>

To: 'Carolyn Cottier' <cazad1@yahoo.com>

Cc: Cllr (Lab) Simmons, Hazel (Luton) <Hazel.Simmons@luton.gov.uk>; David Dorman

Sent: Tuesday, 22 September 2020, 16:39:00 BST

Subject: RE: Luton Local Plan Review Schedule and Public Consultation

Carolyn

Apologies for the delay in the responding.

The preparation of a new Local Plan including timescales is set out in the Local Development Scheme and would need to be approved by the Council’s Executive. At the present time the Council has not published a revised LDS for a new Local Plan.

Processes and stages for review are set out in legislation and the Council would have to follow these. This includes the stages when public are involved in consultation.

All the Council's Local Plan evidence documents are published on the Council's website <https://m.luton.gov.uk/Page/Show/Environment/Planning/Regional%2520and%2520local%2520planning/Pages/Local%2520Plan%25202011%2520-%25202031.aspx>

Any other documents are published on the https://m.luton.gov.uk/Page/Show/Community_and_living/Luton%20observatory%20census%20statistics%20and%20mapping/Pages/default.aspx

Key areas of the Local Plan that are currently being reviewed are:

- The Town Centre which is being progressed through the development of a new masterplan. Initial consultation on this has just been completed and a further consultation is planned for later in the year <https://engage.luton.gov.uk/>
- The Local Transport Plan <https://engage.luton.gov.uk/>

As I am sure you will be aware the Government has just published a Planning White Paper which suggests a radical change in the preparation of Local Plans. Given potential changes it is not possible to give a timeline for a full Local Plan review at this time.

Laura Church

COPY OF MY ORIGINAL EMAIL ENQUIRY:

From: Carolyn Cottier
Sent: 16 September 2020 10:04
To: Church, Laura <Laura.Church@luton.gov.uk>
Cc: Cllr (Lab) Simmons, Hazel (Luton) <Hazel.Simmons@luton.gov.uk>; David Dorman

Dear Laura,

Relevant to the NHDC Local Plan Examination and also for the stakeholders and forum groups within Luton could you please clarify the key dates for the Luton Local Plan review?

In his final Inspector's Report for the Luton Plan, Jeremy Youle passed it on the condition it be subject to an early review. The Plan was adopted November 2017, so now would be the natural time for such review and Cllr Shaw ensures us that it is already underway.

Could you please tell us the following?

- 1) At which particular stage of the review is the Council currently at?
- 2) How many stages are there expected to be in this review, what are they?
- 3) What is the date scheduled for the first time creation of the key documents called the Housing Economic Land Availability Assessment?
- 4) Which documents informing the Plan have been updated from their previous versions, or added as entirely new additions?
- 5) At which stage are the public and stakeholders going to be invited to give their opinions?
- 6) What is the date scheduled for the new examination hearings for the Reviewed version of the Local Plan?

- 7) When will the reviewed version be placed into the public domain for consultation?
- 8) What is the ideal date that the Council are seeking to have an adoption of the reviewed Local Plan, provided all goes well and to scheduled plan?

Sincerely,

Carolyn Cottier

SETTING THE RECORD STRAIGHT 5

How can this have happened?

PA17/02300/EIA CONSULTATION DATES ARE WELL KNOWN.

An anomaly can be spotted immediately.

Luton Borough Council **CONSULTED ONLY ONCE AND LATE** with the **TWO MOST IMPORTANT** Councils; those **THAT DO SHARE THEIR HOUSING MARKET AREA**. On Friday 24 August 2018.

Central Beds Council

Consultation Date: Fri 24 Aug 2018

North Herts District Council

Consultation Date: Fri 24 Aug 2018

On the other hand, other less important further away neighbours, **THAT DID NOT SHARE THE HOUSING MARKET AREA**, were all consulted twice – such as Parishes of Offley and Kings Walden, Hertfordshire County Council:

Hertfordshire County Council

Consultation Date: Tue 09 Jan 2018

Hertfordshire County Council

Consultation Date: Fri 24 Aug 2018

Kings Walden Parish Council (Tom Brindley)

Consultation Date: Tue 09 Jan 2018

Kings Walden Parish Council (Tom Brindley)

Consultation Date: Fri 24 Aug 2018

Offley Parish Council

Consultation Date: Tue 09 Jan 2018

Offley Parish Council

Consultation Date: Fri 24 Aug 2018

Hertfordshire County Council

Consultation Date: Tue 09 Jan 2018

Hertfordshire County Council

Consultation Date: Fri 24 Aug 2018

Other statutory bodies, who did not have any Strategic Housing Site proposed adjacent to this area of development managed to respond with substantial and lengthy replies. NHDC had access to all of these neighbours' responses – so they could have read them for ideas had they have had none of their own.

There are a handful of responses to PA17/02300/EIA to give some idea in Appendix 1.

MATTER OF FACT 6

MR HOWELL WILLIAMS GIVES INCOMPLETE DESCRIPTION OF WHO WAS PROVIDING THE MATERIAL IN RESPONSE TO THE CONDITIONS THEY WERE STATED BY THE INSPECTOR IN ADVANCE OF THAT MATERIAL BEING PERMITTED TO EXAMINATION. A standard equality practise note would be: please insert names of the representative QCs so anonymity is not afforded to only one party against explicit citation of the other party's name (Ms Cottier). Mr Howell Williams has issued this information yet has afforded the Crown Estates representing party anonymity.

Examination of the North Hertfordshire Local Plan (2011-2031)

Examination hearing sessions

Luton Airport Expansion Plans

Note for Inspector

On 26th November Ms Cottier referred to the proposed Development Consent Order (DCO) application for the Luton Airport expansion proposals and the "overlapping" boundaries with proposed allocation site EL1. Bloor Homes and The Crown Estate offered to provide plans to clarify the position for the Inspector.

[Insert]: Mr Howell Williams QC representing Bloor Homes and [Insert "the other legal representative's name" for] The Crown Estate offered to provide [insert: maps and plans with sources clearly and accurately cited,] to clarify ~~the~~ their [remove ~~the~~ – it is "their" position only not "THE"] position for the Inspector."

APPENDIXES

APPENDIX 1: Others who responded to New Airport Enterprise Zone PA17/02300/EIA (as proof that it was really happening) – as in I am not misleading the Inspector; everyone knew about it.

Environmental Protection replied twice:

Environmental Protection

Comment Date: Tue 19 Feb 2019

This application is an outline application and comprises the construction of a business park comprising office space (B1), warehouse and industrial space (B2 and B8), mixed employment space (B1/B2 and B8), a hotel (C1), café space (A3), energy recovery centre (sui generis) and associated works (including works to the local road network).
Please note that it is understood that at this stage the traffic assessment/data is the subject of dispute/discussions and may change. Any significant change in the traffic assessment/models as a result of these discussions may impact on the matters on which I am commenting e.g. air quality and noise assessments.
Construction Phase:
For the construction phase, it is concluded that noise and dust mitigation measures should be used to mitigate impacts in the locality during this phase. A condition is recommended for either a Construction Environmental Management Plan to be submitted for approval prior to the commencement of the cover a number of issues including noise, vibration and air quality. I have drafted a condition below in this regard for your consideration.
Or;
Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
a) The construction programme and phasing;
b) Hours of operation, delivery and storage of materials;
c) Details of any highway works necessary to enable construction to take place;
d) Parking and loading arrangements;
e) Details of piling operations and mitigation measures to be employed;
f) Details of hoarding;
g) Management of traffic to reduce congestion;
h) Control of dust and dirt on the public highway;
i) Details of consultation and complaint management with local businesses and neighbours;
j) Waste management proposals;
k) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.
Reason: In the interests of highway safety and the control of environmental impacts
Operational Phase:
For the operational phase the ES also covers noise air quality and land contamination.
Noise:
The noise section of the ES concludes that limits can be set for mechanical plant and equipment and that mitigation can be installed to minimise the noise impacts to Holiday Inn. I recommend that conditions are attached for both of these aspects. However, I would also await any updated transport assessment to ascertain whether the noise assumptions and predictions are accurate.
Land Contamination:
The Contamination Quantitative Risk Assessment submitted with the application concludes that more work is needed to fully delineate the extent and type of contamination on site and this is agreed. I see that the Environment Agency have recommended conditions securing this additional work and the remediation of such and subsequent validation works. I am satisfied that the wording of their conditions is relevant to our concerns of human health and recommend that they are placed on any approval should you be minded to grant permission. However, the 'Human Health' element needs to be made clear in the 'Reason' section such that it is expanded from the water environment.
Air Quality:
An air quality assessment has been included in the submissions which predicts NO₂, PM₁₀ and PM_{2.5} levels in the locality both with and without the development and this has included increases in traffic etc from committed developments in the area.
The report concludes that for PM₁₀ and PM_{2.5} concentrations are predicted to be well below the annual mean objectives at all receptors with or without the development. Additionally, the annual mean PM₁₀ concentrations are predicted to be below 32 µg/m³ concluding that the 24 hour mean PM₁₀ objective will not be exceeded at any of the receptors.
For NO₂, the conclusions are that whilst there will be an increase in concentrations at the majority of receptors (with concentration changes in the order of 0-2%) it is predicted that there will be no breach of the objective at the receptors. Two scenarios were undertaken a conservative assessment and a 'worst case sensitivity test (based on higher emissions from diesel vehicles) for which the highest predicted levels with scheme were at receptor 31 of 31.2 and 36.5 µg/m³ respectively.
However, the report goes on to suggest that mitigation should be included by design (including constructing new roads well away from any sensitive receptors) which should include measures as set out in the Environmental Statement but should also include electric vehicle charging points at a level in line with Council policy. In order to secure mitigation by design, I

recommend the following condition is attached to any permission granted. No development hereby approved shall commence until a scheme of air quality mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to the first occupation of the permitted dwellings. Reason: To prevent pollution of the environment and protect local air quality. Additionally, the Environmental Statement suggests that the proposed development may include a centralised energy plant such as a combined heat and power (CHP) and boiler plant whose emissions could impact on existing residential properties. However, as the capacity and type of plant are unknown at this stage it is suggested that the impacts of such a plant will be determined at the detailed design stage once this information is available. To this end, I recommend the following condition is placed on any permission. No development hereby approved shall commence until a suitable Air Quality Assessment has been undertaken, submitted to and approved in writing by the Local Planning Authority to address the inclusion of any combined Heat and Power plant or similar installations. The assessment shall be undertaken in line with all current relevant guidance and standards. The report shall identify suitable measures to mitigate the impacts to any sensitive receptors identified. The development shall be carried out in accordance any approved plant or mitigation. Reason: To prevent pollution of the environment and protect local air quality

Environmental Protection

Comment Date: Tue 19 Feb 2019

Outline Consent for a business park comprising office space (Class B1), warehouse and industrial space (Class B2 and B8), mixed employment space (Class B1/B2/B8), a hotel (Class C1), cafe space (Class A3); energy recovery centre (sui generis) and associated works; and Full application for the construction of a 2km Century Park Access Road incorporating a new junction on the A1081, alterations to the existing Airport Way roundabout, alterations to Frank Lester Way, a newly created access from Eaton Green Road, demolition of buildings, provision of replacement car parking (temporary and permanent), associated works; the creation of new public open space; extension and alterations to Wigmore pavilion to provide cafe (Class A3) and additional community space; construction of a new skate park and children's play area; and construction of a replacement airport technical services building and associated parking. Thank you for your memo regarding the above application. Please see the comments below from our Air Quality Consultant: This application is an outline application and comprises the construction of a business park comprising office space (B1), warehouse and industrial space (B2 and B8), mixed employment space (B1/B2 and B8), a hotel (C1), café space (A3), energy recovery centre (sui generis) and associated works (including works to the local road network). For the construction phase, it is concluded that dust mitigation measures should be used to protect air quality in the locality during this phase. A condition is recommended for either a Dust Management Plan to be submitted for approval prior to the commencement of the development or for a Construction Environmental Management Plan to be submitted which could cover a number of issues but include air quality. I have drafted a condition below in this regard for your consideration. Prior to the commencement of the development, a dust mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken out in accordance with the approved scheme at all times. Reason: To prevent pollution of the environment and protect local air quality. For the operational phase, an air quality assessment has been included in the submissions which predicts NO₂, PM₁₀ and PM_{2.5} levels in the locality both with and without the development and this has included increases in traffic etc. from committed developments in the area. The report concludes that for PM₁₀ and PM_{2.5} concentrations are predicted to be well below the annual mean objectives at all receptors with or without the development. Additionally, the annual mean PM₁₀ concentrations are predicted to be below 32 µg/m³ concluding that the 24 hour mean PM₁₀ objective will not be exceeded at any of the receptors. For NO₂, the conclusions are that whilst there will be an increase in concentrations at the majority of receptors (with concentration changes in the order of 0-2%) it is predicted that there will be no breach of the objective at the receptors. Two scenarios were undertaken a conservative assessment and a 'worst case sensitivity test (based on higher emissions from diesel vehicles) for which the highest predicted levels with scheme were at receptor 31 of 31.2 and 36.5 µg/m³ respectively. However, the report goes on to suggest that mitigation should be included by design (including constructing new roads well away from any sensitive receptors) which should include

measures as set out in the Environmental Statement but should also include electric vehicle charging points at a level in line with Council policy. In order to secure mitigation by design, I recommend the following condition is attached to any permission granted.

No development hereby approved shall commence until a scheme of air quality mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to the first occupation of the permitted dwellings.

Reason: To prevent pollution of the environment and protect local air quality.

Additionally, the Environmental Statement suggests that the proposed development may include a centralised energy plant such as a combined heat and power (CHP) and boiler plant whose emissions could impact on existing residential properties. However, as the capacity and type of plant are unknown at this stage it is suggested that the impacts of such a plant will be determined at the detailed design stage once this information is available. To this end, I recommend the following condition is placed on any permission.

No development hereby approved shall commence until a suitable Air Quality Assessment has been undertaken, submitted to and approved in writing by the Local Planning Authority to address the inclusion of any combined Heat and Power plant or similar installations. The assessment shall be undertaken in line with all current relevant guidance and standards. The report shall identify suitable measures to mitigate the impacts to any sensitive receptors identified. The development shall be carried out in accordance any approved plant or mitigation.

Reason: To prevent pollution of the environment and protect local air quality

Mrs Joanne Nelson
Acting Team Leader

P09- A14608/ 1303035
P09- «refno»/ «Arefno»

The Chiltern Conservation Board replied:

[The Chiltern Conservation Board](#)

Comment Date: Fri 23 Feb 2018

Century Park Luton
LBC reference 17/02300/EIA
Outline Consent for a business park comprising office space (Class B1), warehouse and industrial space (Class B2 and B8), mixed employment space (Class B1/B2/B8), a hotel (Class C1), cafe space (Class A3); energy recovery centre (sui generis) and associated works; and Full application for the construction of a 2km Century Park Access Road incorporating a new junction on the A1081, alterations to the existing Airport Way roundabout, alterations to Frank Lester Way, a newly created access from Eaton Green Road, demolition of buildings, provision of replacement car parking (temporary and permanent), associated works; the creation of new public open space; extension and alterations to Wigmore pavilion to provide cafe (Class A3) and additional community space; construction of a new skate park and children's play area; and construction of a replacement airport technical services building and associated parking.

22nd February 2018
CCB part holding objection / part comments.

Background duties and responsibilities
Section 87 of the Countryside and Rights of Way Act 2000 sets out the general purposes and powers of a Conservation Board and includes:

Section 87(l) It is the duty of a conservation board, in the exercise of their functions, to have regard to (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty, but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).

section 87 (2) A conservation board, while having regard to the purposes mentioned in subsection (1), shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty... and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty.

These duties include a consideration of impacts from outside the statutory boundary (i.e. setting).

CCB Comments in background of the North Herts DC Local Plan
Thank you for consulting the Chilterns Conservation Board (CCB). CCB recently responded to the Butterfield Park application (Redevelopment to commercial units within flexible use B1c B2 and B8 at land at Butterfield Technology Park, Great Marlings, Luton, LBC reference 17/02069/FUL, 25th January 2018). The land to the immediate north / north- east of the Butterfield application (towards Lilley and north of the A505) is within the AONB (as is confirmed by the North Herts DC Local Plan No.2 with Alterations Saved policies - proposals map 15). Clearly Luton is constrained by its tightly drawn administrative boundaries and the surrounding countryside is in part protected by national designation

(with the AONB to the west and north - east) and highly valued landscapes to the east (applying the guidance in paragraph 109 of the NPPF). The landscapes to the immediate east are denoted by their landscape character, as is recorded in the Herts Landscape Character Study, particularly as Landscape Character Area (LCA) 212 at Lilley Bottom. This land is, in part, a candidate for AONB status, due to the similarity in landscape character and the potential for some of this wider corridor to be incorporated within the nationally protected landscape. CCB proposed a boundary change to Natural England in 2013 which is still under consideration. Two current (undetermined) applications are before North Herts DC for:

- (i) 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 - reference NHDC 17/00830/1
- (ii) Land west of Cockernhoe / Land East of Copthorne, Cockernhoe. Erection of 660 dwellings together with associated public open space, landscaping, highways and drainage infrastructure works (outline planning application) - NHDC reference 16/02014/1.

These sites are also proposed allocations in the North Herts Local Plan Proposed Submission Version (November 2016) and currently the subject of an examination-in-public. CCB has submitted objections / representations respectively on these matters, dealing with the high landscape sensitivity of this area, harm to its setting, candidate status for AONB boundary review and that the long term, cross-boundary and cumulative effects upon the Chilterns AONB have not been satisfactorily addressed. Those representations affect this application with regard to the transport assessment. To assist, CCB has made the point (against policy allocations) that the duty to cooperate and the unmet needs of neighbouring Luton are not a reason to harm the AONB or its setting. When measured in the Sustainability Appraisal for the NHDC Local Plan there appears a lack of consideration of alternatives that do not affect the AONB. In respect of these NHDC planning applications CCB made the point that, as well as the Council's own landscape study of 2011, The Landscape Partnership (TLP) in July 2009 prepared an environmental sensitivity study to inform the selection of potential growth areas in responding to the Luton and South Beds Core Strategy. They concluded then, when looking at land identified as site L1 (which covers this land to the east of Luton, albeit a larger allocation), that 'It is considered by TLP that the area south of the A505 is of equal quality and sensitivity to that north of the A505 which is within the AONB'. We have deemed these matters of material importance and asked that weight is given to the landscape character, the relationship to the existing AONB to the north and the candidate status of the land to the east. CCB Comments on the current application at Century Park

CCB would submit 3 principal points here:

- (1) The assessment of cumulative impact upon land to the east of Century Park when this application is also considered against the duty to cooperate and the consequential North Herts DC allocation, is unresolved. A decision is anticipated on the soundness of the NHDC plan in this respect and it affects the transport assessment in this current application.
- (2) The need for assurances and mechanisms to control the impacts of airport related development when combined with (1) above, to ensure that traffic does not emanate from the eastern hinterland of the airport. Further, that existing public benefits are protected, such as the Chilterns Cycleway which criss-crosses the landscape to the east.
- (3) That, until resolution of the above matters, it is difficult to assess, with full weight given to the recently adopted Luton Local Plan 2017 and especially Policies LLP 6 London Luton Airport Strategic Allocation (viii) - minimise the use of the car, Policy LLP31 - Sustainable Transport, at (B) (i) - minimise the need to travel and Policy LLP29 - Landscape & Geological Conservation - at (i) which deals with the special character, natural beauty, landscape and setting of the Chilterns Area of Outstanding Natural Beauty.

The cumulative impact upon land to the east

Such a sensitive landscape character area, with its relationship to the AONB, is a material issue. The Chilterns Conservation Board has produced a position statement on the setting of the AONB. We are especially interested in the impact upon the Hertfordshire Landscape Character Area LCA 202 and 212. The economic development of related airport land and travel to the airport itself has potential to exert an impact by a combination of vehicular traffic (in this case) and in respect of tranquillity impacts (as air traffic movements increase, as is projected in the 2012 decision to increase operations to 18 mppa). The combination of Environmental Impact Assessment and Sustainability Appraisal for applications and plans/programmes respectively manifests that a significant environmental impact should be assessed and mitigated, or an alternative location proposed. In the current application the proximity of the Wigmore Valley Park provides a significant buffer and one that is increased in its area, accepting the loss of a part of it to relocation of the technical services building.

The Design and Access Statement (at its page16), deals with the

principal driver of 'unlocking the site' by creating a new access that seeks to avoid access to the airport and provides a new direct access to the business park. It states that (paragraph 6.1) traffic is directed away from Eaton Green Road but that there will be a new road from the eastern end of the Century Park Access Road (CPAR) which links to Eaton Green Road. We have noted that a great deal of attention is placed on avoiding any burden on Eaton Green Road. However, the application, as stated at Paragraph 4.43 of the supporting planning statement accepts that the CPAR links to Eaton Green Road which is likely to increase flows.

Should the NHDC housing allocations progress, then their principal route into Luton will be via Eaton Green Road, travelling to and from a place of work. With up to 3,724 full time job equivalents proposed at Century Park, this routing direction will become even more popular than it is currently. Luton Local Plan Policy LLP 6 (viii) sets out modal shift targets and promotes sustainable transport modes and Policy LLP 31 (B) (i) to minimise the need to travel.

CCB asks that weight is given to these objectives as the unresolved nature of the NHDC allocations to the east is of material importance, in effect if they progress to implementation these allocations impact considerably on the Council's ability to deliver these policies. From our standpoint this means that should these allocations not proceed and the candidate status of the land to the east of Luton does progress in the future to an extended AONB boundary, then the need to avoid any increased use of Eaton Green Road will impact upon the use of roads via Cokenhoe and in the Lilley Valley area, which is deeply rural and tranquil. The applicant's Environmental Statement at its table 4.1: Cumulative Schemes includes an assessment of impact that includes both of these allocations.

The Environment Statement at its Chapter 7 deals with transport / traffic and states that (7.2.34) 'Whilst the link between CPAR and Eaton Green Road might seem to contravene LLP6 in the LLP 2011-2031, the existing situation together with modelling discussed in chapters 5 and 6 of this TA, shows that this link helps to relieve pressure on Eaton Green Road between Vauxhall Way and Wigmore Lane, particularly if Frank Lester Way is closed to motor vehicles. The [link] between Eaton Green Road and CPAR effectively diverts those vehicles from Lalleford Road and Wigmore Lane that are travelling to the M1, the airport business park and the airport, away from Eaton Green Road and onto the new CPAR. By locating this link further east of the existing Frank Lester Way link, this diversion is carried out earlier, for this traffic than the existing situation'.

We could not find in the modelling within the Transport Assessment, any factoring that involved the NHDC allocations. Also, that modelling does not appear to include the impacts arising from the NHDC allocations and their overall implications on the Lilley Valley. We recommend that this assessment is added to the assessment of cumulative impacts.

The need for assurances and mechanisms

The Inspector who presided over the Luton Local Plan examination made the point in his report (at 320 and in major modification MM 16) that there was a need to avoid channelling traffic to Eaton Green Road. The Inspector placed some attention on Local Plan policies LLP 6 and LLP 31 in the delivery of a sustainable transport strategy here. The key issue is that further vehicular along this corridor must be discouraged.

CCB asks that the use of the CPAR will not promote vehicular generation to the east. From our perspective any additional route promotion from the east will diminish the tranquillity and qualities of the candidate landscape in the Lilley Bottom area and will diminish enjoyment of rural lanes and roads which are an intrinsic part of the Chilterns Cycleway. We would welcome an addendum to the transport assessment to reassure us on this point. We would want to know how detailed and enforceable assurances can be given here.

Delivery of Local Plan policy

The Local Plan Inspector accepted that Policy LP 29 was consistent with the National Planning Policy Framework at 115 (on AONB duties). In delivery of that policy and with cognisance of the NHDC proposed allocations under the duty-to-cooperate, the CCB would say that delivery of Local Plan policy LLP 6 (viii - modal shift) and LLP 1 (minimise the need to travel) requires a suite of alternative transport modes to the proposed business park and rigorous commitments in the design and layout of roads to (i) promote and deliver modal shift and (ii) to avoid any promotion of the limited eastwards route out of the town, which has medium to longer term impacts that would be unacceptable for the quality of this (currently) valued landscape and (potentially) nationally protected (AONB) landscape. These cumulative effects must be given attention in the environmental assessment of impacts.

In conclusion we reiterate the earlier point that the issue of vehicular generation from the eastern area is unresolved and cannot be resolved until the NHDC Local Plan Inspector delivers his conclusions on the soundness of the plan. The evidence discussed at the examination hearing session on 7th February 2018 also points to the fact that transport impacts and allocations here are the subject of dispute and some uncertainty. Until the Inspector rules on the soundness of these NHDC allocations the current desire to resist impacts upon Eaton Green Road cannot be assured. For that reason LBC will need to await that report before this matter may be properly concluded.

Other matters

Finally, CCB asks that careful consideration is given to

lighting details and how they may be determined in the future consideration as to impacts. A lighting strategy is mentioned in paragraph 10 of the design and access statement. This is clearly a matter for more work and we seek compliance with the best practice advice promoted by the Commission for Dark Skies. Many of the neighbouring landscapes offer important views back to the urban area and this relationship would be the subject of a best practice approach. As some of the proposed buildings themselves are up to 20 metres in height, then light pollution and its impact has potential to be significant.
CCB is grateful for the opportunity to submit these comments. Our central point pivots on the outcome of the North Hertfordshire Local Plan examination and its implications for the valued landscapes and potential AONB landscapes to the east of the town.
Yours sincerely
Michael Stubbs MRICS (Planning & Development) Planning Adviser Chilterns Conservation Board

Central Beds Council put something in:

[Central Beds Council](#)

Comment Date: Tue 19 Feb 2019

See docs Tabs

London Luton Airport put something in:

[Safeguarding - LLA](#)

Comment Date: Wed 07 Feb 2018

See Docs Tab

Health and Safety Executive commented:

[Health And Safety Executive](#)

Comment Date: Tue 10 Apr 2018

Please be aware that the site boundary does not fall within the HSE consultation zones for a major hazard site or major accident hazard pipeline and so the HSE LUP team have no comments regarding the planning application. However, there is a HSE Explosive Safeguarding zone within the site boundary, therefore you will need to consult with the HSE Explosive team. I have forwarded your email to the team requesting that they reply to your email.

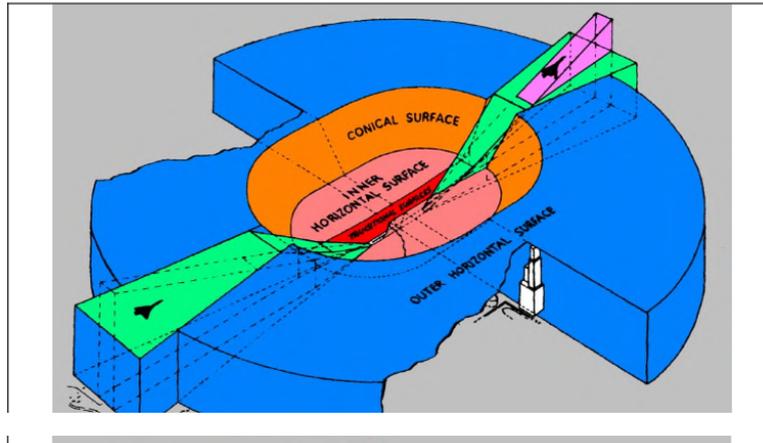
See Docs Tab

APPENDIX 2: The LPA is supposed to get a statement of community involvement with the airport operators and the airport owners. They are meant to include a safeguarding map in the master plans.

Here is an example of the type of map regarding the heights of buildings.

Source: <http://www.gaac.org.uk/wp-content/uploads/2015/10/GAAC-Safeguarding-Intro.pdf>

10. Although the diagram below illustrates the OLS for a large airfield, it shows the principles involved. Small airfields would not have an outer horizontal surface and the OLS would be circular. OLS represent the lower limit of the blocks of protected airspace around an airfield. They take the form of a complex set of 3-Dimensional surfaces, which extend upwards and outwards from the runway(s). The OLS completely surround the airfield, but those surfaces aligned with the runway(s) used to protect aircraft landing or taking-off will be more limiting than those surrounding the rest of the airfield, particularly closer to the airfield.



Planning Applications and the Safeguarding Process

11. The first thing an airfield operator should do is to establish contact with the LPA and, hopefully, establish the site's interests in the 'Statement of Community Involvement'. It is important for the LPA to encourage such contact and to understand what needs to be

APPENDIX 3: Recap of Request/ Background/ Context to Request via Transcript

Source: <https://www.youtube.com/watch?v=Ho3OGJpDfXk>

North Hertfordshire Local Plan Examination – 2nd Dec 2020 14.00pm

119 views

•Streamed live on Dec 2, 2020

SB = Planning Inspector Simon Berkeley

SO = Ms Suzanne Ornsby

CC: Ms Carolyn Cottier

1:14mins – SB: Ms Cottier, erm, are you there? [black screen – technical issues]. Ms Cottier, are you there? Right... apparently not. [Camera image phases in], ah,

1:57 – CC: I am! The thing is not working again. It's just very temperamental, so it'll probably start, just don't worry about it and I will try to fix it while other things are going on, ok?

2:14 – SB: I just wanted to make sure that you could hear me, as I wanted to address you and also Mr Howell Williams, so if you can all hear me alright...

2:22 - CC: Yes, I can confirm I can hear you.

2:25: SB: That great, thanks. Erm so yeah, erm, **I'm not tremendously fond of loose ends and unfinished business.** So I have spent some of my lunch break still having a brief look at the submissions that you have both sent me. I started off by looking at those from Bloor, and then started to look at your submissions as well Ms Cottier.

It's quite clear even on a brief look, to me, a note from Mr Williams and from Bloor Homes would be of assistance, erm, that's by enlarge because your submission are admirably detailed and its quite clear from your submission that matters there, the situation there is not necessarily a straight forward one. That, because it's not straight forward, that I gather is the reason why, just to be clear, the term "misled" I don't think anyone's trying to mislead me or anything like that...

4:11 (Interruption) SO: ...But Sir! Forgive me for interrupting, but I'm afraid you broke up, you were frozen so perhaps you'd like to just...because it is quite important, perhaps you'd like to start again on that, I'm so sorry, But I don't know if everyone else was having the same difficulty but certainly on my screen... I see lots of nodding heads,

4:29 - SB: Ok...

4:29 – SO: You were freezing at the critical moment. I think we got to the stage where you were saying it was not straight forward and therefore the reason why...we were hanging you your every word Sir...and then...I'm afraid you froze...

4:42 – SB: ...oh dear, right, my apologies, should it happen again, then please do let me know. Erm so yeah, the reason that, I don't know if this was heard or not, but your submission is admirably detailed and I thank you for that. It's quite clear from a brief look at your submission that matters, you know the situation, is not a straight forward one; frankly that's pretty apparent, just from the level of research you've done into it. It's not a straight forward situation. I think because it's not straight forward, that Mr Williams is concerned I might be misled, and "misled" as a term as I'm using it, I know you're fond of definitions and quite rightly so Ms Cottier, it's not about anybody trying to mislead me or anything like that, its frankly about me not understanding or getting something wrong, and if I get something wrong it's not helpful to anybody. **Because it's in short, a bit of a complicated situation**, I can see why Mr Williams might be concerned by it if I get something wrong, and therefore I think it's only right and fair, erm for Bloor Homes to have the opportunity to clarify the more complicated areas. And that is it. I don't want to be taking up anymore hearing time on that point erm, I've already taken up quite enough of that. You've got your hand up Ms Cottier, is that because you wanted to say something, or because I sort of call you in..?"

6:30 – CC: No, I wanted to ask, can I also submit comments on the map that he's provided? Because there are things that I believe, well... are misleading...essentially, for example he hasn't said where his maps were sourced from. And you requested that we quote clearly our sources, and also one map is missing, erm, he's only presented the DCO map, but he was also asked to present the whole Enterprise Zone – Planning Application 17/02300/EIA. Which is NOT a DCO – that's missing... and the labels were removed as far I could see, if I had gotten his source for one of the maps correct, in the original there are labels, but they have not been shown, and they were also sent with some notes, that were also incorrect due to them saying that the area on the EL1 land is landscaping. And there are parts that he is saying are landscaping are not landscaping. They are from figure 3.11 in the Scheme Development and Construction Report which I gave as my source, and which you can see by looking at it, and that's probably the source of his map, but I don't know, he'll confirm that. And then the explanatory notes relating to that figure, that diagram, map, whatever; it's enclosed within the same document and it's picked out these areas and called them the Rochdale Envelope. In other words they relate to an enclosed building, with an unknown infrastructural purpose, but Bloor Homes is not mentioned anywhere at all in that DCO Scheme or its development and construction report. They're really not a part of it at all so, as I already said, they can't be a part of the DCO under the Planning Act, so they're simply not. So also to be included, in a DCO application and to be appearing on the map for the DCO, that LLAL's presented in their construction reports, they would have had to featured somewhere in the statutory consultation they held, which of course they've never been a part of that, so I frankly find it most strange that he's attempted to implicate the housing development into an entirely different planning application. And an unrelated DCO application as well. And in short I've found this to be a very odd response for the fellow. So could we also allow me to respond? ... Because I have made those observations, as he's made observations about what I've submitted..."

9:32 – SB: I thought you might say that. I anticipated the request and here's where I stand on that. Look,...the purpose, or part of the purpose at least, to me agreeing to receive these documents in the first place. Well there are two reasons really, number one, so that I could see on maps things that are being explained to me verbally, during

the hearings so, I **could actually put that together in my mind's eye**. So the benefit of having maps to go along with the words. And the other one is to establish matters of FACT. So on the first point, Ms Cottier, I think at least I don't know for sure but hopefully the documents you've sent me so far do show me in that map form, the points that you were making to me at the hearings, I can't say that for sure because I haven't quite had the chance to look at that document in sufficient detail, but, so...what I would say is, I'll accept a note from Mr Williams setting out explanation, in terms of matters of fact. And well, put it this way, if you think that **if there's anything that comes to me from Bloor Homes that is factually incorrect, then yes, I will let you have the opportunity to straighten the record** as it were, all to tell me."

11:28: CC: Okay thank you.

APPENDIX 4: Transcript of what was said before the break about the Airport Enterprise Zone Local Application and DCO Maps provided by Ms Cottier.

North Hertfordshire Local Plan Examination – 2nd Dec 2020 9.00am By North Hertfordshire District Council – Livestreamed Youtube 2 December 2020

02:56:49 – SB: Thank you, yeah, I'm looking to move one from the East of Luton very soon, erm I have Mr Williams and Ms Cottier wanting to come in with final points on the East of Luton change in assessment...Mr Williams...

02:57:15 - CHW: Sir, my erm my interjection is in fact more directly related to the matters to which Ms Cottier referred....when seeking to deal with submissions made by Mr Beglam, it also is related to the document that I think has now been put on the examination website answering your request for maps in relation to the boundary of EL1 and EL2. And it relates to the DCO Airport boundary.

02:57:59 – SB: Just so everyone is aware... so yes, I have received those. Erm I started to look through them but by no means completed looking through those documents.

02:58:18 - CHW: Well that's very helpful Sir, and it may be that you'd like to defer this conversation until you've had a better time to deal with, the short point it is that we are concerned about the document that Ms Cottier has put in, you will have seen the documentary references are essentially to consultation documents and preliminary environmental assessment documentations including scoping documents, and its entirely normal, bearing in mind the stage the proposal is at. Erm we had provided maps, I think three, with a very short – four maps, with a very short note, half a page I think barely that....to help you understand the maps, however Ms Cottier has provided a very long, a very detailed document, in large part relying on internet links, and including her own annotations and commentary as she has provided those links and those maps, the, the concern is here that first with great respect to her she has gone well beyond your request which was for maps, that should be clearly labelled. Erm secondly, erm, what is in the document by way of content has the potential to mislead, and certainly there is...having had a look at it ourselves, a large amount of confusion, and confusing statements and references. And thirdly Sir, it's most unsatisfactory to provide for you as an inspector on this examination, a large number of website links requiring you at least, it seems to be saying or certainly as a request that you should look at them and read what is said to be hundreds and thousands of pages, forgive me; I can't remember the precise figure, erm, in circumstances where no other party at the enquiry will be able to keep track of your consideration let alone answer questions that you might have on the way. We had understood your request to be quite a simple straight forward one, and we had sought to answer it in what we believed was a clear way, but what you are now given is a document which is far from helping with clarity on that issue serves to obscure the true picture, I'm sorry that was a long way of introducing my point which was we do look to you to help us help you; we're concerned that if you're left with what you're left with, that we won't know whether or not you're confused, whether you have a fair and accurate picture, and we're troubled for the three reasons that I've given. We think it's possible that we could provide again, a very short note indeed the moment I've been given instructions that there's one extract from one document of the scoping report which sheds considerable light on the many, of the points that are made, it may be that Luton Borough Council feel that they can

assist us on any matters of fact that they think are worthy of clarification. But in truth Sir we look to you to help us help you, and what we don't want to do to be honest, waste your time, and in particular we don't want to leave you with anything which has the potential to mislead you.

03:03:11 – SB: - Erm...yes...well on that, I'm not in the habit of being misled. But you have the advantage on me in that as I said, I haven't looked through these documents yet in essence, I've opened an email, seen there's quite a lot of documents and not had time to look at them. Very little more than that. And so look, for my part, I don't want to take up any hearing time on that particular point that you raise, and the concern that you raise, I think it's best for me probably first of all to actually see those documents and to decide what to do, once I have....either way, I would say that if I do require anything else from anyone else, I think that that's something, unless you think otherwise Mr Williams, but certainly I'm of the pretty firm view that can be dealt with in writing, if indeed there needs to be any further points made at all.

03:04:31 – CHW: Yes well Sir, we're very much in, in, in your hands as, as to that, and as I say, we are at the moment even now looking at this document.

03:04:36 – SB: Okay....

03:04:37 – CHW: So I think as you rightly say, we can only take it step by step Sir, and I think that you are at a disadvantage I appreciate that an erm...we await to see your views about how best to deal with the matter and take it further forward, to assist you Sir.

03:05:10 – SB: Okay, thank you, for that. Er were there any additional points from your side, Mr Williams, on the East of Luton sites? Because my intention now is to hear from Ms Cottier, has her hand raised... but it's not my intention really to go back.

03:05:32 – CHW: No Sir, thank you for the opportunity, but we've nothing further to add to our written or submissions, on that.

03:05:38 – SB: Thank you and, Ms Cottier then; just a final points then on the East of Luton sites before, I move onto Site GA2, so the East of Luton sites then and the change in the assessment.

03:05:56 – CC: Yes thank you, erm, I provided sources, for the maps. So my maps were...I took them from the sources, the actual documents were used by the Council, and I provided those sources, and then within those sources are explanations, and I've provided the chapter and the location where you can find the explanations. And the long list of URLs at the bottom, but which Mr Williams referred to were put there to help you gain access easily, to the sources; as to whether you want to read those sources is another matter entirely, but it just saves you doing long internet searches to try to locate them, because they are not easily locatable, possibly by design.

So I provided them, that's up to you whether you want to access them or not, but all of my information is taken directly, from the source documents without interpretation from me. I must add without omissions and without interpretation from me.

And I've just looked up Rochdale Envelope, which is the term used in relation to that map I provide, and relates specifically to the objects that have appeared on the map, that are part of the overall application, but it's not as to whether it's the preparatory works, or the DCO that it's relating to. However I've looked up and I've found this which might be looking – it's an Advice Note 9 – called the Rochdale Envelope, it's issued by the Planning Inspectorate, it's called, it's entitled; "Using the Rochdale Envelope" and it says, "This advice note explains the use of the Rochdale Envelope Approach under the Planning Act 2008", and then it goes on to explain it and it seems to be something used in delivering wind turbines, so I'm not sure that's the case in this case, but there is an energy centre that has been approved... so it may be that it's something related to infrastructure and the planning application that has been made and the preparatory works relate to it involving an energy centre, which appears to be located near the current terminal buildings, but then there is part of the future DCO, well they would like to include it in the current, and energy pipeline....so it may be relating to preparatory works for some kind of storage facility, for the energy pipeline that is going to be serving – you see how they've planned it, is on this side of the park near where they've

located the energy envelope, near ...sorry the energy envelope; the Rochdale Envelope, in the DCO plan that's going to be the Airport Terminal Two building, so that could be why the preparatory works relating to, the preparatory works are the already approved planning application. And within them is, as I said the other day, it's eleven parts and one of those eleven parts is an energy centre, and they've put in brackets (sui generis), which I understand to mean "in a category of its own, one of its kind in a class of its own" something like that so it's some kind of extraneous thing that is on its own, and then they've put the Rochdale Envelope which relates to infrastructure around the two buildings that are already on Site EL1's corner. And then coming further down towards the park there's some more straight shapes that are more boundaries coloured around in red, those are gonna be I think like little hedgerow clusters, but then behind that are two large big squares, and they are on EL1, but they are part of the DCO, but it's not clear because they kind of veiled it with the Rochdale Envelope facility - they've called it. They say this in that document, and that's why I gave the sources of the documents, that it's THIS. But all I know after having scouted around last night, it relates to some type of infrastructure project, and it would make sense that the pipeline has to serve the Terminal building Which is going to be....they're basically pretending that they've gonna be building an Enterprise Zone, but really what they've always done, is they've got the initial outline planning, and then they got the actual planning permission two years ago, and there were groups in the area that were saying to them, "Look we know you're not doing an Enterprise Zone, we know you're doing Terminal Two, and they were like, "No, no, we can do the enterprise zone regardless of the outcome of the DCO, so we haven't done anything wrong", and there's been this kind of thing going on, but regardless of that, the enterprise zone is a fixed thing, and the Terminal Two building is gonna be on that side and that's where the Rochdale Envelope stands, so make of it what you will. But all I can say is that there's definitely something there. Whether it's the energy centre or something to do with the pipeline which is going under the Green Belt I don't know. And then there was one other thing I was going to finish up with but it's slipped my mind, so it couldn't have been that important. But the source document is where you need to go, and it is definitely not possible for the housing development – although housing developments can be considered part of Nationally Significant Infrastructure Projects - once they're above a certain threshold size, that's not a facility that's allowed. So I looked this up – can a residential projects be a nationally significant infrastructure project, and thus be attached to the DCO...? No, because above a thousand houses, it's past the threshold. So they've brought that in recently, maybe you are building a big national significant infrastructure project and you want to put houses for your workers nearby, or something like that, it's not possible at the size or more than a thousand houses to do that. So it can't be argued that these objects on the corner of EL1 are something to do with landscaping or hedgerow or something like that...no, no, no...it's not that..."

03:13:13 - SB: Look I'll have a look at all that that you call.

03:13:14 - CC: okay.

03:13:15 - SB: That has been sent through to me. Mr Williams, you have your hand up again....

03:13:20 – CHW: [silence]

03:13:21 – SB: You're on mute Mr Williams....I'm afraid...

03:13:23 – CHW: Yes, sorry Sir, sadly it's not a legacy hand, it's what I call my exasperated hand. Because again Ms Cottier, with great respect Sir, is not giving you fully reliable factual information. And my worry is that you are not going to have a clear enough picture, please go and look at our maps, as you've indicated you would Sir, we would only hope this is a reasonable request, that you give us the opportunity to finish our review of her document, and hear your views and read them. And so that we can properly gauge where you need and further information, as I say, step by step Sir. Because you know, we would be concerned Sir simply to leave things there. On current basis at the moment and we would like to have sufficient opportunity to consider whether we think it is necessary, to provide you with anything further. But having regard to your view when you've read the document.

03:14:39 – SB: Erh yes, like I've said, I want to take up no more hearing time on this specific point. As I've said, I will look at those documents, in due course and frankly depending on when I get the opportunity to do that, because clearly, I am at hearings all day...at the moment, so I will do that. Beyond that, if I look at what I have, and consider

that I need no more, then I think Mr Williams, we can leave it there, and you shouldn't expect to hear from me about it. But if I do require any further assistance then clearly I will let you know.

03:15:30 – CHW: Well Sir thank you for that, as I say, I do emphasize the point, we're still looking at the document ourselves, but the next step is to hear your view Sir, I hope that's a fair way of proceeding, I just don't want to leave it up in the air, that's not going to help either you or us, Sir I think...

03:15:53 – SB: Well erm, things aren't up in the air. I don't know what you mean by "hear my views"...

03:16:01 – CHW: ...Well, well Sir, as I say Sir, at the moment we've taken a quick look at this document, we are concerned about the material in it, and we are concerned to hear from you about any areas which you need further clarity, but we're also concerned to be sure, that we are given the opportunity having heard your views, of erm helping you, in relation to particular matters that we are still seeking to read and understand...with all the referent links. So I've referred for example to one passage, the scoping report which does meet with a lot of Ms Cottier's points and I am not sure why she hasn't referred to this in part of her document, but she hasn't, at the moment, she may well have done, but the document is quite detailed and it takes some time to go through it, but if she hasn't referred you to it, that might be to be honest the most helpful thing that we can do for you.

03:17:06 – SB: Yes it's this issue that you're asking me to share my views and that's what I'm unclear on Mr Williams, I'm normally predisposed to sharing views; certainly if they're in relation to soundness, of that is what you're asking, I don't think it is, because I'm not quite sure which view you want me to share, if it's a view that whether I need anything more from anyone else, erm if I did reach, if I do reach that conclusion, then as I say I will make that known....you can rest assured, but erm...as ide from that, I'm not quite sure what you're driving at..?

03:17:54 – CHW: Well I'm only driving Sir, whether or not the facts that have been presented to you are, true and reliable and to fully inform you as to judgments you will be making, that's the only point that we're concerned about, Sir...we're satisfied ourselves, but Ms Cottier is driving at a point suggesting that there's some, I at times she said that there's some sort of significant development relative to the Airport taking place, within our allocation site, well that's just not true. She's referred to redline area and we've sought to draw attention to that where that's hedgerow restoration, she's referred to some other works that are going to go on in some other location which she says is going to have some effect, she's got yellow blobs over the plan which she's provided and that sort of material, should you take it away Sir, is capable, capable...I'm not saying it's intended to mislead, but it's capable of misleading you. And one or two further documentary references, may assist you frankly to put the issue to bed. I certainly don't want to irritate you Sir, I really am seeking, only to ensure that this examination when it is given, you're given the fact and the full facts and the true facts.

03:19:24 – SB: Yes, erm...and you know I am at a disadvantage, here Ms Cottier you want to say something...?

03:19:29 – CC: Yes the links that I've provided to the documents are not the same as the Scoping Report, that he made the point that you should've looked, or I should've looked, you should've looked at the Scoping Report, but I've provide the link that is part of that entire library – so there are numerous documents on the Luton Future Technical Documents List and I took that map from one particular document, called the Construction and Development Report, so I therefore provided the link to that document, because that was the source and that was what you asked me to provide; "the source". My source was not the Scoping Report, although the document is probably in there too, I took it from the more detailed construction document, hence that was why I didn't use the Scoping Report as I reference, however if you look at my list down the bottom, the Scoping Report is included in the links I have provided, should you wish to go for it, so I did give that. And then the document where I have the, there's, I've given you three sets of maps, I've given you one maps that is showing you the area of the current DCO and the Enterprise Zone Development that is separate to that, occurring already, and associated works or preparatory works to it are occurring already....within one map. Okay and that was taken from the construction report.

Then I provide you with additional maps, sourced from the Examination Library itself, here, this examination library of the Boundary maps of the three sites, EL1, 2 and 3 taken from the document of this library, here taken from that;

they give the planning applications and then maps. So I've taken it from that. And then the other, at the bottom he saying about these yellow arrows, all I have done is I have provided two arrows, pointing to the corner of the boundary map, of EL1 to show, that is the area where there appears to be an overlap. That's all I've done. I'm not saying "take that map..." – that's to point you in the right direction...it's like it's a big site, so you're like "what piece of the site are we talking about...?" ...so it's like saying it's "THIS PIECE HERE" – so you can relate it to the overlap area, so you know where it is locationally speaking and that's all I've done, so I think it's really unfair to say that somehow I've tried to muddy the water or mislead, or confuse because I have merely cited from the actual documents themselves, and actually these documents are extremely good, I don't like what they're proposing but they are really high quality documents, I was pretty impressed, I mean these guys have gone into everything, so I don't think it's fair to say these guys don't know what they're talking about and they put things in a document that are just misleading or not true. They've put it in their document, I haven't made up the map myself.

03:23:00 – SB: What I'm going to do is draw a line under that now, because that discussion isn't helping me, we're talking about documents which I haven't seen, so clearly I will look at those and I will one way or the other let you know what I am going to do...Ms Ornsby...?

03:23: - SO: Sir...it was just in an effort to help on this...obviously you've got to read these documents and no doubt, you will read those very carefully, and when you have the time to do that, and what I was going to suggest in order to short circuit all of this...rather than wait to hear what any views you may or may not have on that, which you may be reluctant to express for obvious reasons, erm, what I suggest is why don't you simply just, ask Mr Howell Williams, to put in a note, to set out any concerns that he may have in relation to the documentation, then you will have the benefit of Ms Cottier's information, you'll have the benefit of Mr Howell Williams's and I response to that and you can just reach a judgement in relation to it, and then that will be the end of the matter.

03:24:20: - SB: Okay, thank you for that Ms Ornsby, I will bear that in mind when I'm looking through the documents.

03:24:30: - SO: [Interjects]...All I'm suggesting Sir, is invite Mr Howell Williams just to put in any response he may have, we can do that within seven days and then you'll have both documents both sides and then you can reach your own judgement in relation to it. And then there's not burden placed back on you, in terms of having to come back and set out whatever views you may or may not have...

03:24:49: - SB: Yes....I'm going to think about it...and I'm going to come to a view, thank you for the suggestion.

03:25:01: - SO: I just endeavour to be helpful Sir.

03:25:02: – SB: Grateful for that, erm yes, I will consider that, and bear that in mind when I'm deciding what to do. Once I've read all the documents frankly – I'll know what I'm talking about. Mr Williams...is that a legacy hand or is that a new one...? You're one mute again I'm afraid...Mr Williams....

03:25:25: - CHW: thank you Sir, so it's a new hand, only to very shortly say we would happily undertake to do that in seven days. I can tell you now it would be one or two sides with the relevant document. I've already been instructed that there's one document that will throw a great deal of clarity on this this issue, so we'd be happy to abide by that. Much better that we should be sure that you've seen the relevant clarification document.

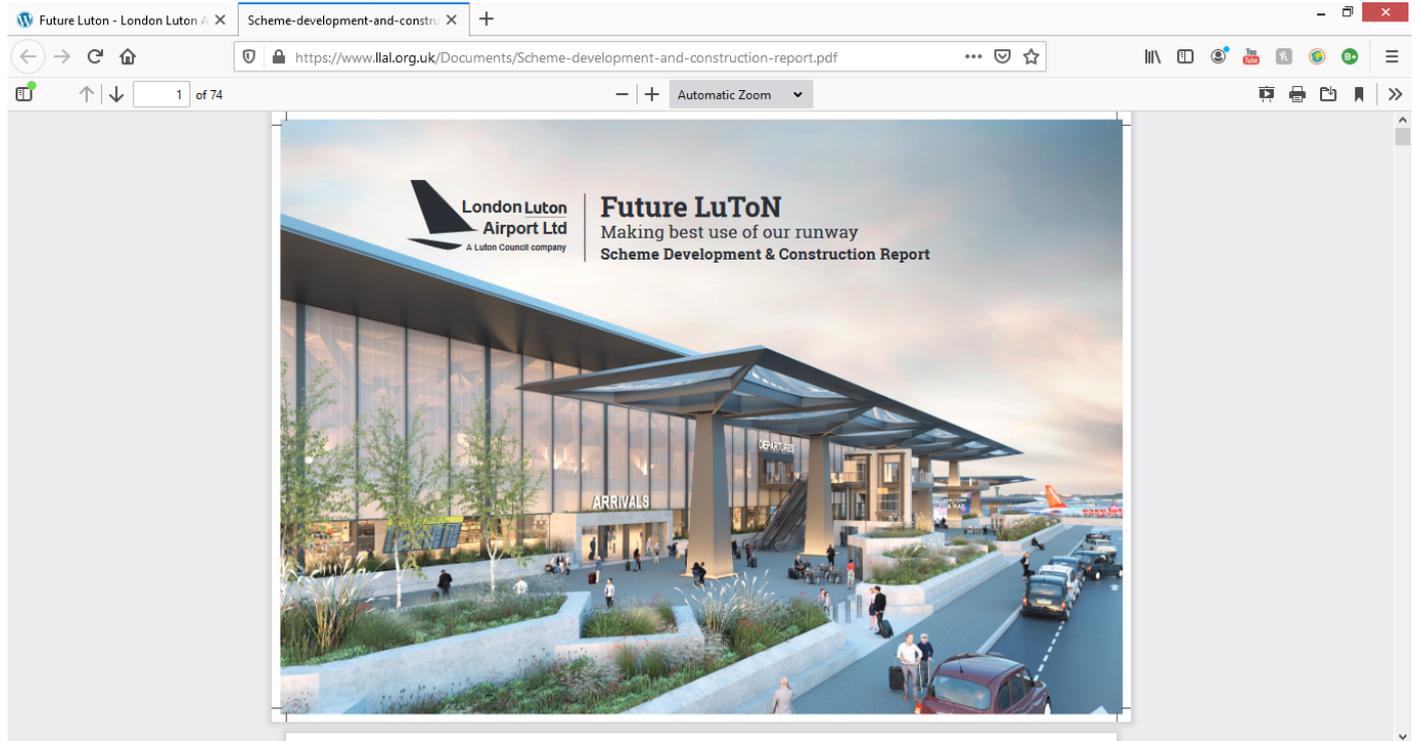
03:26:03: - SB: Okay, erm, I think someone has a device switched on....that very occasionally emits a rather loud ping. Okay thank you for that Mr Williams, I've noted that and like I say I want to look at the documents first and I think that's the logical way to do it, look at the documents and then reach my conclusion on what I want to be done if anything.

APPENDIX 5: Proof of non-misleading – clear evidence that all information is derived from the Luton Borough Council's own company (LLAL Co Ltd) reports. Direct extracts from the Luton Future Construction and Development Report - *direct* rather than paraphrased; to satisfy Mr Williams's concerns about anything being "misleading".

I am not going to paraphrase these items but rather provide the direct excerpts; so Mr Howell Williams can take up his rebuttals directly with the publishers of the material.

Future LuToN -Scheme Development & Construction Report - October 2019

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



The phases of the development are described.

Policy context for the Proposed Development	7	3.4.5 Zone 5 Landscaping and habitat creation	33
Summer 2018 Consultation and options taken forward	7	3.4.6 Zone 6 Century Park Access Road, on-site and offsite road works	35
1.4.1 Options appraisal process	7	3.5 Parameters/massing for consent	38
1.4.2 Appraising all options (Sift 1: long list of options)	7	4 Delivering the Proposed Development	41
1.4.3 Location 'Sifting' process (Sift 2: short list of options)	8	4.1 Phases of the Proposed Development	41
1.4.4 Summer 2018 consultation and feedback	8	4.1.1 Preparatory works	41
1.4.5 Sift 3: Identification of the preferred option	8	4.1.2 Phase 1 – interim capacity	42
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Key drivers	10	4.2.1 Construction timeline	48
Constraints	10	4.3 Construction management	48
2.4.1 Boundaries	10	4.3.1 Construction compounds	49
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Strategic considerations for the principal elements of the Proposed Development	12	4.3.3 Lead contractor	49
2.5.1 Earthworks and landfill treatment strategy	12	4.3.4 Environment impacts and mitigation	49
2.5.2 Terminal strategy	13	4.3.5 Security	50
2.5.3 Airfield strategy	14	4.3.6 Construction traffic management	50
2.5.4 Energy strategy	14	4.3.7 Number of operatives	50
2.5.5 Fuel strategy	16	4.3.8 Interfaces	50

Preparatory works are those that happen before the DCO application. They enable the later stages. The shock and travesty of all this is that there is actually more development smuggled through as merely the local planning application than what is contained in the actual later DCO!

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

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use LTN is expected to continue to grow in line with current forecasts (see **section 1.2.2**). A phased development programme has been set out such that capacity is delivered to satisfy demand in a set of logical steps. **Figure 4.1** shows how capacity could be delivered under the DCO and the impact on the achievable throughput at LTN. There are potentially four major phases of work.

- **Preparatory** works—which in themselves do not increase the capacity, but allow Terminal 2 to open at the time required on the basis of the current forecasts
- Phase 1 interim capacity up to 21.5 mppa, comprising works that develop capacity in advance of Terminal 2 opening in line with the demand
- Phase 2 – Terminal 2 enabling 25 mppa capacity for the airport, which includes bringing Terminal 2 and its associated infrastructure and support facilities into use
- Phase 3 – enabling 32 mppa capacity for the airport, with the remaining elements of the proposals

Figure 4.1 Potential phased delivery of incremental airport capacity

The works which would be the subject of local planning applications are those which would still be included in the DCO application, to ensure the DCO contains powers to facilitate the development proposals enabling these to be delivered under the DCO.

Figure 4.2 Preparatory works

4.1.1.1 Replacement of Wigmore Valley Park

As part of the preparatory works, LLAL may seek to bring forward a local planning application for the early delivery of replacement parkland to the east of the airport, releasing...

preparatory Highlight All Match Case Match Diacritics Whole Words 4 of 10 matches

They were put in as local planning applications. They were already passed on 27 March 2019, so the use of future tense in this document is incorrect – see the PA17/02300/EIA (Luton Ref) as previously mentioned and already passed at the time of this Construction and Development Report’s publication.

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Source: York Aviation

4.1.1 Preparatory works

LLAL believes it will be necessary to deliver Terminal 2 ready for passenger and airline operations no later than the summer of 2027. To meet this programme, permission may be sought from the local planning authorities in early 2020 for a small number of preparatory works planned to be delivered in advance of the expected grant of the DCO application. The

October 2019

4.1.1.1 Replacement of Wigmore Valley Park

As part of the preparatory works, LLAL may seek to bring forward a local planning application for the early delivery of replacement parkland to the east of the airport, releasing...

4.1.1.2 Temporary re-provision of airport long-stay car parking

A temporary long-stay car park will be created in the area of the proposed office park on Wigmore Valley Park. The car park could have a single level deck over a part of the ground-level parking, providing further spaces. This temporary facility would include fencing, lighting and security barriers. This temporary facility would be provided in the area of the proposed office park on Wigmore Valley Park. This temporary car park would accommodate around 3,500 of the current 4,200 space long-stay car park. Anticipated relative timing of the various developments, this temporary use parking would not have a significant effect on the proposals for New Century Park. Remaining displaced spaces would be re-provided on available existing car park spaces to Luton Airport Parkway railway station.

preparatory Highlight All Match Case Match Diacritics Whole Words 4 of 10 matches

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sed Development

inal 2 will take a number of years, during which time demand to ue to grow in line with current forecasts (see **section 1.2.2**). A me has been set out such that capacity is delivered to satisfy ps. **Figure 4.1** shows how capacity could be delivered under the chievable throughput at LTN. There are potentially four major

in themselves do not increase the capacity, but allow Terminal 2 d on the basis of the current forecasts up to 21.5 mppa, comprising works that develop capacity in ening in line with the demand bling 25 mppa capacity for the airport, which includes bringing ted infrastructure and support facilities into use ppa capacity for the airport, with the remaining elements of the

delivery of incremental airport capacity

early delivery of these works would reduce the impact on ongoing airport operations in the first year of the development programme.

The works which would be the subject of local planning applications are described below. They would still be included in the DCO application, to ensure the DCO contains comprehensive powers to facilitate the development proposals enabling these to be delivered pursuant to DCO.

Figure 4.2 Preparatory works

4.1.1.1 Replacement of Wiamore Valle Park

preparatory Highlight All Match Case Match Djacritics Whole Words 4 of 10 matches

Local Planning application for preparatory works already passed:

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4.1.1.1 Replacement of Wigmore Valley Park

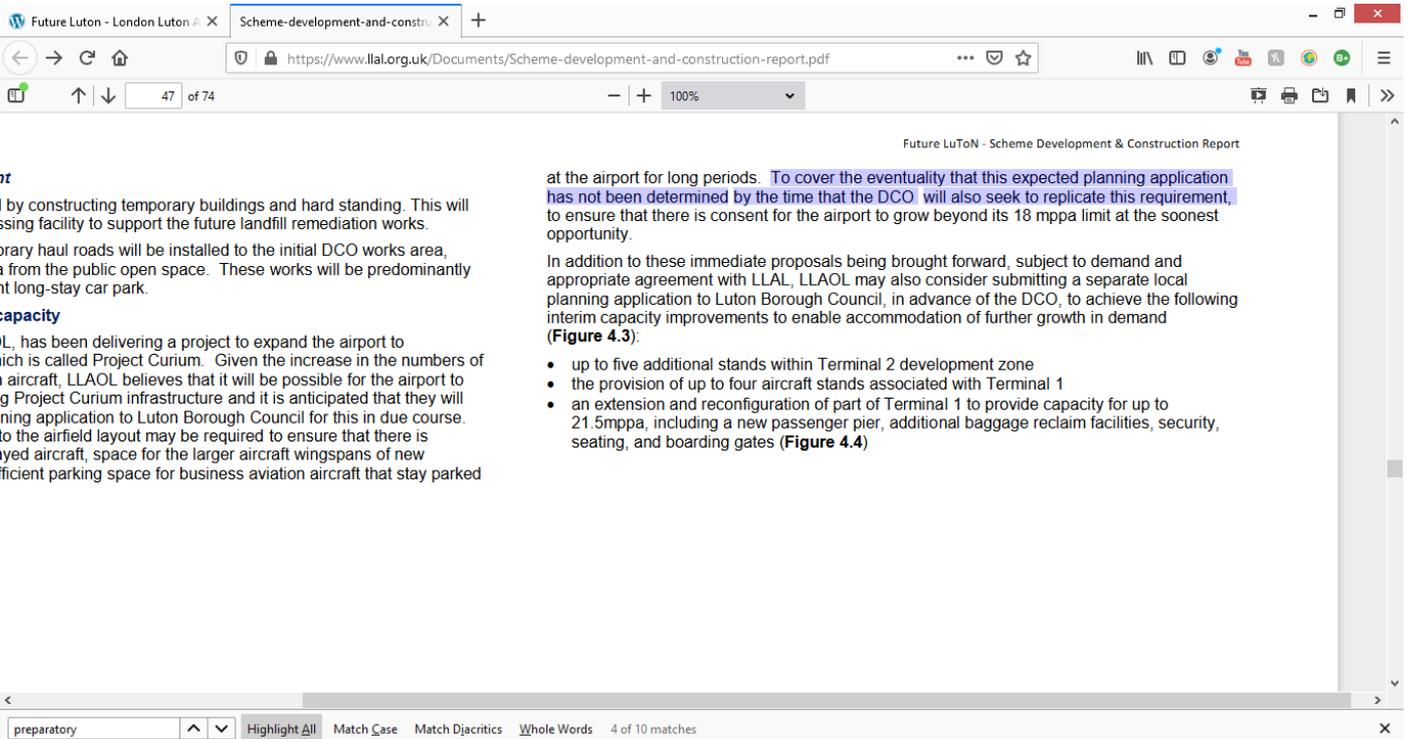
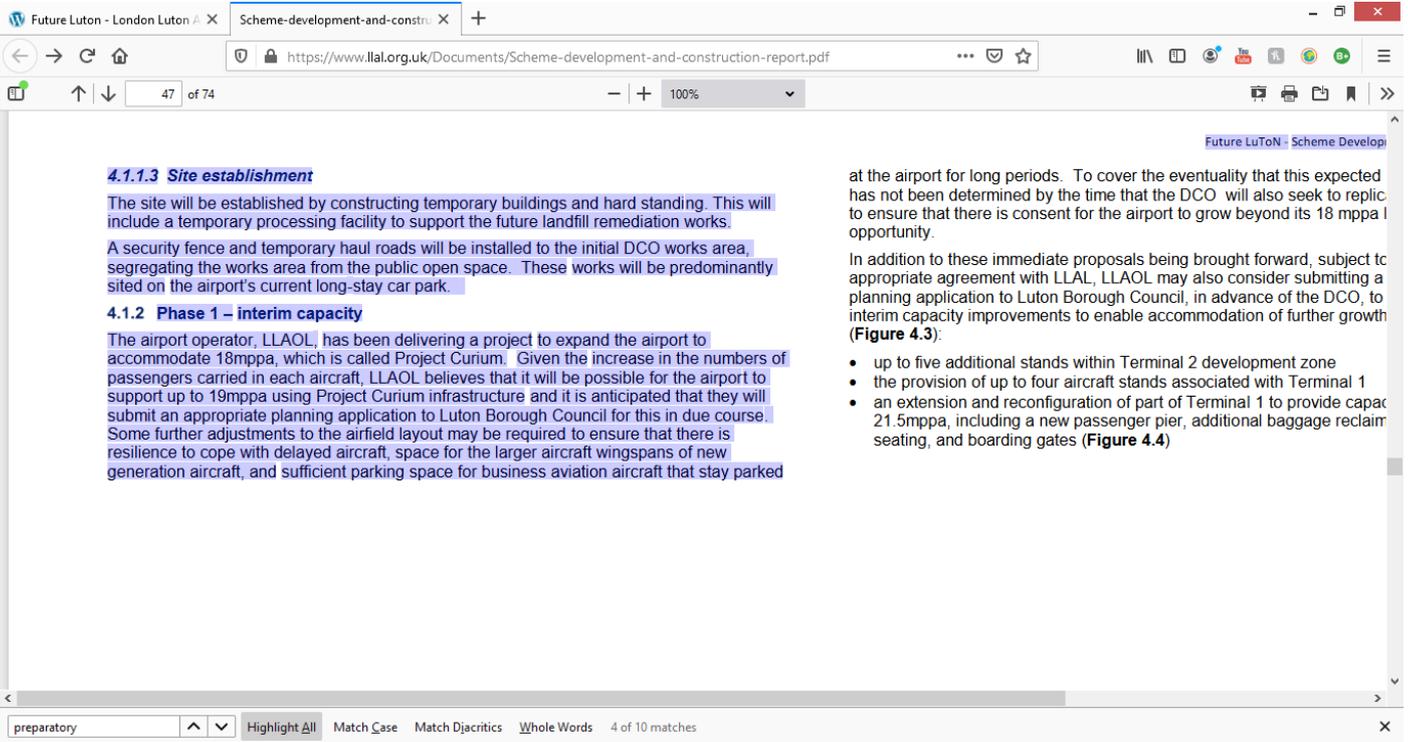
As part of the preparatory works, LLAL may seek to bring forward a local application for the early delivery of replacement parkland to the east of the airport, releasing Wigmore Valley Park to form part of the expansion area.

4.1.1.2 Temporary reprovision of airport long-stay car parking

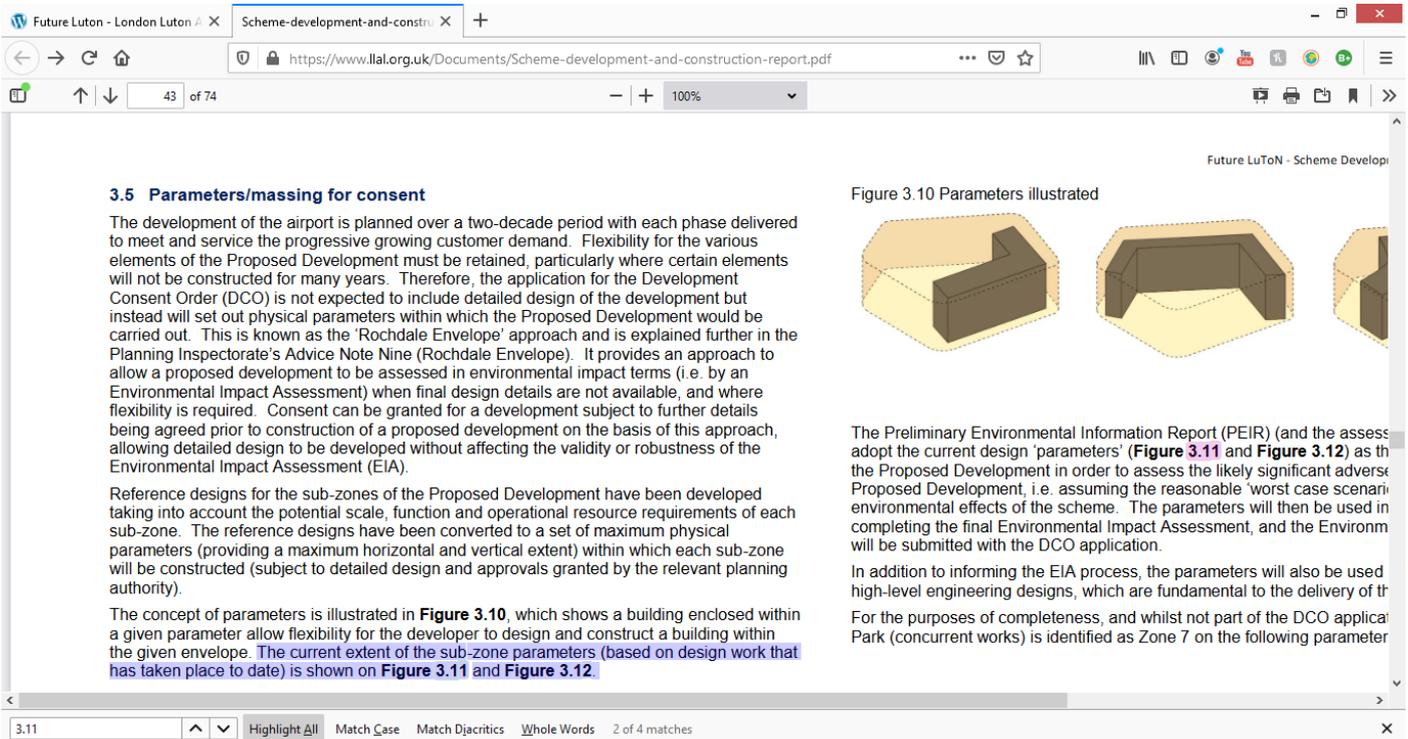
A temporary long-stay car park will be created in the area of the proposed New Century Park office park on Wigmore Valley Park. The car park could have a single level temporary metal deck over a part of the ground-level parking, providing further spaces. The facility would include fencing, lighting and security barriers. This temporary facility would be in addition to the consented New Century Park car park provision. This temporary car park will accommodate around 3,500 of the current 4,200 space long-stay car park. Due to the anticipated relative timing of the various developments, this temporary use of this area for car parking would not have a significant effect on the proposals for New Century Park. The remaining displaced spaces would be reprovied on available existing car park sites adjacent to Luton Airport Parkway railway station.

41

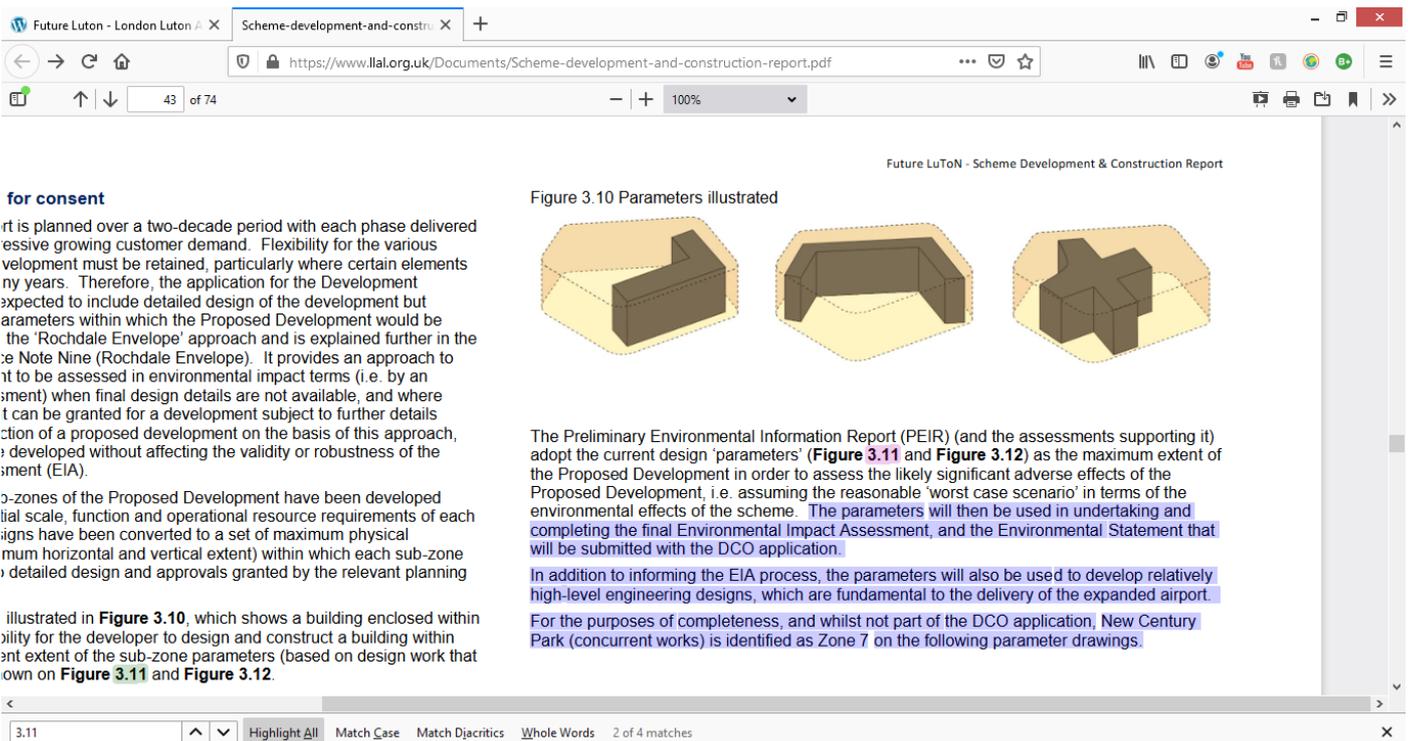
preparatory Highlight All Match Case Match Djacritics Whole Words 4 of 10 matches



The overlapping buildings on the EoL site:



These “preparatory works” are PA17/02300/EIA and are not a part of the DCO application. But as they are fundamental to its delivery, they will still therefore ALSO be submitted within it – but will not be subject to any of the DCO:



This is known as the Rochdale Envelope Approach:

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3.5 Parameters/massing for consent

The development of the airport is planned over a two-decade period with each phase delivered to meet and service the progressive growing customer demand. Flexibility for the various elements of the Proposed Development must be retained, particularly where certain elements will not be constructed for many years. Therefore, the application for the Development Consent Order (DCO) is not expected to include detailed design of the development but instead will set out physical parameters within which the Proposed Development would be carried out. This is known as the 'Rochdale Envelope' approach and is explained further in the Planning Inspectorate's Advice Note Nine (Rochdale Envelope). It provides an approach to allow a proposed development to be assessed in environmental impact terms (i.e. by an Environmental Impact Assessment) when final design details are not available, and where flexibility is required. Consent can be granted for a development subject to further details being agreed prior to construction of a proposed development on the basis of this approach, allowing detailed design to be developed without affecting the validity or robustness of the Environmental Impact Assessment (EIA).

Reference designs for the sub-zones of the Proposed Development have been developed taking into account the potential scale, function and operational resource requirements of each sub-zone. The reference designs have been converted to a set of maximum physical parameters (providing a maximum horizontal and vertical extent) within which each sub-zone will be constructed (subject to detailed design and approvals granted by the relevant planning authority).

The concept of parameters is illustrated in **Figure 3.10**, which shows a building enclosed within a given parameter allow flexibility for the developer to design and construct a building within the given envelope. The current extent of the sub-zone parameters (based on design work that has taken place to date) is shown on **Figure 3.11** and **Figure 3.12**.

Figure 3.10 Parameters illustrated

The Preliminary Environmental Information Report (PEIR) (and the assess adopt the current design 'parameters' (**Figure 3.11** and **Figure 3.12**) as th the Proposed Development in order to assess the likely significant adverse Proposed Development, i.e. assuming the reasonable 'worst case scenario' environmental effects of the scheme. The parameters will then be used in completing the final Environmental Impact Assessment, and the Environm will be submitted with the DCO application.

In addition to informing the EIA process, the parameters will also be used high-level engineering designs, which are fundamental to the delivery of th For the purposes of completeness, and whilst not part of the DCO applica Park (concurrent works) is identified as Zone 7 on the following parameter

3.11 Highlight All Match Case Match Djacritics Whole Words 2 of 4 matches

And this is the matching Figure 3.11 map:

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Figure 3.11 Parameter plan

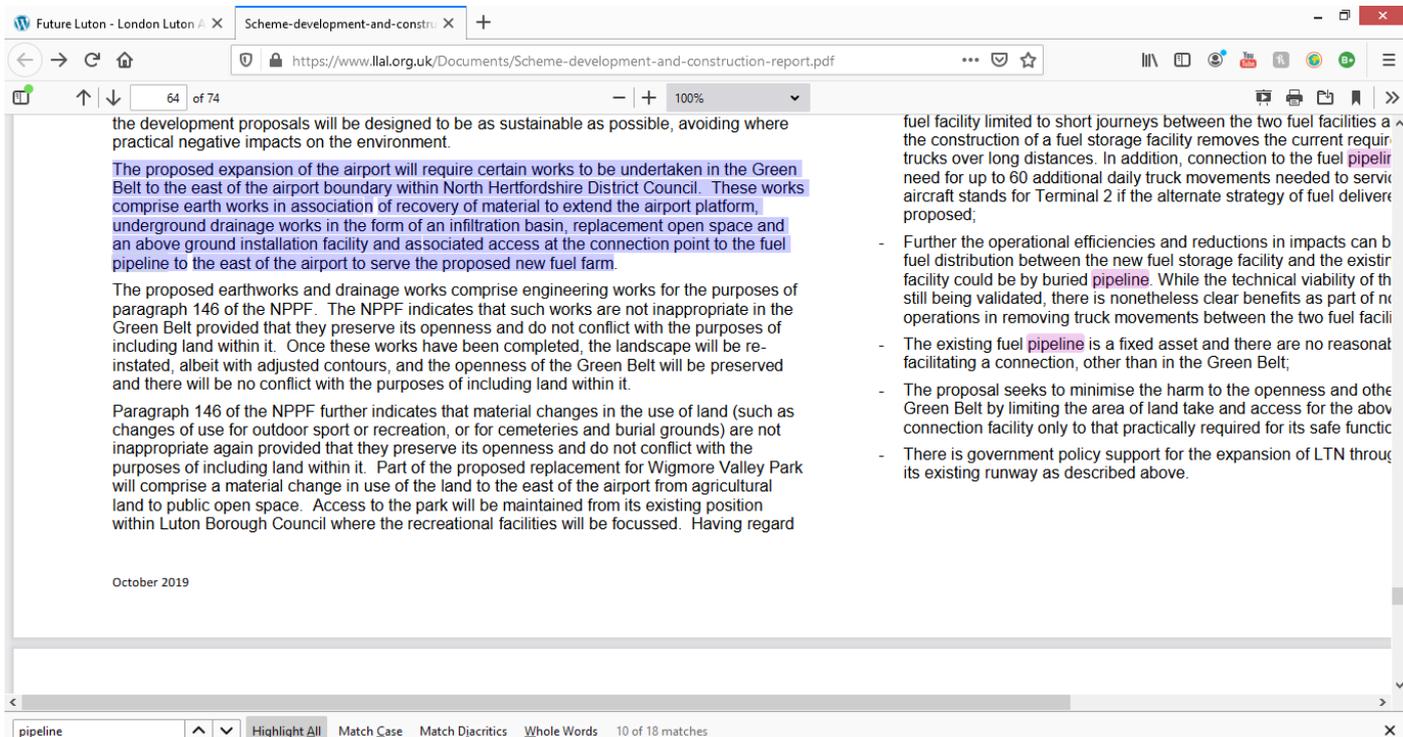
Legend

- Proposed Development Boundary
- Parameter Zone
- Not Defined
- 2 - Airfield Works
- 3 - Terminals and As Works
- 4 - Support Facilities
- 5 - Landscaping
- 6 - CPAR and Off-Si Highway Works
- 7 - Concurrent Work
- DART Extension

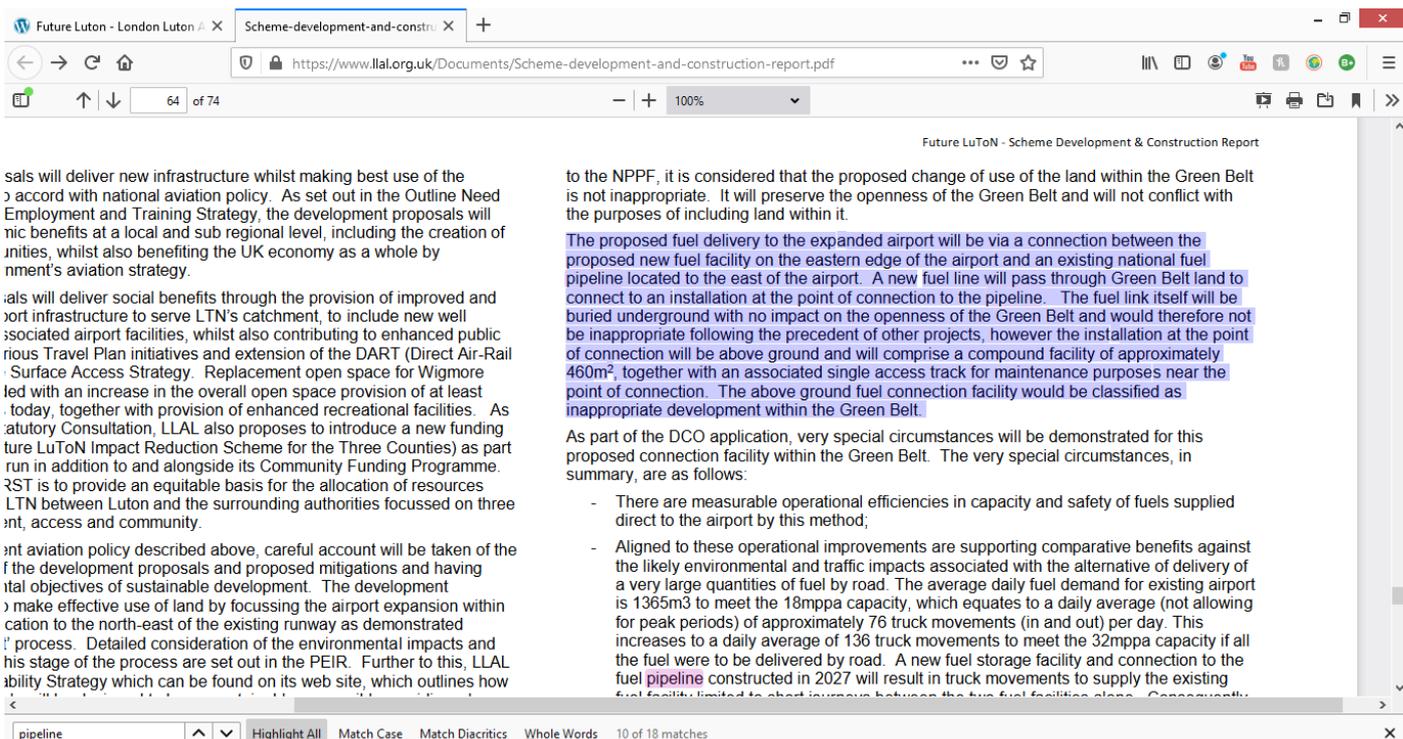
Zx.xx Sub zone reference
+123 Proposed external / level (m) parameter

3.11 Highlight All Match Case Match Djacritics Whole Words 4 of 4 matches

As part of the preparatory work there is a requirement for certain preparatory (outside of the DCO) works to be undertaken in the Green Belt to the east of the airport boundary. This is the same direction as the Bloor Crown EoL site. These works will be earthworks, recovery of landfill material, drainage works, and an above ground installation facility associated with the new fuel farm.



This is where we find the overlap with the EoL housing site. It appears to be a fuel facility and the connection point for the pipeline.



This pipeline is intended for the Green Belt east of Luton on the North Hertfordshire side:

that a further hearing will be required in respect of some of those issues. The Inspector has asked for the Council's response on the matters raised, following which he has noted that he will confirm the full list of matters on which he considers an additional hearing to be necessary and will set out further Matters and Issues, with specific questions to focus the additional hearing sessions. The Council wrote to the Inspector on 24 September confirming that it will provide a full response on the matters raised by 29 November. In light of this position, the programme is uncertain at present. Nevertheless, the draft Local Plan is likely to be adopted at some point in 2020 and policies related to the development proposals will therefore be relevant and important matters for the consideration of the DCO.

The area to the east of Luton Airport falling within North Hertfordshire District is covered by Green Belt policy designation where Policy SP5 (Countryside and Green Belt) will apply and this will be relevant to consideration of those elements of the proposed development that fall within North Hertfordshire, namely proposed earth works, drainage works, replacement open space and connection to the fuel pipeline to the east of the airport. Part C of Policy SP5 as amended in the draft Main Modifications indicates that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated.

Other strategic and development management policies from the submission draft Local Plan (incorporating draft Main Modifications) will be matters for consideration where relevant, including those noted below:

Strategic Policies

- Policy SP1 – Sustainable development in North Hertfordshire
- Policy SP5 – Countryside and Green Belt
- Policy SP6 – Sustainable transport
- Policy SP7 – Infrastructure requirements and developer contributions
- Policy SP9 – Design and sustainability
- Policy SP10 – Healthy communities
- Policy SP11 – Natural resources and sustainability

Policy HE1 – Designated heritage assets
 Policy HE2 – Heritage at risk
 Policy HE4 – Archaeology

Central Bedfordshire Council

The adopted Local Plan for this part of Central Beds is the South Bedfordshire (adopted January 2004) which is the area formerly covered by South Bedford Council. Within this Local Plan, the area south of the airport falls within the also designated as an Area of Great Landscape Value. Policies GB1, GE1 and the Local Plan relate to Green Belt and Policy NE3 to Areas of Great Landscape Value.

Central Bedfordshire Council is in the process of preparing a new Local Plan for the Central Bedfordshire area – the Central Bedfordshire Council Local Plan. The pre-submission version of the draft Local Plan was the subject of public consultation on 22 February 2018 and was then submitted to the Secretary of State on 30 April 2018. Examination hearings commenced on 21 May 2019 and 2019 and the Examination Inspector's report is now awaited.

The area to the south of the airport continues to be designated as Green Belt in the submission Local Plan. Assuming some element of landscape mitigation in the south of the airport, the policies of relevance would include:

- Policy SP4 – Development in the Green Belt
- Policy EE1 – Green Infrastructure
- Policy EE2 – Enhancing biodiversity
- Policy EE3 – Nature Conservation
- Policy EE4 – Trees, woodlands and hedgerows
- Policy EE5 – Landscape Character and Value
- Policy EE6 – Tranquillity
- Policy FF7 – The Chilterns area of Outstanding Natural Beauty (potentially)

pipeline Highlight All Match Case Match Diacritics Whole Words 18 of 18 matches

The earthworks are preparatory also – they involve 4,000,000 m3 of spoil. This will create the platform for the whole project. Part of the site is an old landfill comprising of a lot of highly contaminated waste and after being extracted, sorted, some of this landfill excavate will be moved onto the Green Belt area to build it up; to make it into a flat plane for the later works.

Future LuToN - Scheme Development

2 Development considerations

2.1 Introduction

This chapter describes the development of the scheme, including the key drivers and strategic considerations, and the rationale behind the selection of options for the principal elements of the work. These elements are:

- the earthworks and landfill treatment strategy that creates the site
- the terminal strategy
- the airfield strategy
- the energy strategy
- the fuel strategy
- the strategy to drain the site
- the Luton DART strategy
- landscape and open space strategy
- surface access strategy
- car parking strategy
- the hotel strategy

The scheme based on these considerations is described in **chapter 3** and forms the baseline for the environmental assessments described in the Preliminary Environmental Information Report (PEIR), it is available online at futureluton.llal.org.uk.

2.2 Scheme development

The further development of the preferred option layout published in February 2019 and identified from the sifting exercise (see **paragraph 1.4.5.2** above) required more detailed consideration of the factors and constraints affecting the proposed solution. LLAL has

- enhance and encourage the use of public transport as an alternative to
- maintain as much of Wigmore Valley Park public open space as possible more public open space than before the development
- minimise disruption to the existing airport and local infrastructure
- minimise environmental impact, including noise and air quality

The airport has been designed to be as environmentally sustainable as possible as well as minimising vulnerability to climate change. It will avoid where possible negative impacts on the environment. Specific measures include:

- supporting the fullest possible use of sustainable transport
- securing the highest use of energy efficiency, reduction in emissions at footprint through the use of renewable energy, energy efficient building
- maximising the use of electric vehicles both airside and landside
- providing high quality open space and landscaping
- sustainable waste management
- implementation of a surface water strategy (rainwater harvesting and g
- sustainable drainage strategy

2.4 Constraints

2.4.1 Boundaries

earthworks Highlight All Match Case Match Diacritics Whole Words 3 of 15 matches

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The following sections describe the strategies adopted for the various principal elements of the Proposed Development.

2.5.1 Earthworks and landfill treatment strategy

2.5.1.1 Earthworks

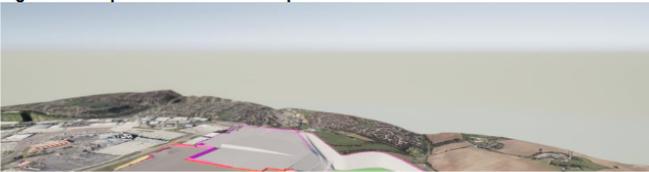
Significant earthworks will be required to build a platform to support the airport expansion, as the airfield needs to be at similar levels to the existing runway to comply with the relevant international standards. The earthworks strategy aims to make the best use of the LLAL landholdings immediately adjacent to the existing airport to provide materials to support the proposed infrastructure.

The following will be needed:

- the levelling and preparation of a suitable site platform so the expanded airport will be level with the runway
- work to remodel the Eaton Green landfill and make it suitable for development
- profiling of the landholdings after excavation activities for landscaping and to accommodate long-stay car parking

The extent of the proposed earthworks and new platform are shown on **Figure 2.4**.

Figure 2.4 Proposed excavation and platform



earthworks Highlight All Match Case Match Diacritics Whole Words 4 of 15 matches

- import the earth required to raise land to the level of the runway from outside the area, necessitating a very large number of lorry movements on the road network over a number of years; or
- take earth from close to where it is needed but meaning greater changes to the local topography.

Detailed site investigation has been carried out and specific feedback was sought during non-statutory consultation. The outcome of this process to achieve the most efficient and least disruptive earthworks solution indicated that it is best to use earth excavated from the site. This is because the alternative would be to import up to 4,000,000m³ of material by road (equivalent to the volume of four Wembley stadiums), which might involve continuous lorry movements every working day for up to four years. This would be a significant extra traffic burden on the local area.

Using material from the site would also mean each phase of the earthworks can be done in as little as a year. It is proposed that the earthworks would be undertaken in a small number of relatively short phases over a long period. This means that work can be carried out in an efficient way, minimising the impact on local residents, and ensuring that LTN can be developed in stages in line with passenger demand.

Works would be undertaken in a closed site so there would be no need to move the majority of the material by local roads. Best practice would be employed to carefully control noise, dust and odour in affected areas.

In setting the levels for the aircraft stands and apron it has been possible to determine the necessary landscape changes to the existing land adjacent to the airport. This in turn has determined the areas and depths to which it will be necessary to excavate elsewhere on the site to provide the necessary filling materials. Overall, a large amount of material needs to be provided from land adjacent to the airport to avoid importing material for that purpose. **Figure 2.4** shows the different levels from the existing land to the new platform that will be required to deliver the new platform.

The works required to create the new landform are described in more detail in **Appendix C**.

itics Whole Words 4 of 15 matches

Here is Mr Howell Williams’s preferred “scoping report” explaining the same thing but in less detail.

It further supports the points that all of these preparatory works would have been already consented to under the Town and Country Planning Act 1990 and carried out PRIOR TO THE DCO TO THE DCO BEING GRANTED. These works are described as “Preparatory Works – 2020 and 2021” in section 2.6.

Future LuToN: Making best use of our runway
 Preliminary Environmental Information Report Volume 1: Main report
 LLADCO-3B-ARP-00-00-RP-YE-0005| Issue 1| October 2019

programme.

Zone 1 – Creating the site

2.5.9 In preparation for construction of the Proposed Development several activities or enabling works need to take place to create the site. A brief description is provided below, or cross reference given to where a brief description is provided.

2.5.10 All of the works described below are included in the Proposed Development and therefore considered in this preliminary assessment, and will be assessed in the ES. To achieve the construction programme described in Section 2.6 of this chapter, some of these works would be required prior to the expected granting of the DCO. Therefore, as well as being included in the DCO and this assessment, it has been assumed that certain preparatory works would have been consented (under the Town and Country Planning Act 1990) and carried out prior to the DCO being granted. These works are described as 'Preparatory Works – 2020 and 2021' in Section 2.6.

Decommission and re-provision of temporary airport long stay car parking

2.5.11 The current long stay car park would be closed. A temporary long-stay car park would be created, most likely in the area of the

preparatory 1 of 10 matches

Preparatory Works - 2020 and 2021

2.6.6 LLAL believes it would be necessary to deliver Terminal 2 ready for passenger and airline operations no later than the summer of 2027. To meet this programme, consent may be sought in advance from the local planning authorities in early 2020 for a number of preparatory works in advance of, or immediately after, the DCO application is determined. These would reduce the impact on ongoing airport operations in the first year of the development programme. The works which would be the subject of local planning applications are described below. They would still be included in the DCO application, to ensure the DCO contains comprehensive powers to facilitate the development proposals.

Replacement of Wigmore Valley Park

2.6.7 As part of our preparatory works, LLAL may seek to bring forward a local application for the early delivery of replacement parkland to the east of the airport, releasing Wigmore Valley Park to form part of the expansion area.

Temporary re-provision of airport long-stay car parking

2.6.8 A temporary long-stay car park would be created in the area of the proposed New Century Park office park on Wigmore Valley

2.6 10 of 89 matches

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2.6.7 As part of our preparatory works, LLAOL may seek to bring forward a local application for the early delivery of replacement parkland to the east of the airport, releasing Wigmore Valley Park to form part of the expansion area.

Temporary reversion of airport long-stay car parking

2.6.8 A temporary long-stay car park would be created in the area of the proposed New Century Park office park on Wigmore Valley Park. The car park could have a single level metal temporary deck over an area of the ground level parking providing further spaces. The facility would include fencing, lighting and security barriers. This temporary facility would be in addition to the consented New Century Park car park provision. This temporary car park would accommodate around 3,500 of the current 4,200 space long-stay car park. The temporary use of this area for car parking would not have a significant effect on the proposals for New Century Park.

Site establishment

2.6.9 The site would be established by constructing temporary buildings and hard standing. This would include a temporary processing facility to support the future landfill remediation works.

2.6 Highlight All Match Case Match Diacritics Whole Words 10 of 89 matches

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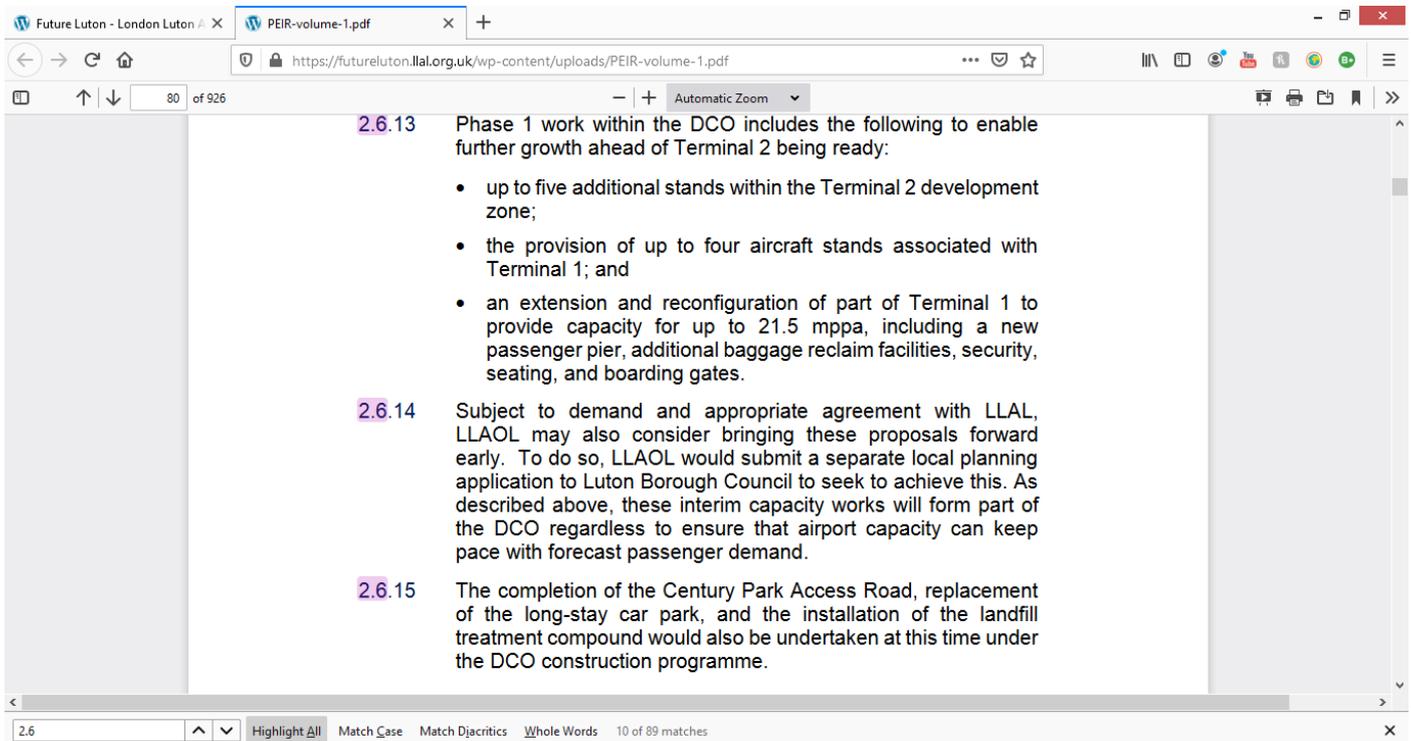
2.6.10 A security fence and temporary haul roads would be installed to the initial DCO works area, segregating the works area from the public open space. These works would be predominantly sited on the airport's current long-stay car park.

Phase 1 - Interim capacity of 21.5 mppa – 2022 to 2024

2.6.11 LLAOL has been delivering a project to expand the airport to accommodate 18 mppa, which is called Project Curium. Given the increase in the numbers of passengers carried in each aircraft, LLAOL believes that it will be possible for the airport to support up to 19 mppa using Project Curium infrastructure. Some further adjustments to the airfield layout may be required to ensure that there is resilience to cope with delayed aircraft, space for the larger aircraft wingspans of new generation aircraft, and sufficient parking space for business aviation aircraft that stay parked at the airport for long periods.

2.6.12 To cover the eventuality that a LLAOL planning application to increase the capacity of the airport up to 19 mppa might not be achieved by the time that the DCO comes to be determined, the DCO would provide consent for the airport to grow beyond its 18 mppa limit, enabling the initial growth to 19 mppa following DCO consent.

2.6 Highlight All Match Case Match Diacritics Whole Words 10 of 89 matches



There are also related road improvements already being undertaken upon Vauxhall Way. They were actually started last year. The new roundabout on the M1 Junction 11 was already fully completed several years ago as another DCO put in back in 2011.

Improvements on Vauxhall Way are currently half-complete, they are for the preparation of the Airport Enterprise Zone.

See the excerpts from the Executive Committee for Service Director Planning and Transport, 13 January 2020.

Key subject: Hitchin Road / Stopsley Way / Vauxhall Way –upgrade works

Source:

<https://democracy.luton.gov.uk/cm5public/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=PzmgRmPghmJTFxBTOTZVF7yFAdpROcJayQugFnD%2FkPC5naWF8R2BLA%3D%3D&rUzwRPf%2BZ3zd4E7Ikn8Lyw%3D%3D=pwRE6AGJFLDNIh225F5QMaQWcTPHwdhUfCZ%2FLUQzgA2uL5JNRG4jdQ%3D%3D&mCTIbCubSFfxsDGW9IXnlg%3D%3D=hFfIUdN3100%3D&kCx1AnS9%2FpWZQ40DXFvdEw%3D%3D=hFfIUdN3100%3D&uJovDxwdjMPoYv%2BAJvYtyA%3D%3D=ctNJFF55vVA%3D&FgPIIEJYlotS%2BYGoBi5oIA%3D%3D=NHdURQburHA%3D&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFF55vVA%3D&WGewmoAfeNR9xqBux0r1Q8Za60lavmz=ctNJFF55vVA%3D&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFF55vVA%3D>

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Luton

Report For:	Executive	Item No: 16
Date:	13 January 2020	
Report Of:	Service Director Planning and Transport	
Report Author:	Kieran Franzen	

Subject:	Hitchin Road / Stopsley Way / Vauxhall Way – upgrade works	
Lead Executive Member(s):	Cllr Castleman	
Wards Affected:	Stopsley, Crawley, Round Green and Wigmore	
Consultations:	Councillors	<input checked="" type="checkbox"/>
	Scrutiny	<input checked="" type="checkbox"/>
	Stakeholders	<input type="checkbox"/>
	Others	<input checked="" type="checkbox"/>

Recommendations

1. Executive is recommended to:

century park Highlight All Match Case Match Diacritics Whole Words 2 of 2 matches

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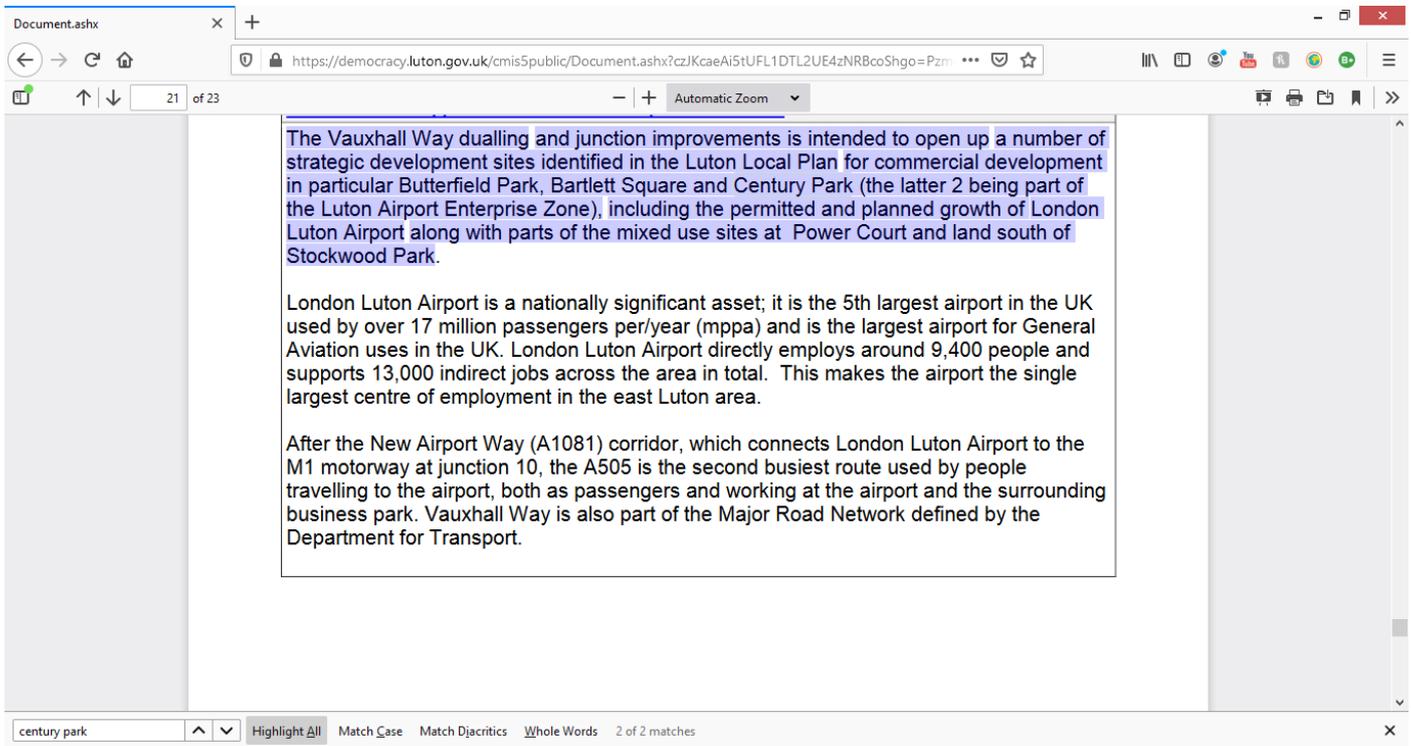
to the Birchen Grove junction with a view providing a solution to the public, which can be implemented before the end of the scheme.

Background

- The 2012 consented planning application to grow London Luton Airport to 18 million passengers per/year included proposals to improve Hitchin Road / Stopsley Way / Vauxhall Way junction to cater for that growth, as well as identified other junctions along the Vauxhall Way corridor which also required improving.
- A review of congested junctions was also undertaken in 2014/2015 that would have informed the inclusion in the Local Plan policy (LLP31).
- In August 2017 the Council commissioned a study of the whole East Luton area, which also included proposals to signalise the Hitchin Road / Stopsley Way / Vauxhall Way junction.

697

century park Highlight All Match Case Match Diacritics Whole Words 2 of 2 matches



APPENDIX 7: Proof of local and regional consultation occurring for the Future Luton DCO planning application. The original letter dated January 2018, as it was sent out by Luton Borough Council and its wholly owned limited company London Luton Airport Limited (LLAL). With highlighted points most relevant to Mr Howell Williams’s expressed points of dissatisfaction with Ms Cottier’s evidence.

Opportunity Aspiration Prosperity

To the Occupier

January 2018

Why we want to grow London Luton Airport

Dear Sir/Madam

The past few years have been financially challenging ones for many of you. What you have been feeling on a personal level, the Council has been experiencing too as it continues to provide services for residents. To meet some of these challenges, we have been working hard to bring more money and opportunities into the town to improve your lives.

Now, as we enter a new year, is a good time to update you with some important news about one of our most important assets, [London Luton Airport](#).

The town is very fortunate in having the airport, owned by the Council's airport company, [London Luton Airport Limited \(LLAL\)](#). Not only is the airport a key magnet for a wide range of investment but, because the Council is the sole shareholder, [LLAL](#) has a long record of providing financial support for the town's community activities and services.

The airport has been growing incredibly quickly recently, and [LLAL](#) is now looking to plan for further growth in order to make an even greater positive impact on our lives. We believe it is realistic to be able to use the existing runway to [increase the number of passengers to between 36-38 million per year](#). This will significantly help with the demand that UK aviation as a whole is facing, and bring further benefits and opportunities to Luton through increased jobs and revenues.

[We understand that airport operations can bring adverse impacts](#). [LLAL](#) will work hard to minimise and mitigate these as the proposal is developed, and has already begun developing its plans for improvement within a new long-term environmental strategy for the airport.

An ambitious vision like this is very complicated and will affect us all in many ways. There are also legal processes that need to be followed for any planning application of this size, which would be determined by the national Planning Inspectorate. That is why we have committed to a full, robust and thorough approach to engagement with all residents and communities, and will involve and consult you on every step of this important journey.

✉ vision2050@llal.org.uk

🌐 www.llal.org.uk

🌐 www.luton.gov.uk/lif

Luton

If you want to find out more about the proposals for airport growth, please go to www.llal.org.uk/vision2050.html

We have called the Council's work geared around attracting money and jobs into the town the Luton Investment Framework (LIF). The aim of the LIF is to improve the lives of all Luton residents. You can find out more about that at www.luton.gov.uk/lif

We will have more details available for you during the year as part of this two-way communication process. In the meantime, I would like to wish you a happy, healthy and prosperous new year, and if you have any comments or questions please contact us on the email address on the front page.

Yours faithfully

Cllr Hazel Simmons

Leader, Luton Borough Council

LUTON INVESTMENT FRAMEWORK

DEVELOP EMPLOYABILITY AND TRAINING NETWORKS



MORE TRAINING OPPORTUNITIES FOR RESIDENTS



FEWER PEOPLE EXPERIENCING DEPRIVATION

LUTON JOBS FOR LOCAL RESIDENTS



INCREASED ACCESS FOR RESIDENTS TO ENJOY PHYSICAL ACTIVITY



WHY GROW LONDON LUTON AIRPORT?

GENERATED £25.6m FOR LUTON COUNCIL TO SPEND ON SERVICES AND INVESTMENTS IN 2016



EVERY MILLION ADDITIONAL PASSENGERS ADDS AN ESTIMATED 800 NEW JOBS



£120m+ COMMUNITY FUNDING SINCE 2004



WE WILL BUILD A BETTER COMMUNITY



WE WILL MINIMISE AND MITIGATE ENVIRONMENTAL IMPACTS



JN: 121.4

APPENDIX 8: Proof of local and regional consultation occurring for the Future Luton DCO planning application by way of the original letter dated June 2018. It was sent out by Luton Borough Council and its wholly owned limited company London Luton Airport Limited (LLAL). With highlighted points most relevant to Mr Howell Williams’s expressed points of dissatisfaction with Ms Cottier’s evidence.

Contact: Communications Office

Email: futureluton@llal.org.uk



June 2018

Dear Resident,

London Luton Airport Limited (LLAL) is pleased to invite you to take part in our **consultation on the potential expansion of the airport.**

London Luton Airport celebrates its 80th anniversary this year, and has been a great success story. It is the fastest-growing of all the UK's major airports, with passenger numbers increasing by 66% over the last five years. Because LLAL is wholly owned by Luton Borough Council, our whole community shares in that success. In just one year, the airport:

- Generates around £20m for Luton Borough Council to spend on vital investments in key services and infrastructure
- Contributes around £9.7m to local charities and community organisations in and around Luton
- Contributes an estimated £1.5 billion to the UK economy, and directly employs 10,700 people

Demand for air travel to and from the UK is set to grow over the next 20 years, and the Government wants all airports to play their part in meeting this demand by making best use of their existing runways. Luton could more than double the number of passengers it serves, by providing more space for passengers and aircraft, without building a new runway.

As a **nationally significant infrastructure project**, the case for giving the airport permission to expand would be examined by **the national Planning Inspectorate** with the final decision taken by **the Secretary of State for Transport**. We believe it is important that the public have a chance to be involved throughout this process.

We are committed to minimising and mitigating the impacts of expansion. In this consultation we will show our assessments of the impacts, and ask for feedback on our proposals for mitigating them. Public engagement on these issues will be vital in making sure that the airport can be a good neighbour to surrounding residents.

Our proposals are currently in the earliest stages of development, so you are invited to share your thoughts on these initial options for growth. Following this round of consultation, the proposals will be refined into a single option which will be subject to a further round of public consultation in 2019.

Have your say

The initial proposals for achieving airport growth will be displayed at a series of consultation events in your area. At the events you will have an opportunity to view the plans, speak to members of the expert project team, and leave your feedback. The full programme of events can be found overleaf.

Hart House Business Centre, Kimpton Road, Luton, LU2 0LA

(Registered Office)

Registered in England & Wales No. 2020381

All information being presented in support of this consultation exercise can also be accessed online at: www.futureluton.lal.org.uk

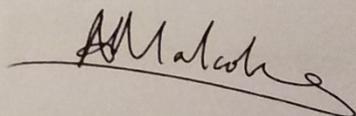
The consultation events will take place at the following times and places. There is no need to register – you are welcome to drop in and join us at any point during the published opening times.

Date	Time	Venue
Monday 9 July 2018	2pm until 8pm	University of Bedfordshire, Luton Campus, Vicarage Street, Luton LU1 3JU
Tuesday 10 July 2018	2pm until 8pm	Oaklands College, The Campus, Welwyn Garden City, AL8 6AH
Wednesday 11 July 2018	2pm until 8pm	Eaton Bray Village Hall, Church Lane, Eaton Bray, Dunstable LU6 2DJ
Friday 13 July 2018	2pm until 8pm	Jubilee Centre, Catherine Street, St Albans AL3 5BU
Monday 16 July 2018	2pm until 8pm	Hitchin Town Hall, Brand Street, Hitchin SG5 1HX
Tuesday 17 July 2018	2pm until 8pm	The Old Town Hall, High Street, Hemel Hempstead HP1 3AE
Wednesday 18 July 2018	2pm until 8pm	Southdown Room, Harpenden Public Halls, Southdown Road, Harpenden AL5 1PD
Saturday 21 July 2018	1:30pm until 5pm	Raynham Community Centre, 66 Eaton Green Road, Luton LU2 9JE
Monday 23 July 2018	2pm until 8pm	Ellen Terry Room, 2nd Floor, Stevenage Arts and Leisure Centre, Lytton Way, Stevenage SG1 1LZ
Wednesday 25 July 2018	4pm until 8pm	Mead Hall, East Lane, Wheathampstead, St Albans AL4 8BP
Thursday 26 July 2018	2pm until 8pm	The Incuba, 1 Brewers Hill Road, Dunstable LU6 1AA
Friday 27 July 2018	2pm until 8pm	Breachwood Green Village Hall, Chapel Road, Breachwood Green, Hitchin SG4 8NX
Saturday 28 July 2018	1pm until 4:30pm	Flamstead Village Hall, Church Road, Flamstead, St Albans AL3 8BN
Monday 30 July 2018	2pm until 8pm	Stockwood Discovery Centre, London Road, Luton LU1 7HA
Wednesday 1 August 2018	2pm until 8pm	Caddington Sports and Social Club, Manor Road, Caddington LU1 4HH
Thursday 2 August 2018	4pm until 8pm	Whitwell New Fellowship Hall, 9 Bendish Lane, Whitwell SG4 8HX
Saturday 4 August 2018	12pm until 4:30pm	Linslade Community Hall, Waterloo Road, Linslade, Leighton Buzzard LU7 2NR

In the meantime, if you require any further information about the programme of events, please don't hesitate to contact our consultation team on 01582 547402 or email: futureluton@lal.org.uk

Also, if you or someone you know would like this letter translated to another language or provided in braille, please do get in touch and we will be happy to help.

Yours faithfully



Cllr Andy Malcolm
Chair of London Luton Airport Limited

wholly owned limited company London Luton Airport Limited (LLAL). With highlighted points most relevant to Mr Howell Williams's expressed points of dissatisfaction with Ms Cottier's evidence.

Contact Officer **David Gurtler**
Phone Number
Email: planningfeedback@luton.gov.uk
Reference **17/02300/EIA**
Dated: **24th August 2018**

The Occupier
29 Rushall Green
Luton
LU2 8TL

Airport Way - Century Park, Luton

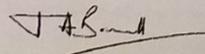
- 1) Outline permission for a new business park comprising office space (Class B1), warehouse and industrial space (Class B2 and B8), mixed employment space (Class B1/B2/B8), a hotel (Class C1), cafe space (Class A3); energy centre (sui generis), internal access roads; car parking, landscaping and associated works including earthworks, utility diversions, sustainable drainage systems, tree removal and tree protection; and relocation of the airport car hire centre.
- 2) Full permission for the construction of a 2km Century Park Access Road incorporating a new junction on the A1081, alterations to the existing Airport Way roundabout, alterations to Frank Lester Way, a newly created access from Eaton Green Road, a new roundabout providing access into the business park, demolition of buildings, provision of replacement car parking (temporary and permanent), associated earthworks, landscaping, surface water drainage and utilities diversions; the creation of new public open space including footpaths, landscaping and ecological mitigation; extension and alterations to Wigmore pavilion building to provide cafe (Class A3) and additional community space; construction of a new skate park and children's play area; and construction of a replacement airport technical services building and associated parking.

I have received supplementary information in respect of the above proposal in response to the Council's request on 18 April 2018 for further information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

The application details can be inspected using Public Access, the on-line service at <http://planning.luton.gov.uk/online-applications/> and enter 17/02300/EIA into the Application Search. If you wish to discuss the proposal, please contact the case officer on the above number. The applicant's covering letter (which is posted on-line) sets out which plans and documents are new, which have been revised or superseded, and which remain unchanged.

If you have already commented on the application your original comments have been recorded and will be taken into account when the application is determined, so it is unnecessary to repeat earlier comments. If you wish to comment on the further information that has been submitted, please ensure that your comments are received by the 4 October 2018. This can be done in writing through Public Access using the above link. If I do not hear from you by that date, I will assume that you have no additional comments to make on the further information that has been submitted.

Yours faithfully,



J A Barnell
Development Control Manager

Luton Borough Council, Development Control, 2nd Floor, Town Hall, Luton LU1 2BC

Luton

APPENDIX 10: Proof of LOCAL AND REGIONAL CONSULTATION OCCURRING SIMULTANEOUSLY for the Future Luton DCO planning application by way of the original letter dated 4 September 2018, as it was sent out by Luton Borough Council and its wholly owned limited company Luton Airport Limited (LLAL). With highlighted points most relevant to Mr Howell Williams’s expressed points of dissatisfaction with Ms Cottier’s evidence.

Contact: Communications office
Direct Line:
Email: comms@llal.org.uk
Your Ref: NCP040918



Date: 4 September 2018

Dear resident,

'New Century Park' and the 'Century Park Access Road': planning application reference 17/02300/EIA

I am writing to let you know that some changes have been made to the planning application submitted by London Luton Airport Ltd to the local planning authority for 'New Century Park' (NCP) and the 'Century Park Access Road' (CPAR).

While the overall scheme remains substantially the same in general terms, a number of detailed amendments have been made that respond to representations made by Luton Borough Council, statutory and other consultees, and members of the public, as well as new operational and ongoing design refinements.

The plans include significant benefits for the local area including:

- Provision for up to 3,200 local employment opportunities at 'New Century Park' of varying skills, levels and positions
- Delivery of a new dual carriageway connecting to the A1081, the 'Century Park Access Road', which should help to alleviate pressure on the existing road network and which will unlock this important source of employment in Luton which has been undelivered for over 20 years
- Investment in improved facilities in the northern area of the existing Wigmore Valley Park – including an improved pavilion and play and skate spaces – together with a large area of new public open space to replace that part of the park that is needed to allow the New Century Park development to proceed.

Supplementary Planning Submission

The original planning application was submitted on 15 December 2017, and then registered and validated by Luton Borough Council on 5 January 2018 (application reference 17/02300/EIA). A Supplementary Planning Submission now seeks approval for the amended proposed development.

Hart House Business Centre, Kimpton Road, Luton, LU2 0LA
(Registered Office)
Registered in England & Wales No. 2020381

The Supplementary Planning Submission seeks a hybrid planning permission for:

- 1) Outline permission for a new business park comprising office space (Class B1), warehouse and industrial space (Class B2 and B8), mixed employment space (Class B1/B2/B8), a hotel (Class C1), café space (Class A3); energy recovery centre (sui generis), internal access roads; car parking, landscaping and associated works including earthworks, utility diversions, sustainable drainage systems, tree removal and tree protection; and relocation of the airport car hire centre.
- 2) Full permission for the construction of a 2km Century Park Access Road incorporating a new junction on the A1081, alterations to the existing Airport Way roundabout, alterations to Frank Lester Way, a newly-created access from Eaton Green Road, a new roundabout providing access into the business park, demolition of buildings, provision of replacement car parking (temporary and permanent), associated earthworks, landscaping, surface water drainage and utilities diversions; the creation of new public open space including footpaths, landscaping and ecological mitigation; extension and alterations to Wigmore Pavilion building to provide café (Class A3) and additional community space; construction of a new skate park and children's play area; and construction of a replacement airport technical services building and associated parking.

Summary of the changes – Century Park Access Road

- Changes to the CPAR junction at New Airport Way, with addition of a new bus lane, taxi relocation area, and a reduction in height
- Minor kerb realignments
- Minor amendments to the Eaton Green Road junction and link road
- Changes in size and the orientation of several existing and replacement car parks
- An increase from 227 to 245 parking spaces to be provided along the proposed new road on completion

New Century Park design changes

- Reduction in the number of car parking spaces provided within the overall development area by 300
- Re-arrangement of the car parks and realignment of the replacement airport long-stay car park
- Modifications to the road links

Landscape, biodiversity and open space design changes

- Loss of some tree and woodland / scrub vegetation due to amended car parking layouts
- Green verge planting areas trimmed back to follow the new CPAR alignment
- Creation of new hedge, woodland and planting at car parking areas and around proposed buildings
- Existing hedgerow loss in the south part of the replacement long-stay car park
- Retention of more of the County Wildlife Site in Wigmore Valley Park as a result of rearrangement of the replacement long-stay car park

Hart House Business Centre, Kimpton Road, Luton, LU2 0LA

(Registered Office)

Registered in England & Wales No. 2020381

The overall amount of retained vegetation is approximately 4ha greater than was proposed under the original application. The amount of proposed new vegetation that would be planted remains broadly the same.

Other information

A Supplementary Transport Assessment has also been submitted following more detailed modelling work.

I can further confirm that the 'Energy Centre' identified within the New Century Park development would potentially provide heat and hot water using natural gas-fired combined heat and power boilers. There are no proposals for the Energy Centre to incinerate any waste, nor to receive energy from such sources, in order to produce heat or power.

Next steps

The planning application from LLAL is currently being consulted on by Luton Borough Council in its capacity as local planning authority. You can view all the documents submitted as part of the application at <https://planning.luton.gov.uk/online-applications> and entering the planning reference 17/02300/EIA.

It is important you provide any comments on the changes to the submitted planning application to the local planning authority by 4 October 2018 for these to be considered. There is no need to reiterate any representations already made, the planning authority already has these recorded and will give them due consideration. Please do not contact London Luton Airport Ltd with any representations intended for the planning authority.

Anticipated timescales

I anticipate that LLAL's planning application will be determined in autumn 2018 and, if approved, we will be looking to start work on the project as follows:

Winter 2018 / spring 2019: Start of work on new open space and pavilion refurbishment

Spring 2019: Start of works on skate park and play equipment

Autumn 2019: Enabling works for Century Park Access Road to begin

Late 2019: New open space available for use

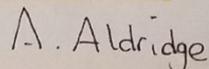
Winter 2019/20: Start of main works on Century Park Access Road

2020: Early start for commercial development (subject to market conditions)

Further details can be found on our website at www.llal.org.uk

Yours faithfully

Antony Aldridge



Programme Director

London Luton Airport Ltd

Hart House Business Centre, Kimpton Road, Luton, LU2 0LA

(Registered Office)

Registered in England & Wales No. 2020381

from 20 March 2019 for 21 days, which was until 10 April 2019. Below is the Notice as published in the newspaper. THE FULL PLANNING DECISION WAS TAKEN TENS DAYS BEFORE THE DEPARTURE CONCLUSION ENDED - which was unlawful. We draw the unlawful procedure to the Inspector's immediate attention for rectification. It is also relevant to Mr Howell Williams's expressed points of dissatisfaction with Ms Cottier's evidence, because it shows that the Luton Borough Council has already deviated away from proper practice. I do not know whether Mr Howell Williams or another legal adviser was overseeing this and advising the Council at the time.



ER 2019

of less than seven days from prohibit any vehicle, except a y, from proceeding along the

and signs to take place and shall apply to traffic signs. Where possible access will be me according to local signing.

to 12th April 2019 between 09:00am and

months or until the proposed works have

9.

Marcel Coiffait
Director of Community Services

**CIL
E)
ORDER 2019**

an Order the effect of which will be to stance purposes in an emergency, from with Frenches Avenue.

and shall apply to such extent as may e and shall apply to such extent as may ble access will be maintained to property ing.

to 29th March 2019 between 09:00am

ay.

en months or until the proposed works

Marcel Coiffait
Director of Community Services

DER 2019

in Order the effect of which will be to nce purposes in an emergency, from en to junction of Byslips Road.

e place and shall apply to such extent possible access will be maintained to al signing.

26th March 2019 between 08:00am

Road, Main Road South, Dunstable

nths or until the proposed works have

Marcel Coiffait
Director of Community Services

**ON 14(1)
OOTPATH NO. 46)
ORDER 2019**

Seven days from the date of this

**LUTON BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015 AND
TOWN AND COUNTRY PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017 (EIA)**

Site: Airport Way - Century Park

Description: 1) Outline permission for a new business park comprising office space (Class B1), warehouse and industrial space (Class B2 and B8), mixed employment space (Class B1/B2/B8), a hotel (Class C1), cafe space (Class A3); energy centre (sui generis), internal access roads; car parking, landscaping and associated works including earthworks, utility diversions, sustainable drainage systems, tree removal and tree protection; and relocation of the airport car hire centre.

2) Full permission for the construction of a 2km Century Park Access Road incorporating a new junction on the A1081, alterations to the existing Airport Way roundabout, alterations to Frank Lester Way, a newly created access from Eaton Green Road, a new roundabout providing access into the business park, demolition of buildings, provision of replacement car parking (temporary and permanent), associated earthworks, landscaping, surface water drainage and utilities diversions; the creation of new public open space including footpaths, landscaping and ecological mitigation; extension and alterations to Wigmore pavilion building to provide cafe (Class A3) and additional community space; construction of a new skate park and children's play area; and construction of a replacement airport technical services building and associated parking.

The proposed development is classed as Major Development and does not accord with the provisions of the development plan in the area in which the site to which the application relates, is situated.

Application no.: 17/02300/EIA
Departure from The Luton Local Plan

The applications and submitted details can be inspected using Public Access, the on-line planning service at

<http://planning.luton.gov.uk/online-applications/> and enter the application number into the Application Search. This site can be accessed at any library free of charge. If you wish to discuss the proposal, please contact the Case Officer on Luton 546317.

Any representations should be made to the Development Control Manager within 21 days of the date of this notice quoting the application number above. This can be done in writing or on-line through public access (full details can be found on the website).

DATED: 20th March 2019
Development Control Manager

**THE BOROUGH OF LUTON
(PROHIBITION AND RESTRICTION OF
WAITING AND LOADING) (CONSOLIDATI
(AMENDMENT NO.102) ORDER 2019
THE BOROUGH OF LUTON (STREET
PARKING PLACES) (CONSOLIDATION
(AMENDMENT NO.65) ORDER 2019**

NOTICE is hereby given that Luton Bon Council, the Highway Authority for the Borough, on 11th March 2019 made the a Orders under the relevant provisions of Road Traffic Regulation Act 1984 (as amen

The Orders come into effect on 1st April :
The Orders:

1. introduce various lengths of no waiting , any time restrictions on Amhurst Road, Browning Road, Connaught Road (serv road access), Hazelbury Crescent, Hey Drive, Hollybush Road circumnavigatin Green, Kynance Close, Liverpool Road Mareton Road North, Nursery Road, Pt Green, Power Court, Richmond Hill, St Martins Avenue and Wordsworth Road
2. introduce a length of no waiting Monda Saturday 8am-6pm on Poets Green.
3. introduce a 2 hour parking bay on lckn Way in the layby adjacent to Grasmere Nursery.
4. introduce disabled badge holder only parking bays in the vicinity of No's 22, Close, 64 Atherstone Road, 312 Beeo Road, 85 Cambridge Street, 4 Charles Street, 236 Devon Road, Farley Court Norman Road, 105 Reginald Street at Shirley Road.
5. revoke disabled blue badge holder or parking bays from outside of No's 14 Cowper Street and 100 Shelley Road
6. revoke a length of parking bay outsid No's 338 Beechwood Road and 40 M Pleasant Road to facilitate off street
7. introduce as qualifying addresses fo RG current residential properties on Road South odd numbered side No's and No.31 and even numbered side 38.
8. correct an anomaly for New Bedford with no change to on street restrictio

Any person wishing to question the v the Orders or of any provision contained on the grounds that they are not w powers contained in the above Act requirement of that Act or any regulati under it has not been complied with in n the Orders may, within six weeks of the which the Orders were made, apply to Court for this purpose.

21st March 2019 Highway Services
Building 14, Cent
Kingsway Luton

APPENDIX 12: The Hitchin Comet – Sept 2018 published an article entitled “Backdoor to expansion?” by Mr Chris Haden. The public were arguing that Planning Application PA 17/02300/EIA was really just the Airport Expansion in disguise and the Council/ LLAL “were trying to slip it through the back door”, under the radar, with less scrutiny than it should really warrant. Indeed there is absolutely nothing material to refute this accusation, but much to support it.

Backdoor to expansion?

Although the recent ‘Future Luton Public Consultation – London Luton Expansion Plans’ ended at the end of August I would like to let your readers know of a more imminent planning application by London Luton Airport Ltd/Luton Borough Council that will make airport expansion at Luton a never-ending threat.

This builds a dual carriageway through parts of the airport, airport car parks, existing buildings and destroys Wigmore Valley Park all under the guise of the Century Park development. Once approved by Luton Borough Council, it provides the authority with a future-proofed back-door approach to realising Terminal Two and expansion. Objections to LBC must be received by October 4, 2018.

The headlines from the council and London Luton Airport Ltd are increased jobs, revenues and economic growth, but this tired and well trodden story is ignoring current environment, noise and air pollution research which will impact the health and well-being of thousands in the surrounding counties.

Jobs, revenues and economic growth numbers are readily available to justify expansion and change, though air pollution, the environment and associated health impacts are very difficult to prove, especially the long term impacts.

At the Wheathampstead consultation held earlier this summer there was an environment display showing a 15-mile radius of the airport. Using census information I worked out that an estimated population of 975,000 people are impacted in St Albans, Hitchin, Stevenage, Welwyn, Hemel Hempstead, and Letchworth, besides both Luton, Dunstable.

The Royal College of Physicians link air pollution with diabetes and neurological disease, as well as how exposure during pregnancy may be associated with low birth weight and pre-term births.

The European Environment Agency says: “The degradation of the environment, through air pollution, noise, chemicals, poor quality water and loss of natural areas, combined with lifestyle changes, may be contributing to substantial increases in rates

of obesity, diabetes, diseases of the cardiovascular and nervous systems and cancer — all of which are major public health problems for Europe’s population.

“Reproductive and mental health problems are also on the rise. Asthma, allergies, and some types of cancer related to environmental pressures are of particular concern for children.”

This month social media is full of articles reporting similar.

If you know someone suffering from one of those health concerns within 15 miles, could the airport be contributing to that?

Does air pollution also affect farmers crops and cattle that surround the airport and which eventually enters our food chain? Reports from the United Nations Economic Commission for Europe along with other bodies say so. I would urge your readers to send their objections to planningfeedback@luton.gov.uk quoting 17/02300/EIA by October 4 with their name and address.

CHRIS HADEN
Greenriggs, Luton

APPENDIX 13: The Herald and Post newspaper published on the 11 January 2018, this Notice of Application for Century and Wigmore Park Road, or Planning Application PA 17/02300/EIA. The notice is below.

PUBLIC NOTICES

**THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015 &
THE TOWN AND COUNTRY PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017.**

**NOTICE UNDER ARTICLE 15 (3) OF
APPLICATION FOR PLANNING PERMISSION
ACCOMPANIED BY AN ENVIRONMENTAL
STATEMENT**

Proposed Development at :- Airport Way –
Century Park, Luton.

We give notice that:- London Luton Airport
Limited

is applying to:- Luton Borough Council
For planning permission for:-

Outline Consent for a business park
comprising office space (Class B1),
warehouse and industrial space (Class B2
and B8), mixed employment space (Class
B1/B2/B8), a hotel (Class C1), cafe space
(Class A3), energy recovery centre (sui
generis) and associated works; and
Full application for the construction of a 2km
Century Park Access Road incorporating a
new junction on the A1081, alterations to the
existing Airport Way roundabout, alterations
to Frank Lester Way, a newly created access
from Eaton Green Road, demolition of
buildings, provision of replacement car
parking (temporary and permanent),
associated works; the creation of new public
open space; extension and alterations to
Wigmore pavillon to provide cafe (Class A3)
and additional community space;
construction of a new skate park and
children's play area; and construction of a
replacement airport technical services
building and associated parking.

Members of the public may inspect copies of

- The application
- The Plans
- The environmental statement
- And any other documents submitted with
the application

at Town Hall, Upper George Street, Luton, Beds,
LU1 2BQ

during all reasonable hours until 12th February
2018.

In accordance with the above regulations, notice
is hereby given that the Council have received
Application No. 17/02300/EIA for the above
proposal. The application and submitted details
can be inspected using the on-line planning
service at www.eplan.luton.gov.uk by entering
the application number into the Application
Search.

Members of the public may obtain copies of the
environmental statement from :-
GL Hearn Ltd, 280 High Holborn, London,
WC1V 7EE

at a charge of £200 (Environmental Statement
text and Appendices), No charge for non-
technical summary

Any representations should be made to the
Development Control Manager by 12th February
2018 quoting the application number above.
This can be done using the on-line system or by
email to planningfeedback@luton.gov.uk

DATED: 11th January 2018
Development Control Manager

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APPENDIX 14: This Wandon Park Master Plan for Bloor Homes East of Luton development was publically consulted upon as part of the earliest options consultations. They never showed how various parts of the local planning application PA17/02300/EIA Airport Enterprise Zone were close to and overlapping. This was misleading the public.



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